

Betrayal of Trust



A must know for you and all those at risk

**MAXWELL
MATEWERE**

On Child Sexual Abuse

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EMAIL: mateweremaxwell@gmail.com

Maxwell Matewere
Box 3066
Blantyre
Malawi

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Acknowledgement

This Book is based on true life incidents of child sexual abuse and interventions. The names of the victims in the book have been changed and parents of the survivors appearing in the interventions have all been counselled about the purpose and reach of the book and have given their informed consent. All stories used are based on closed Court cases whose suspects were convicted.

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BETRAYAL OF TRUST: provides a compelling look into the dark and inhuman side of child sexual abuse and invites each one of us to join the growing response against sexual abuse of many innocents, defenceless, and vulnerable children.

Dedication

I dedicate this book to all loving parents and mothers in Malawi who seek to know more about child sexual abuse and what action they need to take in preventing and protecting children from defilement and sexual exploitation. The Book has information that can be used by parents and social actors with desire to prevent child sexual abuse in Malawi.

Abbreviations

AIDS- Acquired Immune Deficiency Syndrome

STIs- Sexually Transmitted Infections

HIV- Human Immune Virus

QECH- Queen Elizabeth Central Hospital

IHL- Imprisonment with Hard Labour

TA- Traditional Authority

CCPJA- Child Care, Protection and Justice Act

DAC- District AIDS Coordinator

PEP- Post Exposure Prophylaxis

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Chapter One

Introduction

Children encounter all forms of abuse. I have embarked on many initiatives aimed at bringing awareness on issues to do with child abuse which include forced and arranged marriages, trafficking in persons, organ removal, witchcraft accusations and child labour. Notably, these abuses take place in homes, families, in our communities, churches, schools, orphanages, tea and tobacco estates and against children engaged in domestic services, especially in urban areas. This book is about child sexual abuse. It's about what we need to do to prevent and protect children from these growing and shocking inappropriate behaviours in Malawi.

Protecting children from violence, abuse, and exploitation has been one of my core tasks in the course of providing comprehensive child protection services during my work at Eye of the Child.

I have consistently worked towards stamping out such abuses through civic education, training, research, advocacy, and active participation in legislation and drafting of laws that have empowered law enforcers to deal with such cases. My work further included

supporting arrest, prosecution of suspects, and providing healing treatment to the victims.

I am proud to see a reformed Constitution, Penal Code and the enactment of the Child Care, Protection and Justice Act (2010), which lays out punishments and ground rules for child care, protection and child justice in Malawi. It is obvious that despite the law being in place, there is still a lot of work to be done to raise awareness on the contents of such laws.

In particular, what is most important is for duty bearers, Parents and children to understand their roles and duties to ensure that rights are always upheld.

I have written this book to be used as a tool that brings awareness among parents who need to understand how sexual abuse happen and effects on children.

Child sexual assault is one of the most common abuse children faces and occurs across cultures, resulting in long-term physical and mental health issues.

There are many revealing sexual abuse stories contributed by children indicating the level of understanding on their rights and what they consider as impediments to the enjoyment of their rights.

The common emerging theme is that most homes and the adult world are failing to create a protective and favourable environment for children to grow freely and develop into responsible adults.

I recognize that creating an environment where children live safely is at the heart of Government, parents and organizations. Numerous efforts have been taken to better the lives of children globally. Several programmes and projects have been initiated towards the same. However, despite all the commendable work, the world that children dream of continues to elude them. They continuously live despicable lives, and worse, sexually abuse in the hands of the very same people who are supposed to care and protect them.

Numerous stories about children being abused have been published. Often, though, those stories have only highlighted children as victims or another 'statistics.'

Rarely have we heard from the children themselves on what they think of sexual abuse, how it affects them, and more importantly, their views on how to address the problem.

The experience gave me an insight into the absence of works or books on issues related to child sexual abuse that tells the story from the eyes of the child in a Malawian perspective. I notated that incidences of sexual abuse were rarely reported because they are regarded as social taboos in our culture.

However, through intensive media coverage, I have seen that change is taking place and people are able to open. They report cases of child sexual abuse to the Police and other stakeholders.

The views of the children I have interacted with during my work, played a part towards the unanimous acknowledgement across a spectrum of stakeholders, of the existence of abuse. Children have been victims of such in their homes, at school and even at the workplaces.

This book has horrible stories of child sexual abuse, which I have recorded during my work as child protection advocate.

The stories have similar patterns that include but not limited to the success with which I handled some of the cases of sexual abuse; how some of the perpetrators were brought to book; successfully prosecuted and convicted.

Bringing awareness of such issues could empower parents in understanding how sexual abuse happens, how to prevent it from happening, what to do when it happens and help in reducing cases of child sexual abuse.

I have also captured in this Book instances of how the law enforcement mechanism let down the victims either because the parents were not aware of what to do when faced with a case of child sexual abuse or simply because someone saw an opportunity to make money.

I am however proud of the success stories where abusers were successfully prosecuted and sentenced to serve varying sentences and the children rehabilitated.

I aim at making a difference in the life of the child faced with sexual assault because in cases where the nation has failed to do so, the consequences have been too ghastly to imagine. Children sexually abused have dropped out of school, developed illnesses, or have become teen mothers.

I have stories in which mothers themselves were the culprits who encouraged sexual assaults for fear of losing their husbands. There are also many cases of sexual assault done by stepfathers.

Such daughters have been forced to abort and in extreme cases using traditional medicine. Some have been banished to go and stay with their grandparents with little resources to care for children born out of such encounters.

I have heard of cases where fathers have forced themselves on their children on advice from traditional healers on the belief of acquiring wealth.

Some parents could have provided a safe environment but due to negligence they ended up abetting abuses of their daughters. They were not quick to notice abuse or ignore the danger signs and in the end their daughters faced the consequences.

There are those mothers, who delay reporting the cases to Police, but I also have cases where some Police officers neglect such reported cases, and proper procedures are not followed, and the victims get no assistance.

There are girls out there who have contracted Sexually Transmitted Infections (STIs) including HIV or become pregnant, forced to endure premature child births. Some even reach the extent of developing complications like fistula and of course dropping out of school. The country has been unsafe place for the child and the girl child in particular.

In the book, I have included stories of abusive and jailed fathers and Women which I feel will appeal to the world out there and ignite anger against all forms of sexual abuse of children especially the girl child.

I seek to provide our society with a proper landscape in which our children especially the girl child feels safe and trust for the adult. The stories I gathered during my work in courts have helped to shape my national view on child sexual abuse. I view inclusion of such stories in my Book as my passionate appeal to the society to stop all forms of Child sexual abuse.

The stories offer an insight into the extent of rottenness of some men, women, fathers, and mothers in our society.

The paramount goal is to bring total awareness of the problems of numerous forms of sexual abuse which children go through in particular sexual assaults and call all parents to recognize the danger signs and act quickly to prevent abuse of any kind.

I want to see parents and caregivers develop a culture of respect for the Child Care, Protection and Justice Act- (2010).

Let all of us be reminded of our responsibility to uphold the rights of our children and create an environment that will let them grow into loving adults capable of extending similar care to their off springs. Let's remember what happen to children today has an influence on how they will treat children in future.

Chapter Two

Signs and Risk factors of sexual abuse

Let us start by looking at factors that puts children at risk of sexual abuse and exploitation. We will thereafter look at protective factors including the things a family can do to keep the Children safe. Protective factors are the building blocks of the family.

Parents and caregivers should make a commitment to speak up as soon as they have a concern, instead of waiting for certain evidence of harm, play an even more crucial role in a child's safety.

Parents need to Know the signs as an “opportunity for prevention” – a chance for caring adults to recognise possible risk and to take action to protect children.

Remember, the most effective prevention takes place before there's a child victim to heal or an offender to punish.

Parents need to open lines of communication whether talking with a child, adolescent, or adult, about sexualised behaviours or your concerns, the conversation is just a beginning and not a one-time event.

Let everyone in the family know that it is okay to ask questions. It is important for adults to set the tone for everyone by talking about the range of healthy sexual behaviours and speaking up about sexual abuse.

Parents need to understand healthy sexual development in children as well as the sexual behaviours that may be of concern to you as a parent/carer.

Parents need to learn the warning signs of a child who may have been hurt by sexual abuse as well as the warning signs in an adult, adolescent or child who may be touching a child in a sexual way. Your concerns may be about non-touching behaviours as well (e.g. showing pornography to a child).

Parents need to teach children the proper names for body parts and what to do if someone tries to touch them in a sexual way. Remember to let young children know that no one has the right to touch their private parts (unless for medical reasons) and that they should not touch anyone else's private parts.

Families need to talk about and set clear family boundaries with family members and with other adults who spend time around or supervise the children (e.g. if a child does not want to hug or kiss someone hello or goodbye then he or she can shake hands instead).

If a child is not comfortable with a particular adult or older child, then you or some other adult must let that person know (e.g. tell him or her that you do not want your child to sit on his/her lap).

As a child matures, boundaries within the home may need to change as well (e.g. knock on the door before entering the room of an adolescent).

Be sure that no one in your family is isolated. Identify one or more support people for every member of the family.

Research shows that one of the key factors in a child's resilience (ability to bounce back after stressful events) is that she/he had someone to talk with and confide in. Be a safe, responsible, and consistent resource person for a child or adolescent.

If someone is "too good to be true" then ask more questions – this friend or family member may not be a safe person for your child. Unfortunately, unconditional trust cannot protect children from harm.

Take sensible precautions with people who have access to your children. Be aware of who is paying attention to your children and who their friends are. Do not ignore any unease you feel about people showing interest in your child.

Parents need to know local resources and how to access them. Learn about the agencies in your area, the police community structure, NGOs, and Social Welfare Offices. Know who to call to make a report if you learn that a child has been sexually abused.

If you are concerned about the sexualised behaviours in a parent, cousin, sibling, friend, or neighbour, care

enough to talk with them. If you are concerned about your own thoughts and feelings towards children seek help.

It is very important for every parent to know the warning signs in children and adolescents of possible child sexual abuse. Children often show us rather than tell us that something is upsetting them.

There may be many reasons for changes in their behaviour, but if we notice a combination of worrying signs, it may be time to call for help or advice.

Some indicators you need to monitor includes when a child is acting out in an inappropriate sexual way with toys or objects. The Child is having nightmares and sleeping problems or becoming withdrawn or very clingy or becoming unusually secretive.

Sudden unexplained personality changes, mood swings and seeming insecure; regressing to younger behaviours, e.g. bedwetting; unaccountable fear of particular place or people; outburst of anger; changes in eating habits; new adult words for body parts and no obvious source; talk of a new, older friend and unexplained money or gifts and self-harm (cutting, burning or other harmful activities) are some signs you need to monitor.

It will also be important to take interest in your child's physical signs, such as, unexplained sores or bruises around genitals or mouth, STIs, and pregnancy.

The child may not want to be alone with a particular child or young person.

Any one sign does not mean that a child was or is being sexually abused, but the presence of several suggests that you should begin to ask questions and consider seeking help.

Keep in mind that some of these signs can emerge at other times of stress such as: During a divorce, death of a family member or pet, problems at school or with friends or other anxiety-inducing or traumatic events.

Physical signs of sexual abuse are rare, however, if you see pain, discoloration, bleeding or discharges in genitals, anus, or mouth; persistent or recurring pain during urination and bowel movements or wetting and soiling accidents unrelated to toilet training, take your child to a doctor. Your doctor can help you understand what may be happening and test for STIs.

The signs that an adult is using their relationship with a child for sexual reasons may not be obvious. We may feel uncomfortable about the way they play with the child or seem always to be favouring them and creating reasons for them to be alone.

There may be cause for concern about the behaviour of an adult or young person if they: refuse to allow a child sufficient privacy or to make their own decisions on personal matters.

If the adult insists on physical affection such as kissing, hugging, or wrestling even when the child clearly does not want it, if the adult is overly interested in the sexual development of a child or teenager or insists on time alone with a child with no interruptions.

Take special interest if the adult spends most of their spare time with children and have little interest in spending time with people of their own age or they regularly offer to baby-sit children for free or take children on overnight outings alone.

We have seen many cases of **uncles** who buy children expensive gifts or give them money for no apparent reason. Take an interest and discourage such behaviours.

Some will frequently walk in on children/teenagers in the bathroom or treat a particular child as a favourite, making them feel 'special' compared with others in the family or pick on a particular child.

As a parent or guardian, you should know that children pass through different stages of development as they grow, and that their awareness and curiosity about sexual matters change as they pass from infancy into childhood and then through puberty to adolescence.

Each child is an individual and will develop in his or her own way. However, there is a generally accepted range of behaviours linked to a child's age and developmental stage.

Sometimes these will involve some exploration with other children of a similar age. It can be difficult to tell the difference between age-appropriate sexual exploration and warning signs of harmful behaviour. Occasionally we may need to explain to children why we would prefer them not to continue with a particular behaviour.

This is a chance to talk with them about keeping themselves and others safe and to let them know that you are someone who will listen. Disabled children may develop at different rates, depending on the nature of their disability, and they can be more vulnerable to abuse.

Children with learning disabilities, for example, may behave sexually in ways that are out of step with their age. Care may be needed in educating such children to understand their sexual development and to ensure that they can communicate effectively about any worries they have.

It is important to recognise that while people from different backgrounds have different expectations about what is acceptable behaviour in children, sexual abuse happens across all races and cultures.

Remember that each child develops at his or her own pace and not every child will show the behaviours described below.

Some signs that the pre-school children (0-5) years who have experience or are experiencing sexual abuse

include: the use of childish 'sexual' language to talk about body parts; ask how babies are made and where they come from; touch or rub their own genitals; and show and look at private parts.

The children rarely: discuss sexual acts or use sexually explicit language; have physical sexual contact with other children; and show adult-like sexual behaviour or knowledge.

As it regards to School-age children (6-12 years), they commonly ask questions about menstruation, pregnancy, and other sexual behaviour.

They experiment with other children, often during games, kissing, touching, showing and role playing e.g. mums and dads or doctors and nurses and masturbate in private. The children rarely masturbate in public or show adult like sexual behaviour or knowledge.

Adolescents ask questions about relationships and sexual behaviour; use sexual language and talk between themselves about sexual acts. They masturbate in private or experiment sexually with adolescents of similar age. They rarely masturbate in public or have sexual contact with much younger children or adults.

One of the hardest things for parents to discover is that their child may have sexually harmed or abused another child. In this situation, denial, shock, and anger are normal reactions.

If it is not responded to quickly and sensitively, the effect on the whole family can be devastating. For this reason, it is vital to contact someone for advice about what to do as soon as you suspect that something is wrong.

The positive message is that early help for the child or young person and their family can make a real difference.

Evidence suggests that the earlier children can get help, the more chance there is of preventing them from moving on to more serious behaviour. It is important to be alert to the early warning signs that something is going wrong.

If you are in this situation, remember that you are not alone. Many other parents have been through similar experiences, and that the child and family later realise that the help they got rebuilt their lives. The first step is to decide that it would be helpful to talk it over with someone else.

If you are concerned about the sexualized behaviours in a parent, cousin, sibling, friend, or neighbour, you should consider contacting the police or children's services in your area; they can act if appropriate. If you choose not to do that, care enough to talk to the person whose behaviour is worrying you.

Three quarters of children who are sexually abused do not tell anyone about it and many keep their secret all their lives. Sexual abusers are more likely to be people

we know and could well be people we care about; after all, at least eight out of ten children who are sexually abused know their abuser.

They are family members or friends, neighbors, or babysitters. Many holds responsible positions in society. The closer the relationship between the abuser and the victim, the less likely they are to talk about it.

Children often show us rather than tell us that something is upsetting them so being aware of the signs is vital. However, children may give vague hints that something is happening.

Their information may not be clear, and they may not have the words to explain what is happening to them. The way adults respond to this is vital to ensuring the child's safety.

Respond with care and urgency if you think a child is trying to tell you about a sexual abuse situation, respond promptly and with care. The police and children's social services have joint working arrangements for responding to suspected child sexual abuse. They are experienced in this work and will deal sensitively with the child and family.

If a child trusts you enough to tell you about abuse, you must remember that they rarely lie about such things. Although it may be hard to believe that someone we trust or care about is capable of sexually abusing a child, it is highly unlikely that a child would deliberately

make false accusations about adult-like sexual behaviors.

The pressures on the child to keep silent are enormous. It takes tremendous courage to talk about abuse. A child's claim that sexual abuse did not happen (when it actually did) or taking back a disclosure of abuse are common.

Sometimes the child's account of what happened changes or evolves over time. This is a common pattern for disclosure and should not invalidate their story. It is important that they feel supported. Do not dismiss their claims or put them off to talk about it.

If the child is talking to you about it, do not get angry. Stay calm and steady. If you get angry the child may think you are going to punish them. This will play into the hands of the abuser who warned the child not to tell.

Make sure the child knows you love them and that they have done nothing wrong and keep telling them. The child will need to see that adults believe them, and they are doing all they can to protect them. Make sure the child knows they were right to talk about it and that you are glad they came to you.

When the abuse is known, adults must face the problem honestly, protect the child at all costs and place responsibility appropriately with the abuser. Do what is necessary to protect the child from further harm. Get help from professionals who can help guide you towards

safety and healing. Children can and do recover from child sexual abuse. It is incredibly difficult to hear that someone you love has been hurt in such a way but helping them to recover is important.

As a parent, you should know that the child will be afraid that the person who abused them will reject or harm them or those they love. They will be scared that no one will believe them. They are anxious about what will happen next, confused, and conflicted. They are unsure about whom they can trust. As a result, they feel protective and/or loving towards the person who abused them. They even regret having revealed what happened to them (may even take back the disclosure).

Experience has taught me that children also have the belief that they are responsible for the abuse. They will feel guilty about upsetting the family by telling them and ashamed if they experienced positive physical sensations.

It is sad that most cases in Malawi happen within the family and when a child is abused by another family member, each family member is affected.

Typically, the help of outside specialists is needed to address the emotional toll on the family and to assist the healing process of each individual. The pain we experience can include conflicting and confusing emotions.

We may feel extreme anguish over what was done to the child, while still feeling love and concern for the family member who committed the abuse.

The protective parents and caregivers may be feeling rage towards the perpetrator for harming their child, betraying our trust, deceiving, and manipulating us. Most of the times parents feeling angry towards the child for not disclosing sooner.

Some would blame themselves for not realizing what was happening early enough to protect the child (even when the perpetrator did all they could to keep it a secret).

Most parents or care givers are worried about the effects of the abuse and the future of their family.

Women, mothers, and children would grieve for the loss of the life they had, or thought they had, before they knew about the abuse.

As protective parents and caregivers, you also need support. Connecting with people whom you can share your feelings with will help you cope with the trauma and the challenges faced.

The person who has sexually abused a child needs to be held accountable and get professional help. The local police or children's services are often best placed to follow the necessary steps or procedures. Should you choose not to contact them, and if it is safe, consider speaking directly to the perpetrator.

If you take courage to speak to the offender, please explore the situation in a non-judgmental and confrontational way. This may help to reduce the person's defensiveness. You need to be specific about the behavior's that concern you and state your reactions to them. Ask simple and direct questions.

Let the person know that there is help available; individuals can and have gone on to live abuse-free lives by first taking responsibility for the harm they've done, facing the consequences of their actions, and committing themselves to change and to specialized treatment.

If you feel it, let the person know that you care about them. Loving support can be an important factor in getting someone to take responsibility, face consequences and get treatment. Conversations generally need to happen more than once. Find an ally for yourself whom you can turn to for support.

Please take note that, when the abuse is exposed the person who offended may feel angry at the child for revealing. They develop extreme self-hatred and may want to self-harm or become remorseful over the harm they have done.

The suspect would be afraid of legal consequences, and they usually fear loss of family, loved ones, home, reputation, status, and job. They will be concerned about being viewed contemptuously by others.

Chapter Three

Traces of betrayal

The courts should mete out stiffer punishments to anyone found abusing children. This wish kept coming to my mind as I stood at the Lilongwe Magistrate Court one day. I had gone to the Magistrate Court to follow a case in which a man had sexually abused a girl.

Records showed that the victim was only 13 when the offence was committed. She was violated in February 2015 in Chilinde Township in Lilongwe, Capital City of Malawi. The offender was aged 44. It later transpired that he had impregnated her.

The man was in a position of trust to the victim. He and his wife, who was also pregnant at the time of the court hearing, were taking care of the victim as an orphaned child. She was a daughter of the wife's late sister. Instead of fulfilling the responsibility of raising her up, the man took advantage of her situation.

I was happy that the court took judicial notice of the pre- and post-natal complications that a young girl of 13 years old likely faced owing to her immature age. Childbearing even to adult women is a risk of life which must be taken by an informed person willingly and without any form of duress whatsoever.

I vividly remember that one day, while attending this sexual abuse case at the Lilongwe Magistrate Court I received a message. The communication said: "The Liwonde First Grade Magistrate Court in Machinga had convicted and sentenced 42-year-old Madalitso Simbwani to 12 years imprisonment for sodomising an 11-year-old boy."

Simbwani had pleaded guilty to sodomy charges which contravene Section 153 of the Malawi Penal Code.

Prior to the commencement of the sodomy case, a medical examination at Machinga District Hospital revealed that the boy had indeed been sodomised. He had sustained bruises because of the forced anal sex.

During the trial, Sub Inspector Ezekiel Kalunga told the court that Simbwani took the minor to a house under construction, in Liwonde Township, where he sodomised him.

The police prosecutor further told the court that passers-by only rescued the boy after they heard him scream. "The boy was also vomiting following the oral sex, Simbwani had forced him into," Sub Inspector Kalunga told the court.

First Grade Magistrate Esther Phiri who presided over the case, strongly condemned the act. Magistrate Esther Phiri said Simbwani deserved a stiffer punishment hence the 12-year imprisonment sentence.

Simbwani hails from Lenadi Village, Traditional Authority (TA) Sitola in Machinga. The victim is a street kid in Liwonde Township.

Health experts also condemned sodomy in strongest terms. District Aids Coordinator (DAC) for Machinga, Ben Tohno said sodomy is one of the strongest transmitters of HIV, the virus that causes AIDS. Tohno explained that the virus easily passes through bruises caused during anal sex.

The DAC then appealed to communities to refer sodomy, defilement, and rape victims to their nearest health facilities for HIV Tests. He said where necessary such victims are given the Post Exposure Prophylaxis (PEP) to prevent HIV infection from taking place.

PEP is a type of Anti Retroviral Treatment that is given to sexual abuse victims, or anyone suspected to have been infected with HIV, accidentally. It is only administered to victims within 72 hours after the accident.

Let me go back to the case in Lilongwe. As the Chief Resident Magistrate was delivering his determination on the case, I remembered that the suspect did not plead guilty. Surely, that took away his chances of getting a lighter punishment. He deserved to do long time in jail, and with hard labour for wasting court's, witnesses', and everyone's time just to confirm his own guilt. In any case It is an established principle of law for a plea of

guilty to act as a mitigating factor in sentencing and an aggravating factor in the alternative.

I also recollected how the suspect misbehaved during the entire trial. At times, he could bypass court officials in presenting his witnesses to the presiding magistrate. At one time, he also caused drama at the court. After one adjournment, he tried to run away while in handcuffs.

In his defence, the man impolitely told the court that the case was a small issue which could have amicably been sorted out by his family.

We had been in the Lilongwe Magistrate's Court for over one hour, our eyes glued on the Chief Resident Magistrate as he read out the sentence.

"The accused was charged and convicted of the offence of defilement contrary to section 138(1) of the Penal Code. The Offence attracts a maximum sentence of life Imprisonment with Hard Labour," The Chief Resident Magistrate said.

"In sentencing an offender, the court considers both the aggravating factors and mitigating factors before arriving at the appropriate sentence."

He went on: "This will always involve a consideration of the extent and the circumstances in which the crime was committed, the personal circumstances of the

accused, the impact of the crime on the victim and the public's interest in the prevention of the crime".

As the Magistrate continued to read out the judgement I turned and looked at the victim. Her education was surely compromised, I thought. And she was only in Standard Seven.

She will have to overcome the challenges of embarrassment and discouragement for her to go back to school after the pregnancy period. I only hoped that she will bounce back courageously to work out her future in spite of the weight of this obstacle on her way.

These thoughts reminded me the case of Bessie, a girl from Ndirande Township in the city of Blantyre.

Chapter Four

Bessie

It was a normal afternoon for Bessie as she played with her friends outside her parents' house in the township. Then things changed for the 11-year-old girl.

A well-known hoodlum in the township, Jarvis, popped up on the scene. Jarvis did not say a word. He just pointed a finger at Bessie and told her to follow him.

Bessie's friends advised her to follow the command because, they thought, any disobedience would result in trouble for her.

So, Bessie did as advise. She followed the man. As Bessie started off with the ruffian, her friends went to her mother and informed of what Jarvis had done.

Jarvis took Bessie to his house. There he told her that they were from that moment on husband and wife. She cried out but the man silenced her. She was defiled repeatedly. Jarvis threatened Bessie that she would be dealt with accordingly if she dared to run away from her 'matrimonial home'.

"That was my first time to have sexual intercourse. It was very painful. The pain made me wish I was dead. Every time I cried; the man gagged my mouth. He then

would undress and force himself on me.” Bessie said and continued.

“For two days I lay on his bed in pain. He gave me food, but I couldn’t eat. Every time I tried to eat, I vomited. My only wish was to be rescued by my parents. But my parents or anybody did not come. Jarvis only stopped raping me for a while after he noted that my genitals were bleeding. This monster said the bleeding was a sign that I was ready for marriage. He said I was the right girl for him because I was a virgin.”

Bessie’s mother (Anaphiri) searched for her daughter and found her in the man’s house. She tried to reason with Jarvis to let go of Bessie, but he did not have any of it.

“Old woman, this girl is my wife and if you dare tell anyone about our union, you will face my wrath.” Jarvis threatened.

Anaphiri did not argue further after the threat, she returned home, disappointed. She is a mother of four children. Her husband is in prison, doing time for robbery offences.

Bessie lived with Jarvis for two weeks. In the entire period, Jarvis did not allow Bessie to leave the house. He also did not go away.

Anaphiri tried to convince community leaders to help her rescue, Bessie. But no one seemed courageous enough to confront Jarvis.

I came to know about the issue when one of the residents of Ndirande brought it to my office.

I went to investigate the issue. During my investigations, I confirmed that Jarvis was a well-known criminal. This meant that it would be a risk if I approached him on my own. I sought the assistance of the police.

The Police discovered that the man was actually on their wanted list for various felonies. They arrested him after literally breaking the door to his house and rescued the girl. Two charges were laid against him: having sex with a minor and abduction.

“I don’t understand why you want me jailed when I simply did what every man does. I married Bessie. We were doing things as husband and wife. She is not a child. Even her mother knew that this girl isn’t a child when I took her for a wife. It is our culture to marry young girls. The parents agreed to our marriage.” Jarvis told the court in his mitigation.

It was extremely shocking to hear the man admit in court that he had taken the 11-year-old Bessie to be his wife. He was remorseless so much that he told the court that he was ready to formalise the marriage. The court found him guilty of sexual assault and abduction and sentenced him to 12 years imprisonment.

I have sent Bessie back to school and my organisation is assisting her family. It is my hope that the girl will be

fully rehabilitated to have a good life despite the misfortune of being infected with HIV.

Chapter Five

Offences against morality

In this chapter I will begin by defining sexual offences against children in the Malawi context as provided for in the Laws of Malawi. I have used a number of terms to do with different forms of sexual abuse in the previous chapters. Let me now try to explain what these words mean.

Defilement: This is a form of sexual abuse which happens when someone has sexual intercourse with a child under the age of 18 in Malawi.

Section 138 (1) of the Penal Code (Cap 7:01) of the Laws of Malawi provides that:

"Any person who carnally knows any girl under the age of 18 years shall be guilty of a felony and shall be liable to imprisonment for life "

It has to be emphasised that one commits this offence with or without the minor's consent i.e. consent is immaterial. Having carnal knowledge of the girl basically means having sexual intercourse with the female child. Proof of penetration into the private parts of the girl is vital in proving the offence of defilement. Defilement is mostly committed by adults who are left with the responsibility of caring for children.

This form of abuse, mostly result in the children sustaining serious injuries.

Having sexual activity with a child:

This is an offence that was introduced in the recent amendments. Under the offence of having sexual activity with a child whether male or female, the proof of mere touching of private parts like breasts, vagina, or forcing the child to touch the older person's private parts, is enough.

Section 160 A of the Penal Code defines sexual activity as "*sexual contact other than sexual intercourse ...in the form of genital, oral genital, anal genital contact, or otherwise masturbation, touching of genitals, buttocks or breasts, sadist, masochistic abuse, and other deviant sexual behaviour.*"

In this respect section 160 B (1) of the Penal Code provides as follows:

"Any person who engages or indulges in sexual activity with a child [under 18 years] with a child shall be guilty of an offence and shall be liable to imprisonment for fourteen years".

If the offence is committed under aggravating circumstances (such as using any form of threats against the child, or being a stepparent or foster parent, or teacher), the offender shall be liable to imprisonment for twenty-one years.

Sexual Assault: It is difficult for most people to understand the offence of sexual assault especially when it involves technical elements at the hospital examination and in courts. There are many definitions of sexual assault.

But in this book, I'm looking at child sexual abuse according to the laws of Malawi.

The abuse is in various forms and includes an older child abusing a younger one.

Sexual abuse happens in several ways, for example when someone touches a child in a way that makes him/her feel unhappy or nervous.

Another type of abuse is when someone forces a child to touch him/her. In some cases, some adults may ask the child to take off his/her clothes. It is during such times that the perpetrators indecently expose their body to a child.

Children exposed to or being used for pornography. **Pornography** means the use of pictures, photographs, and videos, of sexual parts or acts.

It has to be noted that anyone who allows children to watch or look at pornographic materials commit the offence of sexual assault termed as 'showing, selling, or exposing offensive materials to a child' per section 160D of the Penal Code, and shall be liable to imprisonment for seven years.

Our society has had many cases of abuses reported and therefore increasing awareness on the issue is necessarily helpful.

Various concerned parties view the increase in the number of the stories as a case of growing scourge; while others feel this is simply as a result of existing channels which expose the abuses. The courts have lots of cases pending or completed on these abuses.

What is clear is that abuse occurs or can occur anytime and anywhere. As such, it is important for children to learn how to protect themselves while parents have the responsibility of avoiding abuse. Parents should also strive to provide their children with knowledge on forms of abuse.

Child prostitution or **commercial sexual exploitation** of children includes the practice of using children as providers of sex in exchange for money or any other reward. The child is treated as a sexual and commercial object. This is also an offence under section 160E of the Penal Code.

This occurs in organized settings such as brothels, or when parents or guardians prostitute children either from home or on the street in exchange for that purpose.

Some children are exploited at school, taxi ranks, among gangs or in bars. These children are sexually tortured and are often raped several times a day.

Sometimes they are assaulted and threatened to be killed should they reveal the act to anyone.

They are forced to use drugs to relieve the pain that comes with sexual abuse. The children are also exposed to serious crimes, such as breaking into cars and robbery.

Incest: Very weird are cases of fathers or stepfathers or uncles having sexual intercourse with their own children and nieces or nephews. Incest is the case of sex between blood relatives within the prohibited degrees of consanguinity or people related by marriage or adoption, such as sex between a father and his daughter or a mother and her son.

According to media reports and research by various child rights activists, there are many cases of family members abusing girls in the home due to weaker and vulnerable positions for most children, in the families several such cases go unreported.

Several factors contribute to the low reporting of incest cases. For the sake of her marriage a mother may decide to keep it a secret that her husband sleeps with their daughter. A sister will not dare to disclose that her half brothers sexually molest her.

Indecent assault and sexual harassment are other forms of child sexual abuse.

Indecent assault takes many forms. This offence is provided for in section 137 of the Penal Code It is

indecent assault to insert objects like a bottle or banana into a girl's vagina or a boy's anus. Forcing anyone to touch or suck someone's genitalia for sexual pleasure constitutes sexual assault. A person also commits the offence if they use their penis to penetrate another's anus.

Sexual harassment occurs as defined for per section 6 of the Gender Equality Act when someone makes undesirable sexual gestures towards a child. When such behaviour persists and the child clearly repulses it, then it is regarded as unacceptable and therefore the act is considered offensive.

Sexual harassment can make children miss out on educational opportunities and this impact negatively on their future. Children get true protection from parents and neighbours who should also be on the look-out for any suspicious signs.

Most of the forms of sexual abuse cases aforementioned occur in Malawi.

Preventing such cases has proved to be very difficult due to some cultural beliefs or social status of offenders.

Children are not made aware of most forms of sexual assaults which they can prevent because parents are not open enough on sexuality. As such children easily fall prey to would be offenders.

Because of the myth on sexuality, children would try to solve it on their own and in most cases the results are devastating.

Children who were sexually harassed in one way or another grow up believing there is nothing wrong to sexually assault others. Studies have shown that most of the rapists were sexually abused when they were young.

I work towards bringing awareness on the dangers of sexually assaulting. Wherever possible, I engage parents on how to prevent the threat. I have come across cases where parents themselves have been responsible for such sexual assaults.

I have heard stories of parents who have had sex with their own children following advice from witch doctors.

It is said that these 'doctors' give such instructions to people who are desperate to acquire wealth without working for it. The girl child is mostly the victim in such instances.

There are also cases of fathers who are instructed to have sex with them under aged daughters if they are to be cured of different ailments, including sexually transmitted infections (STIs).

Children's thoughts

To understand the issue more, I engaged learners from Nyambadwe, Chichiri, Chitsime, Chitawira, and H. H. I. Primary Schools.

I also involved students from Our Lady of Wisdom, Chisomo Children's Club, Ndirande Hill Secondary School in Blantyre, and Chathope Community Day Secondary School (CDSS) in Kasungu in writing exercises, in which they were able to write what they knew about sexual assault issues.

I allowed them to express themselves through creative writings. The work they produced acutely shows that children themselves understand the problem. But their stumbling block in overcoming these problems is that they are powerless before the dominant adversary. These are the adults who take advantage of children and the weak law enforcement system to continue with acts and inappropriate behaviour that put the lives of the child in danger.

"...Children are the gift from God. Therefore, it is a must for everybody to love the gift in very good manner."

Hassan Lyson

It is obvious adults understand that children are a gift from God but when you read or hear stories of abuses against this gift, you wonder whether people really appreciate that they have a gift in any child. Some parents show appreciation of the gift and provide for

their children in the correct way. But there are a lot of others out there who abuse this gift.

"...Many children are abused because some parents more especially men run away from the responsibility of taking care of their families, leaving this in the hand of the wives who cannot afford to manage the welfare of the children."

Ackim Kamwaza, Nyambadwe Primary School

I met parents who seem indifferent on their responsibilities over their children. There are others who prefer to have their children taken care of by other people while they pursue other interests. The children notice, but weak as they are, they just watch helplessly as they suffer in silence.

The message below is one of the many cries and wishes from children undergoing the pain of neglect:

A Message to child Abusers: Our Journey

Our journey has only begun.
For us to achieve
But without a worry or care
The criminal takes away all we had.
There is a perfect world.
Right ahead of us
Where children are free to be all they can be
But you cut your way through.
There is more to do than can ever be done.
More to find than can ever be found.
But you take away what can never be replaced.

As you satisfy desires
Now it's your turn to face it.
It's time you faced it.
The pain and suffering you put me through
Has come back to haunt you.
Caron S. Magombo, Our Lady of Wisdom, Blantyre

Chapter Six

Betrayal encounter

As I dealt with Bessie's case, I was also summoned to follow up on a case of a 17-year-old Maureen of Chitawira township in Blantyre. She met her fate at the hands of a stepbrother.

Maureen was in form four at one of the secondary schools in the city. Her mother remarried after the death of her father. The new husband brought along with him a 21-year-old son who was attending college in the city.

The stepbrother made several sexual advances towards Maureen, but she continuously resisted. Maureen reported the issue to her mother, but she ignored her complaint. The more the young man pressed her for sex, the more Maureen refused.

One night, the boy put a drug in Maureen's drink after supper. She fell asleep and the stepbrother raped her. She noticed in the morning that she had been raped. The girl told her mother about the ordeal. Again, the mother doubted her story. In fact, she shouted her, saying she had invited the stepbrother into her room.

Maureen told the story to her friends. One of them advised her to visit One Stop Centre, a Social Welfare

department within Queen Elizabeth Central Hospital that assists people who have suffered various forms of violence and also provide counselling to the victims among other things.

She went there before 72 Hours had elapsed after the rape. She got the Post Exposure Prophylaxis (PEP) medication which prevented her from getting STIs and HIV and AIDS. She also received some medication to prevent her from falling pregnant. The trauma nevertheless still stayed with her. She also sought assistance at our offices.

I found the case to be serious. I also realised that if not carefully handled the assault would continue and end up in something serious. I approached both parents who were obviously hostile at first. But after lengthy sessions of counselling, they understood the situation.

I managed to arrange the separation of the children by taking away Maureen to a boarding school. The boy was also counselled.

I managed to let the boy realise that he had committed a serious offence. He was lucky. His only defence was that there was no direct evidence to link him to the rape. If the right actions were taken after Maureen reported the issue to the mother, there would have been more evidence on this case.

This case exposed an area which is usually neglected in our programmes, abuses in the home. If this is not carefully handled, it can have serious consequences.

Even though Maureen is at a boarding school, her relationship with the half-brother remains strained and the family does not have the peace it deserves. I continue to provide counselling to the family, but the real peace may not exist unless there is willingness from both sides to be ready to accept the misfortune and forge ahead.

Maureen confessed to one of our counsellors that she wished her mother divorced the stepfather because she regards him as the main cause of her misfortune for bringing his son into their home. Although the father has tried to be a good to her, she has not come to terms with him.

During my work, I have been receiving a lot of cases of similar nature. I have realised that issues in families where parents have divorced and remarried are bound to be conflicts resulting from issues of sex.

The two sets of children usually do not feel they are members of the same of family, which are culturally forbidden and legally to have sex relationships. It is the responsibility of the parents to educate their children on why they should treat each other as siblings.

Maureen is still recovering from the emotional and physical pain she went through. She has moved away from her mother's home and stays with an aunt.

Her relationship with the mother is not healthy. I am now trying to reconcile them through counselling sessions.

The efforts may bear fruits but the experience of being drugged and raped by a close relative still traumatises her. She confesses of having nightmares and may live never to forgive her half-brother.

Some common defilement cases reaching my office include defilement by relatives or neighbours. The cases happen all the time. The common pattern is that the children are attacked by people they know. Some parents choose to be quiet about it, while others report to relevant authorities.

People trust my organisation so much that I receive loads of cases of girls who face sexual assault. I work with the authorities to bring the perpetrators to book. Most of the cases come from people known to the girls like neighbours and in some cases, people related to them.

For me to be able to assist in prosecution of the offenders, I usually rely on having the cooperation of health and law enforcers who must provide evidence required to take such cases to court.

Sometimes I have problems when the evidence required disappears or when there is reluctance to present the evidence. It becomes difficult to take such matters to court and find relief for the victims.

Nachisale's ordeal

A good example is that of Nachisale of Ndirande. Nachisale was born normally like any other child. She began standard one at six years old.

She later suffered from cerebral malaria, which left her disabled when she was in standard four. Nachisale dropped out of school and has since had problems with her speech, and movement. She walks with a heavy limp and hardly walks long distances.

One morning, a young man attacked her as she walked to her aunt's house, situated a few metres away, but separated by other houses.

The young man dragged her into his hut and defiled her. A neighbour saw this happen and reported the matter to the mother. The young man was confronted and with the help of neighbours, he was taken to Ndirande Police where he was detained for some days before being released on bail.

"We went to hospital at the One Stop Centre where it was confirmed that Nachisale was indeed defiled and injured. She now suffers from fistula. She developed a hole between the vagina and rectum. This was caused by the defilement. Since then, she has been leaking urine and sometimes faeces wherever she sits," laments the mother.

Nachisale's mother was concerned that the case was not being brought to court because she was keen to see justice happen.

She later came to our offices and narrated her experience, "It is painful that despite reporting the matter to the Police, the defiler is still a freeman, and my daughter is a going through painful experience."

I took the case in the normal way. I first approached the Police station where we confirmed it was reported and all procedures were followed. I also went to Queen Elizabeth Central Hospital's One Stop Centre where the girl was assisted and confirmed the case of defilement.

I noticed that something was not adding up; The Prosecutor's office at the police had no case file on Nachisale. I suspected foul play, but I did not give up. I went into reverse gear, gathering all relevant documents to build up the case and refer the matter to the state advocate's office who are currently pursuing the case in the courts.

I receive many of such cases which I sometimes fail to help see settled in court, either because documents have been tempered with or because parents did not take the appropriate action when defilement took place.

But Nachisale's case has shown us that despite the correct procedures followed some unscrupulous individuals can still use unorthodox ways to prevent justice from taking its course.

Toddler's story

One mother was prompted to examine her toddler after hearing a strange cry, "*Mama ayipweteteka...*" (Mom, I

have been hurt) The child was crying because of the pain due to the injuries on her genitalia.

The child went missing at around 10 am and the mother had sent her sister to look for her around the neighbourhood but could not find her.

However, whilst she was in the house, the mother saw Michael Mughogho carrying the missing child with her Jersey on his shoulder.

The child was crying strangely whilst pointing at her private parts.

After undressing her, she observed that her baby's vaginal area was swollen, and the child's clitoris was wounded.

The defendant who used to take the child to chat with her at his house most of times brought back the baby on this particular day whilst crying and pointing at her private part.

The mother reported the suspect to the police and took the child to One Stop Center where it was confirmed she had been defiled.

The defendant was convicted and sentenced to 10 years imprisonment with hard labor on 11th March 2015.

The setting of the One Stop Centre was to help rape or defilement victims quickly and prevent destroying of evidence as has been the case in the past. However, matters of prosecution get complicated given the

number of offices victims are made to go through especially when they have no legal representation.

I also receive many cases of emotional abuse which if not properly handled lead to school dropout among girls. A girl who is emotionally abused needs a strong will to continue with education. The emotional abuse exposes children to early marriages and later to early sex which is detrimental to their health. Most of the children forced into early marriages lead miserable lives, some die earlier as well.

Parents' responsibility

An official from One Stop Centre says most of the cases of sexual assaults can be prevented. She says the first step in preventing such assault is teaching the children about their bodies.

"We have noticed that most parents do not see the need for letting their children know their bodies. However, we are now happy that the subject called Life Skills is taught in school from primary level. Children know the dangers of wrong touches to some parts of their bodies" says the official.

The official says children must be taught all names of body parts even those which appear to be swearing and all names which others use.

The children should also learn to be in control of their bodies and feelings. They should know that if they use their body wrongly there will be serious consequences.

This means if someone tried to abuse or to touch them in the wrong, they should be able to react.

There are people who teach children importance of having secrets, but the official argues that children should be taught what are bad secrets and good secrets. If the secrets pertain to sexual issues children should be able to open up and tell when someone touches or play with their private parts.

“Children should be encouraged to tell when people touch them the wrong way. They should be taught what is good touch and bad touch. If someone touches them the wrong way, they should tell and if someone asks them to keep a secret after touching them the wrong way, they should be able to tell,” explains the official.

I have had cases where children have confessed that an adult started by telling them not to tell anyone about a kiss they got.

I had a case of father who had two daughters who he kissed every day after supper as they went to bed. This was taken as normal by the mother. Later, the father started kissing his older daughter privately and more often.

He silenced his daughter by convincing her that talking about this would make the younger daughter jealous.

Before long, the kissing extended to touching on the breasts, her private parts and later making her touch

him too. For a while, the girl kept the secret. Time came when the girl could not keep the secret any longer.

She, however, was hesitant to tell the mother because she had watched a movie in which a character had a similar experience and was punished when she told her mother what her dad was doing to her. The girl in the movie was slapped and told to keep quiet.

Not knowing how to tell her mother, the girl asked her mother whether she would beat her if she told her about a secret like the girl she saw in the movie. The mother was confused but told her she would answer her later. The mother told her husband about the question their daughter had asked. The husband knew it was going to be bad for him if the wife knew the truth. He decided to act fast to prevent this from happening. He approached the girl and told her that he would not touch her again but only a kiss as usual before bed and nothing.

This confession confused the girl further and she went to her mother told the whole story. The wife was devastated but knew confronting the husband directly would not be good and approached me for advice. We had our counsellor handle the case.

She went through a number of sessions on how to handle her husband and in one of the sessions the husband was invited merely as a casual chat on how to raise girl children in the modern age of information superhighway.

We arranged several meetings with the couple joined by other couples so that there was no suspicion raised. The family was saved from embarrassment and possible breakup of the marriage. The father lost his craving for the daughter and the girls are growing into responsible young women. We realised that devising prevention strategies was the sure way of dealing with sexual assault.

Religions perpetrating violence.

Catherine a form three girl from one of the townships in Blantyre, belonging to a religious sect that encourages girls to marry early approached me for assistance. An orphan, Catherine was facing severe pressure from her grandmother and uncles to marry a chosen man a son of a priest of the church.

“Our church believes that girls must be virgins to make good wives and bring honour to the family. A marriage arrangement at an early age is a custom. I have a different outlook in life that’s why I’m resisting to get married. I was only in standard seven when this marriage thing was proposed to me,” the girl told when she visited my office.

“I saw most of my friends (girls) get married and lead miserable lives. I want education and I made this clear to my grandmother. Since then, she is always angry with me. I stood my ground especially when I got selected to a secondary school,” recalls Catherine. Her

headmistress advised her to approach me for assistance and I reported the issue to the Police for intervention.

“I was beaten and at some point. All my clothes were burnt, and I was forced to wear church uniforms. I even pretended to have boyfriends so that they could give up on me. I changed my name when I wrote JC examinations so that if I failed, they could not know because they labelled me dull child,” explained Catherine who lost her mother at an early age. Her father was also of the opinion that she should get married.

Catherine disclosed that one of her friends (who got married at early) died while giving birth.

“I was convinced it was because she was too young to bear children. I didn’t want to face the same horrific experience. I have an ambition to be a teacher or a journalist. I have my little sister and I want her to be educated too,” she said.

It was not easy to convince Catherine’s guardians to allow her to continue with her education. The issue is religious. Followers of that Church want to preserve their membership and they arrange marriages to ensure no girl gets married outside the church.

We have managed to bring reconciliation between Catherine and her guardians, and we are providing support to ensure the animosity does not return.

The impressive thing about Catherine is that she developed ways of beating the system in the Church by pretending to be a bad girl, having male friends when this was not for sexual reasons but to dissuade the parents and elders from giving her to any family for marriage.

She passed her Junior Certificate Examinations, but the guardians persisted in forcing her to get married.

“Our Church believes that if girls are not married early, they will misbehave and fall pregnant out of the wedlock and this will bring shame to the family. Women should belong to the kitchen and not be exposed to outside employment, except in serving the interests of her husband. Some of such husbands finish their education but most of them are only taught some vocational trade like carpentry, or tinsmith but encouraged to marry within the Church,” she said.

I took the matter to the Police and a team was setup to counsel the guardians on the need to allow the girl to continue with her education without interruptions. There is unease peace in the family, but Catherine is continuing with her education and my organisation is providing financial support to Catherine. She is a bright student and if she works hard, she could be a model to her friends who belong to the same religious sect.

Chapter Seven

Building trust

Child development Psychologists say some of the questions which children ask to teach them to be open. This openness makes them develop trust in the parents or guardians and in the process prevent them from falling into tricks or bribes by sex molesters.

“Children must learn when to give an appropriate answer like no or yes. If an adult tells her to do a certain thing which s/he does not want s/he must be able to say no. Children should be aware of the dangers of any act they are being asked to perform,” says the official.

It is sometimes wrong for parents to avoid answering questions from children. Even if the answer may be wrong but it is good for a parent to be honest and answer other than letting them learn things from friends or strangers.

If children trust parents, they will not go to others for answers. They should be told whatever they need to know in an honest manner. They will develop the spirit of seeking truth and then avoid seeking answers from peers.

Various Child development specialists I have spoken to say parents should learn to monitor games that children

play. They should be stopped if the games are not good enough for them.

Children must be kept safe all the time by avoiding dangerous situations within the neighbourhood. Parents in the neighbourhood should all be concerned with the games which their children play.

Teenage children need special attention because when their bodies begin to develop, they develop desires for the opposite sex. During this time, girls commence menstruating, develop breasts while boys' organs begin to enlarge, and they experience wet dreams.

They must be taught that all these signs are normal but that they do not mean that they should engage in sex. This is the time when they should be taught about the dangers of early sex, like pregnancies, STIs like HIV and AIDS and others like Syphilis. They should be encouraged to watch good feature films not pornographic materials and read good novels which help them develop self-confidence. They are inquisitive and providing them with good answers to their questions helps prevent them from making their discoveries which can be dangerous.

Traditional ceremonies like *Chinamwali* (initiation ceremonies) in the rural areas where most of the children in our country live should be allowed only if it is done in the correct manner.

If done properly, *Chinamwali* helps the children develop good moral values. *Chinamwali* should not be allowed in

cases where the young ones are encouraged to engage in sexual acts.

In the past, *Chinamwali* was used as a measure by parents to check whether their children were maturing. This is no longer necessary given that children must go on with their education and also given the dangers of STIs which have become rampant in modern days.

Teenagers must realise that all sexual issues are natural at the right time and that issues of sex do not require experimenting.

The children must be trained to be aware of the bad behaviour of others and avoid acts that lead to early sexuality or expose them to dangers of assault by adults. Teenagers should be taught to say no and with strong meaning to it.

Girls and boys should learn to defend themselves in various forms to avoid sexual attacks. It is sometimes not enough to just say no. Acting in self-defence when under attack is also necessary; for example, if a man tried to rape a girl, the girl must learn to use her hands correctly and fight off the offender hitting where it matters without remorse. Self-defence is a good weapon from fighting sex offenders.

“Many parents shy away from telling or teaching their children what to do when a rapist approaches them. The girl must be taught where to hit the rapist and the boy too should know that an older woman who entices

him to have sex is a rapist too. He too must know where to hit that woman.

We have had cases where young boys have been molested by older women and got injured in the process. It's not only girls who are at risk. Boys have been injured and infected by women with STIs. Both girls and boys are at risk," enlightens a One Stop Centre official, who deals with such issues daily.

Parents must be on the forefront to teach their children how to always defend themselves from sexual offences. Child development specialists believe that no child should fall victim to sexual assault and the results have serious effects on child development. Parents must always prevent this malpractice.

Most victims of sexual assault, boys and girls could have prevented it if they only knew how to defend themselves.

One of the reasons behind an increase in sexual assault cases in the country especially in the rural areas is failure to report such cases. Some parents feel it is shameful to reveal cases of sexual assault especially when a close family member like an uncle or husband is involved.

We have had cases withdrawn from the courts by family members because they feel it is not good to have their offender taken to prison. This is common in all districts. For example, about 17 cases where clear evidence was

available were withdrawn at Mulanje District Magistrate office in 2013.

The Police prosecutors had no witnesses, and the magistrate could not continue with the cases. You will be shocked to know that in most cases young girls were severely hurt and some will not recover but the culprits are free.

I have noted that most of the cases from Mulanje involved fathers who had been advised by witchdoctors to sleep with their daughters to get wealth. The two parents connived, and the daughters were defiled. The men only got reported when the daughters' told relatives about their ordeal, but the women defended their men. Cases of stepfathers abusing girls are always high, but the mothers keep it a secret.

A social worker told journalists at a media conference that there is a custom in Mulanje where mothers request their daughters to entertain their stepfathers in their absence as a way of controlling the men from visiting other women. The officer noted this tradition was fuelling the spread of STIs among girls in Mulanje. The girls are not given an option to say no, given the power relationships in the family.

This situation means that parents can hardly teach their children how to defend themselves. This is where we feel teachers have a role to play too in teaching children how to defend themselves and rush to police when they are sexually assaulted. Every law-abiding citizen has a

duty to help in protecting our children from sexual marauders. This society should create a safe environment for our children.

The child molesters must face the law regardless of their relationship to the children.

Chapter Eight

Teacher that abuse

During my work, I have been running a project to stop child marriages in two traditional areas of Kapeni and Machinjiri in Blantyre. I was prompted to launch the project after a survey revealed that the two areas had high rates of child marriages. The main reasons for such early marriages included some cultural practices which encouraged children to engage in early sexual activities after undergoing *Chinamwali* (traditional ceremonies where children coming out of age are taught sex education to prepare them for adult life).

The tradition is good, but it fails to help the children to abstain from early sex. The girls are usually exposed to sex without consent and fall pregnant while very young. They are forced to marry men many years older than them and dropout of school.

As the project progressed, I discovered that cases of child abuses are not confined to ordinary community members but also some public service workers who take advantage of the prevailing situation to abuse girls. Teachers fall into this group. We have had several cases where teachers have impregnated several girls.

Maria

A tearful Maria, 15 holding a crying child sat narrating her story to an equally tearful official of Eye of the Child. An orphan teenage mother, a drop out of standard 7 at Katete School around Kapeni told a heart-rending story that left the official in shock. Maria said she was on several occasions asked by her teacher to carry books to his house, a kilometre away from the school.

She said it appeared innocent at the beginning because her friends would join her, and they would leave the teacher's house without any incident. One day, she was not accompanied by her friends and the teacher touched her breast and attempted to kiss her, but she resisted. She was warned keep it a secret, saying she was a wonderful girl.

"I told my elder sister who was married and acted as my guardian since I am an orphan, but she simply said I was indeed beautiful, and no man could resist me. She said since the teacher was a bachelor, I should take this as an opportunity. How many girls get a teacher as lover? You are lucky little sister," the young mother disclosed to the official at the Eye of the Child.

Maria who had lost both parents at a young age was confused by her sister's statement. Unfortunately, she had no one to turn to. The following day her school mate said almost the same.

"I know that teacher. He is a good man. He made Linley pregnant, and he takes care of the child. He is smart. If I were you I would not resist," the friend told her.

She ignored her and made a resolution never to fall into temptation. She refused any assignment by the teacher outside the classroom, and this created animosity from the teacher.

"I never minded his bad attitude, and I was ready to confront him even tell the headmaster if he persisted to ill-treat me. My sister continued to tease me and deny me such things like soap. My brother-in-law was the only one who backed me and advised me to resist the teacher. He said school would be good for. However, when my brother-in-law said this my sister would jump in and accuse him of wishing to marry both of us. My brother-in-law chose to stay out of it."

The little girl completed her standard six and looked forward to going into a new class Standard7. However the teacher become her class teacher again. The nearest school was several kilometers away and she could not move to the next school. She chose to remain at the school.

"I was lucky we received a female teacher at the school who held sessions advising us on how to look after ourselves. I was happy to have a role model and I was determined to become a teacher" she said.

"However, one day the teacher came to her home. He found him chatting with her sister.

He did not leave until very late. The brother in-law was not there, and he was there until very late. I went to sleep in my room and deep in the night the teacher came into my room and raped me. It was a painful experience, and I knew my sister had arranged it. I got pregnant and dropped out of school. I could not report the teacher to the headmaster as my sister was against it," she said.

Though the teacher provide support during the pregnancy. Maria refused to be married. She wanted to continue with her education but now with a child this was impossible. The teacher got transferred away.

Maria is one of the teenage mothers I have encouraged to go back to go to school. The first thing our organization did was to bring the teacher to book and ensure that he takes responsibility of the child.

The second issue was that of rape and having sex with an underage. The matter was sent to court. The teacher is on interdiction while a conviction is likely. Eye of the Child took this a case study to help curb teenage marriages. A lot of teenage mothers have approached Eye of the Child with similar cases, and they have been taken back to school.

The other cases do not necessarily involve teachers but married men who do not care about the future of the girl child.

Eye of the Child has set up groups of women, retired teachers or civil servants, Mother groups who act as role

models and advise girls of the dangers of early marriages.

“We know that most girls can resist early sex but some of them are simply assaulted by older men or fellow teenagers. We teach them how to defend themselves. We have taken the perpetrators who are also responsible for pregnancies to court. Some of them have lost their jobs. We feel this project, which Eye of the Child initiated has opened an opportunity for girls to stay in school,” says Mrs. Martha Mbewe one of the leaders of Mother groups in Chief Kapeni’s Area in Blantyre.

The Mother Groups also work with traditional Chinamwali counsellors to enlighten them on the right messages they need to tell the girls. They attend the Chinamwali sessions and ensure that only safe messages are imparted to the girls.

“We appreciate that our cultural heritage must be preserved but issues about sexuality must be handled with care. Most teenage mothers fell victim of the bad counselling they received at Chinamwali. The message must be clear that issues of sex do not require practise or training” says Mrs. Mbewe.

Mrs. Mbewe said the absence of female teachers in most rural areas of Chief Kapeni and Machinjiri (two areas which have large areas within the urban sections of the City of Blantyre) makes it difficult for girls to have role models. She says the mother groups are lobbying

education officials to send female teachers to rural areas so that they can act as role models to girls.

“We usually invite nurses, and other female professionals to talk to pupils in the area so that girls learn to have big dreams. Parents are invited to such open days, and this helps to change attitudes,” she adds.

Eye of the Child is not just curbing child marriages but also bringing awareness on issues of sexual assault. It teaches parents various ways of helping their children notice sexual assault and defend themselves.

“Children must be taught to notice abuse and be able to prevent it and if necessary, defend themselves. Sexual abuse has serious repercussions on their lives and shouldn’t be allowed to happen at all,” she adds.

According to a survey done in Machinjiri and Kapeni TAs, the critical issues of sexual assault and early marriages is due to lack of parental protection and care especially among broken families.

There are many female and child-headed families. The situation in most female headed families forces children to get exposed to sexual assault in two main ways.

Some of the mother’s brew beer where men come to drink and some of these men entice young girls to have sex with them. In some cases, the mothers who have lost their husbands remarry and the stepfathers force girls to sleep with them.

“Some weak women let the men get away with such acts, but our task is to show them that girls should not be abused. We encourage the girls to report if adults force them to sleep with them or offer gifts to them for no good reasons. We are making headways and we have prevented sexual assaults on many occasions,” Mrs. Mbewe says.

She also says support to child-headed families is important if we are to prevent sexual assault. Many of such children usually need support in agriculture like supply of fertilizers. If they get this and other basic needs, these girls cannot be abused.

“We ensure that village headmen include such children on recipients of coupons to get cheap fertilizers in the farm input subsidy programme. These children are usually, what they need is guidance on how to fend for themselves and protect themselves from sexual abuse. We encourage them to be assertive and focused on their future. We notice that what they need is more encouragement and most of them don’t need to live at the orphanage, where they are also exposed to abuses,” she says.

The child-headed families require lots of assistance. The children are vulnerable as they may easily be forced to accept cheap offers from men who end up abusing them, especially the girls.

“We emphasise on reaching girls in such situations so that they don’t get into temptations,” says Mrs. Mbewe.

Maria says she has forgiven both her sister and the teacher but vows to never forget her ordeal. She speaks to most of the girls in various meetings organized by mother groups, encouraging girls to fight for their rights, be in school, avoid early marriages and also defend themselves against sexual assault.

"I was forced to endure this suffering, but I don't want other girls to go through what I went through as a teenage mother. Had it been my own choice, I would have felt differently. But this was pure sexual assault and I feel girls or young people must be protected against this," she says.

Maria is now in standard six and has not lost her desire to become a teacher or a nurse. She feels the coming of the project run by Eye of the Child is purely God sent and should reach many areas of the country. The project has given new lease of life to girls and has given them a sense of direction.

"I won't rest until I achieve my goal. The man who abused me got what he deserved. I guess this is a good lesson to all adults who can't respect the rights of children under their charge. Teachers with similar habits will simply have to change or lose their profession as has been the case with my teacher. I shed no tears for teachers like him given the pain the children they abuse go through." says Maria.

Chapter Nine

Blind girl rescued.

Dorothy (16), of Chilaweni in Chief Machinjiri's area in Blantyre, is a blind girl who has lived with her grandmother throughout her life. She lost her parents when she was very young. The grandmother is very old and finds it difficult to look after the blind girl.

"I lost my sight when I was in standard four. I had severe headache. My grandmother didn't take me to the hospital but instead I was given traditional medicine which was applied into my eyes. I dropped out of school and when a man came to ask for a hand in marriage, my grandmother consented to this," she told an Eye of the Child official.

The husband, a fisherman left Dorothy for the lake, and he never came back.

"After I miscarried, I went back to live with my grandmother, but I can't go to the garden or do anything productive. My grandmother is very old she can't go to the garden either. We depend on people of goodwill who give us food. This house we live in was built by my husband. I accepted marriage because I needed someone to help us. My husband decided to marry me after impregnating me. It wasn't out of love.

He in fact forced himself on me taking advantage of my situation," says Dorothy.

The man, who was many years older than her is a distant relative of the grandmother.

The grandmother encouraged the relationship in the hope that he would take care of Dorothy.

"I can describe our first encounter as pure rape. I was not ready for a man. I suffered terribly but I was told this was marriage. Yet the man ran away when I needed him. I wish I had sight to see this sort of a man who forced himself on me. I could have resisted and chosen to continue with my education. My grandmother tells me she is over seventy years old, and I know I will be left alone should she passes on. I don't think my husband needs me anymore. I feel scared," she told an official of the Eye of the Child.

The first step Eye of the Child did was to source funding from well-wishers to construct a decent house for the family. The family had no good kitchenware, beddings nor food which had to be supplied. Eye of the Child had to source steady supply of food to the family besides trying to locate relatives who would assist to look for the old grandmother if plans to take Dorothy to Mulanje School for the Blind succeeded.

But what will Dorothy do after attending a course at school for the blind? She will learn a skill which could help her earn some money and provide for her needs.

"I have heard stories of successful blind people; how they have learnt new skills which help them do something for themselves other than relying on begging. I want to be different too. I don't want to beg.

I should be able to prepare food, wash my clothes and do all sorts of things on my own. I also want to train in something like sewing and make clothes that I can sell. My request is for well-wishers to send me to the school. I have heard that people like me are able to do farming, rear chickens and make money" says the determined Dorothy.

The grandmother said she believes Dorothy can succeed because she has the hard-working spirit.

"I take the blame for her miseries. I believe if I had taken her to the hospital when she fell sick, she wouldn't have been blind. It was the result of my ignorance. I made the same mistake when I encouraged her to get married. I take responsibility for my child's problems," says the grandmother who breaks busted into tears.

Ironically it is Dorothy who soothes her grandmother with kind words.

"Whatever my grandmother did was out of love. She had lost her daughter at the hospital and when I fell ill, she was probably afraid that I would die at the hospital too. Can we really blame her for this?" Dorothy questions.

Dorothy says her grandmother had good intentions, including forcing her into marriage.

The grandmother wanted a man to take care of blind Dorothy not knowing that he was simply a sexual predator who would have nothing with the blind girl after satisfying his lust.

"The real danger I see with my condition is the possibility of sexual assault. I can't be able to defend myself if a man had such ill intentions. Most of the times I hear comments by men patterning to the appearance of my body I get scared. I'm at pains when men make such remarks. I wish I was able to see, I believe I would make a good wife. Then others even go to the extent of insinuating that I was married off long time ago. I'm afraid of some men taking advantage of my condition and raping me. The first sexual encounter was a nightmare though I was told it was the initiation of marriage. I feel I was raped and I' always afraid of experiencing this again" admits Dorothy.

Eye of the Child wants to take Dorothy to Mulanje School of the blind. She says this is her only dream now.

Chapter Ten

Treatment and support of victims

Sexual assault can be prevented if parents and teachers and all adults take firm efforts to stop it. Parents must be aware of the danger signals of sexual assault, when they happen and then ways of supporting the victims can be devised.

An official from One Stop Centre at Queen Elizabeth says there are characteristics shared by children as part of their growing up. He says parents should keenly follow the development of their children. This will help them notice some abnormalities as a result of sexual assault. I have dwelt on preventive measures in the previous chapters but now we must look at what happens when the child is assaulted.

The signs of a child who has been assaulted can be physical like real injuries in their private parts which are noticeable. A child may have problems passing urine. If children fail to walk steadily or show signs of pain when speaking it should be a cause for concern.

These visible physical changes should not be ignored. Due to fear of angering parents, most children do not open up to say much on the assault. It is the responsibility of parents to rush these children to the hospital for assistance within the shortest time possible before evidence like semen in case of sex is removed.

Experts advise that some emotional signs may prove difficult to trace among the children. These include sudden loss in interest with education, lack of concentration, sleep disturbances, fear, tiredness, loss of appetite, aggressiveness, lying; flirting among others can be signs of results of sexual assault and should be investigated.

These emotional signs are difficult for most parents, but a keen parent should always look out for a sudden change in the behaviour in their children. If a child is always cheerful and suddenly s/he becomes silent, most of the times this is a sign that something has gone wrong. This should be a cause for worry.

It is advisable that when sexual assault occurs, parents must be careful not to appear blaming or judging the victim. This tends to be an emotional issue and if the parents handle it carelessly, it can traumatize the child who is simply a victim and should not be blamed for the assault.

At this point, parents should rather seek professional assistance like going to the One Stop Centre or any health facility and the Police. They should not attempt to resolve the problem on their own because their emotional state or lack of skill will cause more injury to the child.

The parents are advised to encourage the child to talk and give details which will help when they reach the health centre.

Sometimes parents rush into taking action on their own. This is not advisable because it brings more misery as it fails to resolve the problem.

I received a case of sexual assault from a parent who had already taken the law into his hand, and he lost the case in court.

A girl was waylaid and raped by a man along Lunzu River in Machinjiri. People who were washing clothes saw this happen and rushed to the scene. They caught the man and were taking him to Police when the father hit the man in the head with a blunt object. The suspect collapsed and only recovered from a coma after three weeks. The father spent time in jail and is yet to be tried for assault.

The raped girl sustained injuries but was successfully treated whereas the suspect may not survive his injuries.

We may have a different view, but the court may try the father of the victim as a murder suspect should the injured man die. We advise all parents to be calm and allow the law to take its due course.

Sexual assault is a serious offence and parents can be assured that suspects will face the force of the law when their children are assaulted other than taking the law into their own hands, which in the end disrupt their lives.

The case of sexual assault becomes very complicated when one of the parents or a close relative is involved.

I recall in one of the panel discussions organized by Eye of the Child, there were divided opinions, but each side had some insights useful if properly handled.

Some panellist held the view that if a parent is involved divorce should be the solution to ensure that the offending parent is sent away from the child. This view included imprisonment of the offending parent so that when s/he goes away, the child will be able to develop and forget the traumatic experience. It was noted that leaving the offending parent free will not help in the proper development of the child. The child must be protected at all costs.

A parent who sexually assaults a child is a beast who should not be allowed closer to the child. If the evidence is not good enough for possible prosecution, then divorce should be the solution otherwise the offending parent must not be left to roam on the streets for fear that he will do the same to other children. This argument is backed by the fact that some sexual abusers end up abusing many children not only his or hers.

Such people, it was argued, are a danger to society and should not be left free.

“We have many men who should be in prison now, but some mothers chose to overlook the pain of childbirth and allow a beast of a man abuse their God given

precious gift. These mothers need our support. We must go all over the country and tell them this message: a man who sexually assaults your daughter is a beast and must go where he belongs- the prison," said one of the panellists, attracting a loud applause from the audience.

However, some panellists felt divorce or imprisonment was not a solution. They feel perpetrators require help either spiritually or mere counselling. Treating them as lepers will not solve the problem adding, this may be creating another problem of broken homes. They argued that most of the people who do these perpetrators are people which means, they could be breadwinners in the family.

"Some families have many children. Once the breadwinner is imprisoned the rest of the children turn into destitute, what have we achieved?" questioned one contributor.

This group felt proper counselling and spiritual encounters would resolve the usual and build the families. The debate rages on but a strong feeling prevail that a parent caught in the act must face the law.

Whichever side the debate takes, the concern of the health and law enforcement is the relief the child requires in case of assault.

"We want parents to seek medical assistance and the law enforcement against the will of their parents. Assault of any kind to a child is not welcome. Whoever

is a victim deserving support. The early support one gets determines his or her rehabilitation. Case of sexual assault can impair a child's progress in school and future social relations," she one stop centre expert.

The official says the first preoccupation of a victim's parent should not be revenge. The parent should think of assisting the child first. The child must be helped to tell what happened if this is not the first time to allow her to explain freely. Some children are sexually assaulted several times either because they are threatened, or the abuser is someone they respect, and they do not want to offend him.

Some children pretend to enjoy the abuse to impress the abuser and such situations make it difficult for parents to know the truth until it is very late.

A child who is abused will show signs as explained above and parents must be on the lookout for such signs. The approach to the children should be tactful or else the truth will not be known, and the children will be hurt.

One child psychologist said: "If these victims are not properly treated, they become delinquents and will cost society more in future. They will see the world as a place where hurting someone is the noblest thing.

Early diagnosis and treatment can help rehabilitate such people, who eventually become good citizens of the country."

Chapter Eleven

Creating awareness

Sexual assaults expose children to so many dangers like diseases and actual harm. In some cases, such assaulted girls end up getting pregnant and forced into early marriages depriving them of the opportunity to attain education.

Health officials report that cases of sexual assault continue to grow. The reasons for this rate of growth could be a result of general moral breakdown in society. But some people attribute this to increased awareness and increase in media reports on the issues.

I believe people have always assaulted their children, but such matters were never reported in the media and the public chose to be silent. People have been taught to recognize the importance of preserving children's rights.

I have played a part in influencing government to enact laws like the Child Care, Protection and Justice Act (2010) which outlines all rights and duties for guardians and parents. Parents and Child Care givers as well as the judiciary are now taking keen interest in the welfare of the child.

Initiatives like that of Eye of the Child, which was launched to bring awareness on the provisions of the new law in Blantyre in the two highly populated Traditional Authorities of Machinjiri and Kapeni on a pilot phase are playing a leading role in creating awareness of the dangers sexual assault which led to injuries or early pregnancies.

Sexual Assault has many consequences, so if we want to stop child marriages, everyone must know that sex should be solely for married couples.

I realise that bringing awareness on the dangers of sexual assaults or child marriage, school dropouts, drug abuse, maternal deaths, STIs and other medical conditions like Fistula could greatly help.

Stakeholders like chiefs, religious leaders, government agents like law enforcement agents, social welfare and health authorities should conduct interventions to stop child marriages.

The organization has partnered with the media to ensure that child rights are known to the public. It recently organized a training session with the media, and this will continue. It noted that the media plays a crucial role in creating awareness on issues like these.

I know that girls need to be empowered to stand up against parents or elders forcing them into early marriage and instead stay in school. Sexual assault leads to early pregnancies and child marriages resulting in severe cases of poverty.

I target Childcare workers, Community leaders and law enforcement agents on the provisions of the Child Care, Protection and Justice Act (2010). Parents are discouraged from allowing their children from marrying early but this must extend to religious groups, they should never officiate marriages of underage partners.

Chief Kapeni, who acknowledges the good work being carried out by Eye of the Child in his area says both sexual assault and child marriages are related. He says most girls encounter sex by force either by their peers or older people who force them to engage into bad habits.

“The message to all is that girls or children should not be exposed to sex. Girls must be allowed to finish their school and marry at the right age. There are some parents who harm their children and get away with this. The time has come to put a stop to all these criminal activities. Girls are at risk if they get exposed to early sex,” he says.

The activities being undertaken by Eye of the child include school visits, forming Mother Groups and meetings with traditional leaders, besides teachers and the public on recognizing dangers of sexual assault and early marriages.

If the organization comes across a girl living with an older man, it drags the man to Police because the laws are very clear; a child under the age of 16 should not be

married. The man is guilty of sexual assault and abduction, and he must face the law.

A teacher at Nasengwe School near Lunzu Trading Centre around Chief Kapeni says since the launch of the programme she has seen improvement in attendance of girls at her school.

"Most of our girls used to be frequently absent from school. We noticed that this came about due to sexual activities with older men. Most of the old men now fear prosecution and the girls are being left alone. We feel fear of prosecution for sexual assault is the reason for the change. This project must continue. Most of the girls are forced into sexual activities to get money while others do it under the influence of their parents. It now seems everyone realizes that forcing girls into sex is an offence," she says.

Chapter Twelve

Offenders Punishment

I want to commend Magistrate's Courts who punish molesters with long sentences. The maximum sentence for defilement is life imprisonment but, in some cases, Malawi courts have slapped convicts with less than ten years IHL raising concerns among child rights activists and other stakeholders.

One of the notable cases was that of Canaan Kaunda, 25, who was sentenced to 14 years IHL for defiling a five-year-old girl at Lupaso on Christmas Day (2014). Barely five days later after this sentence, had the same court (in Mzuzu) also slapped Richard Chisale (33) with 14 years IHL for defiling another five-year-old girl and three years IHL for indecent assault of a seven-year-old girl at Luwinga Area 1 B on January 9, 2015

All these men pleaded guilty and were subsequently convicted. They asked the court for lenient sentences saying they were bread winners for their extended families.

However, State Prosecutor Lone Tembo asked for stiff punishment to deter would be offenders from committing similar offences.

First Grade Magistrate, Anthony Banda, who presided over both cases, said such men do not deserve to live in

society because they cause trauma in young girls which lingers on in their minds for so long. He, therefore, slapped them with a total of 14 years IHL, each.

Reacting to the sentences, the deputy police publicist in Mzuzu said such long sentences have helped to reduce defilement cases by 25 per cent, so far in Mzuzu.

“In 2013, we registered 53 cases of defilement while in 2014 we recorded a total of 40 cases. This represents a decrease of about 25 percent in Mzuzu City.

“We attribute the reduction mainly to two factors; firstly, the interface meetings the Community Policing Branch have been conducting in the communities with various opinion leaders on child protection.

“Secondly, we believe that the meaningful sentences our courts have been imposing on offenders have also played a role. And we commend the courts for that,” Sergeant Saulosi said.

He, therefore, called on community members to watch one another for any forms of child abuse and report them to police.

“Perpetrators are mostly stepfathers, uncles, neighbours and, at times, male household servants,” Sergeant Saulosi noted.

Despite stiff punishment being imposed on people found guilty of defilement in Nkhata Bay district, the abominable behaviour seems to be on the rise as

another 42-year-old man was in police custody for defiling his four-year-old daughter.

Nkhata Bay district has of late witnessed a flood of defilement cases, with the district's First Grade Magistrate Billy Ngosi saying recently that over 24 defilement cases have been brought to the court this year alone.

In the latest episode, Blackson Mhone who hails from Mankhumba village in Traditional Authority Timbiri in the district is alleged to have defiled his four-year-old daughter after taking advantage of his wife's absence.

Nkhata Bay police spokesperson, Ignatious Essau said between 2 and 5 November 2015, the accused took advantage of his wife's temporary absence that left the four-year-old daughter with him but later allegedly defiled her.

"When the mother returned, she noticed that her daughter was having difficulties in sitting and when she queried the daughter (victim), she clearly mentioned that her father was the one who sexually abused her," said Essau.

The police spokesman further explained that the matter was reported to police where the victim was referred to Nkhata Bay District Hospital. Upon examination, it was revealed that the minor was indeed defiled.

The suspect is currently remanded at Nkhata Bay Prison waiting to appear before court to answer defilement

charges which if convicted attracts a maximum sentence of 14 years imprisonment with hard labour IHL.

In a space of less than two months, the Nkhata Bay Magistrate's court has convicted over five people on defilement charges; a situation which Magistrate Ngosi describes as worrisome considering that those convicted were being given stiff sentences.

"It's sad to see that despite this court giving out stiffer to those convicted of defilement, the vice seems not to stop in the district as more people continue to commit such offences," said Ngosi.

He further expressed sadness that those people who would have been in the forefront protecting child rights are in the fore violating them.

Meanwhile as Blackson Mhone is waiting for his trial, the Nkhata Bay First Grade Magistrate court convicted and sentenced Harrington Phiri, (22) to seven years imprisonment with hard labour for being found guilty of defiling of a standard eight pupil.

The court heard that in October 2014, the convict had a love affair with the 15-year-old girl who is in standard eight at one of the primary schools in the district which resulted in the girl losing interest to continue with her education.

Phiri was said to be conniving with the girl's grandmother to convince the girl so that he should marry her, but this did not please the girl's father more

especially he saw his daughter coming out of the Phiri's house one day.

A very angry father took both to Nkhata Bay police station where he lodged a complaint resulting in Phiri being locked up and charged with defilement.

In the court, Phiri denied the charge of defilement but the state through Police Prosecutors leads by Inspector Evance Kamtukule paraded three witnesses who testified against the convict. The court then found him guilty as charged.

In mitigation, Phiri pleaded for lenience and asked the court to give him a non-custodial sentence.

"I'm pleading with the court not to send me to prison as doing so would jeopardize my future plans since my mother is just a prostitute and that I want to continue with education," Phiri pleaded.

However, Inspector Kamtukule asked the court to give him a stiffer sentence to warn would be offenders.

"My worship, I pray that the court should give the convict a stiffer sentence so that other would-be offenders could learn a lesson as cases of defilement are becoming rampant in the district," Inspector Kamtukule prayed.

The Presiding Magistrate, Billy Wankaya Ngosi then sentenced Harrington Phiri to 84 months imprisonment with hard labour.

Harrington Phiri hails from Chimeji village in TA Mtwalo in Mzimba district.

As I am writing this book, 39-year-old man in Lilongwe on Wednesday escaped justice by hanging himself after a 13-year-old girl he had abducted and repeatedly defiled escaped and disclosed her ordeal to her parents.

The incident took place in Area 25's Chambu location where the girl and the man resided within the same neighbourhood.

Kanengo Police confirmed the incident and said the body of the man, identified as Hardwell Banda, was found hanging in his house a day after the girl had revealed about the abduction and defilement.

Spokesperson for Kanengo Police Station, Sgt. Esther Mkwanda, told Mana that Banda abducted the girl and kept her from 25 - 27 October 2015, and that during that period, he defiled the girl repeatedly.

"The girl escaped from Banda's bondage on October 27th and told her parents who took the matter to the area's community policing for action," explained Mkwanda.

"Banda's body was discovered by the community policing members on Wednesday, October 28 and he had left a suicide note," added Mkwanda, without giving details of the suicide note's contents.

She said postmortem report of Banda's body revealed that death was caused by suffocation due to the hanging.

She also said medical examination on the girl's private parts confirmed that she had indeed been defiled.

Banda, who was married before but was until the incident above staying alone, hailed from Chitanda Village, Traditional Authority Kabudula, Lilongwe.

Machinga has recorded at least 68 and 7 cases of defilement and rape respectively since January 2015, numbers that have worried the Women Judges Association of Malawi-WOJAM.

The grouping has since identified culture and poverty as major factors leading to an increase in Gender Based Violence-GBV.

Speaking during an awareness campaign on GBV at Ntaja Trading Centre in Machinga on Friday, a member of WOJAN, High Court Judge Zion Ntaba said GBV cases were affecting women and children physically, psychologically, and economically.

"I believe there are number of issues which are fuelling cases of rape, defilement and property grabbing. They include culture and poverty in Machinga and Malawi at large," said Ntaba.

Ntaba noted that many women choose to remain silent when victimized for fear of losing luxuries after divorce.

"We are conducting awareness campaigns in order to sensitize people that courts are there to provide services in terms of justice to them. Most of such people (women and vulnerable people) do not know what to do when one is sexually abused", explained Judge Ntaba.

Group Village Headman Mpasuka of the area admitted that some cultural practices like kusasa fumbi, kulowa kufa and men sleeping with their daughters when their spouses fall sick promote sexual abuse.

Mpasuka then pledged to work hand in hand with the Victim Support Unit to abolish such practices and any form of GBV.

WOJAM is a grouping of female Judges aimed at bringing justice to women and vulnerable people. It operates under the theme 'bringing the law and court to the people'.

As I am writing, I am waiting to see what happens to six men of Dixon Village, Traditional Authority Mpando in Ntcheu are being kept under custody at Ntcheu Police Station for allegedly, on different occasions, defiling a 14-year-old girl of the same area.

According to Ntcheu Police Public Relations Officer, Sub Inspector Gift Matewere, police investigators Thursday identified the six as Julio Richard 52, Weston James 50, Finias Malemia 60, James Billion 35, Fia Gunde 24 and Silino Matiki 52.

"The victim revealed that she was feeling pain on her private part because she had sexual intercourse with one of the suspects," said Matewera.

He said after questioning her, the girl revealed to her grandmother that she had been sleeping around with different men who had been giving her money since last year.

Matewera said the matter was then reported to police who instituted investigations which led to the arrest of the six suspects.

"Medical report obtained at Katsekera Health Centre in the district has confirmed that the girl had been defiled several times," he said.

The six have since been charged with defilement contrary to section 138 of the Penal Code.

Most criminal offences of morality related to children are governed under the Penal Code in Malawi. The Penal code defines a child as a person under the age of eighteen years.

The criminal law as noted in the preceding chapters. Defines "**sexual activity**" as sexual **contact** other than Sexual intercourse (whether between persons of the Same or opposite sex) in the form of genital; Oral-genital, anal-genital contact or otherwise, masturbation, touching of genitals, buttocks or breasts; Sadistic or masochistic abuse and other deviant sexual behaviour.

"Prohibited sexual act" includes sexual intercourse, anal intercourse, masturbation, bestiality, sadism, masochism, fellatio, cunnilingus, or nudity if the nudity is depicted for the purpose of sexual stimulation or gratification of any person who may view such depiction; "material" includes (a) an object; (b) a still visual image of any kind, whether a drawing, painting, photograph, or other representation on a surface of any kind, and whether printed or not; (c) a moving visual image of any kind. Whether produced from a cinematographic, video tape or other medium; or (d) a hologram.

"Offensive material" means material that.-. (a) Describes, depicts, expresses, or otherwise deals with matters of sex, drug misuse or addiction, crime, cruelty or violence, or revolting or abhorrent phenomena, in a manner that is likely to cause offence to a reasonable adult; (b) depicts a person (whether engaged in sexual activity or otherwise) who is, or who is apparently, a child under the age of sixteen years in a manner that is likely to cause offence to a reasonable adult; (c) describes, depicts, expresses, or otherwise deals with sexual activity of any kind between a human being and an animal.

In the law, any person who engages or indulges in sexual activity with a child shall be guilty of an offence and shall be liable to imprisonment for fourteen years.

If the offence is committed in circumstances of aggravation, the offender shall be liable to imprisonment for twenty-one years.

The "**circumstances of aggravation**" means the accused is armed with any dangerous or offensive weapon or instrument or pretends to be so armed.

The accused is in a company of another person or persons; the accused by his acts or conduct wounds, maims, disfigures or endangers the life of the victim; the accused does an act which is likely seriously and substantially to degrade or humiliate the victim; or the accused threatens to kill the victim; the accused is a stepparent.

The Foster parent, teacher, and guardian or is a person who has the guardianship or charge of the child or is a person with whom the child is living as part of the accused's family.

Any person who, whether in public or private-procures a child to commit any act of gross indecency with him or with another person; or commits an act of gross indecency with a person of the same or opposite sex in the presence of a child, shall be guilty of an offence and shall be liable to imprisonment for fourteen years.

Any person who, with intent to commit an offence, shows, sells, or exposes offensive material to a child, shall be guilty of an offence and shall be liable to imprisonment for seven years.

Any person who causes or permits a child to be engaged in a prohibited sexual act or simulation of such act if the person knows or has reason to know or intends that the prohibited and may be photographed, filmed, reproduced, or reconstructed in any manner or may be part of an exhibition or performance; photographs or films of a child in a prohibited sexual act or in the simulation of such an act or uses any device to reproduce or reconstruct the image of a child in a prohibited sexual act or in the simulation of such an act:

Knowingly receives for the purpose of selling or knowingly sells, procures, manufactures, gives, provides, lends, trades, mails, delivers, sends, transfers, publishes, distributes, circulates, disseminates, presents, exhibits, advertises, offers or agrees to offer any photograph film, video tape, computer programme, video game or any other reproduction or reconstruction which depicts a child engaging in a prohibited sexual act or in the simulation of such act: knowingly possesses or knowingly views any photograph, film, video tape, Computer programme, video game or any other reproduction or reconstruction which so depicts a child, shall be guilty of an offence and shall be liable to imprisonment for fourteen years.

Any person who causes or procures any child, or being a parent or guardian of the child allows the child to take part in any public entertainment of an immoral nature, which is dangerous to life or prejudicial to the health, physical fitness, and kind treatment of the child, shall be

guilty of an offence and shall be liable to a fine of MK 100, 000 and to imprisonment for seven years.

If the person convicted of an offence that allows the child to take part in any public entertainment of an immoral nature is the holder of a licence issued under a law regulating public entertainment or under any other relevant law, the court may also order the cancellation of the licence or its suspension for such period as the court may think fit.

It shall not be a defence to a charge for an offence that the accused did not know that the child in respect of whom the offence was committed was under the prescribed age of eighteen years or believed that the child was not under that age.

Chapter Twelve

Responding to child sexual abuse (source credited to Malawi News Agency)

In a rare move of activism, a female student teacher in Ntchisi defied all odds to bring out abuses of a 14-year-old girl student at Kalema primary school, who was allegedly being defiled by her uncle. She made an initiative of taking the matter to different relevant authorities.

The teacher, Mervis Chiwanda, noted strange behavior in one of her standard six girl pupil (name withheld) and upon confronting her, the girl admitted having been repeatedly defiled by her uncle each time her aunt was away.

"The girl could not concentrate; she was daydreaming every time she was in class. I knew she had a problem. She revealed to me that her uncle was defiling her and that she was pregnant. I felt very angry about it," said Chawanda in court on that Tuesday when she testified against the girl's uncle.

The female teacher said upon learning of the abuses the girl was going through at her home, she took the issue to the school headmaster and women care group who both said could not handle the issue because the perpetrator was a ruffian.

"I was very demoralized, when they openly told me that the perpetrator was a bully, and he could deal with them if he discovered that they were pushing the issue. I felt very bad, but I was determined to take it further because I knew the girl's future was being doomed when we stood aside watching," said the student teacher.

Chawanda later took the issue to a district-based youth organization and then later to Plan Malawi who helped her take the issue to police for intervention.

"It was very unfortunate that even government institutions whose mandate is to protect children could not come forward to help me despite my reports on the matter. It was all my game, and I was ready to play it alone because I wanted to see the girl rescued," she said.

Chawanda said after few days of pushing for justice on the issue, the girl was forced to abort right in her guardian's house. She was given some drugs that she was forced to swallow and another inserted in her private parts.

"This even made me angrier than before, the girl went through hell, This was vividly shown through her tears as she narrated this to me. She was given the drugs around 9am but aborted around 5pm while alone in the house. I hear a certain doctor came to do this on her, I wish I knew the name of the doctor," said the teacher.

The teacher said she is relieved that the issue is now in court but was very worried about the girl's security because she was still staying in the same house.

"Imagine she is the one who takes food to her so-called uncle who is on remand at Ntchisi Prison. Is that fair? How psychologically affected is this girl? I am afraid, failure to keep her away from this home will compromise justice because anything can happen to her," she said.

During court proceedings, the girl had problems to narrate the ordeal. She only said she was defiled more than once. Her teacher came in as a prime witness in the case which the uncle is denying. At the end of the day there was a problem to find a safe place for the girl's accommodation as responsible institutions pushed her to each other.

An official from Ntchisi Organization for Youth and Development (NOYD), Habil Kalumo, who has been helping Chawanda on the girl's issue, said that the police and the organization agreed to repatriate the girl to her home in Mulanje where her biological parents live.

"All this is happening while her parents are alive but am sure they are ignorant of their daughter's situation here in Ntchisi. We wish she stayed with them for her safety. So, we are escorting her to Mulanje as she has already testified in court," said Kalumo.

If you are concerned about keeping your child safe from sexual abuse, this is your chance to create a safer environment and a support network for everyone in your family. Youngsters are immediately safer when parents and caregivers take the time to learn about sexual abuse.

Chapter Thirteen

Conclusion

As I conclude this book, I have lots of files for girls of all ages that have fallen victim to sexual abuse.

Most of these cases have evidence of sexual abuse and violence against children in Malawi. These are cases mostly about incest and abuse that are widely reported in families and communities.

Children are sexually abused by members of their family or extended family, by family friends, neighbours, and caregivers.

Sexual violence in schools is also increasingly reported. Teachers use their privileged status while classmates use gender discrimination and peer pressure to get sex in exchange for material benefits, examination favours and academic favours such as helping in difficult subjects.

Rape and sexual harassment have been reportedly perpetrated and regarded as one of the reasons for girls' low academic performance, erratic attendance, and high drop-out rate.

In an environment of increasing family poverty, limited educational opportunities, traditional cultural practices such as property dispossession and almost non-existent legislation, children are often expected to help and support the family financially. This is particularly true for girls, whose position within the families and within the communities is less valued by the Malawian society.

Lack of knowledge on what awaits working children and indifference on the children's well-being compounded by dire poverty, lead the families to send their children directly into exploitative and hazardous labour and, ultimately, commercial sex.

Children's sexual exploitation in Malawi takes the form of child prostitution in communities, larger cities, and towns where tourism takes place as well as the rural areas of the country. Young girls are sexually exploited within communities for commodities such as food and clothing, especially in situation of economic instability.

Child prostitution is evident in the main cities of Malawi and occurs outside nightclubs and hotels where sex exploiters are local men.

Girls are often more vulnerable to different forms of gender-based violence, abuse, and exploitation. They continue to suffer from several forms of discrimination and inequality especially in rural areas. There are several traditional and cultural practices that negatively affect girls.

There is also low participation of the girl child in education and in public life. Factors that contribute to this position include low persistence in school, low achievement, low quality of education and sexual and other forms of abuse in the school.

The lack of education contributes to lack of confidence and dis-empowers the girl child from being assertive and making independent choices. This also contributes to the low participation of girls in public life even in later years. A girl's education is seldom considered important, and it is sacrificed for early marriages.

Girls also suffer poor health and nutritional status than boys. The problem is further compounded by poor reproductive health services information. Most girls become sexually active at an early age and thereby becoming prone to teenage pregnancy, abortion, and exposure to venereal diseases. Complications related to early pregnancies, maternal deaths, lack of obstetric services and safe abortion also comes into the picture.

Vulnerability of girls has been increased by the HIV and AIDS pandemic. Statistics have shown that the rate of infection is higher amongst girls than boys. Apart from the reasons raised above the increase has also been attributed to the practice and belief by adult males that having sex with a virgin will cure them of HIV and AIDS.

Girls become more vulnerable when found in other vulnerable positions. As a child worker I believe girls suffer sexual abuse and double heavy workload when

they must combine the work at home and that outside the home. Similarly, as street children the evidence is that girls are likely to be sexually abused by fellow street boys and adults. Girls are also likely to engage in prostitution when on the street just to earn a living. **The end**

About the Author

Maxwell Matewere, fondly known as "*Mr. Human Rights*," was the Executive Director of Eye of the Child (2008 – 2018), President for the Southern African Network against Trafficking and Abuse of Children (SANTAC), the Board member of the Malawi NGO Regulatory Board, has been the Vice Chairperson for the Council for Non-Governmental Organization in Malawi (CONGOMA). He was



the Patron for Gateway of Hope, an organization that aids victims of trafficking in person in Malawi.

He worked as a Commissioner for the Malawi Special Law Commission on the Development of Trafficking in Person legislation and supported the development of the Child Care, Protection and Justice Act (2010); Gender Related Laws; Prevention of Gender Based Violences and many other Laws in Malawi including the Constitution. Maxwell was one of the founding Board members for the NGO Gender Network (NGOGCN) and the Human Rights Consultative Committee (HRCC). He has worked tirelessly for more than two decades to

advocate for most vulnerable children and families in Africa.

Matewere was Malawi's leading Child rights expert and social justice warrior; fighting against systems and institutions that force Malawi's children into a life of poverty and exploitation. He is author of nine books including a book on Trafficking in Persons in Malawi, the untold stories and then Advocacy for Children.

In 2008, Eye of the Child was recognized by the Government of Malawi as a *"human right social mobilisation and awareness champion,"* for its approach to societal transformation. Matewere led a Pan-African group of child rights organizations that worked to prevent child trafficking into South Africa for prostitution during the 2010 World Cup. He supported the Government of Malawi to close foreign run orphanages that were acting as a transit point for illegal adoption.

Matewere believes that "child protection is what society owes to the children," and that poverty should never be used as a reason to subject children to slavery and abuse. All children deserve to thrive and achieve their dreams. Matewere wants the world to know that Malawi's children are passionate, strong, and determined. He is committed to the fight against all forms of abuse, exploitation, and violence against children in Malawi.

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