

Final Research Report: Gender, transitional justice and justice sector reform in Liberia

Freida Ibiduni M'Cormack

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Abstract

This paper explores the prospects of complementary rather than competitive dispute resolution and justice systems in Liberia, where the formal system is under-resourced, and informal and traditional systems retain their significance. It specifically considers women's access to justice in relation to sexual and gender-based violence (SGBV), which remains prevalent in the post-conflict period, and in the context of a highly hybridised justice system. Using extensive literature review, structured and unstructured interviews and participant observation, the paper maps this hybridity and identifies the relative strengths and weaknesses of the respective systems. While the formal system has made great progress in reforming laws and institutions, and putting policies in place to successfully prosecute SGBV crimes, inadequate implementation, structural constraints, corruption and lack of resources continue to constrain action. Informal and traditional systems are widely considered more accessible and affordable, and are credited with being more in keeping with widely-held values and maintaining social relations. Nonetheless, they are also susceptible to corruption and co-option, and the state's oversight and curtailing of specific conflict resolution and punishment practices is considered to have rendered these systems less effective. Significantly, some cultural and traditional practices are themselves considered to facilitate and promote SGBV. In the post-conflict context, international actors have sought to leverage positive aspects of informal and traditional systems to help improve access to justice for all. These are, however, heavily reliant on external conceptualisation and funding, muddy the waters as to what aspects of justice should be left to the formal sector, and have not resulted in any significant drop in the high rates of violence women and girls experience. The research found that the formal system was considered the most promising for securing access to justice for SGBV, but that this needed to be accompanied by social interventions that improved women's status more generally and challenged cultural norms that discriminate on the basis of gender. Extensive engagement with cultural practitioners and sensitisation among traditional leaders on the limitations and contribution of their roles and responsibilities, relative to the formal system was also considered critical. Improved coordination among formal sector actors (mainly ministries, including gender, justice and particularly internal affairs, which oversees traditional and informal systems) is key in this regard.

1. Introduction

1.1. Overview

In Liberia, the hybrid nature of security governance is not only a fact of life but is recognised and, to some extent promoted, by the Government of Liberia, primarily through its Ministry of Internal Affairs. In the face of the limited reach and capacity of Liberia's formal security and justice sector (for instance, Liberia's police force, the Liberia National Police (LNP) currently numbers only about 5,000 police officers, just under 1,000 of whom are women), the majority of Liberians continue to rely on traditional mechanisms for law enforcement and dispute resolution. While the formal justice system appears partial, inaccessible and unaffordable to the majority of Liberians (Isser et al., 2009), traditional mechanisms are not seen as an alternative to the state but rather as an avenue through which the state is able to manage its population effectively. In fact, the state has devised a range of structures, regulations and guidelines to manage the relationship between itself and traditional justice systems. Indeed, both national and international justice and security actors recognise the importance of traditional mechanisms, and have applied the reality of hybridity to developing alternative dispute resolution (ADR) and other 'informal' conflict management mechanisms to provide community-level justice for non-statutory offences.

While ADR processes are generally considered necessary for filling the voids in an inadequate formal justice system, the Government has also taken active steps to curtail, through prohibition, some of the more problematic traditional practices. However, some seemingly benign practices persist, to the detriment of survivors and victims,¹ particularly women. One example is the way rape and sexual violence—a rampant problem in Liberia—is dealt with; often, in traditional contexts it is 'talked through' in 'Palava Hut' settings with (cash or kind) settlements made between families (Flomoku and Reeves, 2012), and considered more a social

¹ While it is more common today to refer to SGBV 'survivors', a sad fact in Liberia is that some people (particularly children) have died as a result of the violence against them and as such it is also relevant to refer to 'victims'.

than criminal problem. Yet, rape and sexual violence is recognised in the statutory system as a serious criminal justice issue, reflected in the priority given to amendments in the laws governing rape and other forms of sexual violence.

As such, tensions are evident, particularly with a system that is both increasingly codified and seemingly at odds with the prerogatives of a 'modernising' state. Overlying this is support, via various international projects, aimed at shoring up the best of traditional justice systems, such as adaptation of Liberia's much-lauded 'Palava Hut' process. It is therefore critical to understand how these processes play out in reality. Given the vast national and international resources that are being spent on improving both formal and customary/traditional systems, it is important to evaluate their performance, as well as to understand the extent to which these do, or have the potential to improve access to justice, particularly for vulnerable populations.

Accordingly, the purpose of this research was to address the following questions:

- In a context where the formal security and justice systems are under-resourced and under-capacitated, what are the prospects for complementary rather than competitive dispute resolution systems that provide justice, particularly for women in rural areas who continue to be under-served by both customary and statutory systems?
- How are ongoing processes such as exploration of alternative dispute resolution mechanisms influencing women's access to justice?

In exploring these two themes, the research project contributed to the central questions posed for the ASSN Hybrid Security Governance in Africa. In order to explore those four questions and the two crystallised for this particular project, this research considered access to justice for sexual and gender-based violence (SGBV), which represents a critical entry point into a study on hybrid security for several reasons. First among these is the appallingly high prevalence of SGBV in Liberia, which was first documented during the 13-year conflict, the second phase of which coincided with the passage of UN Security Council Resolution 1325 (2000) on women, peace

and security. In a 2005 World Health Organisation study, 77.4 per cent of respondents reported that they had experienced rape during the conflict. The study further cited an International Rescue Committee study, which estimated that two-thirds of women were subjected to violence (including sexual assault, mass rape, sexual slavery and exploitation) during displacement.

Despite sustained post-conflict engagement by national and international actors to develop and implement measures to protect women and girls from gender-based violence (for instance, Liberia was the first country to develop a National Action Plan on resolution 1325 (Luppino and Webbe, 2011)), prevalence remains high, ensuring that it remains firmly on the agenda of security and justice sectors. For instance, the Government of Liberia-UN Joint Programme to prevent and respond to SGBV focuses on strengthening justice and security structures, in addition to strengthening existing community structures to support prevention. Sexual violence in and of itself is further important for considering question 3 above, relating to investigating the impact of hybrid security orders on vulnerable and excluded people and communities. In the Liberian context, it is important to consider women specifically, who remain under-served in the hybrid security and justice domains, which are sites of (largely male-dominated) power, especially as SGBV and attendant failures to curb it arguably remain the primary threats to women's security in Liberia.

Before turning to a more in-depth discussion of SGBV and how it relates to limitations of Liberia's hybrid security and justice system, the next section provides a brief overview of the origins and nature of Liberia's hybrid governance system, and provides definitions for some of the terms that will be used in the rest of the paper.

1.2. Embedding the informal in the formal: the evolution of Liberia's hybrid governance system

Most, if not all, modern African states have pluralistic justice and security systems, shaped by colonial intervention and post-colonial compromise. As such, Liberia is not unique. While informed by the indirect rule practices of the British colonial experience in neighbouring Sierra Leone, what potentially sets it apart, however, is its peculiar history, stemming from Americo-Liberian colonisation and settlement,² that has resulted in a three-fold system, of a **formal justice** system, modelled on that of the USA, a **customary legal** system mostly worked through Chiefs (or customary) courts, ‘created by regulation and statute’ and a **‘traditional’ indigenous system**’ (United States Institute for Peace, 2008).

The customary legal system has been in development since Liberia’s founding in 1847. In 1869, the Liberian Legislature established the Interior Department (today’s Ministry of Internal Affairs, or MIA), as an agency of the Executive. Among the department’s duties were ‘to settle matters purely native, consistent with native customary law and native institutions, formulate regulations for the smooth administration of the natives, and issue orders to his subordinates in furtherance of justice based on his sound discretion’ (United States Institute for Peace, 2008: 12), provided those laws were not repugnant to the Liberian constitution, and to formulate regulations to govern those institutions. This mandating of a constituent body of the Executive the right to hold judicial hearings and make judicial decisions so long as it involved the ‘natives’ and did not infringe upon the constitution perpetrated a truly dual legal system, even as the formal system remained solely the purview of the judiciary (United States Institute for Peace, 2008: 12). Despite this distinction, however, the judicial power of the Executive was apparently extended with the 1905 passage of an ‘Act Providing for the Government of Districts within the Republic, Inhabited by Aborigines’, which included the establishment of a native court system under the Interior Department (Rawls, 2011: 101), although decisions were appealable to a statutory Quarterly Court, an organ of the Judiciary. In the early to mid-1900s several supreme

² Liberia was founded in 1817 by the descendants of former American Slaves. Funded by the American Colonization Society (ACS), the settlers declared their independence in 1847. These Americo-Liberians upheld a system of racial segregation, which placed themselves above the indigenous Liberians, believing that they could become civilised only through conversion to Christianity and education.

court rulings aimed to clarify jurisdiction issues, seeming to confirm that there were areas in which the formal courts had no jurisdiction, and the importance of upholding customary laws as part of Liberia's body of law, while maintaining that customary courts did not have the power to impose an enforceable punishment, such as a prison term or a fine, and that they should be considered more as administrative tribunals, provided for under Article 65 of the Constitution (Rawls, 2011; United States Institute for Peace, 2008).

The laws governing the Department of the Interior were amended in 1956 and again in 1972, at which time the Department was converted to the Ministry of Internal Affairs. The 1956 Code retained judicial powers in the Secretary of the Interior and his subordinates. Section 260 (a) provided inter alia that 'he shall have the management of all matters arising out of aboriginal relations' while section 263 provided for a 'Superintendent of Native and Tribal Affairs ... and shall hear those cases on appeal which are designated by section 128 of the Aborigines Law' (United States Institute for Peace, 2008: 16). These rights to exercise judicial powers were further sustained by the 1971-72 revised laws (Title 12). Sections 25.2 (b), (i), and (l) respectively state that the Minister has the responsibility to 'manage tribal affairs and all matters arising out of tribal relationships, draft rules, regulations and procedures for tribal government and courts including fees allowable in such courts, and, administer the system of tribal courts' (United States Institute for Peace, 2008: 16).

Related legislation reinforced this duality, including the 1949 Hinterland Regulations, which was originally drafted by the Secretary of Interior (with previous iterations in 1905 and 1914). The Regulations comprise formal, statutory law to be administered by the customary or tribal courts. The premise of the Hinterland Regulations was that there would be one legal system governing the indigenous inhabitants of Liberia and another system governing the settler population in Monrovia. Among others, it granted original jurisdiction to traditional chiefs over petty criminal matters in the absence of a magistrate judge (Rawls 2011). While most of the provisions of the Hinterland Regulations were repealed by the 1956 Aborigine Law (itself

repealed through its exclusion from the 1973 revision of the Liberian Code of Laws), according to research by The United States Institute for Peace (USIP), the Carter Center, the Norwegian Refugee Council, the UN Mission in Liberia (UNMIL) and others, the Hinterland Regulations remain the most widely referenced document from which traditional authorities derive their authority.

While these developments related mostly to the evolution of the customary legal system, closely related to this is the traditional or indigenous justice sector, which further complicates matters. This comprises 'a broad range of actors who have no legally or socially recognized roles in formal, state-backed customary, or even community-based customary justice institutions become involved in, and are perceived to be able and likely to influence, the resolution of cases ranging from the most trivial to the most serious' (Isser et al., 2009: 23–25). Within the village, such actors include village elders, who advise and regulate the town chief's decisions, as well as family heads, women leaders, youth leaders, secret society leaders, religious leaders (mostly pastors and imams), and heads of social institutions (savings clubs, markets, unions, etc.). It is therefore already apparent that the two sectors are highly inter-related. The implications of this for achieving justice for SGBV are discussed below.

Within this group 'poro' (male) and 'sande' (female) secret society leaders (Zoes) are particularly influential for maintaining law and order (Leeson and Coyne, 2012). Sande is a politically influential women's association originally found within the Mende-speaking peoples of Liberia, Sierra Leone and Guinea that initiates girls into womanhood through the 'Sande (Bush) School', confers fertility, instils notions of morality and maintains an interest in the well-being of its members throughout their lives. In addition, Sande champions women's social and political interests and promotes their solidarity. According to estimates, approximately 50 per cent of Liberia's females were initiated into Sande from the age of eight, prior to the 1989 civil war. In Liberia ethnic groups that initiate girls into Sande include the Kpelle, Bassa, Vai, Dan

(Gio), Mano, Dei, Lorma, Bassa, Mandingo, Mendi, Kissi, Gbandi and Gola (Ministry of Gender and Development 2011).

The societies' leadership are further responsible for maintaining religious (spiritual), social and civil order, and have various tools at their disposal for doing so. For instance, the Poro, the male equivalent of the Sande, make use of a key security institution mechanism within their ranks, in the form of the 'Country Devil', a masked entity, said to be imbued with mystical or spiritual powers. According to tradition, when the Country Devil 'comes out of the bush', non-members of Poro and Sande have to hide to avoid being forcibly initiated or otherwise punished, which can serve as an effective crowd control mechanism. During fieldwork, interviewees noted that society members can also 'put the Devil out' in order to identify criminals.

While seemingly more 'indigenous', the traditional justice sector, similar to the customary legal system, maintains close linkages with the formal sector. For instance, there is a National Traditional Council of Liberia (it includes a Traditional Women Sub-Committee), that represents Liberia's traditional chiefs and elders. It was established by legislation in 2012, with a mandate to focus on peace building, advocacy, dialogue, reconciliation and protecting the cultural heritage of Liberia (Executive Mansion, 2012). It is under the authority of the Ministry of Internal Affairs (MIA). MIA also has oversight responsibility for various activities within the traditional sector and has developed several guidance documents for its management. This includes, for instance, 'Guidelines for Poro, Sande, Kwe/Bodio and other Secret Societies of Liberia', which outlines when and where initiations can take place (for instance, not during the school year, and not on land leased by the government to agricultural companies). MIA also issues cultural and legal certificates and permits as part of its regulatory and oversight functions, which are monitored by County Culture Inspectors on its payroll.

This group also interacts with the formal sector in other ways. An evaluation of Carter Center projects summarised the dispensation of traditional justice thus:

At its lowest level, the system begins with the head of a household or family and ascends through a hierarchy of elders and chiefs – from a community elder to quarter or town chief (depending on the size of the town), then clan chief, culminating in the paramount chief. Beyond the paramount chief, the informal system's chain of judicial referral goes first to the district commissioner and then to the county superintendent. Thus, there is an intermingling of the customary justice system and that of local government; any party to a conflict dissatisfied with the decision may appeal to the next higher level. As there is no law outlining the appeals process, there is some opportunistic jumping to the formal sector when an advantage is perceived in doing so. (Hawes et al., 2013)

While differences in the dispensation of traditional justice abound between Liberia's 15 main ethnic groups, according to Pajibo (2008: 16–23), three common threads may be identified. They are applied to a range of civil and criminal cases but are articulated here largely in relation to gendered conflicts:

- **Palava Hut:** The palava hut process is of near universal importance in the Liberian context and therefore has greater applicability, even in diverse communities. The palava hut is typically convened by elders and aims to settle a range of disputes, including extramarital affairs, divorce cases, land disputes and debt (including non-support of children). In some communities, cases of theft and murder may also be decided by this process. The admission of guilt by the guilty party is central to the process.
- **Kola Nut:** Kola Nut is mostly employed in breaches of the civil law, including adultery, in which case a form of a 'fine', known locally as 'damage', is paid. For example, if a man, usually a polygamist, complains that his wife has cheated on him and wants redress from the assumed lover, the local leaders, chiefs and elders are convened. If the accused party is deemed guilty, he is made to pay restitution, in the form of cash or some other item, such as a chicken or goat, to the aggrieved husband.
- **Sassywood, or trial by ordeal:** Sassywood is fundamentally based on supernatural beliefs and takes a variety of forms along a spectrum from objectively harmless to

deadly. In the mildest versions, suspects might be asked to perform an everyday act, such as picking up a light object from the ground, which they will not be able to do if they are guilty, or to eat or drink something (that is objectively harmless) which will make them ill within a specified period of time if they are guilty. More dangerous forms include compelling the accused person to drink poisonous beverages, come in contact with heated metal, or put their hands in fire or hot oil, acts that are expected to have no impact on them if they are innocent. Sassywood has been outlawed by the Liberian Government but still is administered clandestinely.

The preceding discussion is in keeping with the neo-institutionalist definitions of formality and informality as defined by Bagayoko, Hutchful, and Luckham (2016), wherein:

Formal institutions are institutions whose boundaries, authority structures and ways of working are for the most part codified through publicly recognised rules, regulations and standards (constitutions, laws, property rights, charters, organisational blueprints and so on) [and] Informal institutions are largely structured around implicit practices, social understandings, networks of interaction, and socially sanctioned norms of behaviour (conventions, customs, traditions, etc.)—relying on expectations of reciprocity, which are neither officially established nor codified, but are commonly and widely accepted as legitimate. (Bagayoko et al., 2016: 5)

For the purposes of this study, I will use the term customary/traditional in place of the 'informal' sector referenced in this quote. I will, however, also refer to a more nebulous 'informal' sector, a catch-all for actors not in the previous three categories, ranging from national civil society and non-governmental organisations to international donors and organisations which, as noted above, have been significantly pushing ADR mechanisms (discussed in Section 5). Chapter 2 maps some of these actors in the Liberian context in relation to SGBV specifically, and suggests some of the linkages between them. Though functionally separate, it should be noted that below I consider customary and traditional security orders together for the purpose of analysis and discussion, given the significant overlaps in their

activities and outlook. Before this, it is important to discuss in greater detail the context of SGBV in Liberia in order to explain why it is a worthwhile topic for discussion.

1.3. Why research access to justice in hybrid contexts in relation to sexual and gender-based violence?

As noted above, sexual violence remains among the most frequently committed crimes (Amnesty International, 2013), and SGBV cases account for nearly a quarter of Liberia's nationwide prison population – 23 per cent of 2,066, compared to 22 per cent for armed robbery (UNMIL, 2015). Despite these figures, SGBV is considered to be grossly underreported, and even when it is, justice is difficult to come by, contributing to impunity for perpetrators. According to a 2016 report from OHCHR/UNMIL,

Rape is the second most commonly reported serious crime in Liberia. 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. 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. 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. (OHCHR and UNMIL, 2016)

The rape of minors is a depressing trend. Data from four hospitals in Montserrado County in 2013 shows that of services provided to 814 survivors of rape, 772 were children (Sarkar, 2013). Yet, worryingly, officials and other actors recognise that these figures are also widely

underreported.³ They also do not take account of other types of SGBV, for instance cases of domestic violence or abductions, reputedly for ritual killings, which are increasingly reported in the Liberian media. Indeed, while much of the below relates to rape,⁴ it must be highlighted at this point that other forms of gender-based violence are also pervasive in Liberia. This also includes female genital cutting/mutilation, domestic abuse and, for males, abduction and forcible initiation into secret societies, which are equally underreported and under-addressed.⁵ Further, some of these examples are forms of violence that emanate directly from cultural and traditional practices (UNMIL, 2015). The figures also obscure incidences of gang rape, or rape resulting from home invasions.

Discussions on tackling SGBV and particularly violence against women and girls (VAWG)⁶ from a security and justice perspective must begin with a framing of what these terms actually mean for the purpose of the study. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee, in General Recommendation 19 of its 11th session (1992), defines gender-based violence (GBV) as a form of discrimination and violence that is ‘directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty’ (CEDAW, 1992). The 1993 Declaration on the Elimination of Violence Against Women (DEDAW) defines violence against women as ‘Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or

³ Others note that children might make up a large number of reported victims as the generally shocking nature of the crime means that it is more likely to be reported than when women, who are more likely to be stigmatised and blamed, are raped (OHCHR and UNMIL, 2016)

⁴ Rape tends to rank first in Liberia among sexual offenses reported/registered. For instance 682 rape cases were filed to the Gender Ministry’s database in 2014, compared to 407 cases of physical assault and domestic violence.

⁵ Examples of SGBV include but are not limited to: Battering/Beating; Rape; Sexual exploitation; Sexual abuse of children; Dowry-related violence; Marital rape; Traditional practices harmful to women; Early or underage marriage; Forced prostitution; Systematic Discrimination; Confinement; Girls being denied entry to school; Forced Marriage; Female Infanticide; Discrimination; Sexual Harassment; Spousal and Non-spousal violence; Violence related to exploitation; Psychological violence; Sexual abuse; Sexual harassment; Intimidation at work, in educational institutions and elsewhere; Trafficking in women; Economic Abuse and Control; and Female Genital Mutilation (GoL 2009).

⁶ It is recognised that SGBV relates to the various sexes but this paper focuses on violence against women and girls (VAWG), who bear the greatest burden of violence in Liberian society.

suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or in private life' (UN General Assembly, 1993). It further recognises that 'violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men' (UN General Assembly, 1993).

DEDAW also provided examples of violence against women, importantly noting that this definition included violence occurring within the family, in the general community, and violence perpetrated or condoned by the state. These included but were not limited to:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs. (UN General Assembly, 1993)

This perspective puts at its centre gendered power dynamics, particularly highlighting the inequitable power relations between men and women, driven by 'inequitable gender relations expressed through norms, attitudes and social behaviours' (Scriver et al., 2015: 6). In referencing harmful traditional practices and community-level definitions, this perspective also highlights the concept of cultural violence, identified by Galtung (1990:295, quoted in Scriver et al., 2015) as 'largely a legitimator of other forms of violence... [that] 'preaches, teaches, admonishes, eggs on, and dulls us into seeing exploitation and/or repression as normal and natural, or into not seeing them (particularly not exploitation) at all'. There are also numerous studies that highlight the pervasiveness of GBV in post-conflict settings, enabled by a 'culture of

sexual violence that was intensified during the conflict [that] may continue and is exacerbated by psychological distress experienced by combatants and civilians, leading to high rates of sexual violence in post-conflict situations (Kaufman et al., 2012: 3 quoted in Scriver et al., 2015: 12). These cultural, community and societal factors (i.e. norms and networks) are interlinked with structural factors; material realities (i.e. access to resources); interpersonal relationships; and individual attitudes, agency and beliefs (Alexander-Scott et al., 2016) to manifest an interrelated system that 'facilitates male entitlement, masculinities linked with aggression and dominance, rigid gender roles, acceptance of interpersonal violence, among others' (Scriver et al., 2015: 6) and hinders access to justice.

These perspectives are highly relevant in Liberia, which exhibits these patterns and where much of the population is largely governed by traditional authority and social relationships. As such, a consideration of sexual violence is not only important because of the history of conflict and its pervasiveness in the present day but also because it controls, manages, manipulates and plies women into particular constructions of womanhood and subverts agency and autonomy on a daily basis. At the same time as SGBV may be considered as against an individual person, restricted and punished through criminal law (or the formal sector), it is also critical to understand how societal and cultural factors, which are mostly mediated by traditional governance mechanisms, affect the landscape.

Community perceptions, especially men's perceptions of females, contribute to the pervasiveness of SGBV. Traditional structures and beliefs are perceived as enabling SGBV, such that even when it happens, people get away with it. Up to as recently as 2011, rape was considered as something 'normal' and acceptable, as something that 'happens'.⁷ As such there is little expectation that perpetrators will face serious consequences ((Government of Liberia/UN 2015). As an UNMIL Gender Officer put it, 'the traditional justice system does not favour women

⁷ Telephone interview, UNMIL Rule of Law Officer, 31 January 2016.

and girls'.⁸ The very culture prevents women and girls from accessing justice and leads to the 'prevalence of compromise' as a consultant for the Ministry of Internal Affairs observed, especially when survivors and their families are fearful of social stigmatisation.⁹ Cases are often compromised at community level for various reasons. Perpetrators are often known to communities, sometimes they are even community leaders, and/or financially stable and, through corruption, are able to pervert the course of justice. Family members are reluctant to resort to the courts for recourse for a range of reasons, discussed below.

In addition to 'cultural' factors, limited access to education limits awareness of and access to information on available services, and makes girls and women more vulnerable to abuse, including from a resulting lack of economic opportunities. Girls also remain extremely vulnerable to school-related GBV. Further, the majority of respondents (74.3 per cent) in community dialogues during consultations for a new UN Joint Programme on SGBV cited poverty as a key driver, noting it was especially prevalent in areas of high economic activity which served as pull factor areas for sexual exploitation and abuse (Government of Liberia and UN Country Team, 2015).

Underpinning all the issues outlined above are the inadequacies of a convoluted justice system, discussed in Section 3. Worryingly, the incidence of SGBV shows no sign of abating, despite a range of legislation and efforts aimed at addressing these issues. Thus, it is critical to understand the available and potential mechanisms that can be put to work to address this appalling situation and what is hindering their implementation. Before turning to these substantive issues, the next sub-section summarises the research methods utilised to undertake the study.

⁸ Interview, UNMIL Gender Officer, 29 January 2016.

⁹ Interview, Ministry of Internal Affairs Consultant, 1 February 2016.

1.4. Research design and methodology

The data collection methodology included an **extensive literature review, structured and unstructured interviews** and **participant observation**. The literature review formed an important aspect of the research as fieldwork planned for the first year was hindered by the outbreak of Ebola in Liberia and neighbouring countries early in 2014, with the crisis only ending in 2015. The literature review provided a comprehensive backdrop, particularly in understanding the customary and traditional justice systems, as well as existing research on gender and justice, SGBV and various programme evaluations.

Additionally, the paper is informed by periodic fieldwork undertaken in Liberia between June 2015 and October 2016. This included largely formal and informal **stakeholder interviews** with a range of individuals, based on their experience of (working in), and supporting the activities of formal and traditional justice systems. Individuals (women's) experiences of dealing with formal and informal justice systems, and the reasons behind their choices were investigated to some extent but this was not a key feature. Children were not a target interview group. Interviewees included the following:

- Police officials, including officials within the Women and Children Protection Unit.
- Members of the Judiciary, including SGBV Crimes Unit, Public Defenders.
- Government Officials, including from the Ministries of Internal Affairs, Gender, Children and Social Protection, and Health.
- Traditional authorities, including chiefs and elders.
- Civilian policing mechanisms, including community watch forums.
- National and local women's civil society groups representatives.
- Local and international NGO staff.
- UN staff, including from UN Police, UNMIL Human Rights and Protection Section and Office of the Gender Advisor, UN Women, UNICEF, etc.

Interviews with policy actors took place in Monrovia. Additionally, fieldwork was undertaken in four counties: Lofa, Nimba, Bong and Bomi where, with the support of four research assistants, individual interviews were carried out with 168 individuals in eight communities and three focus group discussions held with a cross-section of local government, law enforcement, women's leaders, civil society, elders, chiefs, community youth and some SGBV survivors.

The fieldwork also included some **participant observation** in the development of the 2015-2020 UN Joint Programme on SGBV, and several traditional elders' and rural women leaders' meetings; and **process mapping** of the progress of various draft legislations and mechanisms related to gender, including the domestic violence bill, as well as efforts to develop a national 'Palava Hut' mechanism as an ADR and national reconciliation tool.

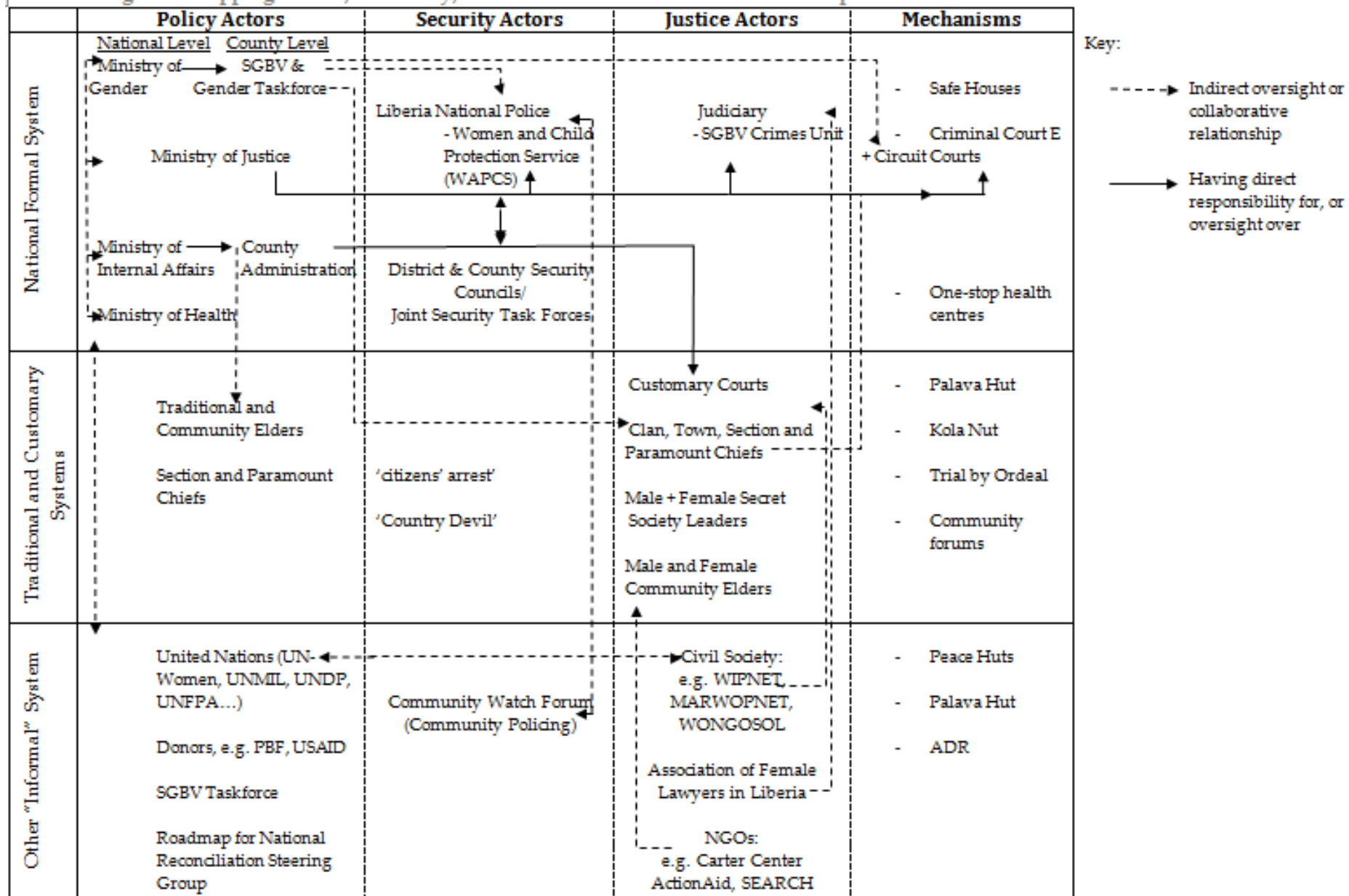
The next section maps the formal and informal institutions involved in the pursuit of justice related to SGBV, derived from the literature, stakeholder interviews, and participant observation. As mentioned above, Section 3 then considers the range of mechanisms available in the formal sector, as well as their strengths and limitations, followed by Section 4, which looks more closely at the customary and traditional systems. Section 5 considers other 'informal' sector actors and their contribution to managing or indeed deepening hybridity, while Section 6 discusses the implications of the study and concludes with some recommendations going forward.

2. Mapping hybrid security orders dealing with SGBV

The interviews sought to identify relative strengths and weaknesses of the formal, customary/traditional and informal systems in relation to SGBV from varying standpoints, and to map the relationships between them. Strengths and weaknesses are discussed in greater detail in the next two sections, so this section focuses on the relationships between the various sectors and perceptions of how SGBV cases are addressed.

Figure 1 presents the actors and mechanisms identified in addressing SGBV in Liberia, mapping them according to whether they are formal, customary/traditional, or informal, per the definitions above. It also notes whether the relationship between them is direct or indirect.

Figure 1: Mapping formal, customary, traditional and informal actors in SGBV prevention



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Interviewees, including law enforcement, traditional leaders, local government and community members, overwhelmingly expressed an awareness that as a criminal matter, the formal legal system was the space within which justice for SGBV crimes, particularly rape, and any other matter relating to threat to life, should be pursued. The majority also expressed a strong preference for the formal legal system in such cases. Concurrently, however, they expressed that the formal system was largely limited, for reasons that are listed in section 3.2 below, which meant that inasmuch as rape was widely considered an issue for the formal system, these constraints meant that survivors and their families often sought recourse within the customary and traditional systems.

The interlinkages between the formal and customary/traditional systems were highlighted time and again, which worked both in favour of and against survivors and victims. Some key observations from interviews in the counties (predominantly rural areas) include:

- There are seeming overlaps in and confusion over the relative roles and responsibilities of the formal and informal sectors, without clear delineation or sufficient information about the limitations of each. Traditional authorities and their constituents felt they had a significant role to play, even in capital offenses such as rape or even murder (for instance in the context of ritual killing and witchcraft, especially as the formal system claimed no jurisdiction regarding the latter). They were concerned that areas they were not allowed to engage with were going unaddressed. There was also some confusion about roles and responsibilities within the formal sector; for instance, the investigative role of the police relative to the prosecutorial court system in bringing perpetrators to justice.
- While most respondents were aware of the formal system's jurisdiction over rape and threat-to-life issues, this was not universal and other issues, such as domestic violence, were not considered relevant to the formal sector. Related to this was the concern with a range of other issues that are further considered by communities as SGBV cases (even

though they are not considered as such in the conventional sense), including barrenness, non-maintenance/lack of child support, abandonment and adultery, which for the most part are not formally legislated against and as such find a natural home in the informal sector. This muddies the water because while Liberian communities and their policymakers widely concur that issues such as rape should remain the purview of the formal system, the familial/relational context is considered paramount, and it is likely that communities will continue to prefer to settle such 'family' issues using traditional mechanisms, which prioritise restorative justice, or as one respondent put it, 'make sure people are friendly again'.

- There are ample opportunities in both systems for compromising cases, resulting from women's inferior position in society and the perpetration of crimes by senior or prominent members in society, including teachers, religious leaders and government officials.
- There is an inter-connected community and legal referral pathway for seeking care and justice for survivors that includes family members, female elders/leaders, Sande society and other women's group leaders, chiefs, hospitals, SGBV coordinators, NGOs, health centres and hospitals, police women and children protection section, safe homes and the judicial system. With regard to accessing justice for VAWG in the informal sphere, Dunne (2011) elaborates on a parallel community referral pathway. People of the communities, especially women, contact the female Elder of the community first. If she is unable to resolve the issue, then the case is taken to the Clan Chief. If a case could not be resolved at this level it would go directly to the town chief and proceed from there. (Nearly all domestic cases were settled here – with medical help received from the local health clinic if needed). For instance, a rape may traditionally be talked through because it is seen as a problem between families and it is for the perpetrator and his family to make the victim and her family whole again; this can include payment, or sometimes even marrying the victim. Only if a serious case was reported of school-related GBV or GBV

such as rape, particularly if the perpetrator was not from the community, would the case go further by contacting the nearest police authorities. Otherwise cases would be resolved at this level for goods in kind (manual labour or food), monetary payment or nothing at all. It was found that if the perpetrator was a part of the community and a teenager then it was up to the parents to settle the case and give the survivor whatever the payment was (Dunne, 2011: 14). While a more nebulous pathway is potentially positive, in that it provided multiple opportunities for support, recourse and redress, it also resulted in some confusion as to what the actual pathway was, and provided greater incentive to settle matters 'in-house', especially as people would give up trying to get cases to court because of the seemingly numerous steps involved. Also, they did not see it as problematic to move back and forth between the different systems in an effort to get more swift and/or appropriate justice, inadvertently compromising cases themselves.

Other factors were also cited as facilitating these interlinkages. These included bad road networks outside of county capitals (and even within), which often made it difficult for survivors and victims' families to maintain the effort of seeking formal justice, turning instead to more proximate dispute resolution mechanisms.

Against this backdrop, the next two sections take a more in-depth look at the formal and customary/traditional systems, evaluating their strengths and weaknesses.

3. The formal system: strengths and limitations in providing access to justice for SGBV

3.1. Mechanisms

In literature, and even among respondents in the counties, a common perception is that the formal system presents the best chance for achieving justice, the strengths of which include the

formal justice system's ability (at least in theory) to set the same standard for all citizens, ensuring equal justice for all under the law, maintaining order and upholding principles, such as human rights standards, without prejudice.

Among the most important tools is legislation. Most states, not excepting Liberia, are party to various international instruments, which oblige them to respect, protect and fulfil human rights. These obligations further require states to take steps, including adopting legislative measures to maximise available resources to ensure the protection and enforcement of human rights in their respective countries. The persistence of SGBV in Liberia cannot be ascribed to the lack of a formal legal framework. Indeed, the Liberian Government has undertaken a swathe of reforms, signalling the importance the current administration places on tackling this pervasive issue. Relevant initiatives include:

Legislation

A major approach of the Liberian government, spearheaded by the Executive, has been to introduce legislation to curtail SGBV. Chief among this legislation has been amendments to the law governing rape: in December 2005 the Rape Law was passed making rape illegal for the first time in Liberia. It forbids bail and carries a maximum sentence of life imprisonment. Other related legislation includes the Children's Act, which was passed in 2011, and prohibits FGM/C, all forms of violence and harmful practices against children (defined as under the age of 18). The draft Domestic Violence Act was prepared by the MGCSP, in coordination with national and international partners. The draft Act defines domestic violence as: 'any act of violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to a woman, man, or child, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life between parties in an existing or former domestic relationship'. However, although the Cabinet adopted the Bill in June 2015 and transmitted it to the Legislature for enactment in November 2015, it is still languishing in the Legislature nearly a year later. A major point of contention has been a clause on FGM/C, which confirms the ban on

children but some legislators propose it be removed in its entirety because it denies some people the chance to practice their cultural beliefs, while others want it to ban all FGM/C (communication with UNMIL Gender Advisor).

Justice sector reform

Chief among reforms was the establishment of Criminal Court E in 2008, specifically for adjudicating on SGBV cases, in order to create a speedy trial for rape and other sexual offences. The court has been given special procedures, and can circumvent the long process of normal trials in the Liberia judicial process, for instance, for cases to be brought before the court, there is no requirement for preliminary investigation at the magistrate court level. Only a grand jury sits to determine whether the prosecution has enough cases to bring to trial or not. The court is based in Monrovia, and circuit courts, with four sittings a year, have jurisdiction in the counties. Moreover, there is increasing recognition of the importance of engaging traditional leaders and cultural practices. Court E is based in Monrovia, but circuit courts in the counties also have jurisdiction over capital offenses, including SGBV. Criminal Court E is presided over by one female judge (although provisions for a second have recently been made).

The Sexual and Gender Based Violent Crimes Unit was established in 2009, based in the Ministry of Justice to provide rapid investigative and prosecutorial response. There have been significant developments in other areas of the judicial sector as well. In 2009 the Peacebuilding Fund provided funding for the development of the Sexual and Gender Based Violent Crimes Unit, based in the Ministry of Justice. Its overall objective is to 'provide rapid investigative and prosecutorial response to complaints of rape, gang rape, sexual assaults, sexual abuse, sexual exploitation and incest particularly those committed against children'. As such, the SGBV CU is to 'increase prosecution of SGBV crimes and to provide a victim-centred approach to those affected by sexual violence, and assist victims in dealing with the criminal justice system' (Abdulai, 2010).

Police reform

Since 2003, several initiatives have been undertaken to promote deterrence and strengthen investigation and response. This includes various structures established within the police. Key among these are the Women and Children Protection Section (WACPS), the Gender Affairs Section, the Community Policing Section (CPS) and the Professional Standards Division (PSD) (Bowah and Salahub, 2011).

Policy development and implementation

The Liberian Government's commitment to addressing SGBV is also apparent in the manifold policies and guidance documents around the issue. Much of this is led by the Ministry of Gender, Children and Social Protection (MOGCSP). This includes successive (2006-2011, 2012-2015) National Action Plans for the Prevention and management of Gender-Based Violence in Liberia developed to 'provide appropriate skills to health and psychosocial providers, reform the legal system, to efficiently and effectively deal with issues of violence; establish outreach services all aimed at reaching out to the survivor' (Government of Liberia, 2009: 5). They have five pillars: psychosocial, medical, legal, security/protection, and coordination). The Action Plans are supported by a National framework for Standard Operating Procedures for Prevention and Response to Sexual Gender Based Violence in Liberia, developed in 2009 by the Sexual Gender-Based Violence Task Force as guidelines to ensure a coordinated and multi-sectoral approach to Sexual and Gender Based Violence (SGBV) prevention and response. It is reinforced by the National Gender Policy of 2012, which aims to eliminate the marginalization of women and girls in Liberia by 2020 (GoL/UN 2015).

The Action Plan is also supported by successive Government of Liberia-United Nations Joint Programmes on SGBV, first developed in 2008, which capitalize on the participating United Nations organizations' and UNMIL's comparative advantages to address critical issues reflected in the National GBV Action Plan (Sarkar, 2013). The 2011-2015 Joint Programme supported

strengthening of the criminal justice system to promote access to justice for survivors, including as mentioned above, through the establishment of Criminal Court E; the introduction of national and country-level standard operating procedures and systems for rapid referral of survivors to medical services; special economic empowerment programmes to strengthen support to survivors; increasing knowledge on SGBV by key stakeholders; and establishing SGBV units in referral hospitals (GoL/UN 2015).

The focus on the second phase of the National Plan of Action (2011-2015) also focussed on prevention. Supporting Joint Programme prevention strategies included three main activities. Campaigns included an anti-rape campaign to amplify national attention and dialogue to strongly condemn the perpetration of GBV, especially rape of children; the Billion Rising Campaign, which called on people to “strike, rise and dance” to demand an end to violence against women working with leaders and working with communities; and the 12th Man Campaign, urging men to give voice to women’s stories. Working with leaders included working with traditional leaders as community gatekeepers to transform communities and make them agents of change; and religious leaders and networks to use their platforms and outreach to congregations. Working with community entailed partnering and engaging with men’s groups as centres of power in family and community to redefine masculinities and make them partners of change; and with children in schools as change agents and survivors of violence (Sarkar 2013). The third (2016-2020) phase, discussed in Section 5 below, was launched in March 2016.

Although highly contentious, there have been some modest steps toward the eventual banning of FGM/C. This includes a commitment made by President Johnson Sirleaf at the UN General Assembly’s 70th session to ban it and eliminate all forms of violence against women. Ministers have also made commitments at such forums as the Universal Periodic Review to ban the practice. However, as the strong debate over the clause in the Domestic Violence Bill demonstrate, this is remains a highly controversial issue.

3.2. Limitations

Despite the myriad efforts outlined above, the Liberian formal justice system continues to face many challenges for reasons outlined below.

Insufficient (and inefficient implementation of) legal and policy frameworks

Making rape a capital offence was a significant achievement in fighting the impunity associated with SGBV. However, as with other policies that promote human rights, actualization is poor. Although Criminal Court E is dedicated to prosecuting SGBV crimes, it is also slow, until recently only having one sitting judge. During the first half of 2015, 121 SGBV indictments were returned by two Grand Juries. During the same period 254 cases were pending and only 8 convictions were handed down (GoL/UN 2015). Informal and traditional mechanisms are therefore viewed to be faster, affordable and accessible than formal justice. The approach of the formal justice system – being largely concerned with retributive and deterrent aspects – is also in contrast to the customary system, which prioritises restorative justice, and as such represents an approach that is more familiar to Liberians.

Further efforts to criminalize other forms of SGBV are still at the nascent stage. A Domestic Violence Bill was submitted to the Legislature in its last term but was not passed. In order to push it through in the 2016 Legislative sitting the MOGCSP invited Legislators to a roundtable discussion, having recognized the importance of engaging them and socialising the contents of the Bill. A further issue is that relevant legislation is not extensive enough, as the debate over FGM/C shows.

Implementation of policies is also constrained by funding and government will. The Government's budget to tackle this problem is very low, and up to 80 per cent of funding to address SGBV is provided by donors.¹⁰ While it constitutes a significant issue for the Ministries of Gender and Justice, there are numerous other competing priorities and the same cannot be

¹⁰ Interview, UN Women staff member, 28 January 2016.

said for other Ministries – this lends to the perception nationally that this is not an important issue, despite the lip service paid to it.

An additional problem is that the current system of administration and governance is overly centralised, with inputs and service delivery at county, district and local level relying on the centre. The decentralization process in Liberia is ongoing but very slow. All of these issues are exacerbated by poor technical and administrative capacity at all levels.

Structural constraints

The system of course also faces several structural problems. The 2015-2020 Joint Programme also identified several of these, including: a fragmented approach; the prevalence of sexual violence with impunity, which compromises adolescent and young women’s reproductive health, interrupts their schooling; low conviction rates of SGBV cases; institutional incapacity to support survivors, including due to low remuneration for staff; weak health system readiness to prevent and respond to cases; focus on rape, with limited attention to other issues, including domestic violence and forced/child marriage; limited community-based prevention efforts; and inadequate reporting and data collection.

These constraints have created an overall perception among citizens that there are few, if any, mechanisms for successfully accessing formal *justice*. This cuts right across, from under-resourced and untrustworthy police, to an inadequate corrections/prison system, to a slow-paced judicial system. This is compounded by the fact that until recently there was only one judge specifically appointed to address SGBV cases in Criminal Court E, and the Circuit courts are designated to address capital offences, which rape has been designated as, only sit four times a year, sometimes not completing a single case in a 43-day sitting, resulting in an excessive backlog.

Even when survivors and their families report cases, they can take such a long time to get to trial that they give up eventually. As a senior UN Women staff member put it, the process is

'complicated and tiresome and frustrates women'. Dunne (Dunne, 2011: 16) identified 27 different steps to get through in Liberia's judicial system before a perpetrator may be convicted.

Courts are often far from where people live, court dates are frequently postponed, ensuring cases are prosecuted often requires money, and legal aid is limited. Access to Rule of law is regarded as prerogative of those with financial resources due to the exorbitant amounts needed to transport police officers to enable them to conduct investigations, as well as transport to attend the Court sessions.

The issue of transportation and access is exacerbated by the physical distance between communities and law enforcement, which sometimes are stationed many days' journey from communities, separated by difficult terrain. Interviewees noted that to file a case a complainant needed about LD400 (about US\$4) and a further LD\$1000 (US\$10) to transport police to investigate the case. A key recommendation among interviewees for improving access to justice generally was to improve road conditions and allocate adequate logistics to law enforcement personnel, to enable them to adequately investigate cases.

Corruption and impunity

A USIP (2008) study, among others (UNMIL, 2012) found widespread dissatisfaction with the formal courts over corruption, cost, and inaccessibility. During national consultations on justice mechanisms, participants identified corruption in the formal legal system as a primary obstacle to justice, focusing on the lack of transparency in the fees charged to litigants, as much as on the ability of wealthier or more powerful parties to influence the judge (Rawls, 2011).

The seeming impunity is another prohibiting factor. As noted in the introduction, the number of reported cases of rape is extremely high, yet perpetrators are rarely held accountable. According to the 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 (OHCHR and UNMIL, 2016: 4).

A related issue highlighted in interviews and focus group discussions but not really evident in the literature is the perception among communities that the formal system is not just because it advocates for perpetrators. This perception relates to the fact that in the judicial system, someone who is patently guilty still has an advocate, in many cases the Public Defender, which does not make sense to them, especially as in many cases, perpetrators subsequently go free after spending a limited time in jail. (This could be for reasons that follow rule of law – for instance lack of evidence, pre-trial detention limits being exceeded, etc. but from survivors’ and communities’ view is an example of the laxity of the formal system).

Lack of coordination and government ownership

Inadequate collaboration among relevant line ministries, especially between MOJ and MOGCSP also has a detrimental impact on the implementation and leadership for tackling SGBV issues. Related to this is the *paucity of data* on cases, for evidence, advocacy (e.g. to demonstrate scale of problem), etc. This is exacerbated by poor record keeping.

Another constraint relates to services available (the ‘referral pathway’) after violence has occurred, which includes a range of ministries and agencies. The Ministry of Gender’s official referral pathway includes: hospital, police, counsellor, and court. While this works somewhat in urban areas, where information and services are available, following the pathway proves extremely difficult in rural areas, not least because supporting services are limited. In most counties, specific hospitals and health centres have been designated to address SGBV cases. But

there is limited understanding of the range of issues that qualify as SGBV. Further, testing kits, mechanisms for preserving evidence, counselling and victim support services, etc. are inadequate in most cases. Several safe houses exist to house survivors and support them through the court process but they face several constraints. This includes being almost exclusively donor-funded, thus once a funding period ends, there is no guarantee for the sustainability. A related issue is that of inadequate staffing: several initiatives have been taken to address this, for instance the appointment of Women and Child Protection Services (WACPS) officers within the Liberian National Police (LNP), and their stationing at referral health units, and the appointment of Gender Coordinators for each county, who convene SGBV Taskforces. However, Gender Coordinators are not paid by MOGCSP (the posts were originally established through donor funding, as were the WACPS) so their effectiveness is limited.

Implementation of relevant legal and policy frameworks, including legislation discussed above, is constrained by funding and government will. The Government's budget to tackle this problem is very low, and up to 80 per cent of funding to address SGBV is provided by donors. While it constitutes a significant issue for the MoGCSP (MOG/J), there are numerous other competing priorities and the same cannot be said for other Ministries – this lends to the perception nationally that this is not an important issue, despite the lip service paid to it.

4. Strengths and weaknesses of customary/traditional systems

A 2008 survey by Oxford University, found that rural Liberians took only four per cent of criminal cases and three per cent of civil cases to the formal courts. In contrast, the USIP study (2008) found that Liberians overwhelmingly preferred customary to formal courts. Further, while most chiefs were aware of the formal system's jurisdiction in criminal cases, they felt that the customary courts were better able to handle criminal cases including rape. Further, proponents of this approach also point to it as the solution to many of the problems the formal sector faces. The reasons for this, as well as the implications for access to justice, are explored in this section.

4.1. Strengths

Chief among these is access. Liberians, especially rural Liberians cite a preference for customary justice as being fairer, less costly (usually free), and more accessible. They further point to the user-friendly nature of customary justice and other forms of alternative dispute resolution (Hawes, Lizzio, and Reeves 2013, 9).

Further, Chiefs, elders or spiritual leaders resolve disputes based on widely accepted cultural paradigms (Flomoku and Reeves 2012), whereas the formal system works on a different value system – incorporating individual rights, adversarialism, and punitive sanctions). In contrast, the informal system focuses on restorative justice and social reconciliation, and attempts to address root causes underlying disputes and/or repair damaged social relations. It often employs a broad social consultation process, and is able to address a range of social disputes courts do not necessarily factor, such as public insults and witchcraft. Similarly, The USIP study also found that customary courts did more to address the underlying social causes of a dispute – which led to social reconciliation – while formal courts engaged only in punitive measures. As a result, the customary system tended to be preferable, perceived as more holistic, taking account of the underlying causes of a dispute and seeking to repair the tear in the social fabric, as opposed to the formal system which was seen as overly adversarial, retributive, and narrow in its focus (USIP 2008; Rawls 2011). Also, the traditional system is considered to better address a range of cases that *communities* consider SGBV, including wife abandonment and persistent non-support, including of children.

These perspectives were confirmed during fieldwork, where women interviewees also indicated that at least in the informal system community relations were maintained. But their views were more nuanced as they noted that more often than not the imposition of fines in the customary system meant that survivors and their families could get some type of compensation for the crime, whereas in the formal system the only form of punishment was imprisonment and often due to prolonged pre-trial detention compelling their subsequent release, or the afore-

mentioned compromising of cases, meaning alleged perpetrators were often released without serving proper sentences. These observations by no means indicate that the customary/traditional system is universally preferred as the next section on weaknesses elaborates.

4.2. Weaknesses

Customary and traditional systems are by no means unproblematic. UNMIL (2012), Isser et al (2009) and Pajibo (2008) discuss the state's co-option and corruption of informal justice processes also, by selecting local leaders (especially paramount and town chiefs), on a nepotistic basis, resulting in the appointment of chiefs with 'limited knowledge and training in the customs of the people over whom they have judicial supervision' (UNMIL 2012: 27). Relatedly, differing (unclear) processes e.g. verbal or written summons, records-keeping, and lack of infrastructure all add to this complex picture. Customary courts are also acutely understaffed. This is exacerbated by a lack of resources, resulting in their charging litigants burdensome fees to defray the courts' operating costs (UNMIL 2012). While some chiefs are on the government's (i.e. Ministry of Internal Affairs') payroll, this is not universally the case, resulting in chiefs having to use their own money to ensure that tribal courts sit. This can make them susceptible to bribery. Indeed, women respondents particularly, noted that some of the negative features affecting accessing justice in the formal system also affected the informal system, especially their corruption when the alleged perpetrator was a 'big person' in the community, or had the funds to influence the outcome.

The formal system and other factors are also considered to have eroded the customary justice system to the point of obscurity. State policies and practice, such as the outlawing of Sassywood, are considered to have weakened the traditional system and undermined the ability of chiefs and elders to resolve local disputes. Unclear mandates also affect customary systems. Isser et al (2009) report chiefs being embarrassed by the limitations on their roles and also that as a result of these limitations, there is perception of less justice because the formal system has yet to

provide a viable alternative. During a stakeholder focus group discussion in Nimba, participants cited a case where a six-month old baby was raped and ultimately died. The perpetrator was apprehended by the community and 'foot-cuffed' in a room for four days while the police were summoned. However, given the distance from the village from the nearest town, and the road condition, it took four days for the police to arrive and even though he was arrested the case was ultimately compromised. Traditional leaders lamented that the most they could do was apprehend the suspect, who once turned over the police would likely be released in a few days, which serves as no deterrent, whereas in days gone by they would have been able to mete out more appropriate punishment, including 'jebekutu', where a perpetrator is taken to the bush by the country devil and dealt with appropriately (e.g. beaten and tied to a tree for days subjected to the elements).

Social dislocations caused by the war have also played their part (Isser et al 2009; Flomoku and Reeves 2012). This includes massive population movements, and forcible urbanisation, resulting in different ethnic groups finding themselves in a particular geographic locale where ethnicity is blurred at best or irrelevant at worst (Pajibo 2008), and unfamiliar with, or unable to access customary processes and recourse.

Of course, some traditional approaches are at odds with formal mechanisms, and can be highly controversial. For instance, as discussed above, a rape may traditionally be talked through because it is seen as a problem between families and it is for the perpetrator and his family to make the victim and her family whole again; this can include payment, or sometimes even marrying the victim. Again, as described above, Sassywood, or trial by ordeal, determines guilt and/or elicits confessions through sometimes harmful practices (Flomoku and Reeves 2012).

Another critical issue is that traditional structures are perceived as enabling SGBV, such that even when it happens people get away with it. A study on this topic by UNMIL in 2015 noted that in Liberia,

“culture” too often becomes a space in which serious crimes are committed, and that criminal offenses perpetrated through harmful traditional practices often go unpunished due to their perceived cultural dimensions...these traditional practices...include female genital mutilation (FGM), forcible initiation into secret societies, trial by ordeal, allegations of witchcraft, and ritualistic killings, which disproportionately affect women, children, elderly persons, persons with disabilities, and other vulnerable persons (UNMIL, 2015: 3).

The prevalence of specific cultural practices such as female genital mutilation/cutting (FGM/C) thus serves to illustrate a general acceptance of SGBV. Many of these practices persist despite a comprehensive domestic legal framework prohibiting them, and ‘are largely left unaddressed by the formal justice system because they are widely considered as being part of the national culture and traditions’ (UNMIL, 2015: 3). These cultures and traditions prevent women and girls from accessing justice, because issues such as early marriage, offensive touching, wife beating, rape and incest ‘are treated as private, and mostly handled the family way’ (Government of Liberia and United Nations Country Team, 2015: 3–4), which leads to the ‘prevalence of compromise’, as a consultant for the MIA noted, especially when survivors and their families are fearful of social stigmatization.

This is exacerbated by community perceptions, especially men’s perceptions of females. As such there is little expectation that perpetrators will face serious consequences, despite the criminalisation of rape (Government of Liberia and United Nations Country Team, 2015). In interviews and focus group discussions it was noted that there was no comprehensive/common understanding of what constituted ‘rape’ or indeed SGBV/VAWG (with the exception of that perpetrated against babies and young children), with one regional police commander noting ‘rich men don’t rape’, referring to statutory rape cases, where parents will deny their children are underage, especially if the family is looked after by the ‘rich man’, in which case the child is considered a breadwinner. In certain traditional contexts, women were considered as property, or slaves, and even for a woman to carry a case to the police, she would have to ask her husband. Others hold the belief that ‘if a man doesn’t beat you he doesn’t love you’. These issues

were emphasised repeatedly by female interviewees, who by and large expressed a preference for the formal system, save for its inaccessibility, cost, the tendency for cases to be compromised and, importantly, the fear of ostracism if cases are reported to the police.

Even more worryingly, some customary and traditional institutions and practices are themselves responsible for committing VAWG and SGBV. A recent OHCHR/UNMIL report (2016) cited multiple examples of this, including the rape of a woman by five members of the Poro Society, ‘as punishment for failing to remain indoors when the Poro society members were “out,” conducting secret society rituals’ (OHCHR and UNMIL, 2016: 14). One of the perpetrators was arrested, while the four remaining were fined the equivalent of between US\$20 and US\$45 each by Zoes. While two of the perpetrators were subsequently arrested by the police, both were ‘released on the orders of the local circuit court judge after traditional leaders negotiated to settle the case in a traditional manner’ (ibid). The report also notes incidences of gang rape by traditional actors to punish women for breaking local customs, citing a case in 2014, where a woman refused to pay a fine for using abusive language and was allegedly ‘was gagged, gang raped, and beaten as punishment, allegedly on the order of the town chief’ (ibid). In this case two of the perpetrators were also arrested but later released allegedly because the survivor did not want to prosecute.¹¹

Thus, in a hybrid security governance context, such as Liberia, addressing VAWG can be particularly challenging, especially if (male-dominated) ‘traditional’ structures and mechanisms that are being engaged are the same that perpetrate, or appear to condone the perpetration of, violence against women and girls in the name of culture and tradition, with incidences of additional abuse suffered in the process of trying to access justice for previous assaults.

¹¹ For her protection, the survivor had been removed to a Safe Home but returned to her community after two years, having received minimal financial support and no effort made to arrest the remaining perpetrators.

5. Layering hybridity: Role of other informal actors

The preceding discussion may lead us to conclude that in the context of hybrid realities, it makes little sense to work with one system over the other but instead to deal with the better aspects of both. Indeed, this has been the approach taken by a myriad of other justice and security actors, including civil society organisations—primarily national and international NGOs, and (other) members of the international community, including the UN, and bilateral and multilateral donors. Accordingly, their role also deserves some attention.

At the level of national and community civil society organisations, initiatives include women's Peace Huts, modelled on the traditional 'Palava Hut' system, discussed above. An initiative that originated with the Women in Peacebuilding Network (WIPNET), a civil society organisation spearheaded by the Nobel Peace Prize Laureate Leymah Gbowee, which was involved in significant civil society action by women that contributed to Charles Taylor stepping down and paving the way for the Accra Peace Accord in 2003, the Peace Huts are considered as 'community-led peace building groups', where women meet regularly to 'share information about problems and issues they have heard about in the community, and plan actions to further investigate, publicize, or resolve the issues' (Moser, 2007: 6).

At first, the Peace Huts focused on a 'shedding the weight' process and counselling women who had experienced grief and trauma as well as supporting ex-child soldiers after the civil war. Then, in 2006, Peace Hut women began hearing cases. Community members also come to the Peace Huts with problems to be solved, including difficult issues such as rape, as well as those related to land, religious differences, and tribalism. The Peace Huts also serve as a refuge, as women experiencing domestic violence can 'run to the Peace Huts' for safety. The women then bring together the husband and wife, and sometimes their families, to discuss the problem and find a solution' (Moser, 2007: 6). The methodology is based on the traditional 'Palava' hut system: the complainant and accused get to air their respective grievance and defence, then the local leader helps them reach an agreement that both consider fair and peace is restored (UN

Women, 2012). 'Problems' discussed also relate to other forms of SGBV. According to Luppino and Webbe (2011: 119), in 2011, 17 existing peace huts 'mediated a combined 163 cases. Of those cases, 66 were SGBV related, while 97 cases accounted for other forms of violence such as murder, battery, neglect, etc'. The women additionally help resolve cases involving pregnancy and abandonment and counsel survivors of domestic violence or rape.

Putting aside for a moment the argument that similar to customary and traditional mechanisms, such informal mechanisms are not the space to mediate capital offences such as rape or murder, as an example of informal spaces in which women's leadership and conflict resolution skills are embraced, the Peace Huts have captured popular imagination from their inception, and have received extensive support, including from UN agencies (including UN Women, formerly UNIFEM), as well as a host of international NGOs (a Google search will turn up at least half a dozen international organisations purportedly supporting women's peace huts). Increasingly, however, with support from UN Women, the peace huts have worked with the Liberia national Police (LNP) to help improve crime prevention and to reduce violence against women. One initiative involved the distribution of mobile phones to the Liberian National Police to participating women, to help prevent crimes and violence against women in March 2012. In addition to the cell-phone distribution, a free hotline to the police was established with private sector support to facilitate calls (UN Women, 2012).

While a laudable initiative, one constraint in recent times is that the initiatives are heavily externally funded and supported, and a seeming 'peace hut craze' has led to a multiplicity of groups supported by all manner of NGOs, and even different UN agencies, vying to support the mechanism competing for the same membership! There are funded peace and palava hut programmes for men, for women, for youth, for communities, etc. In all of this, little has been done to problematise the traditional system, which continues to exclude women, and continues to pursue justice in problematic, sometimes dangerous ways. There has been little

consideration of how the international appropriation of a central customary justice practice has affected or could affect community and cultural dynamics.

A related initiative is the effort to establish a national level Palava Hut system as an alternative dispute resolution mechanism. In its final report, the Truth and Reconciliation Commission of Liberia recommends, among other strategies, the 'palava hut peacebuilding mechanism' (TRC 2009), to foster peace and dialogue and rebuild broken relationships, fostering national reconciliation and healing, beginning at the grassroots. The TRC Palava Hut recommendation was subsequently incorporated as a community reconciliation process within Liberia's Roadmap for National Healing, Peacebuilding and Reconciliation. According to UNMIL (2015), "the Strategic Roadmap for National Healing, Peace-building and Reconciliation is a response to the need to provide a coherent strategy and coordination framework, to organize the multiple government and civil society initiatives on peace-building and reconciliation. It is designed to foster coherence of institutions, structures, systems, mechanisms, and human resources mobilized to foster national healing and reconciliation and build sustainable peace. The 18-year Roadmap defines reconciliation in Liberia as 'a multidimensional process of overcoming social, political, and religious cleavages; mending and transforming relationships; healing the physical and psychological wounds from the civil war, as well as confronting and addressing historical wrongs including the structural root causes of conflicts in Liberia'.

The Palava Hut mechanism will aim to 'provide a forum to create the platform for public disclosure, acknowledgment of and apology for human rights violations and other abuses committed during the civil conflict in local communities and, by extension, provide the space for dialogue and means whereby communities are reconciled and peacefully coexisting. As an alternative justice and accountability mechanism, the Palava Hut will be fashioned along the traditional dispute resolution processes' (Independent National Commission on Human Rights, 2015: 2). The mechanism was officially launched in October 2013 but as of writing (January 2017) had yet to be established.

In 2015 a national, consultative ethnographic study was undertaken to map the variations in the palava hut structures in different parts of the country and among language groups, with a view to informing the design of this national mechanism. The inception report of the study noted several challenges related to establishing the mechanism, including ‘the long years of war in the country have negatively impacted upon traditional institutions to the extent that some have become weak; there is no similarity in the way they operate in every ethnic community and hence the lack of coherence; there are no guarantees that decisions reached under the Palava Hut system is binding and enforceable; there is also the issue of whether the system is relevant to the urban setting where many people from the rural areas have migrated over the years’ (Jaye and Bloh, 2015: 7). As it is primarily envisioned as a reconciliation tool, there is also a concern with how reconciliation is defined among the different people groups.

Speaking more generally of the Palava Hut mechanisms, during the ethnographic study mentioned above, forum participants (women, youth and elders) in 2015 (see below) noted the following advantages: it provides a cost-effective, un-cumbersome alternative dispute resolution mechanism; permits free expression without fear of biased judgement; ensures transparency, meaning cases are largely resolved without needing to resort to an appeals process; and as it is non-adversarial, it promotes genuine reconciliation and fosters family ties. Still, they noted some constraints, including variation in the way it is practised between ethnic groups, the limited participation of women and youth, mostly due to the perception that they are unable to maintain confidentiality, and lack of transparency, which participants were open to amending, supported by established (written) rules and regulations, including legislation. Further, while participants recognised that traditional palava hut mechanisms sometimes adjudicated criminal cases, including rape, as well as other SGBV/VAWG cases, they universally agreed that this should not be a role for the national mechanism. Further concerns with the approach referenced the difficulty in arriving at one universal Palava Hut mechanism, given the plurality of approaches among the different groups.

On a different note, the national reconciliation roadmap, with which the national Palava Hut process is associated, is viewed as extremely UN and donor-driven, with little space for national civil society actors. There is a growing body of literature highlighting the significant governance role the international community plays, particularly in post-conflict and fragile contexts, adding a layer of hybridity to governance structures (see for instance, Schmidt's 2013 article on coordination networks that influence the management of aid-in-conflict in the case of Somalia). This remains true for hybrid security governance, whether this relates to strengthening (formal) governance structures, and/or their efforts to work at the grassroots level. Many organisations and agencies are working, both collectively and separately to address SGBV and VAWG. The programmes are too many to highlight here but I will dwell briefly on two.

The first is the UN-Government of Liberia Joint Programme for SGBV, the third phase of which, as mentioned in sub-Section 3.1, was launched in March 2016 to run through to 2020. The programme, which supports the government's national plan for preventing SGBV is built around a community-based approach, supported by six strategic pillars: prevention through community engagement and ownership in addressing SGBV; response to survivor needs through comprehensive services and referral; strengthen mechanisms for safety and protection in schools/education; institutional strengthening and advocacy of sub-national and national support mechanisms, and coordination to ensure joint programming is in line with the government's de-concentration plan; advocacy, communication and social mobilization; and coordination. It was developed following community dialogues in 10 of Liberia's 15 counties, and informed by context-specific needs analysis. Recognising the importance of traditional structures, it emphasises community ownership and engagement as the main mechanism for prevention, through advocacy and promoting accountability. A major element of this is the aim to 'Establish, strengthen and institutionalize community structures and systems, i.e. GBV rape observatories, community watch forums, Women Peace Huts, National Youth Volunteers and Peace Committees as part of Government led systems' (Government of Liberia and United Nations Country Team, 2015).

While ambitious and comprehensive, in evaluating the similarly ambitious and comprehensive 2010-2015 programme, the UNCT noted the impunity with which sexual violence continued to prevail; low conviction rates; limited community engagement; and a dominant focus on rape to the exclusion of prevalent and emerging GBV issues such as domestic violence, forced, and child marriages. It also highlighted lack of coordination between key institutions involved in SGBV response, including ‘the Police, Special Prosecution Authority (sex crime unit) Ministry of Justice (National Prosecution Authority), the Sexual offenses Court E, the Ministry of Gender Children and Social Protection and Bureau of Corrections (Prisons service)’ (GoL/UNCT 2015: 10) as one of the main reasons that SGBV continues to be a major challenge in Liberia. These findings indicate that despite the best efforts of international partners national and community perceptions and practices can continue to thwart efforts to address the issue.

The second programme is actually a set of projects implemented by the Carter Center. One is ‘Strengthening Indigenous Conflict Management Capacity in Liberia’, which an evaluation of the programme described as ‘essentially a project to train chiefs in conflict resolution and ADR’ (Hawes et al., 2013: 7), aimed at improved understanding and implementation of best practices in conflict resolution by the National Traditional Council, mentioned in the introduction, and county level traditional authorities; empowering and legitimising them to intervene and resolve local disputes; and enabling rural Liberians to better able to access and participate in traditional mechanisms to resolve disputes, particularly women and youth. A follow-up project includes efforts to increase citizen's participation in local justice processes, including providing effective free legal information and dispute resolution services; Strengthening capacity of traditional leaders to advance good governance; and exploring approaches to link the informal and formal justice sectors.

An evaluation of the Carter Center’s projects demonstrated that customary justice is an integral, functioning, and essential part of the overall justice architecture in Liberia. The organisation’s interventions increased chiefs’ mediation capacity and awareness raising on such legislation as

the Rape Law and the need to treat rape as a crime as opposed to a family matter. It also found, however, that the policy and legal frameworks for customary justice and harmonization with the formal sector were seriously lagging and militate against capacity building and sustainability. It also concluded that promoting an explicitly dual system can pose particular problems 'that required nuanced solutions, such as...the continued handling of criminal cases by customary courts, and the larger question of harmonizing the two systems over the long term' (Hawes et al., 2013).

It is apparent therefore that embracing hybridity is by no means an automatic win-win situation. This has been noted in other circumstances. For instance, post-conflict contexts are often considered an opportunity to improve women's access to justice, applying the notion of hybridity, especially to transitional justice mechanisms such as special courts or truth and reconciliation commissions. (Gyimah, 2009) notes, however, that following the return to constitutional rule and peace in societies, transitional justice mechanisms employed to deal with crimes committed during conflict and undemocratic regimes have often neglected the complex dynamics and consequences of political and social violence on gender and in particular on the lives of women. Thus opportunities for social justice and in particular gender justice in these contexts remain underutilized...their particular needs and claims to justice are mostly overlooked when these mechanisms are established' (p.6).

6. Towards effective, inclusive and accountable security and justice: What (negotiated) options in a hybrid system?

6.1. Main findings

The central concern here is the need to address two key issues: 'how to draw upon informal social solidarities in order to build more effective and responsive state security institutions—without them becoming too enmeshed in dysfunctional patronage networks... [and] how to maximise the ability of state security institutions to 'work with the grain' of traditional and

other informal institutions so as to make their security policies and programmes more effective and legitimate on the ground—without reinforcing local oppressions or unleashing destructive power struggles’ (Bagayoko et al., 2016: 5).

Many approaches begin with the premise that the state has ‘ultimate responsibility for implementing laws, policies and services around violence against women and girls’ (Lockett and Bishop, 2012). This perspective is widely understood in customary/traditional contexts, and even welcomed, particularly by female participants. From their perspective, it is imperative to increase physical access and reduce structural barriers to the formal system. In parallel, interviewees were concerned with increasing girls’ and women’s empowerment, an arguably contentious concept,¹² including through education, training and income generation opportunities, concurrent with sensitising males on women’s rights, as they considered the prevalence of SGBV to be a function of these deficiencies.

This latter issue points to an additional limiting factor in the formal sector: lack of coordination and cooperation among formal government structures, particularly within the Executive. With regard to SGBV and VAWG this is especially evident concerning the Ministries of Gender (who primarily advocate for SGBV prevention and management), Health (treatment and evidence-gathering), Justice (which polices and adjudicates) and Internal Affairs (which manages the affairs of traditional authorities and de facto adjudicates), among others. The detrimental effects of a lack of coordination between the gender, health and justice ministries, and others, has already been touched on above. In the judiciary sphere, different approaches between MIA and MOJ are also problematic. An example of this was conflicting policies regarding sassywood: where for a period, MOJ consistently asserted its illegality, while the Internal Affairs ministry was allowing chiefs to practice it as a cultural mechanism (Hawes et al., 2013). Another aspect relates to the fact that, in contrast to its neighbours, Liberia’s domestic security responsibilities (i.e. the national police) resides with the Justice ministry, as opposed to Internal Affairs.

¹² See the Pathways of Empowerment Project for a more comprehensive discussion of the concept of women’s empowerment: <http://www.pathwaysofempowerment.org/>

Increasingly there have been discussions about whether Liberia's structure should be brought in line with her neighbours which would for instance, as observed by an Internal Affairs deputy minister, facilitate closer working relationships between the police and traditional authorities with regard to the preservation of law and order. Conversely, customary courts are currently administered by the MIA, which as noted is part of the Executive. If they are to be maintained, however, at the least they should come under the judiciary (Hawes et al., 2013).

Indeed, the preceding discussion demonstrates that it is not possible to put traditional systems aside, at least in Liberia's case, not least because the reach of formal state security structures is very short. In contrast traditional justice mechanisms appear accessible to all, albeit through a gendered prism that often disadvantages women, and there is acknowledgement for the need to raise greater awareness among traditional authorities of the legal system and what their limitations are within it (i.e. what falls under their jurisdiction and what does not). This has been identified as a reason for them 'overstepping' their jurisdiction, as it were.

Greater incorporation of the customary and traditional system must proceed with several caveats, however. Firstly, it should be noted that Liberia's traditional structures operate with considerable variation, which is likely to widen as different individuals and groups engage with and are beneficiaries of various interventions by development partners or, conversely, are left out of initiatives. In this context, some degree of assessment and harmonisation (as undertaken by the national Palava Hut programme) may be necessary. In line with this, I subscribe to a recommendation from the Carter Center evaluation regarding the need to 'establish norms that are flexible enough to accommodate local needs but stringent enough to establish some consistency in the customary sector' (Hawes et al., 2013).

The plethora of hybrid informal systems is exacerbated by the interventions of international development actors who, in advocating a community-focused approach, can privilege alternative, or competing informal interests over traditional authorities. This can alienate

traditional actors, and lead to adverse outcomes given that traditional authorities remain gatekeepers and opinion formers, problematic as their perspectives may be (or especially so).

Finally, overarching this discussion is the importance of changing social norms. It should be a whole-of-community exercise, engaging women, men, boys and girls, and traditional authorities. This is a seemingly obvious point, and both the government's national plan and the Government-UN joint programme are heavily community-focused. However, this focus relates largely to community-based structures that for the most part have been set up by or with support of international institutions – peace committees, peace huts (as distinct from the traditional palava huts) – and so on, which, while important, may further alienate traditional authorities, rather than bring them on board. In order for this engagement to be truly community-focused, it needs to be sure to be inclusive of traditional authorities, as gatekeepers and opinion formers, problematic as their perspectives may be (or especially so). There is a long way to go but embracing the reality of hybridity and working to smooth its rough edges is a clear necessity, but while upholding the rights and protection of women and girls as a priority.

6.2. Summary recommendations

The research concurs with the perspective that formal and customary systems are, or need to be complementary, but in order to do this in a way that promotes, rather than impinges on the rights of vulnerable groups, the following are recommended:

- Increased collaboration between law enforcement officials and traditional authorities through purposeful interaction. Law enforcement officials acknowledged the invaluable role played by communities, including traditional authorities and community watch forum members in providing information for investigations. This would be facilitated by regular meetings, common training activities and community outreach by law enforcement officials.

- Awareness-raising on the respective roles and responsibilities of each sector. This should include information-sharing on relevant legislation, such as the proposed Domestic Violence Bill, and the appropriate avenues for redress in their context. At the same time, the informal sector's roles in mediating genuine family issues that are not catered for in the formal sector could be promoted, accompanied by mediation training skills and awareness raising, but with a clear focus on the delineation of roles.
- Training for traditional women leaders in the referral pathway. This recognises that access to justice is also intimately linked with health and psychosocial support for survivors, in which the informal sector can and does play an important part. Women respondents reported seeking support for SGBV cases first from Sande leaders, who could be trained as focal points or counsellors, and should be empowered to know the elements of referral pathway, which includes hospital, police, counsellor and court. This could also provide an avenue for addressing harmful traditional practices, such as FGM/C as these are the same leaders that must be engaged to address the practice.
- Inclusive community education on women's and men's rights and to tackle SGBV. This includes working with traditional and religious leaders as community gatekeepers to transform communities and make them agents of change; partnering and engaging with men's groups to redefine masculinities and make them partners of change; and working with children in schools. As lack of education and poverty were frequently cited as reasons why girls and women were particularly susceptible to SGBV, these initiatives should be accompanied by empowerment programmes for women, bearing in mind that this means different things to different women and such care should be taken to ensure that these are wide-ranging and intersecting. This should tie in with Liberia's other strategic priorities, including fostering political development, promoting human rights and maintaining peace.
- Focus on community-based legal empowerment, including educating local people about their legal rights and options and capacitating existing community structures.

(Community justice can be a locally legitimate and cost effective means of providing marginalised citizens with ownership of and access to justice).

- Support dialogue processes between the formal and traditional justice sectors, in order to build synergies and a shared understanding of an agreed legal framework. Existing justice practices need to be harmonised with the country's governance reform programme and international commitments. Most importantly, justice processes that are accepted and employed by local populations must be developed.
- Engage civil society and foster national ownership of these processes. A common concern by local NGOs is that many of the initiatives are donor- and international NGO-driven, which has adverse implications for immediate applicability and long-term ownership, legitimacy and sustainability. Civil society and community involvement could also help to build people's trust in governance processes more.
- Actualising programming based on realistic assessments of what already exists on the ground and what can be provided by the systems being brought online.

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