



# the equality effect

## annual report 2014 - 2015





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# our human rights work

## OUR MISSION & VISION

The equality effect (e<sup>2</sup>) uses the law to make women's and girls' rights real. E<sup>2</sup> unites leading international human rights experts from Canada, Kenya, Ghana, and Malawi to conduct ground breaking advocacy initiatives to ensure girls/women are safe from sexual violence, have access to education, and can fulfill their economic potential.

E<sup>2</sup> seeks increased government accountability for the protection of women and girls' rights, and the enforcement of existing human rights guarantees. E<sup>2</sup> uses human rights law to achieve systemic, concrete change in the lives of women and girls internationally. The primary focus of e<sup>2</sup>'s work relates to violence against women, the feminization of HIV/AIDS, and women's property rights.

## OUR STRATEGY

E<sup>2</sup> provides knowledge leadership and human rights education to advance women's and girls' human rights, develop and implement creative legal advocacy strategies, and promote their empowerment.

Our interdisciplinary and collaborative teams of international experts (i.e: lawyers [practitioners and law professors], social scientists, rape crisis workers, grassroots community members, artists, film makers, teachers, public relations advisors, and journalists) work cooperatively to challenge discrimination. We develop equality research and strategic action plans, and also implement practical equality initiatives (e.g: public legal education, policy reform, police and judicial training, test case litigation) that result in tangible change.

E<sup>2</sup>'s 160 Girls Kenya project is motivated by a group of over 160 girls between the ages of 3-17 from Meru, Kenya. These girls were not protected by police following their "defilement" (the Kenyan legal term for rape of a child under 18 years old) and no justice was meted out to their perpetrators. The 160 Girls goal is two-fold: to deliver access to justice for these 160 girls, as well as legal protection from rape for all 10,000,000 girls in Kenya, where a woman or girl is raped every 30 minutes.



## OUR TEAM

E<sup>2</sup> is comprised of some of the leading human rights advocates in the world, including Cherie Blair, Q.C., as Honourary Counsel, as well as multiple Ph.D's, honourary doctorates and individuals who have earned international awards for their human rights work. Some have won landmark VAW cases in the Canadian context, and others are counsel who have years of experience working in the VAW field in the African context. E<sup>2</sup> relies on over \$1.5 million in pro-bono legal hours per year, from our generous team of pro bono lawyers. Pro-bono measurement experts from the Rotman School of Management, University of Toronto, and A.C. Neilsen Inc.; advertising and marketing experts from BBDO and behavioural economists from Duke University also contribute enormously valuable in-kind services. E<sup>2</sup>'s local partners include: the Kenya National Commission on Human Rights (KNCHR); The Federation of Women Lawyers (FIDA) Kenya; Women and Law in Southern Africa (WLSA Malawi); Human Rights Network Ghana; Women in Law and Development in Africa (WiLDAF Ghana); and Ripples International (Kenya); Kenya Alliance Rural Empowerment (KARE), Nairobi Women's Hospital Gender Violence Recovery Centre, International Centre for Reproductive Health - Kenya, Sauti Ya Wanawake - Magarini, Picha Tamu.

# e<sup>2</sup> - making girl's and women's rights real

## FLORENCE'S STORY

E<sup>2</sup> has a proven record of working to address violence against women. The equality effect is responsible for the landmark 160 Girls decision which made legal history in Kenya, and set the high water mark for girls' rights internationally. The majority of the original 160 Girls have now secured access to justice as a result of the High Court's decision in the Constitutional claim. For example, Florence who was 13 years old when she was defiled by a neighbour, and became pregnant as a result of the rape. The matter was not reported by the family to the police initially, and came to the attention of Ripples International/Tumaini rape rescue centre when Florence's aunt attempted to perform an abortion on Florence when she was 6 months pregnant. Ripples International reported the defilement to the police, and initially the police refused to investigate the case. After the release of the 160 Girls decision, the police actively investigated Florence's case, they arrested the accused who was prosecuted and convicted – he received a 15 year sentence. Florence has now returned to school, and is continuing with her studies. Once the police started to investigate her case, Florence quietly shared with her social worker one day after the police had visited the shelter: "Now I feel strong – I feel as though they believe me. I hope he (the perpetrator) will go to jail, and other girls will be safe, and then I will go back to school and feel happy."

The equality effect uses domestic, regional and international human rights law to make girls'/women's rights real, and is committed to ensuring that the full effect of the Court's legal protection order is achieved, for all the Florence's of the world. To enhance the protection of girls, the equality effect has begun a pilot police training program in Kenya that will include a 160 Girls police investigation phone app, and is embarking on community legal education and a public awareness campaign. Peter Odek, Executive Director of KARE (Kenya Alliance for Rural Empowerment), an equality effect rape rescue partner, identifies an example of the equality effect's work, making girls'/women's rights real: "The 160 Girls project is definitely helping to make girls' rights real. Since the 160 Girls police training, the police work with us as a team to help protect girls from violence. For example, recently an officer called me when they received a report of a defilement case about a 15 year old who had been raped repeatedly by her uncle. We worked with the police and the family to prevent attempts by the family to have a private settlement on the matter, and to keep the victim safe from further violence, and to keep other girls safe. Eventually the suspect was arrested and the case is on-going."



## message from the ceo and chair

In 2014/15 the equality effect took the energy and excitement generated by the historic 160 Girls decision to quickly move to implementation. Working with the police and other local partners in Kenya, the equality effect is building a foundation across the country for prompt, proper defilement investigations by police, as mandated in the High Court's decision.

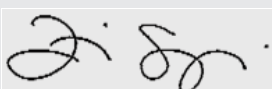
The 160 Girls Police Training is underway in full force in four pilot districts in Kenya. In October 2014, 11 senior Kenyan police officers, the CEO of the Kenya National Commission on Human Rights (KNCHR), equality effect staff, and Inspector Tom McCluskie of the Vancouver Police Department (an international expert in training on sexual assault investigations) met in Toronto. The goal of this session was to initiate the development of the 160 Girls Defilement Investigation Training Curriculum. Inspector McCluskie led a week's training on best practices in child sexual assault investigations, consistent with the 160 Girls decision. The equality effect worked with the team to develop a training program that would be transferable to the realities of police work in the Kenyan context. The response to this training has been strong and we are already witnessing changes/results in how defilement cases are being handled in Kenya. We are extremely proud to see this training already rolling out through train-the-trainer sessions in our pilot districts and being effective.

Our next steps in Kenya will be to educate girls, their families and communities about the defilement investigation process and their rights under the 160 Girls decision. This work will be the next installment in the 160 Girls Triangle of Change.

In Malawi, our work is progressing steadily. This year, we gathered important research and testimony to begin building a court challenge of the corroboration rule. This archaic legal requirement stems from outdated UK case law, 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. This rule requires the evidence of rape victims to be corroborated by third party witnesses and/or medical evidence. As you can imagine, the rule creates a serious barrier to women's access to justice and legal protection from this violence and contributes to the unfair "he said/she said" dichotomy in sexual assault cases. We look forward to working with our partners in Malawi, WLSA Malawi and the University of Malawi Women and the Law group, on this landmark initiative.

As always, the work we do would not be possible without the tireless work of our partner organizations, hours of pro bono research and case building by lawyers around the world, and the generous contributions from our many volunteers and donors. These stories of change and impact would not be possible without you and for that, we are extremely grateful. Thank you for helping us make girls and women's rights real.

Yours Truly,



Fiona Sampson  
CEO



Seana Irvine  
Chair



# kenya

## SOPHIE'S STORY

Every successful defilement investigation and conviction is a great moment for the e<sup>2</sup> team. But one in particular stood out this year. Two-year-old Sophie was raped by her neighbour in Meru, Kenya. The perpetrator's grand-daughter was the main witness in the case. The perpetrator was convicted and received a life sentence. We learned of the impact of the conviction and sentence on Sophie's community when we heard from another of her neighbours. This man told us he was thankful that justice had been served for both Sophie and the community, and that he was haunted by the idea that his neighbor was now in prison for life. "People should be careful and not commit defilement or they'll

end up in prison," he told the equality effect, thus confirming that the message of deterrence is reaching the community.

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. Ensuring that the 160 Girls decision is enforced, holding perpetrators accountable for their violence, and ending the climate of impunity for defilement will be the change that makes girls safe, and means that their rights are real.

## Willy Mutunga, Chief Justice of Kenya and President of the Supreme Court of Kenya:

"The 160 Girls decision is a historic step for girls' rights in Kenya. I am proud of the role that the Kenyan judiciary has played in recognizing and advancing girls' rights through the 160 Girls decision. The ongoing efforts of the equality effect and the 160 Girls Project are ensuring that the 160 Girls decision is brought to life, that defilement victims have access to the justice they deserve, and that perpetrators are held accountable for their sexual violence. Our transformative Constitution and its progressive and transformative jurisprudence decrees no less. It is a patriotic, indigenous, and robust contribution we intend to proudly export to the rest of the world. The equality effect has taken the theory of human rights law, and is transforming it into invaluable systemic change - this is progress to celebrate."



## police training

“the Police must conduct ‘prompt, proper, effective and professional’ defilement investigations”



The equality effect is working hard to turn the 160 Girls decision into a reality in the daily lives of girls across Kenya. Together with our police partners, we are rolling out the 160 Girls Police Defilement Investigation training in four pilot districts (Meru, Kakamega, Nairobi and Mombasa). Our dedicated senior National Police Service (NPS) 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 by local 160 Girls Police instructors.

County Commanders are key leaders within the NPS and their personal endorsement of the training is invaluable to its successful uptake. Our goal is to reach approximately 2,400 police officers through the district training. Another approximately 10,000 officers will be trained through the Police Colleges.

The police training uses a “train-the-trainer” model so is not simply a one-time session. 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, the 160 Girls training combines concrete police investigation skills with human rights law to ensure access to justice for defilement victims, as informed by the 2013 High Court decision.

The results of this training are being measured with the help of experts from the Rotman School of Management, University of Toronto and A.C. Neilsen, on a pro bono basis. We look forward to sharing the results of the training evaluations once they are completed.

“The difference in the police treatment of defilement since the 160 Girls police training is night and day. The police now work with us as a team. They are investigating, making arrests, and we are getting convictions.” Chiptende Gilbert, 160 Girls Rape Rescue Partner



**IG (Rtd) D. Kimaiyo**

@IGkimaio • Nov. 25

I thank the Equality Effect for the 160 Girls, for taking step to highlight the plight of (how) sexually abused girls have been handled in the past.

Tweet from NPS Inspector General David Kimaiyo



A highlight of the inaugural 160 Girls Police Defilement Investigation Training was conducting creative, hands-on exercises on the savannah, under the scorching sun as giraffes strolled by, such as the crime scene investigation training, and the totally engaged participants asking to extend the training days to allow more of the same kind of learning.





# malawi

## EMILY'S STORY

Emily was dragged into a church and brutally gang raped and beaten by two men on her way home from work in a local shop in Blantyre, Malawi. The men held her hostage, beat and raped her repeatedly over the course of the night, leaving her with severe physical injuries. Police investigations were conducted and the perpetrators were arrested and brought before the Blantyre Magistrate's Court. The attack against Emily was not the first gang rape reported to have been committed by the same accused at this same location. Emily reported the rape the day after it happened to the police, and reported to the Queen Elizabeth Hospital that same day. At trial, the prosecutor could not present medical evidence because the Queen Elizabeth Hospital advised that they had lost the complainant's medical report. The Court dismissed the case on the basis that without this corroborative medical evidence the case could not proceed.

Even though police concluded her evidence was strong enough to prosecute the case, the court discharged the case because there was no "corroborative medical evidence." The strength she showed in testifying against her attackers was simply not enough – she was not believed. The corroboration rule meant Emily was denied access to justice, while her perpetrators enjoy impunity and are free to rape again.

"Malawi's rape laws are aiding and abetting rapists rather than protecting women from rape. This is largely due to the continued application of a legal rule that was made in a time when women were considered property, had little to no legal rights, and were seen as unreliable witnesses due to their gender. Treating women as unreliable witnesses in rape cases is an affront to their dignity and places them outside of the protection of the law. Women everywhere are made increasingly unsafe when the rule causes rapists to be allowed to go free."

Mzati Mbeko, National Director of Women and Law Southern Africa (WLSA) - Malawi, interviews the mother of a rape victim near Blantyre, Malawi.

## THE CORROBORATION RULE

E<sup>2</sup>'s work with our partners in Malawi, WLSA-Malawi & the Women and the Law Network of the University of Malawi, is set to directly challenge the archaic law applied in E.F.'s case – the corroboration rule. 160 Girls Malawi is tackling the continued application of the corroboration requirement in sexual assault cases. 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. This law creates a serious barrier to women's access to justice and legal protection from this violence.

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



# media coverage and public awareness

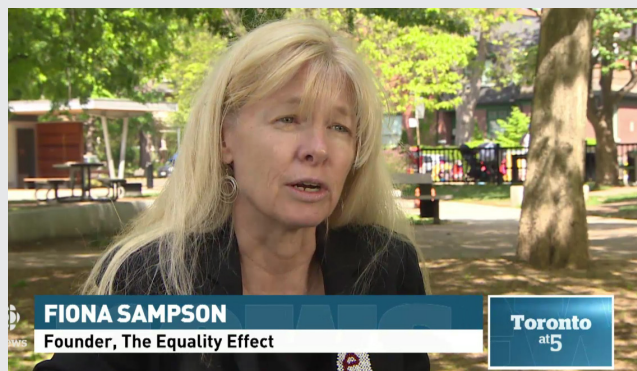
“Access to justice is the most empowering thing that can happen to a victim. It’s the one thing that can really change their lives.” Mary Robinson, former President of Ireland, former U.N. High Commissioner for Human Rights.



## MEDIA COVERAGE



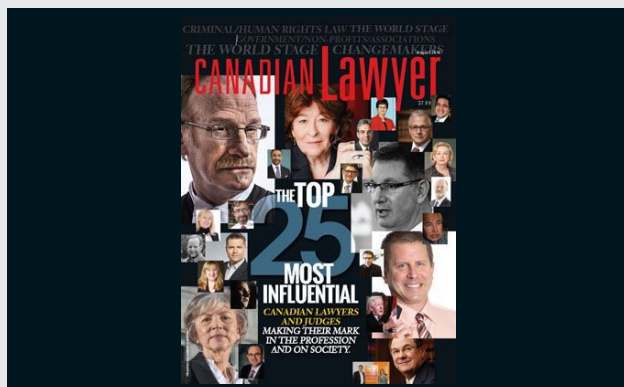
“160 Girls’ Police Training in Canada” -  
Globe & Mail



Listen to some of the 160 Girls Police Training Team on CBC Radio’s “The Current”, from our media page.



“Victory as Kenyan Police Jail Child Rapists After Court Order” - Thomson Reuters



“Top 25 Most Influential 2014” - Canadian Lawyer Magazine





CBC T.V. equality effect YWCA award coverage



"Join Up Dots" Podcast with David Ralph

## KEY SPEAKING ENGAGEMENTS

A big moment for the equality effect on the international stage this year happened in Dublin, Ireland. We participated in the Irish Consortium on Gender Based Violence, where CEO Fiona Sampson was one of the keynote speakers with former Irish President and former U.N. High Commissioner for Human Rights, Mary Robinson. The Consortium theme was "Moving Beyond Fear: Prioritizing the Safety of Women and Girls in Society," and the other key note speakers included the incredibly inspiring Claudia Paz y Paz, the first female Attorney General of Guatemala who made great strides addressing corruption, human rights violations and violence against women in Guatemala before being forced into exile, and the very moving Tom Meagher, husband of the late Jill Meagher who was raped and murdered in 2012, and current National Advocate for the White Ribbon Campaign Ireland.

## E<sup>2</sup> representatives also spoke at the following events:

- "Ideas that Change the World Symposium", Trent University, 50<sup>th</sup> Anniversary Conference, Peterborough, Canada August 8, 2014
- GEM (Gender Equality Measurement) Guest Speaker, Carleton University, Ottawa, Canada January 22, 2015
- YWCA International Women's Day Panel, Toronto, Canada, March 5, 2015
- Canadian Federation of University Women, Calgary, Canada, November 3, 2014
- National Judicial Institute and the International Association of Women Judges, Canadian Chapter, St John's, Newfoundland, Canada, April 13, 2015
- Ontario Bar Association Panel on 160 Girls, Toronto, Canada, February 5, 2015
- North Toronto Business & Professional Women's Club, Toronto, Canada, November 16, 2015
- Canadian Federation of University Women, Oakville, Canada, May 5, 2015



Stay up-to-date with everything e<sup>2</sup> is doing and check out photos and videos of our work by following us on social media.

## awards and honours

We were honoured this year to be recognized for a number of awards.

The equality effect was awarded the Clifford Chance Access to Justice Award. This award, given by a UK-based firm, is open to non-profits around the world working to “help individuals, groups or communities preserve or secure their rights to the basic necessities of life.”

CEO Fiona Sampson was named one of Canada’s Top 25 Lawyers - Top 5 on the World Stage - by Canadian Lawyers Magazine.

She also received the Lewis Perinbam award for international development from World University Service Canada, the YWCA Women of Distinction Award and the JusticeNet Access to Justice Award of Excellence.





## internships

In 2015 the equality effect was fortunate to have two interns working with us, Madison Hass from the University of Toronto, Faculty of Law, and Maria Rodriguez from McGill University, Faculty of Law. Madison and Maria spent their three-month placement with the equality effect's partner Ripples International, in Meru, Kenya (Ripples International is a founding partner of the 160 Girls Project). Madison and Maria had a variety of diverse experiences, using the law to help advance the 160 Girls project in Meru: they conducted home visits with defilement victims, participated in the Court Watch program providing legal support to defilement victims whose perpetrators were facing prosecution, assisted with the maintenance of the Intake and Monitoring record keeping relating to the police treatment of defilement claims, and conducted legal research. Madison and Maria were fabulously energized and terrifically creative and motivated in applying their legal skills in situations that are often new and unfamiliar to our interns. We are grateful to Madison and Maria, and the Universities of Toronto and McGill, for a fantastic 2015 intern experience.



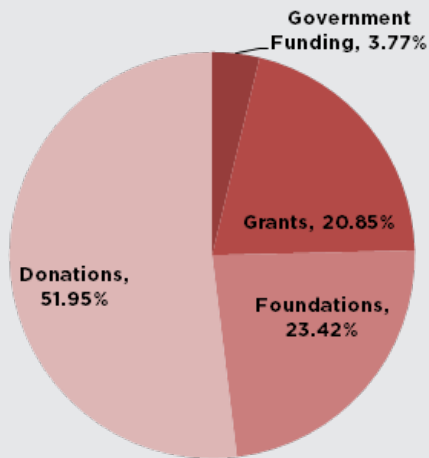
“One of the things I enjoyed the most about my experience in Kenya was the work we did in the field engaging with the community. The opportunity to interact directly with police officers and judges, who are crucial actors in the fight for girls’ rights, and with other key members of the different communities, was extremely enriching. In particular, when we witnessed the delivery of two final judgements in which perpetrators were found guilty of defilement and condemned for their actions, I felt that our efforts to promote these girls’ rights had been heard and that the girls involved had received justice! Looking back, it was very rewarding and exciting to be a part of this process; to be making history in the fight for girls and women’s rights in Kenya. And in this sense, I see my equality effect internship as one of the most valuable experiences I have had throughout my law school years and as one that allowed me to improve both as a jurist-in-training and as person.” - Maria

“The most transformative experience for me was interacting with the girls at the Tumaini Rescue Centre. The Rescue Centre is a safe haven for many girls who otherwise would not have been safe in their home communities. This sense of security was evident in many of my interactions with the girls. During one of my Saturdays spent with the girls, Maria and I decided to conduct an activity centred on future career goals. In the middle of the centre’s courtyard, we all formed a circle and rolled a ball back and forth, stating our hopes and aspirations for the future as the ball came into our hands. As each girl got a turn to hold the ball, the words ‘teacher’, ‘doctor’, ‘pilot’, ‘village chief’ and ‘scientist’ were proclaimed, just a few of the many vocations which the girls passionately declared they would pursue. In spite of the injustices these girls had suffered, their tenacity and spirit was evident in their proclamations for future goals and dreams. This was incredibly moving and a memory I will not soon forget. I have no doubt that the 160 Girls Decision will help these young women achieve their goals and prosper in their futures.” - Madison

# financials

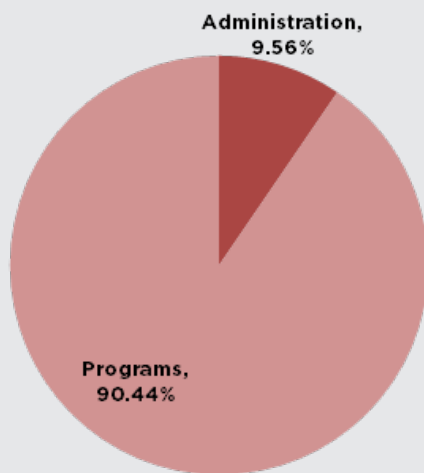
(The equality effect year end is June 30)

## Revenue



The equality effect's main sources of revenue include private donations from individuals, law firms, and grant-making entities committed to supporting the e<sup>2</sup> vision of making the rights of women and girls real internationally.

## Expenditures



The equality effect spends a minimal amount on administrative and overhead costs. During the 2014-2015 year, these costs represented only 9.56% of our total expenditures. We are proud of the fact that the vast majority of our expenditures go directly to program costs.



# statement of financial position

## STATEMENT OF OPERATIONS

The equality effect's financial statements have been independently audited by a Chartered Professional Accountant and found to be in accordance with Canadian accounting standards for non-profit organizations.

## STATEMENT OF FINANCIAL POSITION AS AT JUNE 30, 2015

<b>ASSETS</b>	
<b>CURRENT</b>	
Cash	\$ 591,944
Accounts Receivable	5,000
GST/PST Receivable	22,897
	<b>\$619,841</b>
<b>LIABILITIES</b>	
<b>CURRENT</b>	
Accounts Payable and Accrued Liabilities	\$17,549
	\$17,549
<b>NET ASSETS</b>	
<b>UNRESTRICTED NET ASSETS, END OF YEAR</b>	<b>\$602,292</b>
	<b>\$619,841</b>

## STATEMENT OF OPERATIONS FOR THE YEAR ENDED JUNE 30, 2015

<b>REVENUE</b>	
Donations	\$344,333
Foundations	155,249
Government Funding	25,000
Grants	138,200
<b>Total Revenue</b>	<b>\$662,782</b>
<b>EXPENSES</b>	
<b>Administration</b>	
Communications	\$7,219
Fund Development Services	36,487
General and Administrative Support	18,379
<b>Programs</b>	
Legal, Research and Education	\$587,554
<b>Total Expenses</b>	<b>\$649,639</b>
<b>NET REVENUE FOR THE YEAR</b>	<b>\$49,803</b>

# acknowledgements and thanks

**Asante sana, zikomo kwambiri, meda ase, thank you!**

The equality effect's human rights work depends on our huge team of dedicated volunteers. Every year the legal volunteers alone donate over \$1.5 million of invaluable pro bono hours to the equality effect. 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.

## OUR PEOPLE

### Board

Dr. Elizabeth Archampong  
Kim Bernhardt  
Elizabeth Burgess  
Seana Irvine  
Jacquie Labatt  
Dr. Fiona Sampson

### Advisory Committee

Cherie Blair, Q.C. 160 Girls Honourary Counsel  
Mary Eberts  
Dr. Winnie Kamau  
Dr. Ngeyi Kanyongolo  
Patricia Nyaundi  
Margaret Parsons  
Seodi White

### Staff

Dr. Fiona Sampson, CEO  
Sasha Hart, Legal Counsel  
Anne Ireri, 160 Girls Kenya National Coordinator

### Legal Team Consultants

Dr. Elizabeth Archampong  
Kim Bernhardt  
Dr. Melina Buckley  
Mary Eberts  
Dr. Winnie Kamau  
Dr. Ngeyi Kanyongolo  
Jennifer Koshan  
Mzati Mbeko  
Patricia Nyaundi  
Dr. Melanie Randall  
Elizabeth Thomas  
Chantal Tie

### Local Partner Organizations

Kenya National Commission on Human Rights  
National Police Service Kenya  
The International Center for Reproductive Health (ICRH- Kenya).  
The Kenya Alliance for Rural Empowerment (KARE)  
Kenya National Commission on Human Rights  
Picha Tamu  
Ripples International (160 Girls Founding Partner)  
Shining Hope for Communities  
WLSA-Malawi  
Women and the Law Network, University of Malawi  
Human Rights Network Ghana

The following organizations have provided invaluable in-kind donations and professional expertise towards the equality effect's human rights work:

BBDO Toronto Advertising  
Blake, Cassels & Graydon  
Centre for Advanced Hindsight, Duke University  
Fairmont East Africa  
Fasken Martineau  
McGill University, Faculty of Law  
Queen's University, Faculty of Law  
Rotman School of Management, University of Toronto  
Torys LLP  
University of Toronto, Faculty of Law, International Human Rights Program

We are proud of our partnerships with the following highly respected foundations and corporate sponsors listed below. In addition to these supporters, we rely on generous contributions from private individuals from Canada and around the world to carry out our work and we are also very grateful for their support.

Adelle and Paul Deacon Acacia Foundation  
Avaaz  
Blake, Cassels & Graydon  
Borden Ladner Gervais  
Beth and Andy Burgess Family Foundation  
Canada Fund for Local Initiatives - Kenya  
Cedar Foundation  
The Clifford Chance Foundation  
Donna Chantler Tonglen Foundation  
Fasken Martineau  
Girls' Rights Project  
The John C. and Sally Horsfall Eaton Foundation  
Kaatza Foundation  
Koskie Minsky LLP  
la Fondation Solstice  
LUSH  
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Stephen Lewis Foundation

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equality effect

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