

IHRP Update- June 11, 2012

In May, I arrived in Nairobi very late at night. After a brief sleep, my fellow intern, Priya (a law student from McGill) and I were whisked off to Makutano, a very small rural town in the Central Highlands of Kenya. The next day, we were introduced to the staff of the temporary shelter for abused girls (the Centre), where we would be working for the next 3 months.

The Centre is run by an organization, originally meant to provide HIV/AIDS support and education in the community. Since then, it has expanded to run a school, a centre for abandoned children (aged 0-3 years), the girls' shelter and a variety of community support. The Centre's staff are a small, tight-knit group of very dedicated hard-working individuals, who spend their days running up and down the dusty roads of Meru county, rescuing girls, conducting home studies, attending court in support of abused children and taking abused children to the police station and hospital.

Priya and I worked with the social workers in a small building right next to the shelter in which the girls live. Currently there are 11 girls at the shelter—all of them full of joyous energy. We have had the marvelous opportunity to spend time with the girls there, who have demonstrated their prowess at skipping rope, dancing and singing.

We worked Monday to Friday and sometimes Saturday. Along with conducting legal research and preparing legal documents for the upcoming constitutional challenge, Priya and I shadowed the social workers. We attended multiple court hearings, hospitals, homes, police stations and District Children's Officers'. While at court, we both took extensive field notes on the proceedings and, on occasion, intervened to ensure that the shelters' girls' rights were

upheld. For example, we requested that the court room be cleared of family members who were hostile to the girl when she was to testify.

The organization has been working towards bringing a constitutional challenge against the Kenyan government for failure to adequately enforce existing laws that should protect girls from rape (termed defilement in the Kenyan laws). Priya and I constructed the first draft of the factum for the constitutional challenge, based upon research conducted by previous interns and other volunteers. We finished our internship in Nairobi, where we were generously invited to attend a meeting, in which our first draft of the factum was discussed by Kenyan and Canadian lawyers involved in the project. It was wonderful to be able to participate in the beginning of the re-drafting process.

We assembled the Book of Authorities for the Kenyan lawyer heading the case, as well as case summaries for every case used to support the factum. We provided the Kenyan lawyer with copies of all the secondary sources used as well.

Based on our observations from court, we assembled questions and issues to address in assembling a court users' manual for the social workers to use in the future. To determine what other information might be useful, we also interviewed a prosecutor and a District Children's Officer. We are currently working on preparing the manual.

We have now both returned to our Canadian homes—Priya to Montreal, I to Toronto. The staff at the centre, the girls, the lawyers and the residents of Makutano all made this internship a truly valuable, unforgettable and wonderful experience. The internship was a wonderful and insightful experience, in which we also gained an opportunity to not only participate in an exceptional legal project, but also gained plenty of non-legal experience, as

well. While assisting the girls in turning plastic containers into musical instruments, we learned the importance of massive applications of glitter paint—a necessity to any artistic endeavour. And the shelter's guard (a father of two girls) showed himself to be particularly knowledgeable at constructing skirts made out of painted tree leaves. When attending a legal meeting the Kenyan lawyer heading the case, Priya and I were given an extensive tour of his farm, while wearing our blazers and dress shoes. The internship was a wonderful, unpredictable and unique experience!