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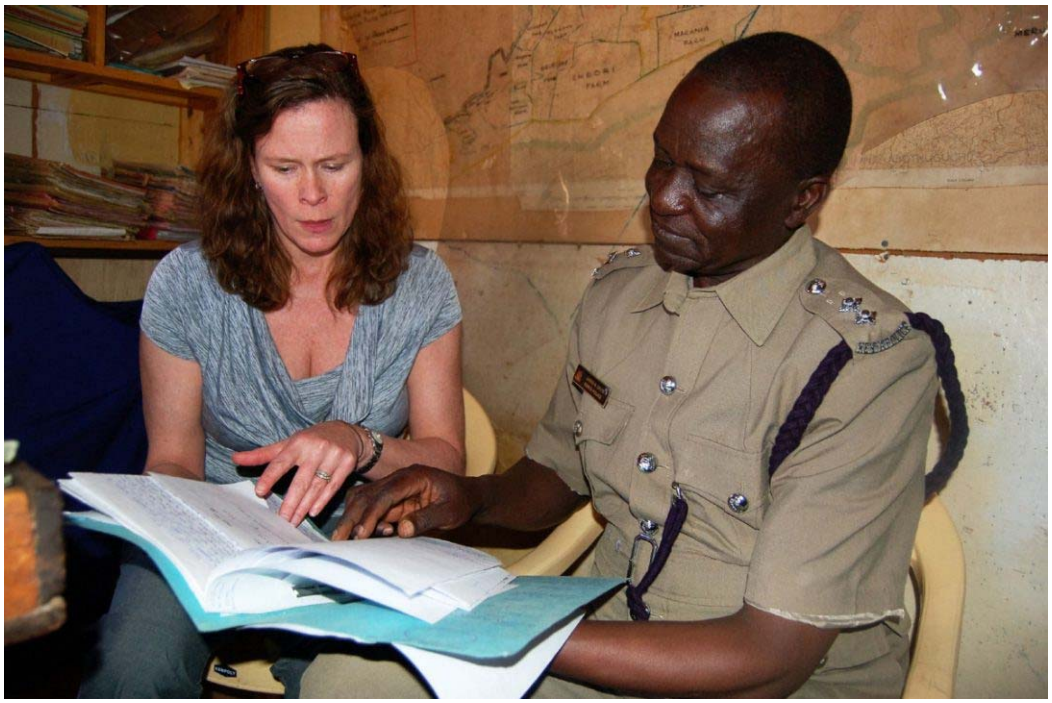
Kenyan girls' quest for justice realized, with Canadian help

A pilot project for students and a newly trained police force help raise awareness about rape and women's rights after historic legal victory.



Canadian Sgt. Leah Terpsma and Kenyan Insp. James Opiyo go through files of an investigation in the wake of the 160 Girls decision. (SALLY ARMSTRONG)

By **SALLY ARMSTRONG** Special to the Star
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MERU, KENYA—Mercy Chidi didn't really think she could pull it off. Changing the way an entire country views its girls would mean taking on the police, as well as the parents and the very culture of Kenya.

But Chidi, who runs a shelter for orphaned, abandoned and raped kids called Ripples International in Meru, a city of one million about five hours north of Nairobi, was determined to take action on rape cases. She was outraged that in Kenya three girls in 10 are raped before their 18th birthday. And she was consumed by the persistent myth held by many sub-Saharan Africa men that having sex with a little girl will cure them of HIV/AIDS.

Her quest took a serendipitous turn when, in 2010, she arrived in Toronto to take a course in women's human rights at U of T. She met Fiona Sampson, CEO of The Equality Effect, an organization that uses international human rights law to protect girls and women.

Together, they hatched a plan that became a precedent-setting court case: one hundred and sixty girls from Meru between the ages of 3 and 17 sued the government of Kenya for failing to protect them from being raped.

A six-year battle ensued, culminating last week in a newly trained police force, the launch of a pilot program called Justice Clubs, which teaches school kids what the law says about the rights as girls, and soaring public awareness about rape — or defilement as it's called in Kenya when the victim is under the age of 18.

Amid a heartfelt celebration in Kenya, Chidi remembered the long road to this success. "When this began in 2010, I didn't have coin to take action," said Chidi. "The number of girls being raped was rising. The police didn't investigate or arrest or convict the predators."

"It was about legal impunity," said Sampson, who is one of Canada's last-born thalidomide children, so she knows a thing or two about impunity. "The pharmaceuticals and governments had impunity when my mother was pregnant with me. The rapists in Kenya also had impunity because the police didn't take the defilement of girls seriously."

Making a pact to work together, Const. Hussein Gure joins hands with students in the Justice Club; Ashlin, 12, left, Joan, 12, and Cynthia, 14, at Mukongorone Primary School.

A collection of human rights lawyers from Canada and Kenya prepared the case, and on International Day of the Girl, Oct. 11, 2012, they launched the suit. On May 26, 2013, the judge announced his verdict: the girls won. The state would be obliged to protect girls from rape by training a police force that could arrest, interrogate and charge assailants. It was a victory for 10 million girls.

Following the decision, Chidi implored Sampson to stay on the case when she returned to Canada. It would be a hollow victory if there was no change. The police suggested working together to implement the 160 Girls decision. But they needed to be trained in the new law, an expensive, time-consuming and sensitive task. Who could take that on?

They turned to Insp. Tom McCluskie, a 31-year veteran with the Vancouver Police Department and long-time investigator of sexual assault. Sampson has previously relied on his expertise in preparation for the 160 Girls lawsuit. McCluskie, who had been working on the Robert Pickton serial murder case at the time, had gone over the girls' files with a fine-tooth comb: "The ones I read didn't meet any standard at all," he explained. "There was no chance of a conviction. The children would never get justice with these investigations."

In the wake of the court victory, Chidi and Sampson needed him again. Would he consider collaborating to prepare a program to train the police force in defilement investigations and the new 160 Girls law?

He agreed, together with his wife, Sgt. Leah Terpsma — who worked undercover in the sex crimes unit on the Vancouver force — along with equality lawyers and frontline advocates.

Training began in Toronto in October 2014 when 12 senior officers from Kenya came for a five-day, 40-hour session. It was designed by McCluskie to include every step of a rape investigation, from the time the police receive a call to the day the case goes to court. The Kenyan officers were flabbergasted by the course details. They gave a thumbs-up to continuing it back home.

Today, 2,400 police out of a force of 80,000 have taken the course in Kenya with local trainers — 40 per cent of them female officers. On March 1, with newly trained officers in place, evaluations began to weigh the effectiveness of the program's rollout.

Canadian Sgt. Leah Terpsma and Insp. Tom McCluskie of the Vancouver police present an award to interim commander Alex Otieno related to work following the 160 Girls decision in Kenya.

Sospeter Munyi, director of criminal investigations for the National Police Service, called it a wonderful program. "The welfare of our children is at stake. It's possible to push this training out across the country. People are talking about it and the police officers feel they own the project."

In the meantime, "160 Girls" has become a catchword for safety and justice. The girls held one-day workshops in schools soon after the 2013 court victory to talk about how to stop rape and violence. But they felt the workshop wasn't enough.

They wanted something sustainable, a club perhaps that would teach girls and boys what the law says about defilement, what the police and community role is in preventing violence and what the constitution says about the obligation of the state to protect the rights of each citizen. That required expert advice, research and a whole new level of organization.

This time the Rotman School of Management at the University of Toronto stepped up to the plate. Just as the lawyers and Vancouver police officers had worked pro bono, so did the Rotman school. MBA students conducted focus groups remotely with the 160 girls who shared their ideas on how to spread the word — through drama, music, poetry, singing, dancing and debate. They wanted community endorsement and to partner with police. A report, written by the U of T students, went to education curriculum specialists, who fleshed out the plan.

On Feb. 27, Justice Clubs was launched as a pilot project in four shelters and 12 schools, with the hope of quickly expanding to every school across the country.

The impact can already be seen at Ntani Primary School, a one-hour drive into the bush from Meru. There, 251 students between the ages of 4 and 18 years told the story of violence and justice in song, to the tune of "Found a Peanut" — "*got raped last night; went to the police last night; got justice last night.*" They sung another song with the words, "*these are my private parts, don't touch them.*" It's something their relatives could never have imagined: boys and girls talking about sexual assault and defilement and all the what-ifs that go with it.

Police are also participating in the clubs. At Ntani, police officer Hussein Gure told the kids stories, making them laugh when he said, "Even if it's your teacher who is wronging you, come and tell me because I am here to protect you."

"Children here have always feared the police," said Jennifer Koone, a teacher in charge of the Justice Club at Mukongorone Primary School, another hour's drive from Meru. "That's why we encourage the officers to come to the clubs and talk to the students."

Paul Mwirigi, principal of the Ntani Primary School, joins the members of the Justice Club, a legacy of the 160 Girls decision, in a dance to celebrate safety and justice.

Koone teaches students about their rights, about defilement and its consequences and how they can protect themselves. "I teach them life skills, like don't go in the bush alone; if someone touches you a wrong way, scream."

This is a big conversation going on in a part of the world where old habits die hard. Much has changed. Much has not. Boney cows still bawl in roadside ditches, tethered goats strain to reach greener patches of grass. This is noisy, crowded Africa where motorcycles carry three to a bike. This is ancient, rural Africa under the majestic gaze of the craggy crown of Mount Kenya. But this is also Africa throwing off the past and adopting a future that embraces the rights of girls.

Not far from Meru and the schools where the Justice Clubs have launched, in the Tigania West divisional headquarters, officer-in-command Alex Otieno said he relates to these kids now. He says the crimes in his region are mostly domestic. "The training I took for the 160 Girls law made me see these cases as a father. I'll share that training with other officers so that justice will prevail."

His national boss, Munyi, who attended the three-day evaluation of police training, told Otieno, "It takes time to change a culture. Don't give up."

The police officers bid Vancouver's McCluskie and Terpsma farewell, but not before extracting a promise that they'll come back. "Stay with us on this," said Otieno. Terpsma told the officers, "You're having an effect on the children out there. I'm inspired by you."

"This all started with 160 little girls," said Sampson. "You are their guardians of the constitution. As author Chimamanda Ngozi Adichie said, 'Culture doesn't make people, people make culture,' and you are making a new one."

Back in Meru, Mercy Chidi is the first one to admit there is still work to be done, but she is committed to continuing, along with the 160 girls and the newly trained police officers.

Chidi likes to quote her hero, the late Nobel laureate Wangari Maathai, who told a story about a hummingbird trying to put out a forest fire. With its tiny beak, it took drops of water to try to douse the inferno. When the other animals said "what do you think you are doing," the hummingbird said, "I'm doing what I can."

"That's me," said Mercy. "I'm doing what I can."

Sally Armstrong is a journalist who covers zones of conflict from the point of view of what happens to women and girls. She's been reporting on this story in Kenya for six years. Her latest book is Ascent of Women: A New Age Is Dawning for Every Mother's Daughter (Random House)