

The Protection of Women and Children in Liberia

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Summary

After six years of UN presence, women and children still lack the protection they have been promised. Through a grant of USD 1.6 million from the Norwegian Government administered through UNDP, the Liberian National Police (LNP) has now been able to establish Women and Children Protection Sections (WACPS) in over twenty locations in Liberia. These sections are meant to address the protection of women and children, especially against gender-based violence (GBV), including sexual violence. While having been recognized from the UN as representing a landmark effort, these sections nevertheless do not function as intended. There is a dire lack of resources for running these sections. Furthermore, GBV is not addressed in a comprehensive manner. Thus, police officers involved in the WACPS, in spite of often being well-trained, willing and qualified, often go through the motions rather than addressing the substantive challenges facing women and children.

Rather than providing aid for relatively limited and isolated projects, we make the case for the international community and donors to address GBV within a wider and more comprehensive framework including all Rule of Law institutions, rather than focusing on short-term issues and rapid impact projects which fit within the relatively narrow priorities of Western governments. Furthermore, we argue that addressing GBV effectively cannot be undertaken without understanding how “modern” and traditional systems of justice function and interplay. As stated by one interviewee in Monrovia, “The problem in Liberia is not that victims of rape don’t get justice, but that no one gets justice!”

In spite of the efforts made by international actors to have the Liberian National Police’s (LNP) Women and Children Protection Section (WACPS) working to provide women and children with a special recourse to justice institutions, a number of challenges remain unaddressed. Many of these challenges are also a product of how these sections were established and funded, the lack of a coherent and comprehensive understanding of the functioning of justice institutions in Liberia, the challenges reforming or building these institutions represent, and how these new institutions are to interact with traditional institutions and practices.

In September 2005, UNICEF proudly announced that 25 officers of the LNP had completed their certification in “women and children protection” and were to staff the newly established WACPS of the LNP. This had been established by UNICEF in collaboration with the LNP and the United Nations Mission in Liberia (UNMIL) Civilian Police (CIVPOL). These police officers had been given training in order to “improve their skills and techniques in managing and handling sexual violence cases” (UNICEF 2005).

Three years later, there is a WACPS of the LNP in every county capital in Liberia (fifteen in total). DSRSG Henrietta Mensa-Bonsu, has touted the success of the WACPS and stated that “more and more women and children are coming out to report crimes”

Throughout the entire country, new LNP county headquarters have been constructed or renovated by UNDP with funding from the Norwegian government. In order to assist the LNP in addressing issues affecting women and children, all new LNP buildings now have a WACPS. A representative of the Norwegian govern-

ment stated that the construction of WACPS is “a dream come true.” UNMIL can now proudly confirm that “WACPS are now active in 21 locations throughout Liberia” thanks to a contribution of USD 1.6 million from the Norwegian government (UNMIL 2008a) (the biggest WACPS is yet to be constructed, adjacent to the LNP national headquarters in Monrovia). UN Police Commissioner Henrik Stiernblad proudly stated that “Women and children need not be subjected to further victimization.” (UNMIL 2008c). Finally, the Special Representative of the Secretary-General (SRSG) Ellen Margrethe Løj praised the Norwegian effort for understanding that “the recovery and development of Liberia’s rule of law institutions requires an additional bolster to both human and financial resources” (UNMIL 2008d; Norwegian Embassy in Côte d’Ivoire 2008).

In spite of these efforts, however, UNMIL has been forced to recognize the fact that “sexual violence against women and children remains a central reality of life in Liberia” (UNMIL 2008b):

“[...] reported rate of rape cases remains the same during the year – on average 54 reported cases per month countrywide. Only during this year Women and Children Protection Section of UNICEF handled 2,352 cases of which 707 were Gender Based Violence (GBV) including sexual violence. Out of the 707 cases, 272 were sent to court, 235 pending and 200 cases withdrawn. 124 survivors of sexual violence 0-35 years of age (3 boys, 116 girls and 5 women) accessed psychosocial care, protection and medical services at the two Safe Homes. 98 were reintegrated into their families and communities, 26 are currently receiving services at the Safe Home, established by UNICEF for sexually violated girls.” (UNMIL 2008b)

These figures we are talking about here are limited to *reported* cases.

Addressing Gender-based Violence (GBV) in Liberia

During fieldwork in 2008 and 2009, we visited four WACPS in four different counties in Liberia. Based on this, it is clear that while the WACPS may be a right step, not only do challenges remain, but the establishment of such a specialized unit without taking other rule of law institutions into account may in turn lead to new problems.

The problems surrounding the WACPS are in many ways symptomatic of the way in which post-conflict reconstruction is managed by international donors and the UN in general, namely that there is lack of coherence, no comprehensive and deep understanding of how the issues sought addressed relate to each other, and an undue channelling of resources into projects that fit with the donors’ perspective rather than the needs of the community. Sexual and gender-based violence, the protection of women and children is no doubt an

important task, it also fits within the Scandinavian priorities, and is therefore an attractive way to contribute.

Not all police county headquarters have separate buildings for the WACPS. In some police stations the WACPS consists simply of one room dedicated to women and children protection (such as the one in Robertsport), in which the officers dedicated to this work supposedly have their working space. This is however not necessarily the case. These rooms are in practice used for different purposes, including in some instances providing accommodation for police officers undertaking training programs.

Other WACPS are more impressive. In Tubmanburg, for instance, the WACPS is more imposing and modern than the main police station, and employs about half of the police officers in the city. Their facilities are more modern than the main police station, including two PCs stacked on a dusty shelf. Police in Bomi County was reported to have one vehicle and two motorcycles. Here too, rooms in the WACPS were used for accommodating police officers.

The Lack of Coherence and Comprehensiveness

The WACPS were established with the intention of addressing the pressing concerns the international community had with GBV in Liberia. That women and children now have a dedicated section within the LNP which deals with GBV no doubt will ensure that these issues are addressed by the police. The question which nevertheless remain, is what happens once a crime is reported to WACPS. For instance, one of the issues the establishment of WACPS was meant to address is the relatively high degree of impunity for GBV crimes. But as a legal specialist interviewed in Monrovia exclaimed to us, “The problem in Liberia is not that victims of rape don’t get justice, but that no one gets justice!”

In a country where judges in many cases do not have knowledge of the penal code, and where the police only rarely possess investigative tools and skills, it is doubtful whether the establishment of the WACPS alone will lead to a higher rate of conviction. Furthermore, the problems may be exacerbated by the fact that victims who do report crimes lose faith in the institutions of justice, as reported criminals seldom face convictions.

The problem here is that specific donor programs wish to address specific issues which may be in line with priorities in the donor country rather than with a specific coherent and comprehensive approach to judicial reform. Furthermore, while the institutions of rule of law are to some degree present in Monrovia, they often lack outside of the capital. As one NGO worker involved in GBV work explained, “No place outside of Monrovia has all the pieces of rule of law”. The major



international presence in Liberia is in Monrovia, and as such inferences about the spread of rule of law institutions in general, and the WACPS in particular to the whole country must be done carefully – if at all.

Why and How Report to the Police?

As the WACPS are based mainly in county capitals, reporting crimes which have taken place in other places is an enormous challenge for victims of SGBV. The police has little presence in rural areas, and transportation is scarce. In rural areas, reporting a crime thus requires the victim to make the journey to the nearest WACPS in order to report it. This can be both practically and economically challenging. Furthermore, the police lacking the most basic form of logistics, cannot provide the victim with much help to return. Many counties have only a limited amount of vehicles, some counties count only a single police car, and even fewer means available to pay for fuel. Victims reporting to the police are thus often left in the difficult position of having reported a crime and identified the perpetrator (who more often than not is known to the victim), without the police having the means to investigate or even follow up on the crime.

Faced with a dire lack of infrastructure and resources, the question for the LNP is also why these cases should be prioritized. Why should one, for instance, use the only police vehicle available in the county and the little fuel available to the police to drive often up to hundred kilometres and investigate a crime which took place days before, when the perpetrator has most certainly fled the premises, one police officer asked us.

While the building and establishment of the WACPS is a step in the right direction, the fact that the sections are not part of a larger and more comprehensive effort to (re)build the institutions of the rule of law, may in the long run undermine the efforts to combat GBV. As one NGO worker said to us in Monrovia, “What’s in it for the victims? Why should they report a rape when they know the perpetrator and nothing ever really happens?”

The Dire Lack of Police Capacity and Logistics

Once a crime has been reported, the police need to investigate. However, as the police has little mobility due in large part to lack of vehicles and fuel, victims often have to pay for the police to come and investigate. Depending on where the crime took place, this can be quite an investment required on the part of victims of GBV. Furthermore, as the police lacks both investigative resources and manpower, perpetrators are most often not caught, as escaping the scene of the crime during the presence of the police is all that is required in order to avoid arrest. The police have no means to follow up on crimes committed, and most often,

crimes end up in the “Kept In View” category (KIV).

The logistics provided to the LNP as part of providing for the WACPS include PCs and electric generators. However, computer literacy is often limited, and the generators require fuel which is used for driving. The dire lack of resources to actually go and investigate crimes seems to be a much more pressing affair than providing top of the line computer equipment. This equipment cannot be used because of lack of computer literacy and because of lack of electricity and fuel. Indeed, it was unclear to us why these computers had been provided in the first place, as the working methods of the police did not require them. The logistical support provided for the WACPS thus seems to have been provided without having taken into account the working methods of the local police, their needs, and without having made any attempts to budget for running costs.

“Modern” and Traditional Justice Institutions

Finally, and this is perhaps where the international community has done the least, the efforts to address GBV and the impunity of perpetrators as well as the general (re)building of the institutions of the rule of law must be seen in the context of which functions the new institutions are to fulfil, and which one are already fulfilled by the traditional “justice” system. Rather than seeking to supplant the traditional system, one needs to understand how these systems can supplement each other. In this respect it is important to understand how they interact in practice today. As became clear to us, victims of GBV do not always get their cases investigated. As one police officer told us, once a victim has reported a crime the police “investigate, but sometimes compromise.” Recourse to the WACPS in other words is no guarantee that the case will be investigated or passed through the court system. And while it is beyond the scope of this brief to address the desirability of this, one thing is nevertheless clear: As long as the international community has absolutely no understanding of how the traditional system works, there is little chance that effective measures to counter GBV in rural areas will succeed.

Illustrative of the international community’s complete lack of understanding of the Liberian traditional institutions, is the fact that most people we interviewed had little understanding of the Liberian penal code. As a case in point, most UN personnel and NGO workers we spoke with saw it as a great success that rape had been introduced in the penal code as a crime in 2005 as the result of pressure from the international community. Symptomatic of this lack of knowledge of the judicial system is IRIN News (part of UN OCHA) which in their country profile of Liberia state that “Liberian law prohibits domestic violence; however, violence against women has become widespread. Several

NGOs have programmes to help abused women and girls, and to increase awareness of their rights. [...] In December 2005, parliament passed legislation to make rape illegal.” (IRIN 2007) Such a view is just plain wrong. The new rape law did not constitute rape as a crime, as rape was already on the statutes. It did modify and add to these laws with for instance making new provision for rape within a marriage and against engaging with minors between the age of sixteen and eighteen. However, the view advanced by most representatives of the international community we met during three fieldworks in Liberia simply goes to show the extent to which the UN system lacks the knowledge to address GBV in a comprehensive manner.

Conclusion

The point of this brief has not been to denigrate the efforts made by international donors and the UN. Addressing the problem of GBV in Liberia cannot be done without their support. However, these efforts so far have tended to fit the donors' own agenda rather than the needs on the ground. One consequence of this is that efforts to reform and (re)build rule of law institutions by the international community are done without the most basic knowledge of how the administration of justice functions in Liberia. Furthermore, it is often done without thinking about the consequences of these efforts with respect to other rule of law institutions. As a result, efforts such as the WACPS do not function as well as they were intended. Budgets for logistical follow up are not provided

for, the equipment provided does not fit the working routines of the LNP, and while the WACPS might function to some extent when looked upon separately, when seen in relation to other rule of law institutions, the efforts seem quite often misplaced as no efforts are made at addressing the system comprehensively.

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The present research was made possible through a grant from the Norwegian Ministry of Foreign Affairs through the Training for peace in Africa Programme (TfP).



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