

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-79/2020 English

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I/A Court H.R. Protecting Rights

ECUADOR IS RESPONSIBLE FOR THE SEXUAL VIOLENCE COMMITTED BY AN EDUCATIONAL AUTHORITY AGAINST THE ADOLESCENT, PAOLA GUZMÁN ALBARRACÍN¹

San José, Costa Rica, August 14, 2020. In the judgment notified today in the Case of Guzmán Albarracín et al. v. Ecuador, the Inter-American Court of Human Rights found the State of Ecuador responsible for the sexual violence suffered by the adolescent, Paola del Rosario Guzmán Albarracín, within the state educational system, at the hands of the Vice Principal of the college she attended, which was related to her suicide and other human rights violations connected to this.

This is the first case the Inter-American Court has heard on sexual violence against a child within the educational system.

In 2001, when Paola was 14 years old and in the second year of primary education, she began to experience problems with certain subjects. The vice-principal of the college offered to see that she passed the year on condition that she had sexual relations with him. The Vice Principal continued to have sexual relations with the child for over a year. College staff knew what was happening. On December 11, 2002, the inspector of Paola's course summoned her mother to the college the following day. On Thursday, December 12, 2002, the day of the appointment, Paola swallowed some tablets that contained white phosphorous. She then went to college and told her companions what she had done. In the educational establishment, they took her to the infirmary and urged her to pray. They contacted her mother who arrived at the college shortly afterward. She took her daughter by taxi to a hospital and, subsequently, to a clinic. Paola died on December 13, 2002.

Criminal proceedings were opened to determine what had happened to Paola. Paola's mother intervened in them, filing a private accusation against the Vice Principal for the offenses of sexual harassment, rape, and instigation to commit suicide. On February 6, 2003, a warrant was issued for the vice principal arrest, and subsequently, on September 2, 2005, he was charged with aggravated rape. The Vice Principal absconded, resulting in the suspension of the proceedings against him. On September 18, 2008, at the request of the Vice-Principal, Ecuadorian justice declared that the statute of limitations applied to the criminal activity.

The Court concluded that the State of Ecuador was responsible for the violation of Articles 4(1) (right to life), 5(1) (right to personal integrity) and 11 (right to privacy) of the American Convention on Human Rights, and Article 13 of the Protocol of San Salvador (right to education), concerning the obligations to respect and ensure rights without discrimination and to adopt measures of protection for children, established in Articles 1(1) and 19 of the American Convention, as well as failure to comply with the obligations to prevent violence against women and to refrain from engaging in them, according to Articles 7(a), 7(b) and 7(c) of the Convention of Belém do Pará, to the detriment of Paola del Rosario Guzmán Albarracín.

The Court also concluded that, concerning the child's mother and sister, the State was responsible for the violation of Articles 8(1) (right to judicial guarantees) and 25(1) (right to judicial protection) of the American Convention, in relation to Article 24 of this instrument (equality before the law), and to the obligations established in Article 1(1) of this Convention and in its Article 2, which stipulates the obligation to adopt domestic legal provisions, and Article 7(b) of the Convention of Belém do Pará (obligation to apply due diligence to prevent, investigate and punish violence against women). The Court also determined that the right to personal integrity recognized in Article 5(1) of the American Convention had been violated to the detriment of these persons.

The Court indicated that children have the right to a safe educational environment and an education free of sexual violence. It also stressed the importance of the right to sexual and reproductive education, as part of the right to education.

The obligations to prevent, punish and eradicate violence against women and to adopt measures of protection for children, as well as the right to education entail the duty to protect girl children and adolescents from sexual violence in schools; also, evidently, not to engage in such violence. States should implement measures to supervise and monitor the problem of sexual violence in educational establishments and develop policies to prevent this. Furthermore, simple, safe and accessible mechanisms should exist so that such acts can be reported, investigated and punished. In this case, the State acknowledged its responsibility for the failure to adopt measures for the prevention of sexual violence in the educational establishment attended by Paola Guzmán Albarracín.

The Inter-American Court established that the facts of the case were based on the abuse of a relationship founded on power and trust, because a person committed the sexual violence in a position in which he had a duty of care within the school setting, owing to the vulnerable situation in which Paola Guzmán found herself. It is revealed, specifically, by the indication that the acts with sexual implications that the Vice Principal engaged in with Paola began as a condition for him to help her pass the school year. In this context, prejudicial gender stereotypes that tend to blame the victim facilitated the exercise of power and the use of the relationship of trust to make acts that were inappropriate and contrary to the adolescent's rights appear natural.

Thus, the Vice Principal was not only an adult male who had sexual relations with an underage girl, where there was an age difference of almost 40 years, but, also, he was in a position of power and had a duty of care with regard to her, a key aspect. Not only should he have respected the adolescent's rights, but also, owing to his role as an educator, he should have provided counseling and education in keeping with her rights and ensuring them. Additionally, the sexual relations occurred in the context of a manifestly unequal relationship, in which the Vice Principal, as an academic authority, enjoyed a position of superiority concerning a student.

The Inter-American Court concluded that, for more than a year, Paola del Rosario Guzmán Albarracín had been subjected, by the Vice Principal of her college, to a situation that included harassment, abuse and sexual intercourse and that involved the exercise of gross acts of sexual violence against her within the educational institutional setting. This occurred because the state official took advantage of a power relationship and the victim's situation of vulnerability, and violated the right of Paola, as an adolescent female, to live a life free of violence and her right to education. Besides, it was tolerated by state authorities. This institutional violence, which was not isolated, but rather inserted in a structural situation, was discriminatory in an intersectoral manner, because it affected the child about her gender and age. Furthermore, the State had failed to adopt adequate measures to address acts of sexual violence in the educational setting and to provide the adolescent with education on sexual and reproductive rights, which increased her situation of vulnerability.

The Inter-American Court also indicated that it was clear that the sexual violence caused Paola severe suffering, made evident by her suicide, which revealed the severity of her mental anguish. The direct violations of the child's rights and the institutional tolerance of those violations had harmful consequences. Thus, the situation of violence entailed a violation of Paola Guzmán Albarracín's right to a dignified existence, and this was closely linked to her suicide.

The official summary of the judgment may be consulted [here](#) and the complete text of the judgment [here](#) (Only in Spanish).

¹ Owing to the exceptional circumstances caused by the COVID-19 pandemic, this judgment was deliberated and adopted in a virtual session using technological resources pursuant to the provisions of the Court's Rules of Procedure.

The composition of the Court for the delivery of this judgment was as follows: Judge Elizabeth Odio Benito, President (Costa Rica); Judge Eduardo Vio Grossi (Chile); Judge Eduardo Ferrer Mac-Gregor (Mexico); Judge Humberto Antonio Sierra Porto (Colombia); Judge Eugenio Raúl Zaffaroni (Argentina) and Judge Ricardo Pérez Manrique (Uruguay). Judge Patricio Pazmiño Freire, an Ecuadorian national, did not take part in the deliberation and signature of this judgment pursuant to Articles 19(1) and 19(2) of the Court's Rules of Procedure.

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