

# "Victory" as Kenya police jail child rapists after court order

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NAIROBI, Dec 4 (Thomson Reuters Foundation) - Two men have been jailed for gang raping children after Kenya's high court ordered the police to re-open 10 cases where officers had yelled at, demanded bribes from and even locked up girls who tried to report rape to them.

The **2013 court ruling** came after a rescue centre in Meru, 240 km (150 miles) northeast of the capital Nairobi, sued the police for failing to investigate hundreds of child rape cases which it **reported to them**.

"We have had success," said Fiona Sampson, one of the lawyers in the case and executive director of a Toronto-based legal rights network, the **Equality Effect**.

"We have had access to justice in 80 percent of the girls' cases that were involved in the litigation. That feels like victory."

A third suspect in one of the gang rape cases has been arrested and is in court.

One in three Kenyan girls experience sexual violence before the age of 18, a 2012 **government survey** found, but they rarely report it due to stigma and lack of faith in the police and the criminal justice system.

Around 700 police officers are being trained in the best practices for investigating child rape, as a result of the 2013 court ruling, with plans to roll out nationwide training in 2016. The first 50 senior officers received their training last week.

"The Kenya High Court decision in Meru ... was a serious indictment on the National Police Service," Ndegwa Muhoro, the police's director of criminal investigations, told them at the four-day course run by Canadian and Kenyan police and lawyers.

"Let's give the police service a human face," he added.

While Kenya's estimated 80,000 police officers often lack resources, like transport, to investigate cases, attitudinal change is key, experts said.

"It's all about building a relationship," said one of the trainers, Inspector Tom McCluskie, who has worked as a police investigator in Canada for 25 years. He said he cannot remember the last time he failed to secure a conviction in a child rape case.

"They don't spend very much time building a rapport with their witnesses, therefore their cooperation is at a lower level."

In Canada, investigators never wear uniforms when interviewing children, avoid direct questioning and do not discuss the alleged attack during the first interview if the child is not ready, he said.

The children also receive counselling as soon as possible and social workers stay in touch with them throughout the court process.

In Kenya, it is common for victims' families to settle cases out of court, accepting money or **goats** as compensation - leaving the perpetrator free to reoffend.

"Part of the larger problem is the way our communities respond," said Patricia Nyaundi, a former state prosecutor who heads the **Kenya National Commission on Human Rights**, which is assisting with the training.

"Oftentimes cases are frustrated on account of families interfering with cases."

McCluskie said he saw an accused person leave a Kenyan court and immediately phone the survivor's family.

"That is a criminal obstruction of justice," he said, adding that, if suspects are not held in custody, the police should seek court orders for them not to have any contact with their victims.

A public education campaign to improve children's access to justice for sexual abuse will begin in early 2015.

(Reporting by Katy Migiro; Editing by Alex Whiting)

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