

IHRP Fellow: Ashley Boggild
Host Organization: The Equality Effect (Kenya)

August 24th, 2016

Final Report

“160 Girls” Project

In Kenya nearly 1 in 3 girls under the age of 18 experience sexual violence.¹ Despite the strong penalties prescribed by the *Sexual Offences Act, 2006* against defilement (penetration with a person under 18 years old), the law has not been effectively enforced by police officers in the past. This has created an atmosphere of impunity for defilement offenders which has further perpetuated this violence. Responding to this epidemic of violence against young girls, the Equality Effect, a Canadian non-profit comprised of an international network of human rights advocates who address the inequality of women and girls in Commonwealth Africa, partnered in 2011 with Ripples International, which operates a shelter for abused children in Meru (Kenya), to create the “160 Girls” Project. This summer I had the immense privilege of contributing to this project from Ripples International’s head office in Meru through my fellowship with the Equality Effect.



Figure 1 Esther Dionne Desbiens (right) and I posing for the #160girlsandme social media campaign supporting the “160 Girls” Project.

The “160 Girls” Project began with a constitutional petition brought to the High Court of Kenya on behalf of over 160 defilement survivors from Meru County. In May 2013, the High Court ruled that the Police Service must conduct prompt, effective and professional investigations of all defilement cases. While this was a momentous victory for children’s rights in Kenya, the Equality Effect recognized that it would only be as effective as its implementation. Today, the Equality Effect works to ensure that the obligations of the Police Service are being upheld and thereby that children’s rights are being protected by continuing the “160 Girls” Project through police training and monitoring, as well as public legal education initiatives in urban and rural communities. My work on this project focused primarily on police monitoring and public legal education and involved working closely with a law student from McGill University, Esther Dionne Desbiens, as well as Ripples International social workers, lawyers, local police officers, district children officers, and court officials and administrators. Through this work I learned a great deal about the criminal justice system in Kenya, the proper

¹ Violence against Children in Kenya: Findings from a 2010 National Survey. Summary Report on the Prevalence of Sexual, Physical and Emotional Violence, Context of Sexual Violence, and Health and Behavioral Consequences of Violence Experienced in Childhood. Nairobi, Kenya: UNICEF Kenya Country Office, Division of Violence Prevention, National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, and the Kenya National Bureau of Statistics, 2012.

police procedures for defilement and sexual assault, and about some of the intricacies and challenges of international human rights law and NGO work more generally.

Police Monitoring

In order to ensure that the Police Service in Kenya does not revert to practices whereby some officers refused to make arrests or report defilement cases, were reluctant to take statements, requested bribes, or treated defilement survivors with humiliation, the Equality Effect continues to closely monitor the police treatment of defilement cases. This monitoring will serve as evidence in a constitutional claim in the event that the Police Service does not uphold their obligation to properly investigate defilement claims. For this aspect of the “160 Girls” Project, Esther and I meticulously went through each case reported to Ripples International in the past year, creating a report which summarizes the police treatment of each of these cases. This required a significant amount of investigative work to fill gaps in the children’s files, which we did by discussing cases with social workers, police officers, court officials, and defilement survivors and their family members. Since the Equality Effect also wants to ensure that defilement cases which are not supported by Ripples International are receiving similarly prompt and professional treatment by police officers, Esther and I along with Ripples International staff conducted interviews with guardians of children who have reported defilement cases which have not involved Ripples International’s support. During these interviews we asked detailed questions about how the police responded to and assisted them with their children’s cases. Overall we found that police stations that have received training through the “160 Girls” Project have drastically improved in their treatment of defilement cases while stations which have yet to receive training still respond with notable neglect, requests for bribes, and disrespect. Esther and I wrote a report on our findings from these interviews and suggested subsequent steps to be taken to improve the police response to these cases. While there is still certainly room for improvement, it was inspiring to see first-hand the concrete impact the “160 Girls” constitutional claim has made for defilement survivors and its lasting impact through the continued efforts of the “160 Girls” Project.

My work monitoring the police also involved accompanying survivors and their families to court to record court proceedings and to compile a report on the cases which have led to legal victories for the survivors. During the fourth week of my fellowship, I witnessed one of these victories which involved the conviction of a man who had defiled both of his step daughters (aged 7 and 9) with two concurrent life sentences. Then in my fifth week, I witnessed yet another conviction whereby a father who had been defiling his daughter for two years since she was 14 years old was sentenced to life imprisonment. Even though the minimum sentence for this offence is 20 years, the magistrate recognized the epidemic of child abuse in Kenya and stated that he wanted to make a strong statement about the severity of these offences. After hearing this judgement I spoke with the survivor’s mother and came to recognize some of the complexities of these



Figure 2 Myself in front of Githongo Law Courts.



Figure 3 Outside of Maua Law Courts. From left to right: Muthombi Thiankolu (Equality Effect Lawyer), Esther Dionne Desbiens, Benson Mzizi, myself, and Gilbert Cheptinde (Ripples International Social Worker).

victories. While she was very happy that her daughter would now be safe, she expressed her concern over how she would now support her daughter and her three sons. Certainly these legal victories are multifaceted, as on the one hand they protect survivors and whole communities from perpetrators who are rarely one time offenders. Yet, they also commonly leave these girls, and their newborn babies if they have conceived out of the defilement, without any financial support. Along with this, the lack of legal aid being used for these cases often results in self-represented perpetrators cross-examining the young girls whom they defiled, bringing about serious re-victimization. This can also deprive the accused of a fair trial since they are left without any guidance, aside from that which they receive from other inmates, on how to effectively conduct a cross-examination. Instead, they revert to tactics of intimidation, furthering this re-victimization. Sitting in a magistrate's chambers between a young survivor and the man who defiled her, sharply brought these concerns to my attention, and made me realize some of the enormous challenges involved in criminal and especially sexual assault cases.

Public Legal Education

The other primary focus of my fellowship was public legal education (PLE). During the second week of my fellowship, I helped facilitate a PLE conference on the "160 Girls" Project for chiefs, social workers, leaders of community support programs, and pastors in Maua. Later, I was able to help deliver a school workshop on the "160 Girls" Project and children's rights at an elementary school in Kithoka, Meru. I also had the opportunity to speak on a local radio station in Isiolo on two occasions. During these radio interviews, Esther and I talked about the "160 Girls" Project, children's rights, and defilement. We also responded to many interesting questions raised on these subjects by listeners who called into the station. Along with these organized PLE events, we used various forums whenever available to spread information about defilement, including a Court Users Committee open day, meetings for local women's groups, and a three day training conference that we attended on gender based violence. This aspect of my work was incredibly rewarding and provided me with



Figure 4 Esther Dionne Desbiens and I speaking on a local radio station in Isiolo.



Figure 5 Dancing at a Court Users Committee open day.

a unique opportunity to deeply engage with various members of local communities. It was also wonderful to see how this dissemination of legal information works in conjunction with the progress achieved in court to help empower children and communities to demand better treatment of defilement cases. Ripples International’s mandate is to “empower children in an empowered community,” and through our PLE efforts I truly felt that we were helping to concretely achieve that objective.

Final Remarks

While this fellowship was deeply rewarding, it did not come without its challenges. With considerable turnover in Ripples International’s staff this past year, some of the information required for our reports had gone missing. Along with this, the girls’ cases that I worked on were very emotionally demanding. However, since many of these girls were living in Ripples International’s rescue shelter located close to their head office, I was able to spend quality time with them outside of court on the weekends. Building relationships with these girls and being inspired by their resilience and positivity was the driving force behind my work and will continue to resonate with me as I carry on in my legal career. This fellowship has reinforced and deepened my interests, particularly my passion for advocacy work against gender based violence. This project was especially meaningful to me as it brought me back to Kenya, where I spent the majority of my summer in 2014. It was partly the story of a young girl that I met at that time, who had been sexually assaulted by her father, that motivated me to pursue a career in law. I am incredibly grateful that two years later I could return to this beautiful country with new knowledge and skills, giving me the ability to work to help empower brave girls like her.

I am immensely thankful to the Equality Effect, Ripples International, and the University of Toronto’s International Human Rights Program for this intensely rewarding and unique experience. I have no doubt that it will serve as a cornerstone for my career.



Figure 6 Hell's Gate National Park, Kenya.

For more information on the Equality Effect and the “160 Girls” Project: <http://theequalityeffect.org/>
For more information on Ripples International: <http://www.ripplesintl.or.ke/>