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the equality effect update



1. Update on “160 Girls” Kenya

Since the release of the landmark “160 Girls” case in Kenya, we are seeing **improvements being made protecting girls from rape**, and perpetrators being held accountable for their violence. One *equality effect* rape shelter partner reports a “night and day” difference with respect to the police treatment of defilement claims since the “160 Girls” decision. Another reports that improved police treatment of defilement claims “is definitely making my job (getting justice for girls) easier.” While there is still certainly room for improvement, the progress being made is encouraging.

Securing justice for an individual girl is a success in each and every case. However the equality effect continues to work on securing justice and legal protection from violence for all 10,000,000 girls in Kenya through our partnerships with police, rape shelters and communities.

Agnes (featured here with her baby Innocence, conceived through the rape) was raped in Meru, Kenya. Agnes is pleased that the police acted quickly to investigate her defilement claim and arrest the perpetrator; the perpetrator is now being prosecuted.



“160 Girls” Police Training

The “160 Girls” Police Defilement Investigation training is in full swing, being rolled out in four pilot districts in Kenya (Meru, Kakamega, Nairobi and Mombasa). Our dedicated senior NPS (National Police Service) “160 Girls” Faculty are working tirelessly with the County Commanders in each of the pilot districts to ensure the smooth and effective delivery of the “160 Girls” training – the County Commanders personal endorsement of the training, an invaluable intangible, is significant. The training in the districts is being delivered by the local district “160 Girls” police instructors. The goal is to reach approximately 2400 police officers through the district training; approximately 10,000 officers will be trained through the Police Colleges. We look forward to sharing the results of the training evaluations once they are completed.

Five distinguishing features of the “160 Girls” Police defilement investigation training:

1. The “160 Girls” landmark High Court decision provides judicial guidance and authority for the training;
2. The training has been developed collaboratively by the Kenyan National Police Service, the equality effect, the Kenya National Commission on Human Rights, and members of the Vancouver Police working peer-to-peer;
3. The training is endorsed and supported by senior police who are taking leadership in its implementation;
4. The training is rolling out in pilot districts over a one-year period using a train-the-trainer model – it is not a one time, instructional session;
5. The training combines concrete police investigation skills with human rights law to ensure access to justice for defilement victims, as informed by the “160 Girls” High Court decision.



Anne Ireri, “160 Girls” National Co-ordinator and e² Counsel, leading part of the “160 Girls” Police training in Nairobi in March, 2015.

2. Defilement and the corroboration requirement in Malawi

This project aims to secure **increased access to justice** for rape victims in Malawi, by challenging a common law rule that presents an often insurmountable legal barrier for claimants seeking justice. The rule requires the evidence of rape victims to be corroborated by third party witnesses and/or medical evidence. Originating in UK case law, the rule is based on the premise that women and girls tend to make false allegations of sexual assault, and therefore their evidence must be treated with extra caution.

Despite significant challenges — including a lengthy judicial strike across Malawi in late 2014, followed by a devastating flood in January 2015 that led the Malawian government to declare half the country a disaster zone—the dedicated and persistent efforts of our Malawian research team have led to significant progress in **evidence collection** for this ambitious litigation project.

Our partners, **WLSA-Malawi** & the **Women and the Law Network of the University of Malawi**, have continued to compile compelling examples of the injustice caused by the corroboration rule. For example, our team recently met **Catherine** (**not her real name*), who at 14 years old was raped by a man who broke into her home while her mother was away. Catherine immediately reported the rape to police, who arrested the accused perpetrator. The accused admitted to having sex with Catherine, but claimed it was consensual. At trial, the court acquitted the accused on the basis that it was Catherine's word against his and there was no one else to corroborate Catherine's version of events. The court justified its reasoning by stating, "**Corroboration is always sought in sexual assault cases because of the great risk of false accusation.**"

Catherine's story is but one of the many stories we have compiled, highlighting the extent of the blatantly discriminatory legal treatment faced by rape victims. "160 Girls Malawi" aims to set a **historic human rights legal precedent** that will prevent this type of miscarriage of justice.

We look forward to continuing the work with our dedicated, cross-jurisdictional team, and to making legal history in Malawi!

[Click here](#) for more information about "160 Girls" Malawi.

Sasha Hart, e² Legal Counsel, interviews the father of a 15 year old rape victim in Blantyre, Malawi.



3. Equality effect 2015 Law School Interns

(Right: Maria Rodriguez, McGill University Law School, and Madison Hass, University of Toronto Law School, equality effect 2015 interns, with the Court Clerk at Githongo Law Court, Meru.)



We have worked with Ripples International on behalf of the equality effect this summer, and it has been the experience of a lifetime! Thanks to the “160 Girls” decision, great strides have been made for rape victims, and we have been lucky enough to see first-hand this pivotal transition period in Kenya’s legal system. There has been a profound change in police treatment and court proceedings as a result of “160 Girls” and the police training that has followed the decision. This change has been noticeable through the case files we have been analyzing, and our experiences out in the field. From visiting police stations to attending court, police officers and court staff have been accommodating and willing to assist us with our work in seeking justice for defilement victims. Securing access to justice for girls has become easier, but as Ripples staff agree, there is still room for improvement. We are very grateful for the opportunity to have participated in the ground breaking work being done on the “160 Girls” project – asante sana!

4. Equality Effect Annual Report

Please check out the equality effect's 2013-14 Annual Report; [click here to view the report](#).

5. The equality effect "in the news" and awards

The equality effect and our e² CEO are proud to have received the following awards since the last e² update:

- Lewis Perinbaum International Development Award
- YWCA Women of Distinction Award
- JusticeNet Access to Justice Award of Excellence



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

- CBC T.V. equality effect YWCA award coverage
 - "Join Up Dots" Podcast with David Ralph
-

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

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 who volunteer behind the scenes to make *the*

Thanks to our sponsors, funders, and partners!

**KOSKIE
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BARRISTERS & SOLICITORS

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Many thanks also to *the equality effect's* generous funders, partners and 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 online at our web site. [donate online at our web site.](#)

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