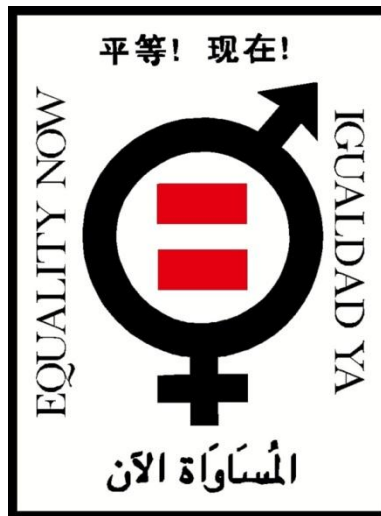


**EQUALITY NOW**



**Access to justice for women and girls – some case examples**

**Submission to the CEDAW Committee for its discussion on a**

**General Recommendation on Access to Justice**

**February 2013**

To ensure greater access to justice for women and girls, well-functioning legal systems with laws guaranteeing gender equality and protecting women and girls from all forms of discrimination against them, as envisioned by Article 2 (non-discrimination) and Article 15 (equality before the law) of the Convention on the Elimination of All Forms of Discrimination against Women, are crucial for preventing, penalizing and remedying discrimination. Changing social norms through awareness-raising and education is essential to the prevention of discrimination against women and girls. Such change, however, must be supported by laws and policies that the State establishes and upholds both so that there is a strong legal framework to protect and promote women's rights and also so that when violations do occur, women and girls can obtain justice for them.

As the concept note for the General Recommendation on Access to Justice points out, "National laws do not always embody the protection and recognise the rights to protect women from discrimination. In this regard, women's right to access justice is impaired firstly by constitutional, legislative and customary laws or jurisprudences which are not CEDAW compliant and contain explicit or implicit discriminatory norms or provisions." This submission will give examples based on the work of Equality Now and our grassroots partners of laws and judicial systems that do not uphold gender equality. Specifically, these case examples illustrate how access to justice is limited where there is no a law in place to protect the rights of women and girls; where there are explicitly discriminatory laws in place, including those that criminalize victims; and where there is a good law but poor or no implementation.<sup>1</sup> Examples of good practice and recommendations on how to address these issues are also provided.

#### **A) The notion of justice**

By definition, there can be no chance of justice for women and girls in the legal sense where there are no laws protecting their rights and providing remedies for any violations of those rights.

##### **1) Missing laws protecting the rights of women and girls**

The absence of explicit laws banning certain forms of discrimination, such as child marriage, incest or female genital mutilation (FGM), against women and girls may mean that the State condones such acts, resulting in impunity for the perpetrators. Laws not only set standards that the State pledges to uphold and provide recourse for affected individuals in the breach, but can at their best with appropriate publication and implementation prevent discrimination and violence by sending a message that certain kinds of behavior are unacceptable and will be punished.

##### Child marriage in Yemen:

Yemen does not have a law banning child marriage or setting a minimum age of marriage.

Wafa, an 11-year-old Yemeni girl, was married off by her father to a middle-aged farmer who repeatedly beat her and forced her to have sex with him. She finally ran away from her husband and wanted never to return to him. Her older sister, who was also married off as a child, had 5 children by the time she was 17 years old and had come back to her family also following domestic violence. The average age of marriage for girls in rural areas is around 12 or 13 and up to fifty percent of all Yemeni girls are married before they reach the age of 18. As Yemen does not have a law banning child marriage (setting a minimum age of marriage), Wafa's marriage could not

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<sup>1</sup> For further information on Equality Now and some of the case examples cited herein, please see our Website, [www.equalitynow.org](http://www.equalitynow.org), and in particular, our report, *Learning from Cases of Girls' Rights*, available at [http://www.equalitynow.org/sites/default/files/Learning\\_From\\_Cases\\_of\\_Girls\\_Rights.pdf](http://www.equalitynow.org/sites/default/files/Learning_From_Cases_of_Girls_Rights.pdf)

automatically be annulled. To get a divorce Wafa was at the mercy of the judge and had to pay back her dower (money that her husband paid to her father). Even after her divorce she was not safe to enjoy her childhood as she was pressured by her aunt's husband to marry him. Without a law banning child marriages, girls like Wafa are at constant risk of rape, sexual violence and exploitation. After several months of residing in a shelter for adult women run by our partner Yemeni Women's Union, Wafa now resides in a shelter for children and is attending school.

*“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. . . . 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*

### Incest in Pakistan<sup>2</sup>:

Although Pakistan has laws against rape and statutory rape, there is no specific law against incest, resulting in further harm to victims.

Mariam, a 15-year-old Pakistani girl, was repeatedly raped by her father after her mother left the house due to severe domestic violence. Although Pakistan has laws against rape and statutory rape (the age of consent is 16 years), there is no specific law against incest. As a result, Mariam had a very difficult time reporting the crime to the police who would not believe that such a crime was possible. A review of incest cases followed by Equality Now's partner, War Against Rape based in Lahore, showed that most incest cases were not followed up by the police and that by and large judges ruled in favor of the alleged perpetrator disbelieving that incest was possible. A specific law banning incest could have resulted in the law enforcement and justice systems taking such complaints seriously.

*“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. . . . 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.” – Mariam*

### Female genital mutilation (FGM) in Mali:

Mali is one of the few countries in West Africa that does not have a law against FGM.

Fanta, a Malian girl, was subjected to FGM at the age of five and was left with permanent damage that resulted in her leaking urine and caused numerous infections. In addition to her disability, she was prevented from getting an education and ostracized by the community. Even with an 85.2% FGM prevalence rate and clear evidence of the harms associated with FGM, Mali has so far not shown enough political will to end FGM, including by enacting a law against it. On the

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<sup>2</sup> For our full report - detailing the need, with examples of good practice, for: a) laws on specific forms of sexual violence against women and girls; b) investigation and legal proceedings to occur in a timely and proper manner; c) rights of the complainant/survivor to be respected during legal proceedings; d) evidence to be properly collected and submitted; e) no adverse inference from delay in reporting; f) removing the cautionary warning/corroboration rule; g) evidence of complainant/survivor's sexual history not to be introduced; h) availability of protection orders; i) consistency of sentencing with the gravity of the crime committed; and j) restitution and compensation for survivors - please see *A Struggle for Justice – Incest Victims in Pakistan (2012)*, available at <http://www.equalitynow.org/sites/default/files/Struggle%20for%20Justice%20Victims%20in%20Pakistan.pdf>

contrary, parliament has in the recent past confirmed new legislation which restricts women's rights in law to an even greater degree, illustrating the clear link between the law, or lack of it, and a government's attitude towards women. Despite a range of awareness-raising campaigns aimed at getting communities to abandon FGM, including by our partners the Malian Association for Monitoring and Orientation on Traditional Practices (AMSOPT) and the Association for the Advancement and the Defense of the Rights of Women (APDF), girls in Mali continue to be subjected to what can only be described as State-sanctioned FGM. This is all the more so as Mali also serves as a safe haven for FGM practitioners from Burkina Faso, Senegal and Guinea-Conakry, who bring girls across the border and cut them in Mali to escape punishment in their own countries. AMSOPT and APDF believe that a national law against FGM must be enacted urgently in order to ensure that the life and health of thousands of women and girls are protected from the harmful effects of FGM.

*"My suffering stopped me from going to school with other children. I just want to be healed. I want to go to school and get an education"* – Fanta

*"Mali doesn't have a law against FGM. Circumcisers from Burkina Faso and Senegal, where there are laws, cross the border to perform FGM here. We are pushing for a law. Mali is doing a disservice to other countries that have enacted laws against FGM."* – Kadidia Aoudou Sidibe, AMSOPT

## **2) Sex discriminatory laws**

Laws that condone or promote discrimination and violence against women are a clear signal to perpetrators that they will enjoy impunity and implicit State support for their actions. Such laws must be repealed or amended in order to prevent further violence and discrimination.

### Marriage to rapist in Morocco:

Under Moroccan law, a rapist could escape punishment by marrying his victim.

Amina, a sixteen-year-old Moroccan girl, was raped and forced by the judge hearing her case to marry her rapist. Under Moroccan law, a rapist can escape punishment by marrying his victim and the judge felt that this marriage would restore Amina's honor. Amina took her life by swallowing rat poison after being subjected to further rapes and domestic violence. Laws that result in rapists being pardoned for marrying their victims condemn women and girls to a lifetime of violence. Such laws, which exist also in Lebanon and other countries, send a public signal that a perpetrator, if caught, can find a way out of punishment. Our partner Union de L'Action Feminine and other civil society organizations have been campaigning for many years for the repeal of this law in Morocco. In January 2013, the Minister of Justice and Liberties made an announcement that the Penal Code would be changed to address this issue, but we have yet to see what actual changes will be made and whether these will be comprehensive.

Argentina amended its Penal Code in April 2012 to remove the possibility of a settlement between a victim of sexual abuse and her perpetrator, which allowed the perpetrator to go unprosecuted. This was a result of both advocacy to amend the specific Penal Code Article, including at the international level, as well as media coverage at the national level on a case of a woman murdered by her abuser after she signed a settlement agreement and he was released from prison. Governments must amend all such laws shielding violent men.

### Male guardianship over women in Saudi Arabia:

Saudi Arabia has a system where women are considered perpetual legal minors permanently under the guardianship of male relatives.

This makes women subject to the whim of their guardians resulting in all forms of State-condoned violence including forced marriage and divorce, domestic violence, restriction of movement, deprivation of an education, etc. Illustrative is the case of Fatima who was happily married with two young children when her father passed away and her half-brothers, as her new male guardians, petitioned the court to divorce her from her husband because he was not of the same class. The court agreed and Fatima, who refused to sign the divorce papers, was imprisoned for over a year with her young son. Systems of male guardianship deny women any agency over their lives, making them vulnerable to violence and cause additional great difficulty in obtaining access justice on their own. While the authorities officially maintained that the guardianship system should not have led to the courts mandating the divorce, clearly decisions in this and other cases are influenced by the permissive and cultural context and other factors allowing male superiority and denying justice and rights to women. Discriminatory laws and systems need to be dismantled and law enforcement officials should be trained on equality and held accountable when they fail to uphold this principle.

Saudi girls have no legal protections against child marriage. Equality Now has been informed of several cases of Saudi girls being married off at the behest of their male guardians. For example, a 12-year-old girl also named Fatima from Najran who was married on 5 October 2010 to a 50-year-old man who already had a wife and ten children, most much older than Fatima. Her father Ali, who is unemployed and addicted to drugs, sold her in marriage for a sum of 40,000 Saudi Riyals (approximately US\$ 10,665), which he used to buy himself a car. Fatima's grandfather and uncle are frustrated that the Saudi legal system recognizes only the rights of the father and not the rights and interests of the girl child.

Similar problems appear in Mali among other countries. Even though a new family code adopted in January 2012 replaced the former discriminatory Code of Marriage and Guardianship, the new code still includes discriminatory provisions on wife obedience and polygamy. Marital rape is another issue; in some countries there is an absence of law criminalizing marital rape and in others, such as the Bahamas and Singapore to name just two, marital rape is explicitly recognized as not being a crime in the Penal Codes. The Penal Code of Northern Nigeria also allows husbands to "correct" their wives as long as it does not inflict grievous hurt. These are just a few examples of laws that accept and implicitly promote violence against wives.

### FGM in Indonesia legitimized:

In November 2010, the Indonesian Ministry of Health passed a regulation (No. 1636/MENKES/PER/XI/2010 regarding "Female Circumcision") legitimizing the practice of female genital mutilation (FGM) by authorizing medical professionals to perform it.

### **3) Good existing laws but lack of implementation**

#### Abduction, rape and forced marriage in Ethiopia:

Even though the Ethiopian Penal Code no longer exempts a rapist from punishment if they marry their victim, implementation of the law remains a concern.

In 2001, Makeda, a 13-year-old Ethiopian girl, was abducted, raped and forced into marriage. Although there were laws against abduction and rape, such laws were not being implemented in the Oromiya region where Makeda was from and where this practice continued unabated. Indeed, until 2005, under the old Penal Code rapists who married their victims were exempt from punishment. Makeda reported the incident to the police and with the help of our partner, Ethiopian Women Lawyers Association, pursued her case against the rapist and his accomplices. When the judge sentenced them to substantial prison terms, our partners informed us that forced marriages through abduction were reported to have stopped in the area. However, the perpetrators appealed and the appellate court freed them, disbelieving Makeda 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.” Once Makeda’s rapist was freed, abductions and forced marriages were said to have started again and Makeda’s rapist is reported to have abducted another girl whom he forced into marriage. Makeda’s case demonstrates clearly both how proper implementation of laws can deter violence against women girls and how, conversely, legal systems can create a permissive environment for violence when good laws are not implemented.

*“The judge in the case wanted me to give up the case and live with the perpetrator. I felt he was completely dismissive of me and did not think I had the right to bring the men to court. I also heard that he was bribed by the perpetrators. . . . 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*

#### FGM in Kenya:

FGM is banned in Kenya, but the police in some areas are not trained on the law and are not implementing it.

Sasiano, a 12-year-old Kenyan girl from the Maasai community, was subjected to FGM and bled to death. Although FGM is banned in Kenya, it has a prevalence rate of 73% among the Maasai community. The police in the area were not trained on the law and were not implementing it, also because some of them were from the same community steeped in this harmful tradition. Our partner, Tasaru Ntomonok Initiative (TNI), pushed for the girl’s body exhumed to establish cause of death and for the case to be taken to court, resulting in a 10-year sentence for the father and the circumciser for admitted manslaughter. While initially there was significant backlash against TNI for helping put the main breadwinner of the family behind bars, this case has resulted in significant awareness-raising in the community and Sasiano’s mother is now supporting TNI. Without the sustained advocacy of NGOs, this case would not have been prosecuted and FGM would have continued with impunity in the region. Although TNI has been working successfully with the Kenyan authorities to address cases of at-risk girls, police were very slow to take action in the death of Sasiano, even with public attention focused on them. What is needed is appropriate training of law enforcement personnel and other relevant agencies and for strong systems of accountability for any failures to promote the law and protect the vulnerable.

*“The good news about eradicating FGM is that women will live a healthy life and the girls will have a chance to go to school and be important people and by the end of us maybe educating these people and their agreeing to stop, our community will benefit like other communities and people, women, will be empowered to make their own informed decisions.” – Agnes Pareyio, TNI*

### Bride kidnapping in Kyrgyzstan:

Kyrgyzstan has a law against kidnappings and forced marriages, but the police, prosecutors and judges often view bride kidnappings as a culturally protected tradition, and they fail to enforce the law.

Aziza, a young girl from Kyrgyzstan, was kidnapped and forced into marriage. In some villages in Kyrgyzstan it is said as many as 50% of the young women are kidnapped to become brides. Aziza's husband regularly raped and beat her and prevented her from leaving the house or seeing her family. Ready to commit suicide, she finally managed to escape only to be found by her husband who publicly beat her and left her naked in the street, threatening to sell her into slavery. While Kyrgyzstan has a law against kidnappings and forced marriages, the police, prosecutors and judges often view bride kidnapping as a culturally protected Kyrgyz tradition, and they fail to enforce the law, effectively encouraging the practice. Our partner NGO, Public Foundation Open Line, is calling on the government to enforce the law against kidnapping and forced marriages and while the government has since said it has issued strong instructions to prosecutors and a bill strengthening the law was adopted in December 2012, firm implementation will be needed to address the issue in a meaningful way.

### **B) Further barriers to accessing justice**

Even if a law exists to protect women and girls and is being implemented, there are other barriers women and girls are facing during legal proceedings. Below are just some examples from Equality Now's work illustrating these issues: length of legal process, no protection of victim's identity (as can be seen in the Pakistan case), re-traumatization through legal processes, unwillingness of the authorities to investigate the case (Uganda), and the culture of victim-blaming, particularly in cases of violence against women and girls.

### Incest in Pakistan:

We used the case of Mariam, the incest survivor in Pakistan mentioned in the first section of this paper, to document ways in which legal procedures hinder survivors from pursuing their cases. These included biases of medico-legal officers, police and prosecutors and their lack of understanding of the law; long drawn out trials with the survivor having to appear at multiple dates and wait for long periods of time, often in the same areas as the perpetrator; insensitivity during cross examinations; and lack of special measures for survivors of violence, such as the ability to testify out of sight of the perpetrator.

*"[The medical examiner] said to me that, you did something very wrong and had relations with a boy and now you are blaming your father. I felt humiliated. . . She inflicted on me the same pain I had experienced on the occurrence of the rape. . . I hated waiting in court because it was full of men who stared at us. . . 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*

*"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." – Hina Hafeezullah Ishaque, Mariam's lawyer*

*“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.” – Sidra Humayun, War Against Rape, Lahore*

#### Sex trafficking in the United States:

In a case of sex trafficking in the US, 15-year-old Sasha had been trafficked by two employees of a prominent law firm who had sold her to their friends at parties and made pornographic films of her. Although Sasha and Sasha’s mother wanted to pursue justice under the US Federal Anti-Trafficking Law, they changed their mind after hearing of the trauma that Sasha would continue to endure through the legal system. A former federal prosecutor, who is now our partner in the NY State Anti-Trafficking Coalition, told us that if Sasha were his daughter he would never allow her to go through this system as she would be forced to relive her trauma over many years and be subjected to horrendous cross-examination.

#### Rape of disabled girl in Uganda:

Sanyu, a 13-year-old who is blind, deaf and mute, was raped while her mother was away at a funeral and became pregnant as a result. According to her mother, Sanyu’s father and three brothers were the only males who had access to her. Sanyu was unable to communicate the identity of her rapist due to her condition. DNA testing of the baby boy she delivered and of the male relatives who had access to her was the only way to identify the identity of the rapist. Despite the urging of our partner, Legal Action for Persons with Disabilities, the Ugandan government refused to pay for DNA testing, giving a message that violence against disabled girls will be tolerated.

Equality Now successfully raised funds for DNA testing in 2011, and, coupled with sustained pressure on Ugandan authorities by LAPD, had the case reopened. DNA samples were taken from three of the four suspects on 24 August 2011 (four years after the rape) and sent to the Government chemist for testing, as is required for trial admissibility. The remaining suspect, one of Sanyu’s brothers, was not tested as he had run away. The DNA testing languished for over a year; when finally received, the results showed that, though none of the three were the father of Sanyu’s baby, the baby’s father was genetically of the same paternal line. To our knowledge no effort has been made by the police to apprehend and test the remaining suspect. Equality Now and LAPD are seriously disturbed by the lack of a thorough investigation and the five year delay in justice for Sanyu, who is now 18. We are calling for improved legal procedures in cases of sexual violence and for additional steps to be taken to help victims with disabilities.

#### Victim-blaming, myths and stereotypes in the general culture:

As alluded to above in various examples, victim-blaming is one obstacle to obtaining justice for women and girls, particularly with respect to sexual violence. This is an issue in all cultures and is reinforced through a range of State and private messaging. For example, women’s groups in 2012 gave testimony to the UK’s Leveson Inquiry<sup>3</sup> into relations between the press and the public. They highlighted, among other things, how biased, victim-blaming reporting in some elements of the press was removing blame away from the perpetrator and onto the victim and had the effect not just of women not coming forward to report crimes, fearing they would not be believed, but in failing to

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<sup>3</sup> See testimony of Eaves, End Violence Against Women Coalition, Equality Now and Object under “Evidence” here: <http://www.levesoninquiry.org.uk/> and a further report, “Just the Women”, available at <http://www.equalitynow.org/sites/default/files/Just%20the%20Women%20-%20Nov%202012.pdf>



secure justice if they did. Alison Saunders, Chief Crown Prosecutor for London, highlighted their testimony in a January 2012 speech<sup>4</sup>, referring to the problem of juries arriving in court with preconceived ideas of who was a “worthy” victim. The groups are asking for journalists’ training and a new monitoring regime of the press to ensure professional, contextual reporting without the discrimination that hampers women’s access to justice.

*“It is an [sic] unfortunate that myths about rape and sexual violence may be brought into the jury room, and form an obstacle to obtaining convictions. It is therefore imperative that we recognise these myths and challenge them at every opportunity.” – Alison Saunders*

### **C) Using civil remedies as an example of good practice**

Below, we will consider some concrete examples from our own work with respect to the provision of civil remedies in particular.

#### Teacher rape in Zambia:

Mary, a 15-year-old Zambian girl, was raped by her teacher. While Zambia has strict laws against rape of minors, or so-called “defilement”, the police released the teacher shortly after Mary’s aunt had helped get him arrested. The school also refused to take action although the headmaster indicated that this was not the first incident involving the teacher. Mary then felt compelled to change schools, further disrupting her education. As the criminal justice system and the school system had both failed Mary, she brought a civil suit against the teacher, the school, the Ministry of Education and the Attorney General. The High Court held the government bore responsibility for Mary’s rape and called on the government to prosecute the teacher. Significantly, the judge directed the Ministry of Education to issue regulations for schools, which would “stem such acts in the future.” In addition, the civil case led to Mary’s lawyer receiving several calls from other girls and their families seeking help for cases of defilement, illustrating that the possibility of legal recourse encourages more victims to approach the legal system and hopefully end impunity for perpetrators.

*“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 not have allowed this teacher to defile me and I would have reported him immediately. . . . 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*

#### Sex tourism from United States to Brazil:

Another notable civil case is one brought in Atlanta, United States, against the owner of a sex tour operation, on behalf of four Brazilian girls who were sexually exploited by US sex tourists who went on fishing tours on the Amazon. US citizens make up an estimated 25% of child sex tourists worldwide and up to 80% of child sex tourists in Latin America. The US federal anti-trafficking law (the TVPA) criminalizes the sex trafficking of children and provides for a civil remedy for victims of US sex traffickers even if the victims were not trafficked in the US.

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<sup>4</sup> On the prosecution of rape and serious sexual offences, 30 January 2012, accessed here: [http://www.cps.gov.uk/news/articles/speech\\_on\\_the\\_prosecution\\_of\\_rape\\_and\\_serious\\_sexual\\_offences\\_by\\_alison\\_saunders\\_chief\\_crown\\_prosecutor\\_for\\_london/](http://www.cps.gov.uk/news/articles/speech_on_the_prosecution_of_rape_and_serious_sexual_offences_by_alison_saunders_chief_crown_prosecutor_for_london/)

However, it is difficult for vulnerable victims in other parts of the world to utilize this law, as these cases often take substantial resources and time. This lawsuit, filed in 2011, is believed to be the first civil case under the US law brought by victims of sex tourism in another country against a US sex tour operator. Even though the exploitation occurred over six years ago, these victims have not yet received justice, as a criminal case against the exploiters in Brazil has dragged on for many years and unless the owner of the sex tour operation travels to Brazil, he is unlikely to face prosecution and punishment in Brazil. US law enforcement agents have traveled to Brazil to investigate this sex tour operation, but a criminal case has not yet been filed in the US against the tour operator.

*“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 4 years ago.” – Fabiana, survivor of sex tourism in Brazil*

The filing of the civil case and the international publicity around it has spurred the Brazilian government into action. The Brazilian press extensively covered the filing of the case, which prompted government officials in Brazil to pledge to take action on the issue of sex tourism. Specifically, the Brazilian 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, in addition to the charges filed against the sex tour operator, they are now investigating 20 customers and potential ‘johns’ that went on the defendant’s fishing tours to Brazil. Additionally, the Brazilian Senate is conducting its own inquiry into the sex tourism allegations against the operator as part of a larger inquiry into human trafficking in general, and they have held hearings during which the Brazilian co-owner of the tour operation and the Federal Police officer investigating the case testified. Although the case in Brazil is moving forward slowly and the US criminal investigation has been pending for several years, we are hopeful that once the civil trial begins in the US and lawyers have access to the tour operator’s client list, there will be a significant deterrent effect on sex tourism from the United States.

#### **D) Recommendations**

All governments around the world need to give a clear message that discrimination against women under the law will not be tolerated. In this regard CEDAW should continue to recommend to governments to amend or repeal all sex discriminatory laws as a matter of urgency; introduce new legislation protecting women and girls where no law exists; and properly implement existing positive legislation, including by reducing barriers to justice after violations have occurred.

Governments should:

- Immediately repeal or amend all legislation and policies that discriminate against women and girls, including legislation that permits discrimination and violence (for example systems that put women’s lives and choices under the control of men) or allows exemptions from or reductions in penalties for perpetrators (for example for rape through marriage, or murder on account of so-called honor).
  
- Enact, strengthen and implement comprehensive legislation banning specific forms of discrimination and violence, such as FGM, child marriage, incest and sexual harassment, with strong penalties for violators.

- Enact legislation and policies to support and promote the equality of women and girls in all spheres to protect and promote women's rights and to send a strong signal to counteract stereotypes of women's inferiority or lesser worth.
- Include provisions for public awareness-raising about the law and general education campaigns to change traditional perceptions and beliefs about practices, such as FGM or child marriage, so they will be recognized and treated as human rights violations with harmful consequences.
- Ensure that victims of crimes, such as sex trafficking, are not charged with violating other laws, such as prostitution, for example.
- Provide for gender-sensitive training including specialized training on women's rights, including to deconstruct commonly-held myths, and trainings on the applicable laws in particular relating to discrimination and violence against women and girls, for all points of contact in the legal system (police, prosecutors, medical examiners, judges etc.)
- Comprehensively study the obstacles to obtaining justice, such as those raised in this paper, and work to address them speedily and thoroughly in consultation with expert women's groups and survivors and appropriate practitioners.
- Conduct public campaigns to challenge gender stereotypes and myths, particularly regarding rape and sexual violence, and promote with the media accurate, non-discriminatory portrayals of women and girls.
- Provide adequate gender budgeting, including to furnish women with the necessary access to legal aid and support, shelters and other provision so they can access justice from a position of safety.