

IHRP Final Report

Nicole Thompson - Equality Effect and Ripples International

Introduction:

Sexual violence against women and girls in Kenya is extremely prevalent, despite the steps taken by the legislature and judiciary to deter such crimes. My work with Equality Effect and its partner organization Ripples International, has focused on this issue - specifically on the crime of defilement (penetration of an individual under 18 years of age). In 2013, the High Court of Kenya heard a constitutional petition representing 160 girls in the Meru region, who were all survivors of defilement and abuse. In attempting to access justice, many of these girls encountered significant obstruction by the police. In response, the High Court ruled that all officers had an obligation to conduct ethical, thorough, and prompt investigations in defilement cases. This decision has become the bedrock for my work on Equality Effect's 160 Girls Project this summer.



Equality Effect's current work seeks to protect children's rights through a number of activities, including police monitoring, court monitoring, and primary school Justice Clubs. My role as an intern with the Equality Effect has allowed me to engage in all three elements of the 160 Girls Project and has taught me a great deal about Kenya's legal structure, including the challenges which child rights advocates face in this system, and how third parties like Ripples and Equality Effect can employ human rights law to improve access to justice.

Police Monitoring:

In order to ensure that police officers continue to follow the directive of the High Court, Equality Effect employs a police monitoring program. My colleague Yulia and I were tasked with analyzing a claimant's experience with their investigating officer, and comparing this with the framework which Equality Effect is teaching through their police training program. Often this required interviewing both the survivor and the Ripples staff assigned to the case. On occasion, this also required visits to police stations in Tigania, Meru, Githongo, and Maua, in order to follow up on cases and assess whether the station was adequately documenting the investigation.

Court Monitoring:

Ripples has many ongoing cases which are currently before the court. Part of my role was to monitor these cases, attend hearings with the staff social worker, and report on the case progress. These results were mixed, and were often highly dependent upon the magistrate in charge. Unfortunately, it is common to spend a morning in court with 20 cases on the docket, and to have each hearing postponed because either the accused or a witness failed to show up. Sometimes the magistrate will issue a warrant for arrest, but often a new date is given with the hope that the witness will be contacted and appear next time.

Justice Clubs:

Our work also allowed us to participate in the joint Justice Club project between Equality Effect and Ripples International. The purpose of the project is to interact with primary school children through “Justice Clubs” in three local schools, teaching them about children’s rights. Depending on the age and maturity of the children in the club, the curriculum varies from simple messages which challenge the stigma surrounding sexual assault, to more complicated programming which teaches students the proper investigative and legal processes which should be followed in a defilement case.

My colleague Yulia and I conducted the induction training for the teachers running the Justice Clubs at each of this year’s schools. We were also able to attend the program launches for two of the three Justice Clubs. The children were incredibly engaged in the material and performed inspirational poems and skits to teach their peers about their rights.

Legal Research:

Finally, we prepared a substantive equality analysis for the Equality Effect regarding a rule of evidence which allows doctors to testify in defilement cases even if they did not originally conduct the medical examination of the survivor. This report will be submitted to the Inspector General of the Kenyan police with the hope that it will be used in the upcoming Parliamentary debates on this issue. This project required intensive legal research over multiple jurisdictions, as well as numerous interviews with practicing doctors to understand how their testimony may influence the outcome of defilement cases, and what solutions Parliament should adopt in the future.





Final Remarks:

While difficult at times, this was an incredible experience which has helped me to develop professional skills I will use throughout my career. It has also been incredibly inspiring to meet many of the girls who are staying in the shelter at Ripples International. Despite the challenges they have been through, their positivity and strength of character has motivated me to continue with human rights advocacy in the years to come. I would like to thank Equality Effect, Ripples International, and the International Human Rights Program for allowing me to participate in such a rewarding and empowering project this summer.