

Landmark Ruling by Inter-American Court of Human Rights Sets International Standards to Prevent Sexual Violence in Schools

(08,17,2020) --San Jose – Bogota – New York - In a landmark ruling with wide-reaching impact, the Inter-American Court of Human Rights established legally binding standards to prevent sexual violence and harassment in schools throughout Latin America and the Caribbean, and held Ecuador responsible for failing to protect Paola Guzman Albarracin from the sexual violence she suffered in the public school she attended.

The ruling came on August 14, in *Paola Guzmán Albarracin v. Ecuador*, a case brought by the Center for Reproductive Rights and the Ecuadorian Center for the Promotion and Action of Women (CEPAM-Guayaquil) on behalf of the family of Paola Guzmán Albarracin, an Ecuadorian girl who was sexually abused by Bolivar Espin, her school's vice-principal.

The Court found that the suffering caused by the continued sexual abuse is what led Paola to attempt to take her own life. Although the school authorities found out on time that she had ingested white phosphorus, they let her die by not taking her to a hospital or informing her family.

Paola died in 2002 at the age of 16, and since then, her mother has been seeking justice for her daughter. "My daughter's name has been finally cleared after being assumed guilty by the Ecuadorian justice system. It is now clear that my Paola was victim of a terrible abuse that led her to her suicide. Sexual aggressors will no longer be protected," said Petita Albarracin, Paola's mother. "Justice was finally done for my Paola!"

The Court holds Ecuador responsible for violating Paola's right to life, personal integrity, private life and dignity, education, and her right to live free from gender violence and discrimination. The Court's ruling clarifies for the first time that the right to education must also include sexual and reproductive education.

Since Paola's right to sexual and reproductive education was not guaranteed, she never had the tools to understand and denounce the sexual abuse she endured. The Court's decision found that even though Bolivar Espin--in his role of vice-principal--had a duty to care for Paola, he took advantage of his position of power and trust to abuse Paola, knowing that in Ecuador there are no effective measures to prevent and report sexual violence in educational settings.

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This makes it clear that victims of this sexual violence should not be blamed as the ones provoking the aggressors, as was said of Paola within the school community. These unjust accusations are the product of gender stereotypes that have made sexual violence seem as normal, therefore, making it difficult for the community to identify these behaviors as sexual violence.

The Inter-American Court has been explicit in pointing out that gender stereotypes are harmful and that immediate action must be taken to eradicate them from society. These measures should prevent girls like Paola from structural and intersectional discrimination, that is, due to their gender, age or socioeconomic status.

“Today’s victory not only provides a measure of justice to Paola’s family, but will also help protect thousands of girls all over Latin America and beyond who face sexual violence at school and have no access to sexual and reproductive health rights and services,” said Nancy Northup, president and CEO of the Center for Reproductive Rights. “This ruling is an important step in our work to ensure that women and girls’ fundamental human rights are recognized and respected around the world.”

Ruling Has Wide-Reaching Impact:

The Inter-American Court of Human Rights is the highest judicial body for human rights in the Americas. The ruling in *Paola Guzmán Albarracín v. Ecuador*—the Court’s first case on sexual violence in school settings, outlines the following standards that all states in the region must implement to ensure that Paola’s case does not repeat:

- Guarantee that the right to comprehensive education includes access to sexual and reproductive education adapted to the needs of girls and adolescents, so that they understand their sexual and reproductive rights and the implications of emotional relationships.
- Recognize that adolescent girls have freedoms among which are sexual freedom and self-control of their bodies and that can be exercised according to their capacity and maturity which are evolutionary.
- Adopt adequate actions to prevent human rights violations such as sexual violence, ensuring sexual and reproductive education for children and adolescents, since only in this way can they identify and report these risks.
- Eradicate gender stereotypes from educational environments and judicial systems.
- Take measures to promote “the empowerment of girls towards challenging patriarchal norms and stereotypes”, thus preventing or reversing all types of discrimination.

“With this sentence, a cycle is closed, but a new one is opened for Paola’s relatives. As civil society organizations, it is up to us to continue monitoring the implementation of the sentence. With this sentence we have overcome the impunity and injustice against Paola,” said Lita Martínez, executive director of CEPAM-Guayaquil.

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"This is an unprecedented victory. The Court understood that Paola's case is representative of thousands of other children and adolescents who were victims of not only of their abusers but of the lack of sexual and reproductive education," said Catalina Martínez Coral, director for Latin America and the Caribbean at the Center for Reproductive Rights.

About the Case

Paola Guzmán Albarracín was an Ecuadorian teenager who was sexually abused by her school's vice-principal. Because of the continued abuse and in desperation, Paola ingested white phosphorus and told her classmates on her way to school who in turn informed the school authorities. The school, instead of getting immediate medical help for her, asked her to pray for her soul and ask God for forgiveness. Her classmates were only allowed to contact Paola's mother hours later. Paola's mother took her to the hospital, but the doctors were not able to save her. She died on December 13, 2002 at the age of 16.

The Center and CEPAM-Guayaquil first filed a petition with the Inter-American Commission on Human Rights in 2006. In 2015, the Commission held the Ecuadorian State responsible for violating Paola's rights to life, personal integrity, autonomy, private life and dignity, her right to enjoy special protection from the State as a child, her right to equality and non-discrimination, her rights to education and health, and her right to live without violence. The Commission then advanced Paola's case to the Inter-American Court of Human Rights, where the Center presented oral arguments in the case on January 28, 2020.

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+593 9 928 2858 - +57 319 2645993

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