



the equality effect
annual report 2015 - 2016



Message from our CEO and Board Chair

When we set out on this journey seven years ago, our goal was to have an impact on the lives of girls and women who need access to justice. Working with our partners, we've seen progress over the past year as we deepened our relationship with the police in Kenya, helping them develop and improve the process of investigating defilement claims, and created resources for girls and communities to use to understand their rights and roles relating to defilement claims. We've seen a tremendous response with our 160 Girls app (page 11) that makes it easier for people to access their rights and understand the steps in a sexual assault investigation and we've heard from our partners that more people are bringing cases forward as a result. This annual report will give you a sense of just how hard our teams are working on the ground and how far we've come since we started. We talked to our partners and members of our teams to get their perspective – on page 9 you can read about how Vancouver Police Inspector Tom McCluskie and his team have helped train and support Kenyan officers and on page 15 our interns share their on-the-ground view of what it's like working with communities.

Our volunteers, partners and donors are the reason we're able to continue this justice journey and we are so grateful for your support. We appreciate the response we've seen from all of you and your commitment to helping make girls' and women's rights real. Thank you/asante sana/zikomo/yeda mo ase.



Fiona Sampson, CEO



Seana Irvine, Board Chair

Our mission and vision

The equality effect (e²) uses the law to make women's and girls' rights real. The equality effect unites leading international human rights experts from Canada, Kenya, Ghana and Malawi, using interdisciplinary approaches to law to conduct ground-breaking advocacy initiatives to ensure girls and women are safe from sexual violence, have access to education and can fulfill their economic potential. The equality effect seeks to address the impunity for sexual violence, and to achieve increased government accountability for the protection of women and girls' rights and the enforcement of existing human rights guarantees. The equality effect uses human rights law to achieve systemic, concrete change in the lives of women and girls internationally.



Creating lasting change

160 Girls: Meet Paula



The equality effect works to create change that will improve the lives of women and girls, and reduce the discrimination that currently restricts their freedom and prosperity. We use strategic equality initiatives to achieve concrete change and the meaningful empowerment of women and girls.



Paula* was 11 years old when she was raped the first time, on her way to school. Paula's rape was reported to the police by her step-grandmother but the police refused to investigate the case and provided no reason for failing to act. As a result, Paula became one of the lead petitioners in the 160 Girls constitutional claim. After the release of the 160 Girls High Court decision, the police investigated Paula's case, but the perpetrator had absconded. Paula returned to

school and was raped again by a different perpetrator. This time, Paula knew her rights; she reported her rape to the police who, as a result of the 160 Girls training, knew to immediately record a victim statement, visit the crime scene and interview witnesses – they conducted a prompt, proper, professional, effective investigation. The police had an artist sketch a picture of the alleged perpetrator which helped lead to his detainment. They organized a line-up, and Paula was asked to identify the accused from a group of eight men – she was immediately able to make the identification. The accused was arrested, and is currently being prosecuted; DNA evidence has confirmed with 99.9% accuracy that the accused is the perpetrator in Paula's case. When Paula was asked how she felt about the police treatment of her defilement claim, she said with a big smile,

"I am happy – now I know what justice feels like. The police believed me and that felt good. Now I am safe to go back to school, and other girls in my village can be safe."

**not her real name*

Public legal education today – for a safer tomorrow

The goal of the 160 Girls Public Legal Education (PLE) is to enable the public – both children and adults – to use the law to hold perpetrators accountable for sexual violence and end the climate of impunity for child rape.

After launching in January 2016 at a VIP PLE gala in Nairobi (speakers included the Police Inspector General's representative the Director of Legal Services, the Canadian High Commissioner, the Chief Commissioner of the Kenya Human Rights Commission and the equality effect's CEO), PLE training was taken to our four pilot districts, including rural Meru where we connected with schoolchildren, bringing the 160 Girls victory full circle back to the beneficiaries – the girls (and boys) vulnerable to rape. Ten-year-old Beatrice described the experience by saying "(160 Girls) was the best day of school!"

The PLE training embraces mobile technology through the innovative 160 Girls app and brings the message of justice through art and music. Adult PLE workshops train influential community leaders, including chiefs, religious leaders, school principals and district children's officers, in the rights and obligations associated with the 160 Girls decision. The training sessions are led by police and children's advocates/social workers. This unique partnership demonstrates commitment to community collaboration to ensure the protection of girls. During the training, participants commit to sharing the information acquired with their constituencies and sign a 160 Girls Declaration, outlining the specifics of their commitment to ensure that the climate of impunity for child rape is eliminated. After one of the sessions, Agnes Mburu, a girls' rights advocate from Meru, Kenya, described the workshop and signing the Declaration in partnership with the police as a "blessing and a gift."

As part of the PLE programming, award-winning filmmaker Andrea Dorfman created two new PLE videos that are available on the 160 Girls website; these videos are included as part of the school and community workshops. Andrea also created a 30-minute mini-documentary that features interviews with police, community members, rape rescue staff and equality effect staff about the relevance and significance of 160 Girls, which is shared with community members through local PLE outreach activities.

From 2015-16,
approximately **4,700**
children participated in the
160 Girls school workshops,
480 community
leaders received 160 Girls
training, and they led
outreach activities in which
approximately **6,300**
community members
participated.

Believe her. End corroboration.

At age 14, Esther* reported being beaten and raped by her 50-year-old pastor in rural Malawi, who forced his way into her home while her mother was away. Esther contracted gonorrhoea as a result and needed medical treatment for several weeks because of the severity of her physical injuries. The accused was acquitted because there was no third-party witness corroborating Esther's evidence. This is known as the corroboration rule, a law dating back to colonial times, made when women had little to no legal rights and were seen as unreliable witnesses due to their gender.

On November 25, 2015 – International Day for the Elimination of Violence Against Women – Esther joined other rape victims in Malawi, as well as the equality effect and WLSA-Malawi, in a landmark human rights challenge asking the courts to address the archaic, international problem of the "he says/she says" dichotomy in sexual assault law and end the application of the corroboration rule in sexual assault cases. Only in the context of sexual assault claims are victims of the crime immediately placed on the defensive. Rape survivors internationally are too often assumed to be lying or seeking revenge, and are blamed for the violence they've experienced. Infamous cases such as the Bill Cosby case in the United States, the U.N. peacekeepers accused of rape in the Democratic Republic of the Congo, and the documented vulnerability of university women around the world to rape on campus are just a few examples of the international rape impunity problem.

The corroboration rule results in a lack of faith in the justice system that deters women from reporting; impunity for the accused, leaving them free to rape again; and an understanding by potential perpetrators that there are no consequences for the crime of rape, which increases rape rates, and leaves girls and women vulnerable to more violence.

Malawi's constitution includes the right to dignity in court proceedings, the right to equality and to access justice, and the right to security of the person. Regional and international human rights laws also protect these rights. The rape survivors in this landmark case are arguing that the corroboration rule results in the violation of these rights. The case will benefit all nine million girls and women in Malawi, and will impact girls and women globally.

On the day following the filing of the constitutional corroboration claim, Esther told us how proud she felt to be part of the "Believe Her" campaign. She told us she felt empowered through her neighbours' newfound understanding of her desire to hold perpetrators accountable for sexual violence, and have rape claims treated like any other criminal case.

After the Court filing, the applicants, WLSA-Malawi, e² and local stakeholders celebrated with a street procession and community celebration to mark the occasion. There was music, theatre, speeches and feasting to celebrate the initiation of this challenge that aims to see the corroboration rule ended so that rape survivors can more easily find justice.

*not her real name

“160 girls show the way for victims of rape”



In Kenya, one out of every three girls will be raped before she turns 18.

Making the harm of rape worse, is if a survivor doesn't see their rapist face justice. In some cases, this means living in the same neighborhood, or the same street as their attacker, or even the same house – having to face that person day in and day out, knowing he is free to rape again.

While Kenya has excellent laws against defilement (rape of a child), there have been challenges in the past and rapists were not always being held accountable.

That changed when a group of 160 girls – all survivors of sexual violence – challenged the Kenyan state in court. They won.

Now, a groundbreaking partnership between the Kenya National Police Service, the Kenya National Commission on Human Rights and the 160 Girls Project, an equality effect project (the equality effect is an international human rights organization based in Canada), is ensuring the High Court ruling is implemented.

A 12-step police defilement investigation procedure has been developed through a collaboration involving this unique partnership, and police are being trained in how to use it, and how to ensure that sexual assault survivors are treated with respect and dignity.

We know this police training is working because local rape shelter partners have noticed a marked improvement in the way police treat rape survivors and handle the investigation of defilement cases since receiving the 160 Girls training.

We launched the next phase of the 160 Girls Project in Nairobi on January 11th. We have developed a first-of-its-kind mobile phone app designed to teach girls about their legal rights, and educate community members about their obligations relating to defilement. The app will also guide a girl, or her family or representatives, through the steps to be taken to ensure access to justice following a defilement, so that perpetrators are held accountable.

We have launched the 160 Girls Public Legal Education initiative in four pilot districts across Kenya. Legal education workshops for Chiefs, school principals, religious leaders, etc. and the 160 Girls school training, will ensure a wide range of Kenyans are aware of the High Court's landmark ruling and its implications for the girls in their communities.

The goal is to hold perpetrators accountable for their violence so that girls can live healthy, secure and empowered lives.

Because we know that when girls are safe, they are able to attend school and participate fully in community life. When girls' rights are made real, communities prosper.

This op-ed was published in the Daily Nation in Kenya by Joseph Boinnet, Inspector General, Kenyan National Police Service; Kagwiria Mbogori, Chair, Kenya National Commission on Human Rights; and Fiona Sampson, CEO, the equality effect, on April 25, 2016



160 Girls police training – Partnering with police sees results

When Vancouver Police Inspector Tom McCluskie first visited Kenya to learn how defilement cases were being investigated, he gained an appreciation for the challenges faced by the police there. “They didn’t always seem to understand the basic principles of investigating a crime,” he said. “Additionally there were challenges prioritizing defilement – for example, they wouldn’t go to a crime scene, often because they didn’t have vehicles.” Police also often lacked the skills to find and question suspects, and DNA testing hadn’t yet been accepted in Kenya.

McCluskie was asked by the equality effect and Kenyan police to work with human rights lawyers, social workers, rape crisis workers and Kenyan police officers to develop the 160 Girls defilement investigation training. After 12 senior police officers from the Kenyan Police Services visited Toronto to help develop the course, ensuring that international best practices were made relevant in a Kenyan context, McCluskie and his partner – Sergeant Leah Terpsma – took it on the road. McCluskie estimates he’s personally taken hundreds of Kenyan police officers through the training that focuses on the skills needed to investigate a defilement claim, including victimology, interrogation/interview skills, evidence collection and ethics.

After doing several week-long courses, McCluskie has been back to audit how the teams on the ground are doing – and he says what he’s seen has inspired him, and convinced him that significant improvements and changes are happening.

“Without question, there is still work to be done and some improvements to be made in the investigation of defilement claims,” he said. “However, when we compare the quality of investigations, the level of prosecutions and the enthusiasm of the investigators, we are miles ahead (of where we were before the 160 Girls decision and police training). We know that institutional change does not come easy, or quickly. One Kenyan police officer said it’s *polepole* which translates to slow and steady. Nevertheless, the changes we’ve witnessed are impressive and we are definitely moving in the right direction.”



160 Girls training the trainer

The focus for Vancouver Police Inspector Tom McCluskie now is to support future investigations and police officers in Kenya which is why a “train the trainer” model has been introduced so that more police officers can receive education from their colleagues. It’s estimated that more than 2,400 police officers have been trained as a result of this initiative.

“We want to do as much as we can to help because we’ve seen first-hand what can happen,” McCluskie said. “It’s fantastic to be a part of this organization and to support both police and children in Kenya in this way.”

How an app is empowering communities

Families in Kenya have a new resource available to them when a loved one has been raped — their phones. The 160 Girls app is bridging the gap between police and communities, providing detailed information about what's supposed to happen during a defilement investigation so that anyone can follow along and ensure police are taking all the necessary steps and that perpetrators are being held accountable.

"We know there's previously been a knowledge gap — not everyone knows how these investigations are done, so they may have been told by the police, 'There's nothing else we can do,'" said Fiona Sampson, CEO of the equality effect. "This app outlines every step that's supposed to happen in a defilement investigation, so that claimants can insist on access to justice. It's empowering people to claim their rights, and ensure that they get the access to justice to which they are entitled."

In addition, the app shares information about what's not supposed to happen — police asking for money to buy gas for their vehicles, or community members settling these cases out of court in exchange for money or goods. The app also includes a police station locator, a reporting mechanism and links to videos that provide information about 160 Girls.

One community member, excited to have downloaded the 160 Girls app, described the app as "having justice in your hands."



The 160 Girls app — 'justice in your hands'

Defilement investigation steps

1. Recorded complaint in O.B.
2. Accompany victim to receive medical treatment
3. Provide P3 form and collect medical evidence
4. Victim interview
5. Victim statement
6. Visit the crime scene and preserve the evidence
7. Identify and interview witnesses
8. Identify and interview suspects
9. Compile the police case file
10. Evaluate the evidence collected
11. Prefer charges (if it's believed a conviction can be secured)
12. Arrest accused

In the news

When news organizations help share details about the equality effect, we see an increase in awareness and interest. Thank you to the following for helping tell the 160 Girls story and share the e² mission.



Reuters – New app to help police in Kenya to jail child rapists

<http://reut.rs/2ro6vyA>



Bloomberg – New Weapon to Fight Rape in African Wars Is Mobile-Phone App

<https://bloom.bg/2pUggnl>



Thompson Reuters Foundation – Malawi women challenge "sexist" rape law in Constitutional Court

<http://tmsnrt.rs/2qtJWJH>



The Peterborough Examiner – Trent University alumni Robert Campbell, Fiona Sampson among Canadians appointed to the Order of Canada

<http://bit.ly/2qpH5TO>



160 Girls Anthem — Spotlight on Rosy Ohon

Our work allows us to connect with others who share the belief that children's rights are human rights, and that perpetrators must be held accountable for their violence to end the climate of impunity for rape. Rosy Ohon is ranked the third most popular singer in Kenya — she joined forces with the equality effect this year to create a song about our mission. Called "Say No – 160 Girls Anthem," the song highlights the story of the 160 girls originally involved in the 160 Girls decision that made legal history and encourages people to just "say no to children's rape." The song is fuelling the 160 Girls movement and has been taught to schoolchildren in Kenya during education sessions and school workshops. It's fantastic to see the enthusiasm school kids have when singing the 160 Girls anthem. Their energy carries out from the school, to across Kenya and beyond!

Awards and honours

The equality effect is honoured to be recognized for a number of awards this year, including:

Order of Canada

This year, our CEO Fiona Sampson was awarded as a Member of the Order of Canada; the highest honour a Canadian civilian can be awarded. It's presented to those who have enriched the lives of others and made a difference to the country. Fiona was appointed "for her commitment to human rights, particularly those of women and girls in Africa."

"I feel very fortunate to be able to do such rewarding work that never feels like work. Our team is incredible and passionate about helping girls and women secure access to justice; seeing their dedication and commitment to equality inspires me every day. I'm honoured to receive this recognition and to be able to continue doing the work I love to do." – Fiona Sampson, CEO, the equality effect

Trent Alumnae Award

CEO Fiona Sampson received the Trent University Alumnae Award, which recognizes alumnae who have made a difference in their community or profession.

"Ms. Sampson has dedicated her life to the pursuit of inclusiveness, equality, and social justice. A graduate of Trent's Canadian Studies and Indigenous Studies MA program, with a PhD in Law, she has pioneered post-Charter equality law, both in Canada and abroad... This passion for social justice has led Ms. Sampson to lend time, energy, and expertise to her community." – award excerpt

Queen's Alumnae Humanitarian Award

Fiona also received the Queen's University Alumnae Humanitarian Award, given to alumnae in recognition of distinguished work or volunteer service which has made a difference to the well-being of others.

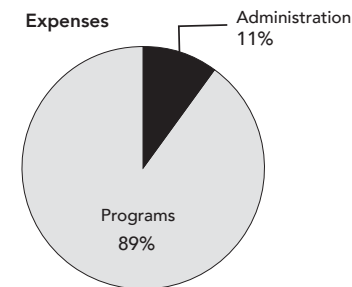
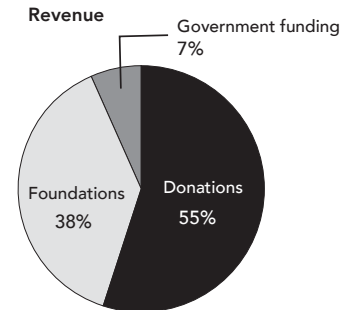
"Fiona Sampson, Artsci'85, Law'03, has always been a champion of human rights. A lawyer with a PhD in women's equality law, she has dedicated more than 20 years to seeking justice for First Nations, refugees, disabled persons, and victims of violence... Ms. Sampson has been called one of the world's 'women revolutionaries' alongside such notables as Gloria Steinem, Hillary Clinton, and Isobel Coleman." – award excerpt



Financial update

(The equality effect year end is June 30)

Financial summary



Statement of operations for the year ended June 30, 2016*

| Revenue | 2016 |
|------------------------------------|------------------|
| Donations | \$241,106 |
| Foundations | \$168,272 |
| Government Funding | \$28,404 |
| Total Revenue | \$437,782 |
| Expenses | |
| Administration | |
| Communications | \$5,363 |
| Fund Development Services | \$18,612 |
| General and Administrative Support | \$31,614 |
| Program activities | |
| Legal, Research and Education | \$450,647 |
| TOTAL Expenses | \$506,236 |

*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.



The impact of e² interning: law students take home life lessons

In the summer of 2016, Esther Dionne Desbiens and Ashley Boggild, law students at McGill University and the University of Toronto respectively, interned with the equality effect, spending time on the ground in Kenya and working with our 160 Girl Project partners. Here, they share their experience.

“During my internship, I worked closely with staff at Ripples International – e²'s partner in Kenya – where we monitored the police treatment of child sexual abuse cases, interviewed guardians on the police treatment of their children's cases, and provided public legal education workshops for community leaders and schools.

Monitoring the police treatment of these cases involved accompanying the girls who were residing at Ripples International's rescue shelter to court and following up with their files at police stations around Meru County. Although I had heard about some of the girls' cases before leaving for Kenya, I was still stunned to be greeted by such young faces when I first went to the rescue shelter. Throughout my internship, I spent time with the girls on weekends, playing games and making crafts. I was astounded by the immense positivity and resilience that these girls presented despite the challenges they were facing, as well as the support that they provided to one another.

I often think back now to two young sisters, aged 7 and 9, whose step-father was convicted to life imprisonment for defiling them while I was there. The youngest of the girls had struggled testifying in court yet built up the courage to do so and when a social worker later asked her whether she thought her step-father should go to jail, she indicated that she thought he should – for a long time. I am encouraged by the knowledge that these sisters are now back in a safe home thanks to the work of the 160 Girls Project which has allowed for cases like theirs to move forward. I am very thankful that I had the opportunity to contribute to and learn from such an inspiring project.”

Ashley Boggild
University of Toronto Law School

“As a legal intern, I helped follow up on defilement cases by visiting police stations to inquire about their status. I also attended numerous court hearings, wrote reports and summaries and completed monitoring forms to make sure we kept track of our interactions with various people in the criminal justice system in Kenya.

One of the tasks that I particularly appreciated was accompanying girls to their testimony hearings. Being able to support these young girls as their cases proceeded in court was an invaluable experience, both on a legal and personal level. As law students, we read a lot of cases, but rarely do we get to interact with the individuals behind the decisions. It was a very emotional experience for me to see how strong and resilient these girls were as they testified in court.

I will always remember my interaction with one survivor of defilement whose perpetrator was convicted. When we spoke with her regarding her feelings about the conviction, she told us that she wanted to become a lawyer to help other girls. I was so touched to see that she was already thinking about ways to support girls who experience sexual violence. This internship reminded me how important it is to foster the empowerment of girls who have survived such violations.

My internship was challenging, but it was one of my most rewarding and enriching life experiences. I will never forget the courage and strength that the girls we accompanied showed, and I am thankful that organizations like the equality effect are fighting for their rights and well-being.”

Esther Dionne Desbiens
McGill University Law School





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 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.

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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)
- Picha Tamu
- Ripples International (160 Girls Founding Partner)
- Nairobi Women's Hospital – Gender Violence Recovery Centre
- WLSA-Malawi
- Women and the Law Network, University of Malawi
- Human Rights Network Ghana

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

- BBDO Toronto Advertising
- Blake, Cassels & Graydon LLP
- Centre for Advanced Hindsight, Duke University
- Facebook Canada
- Fairmont East Africa
- Fasken Martineau LLP
- McGill University, Faculty of Law
- Nielsen
- 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. 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
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