

HUMAN RIGHTS

# Innocence lost

How a Canadian-led legal team is fighting to protect the girls of Malawi from age-old sexual myths that too often ruin their lives. Words and photography by **Jacquie Labatt**

Small, beautiful and peaceful, Malawi calls itself the “warm heart” of Africa. But it also ranks as the world’s 10th poorest nation, has one of its highest incidences of HIV/AIDS, and clings to some troubling traditions – such as a dark and predatory attitude toward virginity.

“Men hunt for young girls to rape, in the belief that having sex with virgins will make them rich,” explains Toronto lawyer Fiona Sampson.

Incredibly, some even “harvest” a young girl’s breasts and uterus to sell as “charms” on the black market, a practice documented in a 2007 United Nations report, which declared that “trafficking in body parts and child abductions are relatively common in the region,” whereas attempts to stop them “are virtually non-existent.”

Ms. Sampson is the founder of The Equality Effect, a non-profit that battles sexual violence and last year won a landmark ruling in Kenya. She and a team of legal volunteers persuaded the nation’s High Court that police had failed to protect no fewer than 160 under-age rape victims, some as young as 3.

By ordering police to do their duty, the ruling is expected to make life safer for Kenya’s 10 million girls. Ms. Sampson now hopes to do the same in Malawi, where law enforcement is so unreliable (it was ranked the country’s “most corrupt” institution last year by Transparency International) that few rapes are even reported. Police are poorly paid (they frequently set up road blocks seeking drivers to shake down) and are further hindered by limited resources and an attitude toward sexual crime that leaves a goat thief more at risk of arrest than a rapist.

Official indifference and out-dated laws contribute to a climate of impunity, but misguided myths and sex discrimination are often at the root of the problem. Men in Malawi, and elsewhere in the region, are told that sex with a virgin can also cure disease and reverse the aging process.

Currently conducting research as The Equality Effect prepares to file its court challenge, Ms. Sampson was recently named the New York State Bar Association’s 2014 lawyer of the year. As models for her work, she relies on the 1999 case of Jane Doe (a Toronto woman who successfully sued police for failing to protect her from a serial rapist) and the 1983 reform of the Criminal Code’s sexual violence provisions.

Until 30 years ago, a rape conviction in Canada required the testimony of a witness – as it still does in Malawi, whose legal system is rooted in British common law. A frequent problem for the few cases that do get to court is the fact that proceedings are conducted in English, often bewildering participants, most of whom are rural dwellers able to understand only Chichewa, the country’s other official language.

“A change in outcome for girl rape victims, and accountability for police and perpetrators – that’s what we want to see,” Ms. Sampson explains. “Then we will know that the system works.”

*Jacquie Labatt is a Toronto-based photojournalist.*



**The victim:** Age 10

**The suspect:** The girl’s stepfather

**The attack:** When she was still just 9, she was assaulted repeatedly both at home and at the stepfather’s nearby workplace. As in most places, rapists in Malawi are usually someone their victims know.

**Police response:** Twice arrested due to community pressure, the man was held for 90 days while the police were supposed to investigate. Despite repeated follow-up by community workers, there was no sign any investigation took place. Soon, the stepfather was free to return home, and the girl was attacked yet again.



**The victim:** Age 11

**The suspects:** Five local men

**The attack:** The victim was returning from the local market when she was abducted and threatened with death if she tried to resist. After being raped and violated with sticks, she overheard the assailants discuss selling her breasts and uterus.

**Police response:** At first, the authorities refused to act even after the victim’s mother forced two suspects to come to the station. But the girl’s father, a teacher, kept meticulous records (seen here being handed to Malawian lawyer Mzati Mbeko as Fiona Sampson interviews the parents) and exerted so much pressure that the men were arrested, put on trial and now await a verdict.



**The victim:** Age 12

**The suspect:** A man from a neighbouring town who was known to her friends.

**The attack:** Accused of having stolen maize, she was grabbed behind her school, slapped and dragged to a nearby building where she was sexually assaulted. Hearing her cries, the girl’s mother found her collapsed with her underwear in her hand. Taken to hospital, she tested positive for HIV and started treatment. The family has moved to another village.

**Police response:** The case was dropped when police said they’d been told the suspect had somehow settled privately with the victim’s family. Such a settlement (denied vehemently by the girl’s mother) should have no legal standing, prompting a child-protection officer familiar with the case to suspect a bribe was paid.

**Postscript:** Despite receiving anti-retroviral treatment, the girl died less than a week after this photo of her and her mother was taken.



**The victim:** Age 13

**The suspect:** A local man seven years her senior

**The attack:** Lured from home while her parents were at church, the girl was held captive and sexually assaulted for a week during which she says that she overheard plans to sell her into the sex trade in neighbouring South Africa.

**Police response:** The local detachment ignored repeated requests to investigate and later said she was a “stubborn troublemaker” who “asked for it.” Her parents – wealthy and well-educated by local standards – elevated their requests to city police and the suspect was arrested, but soon released again.

**Postscript:** After threats from the suspect’s family about “abducting her for good,” the girl has been sent to boarding school in another community.