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*1. Update on "160 Girls" Kenya -*

The equality effect is making good progress with the national implementation of the "160 Girls" High Court decision. The landmark "160 Girls" decision provides for access to justice for the girls from Meru, Kenya that inspired the adoption of the case (rape victims between the ages of 3-17), and legal protection from defilement for all 10,000,000 girls in Kenya. There has been some improvement in the police treatment of defilement cases in Meru since the release of the Court's decision. The cases of the 11 lead petitioners are being investigated by the police, and some arrests have been made and convictions secured. For example, in the case of M.M., the eight year girl who was abducted from her home by 3 men and repeatedly raped in a neighbour's field, 2 of the 3 perpetrators have been arrested and convicted. Police are attempting to locate and arrest the third perpetrator.

The equality effect's goal is to ensure that the full potential of the "160 Girls" decision is reached, and that the benefit of the decision, ensuring the police enforcement of existing rape laws, is enforced throughout Kenya. *The equality effect* is expanding the monitoring and documentation of the police treatment of defilement to 5 new districts in Kenya through partnering with rape centres in these new districts. The defilement of girls is a practice that occurs across Kenya, but out on the coast where *the equality effect* is now also working, the sexual violence is compounded by the prevalence of forced early marriage and sex trafficking of young girls.

Working with these rape centre partners, *the equality effect* is monitoring and documenting the police treatment of defilement before and after the delivery of the police training (training that includes front line police working with community police and local community leaders). *The equality effect*, in partnership with the Kenya National Commission on Human Rights, at the request of the Kenyan police, is providing training in the "160 Girls" decision and international best practices in defilement investigations. *The equality effect* is developing a defilement investigation phone app which will be the first of its kind internationally. The police training will include a train-the-trainer component, and will also be delivered through the Kenyan Police College; it should take approximately a year to deliver.

Once the pilot period is successfully completed, the plan is to scale up the project and expand it to cover the rest of Kenya. *The equality effect* also intends to deliver public legal education to

ensure that local communities know their rights under the “160 Girls” decision. We are grateful to [BBDO Advertising](#), for their help developing the media materials to support the public legal education work. We are also grateful for the support of Prof. Delaine Hampton of the Rotman School of Management, University of Toronto, for her help developing measurement tools to track the project’s success. And we are grateful for the support of Prof. Dan Ariely, Duke University and his team for their help applying a Behavioral Economics lens to the “160 Girls” implementation work (click here to learn more about Dan Ariely’s work, featured in his NYT bestseller [“Predictably Irrational: The Hidden Forces That Shape Our Decisions”](#)).

The “160 Girls” implementation work will bring police, communities and key stakeholders together to effect meaningful change, similar to the way in which drunk driving campaigns have worked. The “160 Girls” legal victory marks a historic moment in the realization of the fundamental human rights of Kenyan girls, and girls internationally. *The equality effect* is committed to ensuring that the full effect of the Court’s order is achieved.

[For photos from work on the “160 Girls” Kenya National Implementation Project, please click here](#); below: University of Nairobi, “160 Girls” Event, February 2014 from left to right: Dr. Winnie Kamau, University of Nairobi and member of *the equality effect* Advisory Committee and “160 Girls” team; Dr. Ruth Aura, FIDA-Kenya Chair (FIDA-Kenya intervened in the “160 Girls” case); Muthomi Thiankolu, lead counsel on the “160 Girls” case; Fiona Sampson, Executive Director, *the equality effect*.



2. Defilement and the Corroboration Requirement in Malawi -

The equality effect is moving forward with "160 Girls" in Malawi – the current focus is on the evidence collection work to support a legal challenge that the corroboration requirement, i.e.: the need for third party witnesses and/or medical evidence to prove a defilement/rape claim, is discriminatory.

The oft-cited corroboration quote of Salmon LJ in *R v. Henry and Manning* (1968) is as follows: "... in cases of alleged sexual offences it is really dangerous to convict on the evidence of the woman or girl alone. This is dangerous because human experience has shown that in these cases girls and women do sometimes tell an entirely false story which is very easy to fabricate, but extremely difficult to refute."

Sasha Hart, Legal Counsel with *the equality effect*, recently spent 4 weeks in Malawi. Here's Sasha's report from Malawi: I spent four highly productive and action-packed weeks in Malawi, working with e²'s local partners, WLSA (Women and the Law in Southern Africa) - Malawi and the Women and the Law Network at the University of Malawi, to help lay the groundwork for "160 Girls" Malawi. This work included collecting evidence of the detrimental impact of the common law corroboration rule - a discriminatory rule that requires a higher evidentiary burden in sexual offences. Interviews with experts and rape survivors brought me to places as varied as the chambers of High Court judges, to police stations, to the hospital where survivors go for medical examinations, and to the homes of survivors in some remote villages. (I was pleased to receive a bag of maize from one woman as a generous token of appreciation for having visited and documented her story).

With the help of local contacts such as social workers at the "One Stop Centre" for victims of gender-based violence, we met with women and girls whose rape cases risk being acquitted due to lack of corroboration. We documented the details of these cases. I was struck by the determination of these girls and women to pursue justice despite all of the contextual challenges: the long walks and costly bus rides to the hospital, police station, courthouses, over and over again, only to be told that justice would be delayed yet again that day. Cathy's anger was palpable as she described not having been able to access justice for her gang rape, despite that one of the perpetrators was caught and arrested at the scene of the crime. In Esther's case, the hospital has lost her medical report and the court will not proceed without this corroborative medical evidence, despite the fact that the accused has pleaded guilty to raping her. Esther's anger with the justice system and at these legal rules that devalue women's testimony had faded by the time we spoke. She said she was simply "heartbroken" by the court's treatment of her case. *The equality effect* will continue to work with our partners to track these cases and to collect evidence of how the corroboration rule is impeding access to justice at the police, prosecutorial and court stages of the process.

We also conducted legal research to support the claim that the corroboration rule has a detrimental impact on sexual assault survivors. Legal databases such as *Quicklaw* or *Lexis Nexis* do not exist in Malawi, and this research required many day long trips, down bumpy-roads, out to various courthouses to review dusty, physical court records, to identify relevant cases, and then find a photocopy shop in town to make copies of the court decisions.

With the help of our local partners, and as a result of the consultations with other local experts, we have a clear legal strategy going forward, and a methodology for continuing to collect evidence and identify claimants. This important progress, coupled with all of the local enthusiasm about the project that we have encountered, makes e² confident we'll make "160 Girls" legal history in Malawi!

For photos from *the equality effect*'s recent work in Malawi, please [click here](#); below Sasha Hart, e² Legal Counsel, meets with a defilement victim and her mother.



3. New equality effect Facebook page –

Please visit [the equality effect's new Facebook page](#); you'll find regular updates on *the equality effect*'s work posted here, as well as links to news and publications related to *the equality effect*'s work. Many thanks to Allison Lowenger for her stewardship of *the equality effect*'s Facebook site. Don't forget to "like" our page and invite your friends to do the same!

4. The equality effect "in the news" -

The following is some of the recent media coverage relating to *the equality effect*'s work:

- ["Little Voices, Big Message" ELLE Magazine.](#)
- ["Innocence Lost: Fighting to Protect the Girls of Malawi", Globe & Mail.](#)
- ["African Project's Success an Example of Why We Went to Law School" Law Times.](#)
- ["Anti-Rape Campaign", Marketing, Media, Advertising and P.R. in Canada.](#)

5. Asante sana, zikomo kwambiri, meda ase ("thank you") -

Many thanks to *the equality effect*'s huge team of volunteers that supports our human rights work. Every year the legal volunteers alone donate over \$1.5 million of invaluable pro bono hours to *the equality effect*. Special thanks at this time to the members of *the equality effect* team that have helped raise funds over the past several months; without their critical support, *the equality effect*'s work would not be possible: George Angel, Vicky Bassett, Marcia Cardamore, Brian Cartwright, Meredith Cartwright, May Cheng, Eve-Anadel Coronada, Laura Dowsley, Soraya Farah, Cindy Gawrych, Michelle Hayward, Karen Jenson, Jacquie Labatt, Sue McPhedran, Velma Morgan, Jan Petropoulos, Taylor Russell, and Deniz Sevincer. To [see photos of Eve-Anadel's team climbing Mt. Kilimanjaro in support of *the equality effect*'s "160 Girls" click here.](#)

Many thanks also to *the equality effect*'s generous funders, partners, and many donors, without whom the critical human rights work of *the equality effect* would not be possible. Fundraising to support the above work continues; your contributions are always appreciated and [you can donate on-line.](#)

Thanks to our sponsors, funders, and partners!





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