



Canadian activist Fiona Sampson, with The Equality Effect, a Toronto-based organization, travels with two girls in Meru, Kenya. (The Equality Effect)

## Sexual-assault complainants in Kenya win legal victory against unresponsive police

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When hundreds of Kenyan girls went to the police in the town of Meru over the past several years to report that they had been raped, the officers responded with irritation. They yelled at the girls, showed disbelief, blamed the victims, humiliated them, demanded money and refused to take action.

But then the girls took an extraordinary stand: With the help of local activists and a Canadian-based human-rights organization, they went to court to force the police to investigate and prosecute the rape cases.

And this week, in a landmark decision, the girls won a stunning victory. The High Court of Kenya ordered the police to enforce the rape laws and take action against the perpetrators.

By failing to act on the rape cases, the police had created a “climate of impunity,” the court said in its ruling, seven months after the court challenge began.

Because of this impunity, “the perpetrators know they can commit crimes against innocent children without fear of being apprehended and prosecuted,” the court said.

This makes the police “directly responsible” for the physical and psychological damage suffered by the rape victims, the court ruled.

If the police now fail to obey the court judgment, they could face prison sentences or fines for contempt of court.

The ruling could have a major effect across Africa, where the same legal weapons could be used to ensure that rapists are prosecuted. The Canadian rights group is supporting a similar case in

Malawi and it plans to proceed with a third case in Ghana. It has also received requests for legal help to launch similar cases in several other African countries, including Uganda and Tanzania.

The case in Kenya was launched on behalf of about 240 girls below the age of 18, some as young as 3, who have been given medical care and shelter at a rescue centre in Meru after they were raped by fathers, grandfathers, neighbours and others.

A local activist, Mercy Chidi, who runs the Meru rescue shelter, launched the court case last October with a representative group of 11 of the girls. Legal resources for the case were coordinated by The Equality Effect, a Toronto-based organization.

The group's executive director, Fiona Sampson, said the court decision was a victory for girls around the world. "The court's ruling recognizes that the failure to provide girls with access to justice is a violation of their human rights and cannot be tolerated," she said in a statement.

Ms. Chidi, who has faced death threats and rape threats as a result of her work for rape victims, said the court ruling will force the police to "do their job" for the victims. "This glorious victory holds the police accountable," she said.