

## ●●● Speaker's Corner: African project's success an example of why we went to law school

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Many lawyers in Ontario are familiar with the "Why I Went to Law School" campaign launched by the Ontario Bar Association last year. It's a great effort aimed at improving the image of a profession sometimes sullied by the conduct of a few. The campaign allows lawyers a platform to connect with the community by revisiting the journey taken to earn a law degree and tying it to the status they now enjoy. Many of the stories speak of struggles and a desire to help others overcome adversity.

The altruistic desire to help others less fortunate is something most lawyers apply in either their work or through their community involvement. Indeed, most successful law firms make significant contributions to those less fortunate through *pro bono* assistance and financial donations. This reputation has led to lawyers and law firms being prime targets for solicitations for donations of money and in-kind services. With the many good causes and worthwhile charities to choose from, however, it's often difficult for lawyers and law firms to decide where to invest their energies and financial contributions.

In our globalized world, although domestic charities are no less deserving, it is important to consider what we as lawyers can do beyond our borders to improve the lives of others. Africa is home to many of the poorest countries in the world. Many studies suggest the best way to help people in Africa is to invest in women and girls because the improvement of their lives has an important positive impact on others in their communities. These studies also suggest that where women and girls do not suffer oppression, there is greater prosperity and peace.

In 2010, with the audacious goal of changing the lives of women and girls in Kenya by protecting them from rape, a group of Canadian and African lawyers mapped out a legal strategy to mount a constitutional challenge on behalf of some 160 girls between the ages of three and 18 who had been the victims of rampant, unpunished rapes in Meru, Kenya. These girls had been housed and treated at a shelter run by Ripples International, and with that charity's support, they signed on with a Canadian-based international non-governmental organization called "the equality effect" to launch the case.

The equality effect actively fundraised for the 160 Girls project in Canada and targeted the legal community to support this novel test case. As lawyers, we understand the ways in which this type of litigation can work to change public perceptions even if it doesn't succeed in the courts. As Canadians, we are also familiar with the Jane Doe case that held the police accountable for their failure to protect the women of Toronto from the balcony rapist. It was a case the 160 Girls project relied on as a precedent.

On Oct. 11, 2012, the International Day of the Girl Child, the 160 Girls case began. The claim was that police inaction and negligent handling of rape cases had violated the girls' constitutional rights to equality, security of the person, and dignity and constituted a violation of international human rights law. On May 27, 2013, the High Court of Kenya agreed with the 160 girls when it issued a scathing indictment of police handling of rape cases and ordered the Kenyan police service to conduct prompt investigations and lay charges in both current and future cases. The case provides a solid legal precedent for similar proceedings in other jurisdictions. Following the international media attention garnered by the landmark ruling, the equality effect received many requests from women's groups in other countries to help launch similar claims.

In addition to targeting a similar action in Malawi, there is ongoing work by the equality effect to ensure authorities implement the 160 Girls decision in Kenya. A public education and awareness campaign, including billboards about the 160 Girls decision, has been launched in Kenya to kick off the campaign.

The amazing success of the 160 Girls project was achieved with the help of lawyers from around the world, including a dedicated group of Canadian counsel working *pro bono*, primary Canadian funders, and several Canadian law firms that made generous contributions. That success is a testament to the valuable contribution Canadian lawyers and law firms can and do make to international human rights work.

Four leading Canadian law firms signed on to contribute financially for three years to support the ongoing 160 Girls project: Borden Ladner Gervais LLP, Blake Cassels & Graydon LLP, Fasken Martineau DuMoulin LLP, and Koskie Minsky LLP. We are very proud to count our firm among them.

The support of the Canadian lawyers and firms in the 160 Girls project has already helped achieve a critical legal precedent for girls' rights in Africa. It is thrilling to play a part in the story that saw these 160 courageous Kenyan girls challenge their state and win. The equality effect and Ripples International have helped set the high-water mark for a model of collaborative and innovative social justice work we hope to see adopted elsewhere.

This is exactly the type of work we as lawyers need to get more involved in and find ways to support, particularly when we don't practise in the human rights field. It's also extremely rewarding to take part in fundraising for a cause that has such a big impact on the future of a continent.

While we always hope to make a small difference everyday in the lives of our clients or in upholding the law, there is something very special about having a far more significant and ambitious goal. This is why we went to law school.

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*Steven Rosenhek is a litigator and May Cheng is chairwoman of the Toronto intellectual property group at Faskens. For information on the 160 Girls project, contact executive director Fiona Sampson at [fsampson@theequalityeffect.org](mailto:fsampson@theequalityeffect.org).*