

Addressing Impunity for Rape in Liberia

October 2016



## Abbreviations

|        |                                                                                          |
|--------|------------------------------------------------------------------------------------------|
| ACHPR  | African Charter on Human and Peoples' Rights                                             |
| ACRWC  | African Charter on the Rights and Welfare of the Child                                   |
| CAT    | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| CEDAW  | Convention on the Elimination of All Forms of Discrimination against Women               |
| CLO    | Case liaison officer                                                                     |
| CRC    | Convention on the Rights of the Child                                                    |
| CRPD   | Convention on the Rights of Persons with Disabilities                                    |
| HRPS   | Human Rights and Protection Service, United Nations Mission in Liberia                   |
| ICCPR  | International Covenant on Civil and Political Rights                                     |
| ICESCR | International Covenant on Economic, Social and Cultural Rights                           |
| INCHR  | Independent National Commission on Human Rights                                          |
| LNP    | Liberia National Police                                                                  |
| MOGCSP | Ministry of Gender, Children, and Social Protection <sup>1</sup>                         |
| NGO    | Non-governmental organization                                                            |
| NHRAP  | National Human Rights Action Plan of Liberia                                             |
| TOE    | United Nations Team of Experts on the Rule of Law / Sexual Violence in Conflicts         |
| SEA    | Sexual exploitation and abuse                                                            |
| SGBV   | Sexual and gender-based violence                                                         |
| SGBVCU | Sexual and Gender-Based Violence Crimes Unit                                             |
| UNMIL  | United Nations Mission in Liberia                                                        |
| UPR    | Universal Periodic Review                                                                |
| WACPS  | Women and Children Protection Section, Liberia National Police                           |

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<sup>1</sup> Formerly known as the Ministry of Gender and Development.

## Contents

|                                                                                                    |    |
|----------------------------------------------------------------------------------------------------|----|
| 1. Executive Summary.....                                                                          | 4  |
| 2. Introduction .....                                                                              | 5  |
| 3. Methodology and constraints .....                                                               | 6  |
| 4. Legal and policy framework .....                                                                | 7  |
| 4.1. International and regional legal frameworks.....                                              | 7  |
| 4.2 Domestic legal, institutional and policy framework .....                                       | 8  |
| 4.2.1 Legal framework .....                                                                        | 8  |
| 4.2.2 Institutional framework .....                                                                | 10 |
| 4.2.3 Policy framework .....                                                                       | 10 |
| 5. Barriers to accountability.....                                                                 | 11 |
| 5.1. Barriers to reporting rape .....                                                              | 12 |
| 5.1.1 Patriarchal attitudes and harmful gender stereotyping .....                                  | 12 |
| 5.1.2 Social pressure to informally settle cases outside the formal justice system .....           | 13 |
| 5.1.3 Undue interference by traditional actors .....                                               | 13 |
| 5.1.4 Lack of confidence in the justice system.....                                                | 14 |
| 5.1.5 Logistical and financial constraints .....                                                   | 15 |
| 5.2. Issues related to investigation and the collection of evidence.....                           | 16 |
| 5.2.1. Inadequate forensic and investigation capacity .....                                        | 16 |
| 5.2.2. Corruption and other forms of misconduct on the part of law enforcement .....               | 17 |
| 5.3. Legal and procedural issues .....                                                             | 17 |
| 5.3.1. Delays in transferring cases from magistrate courts to circuit courts.....                  | 18 |
| 5.3.2. Inadequate case tracking and management system .....                                        | 18 |
| 5.3.3. Issues related to cases involving juvenile offenders.....                                   | 19 |
| 5.4. Institutional weaknesses.....                                                                 | 20 |
| 5.4.1. Capacity gaps .....                                                                         | 20 |
| 5.4.2. Inadequate funding of the Sexual and Gender Based Violence Unit.....                        | 20 |
| 5.4.3. Insufficient support for and coordination of relevant justice and security institutions.... | 21 |
| 5.4.4. Pre-trial detention as functional substitute for criminal accountability .....              | 21 |
| 5.4.5. Inadequate functioning of safe homes, “one stop” centres, and other support services..      | 21 |

|    |                                                             |    |
|----|-------------------------------------------------------------|----|
| 6. | Efforts by the Government of Liberia .....                  | 22 |
| 7. | Initiatives by UNMIL and other international partners ..... | 22 |
| 8. | Conclusion.....                                             | 23 |
| 9. | Recommendations .....                                       | 23 |

## 1. Executive Summary

1. This report was prepared by the Human Rights and Protection Service (HRPS) of the United Nations Mission in Liberia (UNMIL), and is released jointly with the Office of the United Nations High Commissioner for Human Rights (OHCHR).
2. HRPS is mandated to promote, protect and monitor human rights in Liberia, with “special attention to violations and abuses committed against women and children.” HRPS is also mandated to support the efforts of the Government of Liberia to combat sexual and gender-based violence (SGBV) and to fight impunity for such crimes.<sup>2</sup>
3. HRPS monitoring has revealed serious challenges in addressing impunity for SGBV. A report published by UNMIL and OHCHR in December 2015, entitled “*An Assessment of Human Rights Issues Emanating from Traditional Practices in Liberia*,”<sup>3</sup> provided detailed accounts of SGBV crimes in Liberia perpetrated with impunity within the realm of traditional and cultural practices. The present report focuses solely on rape and the underlying challenges in holding perpetrators accountable within the formal justice system, considering the magnitude and prevalence of the crime and the high levels of impunity. It is based primarily on cases documented by HRPS between January 2015 and May 2016.
4. Based on its human rights monitoring in all 15 counties of Liberia, HRPS found that the number of reported<sup>4</sup> 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. 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. While many alleged perpetrators were arrested, they were rarely brought to trial due to various factors, including legal and institutional weaknesses, social mores 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.
5. UNMIL and OHCHR recognize that the Government of Liberia has taken steps to address impunity for SGBV, particularly for rape. However, the incidence of rape remains high, with a prevailing failure to ensure accountability. This level of impunity is incompatible with Liberia’s human rights obligations, and the Government must exercise due diligence to prevent this phenomenon; promptly, thoroughly and independently investigate cases; punish the perpetrators; and provide adequate remedies and redress to victims.
6. This report is intended to assist the Government of Liberia and its partners in their efforts to combat impunity for rape. It examines the social, institutional, legal and other factors underlying impunity for SGBV and provides recommendations to address them comprehensively in order to hold the perpetrators accountable for their crimes, eventually reduce SGBV occurrence, and enhance Liberia’s compliance with its human rights obligations.
7. UNMIL and OHCHR recommend that the Government take further steps, including targeted legal, policy and educational measures to address the scourge of sexual violence. It should address the numerous barriers to reporting/accountability for rape, including the weakness of the justice system, notably poor investigation, prosecution, and adjudication; corruption; undue influence of traditional actors; and community/family settlements. The Government should seek

<sup>2</sup> Security Council resolution 2239, para. 10(c), UN Doc. S/RES/2239 (17 September 2015) § 8.

<sup>3</sup> Report available at: <http://reliefweb.int/report/liberia/assessment-human-rights-issues-emanating-traditional-practices-liberia>

<sup>4</sup> This refers to cases compiled by the Ministry of Gender, Children and Social Protection as received from various sources, including service providers. Many of these reported cases did not reach to police.

technical assistance from the United Nations and other partners, including for the implementation of recommendations made under the Universal Periodic Review (UPR) and by the United Nations treaty bodies and the Special Procedures of the Human Rights Council, in order to enhance criminal accountability for rape and other forms of sexual violence.

## 2. Introduction

8. Rape is the second most commonly reported serious crime in Liberia.<sup>5</sup> In 2014, according to statistics provided by MOGCSP, 708 cases of rape, including gang rape, were reported to law enforcement officials, health care providers, and non-governmental organizations (NGOs); in 2015, this number rose to 803.<sup>6</sup> Out of these 1511 cases, only 836 reported by MOGCSP were registered by the police, and the police later sent only 259 cases to court.<sup>7</sup> According to data which HRPS collected from circuit courts, 24 individuals were convicted in 2014 and 34 in 2015 by the court of first instance.<sup>8</sup> In addition, HRPS is concerned that countless additional cases are unreported due to numerous barriers faced by victims, as described in this report.<sup>9</sup>
9. A significant proportion of the victims of reported cases of rape in 2014 and 2015 were under the age of 18. Of the approximately 150 cases monitored and documented by HRPS in 2015, at least 78 per cent of the victims were minors, some of whom died as a consequence of the rape. For instance, in 2015, HRPS documented the case of two girls who died as a result of injuries sustained due to rape.<sup>10</sup>
10. The factors underlying impunity for rape in Liberia are many and include legal and institutional weaknesses, social mores and attitudes, corruption, lack of will or diligence on the part of Government officials, and logistical constraints. Liberia faces the additional challenge of having to overcome a legacy of impunity arising from 14 years of civil conflict. The World Health Organization estimated that between 61.4 and 77.4 per cent of women and girls in Liberia were raped during the war.<sup>11</sup> Despite the widespread nature of this crime, no single perpetrator of

<sup>5</sup> In 2013, rape and domestic violence together accounted for over 70 per cent of all serious reported crimes. See United Nations in Liberia. (2013). *United Nations Development Assistance Framework, 2013-2017*, Retrieved from <http://www.undg.org/unct.cfm?module=CoordinationProfile&page=Country&CountryID=LIR>. According to the LNP crime statistics received by UNMIL in May 2016, aggravated assault (579 cases) was the most commonly reported crime between January and May 2016, and rape was the second most commonly reported one (182 cases) during that period. See also 2011 UN/GoL Joint Programme Report at 9.

<sup>6</sup> It should be noted that the number of sexual violence cases (including rape) reached 1,055 in 2015, out of a total of 1,555 SGBV cases reported, taking into consideration cases of sodomy, sexual assault, attempted rape, and “corruption of a minor” (charge for a person under 18 years of age who rapes or sexually assaults a person under 18). See MOGCSP National Gender-Based Violence Statistical Report: 2014 and MoGCSP Gender-Based Violence Division Gender-based Violence Annual Statistical Report 2015.

<sup>7</sup> This data was received from Women and Children Protection Section of the LNP in June 2016. It is far lower than the data provided by MOGCSP. This indicates that only approximately half of the total reported cases are registered to LNP and only 25 per cent of cases go to court.

<sup>8</sup> This is based on the data concerning prisoners convicted for rape in 2014 and 2015 received from the UNMIL Correction Advisory Unit (CAU). Cases of convictions reported by UNMIL are not necessarily from the same pool of cases reported by MOGCSP in 2014 and 2015, but these numbers illustrate the magnitude of the gap between reported cases and conviction rates.

<sup>9</sup> See MOGCSP SGBV Statistics, 2014 and 2015. Same reports than the ones in footnote 6 ? [ Yes]

<sup>10</sup> In January 2015, in Grand Kru County, a 14-year-old girl died as a result of injuries sustained when she was raped by a 19-year-old male. On 14 June 2015 in Montserrado County, an unidentified man abducted and raped a 13-year-old girl; she was rushed to the hospital the following day, but was pronounced dead on arrival.

<sup>11</sup> UNMIL Legal and Judicial System Support Division, *Research on Prevalence and Attitudes toward Rape*, 11 (2008) [hereinafter “UNMIL Research on Prevalence of Attitudes Toward Rape”] <http://www.stoprapenow.org/uploads/advocacyresources/1282163297.pdf>. The UNMIL report notes that the numbers cited in the World Health Organization (WHO) surveys may be somewhat inflated due to the fact that survey respondents were selected from IDP camps, and there were indicators of “snowball” sampling. Notwithstanding, the incidence of rape during the conflict was high as it was used systematically as a weapon of war, as reflected in the findings of the Truth and Reconciliation

crimes related to conflict, including rape and other forms of sexual and gender-based violence, have been held accountable in Liberia.<sup>12</sup> The complete lack of accountability for sexual violence committed during the war, coupled with limited accountability in the post-conflict period, have fostered and perpetuated SGBV and a culture of impunity for such crimes.

11. The Government has recognized the gravity of the problem of impunity for rape, and has sought the assistance of domestic partners and the international community to address the widespread issue of sexual violence. However, rape and other forms of SGBV are still committed with alarming frequency. HRPS monitoring and research show that Liberia is not in compliance with its human rights obligations, due to its inability to hold perpetrators of rape criminally accountable and, in some cases, to hold State actors accountable for abuses of office that infringe on the rights of victims.
12. This report is intended to highlight the human rights implications of impunity for rape, to examine the factors underpinning this impunity and, in doing so, to support the efforts of the Government and its partners to enhance mechanisms for accountability, protection for victims and prevention efforts.

### 3. Methodology and constraints

13. Considering the magnitude of the problem of rape and available data, this report is limited to an analysis of impunity for this particular type of SGBV. The term “sexual violence” is used throughout the report more broadly to refer to acts including rape, attempted rape, sexual assault, sexual exploitation and abuse, and sexual slavery.
14. This report is based primarily on cases documented by HRPS monitoring in all 15 counties of Liberia between January 2015 and March 2016.<sup>13</sup> The report relies on information received by HRPS from victims and their family members through interviews and other forms of interaction. It also relies upon information provided by the Government of Liberia, including MOGCSP, the SGBV Crimes Unit of the Ministry of Justice (MOJ), the courts, and Women and Children Protection Section (WACPS) of the LNP. Information was also collected from relevant UNMIL sections, including the Rule of Law and Security Institutions Service and the United Nations Police (UNPOL). In compiling the report, HRPS conducted a thorough review of the relevant domestic, regional, and international law frameworks; publications by human rights treaty monitoring bodies, the Universal Periodic Review (UPR), the Special Procedures of the United Nations Human Rights Council, together with other United Nations sources; and human rights reports and other documents available in the public domain. The report is also informed by HRPS regular interaction with senior Government officials, members of the judiciary, and professionals working in the field of SGBV in Liberia, including civil society actors and other domestic partners, as well as international partners.
15. Due to the usual stigmatization of survivors of rape and social perceptions regarding spousal/partner rape, the number of cases of rape may be significantly underreported.<sup>14</sup> The cases monitored by HRPS are therefore not representative of the actual numerical scope of sexual

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Commission in its Final Report. See generally Republic of Liberia, Truth and Reconciliation Commission, *Final Consolidated Report, Volume 3, Title 1: Women and the Conflict*.

<sup>12</sup> In 2014, two individuals were arrested in Europe for rape committed during the war: Alieu Kosiah, former ULIMO commander, was arrested in Switzerland; and Martina Johnson, former NPFL commander, was arrested in Belgium. Moreover, in 2008 Chucky Taylor was convicted of torture in the first prosecution under the United States’ Extraterritorial Torture Statute. While Charles Taylor was convicted of crimes against humanity, he has only been held accountable for crimes committed in Sierra Leone under the jurisdiction of the Special Court for Sierra Leone, not for crimes committed in Liberia.

<sup>13</sup> During the finalization of this report, HRPS also took note of 140 rape cases monitored between January and mid-August 2016 in addition to around 150 cases monitored in 2015. HRPS found that the trend of impunity for rape remained unchanged in the first half of 2016.

<sup>14</sup> Homosexuality is illegal in Liberia, and marriage between individuals of the same sex is not recognized. This likely leads to underreporting of rape between individuals of the same sex.

violence in Liberia, and are utilized primarily to illustrate commonly reported barriers to criminal accountability and the impact on the victims and on prevention of this crime.

16. The research was also constrained due to challenges in obtaining reliable data on rape cases, particularly from prosecutors' offices and magisterial courts, due to the lack of a proper record-keeping system.

## 4. Legal and policy framework

### 4.1. International and regional legal frameworks

17. Liberia has ratified or acceded to the core international human rights treaties<sup>15</sup> and is a party to the major regional human rights instruments<sup>16</sup> which oblige States to respect, protect and fulfill human rights of all persons within the territory and subject to the jurisdiction of the State, without discrimination.
18. Rape may violate a number of human rights enshrined in the instruments ratified by Liberia, including, *inter alia*, the right to life and physical integrity; the right not to be subjected to torture, or to cruel, inhuman or degrading treatment or punishment; the right not to be subjected to violence, abuse or exploitation; the right to health; the right to education; the right to an effective remedy; and the right to equal protection and equality before the law. Rape is also a form of gender-based violence and a brutal manifestation of violence against women. As a State party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the "Maputo Protocol"), Liberia has made legally binding commitments to exercise due diligence to combat gender-based violence and discrimination. Accordingly, Liberia has an obligation to take all appropriate measures to prevent rape, ensure that there are adequate sanctions for rape in law and in practice, and ensure access to reparation for the victims.<sup>17</sup> Furthermore, several human rights instruments<sup>18</sup> require Liberia to take special measures to protect the rights of individuals who are vulnerable to sexual violence, namely women, children, and persons with disabilities.
19. Liberia is responsible for its own acts and omissions that constitute gender-based violence, including rape. These include the acts or omissions of officials in its executive, legislative and judicial branches, and of non-State actors acting on behalf of the State (including private bodies providing public services). Under general international law, as well as under international treaties, a private actor's acts or omissions may engage the

<sup>15</sup> The International Covenant on Civil and Political Rights (ICCPR) (2004), the International Covenant on Economic, Social and Cultural Rights (ICESCR) (2004), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (1993), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1984), the Convention on the Rights of the Child (CRC) (1990), and the Convention on the Rights of Persons with Disabilities (CRPD) (2012), International Convention on the Elimination of All Forms of Racial Discrimination (1976)

<sup>16</sup> The African Charter on Human and Peoples' Rights (ACHPR) (1982), the African Charter on the Rights and Welfare of the Child (ACRWC) (2007), and the Protocol to the ACHPR on the Rights of Women in Africa (the "Maputo Protocol") (2007).

<sup>17</sup> CEDAW art. 2(c), for example, provides that States must "establish legal protection of the rights of women on an equal basis with men and ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination." The Maputo Protocol, art. 4, paras. 2(a) and (e), explicitly provides that laws prohibiting violence against women must be enforced and perpetrators held accountable; See also CEDAW general recommendation N.19 (n).

<sup>18</sup> CRC, CEDAW, CRPD, ACRWC, and the Maputo Protocol.

international responsibility of the State when there is a failure to take all appropriate measures to prevent or investigate, prosecute, punish and provide reparation for acts or omissions by non-State actors which result in gender-based violence.

20. The Committee against Torture has noted explicitly that sexual violence may constitute torture, even if committed by non-State actors, if a State does not exercise due diligence to prevent sexual violence, protect victims, or provide effective remedies or redress. The Committee indeed considered that in the absence of due diligence, a State's "indifference or inaction provides a form of encouragement and/or de facto permission" to non-State actors to commit rape.<sup>19</sup>
21. The United Nations Special Rapporteur on violence against women has provided guidance on States' due diligence obligations in combating sexual violence, noting that it must be implemented at both individual and systemic levels. Individual due diligence focuses on the needs of individual survivors and "places an obligation on the State to assist victims in rebuilding their lives and moving forward," for instance through the provision of psychosocial services. Individual due diligence "requires States to punish not just the perpetrators, but also those who fail in their duty to respond to the violation."<sup>20</sup> As for systemic due diligence, it includes ensuring "a holistic and sustained model of prevention, protection, punishment and reparations for acts of violence against women."<sup>21</sup>
22. The Committee on the Rights of the Child and the Committee on the Elimination of All Forms of Discrimination against Women have expressed grave concern about the prevalence of, and lack of criminal accountability for, rape in Liberia, and have urged the Government to address the issue as a matter of priority.<sup>22</sup> During both cycles of Liberia's UPR, in 2010 and 2015, Member States of the United Nations Human Rights Council have also underscored the need for more stringent measures to combat sexual violence. In the latter cycle, the Government accepted all recommendations made on the issue.<sup>23</sup>

## 4.2 Domestic legal, institutional and policy framework

### 4.2.1 Legal framework

23. The 1986 Constitution enshrines a number of fundamental human rights that may be violated by sexual violence, including the right to life and security of person, the right to equality before the law and equal protection of the law, and the prohibition of torture or inhumane treatment.<sup>24</sup> The Constitution also prohibits discrimination in the enjoyment of these and other rights on the basis of sex.<sup>25</sup>
24. The 2005 Rape Law defines rape as "the intentional penetration however slight with the perpetrator's penis of the victim's vagina, anus, mouth, or other opening without the victim's consent, or the intentional penetration with a foreign object or other body part of the victim's

<sup>19</sup> United Nations Committee Against Torture, *General Comment No. 2, Implementation of article 2 by States Parties* CAT General Comment No. 2, para. 18 (24 January 2008).

<sup>20</sup> Report of the Special Rapporteur on violence against women, its causes and consequences, para. 70, UN Doc. A/HRC/23/49 (14 May 2013).

<sup>21</sup> *Ibid*, para 71.

<sup>22</sup> United Nations Committee on the Rights of the Child, *Concluding observations on the combined second to fourth periodic reports of Liberia, adopted by the Committee at its sixty-first session (17 September – 5 October 2012)*, paras. 49-50, UN Doc. CRC/C/LBR/CO/2-4 (13 December 2012); United Nations Committee on the Elimination of All Forms of Discrimination against Women, *Concluding observations on the combined seventh and eighth periodic reports of Liberia*, paras. 25-26, UN Doc. CEDAW/C/LBR/CO/7-8 (20 November 2015).

<sup>23</sup> See Report of the Working Group on the Universal Periodic Review, Liberia, Addendum, UN Doc. A/HRC/16/3/Add. 1 § 1, 16-18, 22-24 (15 March 2011); Report of the Working Group on the Universal Periodic Review, Liberia, Addendum, UN Doc. A/HRC/30/4/Add. 1 (25 September 2015).

<sup>24</sup> Art. 11, paras. (a) and (c), Art. 21 para (e).

<sup>25</sup> Art. 11, para. (b).

vagina or anus without the victim's consent."<sup>26</sup> The law is therefore gender-neutral, providing for both male and female victims and perpetrators. It is also possible to charge for spousal rape even though the law does not explicitly refer to it. The Rape Law raised the age of consent to 18<sup>27</sup> and defines consent broadly, providing that a person consents if he or she does so by choice and has the freedom and capacity to make that choice.<sup>28</sup> The law also contains specific provisions concerning gang rape, which is defined as purposely promoting or facilitating rape, or agreeing "with one or more persons to engage in or cause the performance of conduct which shall constitute rape."<sup>29</sup> The law provides for severe sentences for rape, including life imprisonment in the case of conviction of rape in the first degree.<sup>30</sup> There is also provision for *in camera* testimony by victim-witnesses, for the purpose of witness protection.

25. The Penal Law also addresses rape, including Aggravated Involuntary Sodomy (Section 14.72), Involuntary Sodomy (Section 14.73), Corruption of Minors (Section 14.75), and Sexual Abuse of [a] Ward (Section 14.76).
26. Corruption of Minors is statutory rape under the Penal Law, and criminalizes any sexual intercourse, deviate or otherwise, between a victim under the age of 16 and a perpetrator at least five years older. This particular provision addresses some of the gaps in the Rape Law, which, in addition to other provisions, is applicable to a perpetrator above 18 years of age who engages in sexual activities with or without the consent of a minor. There is an overlap between the Rape Law and Corruption of Minor provisions under the Penal Law with regard to a perpetrator who is above 18 and below 21 years.
27. The Act of 2008 amending Title 17 of the Judiciary Law 1972<sup>31</sup> provides for the establishment of Criminal Court "E", which has exclusive original jurisdiction over sexual offences in Montserrado County where the capital of Liberia is situated. The Act also provides for the creation of Sexual Crimes Divisions within the circuit courts of the remaining 14 counties of Liberia to exclusively deal with sexual crimes. To date, none of these divisions have been established.
28. The 2011 Children's Law<sup>32</sup> enshrines fundamental human rights<sup>33</sup> and contains additional provisions for the protection of children from sexual violence. It mandates MOGCSP and the Ministry of Health to share the primary State responsibility for protecting children in vulnerable situations from sexual violence, exploitation and abuse. The Children's Law also criminalizes the failure to investigate, prosecute and punish a crime against a child.<sup>34</sup>
29. A draft Domestic Violence Bill 2016 under consideration by the national legislature would, if passed in its current form, provide additional legal sanctions for sexual violence by explicitly criminalizing spousal rape and other forms of sexual violence perpetrated by any close relative of the victim.

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<sup>26</sup> Section 14.70.1.

<sup>27</sup> The age of consent was previously 16.

<sup>28</sup> Section 14.70.3(b)(i).

<sup>29</sup> See Section 14.70.2.

<sup>30</sup> As of 5 June 2016, 19 individuals in Monrovia Central Prison were serving life sentences for rape. The prison houses all convicted criminals and pre-trial detainees in Montserrado County, home to one third of Liberia's population.

<sup>31</sup> Chapter 25, Title 17 of the Revised Code of Laws of Liberia known as the Judiciary Law.

<sup>32</sup> An Act to Establish the Children's Law (2011).

<sup>33</sup> For instance, the right to life (art. 3, para. 3), the right to medically necessary health care (art. 3, para. 8), and the right not to be subjected to abuse or exploitation (art. 3, para. 21).

<sup>34</sup> Section 16, para. 13.

#### 4.2.2 Institutional framework

30. The SGBV Crimes Unit (SGBVCU) of the Ministry of Justice oversees the prosecution of sexual offenses at Criminal Court “E” and at the regional justice and security hubs.<sup>35</sup> As of June 2016, the Unit was staffed with eight prosecutors, four Case Liaison officers (CLOs), two social workers, and several administrative and financial staff.<sup>36</sup> SGBVCU also assists survivors in accessing legal, medical, protection and psychosocial services at “one-stop” centres, and arranges for temporary shelter of victims at safe homes.
31. The Ministry of Justice has assigned trained SGBV prosecutors in eight counties<sup>37</sup> and established an SGBV sub-unit in the Gbarnga hub. The establishment of additional SGBV sub-Units is planned for the remaining four hubs once they are in place. The Ministry of Justice also oversees the operations of the Women and Children Protection Sections (WACPS) of the LNP, which are staffed by officers with limited training to handle cases of sexual violence. UNMIL has provided advisory support and assisted in the construction of victim/survivors friendly rooms in some areas but many LNP depots still lack such facilities.
32. MOGCSF also has an SGBV Unit mandated to monitor and report on cases of SGBV throughout the country. It shares information with the Ministry of Justice to recommend cases for prosecution. It also serves as the secretariat for the Gender-Based Violence Inter-agency Task Force, which brings together UN, government, and local and international NGOs to address pressing gender-based violence issues in the country.
33. While the establishment of these bodies and mechanisms is a welcome step, most have not been able to effectively address SGBV including prevention and accountability for rape. As described below, this is largely due to lack of coordination, capacity constraints and the lack of resources.

#### 4.2.3 Policy framework

34. Liberia has adopted several national policies aimed, in whole or in part, at addressing sexual violence. These include:
  - The *National Action Plan for the Implementation of United Nations Security Council Resolution 1325* (2009);
  - The *National Sexual and Reproductive Health Policy* (2010), providing for access to quality health services for survivors of sexual violence and the establishment of a reporting mechanism to facilitate intra-governmental coordination in the management of SGBV cases;<sup>38</sup>
  - The *National Plan of Action for the Prevention and Management of Gender Based Violence in Liberia* (2011-2015);
  - The National Gender Policy (2012);
  - The Reconciliation Roadmap (2012), incorporating recommendations of the Truth and Reconciliation Commission to enhance women’s psychosocial recovery and economic empowerment as a form of redress for sexual violence;<sup>39</sup>
  - The Agenda for Transformation (2012), which includes provisions to address gender-based violence and empower women in multiple sectors and to enhance the protection of children from violence and abuse;<sup>40</sup>

<sup>35</sup> The creation of regional justice and security hubs derives from the Government’s efforts, to decentralize the justice and security sectors through a regional and country wide approach. The hubs are expected to address the issue of citizens’ access to timely justice and security services. The first hub was established in Gbarnga in 2013 and there are plans to establish four additional regional hubs covering the whole country.

<sup>36</sup> This information was received in June 2016 from the SGBV Crimes Unit.

<sup>37</sup> Bong, Grand Gedeh, Grand Kru, Lofa, Nimba, Maryland, River Gee, and Sinoe.

<sup>38</sup> Ministry of Health and Social Welfare, *National Sexual and Reproductive Health Policy*, at 9 (2010).

<sup>39</sup> Republic of Liberia, *Towards a Reconciled, Peaceful, and Prosperous Liberia: A Strategic Roadmap for National Healing, Peacebuilding, and Reconciliation 2012-2030* (2012) [commonly referred to as the “Reconciliation Roadmap”].

- The *National Human Rights Action Plan of Liberia (2013)*, which incorporates recommendations regarding SGBV received during the UPR process; and
  - The third Joint Programme of the Government of Liberia and the United Nations on SGBV and harmful traditional practices, launched in 2016.<sup>41</sup>
35. The Government has expressed commitment to address SGBV through these policy and planning frameworks. However, these have not been effectively translated into reality. They are insufficiently implemented to ensure a holistic approach to address the problem, notably its root causes, including deeply-entrenched harmful traditional practices which discriminate and undermine the physical integrity of women and girls; social barriers; the weakness of the justice system; and lack of knowledge on protection and services available to victims. Furthermore, there has been a lack of coordination among the ministries concerned in developing policy and planning frameworks and in their implementation.

## 5. Barriers to accountability

36. HRPS monitored approximately 150 cases of rape committed in 2015, including at least 10 cases of gang rape. The alleged perpetrators were predominately male,<sup>42</sup> and aged 18 or above. Their profiles varied, but in most cases they were community members known to the victims and their families; in some cases, the perpetrators were even close relatives of the survivors. The shame of accusing a community or family member of rape prevented most victims from reporting the case. There were a few cases in which the perpetrators were security officials and in such instances, there was reluctance by the LNP to carry out diligent investigation and prosecution.
37. The particular vulnerability of some victims also created a barrier to access justice. At least 99 victims out of the 150 cases monitored by HRPS were under the age of 18, including five girls under the age of five<sup>43</sup> and three boys.<sup>44</sup> Many were marginalized or vulnerable persons, including four children with physical or cognitive disabilities,<sup>45</sup> and two elderly women.<sup>46</sup>
38. This section examines the barriers that victims of rape, and their families, face when seeking accountability. Barriers to accountability include pressure on victims from communities not to report rape, problems related to investigation and collection of evidence, legal and procedural issues, and institutional weaknesses. It also illustrates the real-life impact of these challenges, based on cases HRPS monitored and in the light of applicable human rights norms and standards.

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<sup>40</sup> Ministry of Planning and Economic Affairs, *Agenda for Transformation: Steps Toward Liberia RISING 2030*, at 119-22 (2012).

<sup>41</sup> This programme has a budget of US\$36 million to implement its mandate of preventing and responding to SGBV from 2016 to 2020.

<sup>42</sup> There were two recorded cases of female perpetrators in 2015. In one case, reported to HRPS in March 2015 in Grand Cape Mount County, four female perpetrators allegedly raped a woman who was involved in a dispute with one of the defendants. In the second case, reported to HRPS in May 2016 in Sinoe County, a 36-year-old woman was detained for allegedly digitally penetrating a four-year-old girl.

<sup>43</sup> These cases were reported between January and September 2015 in Gbarpolu, Margibi, Sinoe, and Nimba Counties. One victim was two years old, six victims were three years old, and two victims were four years old. In four of the cases, the alleged perpetrator was released or never apprehended because the case was compromised, the perpetrator's family bribed the police, the victim's family failed to cooperate, or the police failed to investigate. In these nine cases, one alleged perpetrator was being held in pre-trial detention, one alleged perpetrator had a case pending at circuit court, and another received a prison sentence; the remaining five were never detained or were released.

<sup>44</sup> In a case reported to HRPS in February 2015 in Bong County, a 38-year-old male teacher forcibly sodomized an eight-year-old boy student. The perpetrator was arrested but later released after the parents signed a document stating they wished to settle the matter at home ("compromise the case"). In March 2015, in Margibi County, a group of people witnessed an adult male forcibly sodomizing a mentally disabled and hearing-impaired 16-year-old boy. In June 2015, in Nimba County, a 36-year-old man was arrested for forcibly sodomizing a six-year-old boy.

<sup>45</sup> In a case reported to HRPS in February 2015 in Bong County, a 32-year-old man raped an 80-year-old woman. In another case reported the same month in Nimba County, an unidentified male assailant raped an 80-year-old woman.

## 5.1. Barriers to reporting rape

39. Everywhere, rape survivors face common barriers to reporting the crime they were subjected to, including feelings of shame and embarrassment; the anxiety of not being believed and of being blamed, stigmatized and rejected, including by family members and friends; the fear of retaliation by the perpetrator(s); and lack of access to, or mistrust in, the police and the justice system, among other factors. In the Liberian context, victims face challenges at every step of the process if they attempt to hold their assailants criminally accountable, due to a variety of factors, including undue influence of traditional actors, community/family settlements, the weakness of the justice system, notably poor investigation, prosecution, and adjudication and corruption. Survivors may also hesitate to see themselves as victims due to prevailing social norms surrounding women and sexuality.<sup>47</sup> All of these factors have contributed to low levels of reporting rape and other forms of SGBV and must be adequately addressed by the Government if it is to enhance criminal accountability for rape and other forms of sexual violence as well as prevention.

### 5.1.1 Patriarchal attitudes and harmful gender stereotyping

40. The reporting of cases of rape has mostly been heavily influenced by negative patriarchal and conservative beliefs which reinforce stereotypes about women and men's attitudes. A 2008 survey conducted by the UNMIL Legal and Judicial System Support Division found that 83 per cent of respondents believed that women who were raped had some responsibility in the crime that they were subjected to, for instance due to their clothing or their social behavior.<sup>48</sup> Many respondents also expressed the opinion that rape could not be committed in marriage or other intimate relationships (44 per cent).<sup>49</sup> In another study conducted in 2014 by a consortium of governmental and non-governmental agencies on education in Liberia, girls and boys surveyed expressed opinions that reflected larger societal attitudes in Liberia identified as drivers of SGBV. Of the 1,100 school-age boys and 758 school-age girls surveyed, 75 per cent of boys and 22 per cent of girls considered that "men are superior to women;" 46 per cent of boys and 34 per cent of girls agreed that sexual violence and abuse was "a normal part of a man-woman relationship;" and 39 per cent of boys and 30 per cent of girls agreed that sexual abuse and violence against women and girls was "a natural expression of male sexual urges."<sup>50</sup>
41. While some progress may have since been made in public perceptions, including after the Government's anti-rape campaign<sup>51</sup> and other public awareness and sensitization initiatives, these opinions tend to prevail. For example, at one-stop centres, social workers have expressed difficulties in convincing victims to talk to the police because of the common practice of blaming victims. For example, police officers, including WACPS, may ask victims what they were wearing at the time of the rape and, with regard to older women in particular, may imply that the victim will bring shame to her family for reporting that she was raped. Consequently, victims are far less likely to come forward and report their rapes as a result of this tendency to blame and stigmatize them. This may explain why children make up such a large proportion of reported rape victims: child rape reports may be higher because they shock the conscience and are not pre-empted by the generally discriminatory attitudes towards women survivors of rape. The high number of reported child rapes thus might not necessarily be an accurate indicator that children are overwhelmingly targeted.

<sup>47</sup> See UNMIL, *Research on Prevalence and Attitudes Toward Rape* (2008). Even though this survey was conducted 10 years ago, the perception remains unchanged.

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

<sup>50</sup> See the Report from NGOs including Save the Children "Passing the test – the real cost of being a student", p.9 available at: [https://doj19z5hov92o.cloudfront.net/sites/default/files/media/resource/final\\_passing\\_the\\_test\\_liberia\\_single\\_side\\_pdf.pdf](https://doj19z5hov92o.cloudfront.net/sites/default/files/media/resource/final_passing_the_test_liberia_single_side_pdf.pdf)

<sup>51</sup> President Ellen Johnson-Sirleaf launched an anti-rape campaign in May 2013 under the theme Stand UP Against Rape.

42. While communities may feel rape and other forms of sexual violence are “inappropriate” acts, communities have also come to view sexual violence as “normal” because of its frequency, with little risk or expectation of serious consequences against perpetrators. This sense of normality surrounding rape and sexual violence emboldens perpetrators and further entrenches the culture of impunity. This also affects the victims’ willingness to report if they expect stigmatization and are convinced that the perpetrator(s) will not face any sanction.

### **5.1.2 Social pressure to informally settle cases outside the formal justice system**

43. Many rape survivors face considerable pressure to “compromise” or settle their cases out of court. This most often takes the form of a payment by the perpetrator or his or her family to the survivor or her or his family. If the victim is a minor, she or he is represented by her or his family members and her / his consent is not considered as important for the settlement. Such settlements are particularly common if the perpetrator is a family member of the victim, is wealthy or provides financial support to the family, and/or is a powerful or influential member of the community. “Compromising” can also take the form of the perpetrator’s family bribing the police or court officials to drop the case, leaving the survivor and his or her family no choice but to handle the matter in a “traditional” way.
44. In 2015, HRPS documented at least 13 cases in which victims and / or their families appeared to have either dropped or refused to pursue charges against a perpetrator due to such “compromise” agreements. For instance, in March 2015 in Grand Gede County, a 16-year-old survivor reported to WACPS that she had been raped four times in two months by her 45-year-old uncle. While the LNP initially charged the suspect with rape, the survivor’s family declined to cooperate and reportedly “settled” the case within the family because they did not wish to jeopardize their relationship with the perpetrator, who was the primary breadwinner for the family. In another case reported to HRPS in January 2015, in Nimba County, a 34-year-old man who had previously been convicted of rape and detained at Sanniquellie Central Prison, allegedly raped a 14-year-old girl while out, under the supervision of a corrections officer, to purchase material for the upkeep of the prison’s poultry.<sup>52</sup> When the corrections officer was remanded to pre-trial detention on the charge of criminal facilitation of rape, the family of the survivor protested because the corrections officer was the survivor’s uncle. The family allegedly attempted to bribe the police with USD \$600 to release the corrections officer. Ultimately, the perpetrator was convicted, and the corrections officer was dismissed from his job but acquitted of all criminal charges.
45. “Compromising” may also endanger the health of the survivor as this can prevent them from reporting rape to health care professionals and obtaining the necessary medical care. For example, in a case reported to HRPS in January 2015 in Grand Gede County, a rape case was settled by community leaders, with the survivor’s mother receiving USD \$25 and three dresses as compensation. The case was reported to the police two months later, only because the survivor had to be admitted to hospital due to medical complications from the rape.

### **5.1.3 Undue interference by traditional actors**

46. Under article 40 and 41 of the Hinterland Regulations, Paramount Chiefs and Clan Chiefs have jurisdiction over minor offences, including criminal cases punishable by a fine not exceeding US\$

<sup>52</sup> There are instances of ‘privileged’ prisoners being allowed to go out with prison officer(s) for different purposes. In Grand Cape Mount County a correction officer gave money to a detainee to buy wood in December 2008. He escaped with the money. In another case in the same year in the same county a detainee was allowed to go to hospital unescorted. He ran away but later presented himself to the prison authorities. He explained that his family was not aware of his whereabouts so he took the opportunity to go and inform them that he was in detention.

10 or by imprisonment for a period not exceeding three months. Under these Regulations, Poro societies have no authority to adjudicate any cases.<sup>53</sup>

47. One case reported to HRPS is particularly illustrative of the influence of traditional actors on the practice of compromising cases and the consequent lack of accountability for perpetrators of rape. In early February 2015 in Bomi County, five men of the Poro society allegedly gang raped a 40-year-old woman as punishment for failing to remain indoors when the Poro society members were “out,” conducting secret society rituals.<sup>54</sup> In addition, the victim was fined LD \$15,000 (approximately USD \$167) by the Poro society. Shortly after the rape, one perpetrator was arrested, but the town chief refused to produce the remaining four perpetrators. Instead, the town Zoes (leaders of the secret societies) fined each alleged perpetrator with LD \$2,000 (approximately USD \$20), and the lead alleged perpetrator with LD \$4,000 (approximately USD \$45). On the orders of the Zoes, three of the alleged perpetrators were released by the town chief after paying their fines in full. A fourth perpetrator, who paid only half of his fine, remained in the Zoes’ custody. Eventually, at least two perpetrators were apprehended by the police but, by June 2016, they had both been released on the orders of the local circuit court judge after traditional leaders negotiated to settle the case in a traditional manner.
48. Gang rape has allegedly been used on other occasions by traditional actors to punish women who allegedly break local customs. In a case that was highly publicized in 2014 and documented by HRPS, a 38-year-old woman in Grand Cape Mount County was allegedly ordered by her town’s Chief to pay a fine of LD \$1,500 (approximately USD \$15) for breaking the “law of the men” by “abusing” in the town (using obscene language). When she denied “abusing” and refused to pay the fine, she was gagged, gang raped, and beaten as punishment, allegedly on the order of the town chief. According to local women interviewed by HRPS, this was then the third recent instance of traditional men’s council ordering gang rape as a form of punishment.<sup>55</sup> Local traditional leaders allowed the alleged perpetrators to escape, and only two alleged facilitators of the crime (the town chief and a member of the men’s council who allegedly ordered the gang rape) were remanded by the circuit court in Grand Cape Mount. Due to threats of retaliation and the risk of the case being “compromised,” the survivor was relocated to a safe home. Despite the high-profile nature of the case, she was left in that safe home for two years with little to no financial support from the Government, and no effort was made to arrest the remaining alleged perpetrators. In 2016, the survivor decided to return home because she reportedly did not see any hope of getting justice. The two alleged facilitators were then released from prison, because the Ministry of Justice at the time allegedly stated that the victim did not want to prosecute.

#### 5.1.4 Lack of confidence in the justice system

49. HRPS has also observed that survivors may fear that their identity would not be protected if they report the rape due to inadequate provisions regarding confidentiality and victim and witness protection. The only form of protection for victims of rape in Liberia is trial *in camera*<sup>56</sup> and, in some cases, the provision of safe home. In 2014, in the prosecution of a high profile case of trafficking in persons,<sup>57</sup> the survivors/witnesses were compelled to move from one safe home to another after the defendants discovered them and harassed them. The defendants also verbally

<sup>53</sup> The Poro society is a traditional or “secret” society for men in Liberia. The powers that Poro societies assert are based on custom and tradition, and their activities are regulated by Ministry of Internal Affairs, which has been consistent in their enforcement.

<sup>54</sup> Generally, when Poro society members are “out”, that is performing rituals, women are not permitted to leave their dwellings.

<sup>55</sup> These women were interviewed by Ministry of Justice representatives in April 2014.

<sup>56</sup> Trial in camera is foreseen in Section 5 (A) of the New Rape Law which applies to all rape cases under 14.70 of the Penal Law.

<sup>57</sup> See Abednego Davis, two Lebanese Rapists Get New Trial, The Daily Observer, 9 January 2014, available at <http://liberianobserver.com/legal/2-lebanese-rapists-get-new-trial>.

attacked survivors/witnesses in the witness waiting room at Criminal Court “E,” due to the lack of adequate security measures.

50. Furthermore, trial judges may lack or have low level of specialization in gender issues and sexual violence. Consequently, they may not give consideration to the victims’ best interest and aspects of gender inequality and discrimination in their judicial reasoning.
51. More broadly, many victims lack confidence that their case will be prosecuted at all. Given the low level of criminal accountability, survivors may distrust the justice system as a whole and elect to “compromise” if the opportunity arises.
52. In cases where the perpetrator is unknown to the victim, families may hesitate to pursue an investigation due to the perception that it would be a fruitless and time-consuming endeavour. For instance, in a case reported to HRPS in June 2015, in Margibi County, the father of a 17-year-old girl who had been abducted, bound, raped, and abandoned by the side of a road, informed HRPS that his family did not intend to report the rape to the police because the alleged perpetrator was a stranger, and they lacked confidence in the ability of law enforcement to identify and apprehend the suspect.
53. The low performance of Criminal Court “E,” which has jurisdiction over rape cases in Montserrado County, remains a serious concern. During the August 2015 term of court, for instance, it had 137 rape cases on its docket, including rape, sexual assault and corruption of a minor. However, only one case was tried in that term and in 2015, only two convictions were obtained in the court. According to court data, between 2009 and 2014, only 38 rape cases went to trial, of which 24 resulted in convictions and 14 resulted in not guilty verdicts. During the same period, 286 cases of rape were dismissed by *nolle prosequi* motions. A majority of rape cases are dismissed due to the lack of proper evidence gathering by police, “compromising” cases, corruption, and the lack of will or diligence on the part of police and prosecutors. It should be noted that at Monrovia level, there is an SGBV Crimes Unit which is mandated to prosecute all SGBV cases in Criminal Court “E.” The low level of convictions in the court can partially be attributed to the ineffective investigation and prosecution of cases by this unit.
54. There has also been a lack of clarity regarding the role of SGBV prosecutors during the trial phase. Until 2015, all SGBV prosecutors would attend most hearings of SGBV cases, occasionally with additional Ministry of Justice prosecutors assigned by the Solicitor General; but no individual prosecutor was assigned responsibility for managing each case. This has been an inefficient use of resources and significantly slowed down the processing of cases. In 2015, a system was instituted by the Solicitor General to assign cases to individual prosecutors; this must be maintained to ensure maximum efficiency in the handling of cases at Criminal Court “E.”
55. Furthermore, there is also lack of supervision of prosecutors by the office of the Solicitor General. The lackadaisical approach to sexual violence cases extends also to the work of assigned county attorneys.

#### **5.1.5 Logistical and financial constraints**

56. Particularly for people living in rural Liberia, the geographic remoteness of police stations and courts has posed a nearly insurmountable barrier to reporting crimes and offences. Survivors lack the financial means to obtain transportation to the nearest police depot, and due to general underfunding, the police lack the means to provide transport for victims or to pursue alleged perpetrators. Many police depots do not have a vehicle and/or adequate fuel. In January 2015, HRPS received a report concerning the death of a 14-year-old girl as a result of injuries sustained from being raped by a 19-year-old man, in Grand Kru County. In addition, WACPS officers in the area lacked transportation to the remote area in which the perpetrator was hiding and thus did not apprehend him. Due to such constraints, it is common practice for police in Liberia to request

the victims to pay a “fee” to cover transportation costs and other “expenses” to pursue an investigation.<sup>58</sup> These financial and logistical constraints discourage survivors from reporting.

## 5.2. Issues related to investigation and the collection of evidence

### 5.2.1. Inadequate forensic and investigation capacity

57. There is currently no capacity to collect and analyze forensic evidence of rape in Liberia and rape kits, which are available in some health facilities, are not utilized in criminal investigations. Sophisticated forensic tests, such as DNA testing, must be sent to Ghana for examination, which is impractical and expensive.
58. There is often a loss of important physical evidence due to factors already mentioned, including the remoteness of medical centres, fear of police, lack of funds for transport, and pressure to compromise the case from the family or community. In the absence of scientific evidence, and with poor investigation by the LNP and non-cooperation from witnesses, most of the cases filed in court lack sufficient evidence to convict a person ‘beyond a reasonable doubt.’ As a result, the cases are either dismissed through *nolle prosequi* motions or remain pending without any trial or follow-up. On a number of occasions, in interactions with HRPS, judges have expressed concern that the police lack the capacity to effectively investigate crimes such as rape. As a result, only a few cases are properly prepared for trial; the rest lack bare minimum evidence. In some instances, however, judges hesitate to dismiss cases lacking sufficient evidence for fear that people may resort to violence if they feel justice was not done. Pre-trial detainees thus remain in prisons for a lengthy period.
59. Under Liberian law, the only requirement to prosecute a rape case is that the prosecutor must meet the burden of proof for indictment, i.e. “probable cause.” While Liberian laws and regulations do not require a medical report as evidence of rape, there is a belief among law enforcement and judicial officials that it is necessary. HRPS has monitored a trend whereby officers of the law, primarily county attorneys, release perpetrators due to a lack of medical evidence, despite the fact that other pertinent evidence may exist to meet the evidentiary threshold to issue an indictment.
60. In 2015, HRPS monitored at least eight cases exhibiting serious evidentiary issues; in four of these cases, the alleged perpetrators were released due to “lack of medical evidence” without any effort to collect other types of evidence, including circumstantial evidence. For example, in November 2015, in Lofa County, a 13-year-old girl was allegedly raped by her mother’s boyfriend while the mother was away from home. When the police received the complaint, they arrested the alleged perpetrator, but within a matter of days the county attorney advised the police to release the suspect because the victim’s medical report had not yet been released by the hospital. In an April 2015 case in Grand Kru County, the police, due to lack of funding, were unable to transport a nine-year-old rape victim to the hospital in time to preserve physical evidence and released the alleged perpetrator due to a lack of sufficient medical evidence. In two other cases, perpetrators were released simply because the victim’s family was not apparently cooperating with law enforcement and there was no other evidence.<sup>59</sup>
61. There is also a lack of awareness of the critical 72-hour window during which medical professionals recommend that evidence of rape must be collected; when survivors do report rape

<sup>58</sup> For an extensive study of this practice and other acts of police corruption, see Human Rights Watch, “No Money, No Justice”: Police, Corruption and Abuse in Liberia (2013).

<sup>59</sup> In a case reported to HRPS in May 2015 in Sinoe County, a 36-year-old woman was detained for allegedly digitally penetrating a four-year-old girl. She was released on 17 December 2015 due to “lack of sufficient evidence,” because the parents of the victim, who were the sole witnesses, refused to appear in court. In a second case, reported to HRPS in May 2015 in Margibi County, the parents of a 14-year-old girl reported that she was raped. While the alleged perpetrator was eventually arrested, because the parents of the victim did not appear at the police station to provide additional evidence, the county attorney advised WACPS to release the alleged perpetrator.

to the one-stop centres, they often do so weeks after the crime has occurred, and it is consequently not possible to gather critical medical evidence.

### 5.2.2. Corruption and other forms of criminal behaviors or misconduct on the part of law enforcement

62. In 2015, HRPS documented 10 cases of suspected or alleged corruption and other forms of criminal behavior or misconduct by the police that hindered the investigation of rape cases. In three cases, the police allegedly accepted a bribe to release the perpetrator so that the family could “compromise” the case,<sup>60</sup> and in one case the police attempted to reduce the perpetrator’s age<sup>61</sup> so that he would be released as a “non-prosecutable” juvenile.<sup>62</sup> In another case reported in October 2015, the police allegedly refused to conduct a proper investigation and released the perpetrator.<sup>63</sup>
63. HRPS has also received reports of the alleged direct involvement of police officers in perpetrating sexual violence crimes, and of the refusal by the police to act upon these cases. For example, in a case reported to HRPS in December 2015 in Grand Gedeh County, the police allegedly refused to pursue an investigation because the alleged perpetrator was a fellow police officer.<sup>64</sup> In two other cases, reported in January and May 2015, police officers reportedly witnessed or facilitated the alleged rapes.<sup>65</sup>

### 5.3. Legal and procedural issues

64. Systemic problems throughout the legal system have led to a severe backlog in the processing of all forms of criminal cases, including rape. Consequently, pre-trial detention has become a functional substitute for criminal accountability, and constitutes a violation of the human rights of both the accused and their victims. Until measures are put in place to address the following issues

<sup>60</sup> In February 2015, in Bong County, a 32-year-old man allegedly raped an 80-year-old woman. After the man spent eight days in custody without charge, the police released him, claiming there were no witnesses and no statements taken. According to the victim, the police officers had ‘compromised’ the case. In another case reported in the same month in Margibi County, a 21-year-old male who allegedly raped a three-year-old girl was transferred to the police station the same day but was released after his father reportedly bribed the police with US \$ 150. Upon follow-up by HRPS, it was discovered that the alleged perpetrator was never registered in the regular police or WACPS logbooks, and the WACPS Regional Commander eventually provided an additional logbook indicating that the alleged perpetrator’s father had signed for his release on 4 April 2015, four days after the rape. The Regional Commander claimed WACPS did not proceed with the case because the victim’s father had not appeared at the police station, but evidence indicated that the police had compromised the case. In a third case, reported in March 2015 in Bong County, two men who had raped a 12-year-old girl were arrested but later released after allegedly bribing the police.

<sup>61</sup> In February 2015, in River Gee County, a 16-year-old girl was allegedly raped by a male relative. When the case was reported to the police, they were reportedly not diligent in conducting an investigation, and there were accusations that they had tried to reduce the age of the alleged perpetrator so that he would be considered a minor and the case would not move forward. Following intervention by the county attorney, the perpetrator was arrested.

<sup>62</sup> There is a common misconception among law enforcement officials that juveniles cannot be prosecuted for rape. *See infra* section 5.3.3 “Issues related to juvenile offenders”.

<sup>63</sup> In October 2015, in River Gee County, a 51-year-old man allegedly raped a 15-year-old girl. The case was reported to the police who reportedly refused to take the survivor’s statement. The survivor and her sister were therefore compelled to report the case to the magisterial court, which ordered the detention of the alleged perpetrator. In December 2015, however, upon the instruction of the county attorney, the alleged perpetrator was released from detention “pending police investigation.”

<sup>64</sup> In December 2015, in Grand Gedeh County, a 20-year-old woman reported that a Police Support Unit officer raped her on 29 November 2015 while conducting a search of her home. The police did not follow up on the case, reportedly because the person accused was a police officer. Instead, they reportedly allowed the accused to hide out in Monrovia.

<sup>65</sup> In a case reported in May 2015 in Maryland County, a 16-year-old girl who was brought to a local police station on the accusation of theft was reportedly raped while in detention by a man whose friends had been identified by the victim as being involved in the theft. The two police officers who were on duty at the time and allegedly witnessed the rape were suspended, and the case was reported to LNP headquarters for disciplinary action. The two police officers were dismissed from duty as of June 2015.

in a comprehensive and sustainable manner, this backlog will continue to grow and impunity will persist for perpetrators of rape, amongst other crimes.

### 5.3.1. Delays in transferring cases from magistrate courts to circuit courts

65. Under Section 25.3(a) of the Act of 2008 establishing Criminal Court “E,” the jurisdiction of magisterial courts must terminate once a defendant has been charged with a sexual offence. Within 72 hours of the arrest of the (alleged) perpetrator(s), all such cases must be transferred from the magisterial court to the circuit court or to Criminal Court “E” in Montserrado County. Section 12.4 of the Criminal Procedure Law clearly stipulates that it is the duty of the magistrate courts to “transmit forthwith to the clerk of the circuit court having jurisdiction of the offence all papers in the proceeding and any bail which has been taken.” However, magistrates frequently fail to transfer case files, partly due to a lack of resources.
66. Indeed, while there is one circuit court per county, there are multiple magisterial courts spread throughout each county, which may or may not have access to a vehicle, fuel, telephone scratch cards, or other items. Moreover, under current procedures, case files must be transferred by hand, as they exist in hard copy format only, in the absence of a centralized, online database. Data received from Monrovia Central Prison shows that many individuals detained on rape charges are committed to prison by magisterial courts, but many of those cases are not transferred to circuit courts.<sup>66</sup> This has resulted in prolonged pre-trial proceedings and loss of evidence due to both physical deterioration and lack of proper long-term supervision of evidence.<sup>67</sup>
67. Once transferred to the circuit court, a case file is supposed to be shared promptly with the county attorney; however, this does not happen automatically. Criminal Court “E” has reportedly been slow to hand over case files to SGBVCU for prosecution, creating further delays in the processing of cases. There does not appear to be any oversight of the system as a whole to ensure that cases are processed in accordance with legal and procedural requirements. If accused individuals do not have legal counsel advocating on their behalf, their case may languish for months, if not years, before it comes to the appropriate court’s attention.
68. Moreover, some cases originating from outside of Montserrado County are transferred to Criminal Court “E,” adding to the already overwhelming number of backlogged cases. Under the Act of 2008 which added Chapter 25 in the Judiciary Law, the circuit courts are instructed to maintain original jurisdiction over sexual offences cases until such time as Sexual Offences Divisions are established in each of them; and transfers are permissible, in accordance with other legal provisions on case transfer (such as jury bias). Criminal Court “E” was never meant to serve as the sex crimes court for all of Liberia, but it appears to have *de facto* taken on this function due to lack of capacity in other counties and a failure to respect the procedure for transferring cases to circuit courts.

### 5.3.2. Inadequate case tracking and management system

69. A closely related issue is the inadequate case tracking system at Criminal Court “E” and the co-existence and/or duplication of tracking systems at the SGBV Units of the Ministry of Justice and MOGCSP. As mentioned above, intake sheets and other court documents are produced by hand and exist in hard copy only. There is no overarching electronic database system or data protection mechanism to ensure the confidentiality of the identity of victims and witnesses, as well as

<sup>66</sup> For example, prison data received in June 2016 shows that there were then 374 pre-trial detainees in Monrovia Central Prison on charges of rape, while the total number of cases in the February 2016 docket at Criminal Court “E” was 193. This means that at least 95 cases may have still been in limbo between the magisterial and circuit courts.

<sup>67</sup> Victims and witnesses tend to get tired of lengthy proceedings and often abandon their cases, which results in case dismissals (*nolle prosequi* motions). Data received by HRPS in May 2016 from Criminal Court “E”, which has the highest number of rape cases in the country, shows that 80 were dismissed in 2011 and 101 in 2012 while data was not available for subsequent years.

suspects and other information concerning them. This lack of case tracking and management and of information-sharing has led to delays that obstruct the processing of cases in court and ultimately hampers accountability.

70. HRPS observed a striking example of the lack of case tracking on 29 December 2015 in the 13<sup>th</sup> Judicial Circuit Court of Margibi County, when the resident judge ruled on a motion for the transfer to prison of 15 pre-trial detainees. The judge of the circuit court denied the motion for some of the detainees due to the fact that the court did not have adequate records to determine whether the accused had been indicted. In this case, the judge instructed the sheriff to ask the detainees if they had been indicted in order to determine their pre-trial status. The fact that a circuit court judge did not possess accurate records on the detainees and felt compelled to ask them directly for information on their pre-trial status is a major indication of serious dysfunctions in the administration of justice. While field monitors from HRPS and the UNMIL Rule of Law Pillar have engaged and provided technical advice to judicial authorities in Margibi County on multiple occasions to improve their filing and data management systems, no adequate measures have been taken to address this issue.

### **5.3.3. Issues related to cases involving juvenile offenders**

71. HRPS has observed that in most cases where the alleged perpetrators of rape are under 18, they are not held accountable in any way in the formal justice system. This is due to a variety of factors, including culture and misunderstanding or lack of knowledge of the criminal procedure code by law enforcement officials.<sup>68</sup> Culturally, there is a widespread belief that juveniles should not be held accountable for rape due to their youth. This cultural belief is reinforced by a mistaken interpretation of the law that juveniles cannot be prosecuted for rape, which is further explored below. Also in many instances in HRPS monitoring, rape by a juvenile involving a victim below 16 years is charged under ‘corruption of minors,’ under Section 14.75 of the Penal Code, which prescribes a lighter punishment.
72. As mentioned, there are also instances when the age of perpetrators is falsified so that they are treated as juveniles and released without charge.<sup>69</sup>
73. Under the Judiciary Law, the juvenile court in Monrovia is to handle all juvenile cases in Montserrado County, while in the 15 counties outside of Montserrado, magistrate courts function as juvenile courts. Circuit courts, which are located in all 15 counties outside Montserrado, have jurisdiction over cases of juveniles over 16 years of age charged with capital offences<sup>70</sup> and have appellate jurisdiction over cases decided against juveniles in either the juvenile court in Monrovia or the magistrate courts in the counties. Therefore, where a juvenile commits a rape, his or her case should be promptly forwarded to a magistrate court.
74. In practice, however, cases involving a juvenile as an accused largely go unprocessed. For instance, HRPS has observed at least three cases in which juveniles who perpetrated sexual violence crimes were released by the police with a verbal reprimand, due to a combination of misunderstanding of the criminal procedure code by law enforcement and cultural beliefs. Under Section 11.71 of the Judiciary Law, if a child is charged as a juvenile delinquent and found guilty, the court does not prescribe any punishment. Instead, it is required to issue dispositional orders which include vocational training, probation and restitution. There are also instances of law enforcement officials not processing cases involving a child as an accused upon the assumption /

<sup>68</sup> Under Section 11.21 of the Judiciary Law, a juvenile above seven years old and below 16 years who commits rape can be charged as a juvenile delinquent. As rape is a felony, a juvenile who is 16 years of age or older can face regular criminal proceedings if a court decides that it is in his / her best interest.

<sup>69</sup> It is a common practice to falsify the age of a perpetrator in order to make him or her under 18 and thus “not prosecutable”. HRPS monitoring has uncovered such cases. For example, in February 2015, in River Gee County, in the case of a male of unknown age who allegedly raped his relative, a 16-year-old girl, there were reports that the police attempted to lower the age of the perpetrator to ensure that his case would not move forward.

<sup>70</sup> See Judiciary Law, section 11.21. Capital offences in Liberia include treason, armed robbery, hijacking, terrorism, and murder.

expectation that they may not be punished by the court. Two of such cases involved gang rape<sup>71</sup> and were not processed by the police. In one of these two cases, the victim was a child with disabilities.<sup>72</sup>

75. Under international human rights law, imprisonment and detention of juveniles shall be used as a measure of last resort and for shortest appropriate period of time, which is recognized by the Liberian Judiciary Law.<sup>73</sup> However, rape and gang rape are grave offences, and children accused of rape and sexual violence should be tried by the formal justice system, in conformity with the safeguards provided by international human rights law as well as relevant Liberian laws. This is important not only in the fight against impunity and to ensure justice to the victims, but also to support reformative action to change the child perpetrator's behavior.

## 5.4. Institutional weaknesses

### 5.4.1. Capacity gaps

76. From its establishment in 2008 until mid-2015, Criminal Court "E" only had one of two mandated sitting judges and, at the time of writing this report, they could not hear cases concurrently due to space constraints.<sup>74</sup> The court has therefore only been able to try a handful of cases every year. For example, in 2015, only three cases were tried while there were more than 137 cases on docket at Criminal Court "E." Between 2013 and early 2016, the court tried 18 cases. Between the same period, SGBVCU only employed four of six prosecutors mandated by law. Outside of Montserrado County, too few judicial and law enforcement personnel are sufficiently knowledgeable about the Rape Law;<sup>75</sup> magistrates are not even necessarily qualified lawyers and often lack a solid understanding of the law. Moreover, the lack of public defenders and legal aid contributes to delays in case processing, as there is often no one to advocate on behalf of defendants to speed the process along. Defendants are often unaware they are entitled to legal counsel as a constitutional right. This also applies to victims who are generally not effectively represented by county attorneys and city solicitors.

### 5.4.2. Inadequate funding of the Sexual and Gender Based Violence Unit

77. The Ministry of Justice has not adequately funded or advocated for funding of SGBVCU. In 2014, for instance, funding was insufficient to support the work of the Case Liaison Officers (CLOs) whose job is to liaise between victims, police and prosecutors. At the time, CLOs did not have a car to visit victims and police depots, nor did they have money for taxi and telephone scratch cards. The SGBV Crimes Unit has a hotline service to collect allegations of sexual offences but the hotline was often non-functional during that time. As of 2016, SGBVCU has one vehicle to share amongst four CLOs, two victim support officers, an administrator and a

<sup>71</sup> In January 2015, in Grand Kru County, two boys aged 15 and 16 allegedly raped a 12-year-old girl. In February 2015, HRPS found out that the survivor's parents had compromised the case, and that the perpetrators were released because they were minors who, according to the authorities could not be detained. In May 2015 in Grand Bassa County, five males allegedly gang raped a 14-year-old girl; the primary perpetrator was 15 years old. The police were advised by family members of the accused that because the perpetrators were minors, their punishment should be limited to a verbal reprimand.

<sup>72</sup> In January 2015, in Grand Bassa County, a 17-year-old male reportedly raped a 14-year-old girl who suffered from hearing impairment. The incident was confirmed by the police commander of the district. However, because the alleged perpetrator was a juvenile, and due to the misconception that magisterial and circuit courts cannot handle juvenile cases, the case was eventually settled by the family.

<sup>73</sup> Section 11.42 of Judiciary Law.

<sup>74</sup> A second judge has just been appointed and second court space allocated. However the new space assigned for SGBV is the former and only juvenile court existing in Liberia. In attempting to partly address the space challenge for SGBV, a serious challenge has been created on the already poorly serviced juvenile justice.

<sup>75</sup> Following up on a case reported to it in January 2015 in Nimba County, HRPS discussed with the local WACPS commander the possibility of moving forward with the prosecution of a corrections officer who had witnessed and facilitated a rape. The WACPS commander reportedly did not have a copy of the 2006 Rape Law and requested HRPS to provide her with one.

prosecutor. Limited transportation poses significant challenges to serving the needs of victims and ensuring timely follow-up of all cases.

#### **5.4.3. Insufficient support for and coordination of relevant justice and security institutions**

78. There is lack of coordination among criminal justice actors such as courts, police, public defenders, and prosecutors who all have significant roles to play, from investigation to adjudication. There is no effective coordination mechanism at the county or central level to overcome bottlenecks in processing cases and to coordinate inter-organization support.

#### **5.4.4. Pre-trial detention as functional substitute for criminal accountability**

79. HRPS has observed a general lack of urgency in the processing of pre-trial detainees to court, due in part to a general failure to understand that this practice contributes to impunity, while also violating the rights of the accused. There is indeed a common perception in Liberia that if a person is in prison, he or she is guilty and deserves to be there. As a consequence, pre-trial detention has come to serve as a functional substitute for genuine criminal accountability given that accused persons may be detained - sometimes arbitrarily - for years before their cases are tried in a court of law, if they are tried at all. This violates the human rights of both the victim - who has a right to legal remedy - and the suspect, who is entitled to due process, including a fair trial within a reasonable time.

#### **5.4.5. Inadequate functioning of safe homes, “one-stop” centres, and other support services**

80. There are safe homes in some counties<sup>76</sup> which are expected to provide temporary home for victims of SGBV who are receiving medical services or are in legal process or facing threats by the perpetrator or their family members. Most of these homes are located in towns, operated by small Liberian NGOs and lack funding to be fully functional and sustainable. They have very little, if any, guarantee of ensuring safety for the survivors.
81. By placing the burden of operating these safe homes on underfunded NGOs, the Government is failing to exercise due diligence to protect rape survivors from the harassment or retaliation they may face from perpetrators, their families, the community and traditional actors. According to MOGCSP statistics, in 2015, only 3.2 per cent of gender-based violence survivors were able to access safe homes. In addition, poor remuneration has created a high rate of attrition among staff of safe homes, “one-stop” centres and WACPS, with a consequent lack of institutional knowledge and memory among SGBV service providers, where these services exist.
82. One-stop centres, which are expected to provide all the essential services in the referral pathway, such as psychosocial support and medical services, face a host of operational challenges. While 11 one-stop centres have been built in the counties only nine are in operation: five in Montserrado County, and one in each of four additional counties. For most survivors outside of Montserrado County, the distance to travel to the nearest one-stop centre is prohibitive. Furthermore, there is a general lack of awareness about the one-stop centres and that they are free. This poses a significant barrier for child survivors whose parents may discourage reporting due to fear of social stigma and the presumption that available services are costly.
83. The one-stop centres are all located in hospitals, in order to allow survivors to access them discreetly. However, there has been a significant decrease in flow of patients to hospitals since

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<sup>76</sup> Montserrado has three, and Grand Bassa, Bong, Nimba and Zwedru have one each. Safe homes operated by MOGCSP are non-functional in Grand Cape Mount and Lofa Counties.

the Ebola crisis due to a general mistrust in medical staff, which has also led to a decreased utilization and awareness of the services of one-stop centres.<sup>77</sup> Police officers, who are required to interview survivors as well as the nurse and psychosocial counselor when a rape has been reported at the one-stop centres, reportedly fail to do so on a frequent basis.

84. Thus, in the counties where they are available, services for SGBV survivors are not easily accessible and inadequately staffed. The result is that many rape survivors do not report cases and hence do not seek accountability.

## 6. Efforts by the Government of Liberia

85. The Government has taken a number of measures to address the issue of rape in Liberia. The adoption of the Rape Law<sup>78</sup> in 2005 was a major step forward, broadening the definition of rape and providing more severe sentences for perpetrators. The establishment of Criminal Court “E” in 2008, which has exclusive jurisdiction over SGBV crimes in Montserrado County, was another positive development.<sup>79</sup> Furthermore, SGBV Units have been constituted under the Ministry of Justice and MOGCSP, and more than 60 WACPS officers with special training to handle SGBV cases have been created under the LNP and decentralized to all counties. A number of “one-stop” centres have been established to provide legal, medical, protection and psychosocial services to survivors.
86. The Government has also partnered with the United Nations for three cycles of the Joint Programme on Sexual and Gender-Based Violence. Under this Programme, for example, MOGCSP recently partnered with UNMIL’s Conduct and Discipline Team to conduct an anti-sexual exploitation and abuse ‘Champions training’ with community members across Liberia, from March to May 2016. The Government’s commitment to reducing the prevalence of rape and to enhancing accountability for perpetrators was also reflected in its accepting all recommendations related to the fight against SGBV during its 2015 UPR.

## 7. Initiatives by UNMIL and other international partners

87. Addressing sexual and gender-based violence is a high priority of UNMIL. In its latest resolution on UNMIL, the Security Council reiterated the need for the Mission to support strengthening the efforts of the Government of Liberia to combat sexual and gender-based violence, including combating impunity for the perpetrators of such crimes.<sup>80</sup> In this respect, UNMIL, including its Human Rights, Gender, Corrections, Police, Justice and Public Information components, as well as the United Nations Agencies, Funds and Programmes (UNWOMEN and UNICEF mainly) in Liberia, have engaged with the Government to strengthen protection and prevention mechanisms and to enhance the ability of the criminal justice system to investigate, prosecute and adjudicate rape cases and provide redress for survivors. Some examples in this regard include: support through Government and the United Nations’ Joint Programme on SGBV; HRPS monitoring, advocacy, and strengthening the monitoring capacity of the Independent National Commission on

<sup>77</sup> There remains some misunderstanding in Liberia of the modes of Ebola transmission; many believe it was given to people by hospital staff. Also, medical aid workers carried Ebola victims’ bodies away to prevent transmission of the disease, which prevented families from performing burials according to their religious and traditional precepts, exacerbating mistrust in medical personnel.

<sup>78</sup> An Act to Amend the New Penal Code Chapter 14 Sections 14.70 and 14.71 and to Provide for Gang rape [*sic*] (29 December 2005) (published by Ministry of Foreign Affairs 17 January 2006).

<sup>79</sup> Montserrado is by far Liberia’s most populous county, home to nearly one third of the country’s population, and the seat of the capital, Monrovia.- Liberian Institute for Statistics and Geo-Information Services (LISGIS), *2008 National Population and Housing Census: Final Results* (May 2009), available at

[http://www.lisgis.net/page\\_info.php?&7d5f44532cbfc489b8db9e12e44eb820=MzQy](http://www.lisgis.net/page_info.php?&7d5f44532cbfc489b8db9e12e44eb820=MzQy).

<sup>80</sup> <http://www.un.org/press/en/2015/sc12049.doc.htm> => link unavailable online

Human Rights and civil society; as well as UNMIL technical support and training to the LNP and to SGBVCU. In addition, the Team of Experts from the Office of the Special Representative of the Secretary General on Sexual Violence in Conflict undertook an assessment mission in 2011 and made a comprehensive set of recommendations on how the legal and institutional framework addressing the issue of sexual violence should be improved.

## 8. Conclusion

88. Based on its monitoring, HRPS has found that the level of impunity for rape in Liberia is alarmingly high and requires urgent, serious and sustained attention. The conviction rate in courts is extremely low compared to the number of cases reported to MOGCSP, service providers, NGOs and the United Nations, standing below four per cent for 2015. Barriers preventing victims from reporting rapes and other forms of SGBV, such as social pressure to settle cases, undue interference by traditional actors, lack of confidence in the police and the justice system, and material constraints have significantly contributed to the persistent impunity. Structural weaknesses of relevant institutions, including lack of resources and capacity, and corruption and other forms of criminal behavior or misconduct of justice, law enforcement and medical personnel, are also a significant cause for impunity for SGBV, including rape.
89. Furthermore, the report highlights that some legal and procedural gaps, such as delays in transferring cases from magisterial courts to circuit courts, inadequate case tracking and management system, procedural gaps in relation to juvenile offenders, lack of clarity of the role of prosecutors and inadequate protection measures for victims and other witness also contribute to the prevailing serious culture of impunity.
90. Lack of criminal accountability is a human rights issue because the State bears responsibility to prevent and punish rape and SGBV in general and protect the human rights of victims. The prevailing impunity for SGBV is a major contributing factor to the high rate of rape in Liberia. It is, therefore, critical that the Government and its partners take urgent and sustained measures to ensure effective criminal accountability for rape and SGBV, not only as a necessary judicial response but also as a deterring and preventive strategy.

## 9. Recommendations

91. UNMIL and OHCHR recognize that the Government of Liberia has expressed its commitment to address the rape crisis. The following recommendations are therefore intended to assist the Government to ensure it is acting with due diligence to implement its human rights obligations with regard to rape and SGBV.

### **To the Government of Liberia in general:**

- Review the various provisions of the Penal Code that address rape in order to harmonize them with applicable international human rights standards and review relevant national legislations and policies in order to address gaps and inconsistencies.
- Promptly enact the Domestic Violence Act, which provides that marital rape is a criminal offence.
- Promptly set up a Sexual Crimes Division within all Circuit Courts, as mandated by the Act of 2008 which added Chapter 25 in the Judiciary Law; ensure they are adequately staffed and resourced to efficiently fulfill their mandate.

- Ensure that the SGBV Crimes Unit of the Ministry of Justice is adequately funded to fully implement its mandate.
- Take all necessary legal measures to protect and assist victims and ensure that relevant State institutions contribute to prevent, protect and respond to sexual violence.
- Secure funding and partnerships for the development of forensic investigation capacity (e.g. rape kits, DNA testing) as well as training of law enforcement and health care personnel in forensic investigation techniques.
- Build the capacity of all relevant professionals who are in regular contact with victims and potential victims of SGBV, and with perpetrators, at all levels.
- Ensure SGBV service providers are adequately and timely remunerated so that they can properly fulfill their duties.
- Secure technical assistance from the United Nations including to implement relevant recommendations made under UPR, and by the United Nations treaty bodies and Special Procedures in order to enhance criminal accountability for sexual violence; consider extending an invitation to the United Nations Special Rapporteur on Violence Against Women.
- Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), signed by Liberia on 22 September 2004.

#### **To the Ministry of Justice:**

- Institute a functional centralized national system to record and track cases of SGBV and make this system accessible to all relevant institutions.
- Ensure that the Criminal Court “E” judges can hear cases concurrently in order to increase the number of trials per term of court.
- Provide adequate protection for victims and other witnesses through witness protection programmes, safe homes and appropriate provisions for testifying in court (ensuring that trials are held *in camera* in Criminal Court “E” and circuit courts).
- Pursue and encourage plea bargaining and ensure that the improved rate of indictments is maintained and supported by sustainable procedures and practices.
- Establish mechanisms to regularly monitor Ministry of Justice staff, including LNP officers, prosecutors, judges, and public defenders, and make them accountable for any crime, misconduct or malpractice that has hampered accountability for rape.
- Ensure WACPS officers and SGBVCU prosecutors regularly check in with one-stop centres and follow the established referral pathway for coordination among Ministry of Justice actors and one-stop centres.
- Increase the number of women recruited into LNP as well as those assigned to WACPS.
- Increase public awareness programs to ensure that victims of SGBV know how to report cases and get access to protection and other services.
- Ensure WACPS is fully funded and efficiently managing its funds to ensure adequate collection of evidence and prompt transportation of survivors to hospitals or safe homes.
- Ensure that case liaison officers and social workers at SGBVCU receive adequate funding to support victims (including transportation to courts).
- Ensure that the SGBV Crimes Unit hotline is adequately funded and remains fully functional 24 hours per day, 7 days per week.
- Conduct training for law enforcement officials and judges to address harmful judicial gender stereotyping, and to handle cases in the best interest of victims and survivors.
- Conduct gender training for WACPS and other LNP sections, including trauma-informed interviewing techniques; obtain forensic testing facilities (e.g. “rape kits”) and train WACPS and other relevant professionals in their use.

- Conduct trainings with judicial actors, including police, city solicitors, county attorneys, and others, to ensure proper processing of cases involving juvenile offenders and their transfer from magistrate to circuit court; ensure that trainings are followed by a monitoring and evaluation process.
- Seize the opportunity of available expertise of the United Nations Team of Experts on the Rule of Law / Sexual Violence in Conflict, to enhance technical and institutional capacity to address accountability for sexual violence crime.

**To the Ministry of Gender, Children, and Social Protection:**

- Enhance data collection and monitoring of rape cases, with greater attention placed on interaction between victims/survivors, law enforcement and the formal justice system.
- Collaborate with the Ministry of Justice and the Ministry of Health to ensure the effective operation of safe homes, “one-stop” centres, and rehabilitation programmes.
- Collaborate with the Ministry of Justice and civil society to conduct public awareness campaigns on how to report rape.
- Partner with the Ministry of Education to develop and implement SGBV sensitization into the teacher training curriculum, and to incorporate SGBV awareness discussions into the overall school curriculum.
- Conduct gender awareness training targeting men and boys in local communities, to combat harmful stereotypes about women that contribute to societal acceptance of rape, particularly in the context of marriage and intimate partnerships.
- Facilitate community discussions on the practice of “compromising” cases, its harmful effects on victims and survivors, and how to mitigate these effects, with a particular focus on the role of traditional actors.
- Consider setting up trust funds for legal aid for victims of sexual and gender-based violence.

**To the Ministry of Health:**

- Ensure timely support services for survivors, including adequate and readily available supplies of post exposure prophylaxis (PEP) kits and prompt collection of evidence.
- Train health care personnel in the collection of forensic evidence, since many victims report to health care facilities before going to the police.
- Establish mechanisms to effectively investigate and address the allegations of corrupt practices in medical sector and ensure that required service to victims of rape and sexual and gender-based violence is provided without any delay.
- Collaborate with the Ministry of Justice and the Ministry of Gender, Children, and Social Protection to ensure the full operation of safe homes and “one-stop” centres, including provision of all necessary medical training and supplies.
- Increase awareness on existing support mechanisms including the 72-hour window in which physical evidence can be collected from a survivor, about the location of one-stop centres and the fact they are free of charge.

**To the Ministry of Internal Affairs:**

- Facilitate discussions with traditional actors, including Traditional Councils, regarding the practice of “compromising” rape cases and the use of rape by Poro societies to punish women for perceived contraventions of cultural norms.

- Ensure that traditional and cultural practices are in conformity with human rights standards.

**To the Independent National Commission on Human Rights:**

- Prioritize monitoring of rape and other forms of sexual violence and bring to the Government's attention cases of police and judicial misconduct and corruption.
- Advocate with the Government for the implementation of Liberia's international and regional human rights obligations in the area of sexual and gender-based violence, particularly for the implementation of UPR recommendations, as reflected in Liberia's National Human Rights Action Plan.
- Engage with international and regional human rights mechanisms, such as the UPR and treaty bodies, to continue to draw attention to the issue of sexual and gender-based violence.
- Advocate for the swift passage of the Domestic Violence Act.

**To the Law Reform Commission:**

- Collaborate with the judiciary to clarify relevant legal and procedural issues among judges, magistrates, and other legal practitioners.
- Collaborate with the Ministry of Justice and the Ministry of Gender, Children, and Social Protection to conduct public awareness and education on rape reporting and rape laws (similar to public education and awareness conducted on the inheritance law).

**To civil society organizations:**

- Include the human rights implications of impunity for sexual violence in advocacy strategies, and regularly provide information on human rights violations related to sexual violence in public reports.
- Collaborate with the Independent National Commission on Human Rights to advocate for the speedy passage of the Domestic Violence Act.
- Engage with the Government and the Independent National Commission on Human Rights to develop and conduct sensitization and public awareness on laws relating to sexual violence and provide resources for reporting rape and supporting survivors.
- Organize awareness-raising campaigns to fight against violence against women on a regular basis, and at all levels.

**To the United Nations and other international partners:**

- Continue to provide technical support to the Government, the Independent National Commission on Human Rights and civil society to support initiatives aimed at addressing sexual violence; support these actors in networking with international human rights monitoring mechanisms for appropriate assistance.
- Promote effective coordination among United Nations Agencies Funds and Programmes and international partners contributing to the Joint Programme on Sexual and Gender-Based Violence and other SGBV capacity support.
- Ensure that any efforts undertaken to address sexual violence are founded on a human rights-based approach, with the active participation of all relevant stakeholders, especially women, children and persons with disabilities.

- Use good offices and advocacy to remind the Government of Liberia of its international human rights commitments, including through the UPR, Special Procedures and United Nations treaty body mechanisms.