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28 July 2016

Women's Access to Justice in Liberia

Introduction

Although justice manifests itself differently for each societal faction - secular and religious, young and old, female and male - it should be equally accessible for all groups. Strong, fair institutions and access to justice are the foundations of any society. This truth reveals the importance of Sustainable Development Goal (SDG) 16: Peace, Justice, and Strong Institutions. Liberia is one of the many countries that must focus on this goal in the next fourteen years in order to meet objectives of the 2030 Agenda for Sustainable Development. SDG 16 has an inherent intersection with SDG 5: Gender Equality, as justice for only men is not justice at all. Looking at the country's history and cultural practices as well as current programs, the paper's aim is to acknowledge current efforts surrounding increasing access to justice for women (AJW) and recommend future initiatives.

History of Liberia

Liberia, Africa's oldest republic, self-declared its independence in 1847 without revolt from another nation, making it the only country in the continent to do so. Freed and freed-born Black Americans made up a notable portion of Liberia's population during this period. This fact is largely due to Liberia's roots as an American Colonization Society settlement.

Liberia has endured many years of violence, as two civil wars only a couple years apart have marked its history. The First Liberian Civil War led to the deaths of almost 150,000 people and to a "complete breakdown of law and order" (UNMIL). From 1989 to 1997, former government official Charles Taylor led the opposition group called the National Patriotic Front of Liberia in fighting the Liberian government's army. Nonetheless, peace following the War was short lived, as the country faced the Second Liberian Civil War in 1999. Through 2003,

rebel groups Liberians United for Reconciliation and Democracy (LURD) and Movement for Democracy in Liberia (MODEL) fought the Armed Forces of Liberia. That year, however, the warring factions signed a Comprehensive Peace Agreement that established the United Nations Mission in Liberia (UNMIL). In September 2015, the UN Security Council voted to extend UNMIL's mandate until September 30, 2016. The extension mandates the complete transition of security responsibilities to Liberia by June 30, 2016. The country's history of turmoil provides a backdrop when examining cultural norms and current justice institutions, especially their role in the lives of women and girls.

In light of the once-fast-approaching June deadline for the security transition, a March 2016 Security Council meeting focused on the peace situation in Liberia. Ms. Mlambo-Ngcuka, the Executive Director of UN Women, stressed the importance of AJW (Liberia's Upcoming) in the country. She described the essential role women played both in the peace process and the eradication of the Ebola epidemic from the country (ibid). Comparing these past feats with the stark reality females face today, she pointed out that "women and girls continued to be subjected to harmful practices and gender-based violence [(GBV)], with many perpetrators escaping justice." She highlighted Liberia's need to strengthen its criminal justice system so as to serve the needs of women and girls (Liberia's Upcoming).

Females are half of the world's population; the Sustainable Development Goals (SDGs) are unattainable without the inclusion of women and girls. Thus the success of SDG 16 - Peace, Justice, and Strong Institutions - must be measured through an intersectional lense. Target 16.3, which is to "promote the rule of law at the national and international levels and ensure equal access to justice for all," is an ideal on which Liberia has already begun to focus its efforts (Goal). Access to justice also requires strong Rule of Law (RoL), meaning that legislation and its implementation must be inclusive. Such implementation is reliant on strong institutions, which is why Target 16.a is also critical when addressing women's access to justice. The goal of Target 16.a is to "strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime" (ibid). This aim is particularly pertinent to Liberia, as the United

Nations Committee for Development Policy included the country on its *List of Least Developed Countries* along with 47 other countries as of May 2016 (United).

Violence prevention presents a unique importance for women and girls, especially in Liberia. Around the world, sexual violence has been used as a tool of war, and UN agencies have estimated that more than 40,000 women were raped during the Liberian Civil Wars (Background). Liberia continues to have notably high rates of sexual and gender-based violence (SGBV), a trend that is largely a result of its long civil wars (Ban). In the country, "post-war sexual violence has taken on new characteristics, such as gang rapes and the sexual abuse of very young children. Thousands of women (and men) have suffered as a result of these crimes and continue to suffer the effects, including trauma, indigence, poor health and stigmatization" (ibid). Equally important is that victims often endure "routine encounters with former rapists" (ibid). Specifically, a 2011 Doctors Without Borders study concluded that although perpetrators often systematically targeted strangers in their assaults during the civil wars, today's violence reveals a different narrative; now 85% of perpetrators know their victims firsthand (IDLO; Aryee; Toral). True justice for these women entails not just the strengthening of justice institutions, but also ensuring that such institutions encourage the destigmatization of being a victim of SGBV.

Challenges

Despite more recent programs dedicated to improving AJW, achievement of this goal is far from attained. Overarching problems that plague RoL in the country include entrenched corruption (UNDP). This corruption taints public what is imperative for strong RoL: trust in the government. For example, in Transparency International's 2015 Corruption Perception Index, Liberia ranked 83 out of 168 countries and earned a score of 37 on a scale of 0 (highly corrupt) to 100 (very clean) (Corruption). While the country's ranking is not terrible, Liberia's score indicates the sizable amount of work that must be done to restore faith in the government. Other RoL challenges include discriminatory beliefs and conduct; *inter alia*, or "the continued lack of state authority and legitimacy across large parts of the country;" notable institutional incapacities and inefficiencies; low legal literacy rates; and legal pluralism (UNDP). Moreover, the case overload of formal legal institutions reinforces the fact that informal justice processes are often the only, and thus the dominant, channel for conflict resolution (ibid).

Legal Pluralism: Common versus Customary Law

   Although SGBV crimes are especially pertinent to women, AJW reaches much further than those crimes. Specifically, women continue to face discriminatory practices in access to land despite gender inclusive laws on the books. Liberia has a mixed legal system of common and customary law, the latter of which only allows women access to land through their husbands and prevents women from inheriting land (The World). This situation is exacerbated by lasting land tensions from the Civil Wars, such as serving the needs of internally displaced persons (IDPs). Similarly, despite a right to equal access to financial services under Article 14, women often find themselves unable to exercise this right largely because of low literacy rates or an inability to meet requirements (CEDAW). NGOs, however, are combatting this inequity with microloans targeted toward women (ibid).

Freedom of Speech and Media

   Freedom of expression for women has also been limited. Female journalists "have either practiced self-censorship or have been harassed for their reporting. In one instance a female journalist writing on female genital mutilation/cutting was forced to go into hiding; the threats were not investigate[d] by local officials" (Liberia). This last example is especially important because it is an attack on women in the professional field and on the publication of information about discrimination against women. Women in media also have had trouble gaining headway in their careers, especially in reaching higher ranks (Wade). Additionally, according to a 2007 DHS study, 44.5% of the 7,092 women surveyed had no exposure to media (radio, television, press) whatsoever, while only 22.6% of of the 6,009 men surveyed lacked that access (Liberia). Nonetheless the problem of equal access to mass media is prevalent across Liberian communities, as is the ability of women journalists to have complete freedom of speech.

Formal Justice System

   Female victims of SGBV who have sought justice through the formal legal system typically face an array of challenges. First of all, police can be far away if the victim resides in a rural area, and they may not have sufficient resources to visit the crime scene (which can later result in a lack of evidence for prosecutors to present and unfairly alter cases' outcomes)

(Narramore). Police are also often inadequately trained in investigation and evidence inspection, and have the potential to treat the victims poorly due to cultural norms surrounding gender (ibid). Furthermore, victims may have access only to a magistrate court which, like the police department, has extremely limited resources (ibid). This predicament can impell victims to pay for their cases to be heard (ibid). Although this act is corruption, it often out of necessity rather than personal greed due to a need to simply cover operating costs (ibid). With roughly 63.8% of the population in poverty (as of 2007), justice in this instance can falsely present itself as a privilege rather than a right, and victims may not be able to pay these court fees (Poverty). Even if the survivor could pay such fees, magistrate courts have limited jurisdiction (Narramore). Thus her case could be transferred, resulting in further travels, more payments, and the possible loss of files due to Liberia's poor system of record keeping and insufficiently trained officials (ibid).

Informal Justice System

As previously acknowledged, the informal justice system is "faster, cheaper, and more available to the average Liberian" than its formal counterpart. However it especially employs customary law (Narramore). While this reality in itself presents potential for discriminatory practices, it is coupled with the fact that some tribes' administration of justice (regardless of the actual laws) contradicts modern standards of fairness. For example, "many tribes practice a tradition known as sassy-wood in which a defendant or an accuser is made to do some test, such as drink poison. If the person survives he or she is considered to be under the protection of the gods and therefore must be telling the truth" (ibid).

Current Programs & SDG 17: Partnerships for the Goals

Institutional Reform

Liberia has begun to make notable strides in Target 16.3 regarding access (AJW). It has established units in the Police and Ministry of Justice as well as a specialized court (Criminal Court 'E' est. 2008) dedicated to SGBV crimes. The officials working in these entities are trained in the investigation, prosecution, and trying of SGBV cases (UNDP). SGBV services have also been created at the county level to support survivors. SGBV support services developed in the Southeast Region heavily in 2015. As a result, sixteen people received support.

In 2015 the SGBV Crimes Prosecution Unit also received 167 new cases through its victim hotline; this number is a notable increase from the 99 cases in 2014. Nonetheless, the International Development Law Organization reports that cases often go unreported. This fact is attributable to stigma and fear regarding SGBV crimes, "doubts about the effectiveness of the courts, a lack of confidence in the system, as well as the low number of successful prosecutions" (IDLO). Although around 1,500 women sought support at one Liberian "one-stop shop" (a humanitarian buzzword denoting help centers with comprehensive services), roughly one fourth of those women pursued their complaints with a police report (ibid).

Coordination of CSOs

Looking forward, women's organizations in the Liberian civic sector should coordinate more and create more one-stop shops (Lusigi). This collaboration would have multiple positive outcomes. First of all, it could draw in women who might be initially hesitant to contact CSOs that specifically deal with SGBV alone, especially because the subject is stigmatized. Moreover, these organizations could share their resources to maximize outreach and impact (for example sharing contacts, practices, and other data) (ibid).

International Development Law Organization (IDLO)

In 2016, the International Development Law Organization (IDLO), an IGO specializing in RoL and that has United Nations (UN) observer status, began a project in Liberia. This project focuses on strengthening judicial accountability for sexual violence offenses. IDLO plans to collaborate with all actors in the court system, including lawyers, court administrators, and probation officers, in an effort to improve the accountability and efficiency of Criminal Court E (IDLO). Actors will engage in a monthly forum. Such partnerships in this context are unprecedented. The IGO also plans to partner with CSOs through its Accountability Initiative, which is funded by the United States government (ibid). This project has the potential to leave a lasting positive impact on AJW and RoL in Liberia.

The SDG16 Data Initiative

The SDG16 Data Initiative is "a collective project to compile existing global data that can help track progress towards the achievement of SDG 16" (Global). The project's aim is to

complement national statistical systems such as the UN Statistical System; however, these organizations require a long time to collect and combine official data (ibid). The SDG16 Data Initiative uses a variety of indicators, including those suggested by the Inter-agency Expert Group on SDG Indicators (IAEG-SDGs), to measure countries' situations (ibid). It is currently a work in progress, as many countries - including Liberia - on the website lack data for certain targets (ibid).

ActionAid

ActionAid is an international organization with the aim of eliminating injustice and poverty. It works in 45 countries with more than fifteen million people. One of the countries in which it works is Liberia, where it tries to improve AJW. AJW projects focus on supply and demand. Women must have the necessary tools to advocate for their own justice, and the supply of that justice must be available when requested. This project has thus far proven effective in Liberia by increasing legal literacy, encouraging more women to utilize the formal justice system, establishing mediation groups, creating women's forums, and training community leaders (typically elders) on SGBV and violence against women (VAW).

ActionAid also trained police officers of the Liberian Women and Children Protection Section (WACPS - established by UNICEF in 2005) to be better equipped to handle SGBV cases (UNICEF). This training has bettered the treatment of VAW cases and caused an upsurge in reporting of cases.

Association of Female Lawyers of Liberia (AFELL)

The Association of Female Lawyers of Liberia (AFELL), based in Monrovia, is an organization of female lawyers. It prosecutes rape cases and has worked with the Liberian government to increase rape penalties. AFELL also deals with women's inheritance laws and women's legal literacy through education regarding their legal rights.

Measuring Success: Disaggregation of Data

In order to develop new initiatives and improve existing ones, systems must be developed to evaluate the success of existing programs. One method of scrutiny is the tracking of both pursued cases and those that have reached trial (Lusigi). Case outcomes should also be taken into

account (ibid). An additional aspect of progress is the establishment of gender desks and how many police stations have dedicated services for women (ibid) Throughput - how many peoples are using these services and how accessible they are - should be noted as well (ibid). Another essential form of assessment is surveying communities on a local level. The point of justice-related programs is to benefit the communities, which is why the voices of people at the grassroots level matter most. Nonetheless, the gathering and analysis of this data have proven to have consequential shortcomings in the past. First of all, these processes are quite expensive (ibid). Funding is already limited for humanitarian and RoL programs, so the data portion of projects cannot eat up the entire budgets. Furthermore, a gap exists between the quality and the analysis of the data (ibid). While the surveys are often comprehensive household surveys, the information collected goes to a central statistical agency (ibid). These agencies, however, lack the capacity to analyze all of that data (ibid). The current push that has been discussed in a plethora of UN panels is for companies to gather and analyze the data at a more disaggregated level. In terms of the assessment of justice programs for women and girls in Liberia, an effective practice would be to at least disaggregate data by gender (most important), age, income, and ethnicity (Liberia is the second most diverse country in Africa after Uganda) (Most; Fisher). Data should also be gathered every five years (Lusigi). Although this timeline is often a goal, costs can hinder achievement of this target (ibid). Investment on an international level in figuring out how to develop a lower cost method of data gathering could have a profound impact. Additionally, data can be sensitive for many governments (ibid). Therefore, governments around the world, including Liberia, should work to ensure that data is accessible so that organizations, such as IGOs and CSOs, can best implement their own support programs.

Recommendations

Because informal justice plays an indispensible role in access to justice for Liberians, both the public and civic sectors must work to improve the informal and formal justice systems as well as how they interact.

Informal Justice Training and Education

In Somalia, key actors such as prosecutors and judges in formal justice institutions received training on aspects of informal justice (UNDP). Likewise elders at the grassroots level who carry out informal justice in the areas of SGBV and human rights received training (ibid). This instruction helped to bridge the gap between the two justice systems (ibid). Informal, or tribal, justice is also prevalent in Liberia, so translating these efforts could prove effective (ibid). The impact of this program would be twofold. First of all, it would destigmatize SGBV crimes by creating dialogue within communities. Secondly, it would facilitate access to justice as a whole by improving the capacity of informal actors to respond to SGBV complaints, which is especially pertinent with the case overload of Liberia's formal court system.

Mobile Courts

Mobile courts have garnered success in Somalia, serving many women, reducing community-level conflict, and increasing access to justice (UNDP). They have been instituted where traditional courts had not yet been established (ibid). Mobile courts, made of traditional legal actors including a judge and prosecutor, meet when requested by traditional leaders of communities often in response to case overload (Mobile). Liberia has similarly faced court backup, a problem which the mobile courts could mitigate (UNDP).

Engagement of Children

In order to encourage cultural change, education encouraging gender equality should begin at a young age. This education could be taught either formally in schools or through programs facilitated by non state actors (NSAs).

Journalism: Incentives, Safety, & Partnerships

The UN should encourage a news organization(s) to cover the experiences of women in Liberia, specifically those who have been victims of SGBV. This reporting would ideally involve female Liberian journalists. News organizations are increasingly utilizing stories from freelance journalists; freelance journalists do not have the same protections as those who are permanently hired by an organization (Addressing). Thus they are either discouraged to cover certain stories at all or are inspired to take unsafe measures during reporting (ibid). News organizations can

encourage journalists to cover experiences by offering the same safety practices to freelance workers as to contracted workers on certain stories. This practice would incentivize the covering of certain stories, in this case the stories of Liberian women who have suffered SGBV. The effect of such a project would be threefold: it would augment international awareness of the real problem of SGBV, specifically in Liberia; it would decrease the stigma associated with this violence on a local level; and it would provide for a cathartic experience for women, as they would tell their stories. Although justice through courts is essential in strengthening the RoL and AJW, it is not the only pathway. Additionally, the government could use such information to make better-informed decisions of how to best help survivors. Governments rely on independent resources to make informed decisions, but insufficient information can impair the quality of such decisions (ibid).

Additional actions regarding this area include the following: legislatively, the United Nations should draft a resolution with increased specificity regarding journalist safety regulations to encourage publications in developing countries (ibid). Also, the government of Liberia could support journalism training for women to employ a for-women-by-women approach to raising awareness about SGBV.

Conclusion

Liberia has significant work to do regarding SDG 16, specifically with AJW. It must improve its institutions of formal justice, informal justice, and media. However these formal goals must be underpinned by normative and cultural change, which is a generational undertaking. Therefore dialogue and education, along with increased funding for programs, are essential to progress. Although Liberia must make great strides in improving its country's justice, it is not alone. Every country must work to achieve each of the seventeen SDGs by 2030. With continued dedication, along with local and global partnerships, Liberia can make great strides toward achieving its goals.

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