



Justice for Women and Girls at crossroads: Can the Justice Delivery system in Liberia deliver for SGBV Survivors? *A Policy Brief*



Background

ActionAid Liberia (AAL) is implementing a three-year project funded by the European Union on, “Enhanced protection from sexual and gender-based violence for women, girls, and sexual minorities in Liberia” (EPS). The EPS project is currently being implemented in eight (8) communities and three (3) counties (Margibi, Gbarpolu, and Montserrado). These three counties were selected due to the high reports of sexual and gender-based violence (SGBV) cases, challenges around access to justice, and inadequate support services available to women, girls, and sexual minorities. The action is premised upon the recognition that women and girls experience different forms of violence ranging from domestic, sexual, and economic as a result of traditional and gender roles that gives more power to men over women in this context.¹

¹ ActionAid Liberia is implementing a 3 years EU funded project, ‘Enhanced protection from sexual and gender-based violence for women, girls, and sexual minorities in Liberia’ (EPS)- (2017 – 2020)

Summary

This policy brief highlights the work that ActionAid Liberia with support from the European Union is implementing on Sexual and Gender-Based Violence (SGBV) in Liberia and providing assistance to survivors. Among the issues that the initiative is tackling is structural issues at the core of the continuing high incidence of SGBV in Liberia. It also focuses on underlying interrelated factors at the root of the current levels such as insufficient preventive services; the issue of impunity for perpetrators and lack of harmonized cultural and legal systems.

In Liberia, the reported and observed recurrence of SGBV related violations have been on the increase. While programmes that address this perpetuation of violence against women and girls have been rolled out including this project, it is not coincidence that the cases keep increasing. The justice delivery system though modernized seems to not have given survivors enough confidence to report and rely on the jurisprudence of the lower courts particularly on assaults and

rape. This brief makes an inquiry into why despite significant efforts by both government and CSOs on addressing the causes of SGBV and efforts to end it continue to proceed at a snail pace to the detriment of women's rights, safety, security and dignity. The paper will draw parallels between investments and reported cases and those that are successfully prosecuted. The paper will make conclusions and end by providing recommendations that could be adopted both by government and CSOs to ensure reduction in SGBV and increased confidence in the justice delivery system.

Objective

The purpose of this policy brief is to examine the current challenges with regards to access to justice for women through the court system and other justice delivery system and bring to light some of the areas that require strengthening to ensure that efforts to end VAW/G and SGBV in particular bear fruits.

Problem Statement

Women and girls face multifaced challenges arising from poor justice delivery system. Cases of increased violence in Liberia depict a worrying picture and is an indictment on the massive investments that have been made through government, civil society and donor community including the European Union. The role of the police in cases of domestic violence and abuse is crucial, although research has been critical of the response of frontline officers. Survivors might not always get the police response they require and there are still gaps in whether some survivors get 'justice' or not. Despite criticisms, the police remain one of the key frontline services, which survivors can use to prevent and stop incidents of violence and abuse.² It is therefore necessary to make an inquiry into the drivers of this increase in impunity. The justice delivery system is an integral aspect of modern society underlined by fairness, equity and decisiveness. While Liberia has a modern and competent justice system, it is important to also note that justice for women and girls or survivors of SGBV is far from being satisfactory as evidenced by increase in cases of SGBV compared to other cases.

Problem Analysis

From the end of the Liberian civil conflict, support from UNMIL and other international partners enabled the Liberian government to establish several specialized criminal justice agencies, including the Women and Children Protection Section of the Liberian National Police (LNP) and a court dedicated to prosecuting sex crimes.³ While these courts have been set up to support survivors to access justice, in 2017 and 2018 the reported cases have continued on the upward trend. Based on its human rights monitoring in all 15 counties

² : <http://www.healthtalk.org/peoples-experiences/domestic-violence-abuse/womens-experiences-domestic-violence-and-abuse/role-police-domestic-violence-and-abuse#ixzz5wVfgJWUT>

³ Project Syndicate; Sexual Violence and Justice in Liberia, July 2016, Peace A. Media

of Liberia, Human Rights and Protection Section (HRPS) of the United Nations Mission in Liberia (UNMIL) found that the number of reported cases of rape is extremely high and that perpetrators are rarely held accountable. According to the Ministry of Gender, Children and Social Protection (MOGCSP) Gender-Based Violence Annual Statistical Report of 2015, only two per cent of all SGBV cases reported to GBV Response Actors (Health facilities, NGOs and LNP/WACPS) resulted in a conviction.⁴ According to prison data received by UNMIL in June 2016, Courts convicted 34 individuals for rape in all of Liberia in 2015, out of over 803 reported cases that year.⁵ While many alleged perpetrators were arrested, they were rarely brought to trial due to various factors, including legal and institutional weaknesses, social norms and attitudes, corruption, lack of will or diligence on the part of Government officials, and logistical constraints. These combined factors have led to a widespread culture of impunity for SGBV, particularly for rape, putting women and children at continued serious risk of sexual violence. In Liberia, sexual violence has become more public and pervasive; becoming not only a criminal war against women and girls' bodies, but also a public health crisis that has had limited response from the state in the last two decades.

According to a report by the Front Page Africa newspaper, while commenting on the work that **#weareUnprotected** campaign group is doing, the 2018 statistics on sexual and other forms of gender-based violence as announced by the Ministry of Gender, Children and Social Protection, the group disclosed that in 2018 alone, 1,484 SGBV cases have been reported of which 971 were rape and of this figure, 90 percent was children⁶. Hence, the justice delivery system for Liberia needs urgent reforms particularly the police units and the lower courts to ensure that cases on all forms of SGBV are expeditiously investigated and prosecuted satisfactorily as both an act of justice and increased state accountability to women and girls in Liberia. These statistics are an indictment of the justice delivery system on its constitutional mandate and obligation to make access to justice equal for all and give due diligence to this crisis. It is also evident that despite the police units such as Women and Children Protection Section of the Liberian National Police (LNP) and a court dedicated to prosecuting sex crimes having been set up, they have failed in their mandate which could be a strong factor and a reason why survivors do not fully trust the justice delivery system hence majority suffer and die in silence. In the three counties that AAL is working in, the women and girls' groups report that sometimes perpetrators are reported to the police and when they are arrested, majority are not sent to prison hence it increases trauma and fear of being further assaulted for having reported. While more than 30% of them believe that police officers receive bribes from perpetrators⁷, majority believe that the justice delivery system is not capable to provide justice for survivors. The emergency of women's rights movements such as the #weareUnprotected Campaign is enough evidence that women and girls and other civil society stakeholders are demanding more from the justice delivery system which will help in the efforts to end VAW/G such as SGBV. The #weareUnprotected Campaign is one such efforts from civil society highlighting the need for stakeholders to increase action and collaboration to eliminate violence against women and girls particularly the state which has the obligation to protect and prosecute perpetrators.

Recommendations

Statutory rape applies when one has sexual relationship with a person under the age of sixteen years. In this case girls in particular of school going age get married off and its often treated as early child marriage instead of being considered as rape. There is therefore need for law enforcement agenets and the judicial process to provide for courts to try all child maariage offenders as rapists. It seems the law enforcement agents may need retraining so they can be able to identify and handle such cases as rape. This could deter the would be offenders. From the evidence of this trend of an increase in SGBV cases in Liberia, there is need to do a system audit by the Government of Liberia on the justice delivery sector and be able to institute wholesome changes on the functions of the police sections dealing with SGBV and the lower courts that prosecute the cases. While the personnel are there though not adequate, it is critical that they are retrained

⁴ 'An Assessment of Human Rights Issues Emanating from Traditional Practices in Liberia,' UNMIL and OHCHR in December 2015 Report

⁵ Ibid

⁶ <https://frontpageafricaonline.com/gender-issues/liberian-activists-want-govt-tighten-anti-sgbv-laws/>

⁷ Mothers and Girls Clubs reports from the EPS Project being implemented by ActionAid in Margibi, Gbarpolu and Montserrado counties in Liberia

and adequately equipped both with information on handling SGBV cases and with aides that enable functionality of victims or survivors friendly courts that increase women and girls' confidence to report and also get justice from their courts. Again the government should include in the training of police officers and magistrates make it mandatory that they go through extensive courses on handling SGBV and VAW/G altogether. A radical shift in the way development partners programme around SGBV may also be required in order to capacitate local police units particularly in the remote parts of the country where some of the cases are not even reported. While in most cases, cases that are reported are often brought to the limelight as rape or other forms of SGBV, there is need to make thorough investigations on the increase in teenage pregnancies that are traditionally not considered as rape. These teenage pregnancies are rape and should be investigated and satisfactorily prosecuted. With this, it is clear that there is need for not just multi-sectoral approaches to ending SGBV, but also tripartite discussions between government, CSOs and INGOs as well as the Liberian general public to come up with consensus on a wholesome course of action that eliminates this vice.

Conclusions

There is need for honest and robust introspection by government agencies on one hand and also CSOs and INGOs working on SGBV and the donor community to enable flexibility in interventions so that resources can be shifted to try and address this challenge of increased impunity and gaps in the justice delivery system. Doing this could help not only to support women and girls to get recourse where cases have not been adequately investigated and prosecuted but also increase accountability. While awareness raising has been stepped up in and around Liberia especially on SGBV, there is need to address power dynamics within communities as they could be a major contributory factor to the continued violations. Another approach could be through increasing multi-sectoral efforts in addressing SGBV. The high investment in resources to fight SGBV should be able to translate in substantial gains as far as ending VAW/G can be considered.

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