

160 Girls Project:
Victims'
Evaluation
of Police
2024



The Big Result

This study found **82% of child rape respondents report respectful treatment from the police** relating to the investigation of their defilement case.

This has not always been the case. The High Court of Kenya found that 0% of the 160 Girls investigations were Constitutionally investigated. Girls were being discriminated against, perpetrators were left free to reoffend, and girls were left vulnerable to more rape prior to the 160 Girls initiative. There was no justice.

Now the police are not only promptly and professionally investigating defilement cases, but they are also making victims feel supported and respected, providing validation for victims.



This is what equality change looks like.

Project Overview

In 2013 the High Court of Kenya agreed with the equality effect (e²) that the Kenyan state had failed to enforce existing rape laws, and that the police failure to protect girls (and boys) from rape was unconstitutional and violated domestic, regional and human rights law.

This decision launched an extraordinary journey of systemic equality change. The equality effect partnered with the Kenya National Police Service and local rape rescue centres, and the children across Kenya to bring to life the High Court's 160 Girls landmark decision.

Now over 81% of child rape victims have access to justice within 3 months of reporting to police, due to proper investigations being taken by police who have received the 160 Girls training.



This report analyzes the remarkable progress in the police treatment of child rape investigations from the perspective of 38 child victims.

Theory of Change

Police*, Prosecution** and Judicial** Training

Training consistent with human rights law so the justice system is enabled to hold perpetrators accountable for their violence

Constitutional Claim*

Use human rights guarantees and courts to ensure existing rape laws are enforced

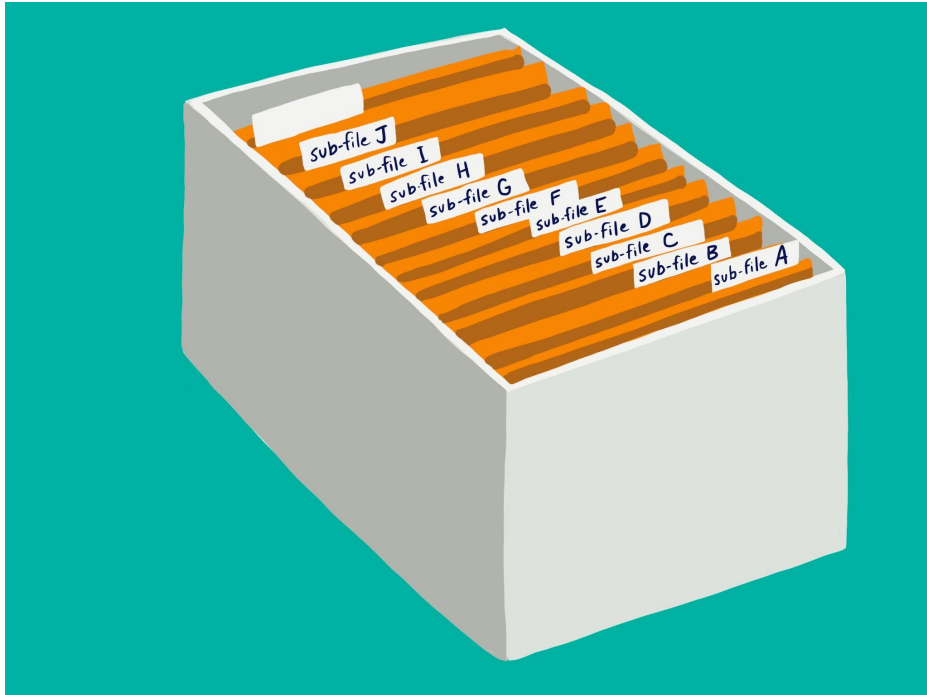
**Making
girls'
rights real**

Community Legal Education**

Public education re: legal rights to access justice so community members can advocate for girls

** Completed; ** In progress*

Measuring Equality Progress Relating to Police Defilement Investigations:



Independent experts from the Vancouver Police Department and senior officers from the Kenyan National Police Service review defilement files in randomly selected stations and assess the files for compliance with the 160 Girls High Court decision, and the 12 step investigation process developed in reference to the High Court decision.

Victims of defilement were recruited by e2's local rape rescue partners to provide their feedback on how their defilement investigations were treated.

This report details the feedback from the defilement victims surveyed relating to their experience reporting their defilement to police.

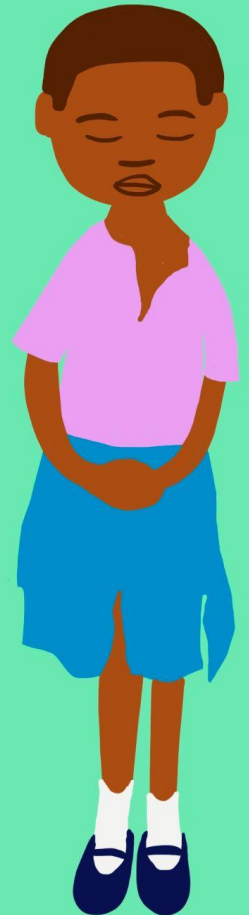
The Survey Respondents

The purpose of this study was to obtain detailed feedback from the victims and/or their guardians regarding their experience with the police, after the police had received the 160 Girls defilement investigation training.

The sample of 38 victim respondents was chosen from the Nairobi and surrounding area. (As the interviews were conducted at *the equality effect* Nairobi office, the respondents needed to live reasonably close.) These interviews were among victims whose cases occurred at least 6 months after the police had received the 160 Girls training ,so that the new procedures were well established.

40 victims were chosen randomly from the police files in the Nairobi area. They were contacted by *the equality effect* staff and invited to come to the e² office for a private interview. A standard questionnaire was used for each of the survey respondents. 38 respondents agreed to participate. The interviews took place in March 2024.

There were approximately 200 qualifying defilement victims on file with the police. Therefore, a sample of 38 respondents is considered to be a small representation of the target population. The data should be used primarily as descriptive feedback on their collective experiences.



Demographics

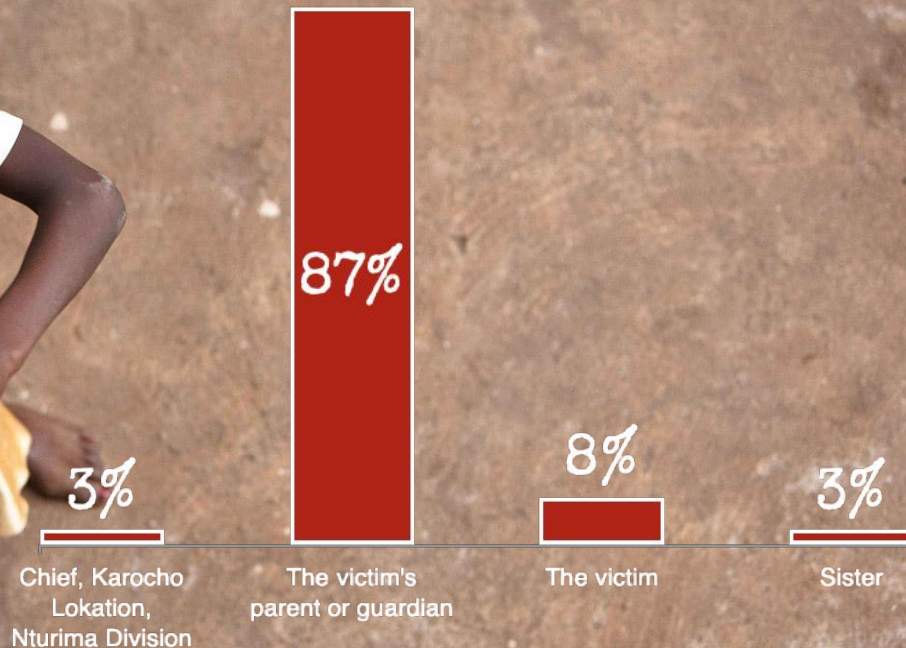
89%

of victims
are female

11%

of victims
are male

Check which best describes the survey respondent?



% of respondents reflects only responses that could be coded and do not include blanks

The Victims' Feedback on Police Treatment of Defilement Claims Since the 160 Girls High Court Decision



After the 160 Girls High Court decision, the Kenya National Police Service, the Vancouver Police Department and e² created a defilement investigation process that complies with the 160 Girls High Court decision.

The main stages of a defilement investigation that involve the victim are:

1. Occurrence Book
2. P3 Forms
3. The Victim Interview
4. The Victim Statement
5. Investigation Outcomes



Results: Occurrence Book (O.B.)

All investigations must be handled promptly and begin with an official record of the claim being recorded in the Occurrence Book.

Baseline: The High Court of Kenya found that none of the 160 Girls police investigations were Constitutional (a conceptual “0” % access to justice baseline)

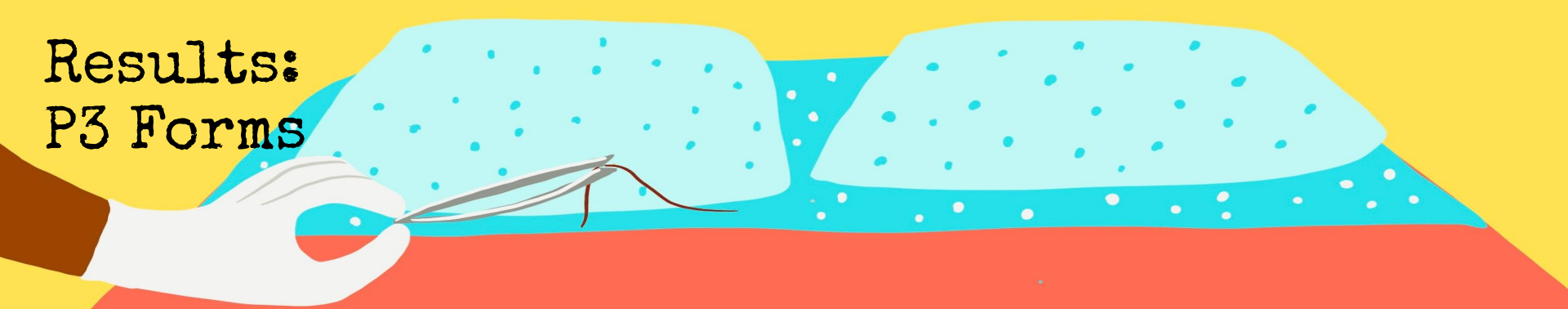
Post 160 Girls Victims' feedback relating to O.B. activity:

87% of report police acted quickly when reporting rape

95% of complaints recorded in the Occurrence Book

82% of complainants provided with the Occurrence Book number for their case

Results: P3 Forms



Physical evidence must be collected promptly, with a medical examination by a doctor at a hospital completing the P3 medical form. The victim should be provided the P3 form for free.

Post 160 Girls Victims' Feedback

82% of victims were provided with a free copy of a P3 form

66% of victims were accompanied to a medical facility by police to complete the P3 form.

74% of victims were either accompanied by police to have the P3 form completed or provided a letter of instruction for the doctor to deliver with the P3.

Results: The Victim Interview

Victims must be interviewed using a trauma informed approach, respecting the victim and in a safe and private location.

Post 160 Girls victims' feedback:

89% of victims were interviewed.

50% of victim interviews were taken within at least 2 hours of reporting the rape.

76% of victims were interviewed in a private location

87% of victims described being treated respectfully by police during the interview.



Results: The Victim Statement

The Victim statement is a vital piece of evidence in a defilement investigation. It must be taken in a manner that respects the victim, and must be signed by the victim or guardian to ensure accuracy.

Post 160 Girls victims' feedback:

92% of claimants had a police officer take a victim statement.

94% of victim statements were taken immediately after the victim interview.

74% of victims signed the victim statement.



Results: Investigation Outcomes

The final stage of an investigation is to bring the case to court, with a professional investigation and evidence collection to support a conviction.

Police are to inform victims of the outcomes of their investigations.

Post 160 Girls victims' feedback

84%

of claimants were informed of the outcome of the police investigation.

95%

of cases involved an arrest with the accused going to court.

How did the victims feel about their treatment from the police?

82%

said they were **treated respectfully** by the police

37% *“very respectfully”*

49% *“mostly respectfully”*



Only 21% of victims expressed any dissatisfaction with the police investigation of their case.

This paints a starkly different picture of police treatment of defilement cases pre-160 Girls.

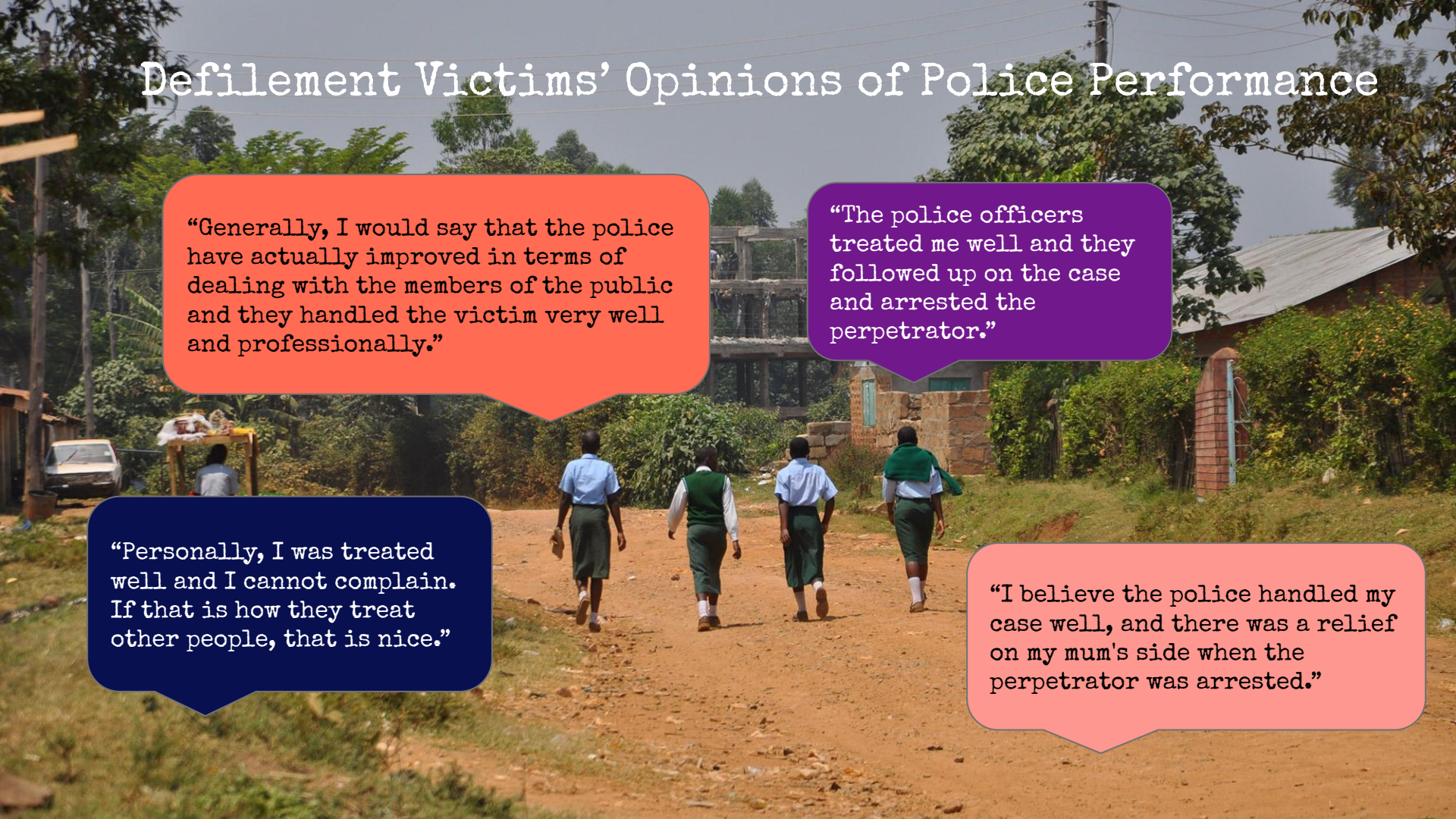
Defilement Victims' Opinions of Police Performance

“Generally, I would say that the police have actually improved in terms of dealing with the members of the public and they handled the victim very well and professionally.”

“The police officers treated me well and they followed up on the case and arrested the perpetrator.”

“Personally, I was treated well and I cannot complain. If that is how they treat other people, that is nice.”

“I believe the police handled my case well, and there was a relief on my mum's side when the perpetrator was arrested.”



Defilement Victims' Recommendations for Change

A young boy in a green school uniform is seen from behind, jumping rope on a wooden structure. He is wearing a green sweater, a green skirt, and gold shoes. The background shows a building with corrugated metal walls and a blue window frame.

“Currently, police are doing a great job with investigating defilement cases and handling the victims.

However, the community needs to be sensitized on the importance of reporting defilement cases because some parents are bribed by the perpetrators and settle the matter out of court.”

“I commend the police for a job well done for handling my case professionally.

In future they can improve on having a children's officer or counsellor in the police station who can deal with small children who have been defiled.”

Acknowledging the small base/qualitative nature this study, it impressively corroborates the robust external measurement of police compliance with the 160 Girls High Court decision undertaken by the VPD and Kenya NPS.



81%

of cases are receiving access to justice within 3 months.

Based on rigorous tracking of # of cases.

82%

of victims feel respected - only 21% expressed any dissatisfaction with the police

Based on victim research.

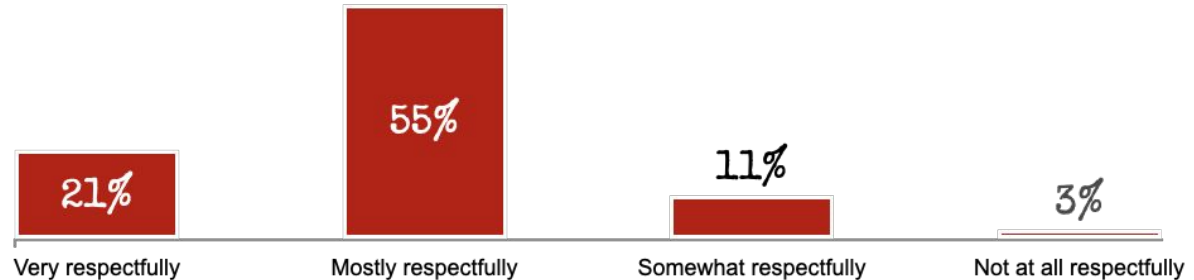
Victims are
being treated
respectfully
and promptly
post 160 Girls

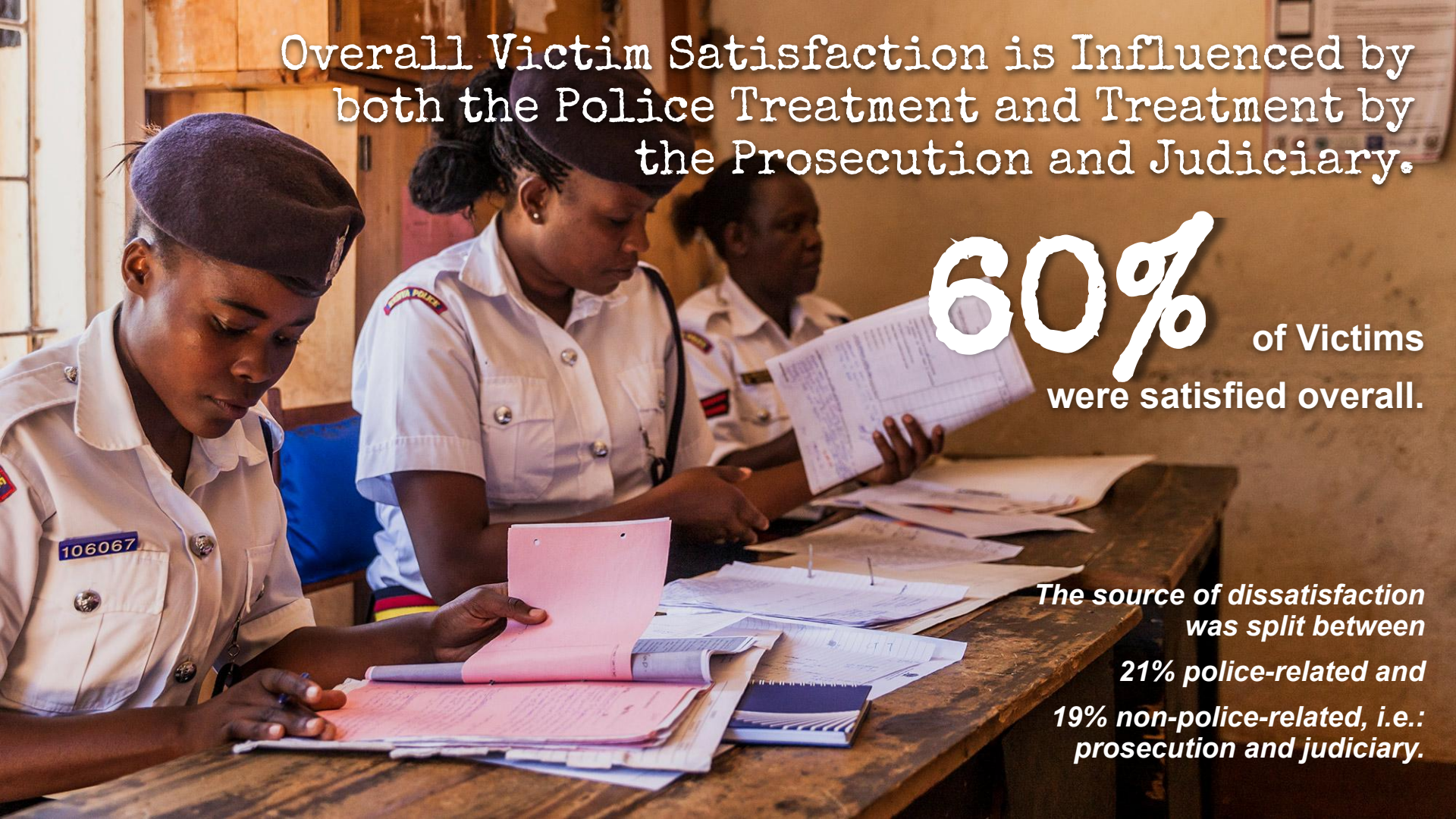
Base size = 34;
4 respondents did not
answer.

When did the victim interview take place?



Which statement best describes how the police treated you throughout the victim interview?





Overall Victim Satisfaction is Influenced by both the Police Treatment and Treatment by the Prosecution and Judiciary.

60%

of Victims were satisfied overall.

The source of dissatisfaction was split between 21% police-related and 19% non-police-related, i.e.: prosecution and judiciary.

“Which statement best describes your level of satisfaction with the treatment by the police throughout the investigation?”

38 Victims

Level of Satisfaction with investigation

15 Not Satisfied

6 “not that satisfied”
9 “not at all satisfied”

23 satisfied

9 very satisfied
10 satisfied
4 somewhat satisfied

8

Police-related reason

7

Reason not Police-related (i.e.: prosecution and/or judiciary related)

21% Victims

saw Police shortcomings

Current Challenges with Police Treatment of Defilement

21% of victims were not satisfied with the police treatment of their defilement claim. Reasons for dissatisfaction:

- 2 week delay before starting the investigation process
- Threats to arrest guardian if not a provable case
- Local station did not investigate until Detective of Criminal Investigation were involved
- No actual investigation
- Victim disappeared and police did not try to find her
- The perpetrator was kept in jail 2 months then relocated to Nairobi
- The perpetrator was roaming freely 2 months after his arrest. We were not informed why.
- The suspect was released from police custody after 2 days and he is still free. The police did not contact me again. No arrest, no trial.



Next steps...

Based on highly valuable insight received from the victims in this study, we have surveyed another group of defilement victims for their feedback on their treatment by the Prosecutors and Magistrates/Judges. This research will provide a baseline for the 160 Girls P&J engagement, and will inform the development of the 160 Girls P&J curricula and training.

We will follow up on the specific shortcomings experienced by the victims to ensure these challenges are highlighted in the police 160 Girls training.

We will share this feedback from victims when we report on the overall 160 Girls access to justice statistics. The level of agreement between the victims' positive experience and the 81% access to justice result is impressive.



160 Girls Project: Ending Impunity for Child Rape

The 160 Girls project is a comprehensive systemic change initiative designed and implemented by *the equality effect* to end impunity for child rape, and ensure the enforcement of existing laws.

In 2010, the '160 Girls Project' was launched, in partnership with local Kenyan legal experts and rape rescue centres. The goal of the 160 Girls Constitutional claim, involving the cases of 160 victims of rape between the ages of 3-17 years, was to achieve the enforcement of existing child rape laws in Kenya. Three years later, history was made with a landmark victory ruling that recognized the state had not acted Constitutionally in any of the 160 cases.


The equality effect, at the invitation of its local rape rescue partners, used the 160 Girls legal victory to change the justice system. *The equality effect* partnered with the Kenyan National Police Service (NPS) and the Vancouver Police Department to create systems change that has contributed to the elimination of the climate of impunity for child rape. The 160 Girls Project has resulted in a significant increase in the effectiveness of child rape investigations. **Today, 81% of child rape victims are receiving access to justice within three months of reporting to police*. And 82% of child rape respondents report respectful treatment from the police.**




*Source: Kenyan National Police Service reported status of cases January - April 2024.
Base = 511 cases reported. % of cases that have an arrest and charges preferred and a court date.



If you rape a child ... You will face jail



www.160girls.org



Thank You
e²

the equality effect

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