

Liberia - Republic of Liberia v. Dante Kerkula and Meima Kanneh (2011)

Breaking the silence: Challenging female genital mutilation in Liberia

This case study illustrates the difference that the bravery of one woman can make in the face of seemingly insurmountable obstacles. The case of Ruth Peal stands as a milestone in the fight against FGM in Liberia, demonstrating both the challenges and the progress made in advocating for women's rights in the country. Although Ruth continues to struggle with the psychological impact of her ordeal, her bravery in speaking out has helped to pave the way for ongoing advocacy efforts and greater public awareness of the dangers and injustices of FGM.

The attack

In January 2010, 39-year-old Ruth Peal got into an argument with two women in her village, during which the women took Ruth from her home and into the bush, where she was forcibly subjected to FGM and threatened with death if she disclosed what had happened. She was kept in captivity for a month by the Sande secret society and forced to take an oath of secrecy in an initiation ritual, with threats of death if she broke the oath. During this period, she developed health complications and was hospitalised for three months. The women who attacked Ruth were members of the Sande society, an influential secret society of women in Liberia that initiates girls into womanhood through traditional practices, including FGM.¹ Women and girls from practising communities have little choice but to comply and undergo FGM to be considered full members of their society. And, as shown in this case, even women from non-practising communities are at risk from this harmful practice.

Such is the power and the secrecy that surrounds the Sande society in Liberia that the women who attacked Ruth felt confident that there would be no repercussions for their actions. Ruth's case came to light when she approached staff from an NGO to report what had happened to her. The West Point Women for Health and Development Organization (WPWHDO) immediately dispatched a staff member to transport Ruth to West Point, Monrovia, for a medical examination to determine if she had been cut. When confirmed, they reached out to women's rights organisations, including the Women NGOs Secretariat of Liberia (WONGOSOL), for assistance.

When asked if she wanted to take legal action, Ruth chose to pursue justice, determined not to remain silent about the violation she had endured. The team at WPWHDO sought legal assistance, approaching a pro bono lawyer and reaching out to the American Bar Association for support in navigating the legal process. Equality Now also provided technical and financial support

¹ See UNDP Liberia, *A Powerful Sande Society Traditional Leader turns Anti-FGM Advocate*, <https://www.undp.org/liberia/stories/powerful-sande-society-traditional-leader-turns-anti-fgm-advocate>

to the Liberian CSOs throughout the case, and undertook advocacy at the international level to highlight Ruth's case.

“Ruth was courageous, she was brave, and Ruth was willing to talk...So it’s something that we learned that people who are brave will make a difference. And because of our case today in Liberia, more people have become aware of the danger of FGM. The way women and girls have been treated when it comes to FGM. Now people are able to raise awareness on FGM. It is because of Ruth’s willingness or bravery to be able to speak out.” - **Nelly Cooper, West Point Women for Health and Development (WPWHDO)**

A lawless crime

Liberia's legal framework lacks specific provisions to criminalise FGM, so Ruth's case could not be pursued on the grounds of FGM itself. Instead, the legal team had to file the case under the charge of kidnapping, as Ruth had been forcibly taken and subjected to the procedure against her will. The case was heard before a Resident Circuit Judge, and two women from the Sande society were charged with kidnapping, felonious restraint, and theft of property. The prosecution relied on Article 3 of the Maputo Protocol, which provides for the right to dignity, as well as Articles 4 and 5, which guarantee the right to life, integrity, and security of the person, and the elimination of harmful practices. The prosecution also cited the Liberian Constitution Article 21 (E), which prohibits torture or inhuman treatment in confinement.

In a remarkable victory, the Court found the defendants guilty of kidnapping, felonious restraint and theft of property, and sentenced them to imprisonment for 3 years. The Court believed that this sentence would have a deterrent effect on all citizens to be respectful of the rule of law.²

This legal process stirred resistance from traditional councils and leaders, who opposed any attempts to challenge the cultural practice of FGM. Despite threats and intimidation, the legal team and CSOs like WONGOSOL and WPWHDO, supported by other women's groups, persisted in their pursuit of justice.

“When the case was going on, we had the entire traditional council along with traditional people from all over the country who came to oppose the ruling at the time. So it wasn’t a small thing; it wasn’t something that was an easy case. So those who were judges, people who were lawyers at the time, were afraid for their lives because the FGM practice, which is connected to the Sande Society, is powerful here in Liberia. So it’s something that we have been battling over the years, and we’re still [battling].” - **Nelly Cooper, WPWHDO**

² In re Republic of Liberia by and through private prosecutrix, Ruth Peal v. Rose Kerkula and Maima Kanneh, Criminal Court 'A', Judgment dated 15th July 2011, judgment available here: https://drive.google.com/file/d/1rVannV3_jpSwH6YzW9mtAEyAlYeCTxHG/view?usp=sharing.

Barriers to justice

The case faced considerable obstacles. Traditional leaders exerted pressure to drop the charges, and government officials showed little interest in holding the perpetrators accountable. Nevertheless, the two women responsible for the act were eventually arrested and incarcerated in Monrovia Central Prison. Despite their initial imprisonment, they were later released before serving their full sentences, a significant setback for justice.

During proceedings, the defendants filed a motion to dismiss the arrest judgment, claiming that they weren't part of the group which kidnapped Ruth. They also claimed that they should not be held liable for performing FGM as it was a part of their tradition. This motion was denied by the court, which found that the defendants did not have a clear alibi and that tradition cannot be used to excuse criminality. Evidence included photos of Ruth in a white garment, indicating her initiation into the Sande, as well as her medical records, prepared by a qualified midwife.

The legal and social challenges extended beyond the courtroom. Ruth continued to face trauma and psychological distress, compounded by the loss of her child, who was tragically killed shortly after the case went to court. Ruth's experience left her severely traumatised, and she struggled with ongoing threats from her community. For her safety, she was temporarily relocated out of Bomi County and Monrovia. Her marriage also suffered, as the distance and trauma caused a rift with her husband.

“She’s saying that the negative aspect is much more than the positive aspect. She’s saying that in her body, she is not feeling well. Since the issue, since the thing happened to her, since she had been mutilated, she doesn’t seem very well in her body. And at the same time, her clan, her tribal people, have neglected her. She cannot go to them anymore because they don’t practice [FGM]. So she is like an outcast...She is someone who is just living day by day..” - **Ruth Peal's words spoken through an interpreter.**

Impact on public awareness

The case challenged longstanding taboos around FGM in Liberia, a human rights abuse against women that has been guarded by secrecy and social silence. The conviction of Ruth's perpetrators, although ultimately unenforced, nonetheless raised public consciousness and validated survivors' rights to seek justice. Ruth's bravery in publicly challenging her forced initiation inspired others to break the silence on FGM and laid the foundation for increased efforts from national women's rights and human rights organisations to demand the abolition of FGM. This momentum led to heightened awareness, sparking public debates and calls for change, with community leaders increasingly recognising the practice as problematic.

*"It's a taboo-breaking situation where people didn't use to talk about it. But [through] Ruth's case, it has become a situation where people can now come out and create awareness...Because of the situation of Ruth, a group of...women's rights and human rights organisations formed a national coalition (**now called the National Coalition Against Harmful Practices**), which has taken over awareness-raising and engaging the government to abolish the practice. Ruth's case gave birth to more awareness."* - **Pajibo Mackins, Head of Projects, WOSI**

Impact on survivor support

The case's high profile and Ruth's tenacity have bolstered support systems for survivors of FGM and raised the visibility of organisations that work with survivors. Ruth's courage has inspired a significant discourse surrounding the impact of the practice on survivors. Initially, discussing FGM was considered taboo, particularly considering that women who have undergone the procedure are seen as 'real women'. Despite this cultural silence, Ruth, who had taken an oath never to speak about undergoing the practice, bravely broke that silence. Her decision to speak out challenged deeply rooted norms and opened up space for critical engagement, as the practice is now questioned more. Law enforcement and some government officials have begun responding more seriously to reports of FGM, with an increased willingness to investigate and address survivor complaints; however, very few complaints have been made since then. Yet comprehensive support remains limited; many survivors still lack access to medical and material support, and prosecution rates using the laws available are low. This highlights the ongoing need for robust survivor resources and sustained legal reform.

"So when Ruth's case went to court and...people were convicted...that was an eye-opener for survivors, and that gave people the bravery to be able to speak against the parties and seek redress. For survivors, it was a situation that gave them hope for redress, even though justice was not fully accorded. But at least there was some way that people could come out and speak the truth." - **Pajibo Mackins, Head of Projects, WOSI**

Impact on legal and policy frameworks

The legal impact of Ruth's case has been complex. Because FGM was not a crime at the time of the case, the charges brought against the perpetrators were for kidnapping. The defendants attempted to argue that FGM was a traditional practice, but the court rejected this defence, stating that tradition cannot excuse criminal actions. The Liberian Government, however, has yet to pass comprehensive laws banning FGM, despite having signed and ratified regional and international human rights instruments condemning the practice.

Although the court ruled in Ruth's favour and convicted her perpetrators, social pressures, the influence of traditional leaders, and fear of the supposed supernatural powers of leaders of the Sande society meant that the perpetrators' sentences were not fully enforced. This lack of implementation highlights the limitations of the current legal system, where judges and police officers frequently encounter sociopolitical barriers to enforcing rulings that challenge traditional practices.

Despite these challenges, the act of bringing the case forced the Liberian Government to acknowledge that FGM is a human rights abuse that causes harm to women and girls, resulting in temporary suspensions of FGM under executive orders and through short-term moratoriums.³ In this way, it is hoped that it has laid the groundwork for eventual legislation to criminalise FGM in Liberia, a hope bolstered by the 2023 announcement by the National Council of Chiefs and Elders of Liberia that FGM was banned under the power vested in the traditional Chiefs of Liberia's 15 counties.⁴ Current efforts to draft and pass anti-FGM legislation, whilst welcomed, have been stalled for a few years and need to be fast-tracked.

“Now it has caused the situation that the Government itself was brought into question. The government has to answer questions from other international partners [and] has to report on the situation on FGM. So the Government was forced to take some corrective actions in abolishing FGM... In fact, the government had to come up with policies to suspend the practice for some time. But now, we have seen the...battle of trying to find a way to criminalise the practice.” - Pajibo Mackins, Head of Projects, WOSI

³ Equality Now, *Liberian Government Suspends FGM for 3 years: What's the next big step?*, 31 March 2022, https://equalitynow.org/news_and_insights/liberian-government-bans-fgm-for-three-years-whats-the-next-big-step/

⁴ UN in Liberia lauds NACCEL for FGM Ban in Montserrado County, 10 February 2023, <https://liberia.un.org/en/218602-un-liberia-lauds-naccel-fgm-ban-montserrado-county>

Recommendations and future outlook

The case highlights the need for persistent, cross-sectoral pressure on Liberia's government to enact FGM-specific laws and uphold existing commitments to protect women and girls. Framing cases under specific anti-FGM legislation or provisions, rather than under general offences such as kidnapping, significantly increases the likelihood that survivors who report FGM will access justice. Further recommendations emphasise the importance of continued advocacy and legal follow-through to ensure sentencing is enforced, to minimise political and traditional interference, and to ensure that survivors receive full support. The Ruth Peal case has demonstrated that breaking long-held cultural taboos and shifting public opinion is possible, but it also highlights that systemic change will necessitate greater accountability, stronger protections for survivors, and unwavering public and international scrutiny.

Although the legal system fell short of delivering full justice, the case had a profound impact on public awareness. The courtroom was often filled with people, including journalists, who were witnessing for the first time a case involving FGM brought to court. This visibility helped strengthen advocacy efforts against FGM, as more women and community-based organisations began to join the fight. Over time, this led to the formation of the FGM working group in 2010, which has since evolved into the National Coalition Against Harmful Practices (NACAHP).

“Earlier this year (2024), the Liberian government renewed its ban on FGM... but we need to do more. We need to pass the law and we need to highlight such cases as this in these communities, saying that if you kidnap someone, if you take somebody to the Sande Bush against their will, then definitely you will reap the consequences of your actions.” - Mmonbeydo Nadine Joah, Executive Director, Organization for Women and Children (ORWOCH).



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equalitynow.org



programs@equalitynow.org



[@equality-now](https://www.linkedin.com/company/equality-now)



westpointwomenliberia@gmail.com



[@westpointwomenliberia](https://www.facebook.com/westpointwomenliberia)



Women Solidarity Inc



solidaritywomen@gmail.com



[@women-solidarity](https://www.linkedin.com/company/women-solidarity)



nnacahp22@gmail.com

Read the full report, **“Towards justice: Global challenges and opportunities in litigating cases of female genital mutilation”**

