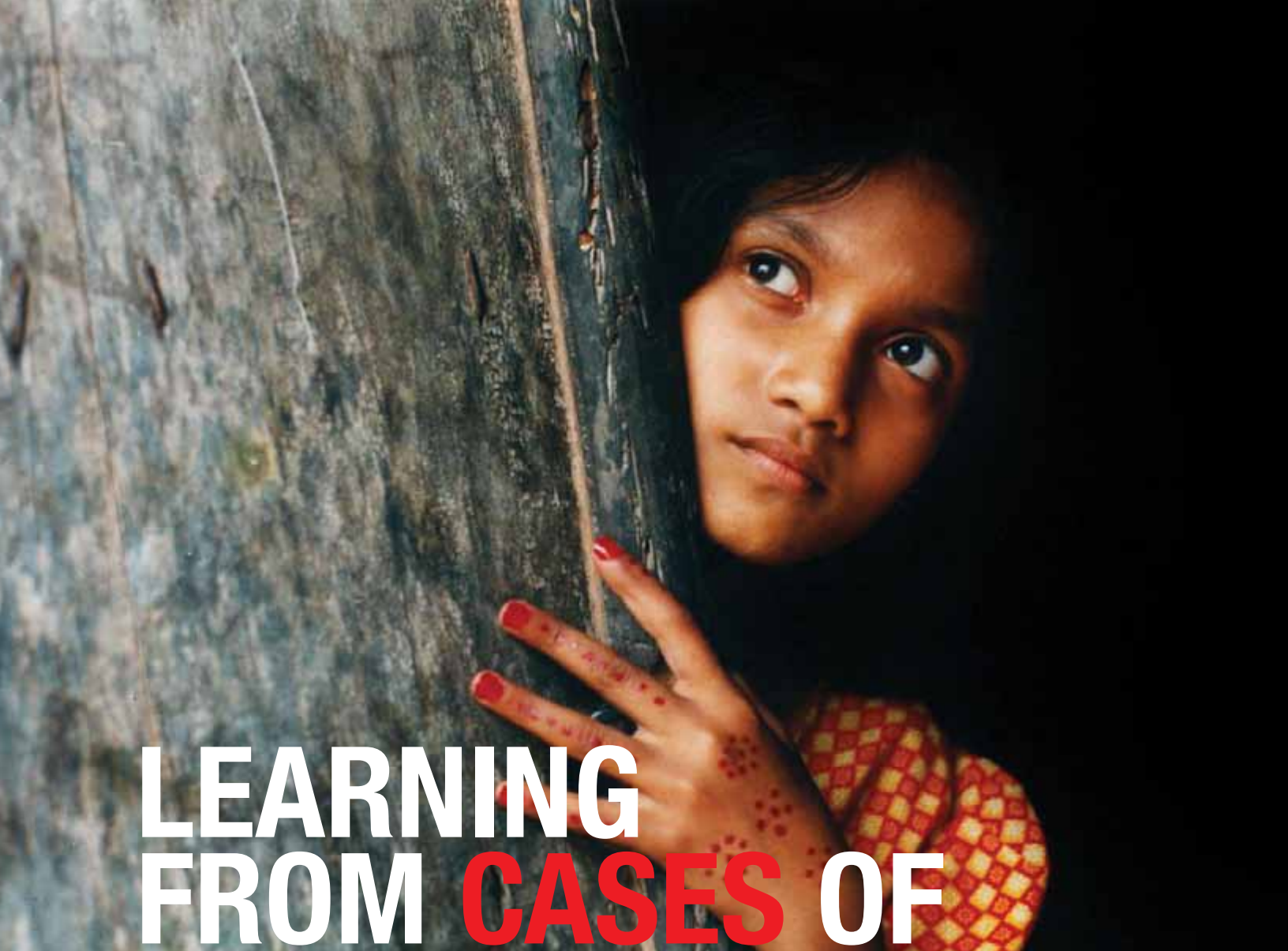


Equality Now Adolescent Girls' Legal Defense Fund



LEARNING  
FROM CASES OF  
**GIRLS' RIGHTS**



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**A**dolescent girls are disproportionately vulnerable to human rights abuses that can have severe and long lasting consequences. At the same time, girls generally lack a support system through which they can protest abuses and attempt to access justice. Equality Now established the Adolescent Girls' Legal Defense Fund (AGLDF) to support and publicize strategically selected legal cases addressing the most common and significant human rights abuses of adolescent girls.



Since its inception in 2008, the AGLDF has taken up nine cases involving various forms of sexual violence, the most common abuse suffered by girls, in seven countries. These include cases of rape, abduction and forced marriage (Ethiopia), rape by teacher (Zambia), incest (Pakistan), female genital mutilation (FGM) (Kenya), child marriage (Yemen), sex tourism (Brazil), gang rape (Kenya), rape of disabled girl (Uganda) and gang rape by police officers (Pakistan). This paper consolidates and aggregates the learning from these cases.

In helping girls seek justice and navigate complex legal systems, we found common obstacles to justice faced by them, including lack of knowledge of rights and how to access them; fear of stigma, not being believed and being blamed; re-victimization through the justice system; and lack of girl-friendly services.

In order to access the justice system and claim their rights, girls need:

- i. knowledge of their rights;**
- ii. a supportive environment where they can voice their concerns without fear of stigma or disbelief;**
- iii. assurance that they will not be re-victimized through the legal system and that access to justice will be swift; and**
- iv. support services that are girl centered and sensitive to their specific needs with a focus on empowering the victim and giving her agency.**

Recommendations emanating from this learning include focusing on *prevention* of violations by providing girls with rights education and support networks; challenging gender stereotypes and attitudes through creative use of media, positive role models, voices of girl leaders and awareness raising in communities; and providing a better *response* to violations by equipping legal systems to address the needs of adolescent girls and ensuring that girl-centered support services are available.



II.  
**ABOUT THE  
ADOLESCENT  
GIRLS' LEGAL  
DEFENSE FUND  
(AGLDF)**



## II. ABOUT THE ADOLESCENT GIRLS' LEGAL DEFENSE FUND (AGLDF)

**F**or many girls, the critical adolescent years are shaped by harmful experiences that have irreversible and irreparable, and often lifelong consequences. Up to **50%** of sexual assaults worldwide are committed against girls under 16 <sup>1</sup> and up to one in five girls under the age of **15** experience sexual abuse. <sup>2</sup> In the developing world, more than **60 million** women aged 20-24 were married before they turned 18. <sup>3</sup> In addition, **3 million** girls are at risk of being subjected to FGM each year <sup>4</sup> and **80%** of trafficking victims are women and girls, with the majority being trafficked for sexual exploitation. <sup>5</sup>

The emergence of girls' sexuality during puberty generates damaging responses as societies feel free to disinvest in their schooling and personal development while appropriating their labor, sexuality, and fertility. Frequent lack of a support system leaves young girls without the means to protest abuses by family, partners, teachers, or strangers and therefore unsafe and vulnerable to sexual attacks in their homes, schools and communities. In the home, they may be subjected to incest, FGM and other human rights violations. In school, girls may be vulnerable to sexual abuse or rape at the hands of teachers and other authority figures. In the community, girls are often marginalized, unwelcome and unsafe and may be pressed into harmful practices such as child marriage.

**50%** of sexual assaults worldwide are committed against girls under 16

AGLDF was created to rectify the unique and devastating human rights abuses suffered by girls in early adolescence that harm their self esteem, strip them of their human rights and deny them present and future access to legal protection, social entitlements and economic opportunities. AGLDF supports and publicizes strategically selected legal cases, chosen to represent the most common and significant human rights abuses of adolescent girls.

Its main objectives include:

- **Increased legal protections for girls through impact litigation and law reform;**
- **Enhanced capacity of communities to address adolescent girls' human rights; and**
- **Greater visibility and public policy impact of cases, nationally, regionally and internationally.**

AGLDF also works to prevent violence against girls by ensuring that legal systems protect girls and deter perpetrators from violating their rights. Cases are chosen based on their significance and the prospects of finding restitution for the victims and reshaping the rule of law by setting precedents or highlighting the need for equal protection under the law. Cases are brought to the public's attention in order to foster discussion and potentially provoke greater numbers of girls having knowledge or/and seeking their rights. In every case, the best interest of the girl is the primary concern, and we track the progress of cases through the impact on the girls and their ability to access justice. Please note that the names of girls have been changed in the following descriptions to protect their right to privacy, and that the images used do not depict the girls whose cases are discussed in the paper.



# III. CASES

# Ethiopia:

Rape, Abduction  
and Forced Marriage



## BACKGROUND

Marriage by abduction, a common practice in parts of Ethiopia, occurs when a man kidnaps a woman or girl, rapes her and then pressures her to marry him. In some regions of Ethiopia, abduction is an old cultural practice used to take a girl as a wife by force. Typically, the girl is abducted by a group of young men. She is then raped by the man who wants to marry her who may be someone she knows or a complete stranger. The elders from the man's village then apologize to the family of the girl and ask them to agree to the marriage. The family often consents because a girl who has lost her virginity is deemed socially unacceptable for marriage to another man. Sometimes the abductor keeps the girl in a hiding place and rapes her until she becomes pregnant, at which time her family feels it has no option but to agree to the marriage. The prevalence of marriage by abduction in Oromia region is 80%, with a national average of 69%.<sup>6</sup> These figures are from 2003.

**Prevalence of marriage by abduction in Oromia region**

**80%**

National average **69%**.

## MAKEDA'S CASE

Since 2002, Equality Now has been involved in the case of Makeda who at the age of 13 was abducted twice, raped and forced to sign a marriage contract.

**Our goal in taking the case was to ensure that there were laws against abduction, rape and forced marriage and that these laws were implemented to eradicate this harmful practice.**

Both abduction and rape are criminal offences under Ethiopian law, but if marriage was subsequently agreed upon, the law stated that the husband would be exempt from criminal responsibility for his crimes.

Makeda lived in a rural village with her mother and grandparents in the southeastern part of Ethiopia. She was 13 years old when, on 12 March 2001, a man by the name of Aberew Jemma Negussie came to her residence in the middle of the night with a group of accomplices, carried her away and raped her. Her teachers reported her abduction to the police. Two days later, Makeda was rescued and Aberew Jemma Negussie was arrested. On 4 May, however, having been released by police on bail, Negussie abducted her again and hid her in his brother's house. She was held there until she managed to escape more than a month later, but only after she was forced to sign a marriage contract.

On 22 July 2003, Aberew Jemma Negussie was sentenced to 10 years' imprisonment without parole for Makeda's abduction and rape. His four

### III. CASES

#### Ethiopia: Rape, Abduction and Forced Marriage

accomplices were each sentenced to eight years' imprisonment without parole. Although cases of abduction and rape are sometimes reported to the Ethiopian authorities, prosecutions are uncommon and rarely successful. This was the first case in which accomplices were also charged and convicted for abduction.

**“I feel the legal process is unfair to women. The attitude towards women and especially attitudes towards cases like mine needs to change. I felt the legal process in general did not work for me... I am hesitant to say I would encourage other girls to take legal recourse given that it didn't help me bring the perpetrators to justice. However, if the legal system is made better and favorable to girls then it would be ideal.”**

*-Makeda*

However, just four months later, on 4 December 2003, the High Court of the Arsi Zone sitting on appeal quashed the decision of the lower court and released the five perpetrators from prison. Makeda did not know of the hearing, nor was she given the opportunity to be present. Ethiopian Women Lawyers Association (EWLA), which was providing Makeda legal assistance, took the case to the Oromia Supreme Court, but the court ruled there were insufficient grounds to reconsider the case. Anecdotal information suggests abductions and rapes ceased when the outcome of Makeda's case was uncertain but resumed when it was clear the perpetrators would go unpunished. In fact, allegedly Abrew Negussie abducted, raped and forcibly married another girl.

Since all domestic legal avenues had been exhausted, in 2007 Equality Now, in conjunction with EWLA, filed a complaint with the African Commission on Human and Peoples' Rights (African Commission) on behalf of Makeda arguing that the Ethiopian government's failure to punish Makeda's rapist is a violation of its obligations under the African Charter on Human and People's Rights (the African Charter). Since 2008, at the request of the Ethiopian government, Equality Now has been trying to negotiate a friendly settlement with the

government on Makeda's behalf. In negotiating the friendly settlement, Makeda has asked for

**i. compensation for the harm done to her;**

**ii. an investigation into the conduct of Prosecutor Arsat Tolcha and Judge Biyo Ube followed by appropriate disciplinary action;**

**iii. gender sensitive trainings for all law enforcement and judicial officials on laws; and**

**iv. an investigation into a second abduction and rape by Abrew Negussie.**

In response to an April 2010 letter to the African Commission asking it to declare the case admissible and to proceed with consideration on the merits due to failed settlement talks, the Ethiopian government seemed more willing to settle the matter and promised Makeda that she would be given a house as compensation. However, no progress has been made on this and despite being filed more than four years ago, the case has not yet been declared admissible by the African Commission. In addition, the introduction of a law to regulate charities has severely restricted the work of non-governmental organizations working in the field of human rights and access to justice. Additionally the government has further frozen EWLA's accounts making it difficult for the organization to carry on its work. We asked the African Commission to rule on admissibility of the case in November 2011.

## ACHIEVEMENTS

### Removal of marriage exemption in Ethiopian rape law

In 2005, following advocacy efforts by EWLA supported by an Equality Now campaign, Ethiopia abolished the law that provided for exemption from punishment in these cases of abduction and rape, if the rapist subsequently married his victim. This removal of the marriage exemption from the Penal Code was a victory for girls' rights.



### III. CASES

#### Ethiopia: Rape, Abduction and Forced Marriage

##### **First rape case before the African Commission**

If declared admissible, Makeda's case would possibly be the first rape case to be addressed by the African Commission, setting an important precedent on responsibilities of governments in Africa.

##### **Empowerment of Makeda**

Makeda has been empowered through the process, if not by the legal system, then by the support she has received as a rights seeker. She interned in Equality Now's Kenya office, and during this time, she took English classes as well. Through the generosity of an outside donor, she is now in Boston continuing her English studies.

##### **Awareness-raising**

The case received a great deal of media attention following an article by Nick Kristof in *The New York Times* and an article in *The Washington Post*. Makeda's case was subsequently included in Nick Kristof's book 'Half the Sky' and featured in several documentaries. In May 2010 Makeda was also invited to speak at The Elders conference in South Africa, which resulted in their taking up the issue of child marriage and spearheading the formation of an international coalition after a two day meeting in Addis Ababa.



# Zambia:

Rape, of Schoolgirls by Teacher



## BACKGROUND

The “defilement” or rape of minors is rampant in Zambia. While there has been no comprehensive national level data collection on this issue, Zambia’s Fifth National Development Plan 2006-2010 identifies gender-based violence as “Zambia’s most significant invisible threat, and a critical problem that affects many women and children in particular.” Schools have been identified as sites of frequent and mostly unreported sexual abuse with teachers preying on vulnerable girls and exchanging higher grades for sex.<sup>7</sup> Zambian NGOs report that sexual abuse in Zambian schools is so prevalent that it constitutes a systemic problem for education. Most abuses by teachers are not reported and few teachers are penalized.<sup>8</sup> According to 2010 statistics from the Police Victim Support Unit (VSU) there were 2419 reported cases of defilement and only 240 convictions.

Reported cases of defilement

**2419** Convictions  
**240**

## MARY’S CASE

Equality Now has been actively supporting a case involving the rape of a 13-year-old girl, Mary, by her teacher.

**Our goal in taking this case was to ensure that the Zambian legal and educational systems properly handle cases of rape in educational institutions and particularly by teachers.**

In February 2006, Mary was raped by Edson Hakas-enke when she went to his house to collect her school papers upon his request. Mr. Hakas-enke told her not to report the incident as she would be thrown out of school and he would lose his job. Mary did not report the rape until several weeks later following treatment for a sexually transmitted infection that she had contracted as a result of the assault. At that time her aunt/guardian filed a complaint with the headmaster. When confronted, Mr. Hakas-enke claimed Mary was his “girlfriend.” The headmaster indicated this was not the first such incident involving Mr. Hakas-enke, but he maintained that whatever misconduct had taken place in Mary’s case had occurred outside school hours, and therefore it was a “personal” matter. He also claimed that the children were warned to keep their distance from teachers, particularly those of the opposite sex who make advances, because of the fear of HIV/AIDS. The school took no action, and Mary felt compelled to change schools.

### III. CASES

#### Zambia: Rape of Schoolgirls by Teachers

Mary's aunt went to the authorities and Mr. Hakasenke fled the country soon after the complaint was filed. On his return to Zambia, he was arrested by the police with assistance from Mary's aunt who transported him and the police to the police station. However, the police released him on the basis that too much time had elapsed between the incident and its reporting.

In March 2006, Mary's aunt subsequently consulted a lawyer who took the case *pro bono* and, with assistance from Equality Now, instituted a civil suit against the teacher, the school, the Zambian Ministry of Education and the Attorney General, as legal advisor to the government. Few teachers are penalized for abusing pupils and so, through the civil case against the perpetrator, school and the Ministry of Education, we planned to bring attention to this pervasive issue and send a strong message that sexual abuse of minors will not be tolerated. We hoped the case would put pressure on the Ministry of Education to act promptly against violations and put procedures in place to protect students from abuse. In the civil suit, Mary claimed damages from Mr. Hakasenke for personal injury and emotional distress. She also requested that the school and the Ministry of Education be held accountable for their negligence and that the Ministry of Education set guidelines to prevent incidents of teacher rape in the future.

**“To all the people and the girls that blamed me and tried to hurt my feelings I wish they could have tried to be more supportive and understand because you will never know what life can bring. To other girls in this situation I want to encourage them to report this to the principal of the school, the police and NGOs that are ready to help. For this world to be a better place we need each other. ”**

-Mary

These efforts bore fruit when, on 30 June 2008, Judge Phillip Musonda of the High Court of Zambia delivered his judgment and awarded Mary total damages worth K45,000,000 (\$14,000). He called the failure to prosecute Mr. Hakasenke a “dereliction of duty” considering the weight of the evidence. The judge noted that the abuse amounted to “enduring psychological brutalization.” He referred the case to the Director of Public Prosecution for possible criminal prosecution of Mr. Hakasenke and called on the Ministry of Education to issue regulations which would “stem such acts in the future.” Activists in Zambia have called this a landmark decision. Since this case reached the courts, Mary's lawyer has received several calls from other girls and their families seeking help for cases of defilement. Girls have also approached Mary quietly for advice on their own situations of incest and teacher abuse, illustrating all too clearly that the government needs to address this issue urgently.

This judgment became final in August 2009 after the Zambian Attorney General dropped his appeal following a sustained international campaign by Equality Now. In 2011, Mary finally received her compensation. However, to date, the police have not arrested or prosecuted Mr. Hakasenke who apparently has gone into hiding, although he continued to collect his government salary for over a year after the judgment.

In response to Mary's case a group of Zambian NGOs came together to form a coalition (the Tisunga Ana AthuaAkazi or “Let's Protect our Girl Children” Coalition-TAAAC) to prevent such abuses in the future. Equality Now got a three-year grant from the UN Trust Fund to End Violence against Women to work with the Coalition on a project aimed to safeguard the rights of adolescent girls. The overall goal of the project is to empower adolescent girls and to contribute to the elimination of violence against them through the implementation of a coordinated work plan of a range of civil society organizations.

## III. CASES

### Zambia: Rape of Schoolgirls by Teachers

The expected results of the project are

- i. enhanced effectiveness and efficiency of response and prevention measures through multi-sectoral cooperation between Coalition members and government entities;**
- ii. law reform to ensure that the legal system is more responsive to the needs of adolescent girls;**
- iii. strengthened provision of legal and health services to better respond to the needs of adolescent girls;**
- iv. prevention of violence through empowerment of adolescent girls, sensitization of boys and strengthened ability of the school system to prevent such violence; and**
- v. enhanced awareness and attention in the media to issues of violence against adolescent girls.**

## ACHIEVEMENTS

### Landmark judgment

The judgment of the High Court set an important precedent on the responsibility of the Zambian government to protect girls from being sexually assaulted and to provide recourse. This judgment will lead to adoption of institutional measures, which in turn will serve as a deterrent, leading to prevention of sexual violence.

### Formation of the Tisunga Ana Athua Akazi or “Let’s Protect our Girl Children” Coalition (TAAAC)

The capacity of Zambian NGOs to address sexual violence against girls has been enhanced and will ensure that civil society continues to work strategically on such issues and will result in institutional change in Zambia in the legal, educational and health systems.

### Awareness-raising

The issue has gotten significant media attention and several radio shows in Zambia have had live discussions of the subject with people calling in. Journalists have also been trained on better and more sensitive reporting of these issues.

### Safe spaces piloted in Zambia

Safe spaces, envisioned to empower girls by providing them access to social networks and knowledge of rights, have been piloted in 6 schools in Lusaka in partnership with Population Council. These will lead to prevention of violence by decreasing vulnerabilities. In addition, boy’s networks have also been set up in these schools with the aim of sensitization of boys on gender stereotypes and violence against girls.

# Kenya:

## Female Genital Mutilation (FGM)



### BACKGROUND

FGM is a harmful traditional practice that entails partial or total removal of the external female genitalia or other injury to the female organs for non-medical reasons. Between 100 and 140 million girls and women in the world are estimated to have undergone FGM and 3 million girls every year are estimated to be at risk of FGM, which is a fundamental human rights violation of women and girls.<sup>9</sup> The average prevalence rate of FGM in Kenya is 27.1%,<sup>10</sup> however this varies among ethnic groups.

Between 100 and  
**140**  
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 Female Genital Mutilation (FGM)

While the Kenyan government has enacted a number of laws/policies and action plans against FGM the

practice still exists and is nearly universal among certain ethnic groups such as the Somali, Abagusii, Kuria and Maasai. Among the Maasai community in particular, the prevalence rate is 73%.<sup>11</sup>

**27.1%** The average prevalence rate of FGM in Kenya

The Maasai are a semi-nomadic community located in several districts of central Kenya and northern Tanzania, where they move around in search of pasture and water for their animals. The recent 2009 Kenya census results estimates the Maasai population to be over 841,622. Within the Maasai, most girls are mutilated between the ages of 12-14 years in order to be accepted as adults. It has been over ten years since the government of Kenya criminalized the practice under *The Children Act, 2001*, which makes it illegal to perform FGM on girls under the age of 18 years, however few prosecutions have taken place. As a result of advocacy by local groups, a new stronger law was passed in October 2011. *The Prohibition of Female Genital Mutilation Act, 2011* not only presents harsher sentence to perpetrators but also punishes those aware that the practice is/has been carried out and protects all women and girls regardless of age and Equality Now hopes this is indicative of greater political will of the Kenyan government to address this issue.



## III. CASES

### Kenya: Female Genital Mutilation (FGM)

## SASIANO'S CASE

Equality Now worked with our Kenyan partner Tasaru Ntomonok Initiative (TNI), on the case of Sasiano Nchoe a 12-year-old girl from the Maasai community who bled to death on 18 August 2008, after being subjected to female genital mutilation (FGM).

**Our goal through taking on this case was to ensure that the government takes FGM cases seriously and properly prosecutes the perpetrators so that the deterrent effect of the anti-FGM law is achieved.**

Sasiano's body was buried immediately after her death. It was after TNI became involved and alerted the authorities, that Sasiano's body was exhumed and examined. Consequently, the circumciser and Sasiano's father were charged with manslaughter. The act committed is a criminal offence as provided in the Children's Act of 2001, which explicitly states that no person shall subject a child to FGM.

The police in the area were not following up on the case and our partner TNI began pursuing the case and putting pressure on the local authorities. While Sasiano's father and circumciser were arrested, they were subsequently released on bail. The case kept getting delayed because the perpetrators failed to appear for hearings, and despite a re-arrest warrant from the judge, the police were slow to take action. It was only after sustained advocacy by Equality Now and our partner TNI with the court and the police that the accused were rearrested. On 1 April 2010 the accused pleaded guilty to manslaughter and were each sentenced to ten years imprisonment.

## ACHIEVEMENTS

### Ten year sentences awarded

This may be the first court case involving FGM in the Kenyan Maasai community which resulted in significant

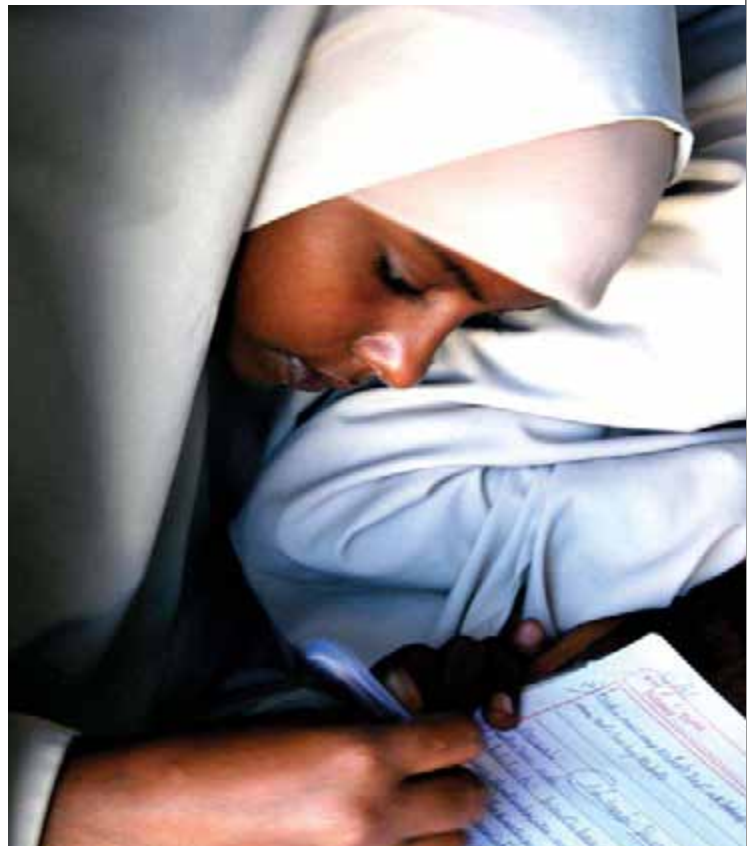
sentences and it will send a strong message within the community of the Kenyan government's will to implement the law.

### Building police capacity to implement the law

We had several meetings with Kenyan police personnel who admitted that their knowledge of FGM and the Kenyan law was limited and showed an interest in the possibility of police trainings. Our partner TNI plans to hold trainings with police to sensitize them on the issue of FGM as well as educate them about the anti-FGM law.

### Sustaining the victim's family

TNI secured compensation for the girl's family to mitigate the loss of income due to the father's imprisonment. This also helps them gain acceptance of the community, which had shunned TNI for its involvement in the case.



# Pakistan:

## Incest



### BACKGROUND

Victims of sexual violence in Pakistan face numerous obstacles in their pursuit of justice. Added to the social stigma attached to victims of sexual violence is the fact that the justice system fails to protect victims, instead often re-victimizing them.

According to 2009 statistics, nationwide 928 women were raped while 968 children, 285 boys and 683 girls were sexually abused, but the Human Rights Commission of Pakistan points out that these numbers are a fraction of the actual problem as a majority of the cases go unreported or are covered up<sup>12</sup> and the few reported cases rarely make it past the many procedural hurdles in the justice system. Victims who report cases face police obstruction and societal pressure and perpetrators are either never apprehended or go free.<sup>13</sup>

Incest, as a subset of sexual violence, is an even harder issue to broach given societal taboos and the

2009 nationwide statistics  
**928** women were raped  
**968**  
 children, 285 boys and 683 girls were sexually abused

dismissive attitudes of police, prosecutors and the judiciary who refuse to acknowledge the possibility of such crimes. In addition, there is no specific provision for the crime of incest in the Pakistan Penal Code making it easier for police, prosecutors and judges to disbelieve victims and dismiss cases. Incest cases, if ever brought, come under the general rape laws. According to UNICEF, 40-60% of known sexual assaults within the family are committed against girls aged 15 years and younger, regardless of region and culture.<sup>14</sup>

### MARIAM'S CASE

In 2009, Equality Now with its partner War Against Rape (WAR), Lahore, took on the case of Mariam, a 15-year-old Pakistani girl and the oldest of six children, who was raped by her father.

**Our goal in taking the case was to set a legal precedent on incestual rape, address barriers to access to justice for survivors of sexual violence and ultimately reform the Pakistan Penal Code to add a provision on incest.**

After the rape, Mariam felt that she could not tell anyone what had happened to her because she was ashamed and scared, but she finally confided in a school friend who informed their teacher. The teacher called Mariam's mother and told her about what had

## III. CASES

### Pakistan: Incest

taken place. When Mariam's mother took her to the police station to report the incident, Mariam was repeatedly questioned by several policemen to whom she repeated the same story. The policemen were skeptical and uncooperative and tried to dissuade Mariam from filing a complaint, telling her that this would tarnish her father's reputation. Mariam consistently responded that he should have thought of that before he raped her.

# 40-60%

**Sexual assaults within the family are committed against girls 15 years and younger, globally.**

Mariam's maternal uncles, who are poor street vendors, hired a lawyer to follow the case. While the father, the owner of a welding business, was initially arrested, he successfully persuaded the magistrate to let him out on bail pending trial, a move that was not opposed by the prosecutor. Mariam was not informed of the bail hearing and did not have a chance to challenge the grant of bail. The prosecutor further attempted to get the police to drop the case for lack of evidence. The lawyer hired by Mariam's uncles refused to follow the case unless a large amount of money was paid to him.

**“The whole process was very difficult. I was scared that people would not trust me. They would blame me, call me a liar and ask how it was possible that a father could do such a thing. If something like that happens we should not lose our heart we should face it bravely and courageously like I am doing.”**

*-Mariam*

Equality Now solicited the help of a lawyer who took up Mariam's case pro bono and was able to convince the police not to dismiss the case. She also got the prosecutor suspended for prosecutorial misconduct and put pressure on the police to reinvestigate the case. The case initially went to trial in May 2010. However, the first hearing did not take place until

January 2011 and then dragged on for over a year due to inefficiencies and delaying tactics by the perpetrator and his lawyer. During the trial, Mariam was forced to testify in front of the judge in plain view of her father until her lawyer and WAR intervened and obtained special permission from the judge to put up a screen separating Mariam from the perpetrator in the courtroom. The prosecutor made statements that were hurtful to Mariam's case and her lawyer had to intervene in order to protect the victim. The process also showed the lack of understanding of laws on sexual violence by the prosecutors and medico-legal personnel who testified in the case. For example, Mariam's lawyer had to use various scholarly research and legal opinions to counter a medical examiner who made the mistaken and outdated claim that due to the absence of physical marks of violence, Mariam could not have been raped.

On 22 July 2011, the judge sentenced the perpetrator to the death penalty for raping his daughter. While Equality Now does not support capital punishment, the issuance of a sentence was an affirmation of justice for Mariam after over two years of persistent efforts. We continue to work with Mariam's lawyer and WAR on sexual violence in Pakistan with a focus on reform of the rape laws in the penal code and advocacy towards victim-friendly court procedures.

## ACHIEVEMENTS

### Strong judgment issued

The judgment in Mariam's case showed that the Pakistani justice system can work for vulnerable and typically voiceless victims of such unspeakable crimes.

### Empowerment of Mariam

Equality Now has, through an anonymous donor, been able to help Mariam and her family rebuild their lives by making sure they have adequate housing and access to education for Mariam and her siblings. In addition, Mariam has been provided with psychological counseling and has taken a computer course to build her technical skills.

### **First workshop on incest**

On 13-14 December 2010, WAR, in collaboration with Equality Now, held a workshop in Lahore, Pakistan, bringing together relevant stakeholders to strategize on ways to enhance access to justice for victims of sexual violence, in particular incest survivors. The workshop resulted in a list of recommendations for action on prevention of violence, access to justice and provision of services to survivors.

### **First report on the legal system addressing incest**

Equality Now worked with our local partner WAR to collect data on incest cases and their treatment through the system. This report, which is the first report on incest in Pakistan, has been published in English and Urdu and will be used to support legal and other reform.

### **Awareness-raising**

In addition to the workshop, awareness of the issue has been raised by two opinion editorials on this sensitive topic by Equality Now's program officer in prominent Pakistani newspapers as well as television appearances by Mariam's lawyer who discussed challenges in the case. In addition, Pakistani press covered the verdict in the case.



# Yemen:

## Child Marriage



### BACKGROUND

Yemen has no legal minimum age of marriage and cases of child marriages are common. The Yemeni government has failed to take any action to ban such marriages. The average age of marriage for girls in rural areas of Yemen is around 12 or 13 and up to fifty percent of all Yemeni girls are married before they reach the age of 18 years.<sup>15</sup> As there is no legal age for marriage, child brides who want to get out of these marriages do not have legal recourse and sympathetic judges can only grant them a divorce if they are able to pay back the dower that the husband paid for them on marriage, which is usually prohibitive for these girls. In the famous Nujood Ali case, Nujood's lawyer paid the dower back from her own pocket. While this case led to international outcry and a movement among Yemeni civil society groups to advocate for a law banning child marriage, such efforts have not been successful due to opposition in parliament by conservative elements. Even though a draft bill to set a minimum age of marriage was considered by the Yemeni parliament in 2009, this bill failed to pass due to opposition from the shariah committee in parliament which held that it was incompatible with Islam.

The United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA) have under-scored the severe negative physical, emotional,

psychological, intellectual and sexual implications of child marriage on girls. Child marriage violates the human rights of girls by excluding them from decisions regarding the timing of marriage and choice of spouse. It marks an abrupt and violent initiation into sexual relations, often with a husband who is a considerably older adult and a relative stranger. Girls who give birth before 15 years of age are five times more likely to die in labor than women in their 20s<sup>16</sup> and the extremely high maternal mortality rate of 365 per 100,000 live births in Yemen can be attributed in part to early marriage.<sup>17</sup> Other health related impacts of early marriage and pregnancy include septic abortion, still births, pregnancy-induced hypertension, puerperal sepsis and obstetric fistula.<sup>18</sup> Early marriage also jeopardizes girls' right to formal education, which ends upon marriage. In addition, married girls have few social connections, restricted mobility, limited control over resources and little or no power in their new households, and domestic violence is common in child marriages.<sup>19</sup>

Up to

**50%**

**of all Yemeni girls are married before they reach the age of 18 years**



## Wafa's Case

In 2010, with our partner Yemen Women Union (YWU), we took on the case of 11-year-old Wafa who, in 2009, was taken out of school and married off by her father to a 40-year-old farmer.

**Our goal in taking on this case was to establish the right of child brides to get a divorce without having to pay compensation to their husbands and to ultimately establish a law banning child marriage in Yemen.**

After a year of marriage during which she was violently beaten by her husband, Wafa escaped from the Rida area in the Hija governorate where she lived with her abusive husband and ran home to her parent's house in the Zidah area in Amran governorate. She threatened to kill herself if her family sent her back to her husband's house. However, her father had passed away four months prior at the age of 75 and her mother is unwell with psychological problems. Before we took on the case, Wafa, her mother, stepmother and eight siblings were living in a state of extreme poverty in a tent. None of the children except Wafa's 10-year-old half brother Abdo was going to school and the only source of income for the family was Wafa's mother who worked as a beggar. While Wafa's uncle through her stepmother's family is supporting her in getting a divorce, her father's brothers are insisting that she be returned to her husband's house. Her husband also came to her house with his family to demand her return.

**“My message to other parents is that they should not think of marrying their daughters at a young age, girls should go to school. I don't want any girl to suffer as I did. Girls should be educated in order to be able to live happily and in dignity.”**

-Wafa

Equality Now and YWU arranged for a lawyer to take Wafa's case and to set a legal precedent that Wafa not have to pay back her dower as a condition for the

divorce, which had in Wafa's case in any event been used up by her father. To this end, we asked the lawyer to look into the possibility of using assault and battery laws in the Yemeni Penal Code to hold the husband accountable. Unbeknownst to Equality Now, during an attempt by her husband to forcibly take Wafa back, her uncle promised him that he would pay the dower back. As a result, the husband told the judge that he had a promise from the uncle of repayment of the dower and the judge consequently ruled that he would issue Wafa a divorce once the amount has been repaid to her husband. Wafa's uncle, without informing YWU, borrowed money to repay the dower and Wafa is now divorced.

We are strategizing with YWU on appealing this ruling with regard to the dower. As it stands, the judgment reinforces the fact that girls remain chattels to be bought and sold in marriage and does not send a clear signal that forced marriage, including child marriage, is wrong. We will continue to work with YWU on how to use this case to advocate for a law banning child marriage.

## Achievements

### Empowerment of Wafa

We have been able to place Wafa back in school where she is doing very well. We have also been able to relocate her family for their safety so that they are able to pursue the case.

**Yemeni government questioned by the UN Commission on the Status of Women on steps being taken to prevent child marriage as a result of a communication submitted by Equality Now.**

While such proceedings are usually not shared with non-governments, we were made aware of this by Yemeni government officials during our trip to Yemen in 2011 indicating they were under international pressure to change the situation as well as to intervene in individual situations of girls.

# Brazil/US:

Sex Tourism



## BACKGROUND

Sex tourism, where individuals travel to another country and pay for sex with often vulnerable adults or children, fuels the commercial sex trade and the exploitation of women and children from poor and marginalized communities around the world. US citizens make up an estimated 25% of child sex tourists worldwide and up to an alarming 80% of child sex tourists in Latin America. US law allows for the criminal prosecution of child sex tourists. It is estimated that about 250,000 children are forced into the commercial sex industry in Brazil, the second largest number after Thailand, and a top destination for sex tourism.<sup>20</sup>

Number of children forced into the commercial sex industry in Brazil;

**250,000**

the second largest number after Thailand, and a top destination for sex tourism

Under the PROTECT Act of 2003, US citizens who engage in sexual activity abroad with a child under 18 and individuals and/or companies that facilitate this exploitation can face up to 30 years in prison. While this clearly represents a step in the right direction, the

number of convictions under the PROTECT Act is dwarfed by the size of the issue. The US federal anti-trafficking law (the TVPA) also criminalizes the sex trafficking of children and provides for a civil remedy for victims of trafficking.

While the beaches and cities of Northeast Brazil have long been known as sites for trafficking and the commercial sexual exploitation of girls, there is now a growing awareness that this exploitation occurs throughout the country, including in areas such as Amazonas where foreign men travel for "legitimate" vacation activities such as fishing. In particular, girls from the local indigenous communities along the Amazon River are vulnerable to exploitation by these tourists.

## CASE OF BRAZILIAN SURVIVORS OF SEX TOURISM

In 2010, Equality Now helped facilitate a civil case in the US on behalf of a number of Brazilian girls who were sexually exploited by clients of a fishing tour company in Brazil run by a US citizen.

**Our goal in bringing this case was to establish a precedent under the civil remedy provision of the TVPA to encourage other victims to bring such cases and to serve as a deterrent for perpetrators.**

**“I did not know about the issue of human trafficking before this happened to me. After it happened to me I saw a film about trafficking and realized that I wanted to fight against this.”**

-Fabiana

The sex tour operator brought US tourists on fishing trips on the Amazon between 1998 and 2009. He and his employees would lure young girls from local indigenous communities, some as young as 12, onto his boats promising them money. Instead, the girls were forced to have sex with the tourists on the boat. Some girls were also made to perform stripteases and were photographed nude. One of the girls, Fabiana from Autazes is now 22 years old. In 2005 when she was 16, she and some of her friends were lured on the boat and forced to have sex with clients. She has been fighting for justice since 2007 when she and some of the other victims began communicating with a local lawyer about the violations that had occurred.

The Brazilian government has issued an indictment against the US tour operator and some of his Brazilian colleagues for these activities but the tour operator is residing in the US and thus beyond the reach of the Brazilian government. US law enforcement agents have traveled to Brazil to look into the matter, but no case has been filed against the tour operator.

We believe that by utilizing the civil remedy in the federal anti-trafficking law and establishing this as a tool which victims of US sex tourists (and sex trafficking in general) can use to obtain restitution and the chance to confront their rapists, we can deter future exploitation. In contrast to criminal cases, in civil suits victims have greater control over the legal process and are active participants in the case; which can be very empowering.

We secured a law firm to take the matter on a *pro bono* basis and filed a civil suit on behalf of Fabiana and three other girls in federal court in Atlanta (where the defendant is located) in June 2011. This is precedent-setting civil litigation against a sex tourism company that we hope will result in restitution for the girls and have a deterrent effect on sex tourists. The

judge stayed the civil suit in August 2011 as required by the civil remedy provision, pending the completion of the US criminal investigation into the matter and possible prosecution. However, international publicity of this case spurred the Brazilian government into taking action.

## ACHIEVEMENTS

### Civil suit

The civil case is the first to be filed on behalf of victims of sex tourism and received significant media coverage, as the AP article on the case was picked up by CBS, ABC, *The Washington Post*, *The Atlanta Journal Constitution* and others. In addition, substantial media coverage around the world followed an article on the case that appeared on the front page of *The New York Times* financial section.

### Brazil government pledges action

The Brazilian press in particular extensively covered the filing of the case (and the defendant's motion to stay the case), which prompted government officials in Brazil to pledge to take action on the issue of sex tourism. Specifically, the Minister of Women's Policies stated that she would investigate sex tourism in the region of Amazonas and look into forming a committee to address the issue, and the Brazilian Federal Police stated that they are now investigating 20 customers and potential 'johns' that went on the defendant's fishing tours to Brazil.

# Kenya:

## Incest and Gang Rape



### BACKGROUND

Sexual violence is widespread in Kenya and occurs in all socio-economic and ethnic groups. Almost half of Kenyan women, regardless of status or ethnicity report experiencing physical, verbal/psychological or sexual violence.<sup>21</sup> According to the 2008-9 Kenya Health and Demographic Survey, coercion of first sexual intercourse is not uncommon among Kenyan women and 12% of women age 15-49 report that their first sexual intercourse was against their will. One in five Kenyan women (21%) has experienced sexual violence.<sup>22</sup>

**12%**

**women age 15-49 report that their first sexual intercourse was against their will.**

2008 official police statistics indicated 627 rapes during that year, but human rights groups estimated that more than 21,000 rapes were perpetrated annually. Despite the presence of strict laws against sexual violence, defilement (rape of a minor) and gang rape, reporting and prosecution of rapes remains low due to cumbersome police procedures in cases of sexual violence.

NGOs claim police procedures in handling cases of rape present substantial obstacles to the follow up and prosecution of rape cases. The police require that survivors be examined by police physicians who are few in number, not readily available and frequently issue examination reports that conflict with the findings of other medical professionals and/or fail to appear in court. Other reasons for the low rate of reporting and prosecution of rape include police reluctance to intervene, especially in cases where family members, or acquaintances were accused of committing the rape; inadequate training of prosecutors; cultural inhibitions against publicly discussing sex and fear of retribution etc.<sup>23</sup>

### NIARA'S CASE

In October 2010, Equality Now took on a case with the Federation of Women Lawyers, Kenya (FIDA-Kenya), involving the gang-rape of Niara, a 17-year-old girl in Kisumu, Kenya.

**Our goal in taking this case was to set a precedent on police responsibility to investigate, prosecute and punish perpetrators of sexual violence and protect girls.**

### III. CASES

#### Kenya: Incest and Gang Rape

**“What I want is justice to be done and I will not be safe until this happens. The suspects should be arrested and even if one is arrested he can produce the other four remaining. They are still calling and threatening my mother. I will not be safe until all five are in jail.”**

- Niara

In 2008, Niara, who was attending school in Kisumu went to visit her father in Rongo, Kenya in order to collect school fees. Her father had thrown her mother out of the house after a domestic dispute. He brutally raped Niara and gagged, handcuffed, and locked her in his house. He told her he was raping her because she reminded him of his wife. Niara was so distressed after the rape that she attempted suicide.

When Niara sought medical assistance at Kisumu Hospital, she was informed that she was HIV positive and pregnant. At this point she obtained a backstreet abortion, which resulted in complications and damaged her urethra causing urinary incontinence. She then reported the rape to healthcare workers at Kisumu Hospital and to a social worker from a local children’s organization, ChildLink. The social worker subsequently reported the incident to the Kisumu Children’s Department but it refused to take action and instead directed the social worker to report the incident to the authorities in Rongo where the incident had taken place. Niara underwent surgery to repair her urethra but remained incontinent after the surgery.

After Niara reported the incident to the hospital and it became public, her father stopped taking his HIV/AIDS medication and subsequently died. The father’s family members blamed Niara for his death and sent her threatening messages. Niara, with help from the social worker at ChildLink, reported the threats to the Kisumu Central Police Station, but again the police did not take any action. She was subsequently kidnapped and gang raped by five men who also inserted needles into her abdomen. After the gang rape, she received a message, which stated that the rape was “just the beginning of her problems.”

The police have not made any arrests for the gang rape, even though there are two people Niara identified for the police to question. The police failed to investigate the first rape committed by Niara’s father and also failed to investigate the threats she received before and after the gang rape.

We are strategizing on ways to put pressure on the police in Kisumu to investigate this case as well as the possibility of bringing a civil action against the police for failure to act in order to set a precedent on police responsibility in such cases. We are also working with FIDA-Kenya to challenge the requirement of a medical form before complaints of rape can be filed as this requirement is unduly onerous on victims and impedes reporting of cases.

## ACHIEVEMENTS

### Empowerment and support of Niara

We have been facilitating Niara’s medical treatment at the Nairobi Women’s Hospital. We also worked with our partner organization Childlink in Kisumu, Kenya to facilitate Niara’s schooling.



# Uganda:

## Incest



### BACKGROUND

Girls with severe disabilities can be additionally vulnerable to abuse making them easy targets for predators. They have a much harder time accessing justice than others and are often forced to suffer in silence. Under the Ugandan penal code defilement of girls under the age of 18 is criminalized and the maximum penalty is the death sentence. The Government of Uganda has ratified a number of regional and international human rights instruments that provide for the rights of persons with disabilities, such as the Convention on the Rights and Dignity of Persons with Disabilities. However, there is an inadequacy of laws and policies to address the challenges faced by women and girls living with disabilities and a lack of state led measures and initiatives that offer redress for victims of sexual violence, such as free DNA testing, collection of forensic evidence and even accessibility to clinics, hospitals and police stations for persons with disabilities among others. This cultivates a culture of impunity where perpetrators of these crimes are rarely held accountable for their actions.

### SANYU'S CASE

Equality Now learned in 2010 about a severely disabled Ugandan girl, Sanyu, who was raped by a family member in 2007 when she was 13.

**Our goal in this case is to establish a precedent for government responsibility to take additional steps to investigate and prosecute cases of sexual violence against disabled victims.**

Sanyu who is blind, deaf and mute, was raped between July and August 2007, when her mother was away at a funeral. When she returned, the mother noticed something was different with Sanyu's health and asked the father to take her to the hospital. The hospital informed the father that Sanyu was pregnant. The father did not tell the mother about the pregnancy until pressed to by family acquaintances who also noticed something different with Sanyu's health. The only people who had access to the girl when she was raped were her father and three brothers who were caring for her at the time. The mother suspects the father and all three brothers of rape and wants all four to be DNA tested along with the baby, in order to establish paternity.

Sanyu delivered a baby in April 2008, which she was forced to give up. She now stays at a home for children and youth with disabilities. Sanyu has been denied access to justice since she cannot identify her rapist due to her disability, and the government would not pay for DNA tests for her child, her father and her brothers. Equality Now has been working on this case with our partner Legal Action for Persons with Disabilities (LAPD) Uganda to push for testing the father and brothers and for the prosecution of the perpetrator.

## ACHIEVEMENTS

### Case re-opened

Equality Now successfully raised funds for DNA testing. After sustained advocacy with Ugandan authorities the case has been reopened. The suspects were apprehended on 24 August 2011 and DNA samples taken. Additionally, the police took DNA samples from Sanyu and her baby and these have been taken to the Government chemist for review.



# Pakistan:

Gang Rape by Police



## BACKGROUND

Groups in Pakistan report that women are frequently subjected to harassment, assault and rape at the hands of law enforcement officials. It is common for police officers to refuse to file police reports when the alleged perpetrators are members of law enforcement. While research and statistics on this topic are scarce, a Human Rights Watch Report from 1992 reported that 70 percent of women in police custody experience physical or sexual abuse at the hands of their jailers. In addition, the report pointed out women may often be illegally detained by police for indefinite periods without a formal charge being brought and that police routinely refuse to register rape cases especially when the alleged perpetrator is a fellow officer.<sup>24</sup>

.....

# 70%

women in police custody experience physical or sexual abuse at the hands of their jailers

.....

## SABA'S CASE

Equality Now learned in 2011 about Saba, a 16-year-old Pakistani girl who was kidnapped and held for a year during which she was repeatedly gang raped by a number of individuals allegedly including police officers and a civilian member of the Pakistani Army

**Our goal in this case is to set a precedent to end police impunity for violence against women and girls.**

In December 2010, police officers entered Saba's home on the pretext of looking for her brother in connection with a minor incident. Her brother was not at home and Saba was taken to a house where she was drugged and raped by a number of men including police officers. She was able to give details of distinguishing features and marks on the bodies of some of the accused. In September 2011, Saba managed to escape while being transferred to a car by two men to whom she was sold by her kidnapers. She was pregnant as a result of the rapes.

Saba and her family who live in abject poverty are trying to fight for justice despite alleged police corruption and threats from local fundamentalists. On 9 December 2011, Saba and her 25-year-old brother, who had been supporting her efforts for justice, were attacked outside a local court house and Saba's brother was brutally shot dead.

## III. CASES

### Pakistan: Gang Rape by Police

Despite witness accounts of the murder, the senior investigating police officer refused to take action. We are working with local partner Blue Veins to ensure that the police are held accountable for crimes committed against Saba and her family. Saba's rape case and the murder case of her brother are both currently in trial. On 19 January 2012, Saba gave birth to a baby girl.

## ACHIEVEMENTS

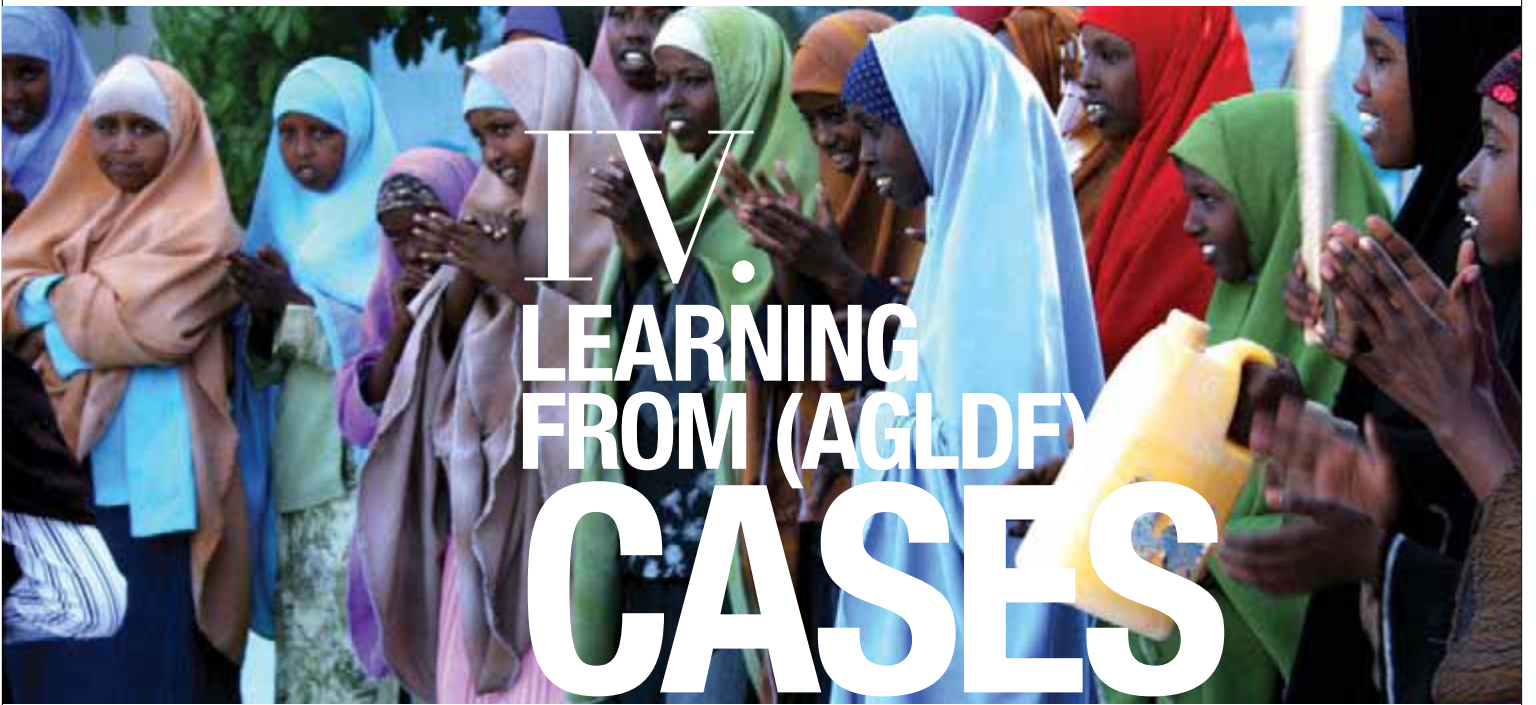
### Arrests in rape and murder cases

Despite initial refusal on the part of police to take action against the rapists and those complicit in the murder of Saba's brother, pressure from human rights groups and media prompted the government to take action. The High Court took *suo moto* notice of the case and called for thorough inquiries and strict action against all perpetrators and the police officers who failed to take action in both the rape and murder cases. Fourteen arrests have now been in Saba's rape case and the trial is underway.

### Empowerment and support of Saba

Equality Now has been coordinating with our local partner Blue Veins to provide some of the expenses for Saba's medical treatment as well as her transportation to and from the court hearings.





IV.  
LEARNING  
FROM (AGLDF)  
CASES

# Girls need knowledge of their rights before they can access them

Adolescence is a critical time for many girls when vulnerabilities are compounded. This is true everywhere, but in the developing world, girls in this age group are usually more socially isolated and have thinner social networks than their male counterparts.<sup>25</sup> Girls who are marginalized due to economic, social, educational or cultural status are at greater risk of human rights violations and sexual abuse in particular. To add to the threat to their well-being, they are largely unaware of their rights with no support systems to protest abuses and extremely limited access to justice. As a result, it is critical that girls' lack of knowledge of their rights, poverty, isolation, status as minorities, etc. are addressed so that violations of their rights can be prevented.

**“If they keep on educating the girls about sexual violence we will get there. If I had the information I have now... I would have reported him immediately.”**

-Mary

Girls from all backgrounds are subject to violence, but factors increasing girls' vulnerability include poverty, isolation and minority status. Girls from low income backgrounds may for example be traded for money, while their access to justice, knowledge of their rights and ability to negotiate may be extremely curtailed.

- In Wafa's case, her father married her off at age 11 due to poverty and the hope of having one less mouth to feed. She was then subjected to violent abuse at the hands of her husband. Despite her attempts to return home, her father repeatedly sent her back. She spoke of this experience and said,

*“The most difficult experience for me was when my father used to bring me back to my husband's house. I used to run away from my husband's house because he used to beat me and my father used to force me to go back without taking into consideration my feelings or what I was undergoing while living in my husband's house. I used to hate the nights because my husband would force me into sex. I really hated that.”* Given that Wafa's family lived in a state of abject poverty and could not even afford to feed and clothe themselves, Wafa would not have had a chance at access to justice without the intervention of Equality Now.

- Similarly, the poverty of the girls in our Brazil sex tourism case, as well as their minority status, made them ripe targets for exploitation. Further vulnerabilities such as disabilities make girls an easy target for predators as is exemplified by the Uganda case where a blind, deaf and mute girl was raped by her own family members.

Educating girls on their rights through the school or other systems helps provide girls with the tools they need in order to understand where they might be exploited and know where they might go for help if they are. Creating dedicated spaces for girls is also an important strategy for providing mutual support, improving girls' self perception, imparting new skills and creating new opportunities.<sup>26</sup>

- Equality Now's “Let's Protect our Girl Children” project in Zambia contains a safe spaces component where girls benefit through creation of social networks,



## IV. LEARNING FROM ADOLESCENT GIRLS' LEGAL DEFENSE FUND (AGLDF) CASES

development of their leadership skills and rights education. Girls in safe spaces indicated that because of the program, they know how to identify and address harassment. *"(Safe spaces) has really helped us, as we didn't know how to protect ourselves, how to defend ourselves from boys... Like, when you are harassed, we did not know by then that it was harassment. But now that we are educated, we know that this is harassment and what to do about it."* -Safe Space Member, Age 17, Grade 9, Chazanga Basic School.

- Mary also spoke of the importance of girls knowing more about their rights and how she wishes she had more information when the crime occurred. *"When I was in school such things were not talked about but now I think a lot has changed and is still being changed and if they keep on educating the girls about sexual violence we will get there. If I had the information I have now...I would have reported him immediately."*
- An activist from WAR Lahore who partnered with Equality Now on Mariam's case in Pakistan also spoke to us about the importance of providing girls with knowledge of their rights. *"A lot of work has to be done to prevent sexual violence from occurring, including through awareness raising and sensitization with a focus on empowering girls themselves through rights education."*



# Girls need a supportive environment

where they can voice their concerns/violations of rights without fear of stigma or disbelief.

Before girls can confidently voice violations of their rights, they must be assured that their audience will believe them and support them.

## STIGMA

**“I find it hard to trust anyone. At times I felt that it was my fault and blamed myself for it.”**

-Mary

A common theme encountered in our cases is the societal stigma faced by victims once a crime had occurred. For young girls, this can be especially damaging during their formative years when they are struggling with issues of self-identity. Children are more likely to internalize feelings of shame, develop low self esteem and blame themselves for the violation that has occurred and may misinterpret the maltreatment as punishment for perceived past transgressions.<sup>27</sup> A number of our plaintiffs have voiced feelings of impaired trust and self blame.

- Mary said *“The most difficult part about this experience is that it never heals and people find it hard to understand you. I find it hard to trust anyone. (crying) At times I felt that it was my fault and blamed myself for it.”*
- According to Makeda, *“This experience has forced me to grow up very quickly. I have become very cautious and suspicious of people and overall have lost my free spirit.”*

- Similarly, Niara said, *“It is very hard to cope and very hard to forget what happened. I just try to cope with life. After the second defilement I became very down. I am still attending the doctor to get medication. I am not happy with life because I keep getting sick. I blame myself and I really don't see myself as a girl.”*

While these girls clearly need the support of family and community to help them deal with the emotional upheaval they are experiencing, they are instead met with disbelief or stigma.

As observed in Mary's case in Zambia and Mariam's case in Pakistan, the young victims may try and keep the crime a secret out of shame or fear. Once revealed to family, there is a strong chance that the victim's family may cover up the matter to protect the “honor” of the family thus sacrificing the young girl's rights as well as her psychological, emotional and physical wellbeing. Where women and girls' bodies are perceived as being linked with familial ‘honor’ such reactions are especially prevalent.

- Mariam talked about her fear of being disbelieved when she initially made the complaint. She said, *“They will blame me, call me a liar and say no father could do such a thing.”* Mariam's lawyer added, *“The biggest challenge in tackling cases of sexual violence is the social stigma and ostracization for making the offence public. The victim / survivor and her family in majority of cases, do not press charges for the fear of a backlash by the society as well as the accused. Since we live in a society where a great deal of emphasis is placed on virginity, the stigma for adolescent girls such as Mariam is greater and the choices to come forward limited.”*

## IV. LEARNING FROM ADOLESCENT GIRLS' LEGAL DEFENSE FUND (AGLDF) CASES

- This was also the case with Mary who was ashamed and embarrassed coming forward only after developing an STD.
- In Niara's case in Kenya, implicating her father as a rapist and thereby causing 'dishonor' to her family, led to her being targeted by her own relatives.
- A lawyer from EWLA who worked on Makeda's case discussed the role of stigma in sexual violence cases involving girls and said, *"If she is raped and she is not a virgin, no one would marry her. She would always be taken as a spoiled good."*

Taking a case to court means that many in the community will come to know a violation has occurred. This leaves the victim and her family vulnerable to negative public scrutiny. Victims often feel humiliated as unpleasant details of the violation emerge and become public knowledge.

- Makeda spoke of the embarrassment she experienced during the trial and said, *"It was extremely embarrassing going to the court. There would be lines of people watching me because it was rare for a girl to escape after being abducted and on top of that take her abductor to court."*

### ACCEPTANCE AMONG PEERS

Acceptance among peers is especially craved during the adolescent years. Teens want to be regarded as "normal" and want to "fit in." For this reason, abuses that take place during the adolescent years are all the more damaging as girls feel isolated, ashamed and may be ostracized by school mates and friends.

- While talking about her feelings during her medical examination Mariam said, *"I felt very bad. I felt like I am different from other girls of my age. If my friends learn about the occurrence I am afraid they will think of me in a negative way and their families will stop them from being friends with me."*

### **"I felt very bad. I felt like I am different from other girls of my age."**

-Mariam

- Makeda who is now 23, speaks of how her brave decision to take her case forward was extremely burdensome and traumatic especially during her teenage years when, much like her other adolescent friends, she felt the need to 'fit in.' Even as she changed schools to avoid being recognized, news of her rape case continued to follow her. She spoke of embarrassment and being shunned by her peers during her schoolgirl years. When asked if she shared her story with close friends she said, *"My friends do not know. I have not told them because I am embarrassed about it. This is a stigma, and if they know about what happened I fear they will see me in bad light. They will talk about me behind my back. I don't think they will feel sorry for me and understand me. So I decided to keep it to myself. I don't want my friends to know my story and I don't want to be judged by people."*
- Niara had a similar response when asked if she shares her story with her friends. She said that when the girls in her safe house ask her why she is there she tells them, *"What brought you here is what brought me here."* She went on to say, *"if I share my story with them then they will see me differently. They will talk about me and use the information against me."*
- Mary said, *"I never wanted to talk to my friends about the case but they all knew about it. Some were understanding and sensitive but most of them made fun of me and did not care about my feelings. This was the most difficult period I had to go through."*
- Wafa said that while some of her friends knew about what she was going through, *"Deep inside, I didn't want anybody to know about my situation; some of them tried to ask about what happened and why I am divorced. It was quite embarrassing to me."*

## IV. LEARNING FROM ADOLESCENT GIRLS' LEGAL DEFENSE FUND (AGLDF) CASES

### VICTIM BLAMING

Often when a violation occurs, the blame is laid upon the girl for inviting the attack upon herself in some way and her appearance, clothing and freedom of mobility scrutinized by the law enforcement, her community and sometimes her own family. As mentioned above, such attitudes often lead girls to internalize feelings of self-reproach and blame. Each of the girls in our AGLDF cases spoke of the negative impact these attitudes had on their self-esteem and morale.

In Zambia, for example, during a meeting to discuss Mary's case, the Minister of Education stated that she believed schoolgirls needed to dress conservatively so as not to encourage attacks thereby shifting the blame from the perpetrators onto the victims. Similarly, the prosecutor in Makeda's case claimed that she invited the attack.

- Mariam also spoke of negative reactions from her own family members especially her aunts who made her feel responsible for the violation saying, *"My aunts humiliated me many times and blamed me for what happened which was very painful."*



# Girls who are victims of sexual violence

**in particular need assurance that they will not be re-victimized through the legal system.**

Across all our cases we have observed legal systems presenting almost insurmountable barriers to justice for adolescent girls. Dismissive and condemning attitudes of police, prosecutors, judges and medical examiners as well as cumbersome court procedures make the legal process disheartening and often re-victimizing. While confidence-building, inclusion and rights education of girls is important, the deterrent effect of the law plays an important role in the prevention of sexual violence. Justice systems must provide swift justice to adolescent victims to send a clear message that such violations will not be tolerated. In order for this to happen, legal systems must be equipped to cater to the specific needs of adolescents including through the use of screens/in camera trials, limit on the length of trials, sensitivity in cross examinations and medical examinations and sensitization and training to address biased attitudes of law enforcement personnel, judges, medical examiners etc. In order to access the justice system, girls who have suffered abuse need to be assured that the legal system will not make their life more difficult than not accessing the system. Currently, legal systems around the world are less than ideal and present obstacles for girls accessing justice.

## POLICE, PROSECUTOR AND JUDICIAL ATTITUDES

Law enforcement officials are often skeptical and condescending towards victims and their families and may even try to convince them not to file their cases.

- In Mariam's case in Pakistan, the policemen were disbelieving and uncooperative and tried to dissuade Mariam from filing a complaint, telling her that this would tarnish her father's reputation. Mariam consistently responded that he should have thought of that before he raped her. Mariam recalled her experience with the law enforcement and said,

*"Many policemen called me a liar, a fraud and said you are doing something wrong. Very few of them understood what I was trying to say and few said that this girl should get justice. While I was describing the occurrence I was too afraid to tell all the details and frightened that they would harm me, kill me or punish me." Mariam's lawyer added, "Mariam was made to narrate the story to male policemen over and over again. The police refused to believe that it was possible for a father to rape his daughter. No effort was made to collect forensic and other evidence and the investigating officer did not record the statements of the witnesses as were submitted by them. He leered and made fun of Mariam and cursed her while taking her for the physical examination."*

- Niara highlighted lack of action on her case from law enforcement and said, *"I am annoyed with the police because they keep taking information on the case but they are not doing anything. They took my phone and phone numbers but I have not heard anything from them and it's been almost six months."*
- Wafa in recalling her experience with the judge said, *"I was so scared to appear before the judge as it was my first experience entering a court. At the beginning, the judge was very kind and understanding and I believed he would support me. However, afterwards, when my husband came before the judge, the judge asked me whether my husband used to beat me. At that point, I was so scared of my husband that I changed my answers and said that he did not abuse me. Then I felt that the judge changed his attitude towards me. The problem was that the judge was dealing with my case as if I am a grown up woman. He forgets that I am just a child."*



## IV. LEARNING FROM ADOLESCENT GIRLS' LEGAL DEFENSE FUND (AGLDF) CASES

*His decision was either I go back to my husband, or pay the rest of the dowry. I was very upset about his decision.”* This sentiment was echoed by an activist from YWU who said, *“The judge treated Wafa as an adult in the court and she was asked to return the dowry.”*

**“The problem was that the judge was dealing with my case as if I am a grown up woman. He forgets that I am just a child.”**

-Wafa

- According to Makeda, *“The judge did not work to enforce any kind of legal process and I think the legal system as a whole has to change.”*

The impact this attitude has on adolescent girls is uniquely damaging. As a young girl's behavior and character is called into question and she is made to feel degraded, it is likely that the experience will be significantly more psychologically damaging for her than it would be for an adult. An adolescent girl may be strongly impacted by the attitudes of police and prosecutors and she may begin to blame herself for the violation and feel emotions of guilt and shame.<sup>28</sup>

- Mariam recalled numerous times during the process when she started internalizing the negative and accusatory attitudes around her. She started to blame herself for the violation and for putting her family through the trauma of the legal process. She said, *“I used to weep all the time and felt that I must be a very bad girl but with time I realized that nothing will change if I will cry.”*

To compound the problem, police themselves may lack knowledge regarding human rights violations and the legislation surrounding them. In the Kenya FGM case, the police admitted to lacking knowledge around FGM and the law and admitted police trainings on the issue would be helpful. Our partners in Pakistan have expressed knowledge of instances where the police

have been unaware of changes in the rape laws and have asked victims to present witnesses to the crime despite a change in the law no longer requiring witnesses.

A further complication is corruption in the legal system. In Mariam's case her lawyer had to have the prosecutor on the case suspended for accepting bribes from the perpetrator and his lawyer.

- Makeda spoke of corruption in her case and the powerlessness she felt because of the perpetrator's wealth. She said, *“The law only works for those in power. If you have money or are in politics, you can be protected. He had money to silence my voice. His crime was accepted.”*

## INSENSITIVITY IN CROSS EXAMINATIONS

In many of our cases, during cross examinations, judges, prosecutors and lawyers treat young girls without the sensitivity that is appropriate given their age and the seriousness of the violation. The judge in Mariam's case reprimanded her so harshly for speaking softly while testifying about her rape that she burst into tears during the proceedings.

Not only are cross-examinations conducted in a harsh and abrasive tone, irrelevant questions about behavior, past sexual history, dress and motivations are brought into proceedings by magistrates and judges who often mirror the police in terms of disbelieving the complaint, calling the victim's character into question or marginalizing the seriousness of the violation committed. Attitudes such as these, which are steeped in biases and stereotypes, serve to further revictimize the complainant. Such treatment is rarely different in cases of adult rape victims around the world but in the case of girls, the impact of such intimidation can be even more damaging because of their additional vulnerability and lack of support structures.



## IV. LEARNING FROM ADOLESCENT GIRLS' LEGAL DEFENSE FUND (AGLDF) CASES

- In Makeda's case for example, the appeals court judge in his decision to reverse the original verdict stated that *"the evidence suggests that the act was consensual,"* without citing any particular evidence contesting the account of forcible abduction and rape that led to the conviction of the defendants following their trial. Judge Ube believed Makeda was not raped or abducted because the health report was inconclusive as to whether she was a *"fresh virgin,"* and *"no one wants to rape anyone who is not a virgin."*<sup>29</sup> When speaking of the judge's insensitivity, Makeda said, *"The judge in the first case wanted me to give up the case and live with the perpetrator."* She went on to say, *"I felt he [the judge] was completely dismissive of me and did not think I had the right to bring the men to court."*

**"I felt he [the judge] was completely dismissive of me and did not think I had the right to bring the men to court"**

-Makeda

Often, the first tactic used by defense attorneys is to challenge the victim's character and construct fictitious romantic liaisons and interests.

- In Makeda's case the prosecutor said "I think Makeda was like, 'please rape me.'"
- In Mariam's case, her father's lawyer accused Mariam of being romantically involved with her cousin and of concocting the rape allegation against her father as revenge for his disapproval of the match.

This can be especially humiliating and traumatic for adolescent girls as their private lives are openly scrutinized. Accusations that may seem trivial to an adult can inflict immense hurt and confusion upon a younger person. In addition, the emergence of girls' sexuality during puberty is often unfairly used to call their characters into question, to shift blame from the perpetrator to the victim and to make it seem as if the victim had somehow invited the violence upon herself.

- In the Zambia case for instance, Mary's teacher claimed that she was his 'girlfriend' and tried to use this as his excuse for raping a minor.

## TRAUMATIC MEDICAL EXAMS

Medical examinations can be especially traumatic for young girls, many of whom have never had gynecological exams before. To be exposed, probed and examined by a stranger, perhaps without the ability to choose a doctor with whom she might feel more comfortable, can be a terrifying and often re-victimizing experience for any woman, let alone an adolescent girl.

- A number of the plaintiffs spoke of being uncomfortable and embarrassed during the medical examination. Makeda said, *"I was scared and embarrassed. I was examined by a male medical professional (I believe he was studying to be a doctor) at a really bad facility. He did not say a word to me. The examination was very uncomfortable and he didn't try to make me feel better. I am not sure he would have been able to though."*

What makes the exam even more painful is that the examiners often bring their biases and stereotypes into their reporting. Such attitudes are all too common with regard to female victims of especially sexual violence but are likely to be particularly damaging to victims who are girls. Examiners' analysis in the medical report may be based not on the medical examination but rather on the victim's appearance so that for example if she happens to be wearing clothing they do not consider appropriately conservative medico-legal officers may fill out the report in a manner based on their personal biases that such clothing is inappropriate wear. In Pakistan for example, this may mean stating on the medical exam form that the girl is "habitual" – meaning of loose morals. This is not only demeaning to the young victim but may irreparably harm the case. Instead of being sensitive and non-judgmental during the examination, examiners may be disbelieving of victims and even try to discourage them from proceeding with the legal case.

## IV. LEARNING FROM ADOLESCENT GIRLS' LEGAL DEFENSE FUND (AGLDF) CASES

- Mariam spoke of her experience during the medical exam, *"She said to me, 'you did something very wrong and had relations with a boy and now you are blaming your father.' I felt humiliated. The doctors who are assigned to conduct medical examination of girls in my situation should speak to us kindly and believe us. She inflicted on me the same pain I had experienced on the occurrence of the rape."*

### LACK OF SPECIAL PROCEDURES FOR YOUNG VICTIMS

In some countries such as Pakistan and Zambia, there are no arrangements for young victims in court to testify out of sight of the perpetrator, either through the use of in-camera procedures or screens. Young victims are forced to relive the trauma of their rape while facing their victimizers. They may be forced to wait outside the court in plain sight of the perpetrator and often have no support person to explain court procedures and the legislative process as a whole. No matter what the age of the victim is, they are treated as adults by lawyers, prosecutors, police and judges with no regard for the immense trauma that such an experience can inflict upon a child.

***"I didn't know anything about court procedures, and nobody including the lawyer and judge informed me about them."***

-Wafa

- Mariam was forced to wait outside the courtroom in plain view of the perpetrator, as there was no special waiting area for child victims and families. In addition, she was forced to testify in front of the judge in plain view of her father until War Against Rape intervened and obtained special permission from the judge to put up a screen separating Mariam from the perpetrator. When asked about the most challenging aspect of the case Mariam said, *"Visiting the court was the most difficult part I experienced."* She talked about the painful experience of waiting outside court before hearings and

said, *"There is no separate waiting area for complainants and their families. I hated waiting in court because it was full of men who stared at us. Often we stood and waited out in the open outside the court or in corridors. There should be separate sitting areas for women and children in courts. Also victims like me should only be called to court when it is necessary and once present testimony should be recorded in a timely manner so we do not have to wait for hours."* Mariam was thankful that the judge in her case had approved an application to separate her from her father during testimony and said, *"If this facility had not been provided it would have been extremely difficult for me to deliver my statement."* Mariam's lawyer added, *"There is no law which protects the victim's identity and no provision of special methods of recording of evidence in case of vulnerable victims (through video, etc). Victims are exposed to their perpetrators in open court and are badgered beyond reason."*

- In Wafa's case however, there were no such procedures in place to separate young victims from perpetrators to make testimony less intimidating and traumatizing. She was forced to testify in front of her abusive husband and this resulted in her becoming so scared during her testimony that she changed her story and told the judge that he had not abused her.

- Mary talked about how testifying in court was so traumatic that she suffered sleepless nights. *"Testifying in court was not easy for me. I remember having sleepless nights, and got sick and tired of talking about the case."*

In addition, as young girls may be unaware of their rights they may experience a great deal of confusion while going through the legal process. This can lead to feelings of despair and helplessness.

- When asked about her level of involvement in the legal process Mariam spoke of confusion and isolation stating, *"Often I was unable to understand what people were describing to me or understand what was happening around me."*

## IV. LEARNING FROM ADOLESCENT GIRLS' LEGAL DEFENSE FUND (AGLDF) CASES

- Similarly Wafa said, *"I was so confused and frightened when I started to visit the court. I didn't know anything about court procedures, and nobody including the lawyer and judge informed me about them. And I was too scared to ask. Maybe the lawyer felt that I was too young to understand the procedures of the court. Sometimes, I was not even able to understand the questions posted by the judge. I was not able to concentrate on my studies, when I knew that next Saturday I have to leave school and go with my uncle and the lawyer to attend a session in the court."*

As far as the legal processes go, our cases demonstrate that it is important for lawyers and prosecutors to make sure that young victims are informed about developments in the case such as changes in the perpetrator's bail and/or imprisonment status. Victims should have all their questions answered in order to minimize confusion. Lack of information regarding the legal process can be intimidating and even deter victims from continuing with the prosecution.

- Makeda described her confusion and anger when she was not informed about key developments in court proceedings and said, *"I gave up hope and felt that nothing was going to happen to them [the perpetrators]. I wasn't present when they requested an appeal and I heard after that they were released. The court should have requested my presence during the appeal hearings but they never did. It was the same during the sentencing. I was not asked to appear in court. I did not understand that process. It is a problem with the legal system."* Such treatment in legal systems leads to extreme disillusionment as exemplified in Makeda's statement, *"The legal system in Ethiopia did not help me. It protected him [the perpetrator] more than me."*



# Girls need assurance

that access to justice will be swift so that they can continue with their lives.

**“I am frustrated that this has gone on for so long. I have told my story to many different people but nothing has changed or improved.”**

-Fabiana

It is unreasonable to expose girls to long and lengthy trials that will take away even more of their childhood than the violation of their rights already has. A former prosecutor involved in trafficking cases in the US, when approached by us for advice on a case of sex trafficking of a young girl in Virginia, confided that if the girl had been his daughter he would never approach the legal system, especially on a sex trafficking case. His reasoning was that the lengthy trial and the types of questions asked would prevent the girl from putting her trauma behind her and proceeding with her life.

In most of the cases we have observed lengthy trials and repeated adjournments which have been physically and emotionally exhausting for all those involved especially the victim. For adolescent girls this is especially problematic given that a lengthy trial is a constant reminder of the violation that has occurred. During the teenage years, while developmentally still a child, the recurring visits to court and re-telling of the event can have a lasting negative impact.

- Mariam's case first went to trial in May 2010; however, the first hearing did not take place until January 2011. Mariam, her family and her lawyers went to court every week prepared to testify but the case was adjourned each time for reasons beyond their control, such as delaying tactics by the perpetrator and his lawyer, a precarious security situation, and an inefficient legal system. With regard to the court hearings, Mariam discussed how the frequent delays were extremely emotionally and financially draining for her family.

In Mariam's own words, *“Both my uncles are poor people and to visit court they had to take leave from their work and when the defense lawyer did not appear in court we felt very low.”* Mariam has been meeting with a psychologist who is helping her deal with anger and upsetting memories as well as the trauma of the trial. The activist from WAR Lahore who worked with Mariam said, *“Perhaps the most difficult aspect of Mariam's case, for all those involved, was the length of the legal process. The judicial system is slow and legal proceedings are lengthy resulting in cases lingering for years. This also leads to increased costs adding another financial burden on survivors and their families as well as the organizations supporting them.”*

- Makeda, after pursuing her case for over eight years, is still seeking justice from the Ethiopian government. The case before the African Commission is fraught with delays and the government has not been forthcoming or cooperative in responding to these requests. Makeda spoke about the process and said, *“The case is still ongoing and my only comment is that the African Commission has not been able to get justice served as well. Although the legal systems are different, I sometimes wonder if the process is unfavorable to women in both places.”*

- In the Brazil case the victims have spent years waiting for the Brazilian government to take action on their case against the men who abused them on the boat. One victim, Fabiana, initially provided a statement to the Brazilian authorities in 2007 but to date she has not received justice. She stated, *“I am frustrated that this has gone on for so long. I have told my story to many different people but nothing has changed or improved. I told my story to the police four years ago.”*

# Girls need support services

that are girl centered and sensitive to their specific needs with a focus on addressing vulnerabilities, empowering the victim and giving her agency and the ability to make her own decisions.

Girls must be provided with timely legal, health and counseling services so that their immediate needs are met and the harmful effects of the violation can be minimized. Services must be tailored to ensure that the needs of the victim are the foremost priority and that victims feels confident and empowered to make her own decisions.

Counseling services are crucial in helping young victims to process and attempt to move past their traumatic experiences

**“What I have gone through made me lose my ambitions but from now I have started a new life full of flying colors... I am glad to have people like you supporting me in times of need.”**

-Niara

- Mariam was initially advised to stay inside her home and have minimal contact with others in the community; however, due to Equality Now's involvement, Mariam now sees a counselor who encourages her to go on with her life and seek the company of others and helps her to focus on schooling. She is also being encouraged by her family to take courses in computer literacy. As a result of this support, Mariam is doing well and according to WAR and her counselor she has become confident, self assured, and focused on her studies.
- Niara's traumatic experiences in Kenya led to an urgent need for both counseling and medical assistance. Suffering extreme forms of sexual violence twice as well as her HIV positive status have led Niara to become depressed. Equality Now worked to make sure that Niara was receiving the appropriate medical help and that she received counseling to help her process her experiences and

to try and achieve a more positive mental state. Despite the fact that she is still awaiting justice, the counseling and health services have assisted her in becoming more self assured and developing a more positive outlook of the future. She recently wrote a letter to Equality Now, saying, *“I am very happy, my life has changed and I have started a new life again...What I have gone through made me lose my ambitions but from now I have started a new life full of flying colors and I will continue to pray to God to help me overcome any difficulties...I am glad to have people like you supporting me in times of need.”*

Legal services were provided to all our plaintiffs to secure justice and to act as a strong signal to would-be perpetrators that there will be no impunity for violations. Those providing legal services must ensure that the victim is at the center of the process, that all actions are taken in her best interest and that every step of the process is explained to her. It is important for girls to understand that their opinions matter and that their lawyer has their best interests at heart. In addition, legal proceedings should be tailored to be sensitive to the needs of adolescent victim by providing facilities for screens, in-camera testimony, sensitivity in cross examinations and speedy trials etc.

- Mary voiced her gratitude about the quality of legal support she received from her lawyer and Equality Now stating, *“I felt involved in the case in that my aunt and my lawyer Kelvin kept updating me...My biggest supporter would be my aunt who was by my side the whole time. Then my lawyer who gave me hope and fought hard for my case and my friends at Equality Now who made the follow ups and made sure that I received justice. To all these people I am so thankful. These people never made me feel guilty for what happened but made me feel comfortable.”*







Preliminary recommendations emanating from our work with girls include:

**1. To prevent violations of girls’ rights, empower girls by providing them with rights’ education, support systems and networks, including through:**

- Classes for girls on their rights, essential skills (based on what they need) and information on how to address violations
- Girl-only safe spaces in schools or communities to provide girls essential social networks and skills

**2. To prevent violations of girls’ rights, challenge gender stereotypes and change attitudes that perpetuate gender inequality and normalize violence against girls and women, including through:**

- Creative use of media to challenge widely held stereotypes about gender roles and traditional practices and beliefs that lead to violence against girls and educate the public about girls human rights
- Use of positive role models and other people of high influence in particular communities to challenge and encourage change of attitudes
- Encouragement of voices of girl leaders to help frame the debate on girls’ rights
- Training of media personnel to report on issues of violations of girls’ rights in a non-sensational, consistent and effective manner that encourages debate
- Awareness raising in communities through street theatre, local campaigns, discussion groups and workshops

**3. To prevent and better address violations of girls’ rights, equip legal systems to**

**respond to and provide for the specific needs of adolescent girls, including through:**

- Gender-sensitivity training including specialized training on women’s rights and trainings on the applicable laws in particular relating to violence against women and girls, for all points of contact for girls in the legal system (police, prosecutors, medical examiners, judges)
- Speedy and minimally invasive medical exams without cumbersome reporting requirements
- Special measures for adolescent girls in trials, such as:
  - separate waiting rooms for young and vulnerable victims and witnesses so that they do not have to encounter the perpetrator inside the court
  - sensitivity in cross examinations to counter harassment of victims, especially through comments about dress and behavior that feed into gender stereotypes
  - the use of screens or in camera testimony procedures so that the girl is not re-traumatized by having to face her perpetrator in court
  - keep girls informed and provide them accurate and enabling information about the legal process and its outcomes
  - a limit on the number of times victim is called to testify or give police statements
  - time limits within which the legal proceedings must be initiated and concluded

**4. To better address cases of violations of girls’ rights, provide easily accessible, interconnected, girl-centered support services (including health, counseling and legal services) for victims.**



# VI. CONCLUSION

**T**o prevent and address violations of rights of girls, it is critical that institutional systems, including laws and policies and mechanisms to enforce them, are properly established and that the special circumstances and needs of adolescent girls are taken into account in designing and implementing such systems. Gender-sensitive laws and properly functioning legal systems coupled with systems aimed at empowerment of girls will have the combined effect of deterring potential violations of girls' rights and encouraging girls to claim their rights.

## V. CONCLUSION

### Annex: Table Summarizing Cases

CASE & COUNTRY	PERPETRATOR	DATE OF OCCURRENCE /AGE OF VICTIM	CASE TIMELINE	NAME OF PARTNER	SIGNIFICANCE OF CASE TO LEGAL CHANGE	ACHIEVEMENTS TO DATE
Ethiopia - Rape, abduction and forced marriage	Member of community	March 2001 Age 13 years	<ul style="list-style-type: none"> <li>March 2001 arrest</li> <li>May 2001 release on bail</li> <li>July 2003 sentenced to ten years</li> <li>December 2003 released by appellate court</li> <li>December 2004 Oromia Supreme Court rejected appeal</li> <li>July 2005 further Supreme Court appeal dismissed</li> <li>2007 African Commission complaint filed</li> <li>2008 friendly settlement negotiations</li> <li>April 2010 negotiations fail and EN asks commission to declare case admissible.</li> </ul>	Ethiopian Women Lawyers Association (EWLA)	Legal change to remove marriage exemption to rape and institutional measures to ensure that cases of abduction, rape and forced marriage are properly prosecuted and perpetrators punished	<ul style="list-style-type: none"> <li>Removal of marriage exemption in Ethiopian rape law</li> <li>First case on GBV before the African Commission</li> <li>Empowerment of survivor</li> <li>Awareness raising through Nick Kristof's book 'Half the Sky' and in several documentaries on child marriage.</li> </ul>
Zambia - Rape by Teachers	School teacher	February 2006 Age 13 years	<ul style="list-style-type: none"> <li>March 2006 case reported to police</li> <li>April 2006 teacher arrested and subsequently released on bail</li> <li>April 2006 civil suit filed against teacher, school and Ministry of Education</li> <li>June 2008 High Court judgment finding government accountable</li> <li>August 2009 judgment becomes final after Zambia government appeal dropped.</li> <li>2011 compensation received by victim although perpetrator remains at large</li> </ul>	<p>Kelvin Bwalya (K.B.F &amp; Partners) law firm</p> <p>Sarah Longwe (women's rights activist)</p>	Establishment of institutional mechanisms in the educational and legal systems to better address and prevent cases of sexual violence	<ul style="list-style-type: none"> <li>Landmark judgment setting a precedent on state responsibility to protect girls in schools.</li> <li>Formation of coalition of Zambian NGOs working to address sexual violence against girls.</li> <li>Awareness raising through radio shows, journalist trainings etc</li> <li>Safe spaces for girls piloted in 6 schools.</li> </ul>
Kenya-Female Genital Mutilation (FGM)	Father and circumciser	August 2008 Age 12 years	<ul style="list-style-type: none"> <li>Case reported/filed August 2008</li> <li>Suspects arrested August 2008</li> <li>Suspects released on bail September 2008</li> <li>Suspects re-arrested February 2010</li> <li>April 2010 accused pled guilty and sentenced to 10 years each</li> </ul>	TasaruNtomonok Initiative (TNI)	Proper implementation of existing FGM law and swift prosecution of perpetrators	<ul style="list-style-type: none"> <li>Ten year sentence awarded</li> <li>Building police capacity to implement the law</li> <li>Sustaining the victim's family</li> </ul>
Pakistan - Incest	Father	2009 Age 15 years	<ul style="list-style-type: none"> <li>May 2009 case first reported</li> <li>July 2009 police investigation reopened due to intervention of our partners as police</li> </ul>	War Against Rape (WAR)	Set a legal precedent on incest, legal and procedural reform to	<ul style="list-style-type: none"> <li>Strong judgment issued</li> <li>Empowerment of survivor through counseling and access to education</li> </ul>

## V. CONCLUSION

### Annex: Table Summarizing Cases

Yemen-Child Marriage	Father and husband	2009 Age 11 years	<ul style="list-style-type: none"> <li>was dropping the case and prosecutor suspended</li> <li>December 2009 new prosecutor filed case</li> <li>May 2010 case went to trial</li> <li>January 2011 first hearing</li> <li>22 July 2011 judgment of death penalty issued</li> <li>August 2011 perpetrator filed appeal</li> <li>February 2011 divorce case filed</li> <li>March 2011 first hearing</li> <li>April 2011 decision that divorce will be allowed only once girl pays dower back</li> </ul>	Nasreen Welfare Trust Legal Aid Services	address obstacles to justice for victims of sexual violence and inclusion of a provision on incest in the Pakistan rape laws	<ul style="list-style-type: none"> <li>First workshop on incest in Pakistan that resulted in recommendations on procedural reform presented to the High Court</li> <li>Awareness raising through media around case, opinion editorials on issues of sexual violence etc</li> <li>First report on legal system addressing incest</li> <li>Empowerment of survivor through safe housing and access to education</li> <li>Yemen government questioned on steps being taken to prevent child marriage by the UN Commission on the Status of Women</li> </ul>
Brazil-Sex Tourism	Sex tour operator and sex tourists	2005-2007 Ages from 12-17 years	<ul style="list-style-type: none"> <li>Girls in contact with lawyer in 2007</li> <li>July 2007 Brazil criminal investigation initiated</li> <li>June 2011 civil suit filed</li> <li>August 2011 civil suit stayed</li> </ul>	King & Spalding (law firm) ECPAT (Ending Child Prostitution and Trafficking)	Establish precedent under the Trafficking Victims Protection Act (TVPA) which allows victims of U.S. sex tourists to bring civil cases against perpetrators.	<ul style="list-style-type: none"> <li>First civil suit filed on behalf of victims of sex tourism</li> <li>Brazil government pledged to conduct an enquiry and take action</li> </ul>
Kenya- Gang Rape and Incest	Father Five strangers	April 2009, September 2010 Age 16/17 years	<ul style="list-style-type: none"> <li>Still pressuring police to investigate</li> </ul>	Federation of Women Lawyers, Kenya (FIDA-Kenya)	Establish precedent on police responsibility to properly investigate cases of sexual violence.	<ul style="list-style-type: none"> <li>Empowerment and support of survivor including medical treatment and schooling</li> </ul>
Uganda - Rape of Disabled Girl	Father or brother	July- August 2007 Age 13 years	<ul style="list-style-type: none"> <li>24 August 2011 case reopened</li> </ul>	Legal Action for Persons with Disabilities (LAPD)	Establish precedent on government responsibility to prosecute cases of sexual violence against	<ul style="list-style-type: none"> <li>Case re-opened and suspects apprehended after sustained advocacy with authorities</li> </ul>
Pakistan - Gang Rape by Police	Police officers	December 2010 Age 16 years	<ul style="list-style-type: none"> <li>December 2010 Initial kidnapping FIR</li> <li>September 2011 Saba reports rape</li> <li>December 2012 High Court takes suomoto notice of the case</li> </ul>	Blue Veins	Establish precedent on ending police impunity for violence against women and girls.	<ul style="list-style-type: none"> <li>Arrests in rape and murder cases</li> <li>Empowerment and support of survivor including through medical treatment.</li> </ul>



<sup>1</sup> UN Women, **Fast facts: statistics on violence against women and girls**, Accessed: August 2011 <<http://www.endvawnow.org/en/articles/299-fast-facts-statistics-on-violence-against-women-and-girls-.html>>

<sup>2</sup> World Health Organization, **WHO Multi-country Study on Women's Health and Domestic Violence against Women**, Page 49, Accessed: June 2011 <[http://www.who.int/gender/violence/who\\_multicountry\\_study/en/index.html](http://www.who.int/gender/violence/who_multicountry_study/en/index.html)>

<sup>3</sup> The United Nations, **The United Nations Interagency Task Force on Adolescent Girls**, Published: 3 March 2009, Accessed: July 2011 <[www.unicef.org/adolescence/files/Fact\\_Sheet\\_Final.pdf](http://www.unicef.org/adolescence/files/Fact_Sheet_Final.pdf)>

<sup>4</sup> World Health Organization, **WHO Eliminating Female Genital Mutilation – An interagency statement – OHCHR, UNAIDS, UNDP, UNECA, UNESCO, UNFPA, UNHCR, UNICEF, UNIFEM, WHO**, Page 1, Published: 2008, Accessed July 2011 <<http://www.who.int/reproductivehealth/publications/fgm/9789241596442/en/index.html>>

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