

How Kenyan girls are using the law to fight back against rape

The 160 Girls project is taking Kenya's government to court for not protecting women from rape

Posted by Liz Ford Tuesday 4 December 2012

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A poster warning against rape on a street in Nairobi, Kenya. Photograph: Simon Maina/AFP/Getty Images

Child marriage, acid attacks, tyrannical male guardians and culture and traditions so ingrained that young men see the casual sexual assault of women in the streets as justifiable.

These are just some of the challenging topics discussed at the [Trust Women](#) conference, which began in London on Tuesday.

But among the disturbing stories shared by speakers from around the world came one particularly feisty tale of hope – an organisation that is taking the Kenyan government to court for not protecting girls from [rape](#) or putting their rapists on trial.

The [160 Girls](#) project is a legal initiative that is seeking justice for the thousands of young women and girls who are raped and routinely ignored by the authorities. Despite [Kenya's](#) impressive suite of gender laws promising protection against assault, their implementation is not guaranteed. The law against rape – or defilement, as it's known in Kenya – is one such law.

"The government has done very little to effect laws," Mercy Chidi, programme director at [Ripples International](#), told the conference. She has seen first-hand the emotional and physical consequences of sexual assaults on Kenyan girls. "We have good laws but unless they are effected, what are we doing?" Her organisation has "rescued" more than 270 girls who have been raped and who, as a result, find themselves in vulnerable situations. Some are pregnant. The youngest child so far has been three, the oldest 16. After hearing the "devastating" girls' stories, Chidi started to wonder whether there were ways to "hold the state accountable for not helping girls".

Enter [The Equality Effect](#), an NGO that uses human rights laws to improve the lives of women and girls. The organisation brought together Chidi and her team

on the frontline, social workers and a group of lawyers from around the world to look at ways in which the Kenyan government could be held to account.

Fiona Sampson, executive director of The Equality Effect, told the conference that these three groups "looked at all options" of taking civil or criminal claims against the government for not acting on claims of defilement. The term "defilement" is problematic in itself, says Sampson. It's a British term that originally referred to the defilement of property.

After a year of research and discussion, the group decided to bring a claim against the government under the equality provision in the country's 2010 constitution. "The police fail to protect girls from rape and effect the law, which constitutes sex and age discrimination," said Sampson.

It took another two years to gather the evidence from those who had experienced sexual assault. But on 11 October this year, on the [first UN international day of the girl](#), 160 Girls made legal history in Kenya by submitting its claim to the high court.

"We're looking forward to celebrating the next victory, the declaration that police must effect existing laws," says Sampson. Now begins the waiting game for the result. I'm sure I won't be the only one keen to hear the outcome.