

How to Ensure Women's Access to Justice as the UN Draws Down its Mission in Liberia

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Despite improvements in the criminal justice sector, most girls and women who are victims of rape, domestic violence, and other forms of gender-based violence (GBV) in Liberia struggle to get formal justice. This is partly due to a capacity gap in the police force and the courts, and unethical practices in these institutions. The drawdown of the UN Mission in Liberia (UNMIL) threatens to exacerbate these problems and to increase the barriers to justice for girls and women. This situation can only be prevented if the current government, and the one that succeeds it this year, make GBV and survivors' access to justice a policy priority.

- The executive branch of the government should allocate the funds needed to build the capacity of personnel of the police force and the courts
- The executive branch of the government should improve the conditions of service for police officers
- The Liberia National Police and the Ministry of Justice should sanction personnel who adopt unethical practices and reward those who show a commitment to investigating and prosecuting GBV with regard for the rights and wellbeing of complainants
- The Liberia National Police and the Ministry of Justice should intensify their collaboration with women's and other human rights NGOs to train personnel of the police force and the courts and to ensure that survivors of violence receive comprehensive support



Chris Herwig Photo

VIOLENCE AGAINST WOMEN AND GIRLS AND ACCESS TO JUSTICE IN LIBERIA

Violence is a major threat to girls' and women's security and wellbeing in Liberia. This gender-based violence, which includes domestic violence and rape, was exacerbated by Liberia's 1989–2003 civil war in which both government and rebel forces committed atrocities against the civilian population. It continues to affect women across the country. In 2008, 35 percent of women surveyed nationally had experienced partner-perpetrated physical violence and 11 percent had experienced sexual violence at the hands of a partner.¹ This violence affects women's health, their ability to go to school, work, and to socialize, and sometimes results in death. Nonetheless, most survivors do not get justice from the criminal justice system. Pressure from relatives and the community discourage them from reporting to the police. Distrust of the police and courts also constitutes a barrier to reporting as survivors are reluctant to turn to the state for help.² This lack of trust is due to corruption and ineffectiveness in the criminal justice system as well as to abuses committed by the police force since it came into existence.

1 Liberia Demographic and Health Survey <http://dhsprogram.com/pubs/pdf/fr201/fr201.pdf>

2 What Are Liberians Saying about Corruption and Trust in Public Institutions in Liberia? An Afrobarometer Survey Reveals http://www.afrobarometer.org/sites/default/files/media-briefing/liberia/lib_r5_presentation2.pdf

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THE UN AND THE STATE'S RESPONSE TO GENDER-BASED VIOLENCE

Since the end of the war, the government in collaboration with the UN, international donors, and local NGOs has worked to address these problems within the police force and the court system. They have provided training, infrastructure, and equipment for law enforcement. Liberia has also established several specialized institutions to deal with rape and other forms of violence. They include the Women and Children Protection Section (WACPS) of the Liberia National Police (LNP), the Sexual and Gender-Based Violence prosecution unit, and Criminal Court E, which is dedicated to prosecuting sex crimes in Monrovia. These initiatives, which have been largely funded by the UN and donors, constitute a major step forward in the state's response to violence against girls and women. Survivors of violence now have a better chance of encountering officials who are less likely to blame them for the violence they have suffered and are more likely to enforce the law.³ Yet, many challenges remain. The average police officer makes less than US\$200 a month; this does not encourage commitment to the job and contributes to corruption. There have been reports of police officers colluding with rapists to drop cases,⁴ and despite support from the UN and donors, officers often lack equipment, including vehicles to visit crime scenes and notebooks in which to record complaints. This lack of resources often prevents officers from adequately enforcing the law. Some complainants interpret this failure to act as corruption, reinforcing the notion that the police are corrupt and further discouraging survivors from reporting GBV. Furthermore, specialized courts and prosecution units have not been established throughout the country and, thus, cannot be physically reached by many survivors. And even when survivors have reported and the police have investigated and referred cases to the courts, prosecution has often proceeded at a glacial pace or has not occurred at all.

IMPLICATIONS OF UNMIL'S DEPARTURE

It is for these reasons that the drawdown of the UN raises concerns for girls and women's access to justice. On June 30th 2016, the Liberian government assumed full responsibility for the country's security after a more than fifty percent reduction in the number of UN military, police, and civilian personnel stationed in the country. President Johnson Sirleaf has assured Liberians and the international community that the country is up to the task, but has also requested that a 'Quick Reaction Force' is maintained for the 2017 presidential elections.⁵ The UN, government officials, and an anxious populace have also identified threats to Liberia's stability, including the presence of ex-combatants on the Liberian-Ivorian border and the increase in mob justice. Furthermore, Liberians have questioned the capacity of the security agencies to deal with these problems.⁶ An economic downturn, which has hampered the government's ability to fully prepare the Liberia National Police (LNP) and other agencies to fill the void left by UNMIL, has heightened these concerns.⁷ And as is often the case when state security is on the agenda, the capacity of the police and courts to deal with another widespread and virulent threat, violence against women and girls, is at risk of being neglected in this transition. Neglecting this problem would reinforce the barriers to formal justice that many survivors face. Underpaid and underequipped personnel will be ineffective and are likely to adopt unethical and gender-insensitive practices that serve to re-victimize those who seek help and deter others. Furthermore, where GBV and survivors' access to justice is not high on the security agenda, there will be less internal pressure on the police and the courts to hold personnel accountable for unethical practices and for poor performance. It is, therefore, crucial that policymakers make gendered violence and survivors' access to justice a policy priority.

3 Fighting Gender-Based Violence: The Women's Movement and the Enforcement of Rape Law in Liberia <http://afraf.oxfordjournals.org/content/112/448/377.full.pdf>

4 Liberia Police Chief Stresses Zero Tolerance for Rape <http://allafrica.com/stories/201504021498.html>

5 Liberia's Upcoming Security Transition 'Most Significant Milestone' since End of Civil War, Special Representative Says in Briefing <http://www.un.org/press/en/2016/sc12286.doc.htm>

6 The UN had to Go, but is Liberia Really Prepared for Peace? <http://www.pambazuka.org/human-security/un-had-go-liberia-really-prepared-peace>

7 Drastic Cuts in Store for Liberia's Twice-Hit Economy <https://www.ft.com/content/854e71ca-dbb9-11e5-a72f-1e7744c66818>

RECOMMENDATIONS

It is important that girls' and women's access to justice is not pushed off the national agenda by the myriad security challenges confronting Liberia. Access to justice combined with socioeconomic interventions to prevent violence, encourage reporting, and support survivors, are necessary to girls' and women's security and wellbeing. The Liberian government, therefore, needs to prioritize survivors' access to justice as the country moves forward. It is not enough for the issue to be included in the security transition plan, because words on paper often do not translate into action. The government needs to take four main steps to increase girls' and women's access to justice:

- i. Adequate Funding:** The executive branch should allocate the funds required to build the capacity of the police force and the courts. The current budgetary allocation is insufficient to establish specialized units in areas where they do not exist and to adequately furnish the tools and equipment needed for effective law enforcement. In addition to building capacity, the government's provision of the needed infrastructure, tools, and equipment would also signal that it has taken over responsibility for these specialized agencies from the UN and international donors. This local ownership is key to the success and sustainability of these institutions.
- ii. Improve Conditions of Service:** The executive branch and the LNP also need to improve the conditions of service for the police. These improvements must include better salaries and fair and transparent promotion guidelines for all personnel.
- iii. Hold Law Enforcement Officers Accountable:** The LNP and the Ministry of Justice should hold personnel accountable for their actions. They should enforce sanctions for unethical behaviour and poor performance, without favour, and should reward personnel who show a commitment to investigating and prosecuting these offenses with respect for women's rights and wellbeing.

iv. Intensify Cooperation with NGOs: The LNP and the Ministry of Justice should intensify their cooperation with women's and other human rights NGOs. These NGOs can contribute to some aspects of capacity-building, such as the training of personnel. Furthermore, in collaboration with the police and courts, they can ensure that survivors of violence receive comprehensive medical and psychosocial care and support.

These recommendations cannot be implemented without political will. Pressure on the government from women's organizations and other NGOs, and from international partners such as the UN, will play a key role in building this political will. These recommendations also require the government to allocate scarce funds; the weak economy in Liberia makes this a major challenge. This necessitates donor support in the short-term.⁸ However, the government should aim to be the primary funder of the specialized agencies that have been established. The problems in these agencies will become more entrenched without the full investment of the government. While not every survivor of sexual violence seeks formal justice, the state should ensure that the criminal justice system is accessible to all girls and women and is sensitive to their needs.

CONCLUSION

Liberia has made headway in ensuring that the criminal justice sector is more welcoming to girls and women, and is more effective at enforcing the law. Nonetheless, many challenges remain. As the UN draws down its peacekeeping mission and thus, reduces its involvement in the fight against GBV, it is important that the government makes this issue a priority. The government and NGOs must not allow GBV and survivors' access to justice to take a backseat to other security concerns in the country. Political stability and national security are incomplete without security for girls and women.

⁸ Sexual Violence and Justice in Liberia <https://www.project-syndicate.org/commentary/liberia-justice-for-rape-victims-by-peace-a--medie-2016-07>



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