

**POLICE BEHAVIOR IN POST-CONFLICT STATES: EXPLAINING VARIATION IN  
RESPONSES TO DOMESTIC VIOLENCE, INTERNAL HUMAN TRAFFICKING, AND  
RAPE**

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Security sector reform programs restructure police forces to improve how they respond to gender-based violence (GBV). However, significant weaknesses persist in how police officers enforce anti-GBV laws. One area of weakness is the attrition of cases; officers fail to refer the majority of cases to the courts but rather withdraw them at the police station. Studies of police behavior in post-conflict African states have attributed the withdrawal of cases to corruption, poor professionalism, patriarchal gender norms, and underequipped police forces. Though salient, these conditions do not adequately explain police responses to GBV crimes. Even in police stations with the most poorly trained, corrupt, underequipped, and biased officers, a small number of cases advance to court. This dissertation investigates this puzzle by studying officers' responses to domestic violence, internal human trafficking, and rape in two Liberian counties. While officers withdraw over 50 percent of domestic violence and internal human trafficking cases, they withdraw less than five percent of rape cases every year. This study employs 150 interviews with officers of the Women and Children Protection Section (WACPS) as well as survivors of violence, bureaucrats, and staff of international organizations (IOs) and local women's nongovernmental organizations (NGOs) to explain this disparity. It finds that officers

are more likely to refer rape cases to court because they perceive rape as an offense that is above the jurisdiction of the police and because the WACPS enforces a non-withdrawal policy for rape cases. This perception is a product of training provided by state and non-state actors; the stature of the crime in the penal law; and the WACPS' policies. This study also finds that when these two conditions do not exist, officers sometimes forward cases to court based on their judgments of the victim and of the effects of the crime on the victim. It argues that the state, IOs, and NGOs have prioritized sexual violence and emphasized the prosecution of sexual offenders through legal and policy changes, institution building, and awareness-raising, to the relative neglect of other forms of GBV. This disparity has contributed to the variation in how officers respond to GBV.

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## 1.0 INTRODUCTION

Violence that disproportionately targets girls and women occurs everywhere, but is especially prevalent in post-conflict societies and wreaks havoc on the minds and bodies of its victims (Meintjes, Pillay, & Turshen, 2001; Ward & Marsh, 2006). Where it does not result in death, gender-based violence (GBV) puts girls and women at a higher risk for poor physical, reproductive, and mental health (United Nations General Assembly, 2006). While the consequences of this violence are written on the bodies and minds of victims, its effects reach beyond the individual to affect the family, the community, and the nation. Death resulting from GBV leads to broken families and sometimes produces orphans. Studies have shown the close link between intimate partner violence and the spread of HIV/AIDS; women in relationships that are characterized by male violence, and thus less female power and autonomy, are at a higher risk of contracting the disease from their male partners (Jewkes, Sikweyiya, Morrell, & Dunkle, 2011; Maman et al., 2002).

GBV that directly or indirectly results in death effectively denies the state of productive members of society who could have contributed to all areas of security and development.<sup>1</sup> The mental and physical scars of GBV can prevent survivors from fully participating in the development of the country. Violence also poses a barrier to the self-development of girls and women. Sexual exploitation and violence leads to teenage pregnancy, which results in high rates of school drop-out among girls. The violence not only injures the mind and body but also denies

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<sup>1</sup> The use of women's bodies as tools for advancing economic development underscores the power that the state holds over its citizens and echoes Michel Foucault's description of the human body as a "political anatomy" (Rainbow, 1984, p. 182).

victims the opportunity to develop their capabilities, their futures, and the future of the state (United Nations General Assembly, 2006).

The negative implications for the state are especially salient in societies that are emerging from violent conflict. These states are usually some of the poorest and least developed in the world and are in dire need of economic growth and social development. They need to consolidate the rule of law, ensure physical and other forms of security, and prevent a relapse into violent conflict. High levels of GBV reflect weaknesses in the rule of law and raise concerns about the ability and willingness of the state to control criminal elements within its territory and protect the people within its borders.

Consequently, the international community, led by the United Nations (UN), during the last decade began to mainstream gender considerations into peace-building programs, including the reform of the police force. The practice of gender mainstreaming has been criticized for its failure to centralize the transformation of gender relations (Ní Aoláin, Haynes, & Cahn, 2011). Nonetheless, police officers have received training on how to prevent and respond to various forms of GBV. In countries such as Liberia and Sierra Leone, special police units dedicated to the problem of GBV have been established. Though significant, these reformed police units are plagued by many problems. Police officers have been accused of committing sexual and other forms of violence against vulnerable survivors of GBV, demanding payments from victims and bribes from perpetrators, compromising victims' confidentiality, and being generally insensitive to the needs and concerns of survivors of GBV (ActionAID, 2007; Baker & Liebling-Kalifani, 2010; Convention on the Elimination of all forms of Discrimination against Women [CEDAW], 2008; Malan, 2008).

Studies show that police officers within these post-conflict states withdraw many cases of GBV at the police station instead of forwarding them to court. This withdrawal is sometimes imposed on complainants by the police and means that many perpetrators are not brought to justice. Perpetrators are not punished by the formal justice system for their actions. Some of these withdrawn cases are settled in customary courts where the perpetrators are generally favored over the victims. Reports from Sierra Leone and Liberia show that traditional chiefs have asked rapists to marry their victims or pay negligible fines to pacify the victims' families (Wendoh & Ceesay, 2008).

The justice system in most post-conflict states, including Liberia, is weak. Corruption is rife and there is a dearth of qualified personnel and required infrastructure (Office of the United Nations High Commissioner for Human Rights, 2006). Consequently in Liberia, most cases that are referred to court fail to be tried. This is especially common in crimes such as GBV that society perceives as less serious than offences such as armed robbery and murder. Referring cases to court is, therefore, no guarantee that they will be tried and that the victims will receive justice. On the other hand, withdrawing cases from the police station is a guarantee that they will not be tried. This failure to forward cases to court robs survivors of any hopes of justice and allows perpetrators of GBV crimes to operate with impunity, posing a threat to the welfare of girls and women and to the rule of law within the state.

This study focuses on Liberia, a country recovering from war, where GBV is prevalent, the government is attuned to the problem, and police officers' withdrawal of cases is a common practice that is not equally distributed across forms of GBV. Police officers are more likely to withdraw domestic violence and internal human trafficking cases than cases of rape. From January - June 2010, officers in the Women and Children Protection Section (WACPS) of the



Liberia National Police Force (LNP) withdrew 32.2 percent of aggravated domestic violence cases and 3.4 percent of rape cases. There were only two cases of human trafficking reported and they were both pending but the majority of internal human trafficking cases over time are also withdrawn by the police (Personal interviews, 2010 & 2011).

The unequal treatment by police officers of GBV crimes raises a number of questions. Why are cases withdrawn and why is there a variation in the rate of withdrawal? Are police officers simply acting upon the requests of victims? What roles if any do women's rights organizations play in influencing the actions of police officers? Do material and normative pressures from international organizations shape police responses to GBV? What are the implications of the withdrawal of cases for women's physical security?

I draw on four bodies of literature to investigate police behavior in Liberia and to answer these research questions. Academic and policy studies that focus on police behavior in African states give insight into the topic. The women's and feminist studies literatures employ a gender lens to study police behavior. They provide a theoretical grounding that is largely absent from the literature on police behavior in Africa. The policy implementation literature in the subfield of public administration, though lacking in contextual specificity, provides a comprehensive theoretical framework for examining all types of implementation behaviors. It proposes explanations that are under-theorized or absent from the women's, feminist, and post-conflict studies literatures but are relevant to the study of police officers in a post-conflict African state.

## **1.1 CURRENT EXPLANATIONS FOR POLICE BEHAVIOR**

The post-conflict phase is characterized by transformation; far-reaching political, social, economic, and cultural changes that have implications for all formal and informal institutions within a state. Some of these changes are precipitated by the recently-ended wars and others are the products of international and local efforts to reconstruct the state and establish a level of security and development. International organizations (IOs) such as the UN and local women's nongovernmental organizations (NGOs) are major players in this process of transformation, including in the reform of police forces. However, the impacts of the involvement of these actors remain under-theorized; particularly, their roles in shaping police officers' responses to violent crimes against women remain opaque.

The extant body of literature attributes the withdrawal of cases to patriarchal gender norms that downplay GBV and frame it as an issue that should be dealt with outside of the state's judicial system (Amnesty International, 2010; CEDAW, 2008). This argument has been echoed by scholars who have studied police responses to GBV in other regions of the world (Boesten, 2006; Dahl, 1975; Franceshet, 2010; Jubb, 2001; Schneider, 1991). This post-conflict literature has also pointed to the roles that resource constraints and corruption play in shaping the behavior of police officers. Authors have argued that police officers in post-conflict African states lack the training and resources to investigate, make arrests, and forward cases to court (ActionAID, 2007; Baker & Liebling-Kalifani, 2010; United Nations Population Fund [UNFPA], 2005). They have also contended that some police officers are corrupt and accept bribes to drop charges and release suspects from police custody (Amnesty International, 2010; Andersson, Mhatre, Mootsi, & Penderis, 1999; Baker & Liebling-Kalifani, 2010).

These findings from the feminist, women's studies, and post-conflict literatures provide insight into the factors that affect police behavior but are insufficient to explain the variation observed. Though patriarchal gender norms, corruption, poor professionalism, and inadequate resources plague police forces in post-conflict states, police officers still refer some cases to court. The literature cannot explain why this happens and why some forms of GBV are more likely to be referred to court than others. They also do not explain the variation that is observed in Liberia. Why do patriarchal gender norms not lead to the withdrawal of all cases or similar rates of case withdrawal? If corruption and poor training explain the withdrawal of cases, what accounts for the differences in how they determine officers' responses to different forms of GBV?

Policy implementation studies in the public administration literature offer important insights into police behavior that are missing or underdeveloped in the feminist, women's rights, and post-conflict literatures. Public administration scholars have studied a range of implementation behaviors in varied policy issue areas. They have identified four complementary categories of factors that explain implementation behaviors: political control, organizational control, individual-level characteristics, and external pressures (Meyers & Vorsanger, 2003). These categories define the sources of influence on policy implementers. That is, political control is exerted by political actors, organizational control emanates from actors and conditions within the organization, individual-level characteristics are ideas and actions that originate from the individual implementers, and external pressures are produced by actors and conditions that are outside the recognized group of players in the policy formulation and implementation processes. The explanatory variables within these categories include all of those identified in the

feminist, women's studies, and post-conflict literatures as causes of police withdrawal of GBV cases (corruption, norms, professionalism, and resources).

The explanatory variables either describe discourses and actions or perceptions. To enhance the analysis, I renamed and disaggregated the four categories identified in the public administration literature into five: state, non-state, organization, individual, and victim. This disaggregation enabled me to hypothesize how IOs, NGOs, the state, citizens, and police officers themselves have all shaped police responses to GBV. Based on this framework, I developed five hypotheses to explain the outcomes observed in Liberia.

### **1.1.1 Hypotheses**

**H I:** Police officers are more likely to forward rape cases, as compared to domestic violence or internal human trafficking cases, to court because rape victims prefer to have their cases referred to court more than victims of domestic violence and internal human trafficking.

The preferences of the target group are very important to how implementers behave. Soren Winter (1990) theorized that policy implementation is conditional upon the willingness of the policy's target group to cooperate with its implementation. I, therefore, hypothesize that police refer more rape cases to court because more victims of rape prefer this course of action.

**H II:** Police officers are more likely to refer rape cases, as compared to domestic violence or internal human trafficking cases, to court because state actors (politicians) promote the forwarding of rape cases to court and not the forwarding of domestic violence and internal human trafficking cases.

Some implementation scholars have argued that political actors within the state exert an influence on implementers and affect the choices that they make (Keiser, 1999; Keiser, & Soss,

1998). They have theorized that these political actors shape policy implementation by providing funds and training to implement a policy, framing and passing laws in support of a policy, shaping the policies of the implementing agencies, and applying political pressure to implementers. I, therefore, hypothesize that police officers are more likely to forward rape cases to court than other forms of GBV because political actors, employing the strategies described, support this course of action.

**H III:** Police officers are more likely to forward rape cases, as compared to domestic violence or internal human trafficking cases, to court because non-state actors promote the forwarding of rape cases to court and not the forwarding of domestic violence and internal human trafficking.

The women's and feminists studies literatures have theorized the influence that non-state political actors exert on the enforcement of women's rights laws. In the United States, the women's movement advocated for rape and domestic violence to be placed on the public agenda and then sued the police forces in several states when they continued to refuse to intervene in incidents of intimate partner violence (Bevacqua, 2000; Boneparth & Stoper, 1988; Schneider, 1991). Religious organizations in countries across the world have actively lobbied against the implementation of policies that they view as threats to their beliefs (Joachim, 2007). These non-state actors use both material and normative power to achieve their goals. Consequently, I hypothesize that non-state political actors have affected police behavior by framing laws, creating national anti-GBV policies, shaping the WACPS' policies, and applying political pressure to police officers to forward rape cases to court.

**H IV:** Police officers are more likely to forward rape cases, as compared to domestic violence or internal human trafficking cases, to court because organizational characteristics promote the forwarding of rape cases to court rather than the forwarding of domestic violence and internal

human trafficking.

Some public administration and feminist scholars have argued that the influence of political actors is limited and that implementation behavior is mainly driven by rules, norms, and practices of the implementing agency (Brewer, 2005; Lin, 2005; Martin, 2005). I, therefore, hypothesize that police officers are more likely to forward rape cases to court because the training provided by the WACPS, its policies, norms, and supervisors promote this course of action.

**H V:** Police officers are more likely to forward rape cases to court, as compared to domestic violence and internal human trafficking cases, because individual-level variables support this course of action but do not support the forwarding of domestic violence and internal human trafficking cases to court.

Some feminist, women's studies, and public administration scholars have argued that individual-level variables are the primary drivers of implementation behavior (Brehm & Gates, 1997; Maynard-Moody & Musheno, 2003, Schneider, 1991). Based on this argument, I hypothesize that officers are more likely to forward rape cases to court because they have a better knowledge and understanding of the rape law and anti-rape policies, realize material benefits from referring rape cases to court, perceive rape as a crime that should be adjudicated in court, judge victims of rape as deserving of formal justice, and subscribe to cultural, political, and religious norms that support this course of action.

## **1.2 RESEARCH DESIGN AND METHODOLOGY**

I employ the qualitative method of structured-focused comparison to study three types of GBV (domestic violence, internal human trafficking, and rape) in two geographical locations within Liberia (Monrovia and Gbarnga) and across two time periods (pre-conflict and post-conflict) in order to understand why officers withdraw cases (extralegal response) or refer them to court (legal response). I posed the same questions for each type of GBV and in both locations to understand the prevalence and responses to violence against women before and after Liberia's 14 year civil war (1989 - 2003). The questions were designed to elicit information on the causal variables that are identified in the literatures on policy administration, women's, feminist, and post-conflict studies.

Data were collected through interviews, observations, and review of background and context documents. I took field-notes of observation sessions and collected documents produced by government agencies, media houses, local and international NGOs and bilateral and multilateral agencies. I interviewed one-hundred and fifty people in Liberia from June to October 2010 and May to June 2011. Interviewees were victims of violence (18); police officers (50); government bureaucrats in the Ministry of Gender and Development, Ministry of Justice, and Ministry of Interior (25); United Nations personnel (8); personnel of other international organizations (10); staff of local NGOs (3); and staff of 12 women's rights NGOs. I coded the data according to the variables identified in the theoretical framework. I then examined the hypotheses using the methods of process-tracing and multiple congruence, which allowed me to determine how well or poorly the extant literatures explain the outcomes observed in Liberia.

### 1.3 FINDINGS

I find that police officers are more likely to forward rape cases to court because they perceive rape as a crime that is above the jurisdiction of the police and because the WACPS enforces a policy of non-withdrawal of rape cases. This perception is a product of training provided by the state, international organizations, and local women's rights organizations; the stature of the crime in the penal law; and the norms and policies of the WACPS. The state has worked closely with IOs and NGOs to promote a legal response to rape but this coalition of actors has not similarly emphasized a legal response to other forms of GBV. They have trained officers to always forward rape cases to court, framed the rape law to institute harsh sentences for offenders, and through normative and material pressures have shaped the norms and policies of the WACPS. The WACPS receives significantly more political pressure to enforce a strict non-withdrawal policy for rape than for other forms of GBV.

I also find that even when officers do not perceive a crime as one that is above the police and in the absence of the WACPS' enforcement of a non-withdrawal policy, they sometimes forward cases to court based on their judgments of the victim and of the effects of the crime on the victim. This judgment of the victim and of the effects of the crime on the victim largely explains why police officers forwarded some domestic violence and internal human trafficking cases to court. These judgments have been shaped by officers' interactions with the victims, the training that they have received from the WACPS and non-state actors, and cultural norms regarding the abuse of children.

These findings provide insight into how non-state actors have shaped the enforcement of anti-GBV laws. There is a growing body of literature on the roles that women's NGOs play in



passing legislations and formulating policies. However, there is a dearth of studies on how these influential actors shape the actual enforcement of laws and the implementation of policies in African states. This study shows that women's organizations have harnessed the resources of IOs to provide training to police officers, build institutions and design programs that address GBV, and raise awareness across the country. They have lobbied for changes within government institutions and are gradually transforming Liberians' perceptions and responses to GBV. I make two arguments in regard to these changes: (1) they have not occurred uniformly across all forms of GBV, and (2) they have impacted how police officers enforce anti-GBV laws.

The women's movement in Liberia has prioritized the issue of rape. Legal and institutional changes as well as awareness-raising campaigns have focused on rape. I explain that this focus on rape is a product of the prevalence, visibility, and brutality of sexual violence during the civil wars; continued reports of rape in the aftermath of the civil wars; and the international community's increasing attention to sexual violence since the conflicts in the former Yugoslavia. Police officers are, therefore, more informed about rape than other forms of GBV and also receive more pressure from women's NGOs to forward rape cases to court.

The findings also shed light on how international norms are translated at the local level. I argue that women's organizations have selectively adopted international GBV norms. While the international community has promoted the criminalization of domestic violence and emphasized the importance of prosecuting men who batter (Joachim, 2007), local women's organizations have not lobbied for the creation of a domestic violence law. Domestic violence is prosecuted as simple or aggravated assault. They also have not attempted to lobby for the creation of mandatory-prosecution policies. Instead, most women's organizations provide immediate health care and some economic support to survivors of GBV. Where victims are willing to proceed to

the police or to court, women's organizations help them to navigate the process. The local political and socioeconomic context (in this case poverty, societal pressure to settle cases outside of the criminal justice system, and weaknesses in this system) mediates how women's organizations address GBV but also how the police enforce GBV laws. Because the women's movement has not lobbied for a mandatory-prosecution policy, police officers mostly employ their discretion to decide when to refer cases to court or withdraw them at the police station.

The influence of the local context is also illustrated in the state's response to female genital mutilation (FGM) and marital rape. Despite pressure from IOs and local women's groups to strengthen the rape law in 2003, lawmakers demanded the removal of a clause on marital rape before passing the amendment. Women's rights activists explained that some legislators resisted the clause on marital rape because they wanted to protect the rights of husbands to the bodies of their wives (Personal interviews, 2010). Similarly, despite international condemnation of the practice, lawmakers insisted that activists remove a clause on FGM from the recently passed Children's Act (Personal interview, 2010). Lawmakers have been reluctant to criminalize FGM because they see it as an important cultural practice and because FGM is championed by powerful traditional leaders who are able to mobilize votes for politicians. I argue that these lawmakers have resisted international norms where they conflict with deeply-entrenched and politically contentious gender norms that are championed by local actors who wield significant political power. Under these conditions, the women's movement has so far been unable to pass laws to criminalize some forms of GBV.

This study also provides important insight into the activities of police officers and into the dynamics of the police force. While the feminist and women's studies literatures have argued that GBV cases are primarily withdrawn because of patriarchal gender norms, these findings

demonstrate that gender norms do not uniformly dictate the withdrawal of GBV cases. The efforts of NGOs, IOs, and the state—the anti-GBV coalition—have challenged and begun to erode pre-civil war norms that dictated that rape cases should be adjudicated at home or in customary courts of law.<sup>2</sup> This coalition of actors has also challenged the gender norms that promote the adjudication of domestic violence and internal human trafficking cases outside of the formal justice system but because of their prioritization of anti-sexual violence initiatives, they have dedicated less attention and resources to non-sexual forms of GBV. The majority of police officers interviewed were of the opinion that simple assault cases can be adjudicated outside of the formal justice system. I argue that this indicates that there is still a tendency for some to view domestic violence as a private issue. Overall, this study reveals that the war and its aftermath have transformed gender norms unevenly and that these norms do not uniformly lead to the withdrawal of GBV cases.

These findings also show that police officers' actions are partly driven by the rules and limitations of the WACPS as well as the socioeconomic factors that make victims reluctant to proceed to court. Police officers do not only withdraw cases because of gender bias or because they are corrupt. Instead, the interview data show that many officers take actions that they think are in the best interest of the victims; this sometimes means withdrawing cases. This finding is important for how we theorize police behavior and how we develop programs to reform the police force.

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<sup>2</sup> Isser, Lubekermann, & N'Tow (2009) explain how traditional leaders are reluctant to intervene in rape cases for fear that women's rights activists will report them to the Ministry of Internal Affairs.

## **1.4 CONCLUSION**

I have investigated the enforcement of anti-GBV laws in post-conflict Liberia. The findings demonstrate that the police officers of the WACPS are not simply corrupt, poorly trained, and insensitive individuals who have no concern for the welfare of victims of GBV. Instead, they show that in some cases, these frontline workers follow institutional directives and where it is permitted, rely on their discretion to make decisions that they think are in the best interest of the victim. This image of police officers is important for how we reform police forces in the aftermath of conflict in order to better protect women from violence.

Chapter Two details the study's theoretical framework. I review the feminist, women's studies, post-conflict, and public administration literatures and connect them to the study's hypotheses and methodology. Chapter Three provides a historical account of Liberians' attitudes toward law enforcement and GBV while Chapter Four focuses on how the state, IOs, and NGOs have tackled GBV in pre and post-war Liberia. In Chapter Five I study the structure of the WACPS and analyze police responses to domestic violence, internal human trafficking, and rape and Chapter Six concludes with a discussion of the study's theoretical and policy contributions.

## **2.0 LITERATURE REVIEW AND METHODOLOGY**

### **2.1 INTRODUCTION**

This is a study of police officers' responses to violent crimes against women in Liberia. I investigate the factors that lead some police officers to refer most cases of rape to court, sometimes against the wishes of complainants, while allowing most reported cases of domestic violence and internal human trafficking to be withdrawn for adjudication at police stations, in the victims' homes, or communities.

Police officers' failure to forward GBV cases to court is reflective of the characteristics of law enforcement in most states, including developed nations that are not recovering from violent conflict (Holstrom & Burgess, 1978; Jubb, 2001; Macaulay, 2005; Soulliere, 2005). The prevalence of the phenomenon in states that are emerging from violent conflict, especially those in Africa, has implications for women's physical and psychological wellbeing, the entrenchment of the rule of law, and the engenderment of sustainable social and economic development (ActionAID, 2007; Amnesty International, 2010; Ní Aoláin, Haynes, & Cahn, 2011; UNFPA, 2005). The widespread physical and sexual abuse of women in most conflicts, including the Liberian civil wars, further underscores the criticality of justice in the post-conflict period. Nonetheless, the behavior of law enforcement officers is under-theorized in the women's rights and post-conflict literatures on Africa. This study is a step to filling this gap.

I take into account the broader context of the relationships that exist, and the conflicts and

learning that occur across all spheres of society and affect police behaviors. I recognize that police officers do not operate in a vacuum but are rather affected by a host of economic, social, and political factors that are often grounded in history, yet are constantly evolving. This study explains how each of these factors affects their responses.

This chapter is a review of relevant debates and theories within the public administration, feminist, and women's studies literatures in which this study is grounded. Based on these literatures and on the findings of policy reports and a few studies of post-conflict African states (including Liberia), I develop a theoretical framework for analyzing and understanding the behavior of police officers in Liberia. This chapter also describes the study's research design and methodology and explains how they are grounded in the theoretical framework.

## **2.2 STATEMENT OF THE RESEARCH PROBLEM**

Ending interpersonal violence and strengthening the rule of law is a critical component of the post-conflict state-building process. Members of the international community represented in post-conflict states, therefore, prioritize the reformation of security sector agencies, including the police force, as they are central to deterring and responding to violence and to upholding the rule of law. However, despite the implementation of security sector reform programs in most post-conflict states, the rule of law remains weak (Mbadlanyana & Onouha, 2009; Wilson & Grammich, 2011). One area in which this is highly visible is in the deterrence of violence against girls and women and in ensuring that victims of violence receive justice (Olonisakin & Okech, 2011). Studies show that violence against women is high in post-conflict states and that most cases never advance to the level of courts of statutory law (Meintjes, Pillay, & Turshen, 2001).

The majority of cases are never reported to the police (Isser, Lubkemann, & N'Tow, 2009) and those that are usually do not advance past the desks of police officers (ActionAID, 2007; Amnesty International, 2010; UNFPA, 2005). Most victims of GBV, therefore, never receive justice from the formal criminal justice system.

Though this problem has implications for women's rights and for the entrenchment of the rule of law in post-conflict states, scholars have largely failed to systematically study the behavior of police officers in this context.<sup>3</sup> Instead, the bulk of information on this topic has been generated by policy agencies. Authors of policy papers and country reports produced by local and international human rights organizations and government agencies have argued that police officers' failure to refer GBV cases to court in post-conflict African states is due to patriarchal gender norms that downplay GBV, frame it as an issue that should be dealt with outside of the state's judicial system, and blame survivors for causing their victimization (CEDAW, 2008; Amnesty International, 2010). These authors have also pointed to the roles that resource constraints and corruption play in shaping the behaviors of police officers. They have argued that, police officers in post-conflict African states lack the training and resources to investigate, make arrests, and forward cases to court (Baker & Liebling-Kalifani, 2010; CEDAW, 2008). They have also contended that some police officers are corrupt and accept bribes to drop charges and release suspects from police custody (ActionAID 2007, Baker & Liebling-Kalifani, 2010; Malan, 2008).

These studies provide a fairly accurate description of what happens in many police stations in post-conflict African states. However, they do not tell us which variables are necessary or sufficient for officers to withdraw or forward a case and the conditions under which they exert an influence over police officers. They cannot explain why despite the presence of

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<sup>3</sup> The majority of research on the topic has focused on South Africa.

patriarchal gender norms, a lack of training and resources, and endemic corruption in police forces across post-conflict African states, police officers still refer some cases of GBV to court. For example, out of 50 police officers from the WACPS of the LNP force whom I interviewed for this study in 2010 and 2011, only one stated that she withdrew rape cases for extralegal settlements. On the other hand, close to half of the officers questioned said that they sometimes withdrew cases of internal human trafficking and aggravated domestic violence. This variation is mirrored in data provided by the WACPS.

Table 1

Women and Children Protection Section's National Case Disposal Statistics for 2009<sup>4</sup>

January 2009 – December 2009					
Crime	Court	Withdrawn	Transferred	Pending	Total
Simple Assault	147 (14.8%)	653 (65.7%)	1(0.1%)	193(19.4)	994 (100%)
Aggravated Assault	69 (36.5%)	56 (29.6%)	1 (0.5%)	63 (33.3%)	189 (100%)
Human Trafficking	1 (33.3%)	0 (0%)	0 (0%)	2 (66.7)	3 (100%)
Rape	65 (40%)	6 (4%)	5 (3%)	86 (53%)	162 (100%)
Gang Rape	10 (59%)	0 (0%)	0 (0%)	7 (41%)	17 (100%)
Statutory Rape	77 (46.7%)	8 (4.8%)	1(0.6%)	79 (47.9%)	165 (100%)

Note. *Court* = cases that the WACPS transferred to court, *Withdrawn* = cases that the WACPS withdrew at the police station, *Transferred* = cases that the WACPS handed over to another agency other than the court, and *Pending* = cases that were still open as of December 31, 2009.  
Source: Women and Children Protection Section of the Liberia National Police Force.

<sup>4</sup> I explain in Chapter Five that these statistics under represent the actual number of human trafficking cases reported because some officers, due to a poor understanding of the 2005 Act to Ban Trafficking in Persons, choose to charge traffickers with endangering child welfare and other similar offenses.



Table 2

## Women and Children Protection Section's National Case Disposal Statistics for 2010

January 2010 – June 2010					
Crime	Court	Withdrawn	Transferred	Pending	Total
Simple Assault	54 (13.4%)	251(62.1%)	0 (0%)	99 (24.5%)	404 (100%)
Aggravated Assault	20 (33.9%)	19 (32.2%)	0 (0%)	20 (33.9%)	59 (100%)
Human Trafficking	0 (0%)	0 (0%)	0 (0%)	2 (100%)	2 (100%)
Rape	39 (44.3%)	3 (3.4%)	1(1.1%)	45 (51.1%)	88 (100%)
Statutory Rape	19 (43.1%)	1(2.3%)	1(2.3%)	23 (52.3%)	44 (100%)
Gang Rape	2 (66.7%)	0 (0%)	0 (0%)	1(33.3%)	3(100%)

Note. *Court* = cases that the WACPS transferred to court, *Withdrawn* = cases that the WACPS withdrew at the police station, *Transferred* = cases that the WACPS handed over to another agency other than the court, and *Pending* = cases that were still open as of June 30, 2010.

Source: Women and Children Protection Section of the Liberia National Police Force.

The research question that emerges from this disparity is:

- Why are police officers more likely to refer rape cases to court than cases of internal human trafficking and domestic violence?<sup>5</sup>

This variation not only provides an opportunity to single out and determine which (combinations of) variables are necessary and/or sufficient for the withdrawal and referral of each of these three forms of GBV but also to develop a theory of police behavior that can be applied to other post-conflict African states. To reform the police force and make it more responsive to victims, we first have to understand what drives police behavior. Generalized and simplistic theories about insensitive and corrupt police officers provide easy answers but do not

<sup>5</sup> Henceforth, I use the term “domestic violence” to describe the combination of simple assault and aggravated assault. Otherwise, I use the terms “simple assault” and “aggravated assault”.

entirely explain the behaviors of most officers when they interact with complainants on a daily basis. Consequently, using these theories as the foundation for anti-GBV policymaking and as the basis for strengthening the rule of law can only produce limited gains. By systematically analyzing the factors that influence police officers' responses to GBV, this study presents a theoretically and empirically grounded explanation for police behavior and informs anti-GBV policymaking as well as rule of law initiatives in post-conflict African states.

### **2.2.1 Defining Key Terminology and Operationalizing the Dependent Variables**

The dependent variables under study are police officers' responses to domestic violence, internal human trafficking, and rape. There are two values on each dependent variable, a legal and an extralegal response.

**Legal Response:** is when a police officer acts in accordance with the law and transfers a case from the police station to an officer of a court of statutory law—usually a prosecutor or magistrate. By doing this, the officer cedes all authority over the case to the court and would only intervene if invited to testify. Whether a case is called onto the docket and/or advances to the trial stage is not included in this definition of 'legal' due to the recognition that the police do not control court proceedings.<sup>6</sup>

**Extralegal Response:** is when a police officer, in contravention of the law, does not refer a case to court but mediates it at the police station or allows the victim and perpetrator to resolve their dispute without the intervention of the police. An extralegal response could be requested by a complainant or imposed on the complainant by the police. Officers might charge the accused in

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<sup>6</sup> I do not seek to explain why some cases are prosecuted while others are not. Although I discuss the responses of officers of the court to GBV, it is not the focus of this study. By limiting the study's focus to the responses of police officers, I do not seek in any way to argue that justice is served when a case is referred to court. Referring a case to court is only one step to ensuring that the victim receives justice. However, due to the fact that the criminal justice system is made up of multiple agencies whose actions are explained by myriad factors and theories, I am unable to study this issue in its entirety in this dissertation.

some of these cases and subsequently drop the charges, maintain charges, or simply fail to file any charges when the crime is first reported.<sup>7</sup> Cases that are pending due to insufficient evidence or the inability to arrest the suspect are not included in the definition of extralegal as neither a legal nor extralegal response has been applied to them.

**Gender-Based Violence:** is “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). Domestic violence, human trafficking, and rape are forms of GBV. Although this study focuses on GBV against women, I recognize that men are also affected by gendered violence, albeit at rates that are significantly lower than women (Rehn & Johnson Sirleaf, 2002).

**Violence against Women:** is “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (UN, 1993).

**Domestic Violence:** is intimate partner violence. Liberia does not have a domestic violence law. Instead, the crime is prosecuted as simple or aggravated assault. According to the Liberia’s Penal Code, “A person is guilty of simple assault if he: (a) purposely, knowingly, or recklessly causes bodily injury to another; or (b) negligently causes injury to another with a deadly weapon. Simple assault is a misdemeanor of the first degree unless committed in an unarmed fight or scuffle entered into by mutual consent, in which case it is a misdemeanor of the second degree...A person is guilty of aggravated assault if he: (a) causes serious bodily injury to a person purposely, knowingly, or recklessly; or (b) purposely or knowingly causes bodily injury to another with a deadly weapon. Aggravated assault is a felony of the second degree” (United

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<sup>7</sup> I will explain in Chapter Three that some Liberians consider the extralegal response to be legal under customary law.

States Agency for International Development & James A. A. Pierre Judicial Institute, undated).<sup>8</sup>

**Human Trafficking:** according to Liberia's 2005 Act to Ban the Trafficking in Persons, "shall mean the recruitment, transportation, transfer, harboring or receipt of a person by means of the threat or use of force or other means of coercion, or by the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation" (Government of Liberia, 2005). Internal human trafficking is when a person is trafficked within Liberia's borders.

**Rape:** according to Liberia's 2005 Amendment of the Penal Code, is non-consensual penetration of the vagina, mouth or anus of a person with a penis or another object. The forms of rape studied in this dissertation are statutory rape, gang rape, and rape. Liberian law defines statutory rape as rape committed against someone below the age of consent (18 years old). Gang rape occurs when a "person facilitates or agrees with one or more persons to engage in or cause the performance of conduct which shall constitute rape" (Ministry of Foreign Affairs, 2006, p. 3). Rape is a second degree felony except when it is gang rape, the victim is less than 18 years old, the act resulted in serious bodily injury or permanent disability, or the victim was threatened with a firearm or deadly weapon. In these circumstances, it is a first degree felony (Ministry of Foreign Affairs, 2006).

## 2.3 LITERATURE REVIEW

To explain the variation in police responses to GBV, I draw on the public administration, feminist, and women's studies literatures. Scholars in these disciplines have studied police behavior albeit from their respective theoretical perspectives and at different levels of analyses. Implementation scholars in the field of public administration have studied implementation

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<sup>8</sup> Though undated, this document was compiled after the civil war that ended in 2003.

behavior across all policy areas, including law enforcement. They have sought to explain and theorize a range of outputs, including why policy implementers deviate from official policy directives. Feminist and women's studies scholars have paid more attention to police behavior. They have made connections between gendered social norms and the organizational cultures of the police as well as the practices of its agents. They provide explanations that are grounded in feminist and women's studies theories and expand upon the analyses of scholars who do not adopt a feminist approach or study implementation behavior through a gender-sensitive lens. I employ these theoretical perspectives and the findings of policy studies of GBV in post-conflict African states to develop hypotheses to explain the behaviors observed and to develop a theoretical framework that can be employed in the study of other country and issue cases.

### **2.3.1 Explaining Police Behavior in the Public Administration Literature**

Police officers fall into a category of public employees termed street-level bureaucrats. The term was coined by Michael Lipsky in his book *Street-Level Bureaucracy* first published in 1980. According to Lipsky, “public service workers who interact directly with citizens in the course of their jobs, and who have substantial discretion in the execution of their work are called street-level bureaucrats...” (2010, p. 3). Street-level bureaucrats’ exercise of discretion has been a central focus of scholars in this discipline. Scholars have sought to explain why these front-line workers—including police officers—work, shirk, and sabotage (Brehm & Gates, 1997), why some prison staff fail to support prison rehabilitation programs (Lin, 2000), why teachers, cops, and social workers prioritize their perceptions of ‘clients’ over the dictates of the law when making decisions (Maynard-Moody & Musheno, 2003), and why workers in the social system—including police officers—are often unresponsive to rape victims (Martin, 2005).

Marcia Meyers and Susan Vorsanger (2003) have outlined three groups of factors that affect and determine how and why street-level bureaucrats exercise discretion and perform their duties. These are political control, organizational control, and individual-level characteristics such as workers' ideologies, interests, and professional norms (Meyers & Vorsanger, 2003). Peter May and Soren Winter (2007) have included a fourth set of explanatory variables, external pressures such as "client mix" (p. 455). The overall socioeconomic context in which politicians, implementers, and target groups operate is also another external variable that affects all actors, actions, and institutions in the political implementation process (Winter, 2003). Scholars theorize that one or (usually) a combination of these groups of variables are at work at any one time in every implementing agency and impact the behavior of street-level bureaucrats.

Political control as an explanatory factor centers on the influence of politicians and interest groups, be it at the national or local levels, on the behavior of street-level bureaucrats. This control can be direct or indirect. Political actors directly signal and support their preferences in the contents of policies and laws, through written and verbal statements, and also by allocating funds for the implementation of their preferred policies (Meyers & Vorsanger, 2003). Political control is also at work when front-line workers' political ideologies shape their responses (Keiser, 1999). Implementation scholars have investigated the extent to which these measures shape the behavior of frontline workers. A few studies have concluded that partisan political control has a strong explanatory power when trying to understand what shapes the responses of policy implementers (Keiser, 1999; Keiser, & Soss, 1998).<sup>9</sup> However, the majority of studies, notably those that have been conducted over the last decade, have found the influence of partisan political power and political actors' efforts to be insignificant in dictating frontline behavior

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<sup>9</sup> Meyers & Vorsanger (2003) posited that these studies have found political control to be a significant explanatory factor because they rely on "highly aggregated indicators of street-level behaviors" which mostly provide indirect evidence for political control (p. 155). They explained that research conducted "closer to the front lines has yielded less optimistic conclusions about the ability of political officers to direct front-line workers" (2003, p. 155)

(Brehm & Gates, 1997; Sandfort, 2000) or extremely limited (May & Winter, 2007; Winter, 2003). Studies have identified two conditions under which political control has an effect on the behavior of street-level bureaucrats.

In a comparative study of the implementation of an immigration policy and an agro-environmental policy in Denmark, Winter (2003) concluded that political actors affected specific aspects of street-level behavior. He argued that:

Politicians do affect relatively visible aspects of front-line behavior—such as the number and timeliness of people processed. However, politicians have little influence on more invisible types of behavior, such as street-level bureaucrats’ styles of interacting with citizens and their responses to repeat violations of regulations or conditions for receiving benefits. (2003, p. 2)<sup>10</sup>

May and Winter (2007), in a study of the implementation of an employment policy in Denmark, also found that caseworkers were more likely to deviate from national policy goals when municipal (not national) politicians also emphasized a deviation from these goals. They, however, noted that the strength of this effect was limited. Overall, studies have shown that variables closer to the front line are more important in explaining the behavior of street-level bureaucrats.

At the level of the implementing agency, studies have demonstrated that the structure of the task environment influences the behaviors of street-level bureaucrats. Martin (2005) in her study of US agencies’ unresponsiveness to rape victims argued that organizational requirements and priorities most influenced policy implementers. She argued that:

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<sup>10</sup> Winter (2002) also noted that politicians indirectly affect street-level bureaucrats’ behavior by channeling funds into agencies to support the implementation of their preferred policies. Limited resources lead to coping behavior. However, he concluded that implementers’ preferences were most important in determining coping behavior.

... the perceptions and practices of officials who work with rape victims are shaped by the organizations that employ them and the jobs they hold. Police officers challenge the accounts of victims not from animus or bias (alone) but because their organization instructs them to. They must assure ‘probable cause’ that a real rape has occurred, and to comply with this goal, they think they must question victims aggressively. While their behavior is sensible from an organizational perspective, it frequently harms victims. (2005, p. 45)

Similarly, Ann Lin (2005) in her study of comparative study of five prisons in the United States (US) concluded that prison staff’s support of prisoner education programs was not based on political but organizational factors. She noted that staff members supported programs because they [programs] satisfied “their immediate prison-centered needs” (p. 6). “They [staff] also look for programs that are congruent with the values that staff use to govern their interaction with prisoners and their understanding of their jobs” (2000, p. 6). She argued that in the absence of this congruence, “staff will reject programs or attempt to subvert them” (2000, p. 6). In these cases, organizational culture was important in shaping street-level behavior. This organizational culture is a product of front-line workers’ preferences as well as official rules and regulations of their agencies.

Studies have also indicated that limited resources coupled with high client demands affect the behavior of street-level bureaucrats. They have posited that street level bureaucrats cope with limited resources and high client demands by rationing services and discriminating against (or in favor) of some clients when performing their duties (Meyers & Vorsanger, 2003). According to Lipsky (2010), street-level bureaucrats develop these coping mechanisms to psychologically manage their jobs, reduce stress, and to shield themselves from the “gap between expectation and



punishment” (p. 78). He explained that these coping mechanisms are usually unsanctioned by managers but are vital to the performance of front-line workers and over time, become “street-level policy” (2010, p. 86). Politicians and managers often unsuccessfully attempt to curb these coping behaviors. Lipsky stated that:

Managers try to restrict workers’ discretion in order to secure certain results, but street-level bureaucrats often regard such efforts as illegitimate and to some degree resist them successfully. And to the extent that street level bureaucrats (and that would include police, teachers, social workers, and nurses, as well as doctors and lawyers) expect themselves to make critical discretionary decisions, many of manager’s efforts to dictate service norms are regarded as illegitimate. (2010, p. 19)

The muted influence of managers has been noted by several other scholars (see Brehm & Gates, 1997; Sandfort, 2000). These findings, however, do not render managers irrelevant. Brewer (2005) in a study of US federal employees argued that front-line supervisors “are key figures in building and sustaining an organizational culture that promotes high performance...”(519). This indicates a more indirect influence of managers on the actions of the front-line workers under their supervision. This is because organizational culture is a major factor that shapes street-level behavior.

Evelyn Brodtkin (1997) in her study of the implementation of a welfare program in the US underlined the extent to which a complex interaction of organizational factors and front-line workers’ preferences shaped action. She argued that:

Caseworkers, like other lower-level bureaucrats, do not do just what they want or just what they are told to want. They do what they can. Their capacity depends on their professional skills, agency resources, and access to good training and employment

opportunities for clients. Within that context, their practices are shaped by agency incentives and mechanisms that make staff accountable to clients and to the public.

(1997, p. 24)

These findings paint a picture of a street-level bureaucrat who is guided, yet constrained by the organization in which she or he works. On the other hand, the preferences of street-level bureaucrats shape organizational culture, demonstrating the mutually constitutive relationship between the street-level bureaucrat and her or his organization.

Some scholars have argued that individual-level factors such as front-line workers' individual interests, political and other ideologies, professional norms, and the processes through which they "construct meaning in their daily work routines" best explain implementation behavior (Meyers & Vorsanger, 2003, p. 156). Illustrating the principal-agent problem, Brehm and Gates (1997) in their study of front-line workers in the US contended that "bureaucratic accountability depend most of all on the preferences of individual bureaucrats" (p. 8). They explained that, "supervisors are extremely constrained in their abilities to influence subordinate behavior (1997, p. 9). The authors argued that bureaucratic accountability is ensured because street-levels bureaucrats' preferences coincide with the requirements of their positions within implementing agencies.

Maynard-Moody and Musheno (2003); in a study of police officers, teachers, and counselors; also found individual preferences of street-level bureaucrats to be very important determinants of their behaviors. They argued that, although front-line workers were bound by administrative policies and oversight, they were also guided by their judgments of the identities and moral character of their clients. They posited that "rather than relying on policy to guide so-called discretionary decisions about cases, workers first make judgments about the citizen-client

and then turn to policy to enact, or if negative, to rationalize their judgments” (2003. p. 18).

Using the example of police, they stated that:

Cops will ignore serious offences committed by someone they identify with and judge as a good person (for example, the marijuana dealing of a poor, hardworking immigrant, who is a responsible family man) while treating harshly the trivial offences of someone they see as a bad person (for example a pregnant prostitute). (2003, p. 20)

This assertion, of course, adds a great deal of unpredictability to the behavior of individual front-line workers as each person’s assessment and perceptions of clients might differ.

Shared judgments would, however, reduce the variability of street-level actions. Jodi Sandfort (2000), in an ethnographic study of welfare policy in the US, argued that collective beliefs shared by front-line workers guided street-level actions. She argued that front-line workers constitute and are constituted by the organizations within which they work. “Through daily experiences, staff generate collective schema that help them to understand their work and efficiently utilize organizational resources” (2000, p. 731). Her findings underscore the extent to which the individual preferences of front-line workers are shaped and constrained by co-workers and how these in turn shape organizational culture.

External pressures are the last category of explanatory variables identified in the literature. Of these variables, Winter (1990) has underscored the importance of target group behavior on the implementation process. He argued that the output of front-line workers in any program is conditional upon the willingness of people within the target group to cooperate and participate in said program. Finally, research has shown that other external factors, such as the socioeconomic context, do affect the policy process by providing support for, or placing

constraints on agencies, front-line workers, and their target groups in various ways (Sabatier & Jenkins-Smith, 1999).

Overall, the public administration literature presents four sets of explanations for street-level behavior: political control, organizational control, individual-level characteristics, and external pressures such as target group preferences. The strength of this literature is that it makes it possible for a researcher to understand how front-line workers behave across bureaucracies. This is also a weakness of the literature, in that it fails to address the specificities of each policy arena. Winter (2002) addressing this problem explained that, “as street-level bureaucrats’ attitudes can be very policy and context specific, it is a difficult challenge to develop a typology of attitudes that is relevant across policies and contexts” (p. 7). What this means is that causal variables might not necessarily operate in the same way, and may not have the same magnitude of effects across policy arenas. This weakness of the literature is especially relevant for GBV in the context of a post-conflict African state.<sup>11</sup> As the majority of these studies that comprise the extant literature were conducted in Western countries with relatively mature and well-resourced bureaucracies; distinct social, political, and economic conditions; and on policy issues that are often far from the problem of GBV; it is necessary that I do not limit myself to this body of work when trying to explain the behaviors of police officers in Liberia. I, therefore, incorporate the findings of the feminist and women’s studies literatures and findings from post-conflict contexts to theorize the behaviors observed in Liberia. Unlike public administrations scholars who have sought to explain implementation behavior in varied policy arenas, feminist, women’s studies, and post-conflict scholars have paid more attention to explaining police responses to GBV.

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<sup>11</sup> Although one could also argue that it is not a weakness but simply a reflection of reality that requires context specific theories. It might mean that instead of aiming to develop a theory that explains street-level behavior in all policy issues areas, researchers must focus on specific behaviors on specific policy issues.

### **2.3.2 Explaining Police Behavior in the Feminist, Women's Studies and Post-Conflict Literatures**

Feminist and women's studies scholars have criticized the police for their reluctance to intervene in and prioritize cases of GBV. They have argued that police tend to treat GBV offenses as minor crimes to be settled outside of the formal criminal justice system. They have blamed this behavior primarily on the public/private divide which exists in most societies.

**2.3.2.1 The public/private divide.** Liberal feminist and women's studies scholars have criticized the public/private dichotomy that is present in most societies. They have argued that the dichotomy protects male power and dominance while excluding women from the public sphere and perpetuating their subordination (Elshtain, 1981, Pateman, 1989). Feminist scholars have leveled this criticism mainly at liberalism because in Western societies, the foundations of the public/private dichotomy in the West are primarily rooted in classical liberal thought and practice.

Scholars have argued that though they are often framed as exhaustive, mutually exclusive, and natural, the public and private are not categories that are easily distinguishable. According to Jeff Weintraub:

...the public/private distinction in short, is not unitary but protean. It comprises not a single shared opposition but a complex family of them, neither mutually reducible nor wholly unrelated. These different usages do not simply point to different phenomena; often they rest on different underlying images of the social world, are driven by different concerns, generate different problematics, and raise different issues. (1997, p. 2)

There is considerable debate about where the private sphere ends and where the public sphere begins and about the components of both spheres. Whereas feminists employ the public/private distinction to demarcate the intimacy of the home from everything else, it can also be used to distinguish between private and public enterprises, the home and civil society, and civil society and the state (Schneider, 1991). Nancy Fraser (1990) explains that the public sphere as studied by feminists can refer to three analytically distinct institutions: the state, the official economy of paid employment, and Harbemas' arena of public discourse. She has noted that there are practical implications for conflating these three constructions of the public sphere; mainly that, critical responses are targeted at the wrong actor (s).

Despite these conceptual debates, feminist and women's studies scholars generally agree that the private refers to the home. They have argued that societies have used the notion of the 'private' sphere to secure men's domination of women and children within the home by excluding the intervention of external actors such as the state, who would otherwise check male domination (Fraser, 1990; Olsen, 1993; Pateman, 1989; Schneider, 1991).<sup>12</sup> They have contended that in liberal societies, the decision to designate the home as the private sphere is a deliberate and political act to protect male power and maintain the patriarchal status quo. Frances Olsen expanded on this argument, saying that, "privacy is most enjoyed by those with power. To the powerless, the private realm is frequently a sphere not of freedom but of uncertainty and insecurity" (1993, p. 325). These scholars have argued that although liberalism is premised on equality, there are distinct social hierarchies in all spheres of Western (and non-Western) societies. They have contended that this hierarchy is present in the private sphere and places men at the top while women and children are at the bottom.

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<sup>12</sup> A related argument is that the liberal order kept women out of the public sphere, even though according to Fraser (1990), women created counter-publics to subvert this exclusion (p. 62).

Scholars have argued that this hierarchy within the private sphere creates conditions that are conducive to the unhindered occurrence of GBV against women (Dahl, 1997; Schneider, 1991). By relegating all other actors to the public sphere, the public/private dichotomy ensures that GBV that occurs within the home is unchecked by statutory laws and by the agents who enforce these laws. According to Schneider, “the source of marital privacy has been a source of oppression to battered women and has helped to maintain women’s subordination within the family” (1991, p. 975). Dahl explained that “this private violence is normally met by a minimum of preventive and punitive measures” (1987, p. 269). Victims’ reluctance to cooperate with the police and police officers’ expectation that victims will refuse to cooperate also lead to the attrition of cases (Corsilles, 1994). Fears of retaliation from the abuser, financial dependence on the abuser, and pressure from relatives all contribute to the reluctance to cooperate with the police or prosecutors.

The public/private dichotomy also has implications for victims of sexual violence. Olsen (1993) has explained that the framing of “things sexual” as private, serves to limit the protection that victims of sex crimes in the US receive. Feminists have argued that these violent acts against women become private—and by default, outside of the purview of the law—by virtue of the fact that they occur in the home or are perpetrated by someone who is not a stranger to the victim (Dahl, 1975). Research also shows that the perceived credibility of the victim and exaggerated concerns about false reporting, which are deeply rooted in patriarchy, significantly contribute to the attrition of rape cases (Jordan, 2004). This assessment of victims’ credibility is made on the basis of attributes such as age, race, occupations of the accused and victim; and specifics of the case including the relationship between the victim and the accused, the severity of the attack, and the judgments of the victim’s moral character (Rozee & Koss, 2001). Other scholars have argued

that the credibility of the victim only matters because of its implications for the successful prosecution of the case (Kerstetter, 1990; Lafree, 1981). They have theorized that legal considerations, particularly the strength of evidence, are the most significant predictors of the attrition of rape cases. Danielle Soulliere (2005) found that both legal and extralegal concerns lead to the attrition of rape cases.<sup>13</sup>

The withdrawal of GBV cases was the norm prior to the mobilization of women's rights advocates around the issue of violence against women in the US. Women's rights movements in the US began to mobilize for changes in how violence against women was perceived and responded to by society. Beginning in the 1960s, the women's rights movement, through organized and sustained advocacy, succeeded in placing rape and domestic violence on the public agenda (Bevacqua, 2000).<sup>14</sup> To accomplish this, they lobbied for the amendment and formulation of laws and police and judicial systems protocols to protect women from violence or at least improve the likelihood that violence against women would be perceived and regulated, and that women would be better able to use the criminal/justice system to seek redress and enhance their safety and the safety of their children. Women's groups also raised consciousness among women and lobbied for and participated in the creation of social programs to provide services to victims. However, the passage of rape and domestic violence laws in the US did not eliminate all discriminatory practices. Women's rights advocates, therefore, had to sue the police forces in some US states for failure to arrest men who battered (Boneparth & Stoper, 1988; Schneider, 1991). This led to the institution of pro-arrest and pro-prosecution policies in some states.<sup>15</sup> Studies have, however, demonstrated that there continues to be a gap between

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<sup>13</sup> Soulliere's (2005) findings are the result of research conducted in Canada. Studies of police responses to GBV in the developed world have yielded similar findings.

<sup>14</sup> This was not a unified movement but its mission was to eliminate violence against women.

<sup>15</sup> Scholars and activists have criticized these policies, arguing that they are paternalistic and limit women's autonomy, have a disproportionate negative impact on people of color, and put women at risk of future violence (Coker, 2004; Corsilles, 1994).



formulated policies and their implementation in the US (Corsilles, 1994; Holstrom & Burgess, 1991; Martin, 2005). Some policy implementers continue to put the preservation of the private sphere above women's safety.

To summarize, feminists and women's studies scholars have argued that police officers refuse to intervene in, or are unresponsive to domestic violence and non-stranger rape because liberal traditions have taught them that the home is a private sphere in which they should not intervene. Furthermore, victims' unwillingness and expectations of their unwillingness to cooperate with the police have led to the withdrawal of domestic violence cases. Victims' reluctance to proceed has also contributed to the attrition of rape cases as have legal and extralegal factors. Scholars have, however, stated that these attitudes have improved due to activism on the part of the women's movement within the US. These findings are an important starting point for thinking about the police behavior but for contextual reasons, they cannot be applied wholesale to my research question. For example, they do not touch on the effect that resource constraints have on the behavior of police officers, mostly because this is a present but not a major problem for police officers in the US and other developed nations. In post-conflict states such as Liberia, Sierra Leone, and Rwanda, there is a scarcity of the tools and equipment that are needed by police officers. For example, in Liberia, some WACPS offices did not have paper to record victims' statements. They lacked telephones and vehicles to follow-up on cases and cameras and DNA kits to process crime scenes. As I will explain in the following chapters, this lack affected how they responded to victims. This literature on police behavior also does not mention the role that international actors such as the UN play in local law enforcement. This omission is perhaps because these actors are hardly influential in the domestic activities of powerful states such as the US. In many post-conflict states, they are the most important actors,

often wielding more influence than national governments.

Liberal feminists' assertion that the gendered social ordering of the public and private spheres affects law enforcement is important because it identifies a factor (a gendered social order) that is present in post-conflict African states (in different forms) and according to policy studies of post-conflict states, has an influence on the behaviors of all members of society (Barnes, Albrecht, & Olson, 2007; Ministry of Gender & Development, 2009). Studies in Latin America have also concluded that police officers' reluctance to forward cases of domestic battery to court is due to their attempts to uphold the gendered social orders that exist in Latin American countries.

Scholars have argued that officers' prioritization of the family unit leads them to settle cases in the police station instead of forwarding them to court. Instead of arresting perpetrators of GBV crimes, police officers favor extra-judicial arrangements as a means to settle disputes. In Nicaragua, Nadine Jubb (2001), reported that police officers who dealt with cases of domestic violence failed to render cases to court in order to uphold "a moral regulation of gender and the social order" (p. 2). She argued that "instead of making violence against women a public and punishable crime, however, police procedures and practices serve to pacify women users [of the police station] and maintain violence against women as a private sphere issue (2001, p. 2). This finding was echoed by Boesten (2006) in her study of the implementation of domestic violence policies in Fujimori's Peru. She concluded that, "the policies were directed at preserving the structure of the family by making attempts at conciliation between partners compulsory instead of prioritizing the protection of women from abuse" (2006, p. 357). In Peru, this focus on the preservation of the family was supported by conservative female politicians and lawyers (Boesten, 2006). The Catholic Church in countries such as Chile has arguably also contributed to

the prioritization of the family unit (Macaulay, 2005). These cases demonstrate that the focus on protecting the social order is not solely a characteristic of law enforcement in the US. They also show that the gendered construction of a public/private distinction is not exclusive to Western societies but exists in non-Western societies as well. They also show that there is important variation in the policies and practices that construct the distinction—variation this dissertation exploits analytically in order to enhance both feminists’ and policy analysts’ understandings of fundamental social processes related to both policy implementation and gender.

These studies also reveal that women’s rights activists organizing transnationally have affected policy implementation (Boesten, 2006; Franceshet, 2010; Jubb, 2001). And although they do not focus on this as an explanatory factor for officers’ withdrawal of domestic violence cases, they recognize that law enforcement officers are hindered by a shortage of the equipment that they need to do their work. The lack of resources and the influence of international actors resemble the conditions in many post-conflict African states but the extent of international actors’ participation in the post-conflict process is more prominent than that which characterizes many Latin American states. Furthermore, conflicts in African states have severely weakened law enforcement, creating deep constraints for law enforcement officers in these states (Bendix & Stanley, 2008). Outside of these points, several gaps remain. First, these studies focus on domestic violence and barely speak to how the social order affects responses to other forms of GBV. Second, they do not discuss how the transitional nature of Latin American states affects the structure of the social order. This is an important question because the structure of the social order changes over time and is affected by political, social, and economic factors (Amadiume, 1998; Oyewumi, 1997; Weintraub, 1997).

**2.3.2.2 Post-conflict policing.** With the exception of South Africa, there is a dearth of scholarship on police behavior in (post-conflict) African states. However, several policy papers have addressed the issue, even if only on a largely descriptive level. The scholarly and policy literatures provide three major explanations for officers' unwillingness to refer cases to court. Echoing the arguments that have been made by US and Latin American feminist and women's studies scholars, they have contended that police officers adhere to gendered norms that frame GBV as acts that are outside the purview of the law. Police officers in Burundi have been accused of trivializing GBV (CEDAW, 2008). In the case of domestic violence in Uganda, police officers push for reconciliation to protect the family unit (Amnesty International, 2010). In this bid to protect the family unit, they prevent many domestic violence cases from reaching the courts. A second explanation for the withdrawal of GBV is that some officers are corrupt and accept bribes to extra-judicially dispose of GBV cases (Amnesty International, 2010; Baker & Liebling-Kalifani, 2010). A 1997 study of police responses to rape cases in Southern Johannesburg showed that out of 272 cases reported to the police, 17 became "official police cases" and the police transferred only five of these cases to court (Andersson, Mhatre, Mootsi, & Penderis, 1999). The authors argued that 15 out of 16 cases were filtered out of the criminal justice system at the point of registration with the police "possibly because they are judged to stand little chance of making it through the justice system" (Andersson et al., 1999, p. 20).<sup>16</sup> Furthermore, one in three police officers interviewed admitted that the police had mishandled rape cases due to corruption.

A third argument is that cases are not sent to court because officers lack the training and resources that they need to investigate reported crimes and forward them to court (ActionAID,

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<sup>16</sup> This hypothesis mirrors the argument about the legal consideration of rape cases that has been made in studies of police behavior in other regions (see Kerstetter, 1990; Lafree, 1981).

2007; Baker & Liebling-Kalifani, 2010; UNFPA, 2005). An Amnesty International (2010) study of GBV in Uganda explained that the lack of resources has led to poor investigation and the eventual withdrawal of cases:

Police stations are under-resourced. Most of the victims interviewed stated that the police officers ask for money to arrest and transport suspects, along with money for photocopies of supporting documents and airtime for their mobile phones. All police officers interviewed stated that although [this] was not police policy, lack of resources has affected the effectiveness of their services and drastically reduced public faith in them.

(2010, p. 38)

This finding also highlights how a lack of resources can contribute to unethical behavior among police officers as opposed to only coping behavior as argued in the public administration literature.

Though informative, there is a gap in these studies; they do not explain why police officers refer some crimes and not others to court. Even in the most corrupt, under-resourced, and gender biased police stations, police officers refer a minority of cases to court while others are withdrawn. Why does this variation occur? Why do some WACPS officers refuse requests by rape victims to withdraw charges against accused rapists but agree for cases of aggravated domestic violence to be withdrawn? Similarly, why is it that the majority of internal human trafficking cases are never forwarded to court but are mediated at the police station? Why is it that gendered social norms, corruption of police officers, and resource constraints do not uniformly affect how police officers respond to these crimes? It is necessary to understand the conditions under which each form of GBV is referred to court and withdrawn. This understanding will enable scholars to develop contextually-specific theories of police responses

to GBV and allow policymakers to propose policies to reduce each form of the problem.

## 2.4 THEORETICAL FRAMEWORK

According to the literatures reviewed, the behavior of street-level bureaucrats—in this case, police officers—is determined by multiple and mostly complementary variables. These variables fit into two categories: (1) discourses and actions and (2) perceptions.

Table 3

List of Explanatory Variables

Discourses & Actions	Perceptions
<ul style="list-style-type: none"><li>▪ Providing funds and equipment</li><li>▪ Framing of the law</li><li>▪ Framing of the policy</li><li>▪ Training officers</li><li>▪ Organizational policies</li><li>▪ Officers' knowledge and understanding of the law</li><li>▪ Officers' knowledge and understanding of the policy</li><li>▪ Victims' preferences</li><li>▪ Pressure from political actors</li><li>▪ Supervision by superiors</li><li>▪ Officers' self-interest</li><li>▪ Organizational norms</li><li>▪ Cultural, political, religious, and other ideologies</li></ul>	<ul style="list-style-type: none"><li>▪ Officers' perception of the crime</li><li>▪ Officers' perception of the victim</li></ul>

The category, *Discourses and Actions* consists of variables, which in the form of written or verbal discourses and/or direct or indirect actions, exert normative and/or material pressures on police officers. The variables within this category combine the ideas of stakeholders with

actions that these stakeholders take to reinforce their ideas. For example, providing funding is a product of a stated objective of materially supporting the enforcement of a law and the physical act of securing and releasing funds for this stated objective. Similarly, cultural and other ideologies combine the ideas of one or more individuals in a community with the acts of modeling said ideology to other members of the community. The category *Perceptions* is a grouping of variables that measure how officers think about each crime and the victims of these crimes.

These independent variables are brought to bear on street-level bureaucrats through four sources of influence: victims of GBV, political actors (state and non-state), organizational-level factors (of the entire WACPS and individual units), and police officers themselves (individual).

Table 4

## Sources of Influence on Street-Level Bureaucrats According to the Literatures Reviewed

	Victim	State	Non-State	Organization	Individual
Providing funds and equipment		✓			
Framing of the law		✓	✓		
Framing of the policy		✓	✓		
Providing training		✓		✓	
Organizational policies		✓	✓	✓	
Officers' knowledge and understanding of law					✓
Officers' knowledge and understanding of policy					✓
Victims' preferences	✓				
Pressure from political actors		✓	✓		
Supervision by superiors				✓	
Officers' self-interest					✓
Organizational norms				✓	
Cultural, political, and other ideologies					✓
Officers' perception of the crime					✓
Officers' perception of the victim					✓

I derived the values on the independent variables from the interviews conducted and document collected. These values are summarized below but are described in detail in Chapters Three, Four, and Five.

**Funds and Equipment:** This variable is a measure of the level of resources that police officers



receive to respond to each form of GBV under study. The WACPS is funded by IOs and the Government of Liberia (GoL). IOs have built police stations and provided vehicles and equipment while the GoL pays police officers. Because police officers are not paid to respond to specific forms of GBV and police stations are constructed to house officers who respond to all forms of GBV, I rely on the provision of equipment as a measure of the resources provided to police officers. In Monrovia, the Sexual and Gender Based Violence (SGBV) Crime Unit of the Ministry of Justice (MoJ) provides officers with transportation, telephone airtime, cameras, and other equipment required for them to investigate, make arrests, and refer sexual violence cases to court. The SGBV Crime Unit does not provide this support for police officers to respond to non-sexual forms of GBV. To a lesser extent, some IOs such as the UN also provide this assistance within and outside of Monrovia but they do not limit their support to sexual violence cases.

**Framing the Law:** This variable is a measure of the extent to which the texts of the assault, human trafficking, and rape laws frame each crime as offences that should be responded to using a legal approach. The laws frame all three acts as crimes; however, in comparison, the rape amendment institutes the harshest penalties for the act. This serves to frame rape as a particularly serious offence and one could argue, as an offence that officers should respond to using a legal approach. The laws apply throughout country.

**Framing the Policies:** This variable is a measure of the extent to which policy documents frame domestic violence, human trafficking, and rape as crimes that should be responded to using a legal approach. The two major GBV policy documents, the 2009 Liberia National Action Plan and the 2006 National GBV Policy, discuss the need to address all forms of GBV but underscore sexual violence as an issue that deserves particular attention from law enforcement agencies. These policies apply to the entire country.

**Training:** This variable is a measure of how much the trainings that officers receive promote a legal response to each crime under study. I analyzed the text of training documents and awareness-raising materials produced by the WACPS, IOs, and NGOs to determine how each form of GBV is discussed. The authors of these documents were four times as likely to frame rape, as opposed to domestic violence, as a problem to which officers should adopt a legal approach. The authors of the training manuals and brochures did not frame internal human trafficking as a crime to which officers should adopt a legal response.

**Organizational Policies:** This variable is a measure of how much the WACPS' internal policies require a legal approach to each form of GBV under study. The WACPS policies prohibit police officers from withdrawing rape and human trafficking cases. The section permits officers to withdraw aggravated assault cases when it is in the best interest of the victim.

**Officers' Knowledge and Understanding of the Law:** This variable is a measure of how much officers know and understand the laws on assault, human trafficking, and rape. Interviews with police officers provided the data to measure this variable. The interviews showed that while officers knew and understood the laws on rape and assault, at least eight officers did not sufficiently know and understand the anti-human trafficking act.

**Officers' Knowledge and Understanding of the Policies:** This variable is a measure of how much officers know and understand the statements that anti-GBV policies make on each form of GBV under study. Once again, I relied on interviews with police officers to assess this measure. Interviews showed that most officers were not knowledgeable about the anti-GBV policies.

**Victims' Preferences:** This variable is a measure of the extent to which victims of domestic violence, internal human trafficking, and rape prefer a legal approach. This measure is derived from data collected on the reporting of domestic violence and rape crimes in Liberia (Isser et al.,

2009), and my interviews with social workers and police officers in Liberia. The data show that although victims of all GBV crimes prefer an extralegal response, victims of rape, in comparison to victims of other GBV crimes, are more likely to prefer a legal response.

**Pressure from Political Actors:** This variable is a measure of the extent to which political actors have pressured police officers to refer domestic violence, internal human trafficking, and rape cases to court. Interviews with staff of IOs and NGOs, bureaucrats, and police officers as well as my observations of GBV Taskforce meetings provide the data for this measure. The data show that both state and non-state actors have applied disproportionately more pressure on police officers to refer rape cases to court than they have for the referral of domestic violence and internal human trafficking cases to court.

**Supervision by Superiors:** This variable is a measure of how supervisors, through their words and actions direct police officers to forward domestic violence, internal human trafficking, and rape cases to court. Interviews with police officers (supervising and frontline officers) provide data for this measure. Supervisors tell officers that they will face punishment (suspension or dismissal) for withdrawing rape cases. The WACPS has enforced this sanction in some instances. Supervisors also warn officers that they will face sanctions for withdrawing aggravated assault cases for personal gain. The WACPS has enforced this sanction in some instances. Supervisors do not emphasize to police officers that they will be punished for withdrawing cases of internal human trafficking.

**Officers' Self-Interest:** This variable is a measure of the extent to which officers' adoption of an extralegal approach is determined by corruption. This is to say that officers demanded a bribe before referring a case to court or they withdrew cases after receiving bribes. I employed interviews with women's rights activists and police officers and the literature to measure this

variable. Although the literature and activists have argued that corruption is rampant in the WACPS, they do not provide figures and do not describe a variation across cases. Furthermore, the officers interviewed did not admit to receiving bribes, making it difficult to measure the actual extent of the problem. I am, therefore, unable to comment on the extent to which corruption shapes police responses to these three forms of GBV.

**Organizational Norms:** This variable is a measure of the extent to which the WACPS' norms promote a legal response to domestic violence, internal human trafficking, and rape. For the purposes of this analysis, and in line with the public administration literature (see Brewer, 2005), I define institutional norms as the shared beliefs that officers hold about how they should respond to each form of GBV. I employ interviews with police officer to construct this measure. The interview data show that the dominant organizational norm internalized by officers is that they cannot withdraw rape cases but under certain circumstances, can withdraw aggravated assault and internal human trafficking cases.

**Cultural, Political, and Other Ideologies:** This is a measure of the extent to which the various ideologies that officers subscribe to, promote the referral of each form of GBV to court. The interviews with police officers provided data for assessing the presence of ideologies and measuring them. While political ideologies were absent from officers' explanations, cultural ideas regarding each form of GBV were salient. These ideas established that sexual violence, especially against minors, is a grievous offence against a person. These cultural ideas do not similarly recognize the gravity of physical violence and the non-sexual forms of exploitation that go hand-in-hand with internal human trafficking except in the most extreme cases.

**Officers' Perception of the Crime:** This variable is a measure of the extent to which officers perceive of each crime as an offence that should be responded to using a legal approach. The

interviews with officers provided the data to measure this variable. Two-thirds of officers perceived rape as a crime that is above the police (and thus should be adjudicated by the courts) but less than half held the same perceptions of aggravated assault. Only one person spoke of internal human trafficking as a crime that is above the police.

**Officers' Perception of the Victim:** This variable is a measure of the extent to which officers view victims of each crime as deserving of a legal response. I employed interviews with police officers to measure this variable. These interviews revealed that officers viewed victims of rape (including rape perpetrated during trafficking) as requiring a legal response. This judgment came from the fact that many rape victims are minors. They also judged victims of human trafficking, who were subjected to extreme physical abuse as requiring a legal response. Once again, this is because most victims of trafficking are minors. Although they perceived aggravated assault as a serious offence, who the victims are did not seem to be an important factor.

Table 5

Values on the Explanatory Variables

	Aggravated Assault	Internal Human Trafficking	Rape
Providing funds and equipment	Low	Low	High
Framing of the law	Low	Low	High
Framing of the policy	Low	Low	High
Providing training	Low	Medium	High
Organizational policies	Low	High	High
Officers' knowledge and understanding of law	High	Low	High
Officers' knowledge and understanding of policy	Absent	Absent	Absent
Victims' preferences	Low	Low	High
Pressure from political actors	Low	Low	High
Supervision by superiors	High	Low	High
Officers' self-interest	Present	Present	Present
Organizational norms	Low	Low	High
Cultural, political, and other ideologies	Low	Low	High
Officers' perception of the crime	Medium	Low	High
Officers' perception of the victim	Low	High	High

There are five possible values on each independent variable. The values are: high, medium, low, present, or absent. The first three values (high, medium, and low) are relative in comparison to each other. The value of “high” on an independent variable in any of the cases (aggravated assault, internal human trafficking, or rape) means that the independent variable is most present in that case. The values “low” when applied means that the independent variable is

less present than in the case that is ranked “high”. The value of “medium” defines the level of the independent variable when it is not as present as in the case that is ranked “high” but is more present than the case that is ranked “low”. These values are not absolute measures and are not meant to convey normative or practical assessments of the independent variables. For example, ranking the provision of funding and equipment for the enforcement of the rape law as “high” does not mean that the enforcement of the rape law is highly or adequately funded. Rather, it means that across the three forms of GBV that are under study, rape receives the most funding. Ranking the variables as high, medium, or low is, therefore, a comparison across the three cases.

The values “present” or “absent” are also comparisons across the three cases but denote instances where there are no variations. Giving a variable the ranking of high, medium, or low is done in relation to other variables. That is, for a variable to be ranked as “high” on one form of GBV, it has to be ranked “low” on another form of GBV. And for a variable to be ranked “medium” on one form of GBV, it has to be ranked “high” and “low” on the other two forms of GBV. Where the variation that is required to rank a variable as high, medium, or low does not occur, I employ the values “present” or “absent.” “Present” means that the variable does occur but is not higher or lower across the three forms of GBV. “Absent” means that the independent variable does not occur across the three cases. Table 5, therefore, provides a description of the level at which each independent variable operates within Liberia across the three forms of GBV.

According to the literatures reviewed, combinations of these causal variables (causal recipes) determine how frontline workers behave. I present these combinations in the following hypotheses.<sup>17</sup>

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<sup>17</sup> In *Redesigning Social Inquiry: Fuzzy Sets and Beyond* (2008), Charles Ragin describes these combinations of variables as causal recipes.

### 2.4.1 Hypotheses

**H I:** Police officers are more likely to forward rape cases, as compared to aggravated assault or internal human trafficking cases, to court because rape victims prefer to have their cases referred to court more than victims of domestic violence and internal human trafficking.

A target group's preferences are central to how or whether or not implementation occurs (Winter, 1990). Reports have highlighted the reluctance of many people in post-conflict states to trust the police and to see it as an impartial enforcer of the law. This greatly shapes the interaction between police and victims of GBV and their families and leads many people to prefer an extralegal approach to justice. I, therefore, hypothesize that officers are more likely to forward rape cases to court because victims prefer this course of action. If the data support this hypothesis, I expect to find that officers mostly reference victims' preference for a legal approach as justification for their decision to forward rape cases to court. Similarly, I expect to find that staff members of IOs and NGOs, victims of violence, and bureaucrats, attribute officers' responses to victims' preference. However, if the data do not support this argument, I expect to find that police officers do not rely on victims' preference to justify their actions. Also, I expect to find that staff members of IOs and NGOs, victims of violence, and bureaucrats, do not attribute officers' responses to victims' preference.

**H II:** Police officers are more likely to refer rape cases, as compared to aggravated assault or internal human trafficking cases, to court because state actors (politicians) promote the forwarding of rape cases to court and not the forwarding of domestic violence and internal human trafficking cases. Politicians promote the forwarding of rape cases rather than cases of domestic violence and internal human trafficking by: (1) providing funds and equipment that



support the forwarding of rape cases to court, (2) framing and passing laws that emphasize the forwarding of rape cases to court, (3) framing and creating policies that emphasize the forwarding of rape cases to court, (4) providing training that promotes the forwarding of rape cases to court, (5) creating and enforcing organizational policies that promote the forwarding of rape cases to court, and (6) applying political pressure (rewards and sanctions) to the police to forward rape cases to court.

Although the public administration literature finds a muted influence for political actors and the control that they wield (Brehm & Gates, 1997; Sandfort, 2000), I posit that the political actors and variables within post-conflict states warrant consideration in this analysis. The reform of the security sector was a central component of the Comprehensive Peace Agreement (CPA) that ended Liberia's civil war. The president and other politicians and high-level bureaucrats have been centrally invested in the development of the police force and the behavior of police officers has been a high priority. Furthermore, the issue of GBV—specifically rape, as opposed to domestic violence and internal human trafficking—has become a politically charged topic due to its use as a weapon of war and the president has spoken about the importance of addressing the problem. Consequently, I argue that political actors and variables have contributed to shaping police responses in Liberia. If the data support this hypothesis, I expect to find that officers as well as their supervisors reference the influence of the state when explaining their decision to refer rape cases to court. I also expect that staff of NGOs and IOs as well as bureaucrats and victims attribute officers' behaviors to the political influence of state actors. If the data do not support this hypothesis, I expect to find that police officers mostly reference other (combinations of) factors when explaining their actions. Also, I expect to find that staff of NGOs and IOs, victims, and bureaucrats, do not attribute officers' responses to the political influence of state

actors.

**H III:** Police officers are more likely to forward rape cases, as compared to aggravated assault or internal human trafficking cases, to court because non-state (political) actors promote the forwarding of rape cases to court and not the forwarding of domestic violence and internal human trafficking. Non-state actors promote the forwarding of rape cases to court rather than the forwarding of domestic violence and internal human trafficking by: (1) framing laws that emphasize the forwarding of rape cases to court, (2) framing policies that emphasize the forwarding of rape cases to court, (3) creating organizational policies that promote the forwarding of rape cases to court, and (4) applying political pressure (rewards and sanctions) to the police to forward rape cases to court.

Although the public administration literature has not found non-state actors to be the most important drivers of front-line behavior (Brehm & Gates, 1997; May & Winter, 2007; Sandfort, 2000; Winter, 2003), the feminist and women's studies literatures have found that women's rights organizations and in Latin America, the Catholic Church, significantly influence police behavior (Holstrom & Burgess, 1991; Macaulay, 2005; Martin, 2005). Furthermore, the intense involvement of IOs and local NGOs in the post-conflict reconstruction process—particularly in security sector reform—necessitates a deeper look at their influence on police behavior. The majority of implementation studies have been conducted in countries in which the influence of IOs is absent and that of local NGOs, minimal. However, in many states that are recovering from conflict—including Liberia—international actors and local NGOs perform many functions of the state. I, therefore, hypothesize that police officers are more likely to forward rape cases to court because non-state actors promote this course of action. If the data support this hypothesis, I expect to find that officers as well as their supervisors mostly reference non-state

actors when justifying their decision to forward rape cases to court. I also expect that staff of NGOs and IOs as well as bureaucrats and victims attribute officers' behaviors to the influence of non-state actors. On the other hand, if the data do not support this hypothesis, I expect police officers to give other explanations for their decision to forward rape cases to court. I also expect that staff of NGOs and IOs as well as bureaucrats and victims do not attribute officers' responses to non-state actors.

**H IV:** Police officers are more likely to forward rape cases, as compared to domestic violence or internal human trafficking cases, to court because organizational characteristics promote the forwarding of rape cases to court rather than the forwarding of domestic violence and internal human trafficking. Organizational characteristics that promote the forwarding of rape cases to court are: (1) the provision of training that teaches officers to refer rape cases to court, (2) the creation and enforcement of organizational policies that promote the forwarding of rape cases to court, (3) supervisors' emphasis of the forwarding of rape cases to court, and 4) the creation of collective organizational norms that promote the forwarding of rape cases to court.

Public administration and feminist scholars have argued that the task environment has a significant influence on street-level behavior (Lin, 2005; Martin, 2005). The WACPS is an organization with a unique culture, rules, sanctions, and incentives. The organization also faces severe resource constraints. It is also likely that individual units within the WACPS will have their specific cultures, rules, sanctions, and incentives. According to the public administration literature, these are all factors that shape front-line behavior. I, therefore, theorize that police officers are more likely to forward rape cases to court because organizational characteristics promote this course of action. If the data support this hypothesis, I expect to find that officers mostly reference their supervisors and other organizational factors when justifying their actions.

I also expect that the staff of IOs and NGOs as well as bureaucrats and victims attribute officers' responses to the task environment. If the data do not support this argument, I expect to find that police officers do not give these organizational characteristics as justification for their decision to refer rape cases to court. Similarly, I expect to find that staff of IOs and NGOs, victims, and bureaucrats, do not attribute officers' responses to the task environment.

**H V:** Police officers are more likely to forward rape cases to court, as compared to domestic violence and internal human trafficking cases, because individual-level variables support this course of action but do not support the forwarding of domestic violence and internal human trafficking cases to court. These individual-level variables are: (1) officers know and understand the rape law, (2) officer know and understand anti-rape policies, (3) officers realize material benefits when they forward rape cases to court, (4) the political, religious, cultural, and other ideologies to which officers subscribe promote the forwarding of rape cases to court, (5) officers perceive rape as a crime that should be adjudicated by the formal justice system, and (6) officers judge victims of rape as deserving of formal justice.

The public administration, feminist, women's studies, and post-conflict literatures have underscored the influence of police officers' beliefs, ideologies, interests, and preferences in how they perform (ActionAID, 2007; Brehm & Gates, 1997; Dahl, 1975; Maynard-Moody and Musheno 2003; UNFPA, 2005; US Department of State, 2010). I, therefore, hypothesize that these individual-level factors are most important in shaping police responses to GBV in Liberia. If the data support this hypothesis, I expect to find that police reference these factors most, when explaining and justifying their actions. I also expect to find that staff members of IOs and NGOs, victims of violence, and bureaucrats, attribute officers' responses to these individual-level variables. On the other hand, if the data do not support this hypothesis, I expect to find that

officers do not reference these individual-level variables when justifying their actions. Similarly, I expect to find that staff members of IOs and NGOs, victims of violence, and bureaucrats do not attribute officers' responses to these individual-level variables.

The hypotheses are built around the type of actor and the influences of each actor. I focus on both the actors and their actions. It is possible to propose hypotheses that are not grouped according to actors but because this dissertation aims to explain how a post-conflict state—made up of a fragile government, powerful IOs, active NGOs, and a population that has been deeply affected by 14 years of violent conflict—responds to GBV, it is necessary to integrate the actors into the theoretical framework.

These hypotheses are not mutually exclusive. The literatures reviewed demonstrate that there are multiple combinations of variables that can affect policy implementation. In the public administration literature, this combination of variables is heavily dependent on how implementation is measured, the policy issue area, and the political and socioeconomic context under study (Winter, 2002). According to this literature, there are numerous possible combinations of variables that can shape implementation. The feminist, women's studies, and post-conflict literatures on the other hand have found political, organizational, and individual-level variables (discourses & actions and perceptions) to be most important in determining how police officers respond to GBV (Andersson, Mhatre, Mootsi, & Penderis, 1999; Baker & Liebling-Kalifani, 2010; Boesten, 2006; Jubb, 2001; Martin, 2005). One of the contributions of this study is that it establishes which combinations of variables determine policy implementation as measured by police officers' referral or non-referral of GBV cases to court in a post-conflict state.

To summarize, the five hypotheses are:

**H I:** Police officers are more likely to forward rape cases to court because rape victims prefer to have their cases referred to court.

**H II:** Police officers are more likely to refer rape cases because state actors because politicians employ certain discourses and action to promote this course of action. These actions and discourse are the provision of funds, the framing and passage of legislation, the creation of policies, the provision of training, the creation and enforcement of organizational policies, and pressure exerted on the police.

**H III:** Police officers are more likely to forward rape cases to court because non-state actors employ certain discourses and action to promote this course of action. These discourses and actions are the framing of legislation, the framing of policies, the creation of organizational policies, and pressure exerted on the police.

**H IV:** Police officers are more likely to forward rape cases because certain discourses and actions within the WACPS promote this course of action. These discourses and actions are the training of officers, the creation and enforcement of organizational policies, the supervision of officers, and the creation of organizational norms.

**H V:** Police officers are more likely to forward rape cases to court because certain individual-level discourses, actions, and perceptions promote this course of action. These individual-level variables are officers' knowledge and understanding of the rape law, their knowledge and understanding of anti-rape policies, their self-interest, the ideologies to which they subscribe, and their perceptions of the crime and of the victims.

## 2.5 METHODOLOGY

### 2.5.1 Case Selection

#### **Why study police responses to GBV in post-conflict Africa?**

It is important to study GBV in post-conflict African states because a significant number of women are affected and the majority of those who experience this violence do not get justice partly due to the actions of law enforcement officers (Amnesty International, 2005; Rehn & Johnson Sirleaf, 2002). Many women die or suffer grave physical and psychological illnesses and injuries as a result of GBV (Rehn & Johnson Sirleaf, 2002).

GBV perpetrated against both male and female combatants and non-combatants has always been a component of wars (Goldstein, 2001; Lorentzen & Turpin, 1998). In Africa, gendered violence against women has become more pronounced since the end of the Cold War, due to the outbreak of conflicts in which women are deliberately targeted by all warring factions.<sup>18</sup> Some forms of GBV employed during African conflicts include rape, human trafficking, and slavery. Although the levels of GBV fall in the aftermath of conflicts, the problem is still prevalent (Coulter, Persson & Utas, 2008; Meintjes, Anu & Turshen, 2001). Studies suggest that this is partly because societies' experiences of violence during conflict normalize violence—including GBV—in the post-conflict phase (Kumar, 2001). Some scholars have argued that levels of domestic violence in the post-conflict phase are high because men use violence as a tool to subjugate women who overturn gendered social norms and assume leadership of the family during the chaos of war (2001).

The lack of post-conflict GBV data in many states and the differences in how violent crimes against women are defined and measured across states makes it difficult to accurately

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<sup>18</sup> Kaldor (2006) has described these post-Cold War conflicts as new wars partly because of the deliberate targeting of civilians.

compare the prevalence of GBV between non-post-conflict and post-conflict states. However, the limited data that exists does show that post-conflict states have some of the highest rates of GBV (UN Women, 2011).

The actions of police officers are central to the enforcement of anti-GBV laws and the implementation of the majority of anti-GBV policies. Officers are responsible not only for preventing violence but also for responding when violence occurs. Policy papers and advocacy reports, however, reveal a major gap in the enforcement of anti-GBV laws (ActionAID 2007, Malan, 2008, UNFPA 2005, US Department of State 2010). Police officers often fail to enforce laws as stipulated in legislations or departmental directives. This study is therefore necessary to determine the factors that lead to one form of this law enforcement gap, which is police officers' adoption of an extralegal response to GBV. The findings inform efforts to protect women's rights and strengthen the rule of law in post-conflict societies. This study also contributes to the women's rights literature on Africa and to the body of literature that focuses on state and peace-building in post-conflict states. Both of these literatures currently fail to theorize police behavior; this study, therefore, contributes to policy development and theory-building.

### **Why study Liberia?**

Violence against women is one of the most common forms of violence in Liberia and although police response to the problem has improved since the end of the conflict, it is still limited and the factors that cause this limitation are not well understood. In 2007, rape was the most reported crime in the country (Deen, 2007). Some women's rights advocates have argued that domestic violence occurs more frequently than rape but is often unreported (Personal interviews in Monrovia & Gbarnga, 2010 & 2011). Human trafficking is another form of GBV which is rampant but is rarely reported to law enforcement officers (Personal interviews in



Monrovia and Gbarnga, 2010 & 2011).

Local and international NGOs in Liberia as well as the national government have had to create laws, policies, institutions, and programs to address GBV. The performance of police officers is pivotal to the realization of most anti-GBV policy goals. However, there are several gaps in police officers' implementation of these policies (ActionAID 2007; Malan 2008; US Department of State 2010). Police officers have been accused of abusing victims and accepting bribes from perpetrators in order to drop charges (Personal interviews with women's rights advocates in Monrovia & Gbarnga, 2010 & 2011). Officers also often fail to adopt a legal approach when responding to GBV crimes. Official statistics from the WACPS reveal that officers are more likely to adopt a legal approach when responding to rape than to other forms of GBV (see Tables 1 and 2).

There are also variations in the occurrence of key explanatory factors across the three types of GBV studied. These factors include the training provided to police officers on each form of GBV, the organizational norms regarding each form of GBV, victims' willingness to cooperate with the police, and police officers judgments of victims of violence. These variations make it possible to hold certain factors constant while others vary, providing a greater level of analytical leverage. Most studies of police responses to GBV within and outside of Africa have failed to do this. They have mostly focused on one form of violence (usually domestic violence) and on one aspect of the dependent variable (the adoption of an extralegal approach) (e.g. Jubb 2001; Macaulay 2005). This type of research design makes it difficult to determine the relative causal effects of each explanatory variable.

### **Why Monrovia and Gbarnga?**

This study focuses on Monrovia, the capital of Montserrado County and of Liberia,

because it has the highest number of reported cases of GBV and is the focal point of anti-GBV efforts. All laws and policies are created and first implemented in Monrovia. Government agencies in Monrovia have the most resources and are therefore able to implement policies more fully than agencies that are outside of the capital. All international agencies are headquartered in Monrovia and the majority of local organizations are situated there, sometimes with branches in other counties. Monrovia is, therefore, an ideal case to study the influence of IOs and NGOs.

Gbarnga, the capital of Bong County, is the second regional case because it is a town that has one of the highest reported cases of GBV outside of Monrovia. There are fewer IOs and NGOs in Gbarnga as well as some marked differences in attitudes towards GBV. This contrast between Gbarnga and Monrovia makes it possible to determine the extent to which differences in the levels of key explanatory factors affect the outcomes on the dependent variable. It is also the case that the WACPS unit in Gbarnga serves smaller towns and villages in Bong County, making it possible to gather information on other rural areas.

### **2.5.2 Method**

I employ the qualitative method of structured-focused comparison to investigate the research questions. I use this method to ensure uniformity across the cases. According to George and Bennett, “the method is “structured” in that the researcher writes questions that reflect the research objective and that these questions are asked of each case under study to guide and standardize data collection, therefore making a systematic comparison of the findings of the cases possible. The method is “focused” in that it deals only with certain aspects of the historical cases examined.” (2005, p. 67). This dissertation, therefore, studies three types of GBV (domestic violence, internal human trafficking, and rape) in two geographical locations

(Monrovia and Gbarnga) and across two time periods (pre-conflict and post-conflict). I posed the same questions across each type of GBV and geographical setting to understand the prevalence and responses to violence against women before and after Liberia's 14 year civil war (1989 – 2003). The questions posed were structured to elicit information on the causal variables that were identified in the policy administration, women's studies, and post-conflict literatures.

Table 6

#### Substantive and Geographical Cases Studied

Time Periods	Geographical Case 1: Monrovia				Geographical Case 2: Gbarnga		
Pre-Conflict	<b>GBV Cases</b>	Case 1: Domestic Violence	Case 2: Internal Human Trafficking	Case 3: Rape	Case 1: Domestic Violence	Case 2: Internal Human Trafficking	Case 3: Rape
Post-Conflict							

The same forms of data were collected across all cases in order to answer the research questions. The data collection methods used were interviews, observations, and review of background and context documents. I collected interview data, took field-notes notes of observation sessions, and collected documents produced by government agencies, media houses, local and international nongovernmental organizations and bilateral and multilateral agencies.

### 2.5.3 Interviews

I interviewed one-hundred and fifty-one people in two phases. The first set of interviews, totaling 135, was conducted in Monrovia from June to October 2010. Another 16 interviews were conducted in May and June 2011 in Monrovia and Gbarnga. Of these 16 interviews, six were in

Gbarnga. The interviews were semi-structured and guided by an interview protocol. The interview protocols were structured to elicit, from interviewees, explanations for the variation in police behavior and to fit the roles and positions of interviewees who fell into five categories. Each category of interviewees was selected to ensure that the opinions and arguments of all groups that influenced how police officers implement anti-GBV policies were represented. The findings of the public administration, feminist, and post-conflict literatures guided the selection of each category of interviewees. I also relied on policy documents and newspaper reports to identify actors that were, or had previously engaged in the implementation of anti-GBV policies and laws.

1) Police officers: consisted of both high-ranking officers and policemen and women who worked directly with complainants, victims, and perpetrators. A total of 50 police officers from the Women and Children Section of the Liberia National Police force were interviewed. Forty-eight of these officers were stationed in Monrovia and were part of the estimated 80 WACPS officers that were stationed in the city.<sup>19</sup> Two police officers, out of a unit of four, were interviewed in Gbarnga. Eight of the policemen and women interviewed in Monrovia had previously been stationed in WACPS units in other counties and were able to provide information on police responses in these areas. This supplemented the information that was provided by the officers interviewed in Gbarnga. I visited every police station in Monrovia and the sole police station in Gbarnga.

I attempted to interview the population of WACPS officers in Monrovia and Gbarnga. In Monrovia, I visited each police station on average three times and visited the unit in Gbarnga twice. In both of the geographical cases, officers were away attending training courses, not on duty, on duty outside of their assigned cities, or on leave, and were therefore unavailable to be

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<sup>19</sup> The WACPS could not provide me with an exact figure but administrators estimated that they had about 80 officers in Monrovia.

interviewed. Other also told me that they were not interested in being interviewed for this study and therefore, were not interviewed. All interviews were one-on-one and were conducted in private locations within or in the immediate vicinity of the police station.

2) Government bureaucrats in the Ministry of Gender and Development, Ministry of Justice, and Ministry of Interior: I conducted 25 interviews with both high-level bureaucrats and mid, and lower level staff of these government agencies. Twenty four of these interviews were in Monrovia, however, bureaucrats and staff stationed in Monrovia also oversaw activities in towns and villages outside the capital and sometimes went on duty to these areas. They were, therefore, knowledgeable and able to provide information on areas outside of Monrovia from them. I initially interviewed high-level bureaucrats in these agencies and relied on a snowball sampling technique to identify other interviewees in this category.

3) United Nations personnel: I interviewed eight UN personnel, representing six agencies. Of this number, four were departmental heads and four were mid-level personnel. Each of the agencies represented were involved in the implementation of anti-GBV programs across Liberia. I employed a purposive sampling technique in selecting UN interviewees but also adopted a snowball sampling technique to identify others that my initial set of interviewees thought was relevant to the study.

4) Personnel of International Organizations: included staff of 10 bilateral and multilateral organizations as well as international nongovernmental organizations. These organizations implemented a range of human rights programs in several counties and GBV was one of their program areas. There was no organization that was dedicated exclusively to tackling GBV. I employed a snowball sampling technique in selecting personnel to interview. I asked police officers and staff of other government agencies and NGOs to tell me about IOs that they were

working with or had previously worked with in implementing anti-GBV initiatives.

5) Local Nongovernmental Organizations: were organizations that worked on a range of human rights issues and incorporated women's rights into their program areas. I interviewed staff of three such organizations and identified them through a snowball sampling technique. Police officers directed me to these organizations due to their engagement in anti-GBV activities.

6) Women's Rights Organizations: were organizations formed and headed by women's rights activists whose central focus was on advancing women's rights. Each of these organizations had an anti-GBV program and some of them had branches in several counties. I interviewed representatives of 12 such organizations. A purposive sampling technique was adopted to select the NGOs to study. I identified NGOs that were involved in combating internal human trafficking, domestic violence, and rape through policy reports, newspaper articles, and google search results. I then contacted them to set-up the interviews.

7) Victims of Violence: were women who had been victimized before, during, and after the war. I did not interview a representative sample of people in this demographic because of the difficulties involved in identifying victims of violence. The police had very limited information on the location of complainants. This is because houses in Liberia are not numbered and the government does not have a record of people's addresses. Record keeping in most WACPS units is also very poor. I will also explain in the proceeding chapters that for several reasons, complainants try to evade the police by giving officers misleading information about where they reside. Consequently, I was only able to locate 18 victims with the help of social workers at THINK Safe Home in Monrovia. They put me in touch with victims who had used their facilities after experiencing rape or domestic violence and all interviews were conducted on the premises of the safe home. This, however, meant that I did not interview women who interacted with the

police without the help of social workers. As I will explain, the assistance provided by social workers influences how police officers respond to complainants and/or victims.

I also employed participant observation. I observed police officers, staff of government agencies, and representatives of local and international organizations. At each police station that I visited, I observed and took notes of police officers interactions with complainants, victims, and offenders whenever cases were reported. I also observed and took notes at two meetings of the National GBV Taskforce in Monrovia which were attended by stakeholders from the government and representatives of local and international organizations.

Another source of data was documents. Statistics on the reporting and disposal of cases were provided by the WACPS. I also collected documents that outline police practices and procedures, from the section. Government agencies, local and international organizations, and bilateral and multilateral organizations also provided policy reports and studies, anti-GBV educational material and internal departmental documents. Annual reports from the MoJ and compilations of Liberia's laws were collected from the University of Liberia. Newspaper reports concerning women's rights and GBV spanning the period 1981 – 2011 were also collected. Photographs of anti-GBV campaign material in police stations and on the premises of governmental agencies and nongovernmental organizations were also taken for this study.

#### **2.5.4 Data Analysis**

The first step in analyzing the data collected was coding. Based on the public administration, gender, and post-conflict literatures, I developed a set of codes to apply to all of the data collected (see Appendix C). The codes encompassed the explanations that these literatures provide for the behavior of police officers. I searched for, and took notes of each time a code occurred and how it occurred. The 'how' focused on the framing and interpretation of the

variables that comprise these codes. For example, in searching for the occurrences of the code “Decision Justification – Ideologies and Norms”, I also searched for how gender norms were discussed by the interviewees. *How* similar are these norms to what has been stated in the literature, *how* are these norms perceived, *how* are they manifested? This nuanced approach to coding is very important because certain political, social, and economic conditions are unique to Liberia. I therefore, did not expect the explanatory variables (expressed through the codes) to display the same patterns that have been observed in other countries. I used ATLAS.ti software to conduct the coding.

The next thing that I did was to adopt within and cross-case methods to analyze the data. This was necessary to determine which explanations were necessary and/or sufficient and the conditions under which causal factors affected the outcomes observed. I used the methods of congruence and process-tracing to determine how the explanations for police responses to GBV in the extant literatures predict the outcomes observed in Liberia. George and Bennett (2005) explained that, “the essential characteristic of the congruence method is that the investigator begins with a theory and then attempts to assess its ability to explain or predict the outcome in a particular case” (p. 182). I, therefore, began by outlining the expected effects that the literatures have theorized that each independent variable should have on the dependent variable (police behavior). For example, I traced whether advocacy by women’s rights activists led police officers to adopt a legal approach when responding to a form of violence. I then ascertained if the outcomes (on the dependent variable) were consistent with what has been predicted in the literatures. In doing this, I checked for congruity between the independent and dependent variables. George and Bennett (2005) have defined congruity as “similarities in the relative strength and duration of hypothesized causes and observed effects” (p. 183). I, therefore,



checked if the level of activism around each case of GBV was consistent with a higher level of a legal response. Congruity however, does not mean causation; it only indicates that there might be a relationship between independent and dependent variables. I therefore turned to process-tracing to establish the effects that variables have on the outcomes.

“The process-tracing method attempts to identify the intervening causal process—the causal chain and causal mechanism—between an independent variable (or variables) and the outcome of the dependent variables” (George & Bennett, 2005). I used process-tracing to create a causal chain from each independent variable to the observed outcomes. Breaks in this causal chain demonstrated the lack of congruence between the independent and dependent variables. Process-tracing also enabled me to identify causal mechanisms and to determine when antecedent conditions were influencing independent variables and the eventual outcomes. In tracing the causal chain of events, I not only focused on establishing the existence of the chain, but questioned and probed each link in the chain. Through this approach, I was able to look beneath the presence or absence of congruity to investigate the causal mechanisms. For example, when I determined that anti-rape activists were influencing the behavior of police officers, I questioned how they succeeded in doing this. An in depth study of the data revealed that they relied heavily on the resources of international actors such as the UN in order to influence police behavior.

I combined these within-cases analysis methods with comparison across cases. This provided another layer of testing for congruity and causal effects. For example, although women’s rights advocates spoke out against both rape and domestic violence, police officers still allowed some cases of domestic violence to be withdrawn but rarely allowed rape cases to be withdrawn. To understand the distinct outcomes, I investigated the ‘activism’ of these women’s

rights advocates by probing their interactions with police officers. This enabled me to determine that the activists' anti-rape rhetoric emphasized a legal approach while their anti-domestic violence rhetoric was more ambiguous. Together, these methods enabled me to test the relevant theories in the extant literatures and to determine how they applied to Liberia.

## **2.6 LIMITATION**

The internal and external human trafficking statistics provided by the WACPS is aggregated. The records do not detail which crimes are incidents of internal or external human trafficking. Similarly, domestic violence is classified as simple and aggravated assault in these records. It does happen that a few of the reports of assaults on women are by other women. Although it is possible that some of this female-on-female violence is gendered, it is not always the case. I relied on other sources of data to mediate this problem. Information provided by police officers and women's rights advocates shed more light on the cases reported.

## **2.7 CONCLUSION**

The findings of this study have several theoretical implications. Hypothesis III proposes that non-state political actors determine how police officers respond to GBV. On the other hand, the post-conflict literature has mostly attributed police behavior to weaknesses within the state and its agencies (ActionAID, 2007; Baker & Liebling-Kalifani, 2010; CEDAW, 2008; CEDAW, 2010; Malan, 2008). If the data support Hypotheses III, it would directly challenge this assumption by demonstrating that not only do non-state actors shape law enforcement (and policy implementation more generally) but that their contributions counter weaknesses within the

state. This finding would require us to think more closely about the roles of social movements in policy implementation in African states.

The feminist and women's studies literatures have attributed the withdrawal of GBV cases primarily to gender norms (Dahl, 1997; Fraser, 1990; Schneider, 1991). These norms frame domestic violence as private and thus, outside of the purview of the state and contribute to the questioning of rape survivors credibility by police officers. If the data support this argument, I would expect to find that Hypothesis V—individual level-variables such as perception of the victim and cultural ideologies—best explains officers' behaviors in Liberia. However, if the data reveal that political or organizational variables are more significant in shaping officers' responses to any of the three crimes; it would be an indication that under certain conditions, gender norms are less salient and less influential. This would enhance our understanding of how the political context shapes the gender social order and thus, law enforcement.

This chapter reviews the extant literature on policy implementation, describes the study's theoretical framework, methodology, and research design. The public administration literature offers a broad overview of policy implementation but is not specific to police officers or to GBV. I have, therefore, drawn on the feminist and women's studies literature that theorize police responses to GBV as well as the post-conflict literature that also discusses police responses to GBV. These literatures have complemented the public administration literatures in many places but where the latter has made general claims about policy implementation, the feminist, women's studies, and to a lesser extent, the post-conflict literatures have offered refined theories that explain police responses to GBV.

The feminist, women's studies, and post-conflict literatures do not propose any variables or relationships that are missing from the public administration literature. However, they discuss

these variables and relationships as they apply to GBV and to police officers instead of prison wardens and prisoners or forestry workers and agro-companies, as is the case in the public administration literature. On the other hand, the public administration literature has filled in the gaps where the feminist, women's studies, and post-conflict literatures have failed to recognize the importance of certain key variables, especially those that operate at the organizational level. I employ these literatures to develop a theoretical framework that I use to study police responses to GBV in Liberia. The study's methodology further articulates this framework and describes all aspects of data collection and analysis. I apply the framework to the data in the following chapters.

### 3.0 GENDER-BASED VIOLENCE IN LIBERIAN SOCIETY

#### 3.1 INTRODUCTION

Liberia is a culturally and ethnically diverse country with 16 indigenous ethnic groups and several immigrant populations. There are some beliefs, norms, and practices regarding the roles and statuses of men and women that are unique to each group but there are also many commonalities across these groups. One such commonality is men's position as the dominant members of their societies.<sup>20</sup> Although this norm has not rendered all men powerful or made women powerless, and is more salient in some spheres than others, it has ensured that men usually possess more social, economic, and political power than women (Bledsoe, 1980a; Gibbs, 1960; Moran, 1990; Wendoh & Ceesay, 2008).

Women have consistently challenged this patriarchal social order (Moran, 1989). In many households, women are the principal breadwinners and they form the backbone of the agriculture sector (Erchak, 1974; Sibley & Westermann, 1928; World Bank & Ministry of Gender and Development, 2010). Oral and documented histories show that women from some ethnic groups have collectively challenged the authority of traditional leaders as well as the Liberian state (Moran, 2006). Most notably, Liberian women's activism was pivotal to the resolution of the 14-year civil conflict and women have twice mobilized—in 2005 and 2011—to elect a female president (African Women and Peace Support Group [AWPSG], 2004; Bauer, 2009).

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<sup>20</sup> Men's superior statuses and control over women were codified into the country's laws such as the *Departmental Regulations: Supplementary and Revising Existing Regulations Governing the Administration of the Interior of the Republic of Liberia* (1923) and the *Handbook of the Interior Department* (1953). Over the last fifteen years, civil society groups such as the Association of Female Lawyers of Liberia (AFELL) have successfully advocated for the amendment of statutory laws to correct the gender inequalities codified therein.

Nevertheless, the patriarchal structure of Liberian society created an environment in which GBV has sometimes been tolerated and in some cases, encouraged. Domestic violence, internal human trafficking, and rape have all persisted throughout Liberia's history, albeit at levels that cannot be confidently estimated due to a lack of data. Prior to the country's civil war, Liberians mostly adjudicated these crimes within the family or in customary law courts (Gibbs, 1960; Personal interviews, 2010 & 2011; Strong, 1930). These family and customary court hearings did not prioritize the punishment of the perpetrator but rather, sought to promote peace and reconciliation in the family and community (Saha, 1998; Sibley & Westermann, 1928). In customary law courts, those found guilty of abuses against women were usually fined and counseled to cease the abuse (Gibbs, 1960; Sibley & Westermann, 1928). A few Americo-Liberian women brought GBV cases before the police and statutory law courts. As the authority of the Liberian government over the indigenes increased in the early to mid-twentieth century, some indigenous women also began to rely on the formal criminal justice system (Huberich, 1947).

However, during the civil war, neither form of justice was available to survivors of GBV. Combatants of all warring factions, operating with impunity, participated in the enslavement, torture, rape, and murder of women for 14 years (Tomczyk et al, 2007). The magnitude and brutality of the violence increasingly pushed the problem of GBV into the awareness of human rights organizations. Survivors sought medical treatment (sometimes reluctantly) from humanitarian organizations that were operating during the war and discussed their experiences with the staff of these organizations.<sup>21</sup> Women also protested in some parts of the country, and participated in efforts to bring an end to all violence (AWPSG, 2004; Hayner, 2007).

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<sup>21</sup> One such organization was the Abused Women and Girls Project crisis center established by Ruth Caesar with funding from the United Nations Children's Fund (UNICEF) in 1993.

In the post-civil war setting, a coalition of actors—local women’s NGOs, other local human rights NGOs, intergovernmental organizations, international NGOs, and the Liberian government—has made GBV a part of the public discourse. Through legal and policy measures, awareness-raising, and the creation of specialized GBV units in the Ministry of Gender and Development (MoGD) and the MoJ, they have encouraged victims, who are predominantly female, and their families to report cases of GBV—especially rape—to the police and to go to trial when necessary. Consequently, Liberians have increasingly begun to turn to the criminal justice system for the adjudication of some forms of GBV. Liberians are reporting rape and domestic violence to the police at rates that are significantly higher than the pre-civil war period. The reporting of internal human trafficking on the other hand is tremendously lower although still noteworthy, because the act was only criminalized in 2005. Nonetheless, the interviews that I conducted with women’s rights activists, staff of government and international agencies, as well as policy reports, reveal that there is much resistance on the part of victims to proceed to court after they have filed reports with the police. Furthermore, the majority of victims of all GBV crimes rely on family and customary court hearings to adjudicate their cases (International Crisis Group [ICG], 2006; Isser, Lubkemann, & N’Tow, 2009; Personal interviews, 2010 & 2011; Wendoh & Ceesay, 2008).

This chapter provides an overview of how Liberians have perceived and responded to domestic violence, internal human trafficking, and rape, over the last three centuries. It discusses the heterogeneity of beliefs and attitudes towards these problems but also demonstrates how patriarchy has unified ethnic and religious groups and led to the production and reproduction of norms, attitudes, and structures that subjugate women and put them at risk of violence. It explains why the majority of Liberians, before and after the civil war, have preferred and relied

on family and customary court hearings to adjudicate GBV cases and have largely eschewed the formal criminal justice system. It also discusses how post-war changes introduced by state and non-state actors have led to slight modifications in peoples' attitudes and have mediated how Liberians interact with the police force in regards to some forms of GBV. This chapter tells of how women have negotiated, and in some cases redefined the existing power structures in order to alter their statuses and to protect themselves from violence. It also discusses how men have begun to play a role in positively changing society's beliefs and attitudes towards GBV since the end of the country's civil war in 2003.

### **3.1.3 Limitations of the Literature**

I draw on two sets of sources to describe how Liberians have historically responded to GBV and to explain their behaviors. The first set of sources is the people whom I interviewed for this dissertation project. The second source of information is documents. These include books, government reports, and legislations published beginning in the nineteenth century. Both sets of sources provide information on GBV in Liberia but are subject to several limitations.

First, GBV was not the focus of these documents. GBV, prior to the civil war, was only mentioned tangentially in historical documents and there is a dearth of information provided on the nature and extent of the problem.<sup>22</sup> The information, when provided, was usually perceived and interpreted through a patriarchal lens, which often failed to investigate the causes of the problem and to consider its negative implications. For example, Harriette G. Brittan in her account of life in Liberia recounted that occasionally, she would hear "fearful shrieks and sounds of blows...a man beating his wife; but this is rare" (1860, p.278). Beyond this statement, the

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<sup>22</sup> For example, wife-beating is only mentioned once in Bledsoe's 1980 study of *Women and Marriage in Kpelle Society*, on page 87.



author offers no other information about the issue which she appears not to interpret as a problem but to accept as a fact of life. In fact, in the next sentence, she begins a discussion of a girl playing with a beetle. This dismissal of GBV dominated the literature and served to limit the information on GBV that is available in the documentary record.

Second, most of the authors writing about Liberia in the nineteenth and early to mid twentieth centuries constructed violence against women in explicitly racist terms that naturalized black men's brutality. Acts of GBV were interpreted as products of black savagery rather than men's strategic use of violence and abuse to reinforce their privileges and subordinate and control women (for example Alexander 1849; Johnston, 1906). This practice not only had negative normative implications but also led the authors to focus more on confirming the savagery of the population under study and less on probing the relationship between men and women in that society, thus, excluding information relevant to GBV from their accounts. A third limitation of this literature is that in it, Liberian women are only objects of study and not narrators of their experiences. Although the description and interpretation of an event should not be limited to the people who experience it, there are normative, theoretical, and methodological benefits to having such primary accounts. The realization of these benefits is limited in my discussion of the pre-civil war era.

Fourth, the majority of research studies that provide insight into GBV are restricted to a few ethnic groups, notably the Kpelle. The overwhelming focus on the Kpelle is mostly because they are the largest ethnic group in the country and their secret societies—the Poro and Sande—have fascinated anthropologists for centuries. Studies of the nineteenth, and most of the twentieth century, therefore, provide a dearth of information on GBV norms and practices within most

other ethnic groups. This limits the extent to which I can provide a detailed analysis of the issues as they occurred amongst most other ethnic groups.

Fifth, although the men and women whom I interviewed had knowledge of society's responses to GBV prior to the civil war, they were limited in the depth of historical information that they could provide and the representativeness of this information. Most of them narrated incidents that they had witnessed in their communities, which, based on their average age, dates these primary accounts to the second half of the twentieth century. However, some interviewees cited "the old people" as their sources. This reliance on oral traditions is common in most African societies and is a useful source of data, as it predates the observations that were made by interviewees. However, data collected through both of these methods is subject to reinterpretation and a selective recalling of events (Marshall & Rossman, 2006). Furthermore, the data gathered cannot be generalized because the interviewees were not selected to represent a cross-section of people from all communities in the country.

These limitations, though significant, have not prevented me from studying and discussing the historical aspects of the cases. Instead, I have used the interview data to fill the gaps in the documentary evidence and vice versa. I employ multiple sources to corroborate observations and arguments, in order to reduce the level of subjectivity that characterizes the data, especially the interviews. This has enabled me to provide a general picture of historical events and where the interviews and documents allow, a more specific description of behavior among certain groups. My discussions and analyses are informed by the limitations of the literature and I have eschewed broad generalizations. I do not claim to describe how Liberians in every community, village, town, and city has ever responded to every form of GBV. Instead, I describe the dominant behaviors that based on the interviews and literature were exhibited by a

significant proportion of Liberians. I expect that there would be exceptions to all of the behaviors that I discuss in this chapter but due to the limitations described, I am unable to write about them.

### **3.2 THE LIBERIAN STATE: A HISTORICAL OVERVIEW**

For centuries, ethnic groups have migrated and settled into the geographical area that is currently Liberia. The number of ethnic groups in the area in the early nineteenth century when freed blacks from the United States of America and slaves who had been manumitted off the coasts of the Congo and Florida began to arrive on the Guinea Coast was estimated at 16 (Akpan, 1973). These ethnic groups brought with them distinct cultural, religious, and political institutions and practices that sometimes put them in conflict with each other. Wars amongst ethnic groups were common until the early twentieth century when the Liberian government more firmly established its authority over the territory (Holsoe, 1971). Groups usually fought to defend themselves from attacks by others who were trying to subjugate them or to acquire people to sell in the slave trade that flourished in the region until the mid nineteenth century (Holsoe, 1971).

In 1822, the first group of freed African slaves and freedmen from America, under the auspices of the American Colonization Society, arrived off Cape Mesurado on the Guinea Coast (Beyan, 1991; Holsoe, 1971). In the previous year, two agents of the Society had visited the area and signed a treaty with Dei chiefs. This treaty gave the society ownership of Cape Mesurado and neighboring Dorzoe Island, although the chiefs would later complain that “they had not understood the full implications of the treaty when they signed it” (Holsoe, 1971, p. 340). Over the next forty-five years, freed African slaves from America and the West Indies, men and women who were born free in America, and others who had been rescued from slave vessels were resettled in the area. The settlers from America labeled themselves Americo-Liberians

while the manumitted slaves became known as Congoes (Sawyer, 1992). In 1847, these settlers declared independence and named the territory Liberia.

Through negotiations, coercion, and warfare, they acquired more territory and established their rule over the indigenous ethnic groups in the area. However, it was not until the twentieth century that the settler-led government consolidated its rule over Liberia. Between 1822 and 1840, there were several skirmishes and battles between the settlers and some of the indigenous peoples (Holsoe, 1971). These wars resulted out of the indigenes' attempts to remove the settlers from the land and to stop their encroachment into the hinterland (Fraenkel, 1966; Strong, 1930). The superior weaponry provided by the American government enabled the settlers to win these wars and crush native uprisings (Strong, 1930).

There was also some armed resistance to the Liberian government's efforts to establish its rule over the indigenous peoples beginning in the early 20<sup>th</sup> century (Strong, 1930). Until 1964, the country was divided into two areas: three provinces of the interior (otherwise known as the hinterland) and five coastal counties. In the portions of the coastal areas occupied by settlers:

Each town is administered under the Townships Ordinance by a Township Commissioner (or Municipal Commissioner, or Mayor), appointed by the President of the Republic, usually, although not necessarily, with the agreement of the townspeople. Local government, in the sense of participation by the residents of the town in its administration, is very limited. Township moneys are collected directly by the national Bureau of Revenues, and grants for the operation of the town are made out of the national budget. The citizens of the town may, however, hold an annual town meeting, at which they may make local regulations which do not conflict with the laws of the Republic, and levy minor local taxes-although the latter must also be collected by the national Bureau of

Revenues. At this meeting they may also elect a town clerk, a treasurer, three road overseers, and three constables, who are paid proportionately to the size of municipal expenditure. Disputes are settled in the courts of Magistrates and by Justices of the Peace, both appointed by the President, and appeals from these go to the Circuit Courts and ultimately to the Supreme Court of the Republic (Fraenkel, 1966, p. 162).

On the other hand, in the coastal areas occupied by indigenes and the provinces of the interior, the Liberian government adopted a system of indirect rule, borrowed from the British in other parts of West Africa.<sup>23</sup> In these areas, the government based in Monrovia, appointed District Commissioners to administer its laws and to collect taxes beginning in 1904 (Dunn, Beyan & Burrowes, 2001). These commissioners who were supported by the army, the Liberian Frontier Force (LFF), usually lacked the relevant training to execute their duties and were often corrupt (Akpan, 1973; Strong, 1930). They overtaxed the indigenes, stole from them, and used them as forced labor (Strong 1930). The District Commissioners were aided by soldiers of the Frontier Force. The government often failed to pay these soldiers; an excuse that they used to raid the homes, farms, and businesses of the indigenes, and to physically abuse them, without much intervention from the government in Monrovia (Akpan, 1973; Anderson, 1952; Strong, 1930). In 1912, the American military attaché, in a letter, reported that officers of the Frontier Force had “stolen from the natives their women and children, killed their men, purloined their food, ivory and other possessions and in general had brought about all of the dissension and wars ravaged on the frontier, together with the defection of the natives” (quoted in Strong, 1930, p. 36).

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<sup>23</sup> For a detailed description of this system see *Departmental Regulations: Supplementary and Revising Existing Regulations Governing the Administration of the Interior of the Republic of Liberia* August 1923 and *Handbook of the Interior Department* 1953.

The endemic exploitation and abuse by the District Commissioners and the LFF caused many groups—especially those who lived along well-travelled roads—to desert their villages and relocate to areas where they were less likely to be reached by the authorities (Strong 1930). In some cases, it was the men who left their villages—some never to return—to escape being forced to work without food or pay (Strong, 1930). These abuses also contributed to uprisings among ethnic groups such as the Kru from 1915-1916 and in 1930 (Dunn et al., 2001; Fraenkel, 1966). However, the Liberian government crushed both uprisings and hung 27 Kru chiefs in 1916 (Dunn et al., 2001; Strong, 1930). The government continued to use force to subdue the indigenes into the early 20th century.

The system of indirect rule was superimposed, often crudely, on the traditional ruling systems that existed within groups across the territory. Clan chiefs nominated a candidate from amongst them to be a paramount chief and the government approved their selection. Paramount chiefs “were given nominal authority and responsibility over other clan chiefs of the area – never over a whole tribe” (Strong, 1930, p. 168). Although the District Commissioners were tasked with overseeing activities in the areas under their control, the chiefs still possessed the authority to govern their subjects under customary laws. In 1928, Sibley & Westermann wrote that:

In the past few years the native chiefs have been brought to recognize the authority of the Liberian government, and on the whole are cooperating with it in the administering of the country. Here native law is supreme in those things which are not in direct violation of the principles of good government. Tribal laws, family customs, polygamy and domestic slavery, institutions already in existence are tolerated for the time being, as has been done by the British in Sierra Leone. It will take a generation to reorganize the social order, and to eliminate institutions which are in conflict with more advanced ideals. (p. 84-85)

The government, however, took steps to curtail the influence of chiefs. Chiefs could only preside over cases involving “natives” (Republic of Liberia, 1923, p. 2). The Departmental Regulations of 1923 also forbade chiefs to preside over cases of “murder, arson, and waging of war” (Republic of Liberia, 1923, p. 4).<sup>24</sup> Such cases were to be handled by the District Commissioner and forwarded to the Secretary of Interior in Monrovia if necessary. The 1949 *Department Regulations: Supplementary and Revising Existing Regulations Governing the Administration of the Interior of the Republic of Liberia* further limited chiefs’ authority. It gave statutory law courts jurisdiction over “all felonies in which the offender is liable to a Capital Punishment, or imprisonment for a period of years” (Republic of Liberia, 1949, p. 26). Chiefs’ jurisdiction were restricted to civil cases in which the subject matter did not exceed the value of \$100 and criminal cases subject to a fine less than \$10 and to prison term of no more than three months. The Regulations also gave chiefs jurisdiction over “woman palaver” (marital disputes), authorizing them to adjudicate these cases based on the laws of their respective ethnic groups (Republic of Liberia, 1949).

Despite the restrictions, chiefs continued to have authority over their subjects. They created and enforced customary laws which extended to every area of life: the family, the economy, and the political and religious spheres. This traditional authority granted divorces, settled marital disputes, pronounced judgment in criminal cases, oversaw the partitioning of properties in death, and administered communal lands (Gibbs, 1960; Schwab & Harley, 1947; Strong, 1930). In comparison to the pre-settler period where they had absolute authority, the influence of traditional chiefs decreased as some of their subjects migrated to urban areas and as the Liberian government began to create magisterial and justice of peace courts in the hinterland.

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<sup>24</sup> In March 1923, all of the principal chiefs and sub-chiefs attended a conference presided over by President King. In the course of this almost one-month long conference, the chiefs collaborated with the government in the formulation of these customary laws (Huberich, 1947, p. 1234).

Nonetheless, customary law as administered by chiefs has remained an important component of the justice system in Liberia.<sup>25</sup> Liberians reliance on customary laws is expressed in the Ministry of Justice's 1973 Annual Report to the Third Session of the 47<sup>th</sup> Legislature. In a section on the Domestic Relations Law, the author(s) lament the judiciary's inability to enforce statutory laws in customary marriages.<sup>26</sup>

In Liberia today, a person may choose to enter into marriage either under the customary law or pursuant to the statutory law, which is borrowed largely from England and the United States of America and influenced greatly by the Christian religion. If a person enters into marriage under the Christian influenced statutory laws, the provisions of the Domestic Relations Law as well as the Decedents Estates Law, as well as other related statutory laws are applicable to him, his family and his marital relations for the rest of his life, even after his death. If a person should enter into marriage under the customary law, the situation is completely different from that indicated above. For example, such a person may take more than one wife without the fear of committing bigamy, it is not certain whether he can make a will contrary to the customs of his tribe; different laws apply to him in issues concerning the financial support of his wife and children; his property during life as well as after he dies is controlled by customary laws, and so forth. In fact, since Liberian Law recognizes the customs of a particular tribe to govern the domestic affairs of a member of that tribe, Liberia has just not two types of marriages but as many customary marriages as the number of tribes of the country...the customary law is not only recognized today as part of our national body of laws, but in terms of the

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<sup>25</sup> This is not unique to Liberia or to GBV. A 2005 study revealed that Africans turned to customary courts to address about 80 percent of all disputes. See Laure-Hélène Piron (2005). *Donor Assistance to Justice Sector Reform in Africa: Living Up to the New Agenda?* Open Society Justice Initiative.

<sup>26</sup> The Domestic Relations law does not speak to GBV but is very relevant to women's and men's rights and responsibilities within the home.



obedience of the law, the customary law appears to be more firmly rooted than most statutory laws. (p. 38)

In the year 2000, the Liberian government revised *The Rules and Regulations Governing the Hinterland of Liberia* (1949). *The Rules and Regulations Governing Local Government Officials of the Political Sub-Divisions of Liberia* (2000) gave chiefs jurisdiction over all “domestic and cultural matters” (in ICG, 2006, p. 7). District Superintendents have administrative oversight of the activities of the chiefs and they operate under the Ministry of Interior. The reach of customary law is not confined to the rural areas. According to a 2006 ICG study, “in urban and semi-urban areas with a mix of ethnic and religious groups, ethnic and Muslim “Governors”, operating as local authorities under the ministry [of interior], adjudicate the customary claims of residents of the same ethnic and religious affiliation” (p. 7). Chiefs have been known to preside over cases that are beyond their jurisdiction and have been accused of illegally detaining people and subjecting them to forced labor, all in the name of administering justice. They also levy excessive fines for their personal gain (ICG, 2006).

Nonetheless, Liberians continue to rely overwhelmingly on traditional forms of justice. A survey of 2,500 households conducted in 2008-2009 by the Oxford Center for the Study of Africa Economies (CSAE) in five counties revealed that 64 percent of disputes were not taken to any forum at all while 36 percent were reported to a third party. Eighty-nine percent of those cases reported to a third party were taken to a customary authority and only 11 percent were brought before a formal institution (Isser, Lubkemann, & N’Tow, 2009).<sup>27</sup> According to a United States Institute of Peace (USIP)-sponsored study, this is because “Liberians are overwhelmingly dissatisfied with the formal justice system, particularly at the local level” (Isser et al., 2009, p. 3).

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<sup>27</sup> Sandefur, J., Siddiqi, B., & Zeitlin, A. *The Rule of Law and the Rule of Men: Forum-Shopping in Liberia’s Dualistic Legal System*. Presentation, Centre for the Study of African Economies Annual Conference on Economic Development in Africa, University of Oxford, March 2009. The study’s findings are summarized in the Appendix of Isser, Lubkemann, & N’Tow, 2009.

The study points to the excessive charging of unofficial fees and bribes, the expense of physically accessing the formal justice system (especially by those in rural areas), and the perceived partiality and ineffectiveness of the system as reasons for Liberians' dissatisfaction with the formal justice system. "In fact, what emerges clearly from the research is that many Liberians not only view the formal system as failing to deliver justice, but they regard the formal justice system as one of the most effective mechanisms through which powerful and wealthy social actors are able to perpetrate injustice in service to their own interests" (Isser et al., 2009, p. 3). The severe lack of capacity in the formal criminal justice system, by creating a vacuum in the administration of justice, has also further led Liberians to turn to family and customary hearings for justice (ICG, 2006; Isser, et al., 2009). Chiefs, elders, and other traditional leaders, therefore, continue to play an important role in the lives of many Liberians.

### **3.2.1 Settlers – Indigenes' Relationship**

Upon their arrival in 1822, most settlers disapproved of the indigenous customs and saw it as their duty to civilize and Christianize the peoples whom they encountered in the territory (Akpan, 1973; Kollehlon 1989). According to Akpan (1973), "they concerned themselves with replacing the Africans' "barbarous" customs, religious and political institutions with the "superior" values, customs, and institutions of the settler culture, and of making the African citizens of Liberia in common with the settler population" (p. 227). Men and women of the settler community accordingly began to build schools and churches to teach the ways of the civilized Christian to the indigenes. Settler families also fostered indigenous children, introducing them to Christianity and enrolling most of them in schools (Gifford, 1993; Strong, 1930). However, by assessing and positioning themselves as superior to the indigenes, the

Americo-Liberians created a social divide (Kollehlon, 1989). Because of their portrayal of Western cultures, the settlers characterized themselves as “civilized” while the indigenes, due to their adherence to African customs, were uncivilized (Brown, 1982). This stratification persisted into the latter parts of the 20<sup>th</sup> century (Moran, 1990).

Some Americo-Liberians also replicated the oppression that they had experienced as slaves and freedmen and women; the oppressed became the oppressors (Stewart, 1886). The indigenes were reduced to servants and supplies of free labor (Strong, 1930). In 1930, the League of Nations accused the Liberian government, under President Charles D. B. King, of using the indigenes as forced and unpaid labor on the farms of Americo-Liberians, including the president himself. President King and his administration were also charged with forcibly recruiting and shipping indigenous Liberians to work on Spanish plantations in Fernando Po. The president and his accomplices were paid 10 pounds sterling for each man shipped while the men received next to nothing for their labor (Akpan, 1973).<sup>28</sup>

Not only were the indigenes exploited but their representation in the national government was also very limited. The constitution only allowed them to send one delegate to the legislature after paying \$100 per annum in taxes. This delegate was allowed to “discuss all matters before the house involving native interests and vote upon the same” as well as to observe the workings of the government (Huberich, 1947, p. 1107).<sup>29</sup>

President Tubman (1944-1971) attempted to ameliorate the situation with the introduction of his Unification Policy which sought to bridge the divide between the settlers and the indigenes. In his 1944 inaugural address he registered the need for equality, equal opportunity, justice, suffrage, and political representation for indigenous Liberians (Dunn et al.,

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<sup>28</sup> These charges led to the forced resignation of President King and his vice president on March 3, 1930.

<sup>29</sup> See Acts Passed by the Legislature of the Republic of Liberia During the Session 1880 - 1881  
<http://ebooks.library.cornell.edu/l/liberian/pdf/021/021.pdf>

2001; Sawyer, 1992). In 1946, the constitution was amended to extend suffrage to the indigenes.<sup>30</sup> His administration also created the Bureau of Folkways to promote the study of the indigenous cultures among the settler population (Akpan, 1973). In 1960, indirect rule was abolished and an act of the legislature made the provinces of the hinterland, counties. County Superintendents and Attorneys were appointed to replace the District Commissioners and circuit courts were instituted in the new counties. In 1963, the new counties each elected two senators and four representatives to the legislature, replacing the one-delegate system that had previously existed (Akpan 1973). The indigenes were also incorporated into others arms of the government. Despite these changes, the civilized - uncivilized divide persisted and power remained centralized in the hands of the elite members of the Americo-Liberian minority (Adebajo, 2002). Upon his death in 1971, President Tubman was succeeded by his vice president, William Richard Tolbert, Jr.

Discontent with this oligarchy and the country's economic decline contributed to the execution of a coup in 1981 that brought staff sergeant Samuel Doe of the Krahn ethnic group into power (Sawyer, 1992). Like his Americo-Liberian predecessors, Doe ran an ethno-clientelist government that was also highly repressive (Dunn et al., 2001; Gifford, 1993). This generated discontent amongst Americo-Liberians as well as other ethnic groups and contributed to the 1989 military offensive on the government by Charles Taylor that resulted in a 14 year civil war (Adebajo, 2002). Between 1990 and 2006, Liberia had one interim and four transitional governments. From 1997 - 2003, the country was ruled by the rebel government of Charles Taylor. Ethnic cleavages were exploited during the war and employed by the leaders of all warring factions to mobilize people to become combatants. The 2003 Comprehensive Peace Agreement (CPA) brought an end to the war and ushered in a period of reconciliation and

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<sup>30</sup> A constitutional amendment extended suffrage to settler women in 1945.

reform. In 2005 and 2011, Liberia elected Ellen Johnson Sirleaf as president. Her government has been inclusive, comprising people from all ethnic groups. Nonetheless, ethnic cleavages remain salient.

### **3.2.2 Pre-Civil War Liberia**

Gender relations have significantly affected how men and women have thought about and responded to GBV in Liberia. In the following sections, I discuss gender relations across the social, economic, religious, and political spheres and their implications for how some groups have perceived and responded to domestic violence, internal human trafficking, and rape.

**3.2.2.1 Gender relations.** Liberian society was patriarchal. Men were recognized as the head of the family unit within most ethnic groups (Schwab & Harley, 1947). Men were also usually the head of political and religious institutions and created rules, which eventually became customs and sometimes, state laws. However, men's domination was not ubiquitous. There were instances where women possessed more power than men (Moran, 1990; Newman, 1984). Furthermore, within the constraints of patriarchy, women had a degree of authority which was more salient in some spaces (such as the home) than others (Erchak, 1973; Schwab & Harley, 1947). Gender relations in the pre-civil war phase were therefore characterized by male control of most institutions and women mostly functioning within, but sometimes outside of the social boundaries set by men.

In the home, women and children were under the authority of the male family head. The family head possessed the final say on all issues affecting the family (Gibbs, 1960; Sawyer, 1992). Men decided on living arrangements, had legal rights over children, controlled property,

and “disciplined” their wives (Bledsoe, 1980b; Bledsoe, 1976; Erchak, 1976; Gibbs, 1960; Moran, 1990). However, men often left most household matters in the hands of their wives or in the case of polygamous marriages, head-wives (Stewart, 1886). Schwab and Harley (1947) describe a Gbunde head-wife as her “husband’s business manager” who must know his plans and “be his counselor and confidante” (p. 194). Women’s control of affairs in the home could be even more extensive. Amongst some ethnic groups, it was not unusual for a wife to acquire another wife for her husband without his knowledge (Schwab & Harley, 1947). Women mainly did this to ease the burden of food production and housework that they had to bear.

Indigenous women were central to food production and to the economy (Erchak, 1976, Gibbs, 1963a). According to Sibley and Westermann, “the occupations are so divided between the sexes that the woman’s share represents the real economic work, while the males, apart from the season of strenuous farm clearing, are mainly engaged in sports” (1928, p. 123). Women worked with their parents and siblings and when married, with their husbands, to cultivate the family-allotted rice plots. Men usually cleared the land while women planted and tended to the rice crop, although women on occasions did the clearing by themselves (Carter, 1982; Gifford, 1993). They also grew vegetables and tubers such as cassava to supplement the rice crop and to tide them over when the harvested rice stock was exhausted.

At times, women were the sole producers of food. Until the late nineteenth century, shippers employed Liberian men, primarily from the Kru ethnic group, to serve as stevedores on vessels that went as far as Europe (Ellis, 1911; Fraenkel, 1966). Agricultural labor was also lost when the administration of President King sent men to work on Spanish plantations in Fernando Po (Akpan, 1973). Sea voyages were not the only means by which men were taken away from their families. They were also required to serve as porters and laborers on settler- owned

plantations and on government projects. Some men abandoned their villages to escape this servitude (Strong, 1930). These phenomena contributed to the disproportional placement of the burden of food production on women.

To earn income, women traded their surplus produce and sought employment outside of the home. This became especially necessary with the introduction of the cash economy in the twentieth century (Bledsoe, 1980a). Women engaged in petty trading and with education, indigenous women began to join settler women in assuming positions in teaching, nursing, and as secretaries in public and private agencies (Azango, 1968). Some indigenous women ceased to farm when they earned formal education credentials and those involved in petty trading in the hinterland often combined the activity with farming. Women's earnings usually went into the household but men did not always invest their wages in the family (Bledsoe, 1980a; David 1996).

Gibbs (1960) in his study of the Kpelle argued that husbands controlled the earning of their wives. Other scholars have concluded the opposite (for example Erchak, 1973). In fact, some scholars have posited that women's control of agriculture and other income generating activities was one source of their empowerment. Based on women's control of the agricultural sector and the economy, Erchak (1973) argued that "the relationship between men and women in Kpelle society is complementary, not one of dominance/submission" (p. 2). Scholars have also argued that another source of power for women in the home was husbands' fear that their wives would poison them (Anderson, 1952). According to Schwab and Harley (1947) this fear tempered men's behaviors towards their wives and afforded indigenous women some power within the home.

Although women's productivity granted them some power and influence in the home, they were still constrained within and outside of the family. Both customary and statutory laws gave men legal rights over their wives and children and controlled women's ability to acquire and accumulate wealth (Stewart, 1927; Republic of Liberia, 1923; Bureau of Folkways, Mores, and Customary Laws, 1953). In the majority of cases, the lands farmed by indigenous women were communally owned and controlled by male family heads. Women were therefore bound to, and dependent upon their husbands or agnates, in order to produce food. The situation was different for settler women, the majority of whom did not farm and had been allowed to own land since the creation of the colony (Huberich, 1947). However, in both settler and indigenous families, men superseded women's authority and directly interfered in matters of the home. In traditional polygamous households, husbands settled disputes between wives and punished them for not meeting their responsibilities (Erchak, 1976; Strong, 1930).

In most indigenous communities, women were also at a disadvantage in the inheritance of properties. Schwab and Harley (1947) explained that among the Sapa people "in general, widows and daughters only get whatever small things the legal heirs see fit to give them" (p. 422). Among the Tie, a widow lost her marital home if she married outside of her dead husband's family (Schwab & Harley, 1947). The authors, however, stated that "sometimes if a man has no sons, he or his family may make special arrangement to have a wife or daughter become his chief heir to everything except his wives and children" (p. 422). This arrangement, however, was rare (Schwab & Harley, 1947). Warren D'Azevedo (1962) explained that among the Gola, a woman who inherited property was considered a "temporary guardian" (p. 508). Whenever it became possible, a man would reassume ownership of the property. These customs did not bar, but limited women's access to wealth and high status (Bledsoe, 1980a). Despite their economic



productivity and influence over some household matters, they were still constrained by a patriarchal social structure that predetermined their roles and positions. The political and religious spheres also contributed to this dynamic.

Men were more likely to hold political positions than women. The majority of clans and chiefdoms were ruled by male chiefs and religious leaders. The situation was similar to the settler community where with a few exceptions, the leaders of the new colony had all been men and it was not until the mid twentieth century that women began to assume positions within the national government (Brooks, 1968). Nonetheless, among some of the indigenes, a few religious and political leaders were female and some ethnic groups incorporated women into the ruling male hierarchy or created complementary female political institutions.

When the settlers landed on the Guinea Coast in 1822, one of the chiefs who repeatedly defied them and continued to trade in slaves was a woman named Mama (Holsoe, 1971).

Dorothy Mills recounted a meeting with a female chief:

...at Suakoka, too, our next port of call, where I was hung up for two days with the usual carrier nonsense, I met another “personality.” She was Queen Suakoka who, many years ago, by weight of her wealth and more than masculine strength and determination, made herself Queen of the neighborhood. She alone of all the chiefs of tribes between the district round Karkarta and the French boundary to the north, sided with the Government a few years ago in the war of the natives against the hut tax. Single-handed, with her comparatively few followers, she held her own in the tide of battle that flowed round her. Now she is old and infirm and almost blind, yet infinitely feared and respected. (1926, p. 67)

According to Schwab and Harley (1947), among the Tie, a woman could become a town chief. They also described a “king woman” who inherited the chieftaincy from her father who died without a male heir (p. 168). Mary Moran also stated that in the northwestern parts of Liberia, several women held the positions of “paramount, clan, and town chiefs” (1990, p. 36). She explained that among the Glebo, “a “women’s chief” (*blo nyene*) and council of female elders had both a deliberative role and veto power over important decisions made by the men” (2006, p. 40).<sup>31</sup>

Therefore, where women were not chiefs, they could still occupy positions of political influence. Payne (1845) stated that women played an important role in the Glebo’s decision to wage a war and in the peacemaking process. He explained that the women of a town were called together “to ascertain their feelings in regards to the proposed war” and two women were sent to the disputing town as emissaries of peace (in Mcevoy 1977, p. 74 -75). Agnes McAllister (1896) also describes women’s political influence among some groups. She stated that:

The women exert great influence over the men. In their palavars, they do not generally call on the women to say something unless they have a serious question to settle, when they call upon the women to help them decide. In case of war, if all the women wished to go and fight and the women rose up and said, “No we are not willing, you must not do so,” they would all be afraid to go, fearing defeat: for they say, women got witch past man,” and they are afraid to displease them for fear of being bewitched, and so defeated or killed... I have sometimes asked why it is that the men are afraid to oppose the women and been told, “well, woman is the mother of man and we ought to listen to her.” (p.

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<sup>31</sup> Moran (2006) explained that she observed this structure in Liberia in the early 1980’s. She also cites personal communication with an anthropologist, Richard Nisbett, who visited the seventeen communities, including Grebo-speaking people, in 1998, 2002, and 2004 and “was struck by the “democratic” nature of the dialog of empowered females” (p. 43).

She explained that every town had a “headwoman” who possessed great authority and whose decisions were unchallenged by men. Moran describes a dual-sex political council among the Glebo. The male council, the *takae* was made up of male elders while the women’s *takae* consisted of female elders (1990). She explained that “...the Glebo women do control their own political organizations and wield power over both men and women through their ability, like the men’s council, to impose fines. I have seen the women’s *takae* of Gbenelu collect a five-dollar fine from the Nyomowe paramount chief for allegedly preventing one of his wives from attending a woman’s dance; he protested that she herself had chosen not to come, but he paid that fine” (1990, p. 31). In Sabo, a woman representative sat on the men’s council and would present and argue the concerns of the town’s women (McEvoy, 1971).

Women also collectively organized to protest social, political, and economic issues. Moran (2006) recounted a woman’s march among the Glebo in protest of the hut tax that had been reinstituted by the military government. According to the author, the mayor sternly advised the women to go home and pay the tax as mandated by the government. This form of collective action had been historically employed by Glebo women against the traditional authorities as well as the state (Moran, 2006). Ellis also describes wealthy women who in a bid to gain power for themselves founded new towns. These women leaders acquired female followers (wives) and then attracted male clients by encouraging these men to marry these “wives” (Ellis, 1914).

Women also gained political power through the secret societies that existed within some Liberian ethnic groups. Among the Kpelle, men belonged to the Poro society and the women to the Sande society. These societies served several functions and one of the most important was to train boys to become men and girls to become women. All girls were expected to be initiated into Sande society during which time they were taught the responsibilities of womanhood as defined

by Kpelle customs (Bledsoe, 1984). The leaders of the Sande, the Zoes, were respected by both women and men. Bledsoe (1984) describes “women of extraordinary power and status” who were initiated into the men’s secret society (the Poro), in neighboring Sierra Leone and were viewed as men (p. 463).

These examples demonstrate that women did possess political power among some ethnic groups. There were women chiefs and women elders, some who served with men while others operated in distinct political institutions. However, in comparison to male political and religious leaders, these powerful women, when they existed, were a minority in most ethnic groups and it was rare that female authority surpassed that of men. In her description of the Glebo, Moran (1990) explained that:

Relative age is used as a metaphor to describe the hierarchical relationship between the genders. “Men are always older than women” is a common expression of the Glebo ideal of patriarchy. Although this saying is not acted upon literally (for instance, young sons do not attempt to assert status over their mothers), it is a clear example of the collapsing of one status hierarchy into another. Men are entitled to dominance over women by virtue of their gender, just as older men are entitled to dominance over younger men by virtue of their age. The difference, of course, is that young men will someday become old men, but a woman will never “outgrow” any man; gender overrides other status markers in this case. In their separate institutions, women may direct their own affairs but relative to men, their status is lower. (p. 30)

Despite their existence, female chiefs were the exception. Where female leaders existed, they often operated within the confines of patriarchy. Though individual women did possess great power and authority, the masses remained subject to male control. For example, although

the Zoes of the Sande society were influential and sometimes accorded the same level of respect and authority as male leaders, the women that were initiated into the society were taught to properly submit to men's authority and were not placed on the same level as their teachers (Seibel & Massing, 1974). By teaching women to be obedient wives and controlling their sexuality through circumcision, the Zoes reinforced patriarchy. Bledsoe (1984) also argued that the Sande was not about female solidarity but rather, was an avenue through which a few women (Zoes) controlled others. She asserted that Zoes often aligned themselves with male interests and directed the girls under their control to satisfy these interests.

In conclusion, men wielded more power in Liberian society than women. However, this did not render women powerless; they were less powerful than men but were more powerful in some institutions than others. Women's authority was greatest in the home and in the economic sphere. They provided for the family and made important decisions about the welfare of the household. Nonetheless, the husband or oldest male usually remained the head of the home. Among the indigenous peoples, some women also held leadership positions in the political and religious spheres but their leadership did not lead to the erasure of patriarchal customs. The national government also began to create space for women to participate at higher levels, but it remained a male dominated institution. This social structure had implications for GBV in pre-civil war Liberia.

**3.2.2.2 Gender-based violence in pre-civil war Liberia.** The control that men wielded created a social environment in which some forms of GBV were tolerated and even encouraged. It was also the case that women were often blamed for the violence that they experienced. In indigenous communities, GBV was reported to, and resolved by family elders and traditional leaders. Even after the police force was created, the indigenes continued to favor the customary dispute

resolution system. Americo-Liberian women also rarely reported GBV to the police. With the exception of the most extreme cases, Liberian society did not aim to punish violators but, rather to admonish the victim for misbehaving and in some cases, to compensate her for her suffering.

**3.2.2.2.1 Domestic violence.** Violence was rare among some ethnic groups in Liberia (Gibbs, 1960). However, some men did beat their wives and other intimate partners to keep them in their place and to ensure that they continued to perform the functions that society had tasked them with.<sup>32</sup> Schwab and Harley (1947) explained that a wife could get into trouble with her husband for several reasons: “disrespect and imprudence, disobedience, bad or indifferent cooking, barrenness, flirtation, refusal to marry (care for and live with) her husband” (p. 195). They stated that in the southeastern parts of the country disobedient wives, that is, wives who talked back to their husbands or shamed them in front of others, could get a “sound beating” (p. 195). They explained that among the Sapa or Tie, a woman who ran away to avoid marriage after her dowry was paid when recaptured, her husband could “tie his wife up and flog her until she appears, at least to have a change of heart, by crying, “I like you! I like you” (p. 195). McAllister (1896) described an even more brutal treatment of a woman who committed adultery:

A woman never receives more severe treatment at the hands of her husband than for the breaking of this law, often being burned with firebrands. They will rub her body with oil, stand her over a fire with a staff in her hand, and hold a blazing torch to her body. They say that unless she is guilty, the fire will not burn her. If they are satisfied of her guilt, they burn her severely-sometimes until she cannot rise from the ground. (p. 122-123)

Despite McAllister’s description of what appears to be a community’s participation in GBV, physical violence was not condoned by all members of society. Women themselves

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<sup>32</sup> Most historical accounts focus on wives due to the universality of the institution of marriage during this period.

protested violent treatment. Women divorced their husbands to flee “continual” and “brutal” abuse (Schwab & Harley, 1947, p. 195). They also explained that “flogging is administered to wives upon occasion, but in most instances, it is not considered a “good thing to do to one’s wife. A husband has to be careful” (p. 195). According to women’s rights activists interviewed for this research project, neighbors would intervene to stop the abuse when a man beat his wife frequently or excessively (Personal interviews, 2010 & 2011). Notably, the families of abused women often disapproved of the abuse and in some cases would advocate for a divorce on this basis. Bledsoe (1980) in an interview with a young Kpelle man found that one incentive for homeownership according to him was that “it is hard to beat your wife in front of her parents, even if she deserves it” (1980, p. 129).

A woman’s parents or brother(s) would intervene with her husband to stop the abuse.<sup>33</sup> In such cases, family elders from both sides would be called in to adjudicate the matter in a “house palaver” (Gibbs, 1960). The focus was on reconciling the disputing parties. Cases that could not be amicably resolved by family members were sent to the clan or paramount chief’s court. Women often went to court accompanied by family members to seek court action against abusive husbands or to seek divorce on the basis of abuse.

Gibbs in his study of the Kpelle found that one in four cases that were brought before chiefs were of “woman palaver”.<sup>34</sup> In these customary courts of law, women and men would present the details of their complaints in front of the chief and other members of the community, usually without a lawyer or advocate. The trial process was dictated by the chief who would sometimes call witness for one or both parties or choose to forgo witness testimony. Gibbs noted that sometimes, the chief’s verdict would be announced in the beginning of the trial, even before

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<sup>33</sup> Gibbs (1960) explained that among the Kpelle, there was a strong bond between a brother and sister. Brothers served as guardians to their sisters even after the latter were married.

<sup>34</sup> Women palaver described all marital disputes but authors appeared to use the term primarily to refer to cases of adultery.

the disputing parties had completed the presentation of the details. In his dissertation (1960), Gibbs gave a detailed account of the hearing of a domestic violence case in a Kpelle paramount chief's court: the man is accused of assaulting his wife, resulting in a cut on the woman's head. The chief appears to have decided the verdict in the early stages of the trial and makes this known. He admonishes the accused for cutting his wife during "an ordinary fight":

Accused: I didn't mean to do it.

Chief: Yes, you did mean to do it. What can make a man like you take a piece of wood to beat a woman with it?

Accused: I did it because she took the piece of wood and was going to hit me on my penis, so I grabbed the stick and hit her first.

Chief: Why didn't you wait and see if she was really going to hit you?

Gibbs explained that the chief was especially displeased because the woman's blood had been spilled during the altercation and among the Kpelle, "life force is felt to be largely located in the blood; therefore, a wound which breaks the skin and causes blood to flow is considered to be very serious" (1986, p. 284). The chief emphasizes this point:

You little boy, what kind of wrong thing can a woman do to make you cut her? You cut her without a reason and you shed her blood. You people had better try to make a sacrifice with a cow. You were not right to cut her.

The cultural context of the case raises questions about how seriously it would have been considered in the absence of blood or among ethnic groups in which the shedding of blood was not a taboo. It is difficult to answer these questions without other detailed accounts. Nevertheless, this case still provides insight into how one community responded to a certain degree of domestic violence.



The husband was fined one sheep but after pleading that he was too poor to afford the fine, the chief agreed to accept a mountain deer as payment. He was also fined \$20—which was paid to the Collector of Revenue for the Liberian government—and threatened with porter work if he repeated his actions. He was then fined an extra \$2.00 to be paid to the person who dressed the woman's wounds.

The chief, however, prevented the woman from speaking throughout the whole process:

Chief: No, don't say anything, I see how you are, the man was not right to beat you with a stick. If you do anything wrong to him, he should carry the matter to his brother. So don't say anything... We all can beat a woman, but there is a certain way to do it. You can beat a woman with your mouth, or you can beat her by not taking care of her anymore.

The town chief who was also present at the hearing also admonished the husband; "if your brother gave you a wife and you don't want her anymore, can't you give her back to your brother? You just kill her for nothing? You are not right to wound the woman" (p. 285).

This court exchange is the most detailed account of how an ethnic group (in one town) responded to a form of GBV. The chiefs and elders who presided over these customary courts sought first to maintain peace within the community (Saha, 1998). Though the husband and wife were the two disputing parties in marital cases that were brought before the courts, both parties were accompanied by several family members. Disputes were, therefore, never between two people but between two families. Consequently, trial procedures and conclusions did not focus on placing blame so much as they sought to discourage nonconformity to societal norms, appease offended parties, and in the case of marital disputes, to reconcile husband and wife or grant a divorce where reconciliation was impossible. According to Sibley and Westermann (1928), in marital disputes, "there is no question as to which is the guilty party; the judges have

only to find out whether on the basis of the alleged complaints a divorce can be pronounced” (p.125). They explained that the focus on maintaining the peace was not exclusive to cases of marital disputes:

The aim of laws and their application is the protection of the property of an individual or more frequently of a family. The idea of punishment or atonement does not exist. The Kpelle have, as it were, a civil law but not a criminal law. A person who has been damaged by another is entitled to claim damages. The sole object of the tribunal is to discover if and by whom a person, or a group of persons, has been damaged, and what indemnities are to be paid. In accord with this view there can be neither imprisonment nor capital punishment, nor any kind of sentence which dishonors. To commit an unlawful act is not necessarily infamous, but is rather regarded as an unsuccessful attempt to obtain an advantage at the expense of other people. It is true that in certain cases criminals were executed or otherwise punished, as in the case of a person possessed by an evil spirit, or one who was convicted of arson, or a man with an incorrigible tendency to steal. But even this was not regarded as a punishment in the proper sense, but merely as a means of ridding the community of an obnoxious member...(p. 159)

Gibbs (1963a, 1963b) however, argued that the traditional courts adopted a harsh and coercive tone which tended to drive spouses apart rather than to reconcile them. He suggested that the Kpelle moot or “house palaver”—which consisted of family members of the disputing parties and neighbors—was more effective at handling marital disputes. He explained that unlike the traditional courts, the family hearings allowed the litigants to completely air their grievances, “resulting in a more harmonious settlement” (1963b, p. 5). He also explained that unlike the courtroom where the adjudicator imposed the sentence, in the house palaver, “the solution is

consensual” (1963b, p. 5). He described several features of the family palaver that contributed to consensual settlements:

First, there is no unilateral ascription of blame, but an attribution of fault to both parties. Secondly, the mediator, unlike the chief in the courtroom, is not backed by political authority and the physical force which underlies it. He cannot jail parties, nor can he levy a heavy fine. Thirdly, the sanctions which are imposed are not so burdensome as to cause hardship to the losing party or to give him or her grounds for a new grudge against the other party. The gifts for winning party and the potables for the spectators are not as expensive as the fines and the court costs in a paramount chief’s court. Lastly, the ritualized apology of the moot symbolizes very concretely the consensual nature of the solution. The public offering and acceptance of the tokens of apology indicate that each party has no further grievances and that the settlement is satisfactory and mutually acceptable. The parties and spectators drink together to symbolize the respond solidarity of the group and the rehabilitation of the offending party. (1963b, p. 6)

The reliance on family hearings and traditional courts to adjudicate domestic violence continued even with the introduction of the police force and statutory courts. Crimes such as murder were sometimes brought before the authorities but GBV crimes such as domestic violence continued to be primarily in the hands of the family or traditional authorities. There are several explanations for this.

First, both customary and formal laws gave men legal rights over women. Consequently, domestic violence was a dispute involving a man and a subordinate in his care over whom he had legal rights. It would, therefore, be counterintuitive to involve the state in such a dispute. Second, indigenous Liberians sought to maintain the status quo and to hold on to their customs. Thus,

both men and women (especially the elderly) worked to preserve some aspects of the traditional dispute resolution system (Gibbs 1960). Third, indigenous Liberians were also likely deterred from using the formal justice system due to how it conflicted with traditional forms of dispute resolution. While most family palavers and customary courts sought to maintain peace between disputing parties and avoided punishment such as incarceration—in all but the most extreme cases—because they sowed animosity between the families of the complainant and the accused, the formal system sought to establish guilt and to punish the guilty party. This would have been especially detrimental to traditional communities where people's lives were usually very closely connected and discord between families could have severe socioeconomic, religious, and political consequences.

Fourth, due to the exploitation that governments subjected the indigenous people to, they distrusted government agents and agencies and preferred to rely on customary law (Isser et al., 2009). Fifth, although it discouraged wife beating in the 1929 hinterland act, the Liberian government never prioritized this problem in its legal or policy instruments and did not pressure its agents (district commissioners, superintendents, and county attorneys) to ensure that such crimes were brought before the police and formal courts. Therefore, while the government forbade and punished chiefs for interfering in cases of counterfeiting, treason, arson, and theft, it was content to let customary laws take care of woman palaver. There was no pressure on the chiefs to defer domestic abuse cases to the statutory courts so this crime largely remained in the family or traditional courts. In fact, the weak capacity of the formal criminal justice system and its inaccessibility to most people, meant that customary justice was the only kind that was available to many Liberians.

The reliance on extra-judicial forms of adjudication was not limited to the indigenes. According to the women's rights advocates and police officers whom I interviewed, even Americo-Liberian women rarely reported domestic violence to the police (Personal interviews, 2010 & 2011). The Christian founding principles of the colony placed emphasis on preserving the family unit. Reporting domestic violence to the police and taking it to court was a direct threat to the sanctity of this unit. During the 1877-1878 session of the legislature, the legislators decried divorces that were sought for reasons other than adultery or fornication as direct threats to the state (Republic of Liberia, 1878). Legislators enacted that divorces would not be granted except in cases of adultery or fornication.<sup>35</sup> Nevertheless, a small number of women (both settler and indigenous) did utilize the police and statutory courts.

To summarize, social attitudes towards domestic violence were complex. It cannot be generalized that Liberians approved of domestic violence, neither can it be said that they disapproved. Liberians largely viewed domestic violence as a problem between a man and his wife that did not require the interference of the state. Family and community members would intervene to stop the violence and to reconcile the couple. Clan and paramount chiefs would also hear cases involving members of their ethnic groups. Nonetheless, a few cases of domestic violence were brought before the police and the statutory courts.

**3.2.2.2.2 Internal Human Trafficking.** Liberia's statutory laws did not recognize human trafficking as a crime until 2005. Nevertheless, people have been recruited and transported for purposes of exploitation for centuries. Internal human trafficking of both boys and girls is a perversion of the practice of child fosterage which is customary to Liberian society.

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<sup>35</sup> The usage of the term "fornication" in this document is unclear as the act of fornication by virtue of its definition has to involve people who are not married to each other.

It was customary for Liberians to send their children to live with relatives, friends, and even strangers, with the expectation that these guardians would provide the children with formal education and a good upbringing (Moran, 1990). Bledsoe explained that among the Kpelle “young boys are commonly sent as wards to families with whom their fathers or male kin seek ties of friendship, co-operation, or political support” (1980a, pg. 32). With the arrival of the Americo-Liberians, indigenous people strived to attain the civilized status and identified fosterage as one means to achieve this (Kollehlhon, 1989). They, therefore, sent their children to live with Americo-Liberian families. These children were expected to provide labor for their guardians in exchange for room and board as well as formal education and a civilized upbringing.

Fosterage to attain a civilized status was not only between indigenes and the settlers. Educated and wealthy indigenes also fostered relatives from the hinterland. According to Fraenkel (1966), it was a common practice for children to be sent to live with relatives who were wealthier than their parents and more educated. Parents sometimes gave the guardians money for the upkeep of the child. Bledsoe (1980a) stated that “parents contribute what they can to their children school fees and other incidentals such as books, supplies, and board, but many children must support themselves through school as wards in the households of people who live near schools” (p. 35).

Before the civil war, boys were more likely to be fostered than girls. Girls usually stayed with their parents in the hinterland to help with farming and domestic work while the boys were sent away to be educated. This was because parents had limited resources and preferred to invest them in the education of their sons over their daughters (Bledsoe, 1980). According to Azango (1968) indigenous parents attached more value to the dowry that they would receive upon the

marriage of their daughters than they did to their [daughters'] intellectual development. Bledsoe explained that younger sons, like girls were also at a disadvantage in terms of acquiring formal education. She stated that "children, especially boys, who manage to acquire schooling beyond elementary school are regarded by their families as potential sources of wealth from jobs in the *kwi* ("modern," "civilized") world" (1980a, p. 35).

The settlers recognized fosterage as a good means of assimilating the native peoples into their civilized society. In 1888, the legislature passed a law that gave five acres of land to all such children upon maturity to enable them to enjoy all of the rights, privileges, and immunities of citizenship and to prevent their reversion to "heathenism" (Republic of Liberia, 1888, p. 3). Nonetheless, these arrangements were not always benign and were often rife with abuse. Foster children were used as servants and subject to abuse. Even when indigenous families became aware of the abuse of their children, they were reluctant to complain or remove them from the situation because they viewed the opportunity to live with an Americo-Liberian or a wealthy indigenous family as a great opportunity and also, feared creating enemies out of powerful people. Bledsoe (1980a) explained that "parents realize their children may be overworked, underfed, or beaten in other people's households but they hope for a minimum of mistreatment in exchange for a chance to have an educated child" (p. 35). However, even in cases of extreme abuse and exploitation, parents were usually unwilling to remove their children from the care of foster parents or to seek damages in a court of law.

Bledsoe (1990), discussing the problem in neighboring Sierra Leone explained that:

Among the Mende of Sierra Leone, court cases dealing with insults and adultery are commonplace. A man can be sued for calling someone else a dog, or for buying a ticket to a dance for another man's wife. Yet although foster children-those living temporarily

with another family-often receive more severe punishments and suffer higher rates of malnutrition and mortality than children living with their parents, court cases involving neglect or abuse of foster children rarely arise. The few complaints from parents that do arise are usually raised in discrete ‘house palavers’, far from the eyes of formal legal authorities. (p. 70)<sup>36</sup>

She narrated a case that was brought before a traditional court where a boy was overworked, starved, and driven away by his foster family. During the hearing, the boy’s parents proceeded to apologize to the guardian, a teacher, and to plead with him to take back their son. The author theorized that the parents reaction was based on the Mende belief that a child should suffer to “mould their character and earn knowledge” (1990, p.71).

The process of transferring children from rural to urban areas under the pretext of education but for the actual purpose of exploitation fits the definition of internal human trafficking. However, according to the police officers and children and women’s rights advocates whom I interviewed, most Liberians did not perceive this practice as a crime but as a custom that was beneficial to the children and to their families. They explained that many “big people” in power today underwent the same experience (Personal interviews, 2010 & 2011). Indigenous parents expected their children to endure this exploitation in order to attain a civilized status. To many, the benefits of the exploitation outweighed the cost. Those who would have wanted to pursue justice would have faced several impediments. The involvement of the police and the formal courts would have sown discord in communities and would have, therefore, been discouraged by relatives and community members. Furthermore, indigenous Liberians’ distrust of the formal system and their aversion to the style of dispute resolution therein would have

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<sup>36</sup> The Mende people are found both in Liberia and Sierra Leone.



deterred parents of fostered children who wanted justice. These impediments effectively kept the problem out of the formal justice system.

**3.2.2.2.3 Rape.** According to the local women's rights activists and police officers whom I interviewed, society, including law enforcement officers, usually blamed rape survivors for provoking their attacks due to what was perceived as sexualized dress or behavior, or for placing themselves in dangerous environments where they should have known that they would be attacked (Personal interviews, 2010 & 2011). Rape survivors were also stigmatized and were a source of shame for their families. Fuest (2009) theorized that some Liberians view rape as a source of shame because "in the traditional rural context, rape tends to be perceived as a violation of property (of the family or the husband), which is shameful in principle and is therefore glossed over, particularly if the perpetrator is a relative (p. 133).

According to Zoer Bernard of the Association of Female Lawyers of Liberia (AFELL), people only took rape seriously when children were the victims and even then, this was not always the case (Personal interview, July 7, 2010). Her argument is supported by the newspapers that I analyzed. Out of the eight stories of rape that were published in the Daily Observer between October 1981 and March 1990, six concerned children.<sup>37</sup> Adult rape was only reported on in two cases: one that was committed in the course of a murder and the other of a man raping his mother.

The stigma attached to rape prevented most victims from reporting their attacks, especially to the police. An interviewee explained to me that for the case of a raped girl to be reported to the police and pursued through to a statutory law court, she would have had to have a

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<sup>37</sup> The newspapers analyzed spanned October 1981 – March 1990. However, due to the destruction of the newspaper archives, all newspapers published during these dates were not available. It is, therefore, possible that other stories of rape were published that I could not include in my analyses.

“strong” father who would fight for justice on her behalf (Personal interview, May 25, 2011). According to Zoer Bernard, rape was a “hush hush brutality” (Personal interview, July 7, 2010). This is reflected in the near absence of the topic from the pre-civil war literature. Most victims kept it to themselves while a few others brought it before house palavers or customary courts. Rape cases that were brought before these forums were usually resolved with the fining of the perpetrator (Wendoh & Ceesay, 2008). In some cases, he would be made to marry his victim as a form of reparation and to prevent the shame and stigma that she would otherwise be subjected to in her community.

Data on rape cases reported to the Liberia National Police included in the Ministry of Justice annual reports reflects the low levels of reporting. The Ministry of Justice recorded only three reports of rape between October 1964 and September 1965 and two between January and December 1971. However, between October 1967 and October 1968, there were 54 cases of rape reported, of which, 49 were in Montserrado County where the nation’s capital, Monrovia, is located.

Rape was perpetrated by strangers and non-strangers, civilians and security personnel. Soldiers of the LFF raped indigenous women with impunity from the creation of the force in 1904 (Akpan, 1973). The pattern of rape by security forces continued throughout the twentieth century. The forces of President Doe used rape to terrorize members of ethnic groups who were perceived to be against the president and the ruling party (Gifford, 1993; Wills, 1986). The formal system did not provide justice to victims of these crimes perpetrated by the state. The stigma associated with rape and the conflict between the traditional and formal forms of dispute resolution also prevented most people from turning to the latter for justice. Furthermore, despite the criminalization of the act, chiefs did not come under pressure from the government to cease

their adjudication of rape cases, which were officially above their jurisdiction. The fact that both the LFF and soldiers under President Samuel Doe used rape as a means of subjugating the people and quelling political opposition, without any form of recrimination, underscores the weaknesses of the formal justice system during the pre-civil war period. The use of rape as a political weapon was extended into the civil war.

### **3.2.3 Gender-Based Violence during the Civil Wars**

Liberia experienced intermittent violence for fourteen years. The conflict was marked by severe brutality, perpetrated by combatants of all fighting forces. Generally, the level of violence was reduced during lulls in the conflict but combatants (including government forces) continued to terrorize civilians during periods of ceasefire and throughout Charles Taylor's tenure as president (Fleischman, 1993; Paye-Layleh, 2002; Zavis, 1993). The leaders of all factions exploited religious and ethnic divides to mobilize civilians to join their fighting forces (Adebajo, 2002). They also encouraged their fighters to attack civilians and rewarded them for their brutality in doing so (Human Rights Watch [HRW], 2004). An estimated 250,000 people were killed during the conflicts and thousands more were subjected to physical and sexual abuse (British Broadcasting Corporation [BBC], 2012).

Women and girls were targeted for both sexual and physical violence during the conflict and combatants were the most frequent perpetrators of these crimes (Tomczyk et al., 2007). Most victims experienced more than one form of violence. A 1994 survey of 205 women and girls in Montserrado County revealed that 49 percent of respondents had experienced at least one act of physical or sexual violence at the hands of combatants (Swiss et al., 1998). Of this figure, 17 percent of respondents reported that they had been beaten, tied up, or detained; 32 percent were

strip searched on one or more occasions; and 15 percent were raped, subjected to attempted rapes, or were sexually coerced (Swiss et al., 1998). Combatants also kidnapped women and girls and forced them to join their rebel forces and to serve as porters, cooks, and sex slaves.

Liberians—both men and women—protested the violence that had gripped the country. Notably, women mobilized across ethnic and religious lines to pressure the rebel government of Charles Taylor, other warring factions, and the international community to bring an end to the conflict (AWPSG, 2004). The focus of their activism was not limited to ending violence against women, but against all Liberians. During this time, Liberians also began to speak about GBV more openly. A female interviewee explained to me that in the initial stages of the conflict, civilians fleeing into Monrovia told of how rebels and government soldiers were raping women and girls in the towns and villages that were under their control (Personal interview, May 29, 2011). This marked the beginning of when Liberians began to speak of GBV outside of family palavers and customary courts and to recognize it as a major problem. During this time, women were mostly talking about the violence that they had experienced at the hands of combatants and not about intimate partner violence and other forms of GBV not perpetrated by combatants.

Despite the context in which the violence was occurring, many Liberians still attached a stigma to rape and this prevented many women from seeking medical assistance. According to Ruth Caesar, creator of the Abused Women and Girls Project in 1993, many women were reluctant to visit her facility to receive gynecological care and HIV/AIDS testing for fear that someone in the community might recognize them and discover that they had been raped (Personal interview, May 2011). Getrude Garwey of the International Rescue Committee (IRC), commenting on her work with displaced people in 2003, stated that, “most victims won’t seek out help on their own...But our previous programming in this area has taught us that once

survivors are aware that confidential counseling, health and protection services are available, the women and girls begin to come forward for assistance” (IRC, 2003).

Some women also began to discuss their experiences. According to Zoer Bernard, acting president of the AFELL in 2010, women in displaced persons’ centers in Monrovia told the female lawyers about their “horrible” experiences of rape at the hands of combatants (Personal interview, July 7, 2010). Women in the peace movement also spoke openly about how combatants were physically and sexually abusing women and girls (AWPSG, 2004). Nevertheless, justice was not available to victims of GBV during the conflict. Both the customary courts of law and the formal justice system were destroyed by the conflict and the agents of these institutions killed or displaced. The destruction of these institutions was not limited to the physical structures. Under Charles Taylor, the security sector was staffed with rebels, including child soldiers, who had no regard for human rights or the rule of law (HRW, 2004). The social bonds among people in communities, villages, and towns were also fragmented by the conflicts. Rebels often employed tactics that turned people against each other and broke social taboos. For example, young children were forced to kill members of their communities (HRW, 1994). Such actions destabilized the socio-cultural foundations upon which communities were built and weakened the customary justice system.

The conflict also eroded the authority of elders in the society. Traditionally, older men had the most authority which they used to maintain order in the society (Moran, 1990). This system was reversed during the war when rebel leaders armed the youth, giving them authority over their elders. Together, these war strategies destroyed the social fabric of many communities and erased all aspects of traditional justice. A few women joined the fighting forces to seek revenge against their attackers but the majority of women had no recourse to justice (BBC,

2003). Post-civil war governments and non-state actors have been restructuring and rebuilding justice sector institutions since the end of the war.

### **3.2.4 Post-Civil War Liberia**

**3.2.4.1 Gender relations.** The roles and positions that women assumed during the civil war have revolutionized women's political participation and their influence in society (Fuest, 2009). This has served to change how Liberians respond to some forms of GBV. Nonetheless, Liberian society remains patriarchal. According to Wendoh and Ceesay (2008), in their study of local perspectives of gender in Liberia and Sierra Leone, men and boys are privileged over girls and women and, "the older the man, the more power he has" (p. 25). Consequently, the factors that caused GBV prior to the civil war persist, and in some cases, have been amplified by the war. Women's rights activists have concluded that the normalization of GBV during the war and the high level of poverty since its end have increased men's propensity to commit violent acts against women (Personal interviews, 2011 & 2012). Furthermore, scholars have argued that the elevated positions that some women assume during and after conflicts put them at odds with their partners within the home; the latter often favor the patriarchal status quo and rely on violence to establish it if necessary (Kumar, 2001). Liberian women, therefore, find themselves in a dispensation in which they continue to be at risk of violence but have experienced a women's rights awakening that has led to legal, policy, institutional, and programmatic changes on the issue of GBV and has contributed to behavioral changes in response to some forms of GBV.

During the civil war, women from all ethnic and religious groups and social classes assumed roles and positions that previously had been limited to a few women in Liberian society.

Women joined the fighting forces and were recognized as capable fighters (BBC, 2003). In many instances, the death and social upheaval caused by the war separated families and left women in the position of sole caretakers for extended family members (Wendoh & Ceesay, 2008). Even when families remained intact, some women still singularly bore the burden of supplying the needs of their families during the war. For example, interviews with Liberian refugees in the Buduburam Refugee Camp in Ghana revealed that during the war, women would go out to search for food while their husbands and sons hid indoors (Personal interviews, August 2011). This was because the warring factions were killing men and abducting young girls and boys to join rebel groups. Consequently, many women risked rape, torture, and death in order to save their families from starvation.

Women also played a pivotal role in ending the civil war. They held sit-ins, met with President Charles Taylor, and attended peace talks, including the 2003 talks in Ghana that ended the civil war. Their protests during the Accra peace talks played a role in compelling the warring factions to come to a peace agreement (Hayner, 2007). One of the leaders of the women's peace movement, Leymah Gbowee, was awarded the Nobel Peace Prize in 2011 for the movement's "non-violent struggle for the safety of women and for women's rights to full participation in peace-building work" (BBC, 2011). The momentum that was built to end the conflict did not die off with the signing of the peace agreement. Instead, women harnessed this momentum to mobilize and campaign for the election of President Ellen Johnson Sirleaf in 2005 (Bauer, 2009).

Although the civil war period was not the first time that Liberian women had engaged in warfare, risked their lives to support their families, or participated in conflict resolution efforts, the large numbers of women across all groups who engaged in these activities made the events of

that period unique in Liberian history and have affected women's statuses in the post-civil war phase.

Where present, men are still considered the head of the household (Wendoh & Ceesay, 2008). Ninety percent of women are employed in the low-paying informal sector compared to 75 percent of men (Liberia Institute of Statistics and Geo-Information, 2008). Nonetheless, women's rights advocates have actively challenged women's low status in these areas. Women have also made advancements in the political sphere. Liberia has twice elected a female president who has appointed qualified women to high-ranking positions in her administration. The international community in Liberia has also begun to pay attention to issues of gender. The international community has worked with the Liberian government to mainstream gender into some government institutions, including agencies of the security sector (Malan, 2008). The focus on gender has also impacted other policy areas. The government and the international community have created initiatives to promote women's education and socioeconomic advancement. Although women are still underrepresented in politics and these post-war initiatives have been beset by problems such as corruption, weak capacity, and inadequate funding, these measures have created opportunities to reduce gender disparities and enhance gender relations in Liberia (Malan, 2008; United Nations International Research and Training Institute for the Advancement of Women [INSTRAW], 2009).

**3.2.4.2 Gender-based violence in post-civil war Liberia.** The Liberian government and non-state actors have identified GBV as a major policy problem in Liberia (Ministry of Gender and Development [MoGD], 2009b). I will explain in the next chapter that transitional and post-war governments have worked closely with women's and other local NGOs, the UN, and international NGOs; to create and amend laws, restructure existing state institutions and create



new institutions to address some aspects of the problem; and have raised awareness of some forms of GBV among Liberians. Government institutions, however, are beset by multiple problems that hinder the effective implementation of anti-GBV policies and studies have revealed some weaknesses of awareness-raising programs (Kofi Annan Institute for Conflict Transformation, [KAITC] 2011). Nonetheless, an increasing number of women have begun to report GBV to the police and some of these cases have progressed to the formal courts. However, the overwhelming majority of cases never reach the formal justice system.

**3.2.4.2.1 Domestic violence.** According to police officers, women's right activists, and staff of the Ministry of Gender and Development (MoGD), when compared to the pre-war era, the incidence of domestic violence and its reporting to the police have increased across the country (Personal interviews, 2010 & 2011). They give two explanations for the increase in reporting. First, they assert that women have become more aware of their rights and are empowered by this knowledge. They explain that awareness-raising by state and non-state actors have made more women aware that domestic violence should no longer be tolerated. Police officers also argue that the creation of the WACPS in the police force has encouraged women to seek help from the police and from the courts. Consequently, many women are reporting domestic violence to the police. The absence of pre-civil war data on the incidence and reporting of domestic violence makes it impossible to compare the pre and post-war phases. Indeed, some social workers have offered a slightly different perspective; they argue that it is only the reporting of domestic violence that has increased since the end of the war (Greenberg, 2009). This issue continues to be debated.

On the other hand, all parties have noted women's unwillingness to see the case through the criminal justice system. Every police officer whom I interviewed said that very few victims

of domestic violence are willing to have their cases transferred to court (Personal interviews, 2010 & 2011). This was confirmed by women's rights activists who explained that some of the women only want the police officers to counsel the abuser while others want their abusers to be detained for a night—and effectively cooled down—and released the next day by the police (Personal interviews, 2010 & 2011). Officers claimed that often, when they have insisted on forwarding a domestic violence case to court, the complainant would leave the police station, never to return. The officers expressed frustration at this because they explained that without the complainant, the state cannot pursue a case against the accused and the police lack the resources to track down complainants. A 2008–2009 survey of 2,500 households in Bong, Lofa, Grand Gedeh, Maryland, and Lofa Counties, conducted by the Center for the Study of African Economies at the University of Oxford found that out of 974 domestic violence cases, 53 percent were not taken to any dispute resolution forum, 46 percent went before an informal forum (family hearing or customary court), and only one percent of cases was brought before a formal authority such as the police (Isser et al., 2009).

Police officers, social workers, and victims of violence whom I interviewed gave several explanations for victims' unwillingness to go to court. First the criminal justice process can be very intimidating for most people, especially those who are poor and without formal education. Additionally, the brutality that the state has inflicted on Liberians over the years has increased people's distrust and fear of agents of the state. Interviewees also explained that due to the abject poverty that many women (and men) live in, women are unwilling to have the abuser—who is often the principal breadwinner—taken away from the home. These women fear that if their husbands or boyfriends are tried and sentenced, they and their children would suffer financially. Second, some family members discourage the victims from reporting to the police and

proceeding to court because domestic violence is perceived as a problem that should be resolved in the family. Most people also think that imprisonment is too harsh a punishment for domestic violence. The influence of family members is felt more in the rural areas where traditional leaders continue to have significant influence and attitudes towards GBV have not changed as rapidly as in some of the urban areas. However, in both rural and urban areas, the families, traditional, and community leaders still influence how victims respond, particularly to discourage them from reporting crimes to the police and proceeding to court. The inability to physically access police stations and courts by people in rural areas, where there are fewer facilities than in urban areas, also prevents victims from reporting and following cases through to the courts.

Police officers also argued that many people do not understand how the law works. In discussing Liberians' attitudes to all GBV crimes, they explained that complainants expect the police to arrest and detain the perpetrators until the case is called to trial. Officers said that many people do not understand the importance of evidence in the investigative process or that a person cannot be held indefinitely in police custody. Consequently, when police have released suspects due to a lack of evidence, people have assumed that officers have received payments from the suspects and concluded that the formal justice system is corrupt.

Furthermore, Liberia's 2007 Demographic and Health Survey revealed that some women perceive domestic violence as a justifiable act.

Almost six in ten women (59 percent) believe that a husband is justified in beating his wife for at least one of the five specified reasons. Few women (14 percent) believe that wife beating is justified if the wife burns the food, but more than four in ten women believe that wife beating is justified if the wife argues with her husband (43 percent), goes out without telling him (42 percent), or neglects the children (45 percent). Twenty-

two percent say it is justified if the wife refuses to have sexual intercourse with her husband. (p. 214)

This perception was found to be more prevalent in women surveyed in rural areas of the country. Interestingly, only half of the men surveyed viewed domestic violence as justified under these same circumstances; raising questions about how and why men and women in the same society might have distinct notions about women's status and roles. It is safe to hypothesize that people who view domestic violence as justified are less likely to report incidents to the police and are more likely to prevent others from reporting.

Police officers and social workers also explained that some women interpret domestic violence as a show of love. Jealous and abusive men are seen as passionately caring for, and loving their wives and girlfriends. Consequently, some women do not want to be permanently separated from these men, something which they fear would happen if he is sentenced and imprisoned. So pervasive is this belief that it was parodied into a hit song in 2011. In the song titled *That is Love*, a woman describes her relationship with her boyfriend, Tokpah:

Tokpah loves me, I say Tokpah loves me!

I say, when Tokpah starts to beat me, when he drags me, when he strips me naked  
(usually in public to shame a woman), it is not easy!

I say Tokpah loves me, I say Tokpah loves me!

When my parents try to intervene, how Tokpah insults them!

That boy really loves me!

The boy says he will kill me, the day he sees me with another man!

Can you see love? (Crafty, 2011)

Police explain that this belief is a hindrance to women seeking justice in cases of domestic violence.

According to women's rights advocates, women are also deterred by the costs that come with navigating the justice system. Police officers demand money for everything; transportation to arrest and send the suspect to court, phone air time to follow up on the case, lunch money, etc. This discourages many complainants from proceeding with a case. Furthermore, some police officers are corrupt and have been accused of accepting bribes to release suspects. Victims, therefore, fear and are discouraged by the possibility that their abusers will bribe their way out of police custody. Studies also reveal that Liberians view the formal justice system as divisive and detrimental to reconciliation between the disputing parties. They accuse police officers, judges, and lawyers of failing to get to the heart of disputes and instead simply focusing on establishing guilt and handing down punishment that creates resentment within communities (Isser et al, 2009). Furthermore, there is a huge backlog of cases on the court dockets and prosecutors pay more attention to cases such as murder and armed robbery than domestic violence, which is seen as a minor issue unless it results in death. Complainants have to invest a lot of money and time (away from their employment) into ensuring that their cases are heard in court. In a country where the masses live below the poverty line, this is highly unfeasible for many.

Nonetheless, police officers do transfer some domestic violence cases to court. Out of 189 aggravated assault cases recorded in 2009, 69 were transferred to court.<sup>38</sup> Police officers explained that some women are determined to go to court despite all of the impediments described above. I witnessed an incident in a police station in Monrovia in which a woman accused her husband of hitting her on the head. Even though a police officer briefly tried to mediate the dispute, the woman insisted on having her case transferred to court. Police officers

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<sup>38</sup> Cases that are transferred to court do not necessarily proceed to trial.

also said that they are able to persuade some women, especially those with serious injuries and repeat victims, to go to court. Nonetheless, extrajudicial settlements are preferred by the majority of complainants.

**3.2.4.2.2 Internal human trafficking.** In 2005, civil society organizations advocated for the passage of the Act to Ban the Trafficking in Persons which criminalized human trafficking in Liberia for the first time. Both internal and external forms of human trafficking have been prevalent in post-conflict Liberia. In the immediate post-conflict phase, many Liberian children were illegally trafficked to Europe and the USA for adoption. So rampant was the problem that President Ellen Sirleaf Johnson halted all international adoptions and launched a full-scale investigation into the problem (Africa News, 2009). Women's and child rights advocates argue that internal human trafficking is an equally pressing issue that has received relatively less attention.

The already flawed practice of child fosterage that existed in pre-civil war Liberia has been further perverted and used to traffic children from rural to urban areas of the country. A 2010 study stated that, "child trafficking does occur informally in the guise of traditional, kin-based child-care practices" (Kropiwnicki, p. vii). Although both boys and girls are trafficked, police officers explained that most of the cases that come to their attention involve girls (Personal interviews, 2010 & 2011). Out of 42 cases recorded by the United Nations Office of Drugs and Crime (UNODC) in Liberia from 2004–2009, 29 were women and girls (cited in Kropiwnicki, 2010). However, based on cases reported by participants during the course of the study, the author posited that the cases recorded by the UNODC may just be "the tip of the iceberg" (Kropiwnicki, 2010, p. 38).

Relatives, friends, and strangers recruit young girls from the rural areas under the guise of providing them with an education that their poor parents would not otherwise afford to give them. These children are brought to Monrovia and other towns and according to police officers and child right activists, they become the breadwinners for their recruiters or for other people to whom they are transferred. Young girls are forced into prostitution and both boys and girls are made to hawk on the streets from sun up to sun down (Kropiwnicki, 2010). They are rarely educated and are subject to extreme deprivation and abuse.

According to police officers and child rights activists, at the point of recruitment, families are usually unaware of the suffering that their children would undergo once they are taken away (Personal interviews, 2010 & 2011). Traffickers often promise to give the children a better life. According to the Trafficking in Persons Secretariat, “children are trafficked internally through promises of education, health care and food to be taken to cities where they are used for domestic servitude, ‘street labor’ in cities and towns, and for prostitution in large towns and port areas” (quoted in Kropiwnicki, 2010, p. 40). The extreme poverty in the country has encouraged trafficking by people who seek to bolster their incomes or receive free services from the forced labor that these children provide. It has also led many parents to hand their children over to child traffickers.

According to a women’s rights advocate with the Development and Education Network – Liberia (DEN-L) whom I interviewed in Gbarnga, “because the women or the family have a lot of children, they are always ready to say you must come and get some of them to go and live with you. They don’t know what happens, in fact some, for them, they send those children and never follow up” (Personal interview, May 25 2011). She explained that after an awareness-

raising program by DEN-L, parents in a community in Nimba County refused to allow a recruiter to take away their children.

Nonetheless, when parents find out that their children have been trafficked and abused, they are usually unwilling to have the alleged traffickers brought to trial. First, they are deterred by the weaknesses in the criminal justice system that I discussed in the previous section. Furthermore, families of trafficked girls are unwilling to let the traffickers face the law because these traffickers are usually relatives or friends and involving the state could lead to punishments such as imprisonment which many people see as detrimental to the unity of families and communities. Consequently, parents only want to be reconciled with their daughters and to return to their homes.

For many Liberians, trafficking is when a child is taken to another country and not when a young girl or boy is recruited and transported within the country for the purposes of exploitation. Many families, especially those in rural areas, are vulnerable to traffickers due to the lack of education and extreme poverty which makes them willing to hand over their children and unwilling to report and prosecute traffickers. There has been some awareness-raising by the state and NGOs of this problem in rural and urban communities. The effect of these efforts remains to be seen.

**3.2.4.2.3 Rape.** The Liberian government and local and international organizations in the country have identified rape as a major policy problem. In 2007, it was the most reported crime in the country. Policy reports, women's rights advocates, and police officers attribute the high level of reporting to a greater awareness among women that rape is a criminal offence (Greenberg, 2009; Personal interviews, 2010 & 2011). They also credit the creation of agencies



such as the Sexual and Gender Based Violence unit of the MoJ which has a victims' hotline, with encouraging reporting among Liberians.

Women's rights advocates have placed rape on the public agenda. They have worked closely with international organizations and with the government to amend the rape law, raise awareness in communities across the country, provide services for survivors, and create and re-structure existing institutions to enable them better serve victims. They have argued that these measures have significantly affected Liberian's responses to the problem. According to a 2011 study by the Kofi Annan Institute for Conflict Transformation (KAICT) at the University of Liberia, Liberians have become more informed due to awareness-raising programs but many people are not being reached and some are misinformed. A staffer of UNMIL explained to me that some people have complained of rape information-overload and also of the graphic nature of some radio and billboard campaigns (Personal interview, May 29, 2011). There is, therefore, a need to reevaluate and expand these initiatives.

Nonetheless, Liberians have strong opinions on the issue of rape. There is still the tendency to blame the victim (United Nations Mission in Liberia [UNMIL], 2008). UNMIL explored attitudes towards rape in a survey of 1000 households in all 15 counties. Sixty-nine percent of respondents agreed that "women contribute to rape by flirting with men" and 61.9 percent agreed that "women contribute to rape by being alone with a man in a room" (2008, p. 41). Liberians also continue to stigmatize rape victims and view them as "damaged goods" and "leftovers" (KAICT, 2011; UNMIL, 2008). According to a female respondent in UNMIL's 2008 survey, "she [the rape victim] won't be respected in the community as before. Men won't be brave to come near her. Men have a saying that my wife is only for my one. Many men are jealous. If they know you've been raped and the news is all over they will not marry you" (p.

27). A male respondent stated that, “I can’t marry a woman who has been raped because I have told God that when I am ready to marry, I should get a decent woman. A woman who has been raped has been damaged because she can’t produce children” (p. 32). Rape survivors are affected by this discourse. Eighteen percent of survivors who did not report their attacks attributed their decision to a fear of stigmatization (UNMIL, 2008).

The study also found that survivors who blamed themselves for the attack were less likely to report to a third party as were those who were related to their attackers. Sixty-four percent of perpetrators were known to their victims and out of this figure, “13 percent were family members, 36 percent were neighbors, 10 percent were friends or acquaintances, 3 percent were current or former partners, 2 percent were teachers or community leaders, while 0.3 percent were either employers or coworkers” (2008, p. 30). Survivors were also deterred from reporting to the police by their lack of confidence in the criminal justice system, fear of retaliation from their attackers, and fear that no one would believe them (UNMIL, 2008).

I have previously discussed Liberia’s attitude towards the formal justice system in the section on domestic violence. The distrust of the system appears to be heightened in the case of rape. According to the USIP’s study, “several interviewees raised concerns that officials of the state court system have been the perpetrators of sexual abuse and rape” (Isser et al., 2009, p. 6). There is also discontent with how the police and the court handle rape cases. Both women and men have complained of police releasing suspects without prosecutorial approval either due to police corruption or ineffectiveness (Isser et al., 2009). The corruption and poor capacity of the judiciary has also led to similar accusations (Isser et al., 2009). This concern deters reporting by rape survivors. Furthermore, there is a concern among some Liberians that women are taking advantage of the rape law to falsely accuse men of rape (KAICT, 2011; Isser et al., 2009;

UNMIL, 2008). Adult victims therefore fear that they will be labeled liars when they report. Survivors and/or their families also sometimes accept payment from rapists in order to keep cases out of the police stations and courts. According to interviews and reports, the crippling poverty in the country has made this a common practice (Greenberg, 2009; Personal interviews, 2010 & 2011).

Nonetheless, Liberians recognize that rape is not a minor crime. In UNMIL's (2008) survey, 96.3 percent of respondents agreed that "rape is a serious crime" and 90.5 percent agreed that "men who commit rape should be given harsh sentences" (p. 41-42). Liberians, however, do not rank all types of rape equally. According to respondents in the KAICT's (2011) study, there are two kinds of rape, rape against adults and against children. The latter is perceived as more serious. Society also ranks rapes which are perceived to have been caused by the victim's style of dress or behavior less seriously. According to a male respondent in UNMIL's 2008 study, "there are two types of rape, accidental and intentional rape. Intentional rape is where the person has the mind to do it. Accidental rape is about the way the woman dressed or behaved towards the man and at the end of the day she tries to say that the man raped her. If you do it intentionally, you are not a good man" (p. 44). Some people think that the rape law should allow for "restorative remedies" for "less egregious" forms of rape (Isser et al., 2009, p. 6).

Police officers in Monrovia explained that they are often tipped off about the rape of minors by members of the community and not the parents of the victims who sometimes try to hide the crime. Overall, communities appear to be more alert to the issue of rape. I witnessed an incident in the neighborhood in which I lived in Monrovia on the evening of September 23, 2010. A man accused of the rape of a girl in her early teens had been arrested by the community while someone had gone to fetch the police. A sizable crowd had gathered around the man and

they were animatedly discussing the details of the case. Some complained that the young girl was flirtatious and had brought the rape upon herself. Despite the victim-blaming by some, the outpouring of people underscores the attention that Liberians are now paying to rape. A woman explained to me that in rougher neighborhoods, the accused would have been beaten by the crowd before the police arrived. The police eventually arrived on a motorbike and took him away.

Despite these societal changes, most people refuse to report these crimes to the formal justice system and prefer to deal with them in the family or in customary law courts. In the CSAE's survey of 2500 households in 2008–2009, out of 113 rape and sexual abuse cases, 50 percent were not reported to a third party, 28 percent to an informal forum and 21 percent to a formal forum (Isser et al., 2009). Survivors in the urban areas were more likely to report their attacks to the police (68 percent) than those in rural areas (34 percent) (UNMIL, 2008). These findings demonstrate the variation in Liberians' responses to the problem.

Table 7

## Reasons for Victims' Reluctance to Report GBV to the Police in the Post-War Period

Crime	Reasons for Non-Reporting
Domestic Violence	<ul style="list-style-type: none"> <li>▪ Cannot afford the high financial cost of ushering a case through the formal justice system</li> <li>▪ Distrust officers of the formal justice system due to corruption and perceived bias</li> <li>▪ Prefer the conciliatory nature of customary justice over the punitive nature of formal justice</li> <li>▪ Perceive the formal justice system as ineffective</li> <li>▪ Unable to physically access the police station</li> <li>▪ Fear losing the financial support of the abuser</li> <li>▪ Perceive domestic violence as a private issue between intimate partners in which the state should not be involved</li> <li>▪ Receive pressure from relatives to not involve the state (police and courts)</li> <li>▪ Do not perceive domestic violence as a crime</li> </ul>
Internal Human Trafficking	<ul style="list-style-type: none"> <li>▪ Cannot afford the high financial cost of ushering a case through the formal justice system</li> <li>▪ Distrust officers of the formal justice system due to corruption and perceived bias</li> <li>▪ Prefer the conciliatory nature of customary justice over the punitive nature of formal justice</li> <li>▪ Perceive the formal justice system as ineffective</li> <li>▪ Unable to physically access the police station</li> <li>▪ Receive pressure from relatives to not involve the state (police and courts)</li> <li>▪ Do not perceive internal human trafficking as a crime</li> </ul>
Rape	<ul style="list-style-type: none"> <li>▪ Cannot afford the high financial cost of ushering a case through the formal justice system</li> <li>▪ Distrust officers of the formal justice system due to corruption and perceived bias</li> <li>▪ Prefer the conciliatory nature of customary justice over the punitive nature of formal justice</li> <li>▪ Perceive the formal justice system as ineffective</li> <li>▪ Unable to physically access the police station</li> <li>▪ Receive pressure from relatives to not involve the state (police and courts)</li> <li>▪ Do not perceive that some forms of rape are crimes</li> <li>▪ Fear stigmatization from community</li> <li>▪ Fear abuse by law enforcement officers</li> <li>▪ Fear being labeled liars by community and police</li> <li>▪ Willing to accept monetary payment from rapists as compensation</li> </ul>

### **3.3 ASSESSMENT OF THE THEORETICAL FRAMEWORK: VICTIMS' PREFERENCES**

The discussion above not only demonstrates that Liberians' attitudes towards various forms of GBV have changed over time but it also shows that their perceptions of, and experiences with law enforcement officers have led them to distrust the formal criminal justice system. This has contributed to low levels of reporting of GBV cases and to the withdrawal of cases after they have been reported. This corresponds with Hypothesis I:

**H I:** Police officers are more likely to forward rape cases, as compared to domestic violence or internal human trafficking cases, to court because rape victims prefer to have their cases referred to court more than victims of domestic violence and internal human trafficking.

The interviews and research studies indicate that survivors of rape are more likely to seek help from the formal justice system than survivors of other forms of GBV (Isser et al., 2009). This disparity can arguably be attributed to the more tolerant attitudes towards domestic violence and internal human trafficking that exists in the country.

### **3.4 CONCLUSION**

Liberians' perceptions of, and responses to domestic violence, internal human trafficking, and rape are varied and complex. They have been shaped by culture as well as socioeconomic and political changes that have occurred within and outside of the country for over two centuries. Although there were slight variations in how people thought of and responded to these crimes across and within ethnic groups in the pre-civil war period, they were generally resolved in family hearings or in customary law courts. The introduction of statutory law encroached on, but

did not erode the authority of customary forms of dispute resolution. The civil war effectively erased formal law in Liberia and severely crippled customary forms of dispute resolution. On the other hand, the brutality, frequency, and visibility of physical and sexual violence against women and girls raised awareness of GBV and ushered in a period where women began to speak about and seek help for their experiences outside of their families and communities. Local women's rights advocates and international human rights organizations provided medical care and humanitarian aid to survivors of violence and began to emphasize to women the importance of seeking justice for their abuses—especially sexual violence.

When the civil war ended, reports of sexual violence, especially against children, began to surface in the media and were reported to women's rights activists and organizations. Members of the government, including President Ellen Johnson Sirleaf, spoke openly about plans to combat GBV and to punish sexual violence. The government, women's organizations, local human rights NGOs, international, and intergovernmental organizations collaborated to raise awareness, create institutions, and formulate laws and policies to address GBV. Although all of these initiatives have been critiqued on various levels, they have created avenues—though flawed and insufficient—for women to seek justice.

Consequently, a significantly larger number of women are turning to the formal justice system to adjudicate cases of rape and domestic violence, although, most complainants are reluctant to follow through to court. Due to less attention to internal human trafficking by the anti-GBV advocacy coalition, reporting to the police is extremely low, despite reports that show that the problem is prevalent. Family hearings and customary law remain the first preference of most Liberians for dealing with all crimes, especially for people who reside in the rural areas. The weaknesses and gaps in the formal justice system have contributed to this preference for

customary forms of dispute resolution. Attempts by traditional leaders to hold on to ‘culture’ have also led to the prioritization of these venues for dispute resolution.

The ways that Liberians think about and respond to GBV are constantly changing. There is no one perception of GBV. People have varied opinions about each form of GBV. Fierce opposition to criminalizing marital rape by state legislators, ambivalence among some to the rape of adult women, and the intolerance of child rape underscore the heterogeneity of opinions, which have implications for how victims and society as a whole respond to each form of the problem. Differences in the levels of reporting between urban and rural areas also highlight the variation that exists across and within groups. On the other hand, women’s frustration with violence that occurred during the war and their heightened sense of consciousness since its end, combined with the efforts of the anti-GBV advocacy coalition has prompted some behavioral changes. These changes shed light on how the gendered social order can be disrupted and reshaped (to an extent) by war and its consequences, both positive and negative.

The high-level of reporting of rape in the post-war phase, in comparison to the pre-war period, underscores how the events of the 14-year conflict have reshaped the gendered social order. Liberians have become less willing to adopt extra-legal responses to rape, an indication that victims and society have increasingly come to view rape as a public problem that requires the intervention of the state. To an extent, the same can be said of domestic violence and internal human trafficking as well. Although data on the reporting of domestic violence to the police before the civil war is unavailable, interviews with police officers who worked on the force during the period suggest that this crime was rarely reported (Personal interviews, 2010, 2011, & 2012). Human trafficking was not criminalized until 2005 but interviews and the literature



reviewed demonstrate that acts that qualified as internal human trafficking were not reported (Bledsoe, 1980a; Personal interviews, 2010 & 2011).

The reporting of these crimes to the police in the post-war period, even though the majority of cases are withdrawn, reflects a shift in how Liberians think about these issues, although this shift is not uniform.<sup>39</sup> Liberians have not begun to think of all GBV crimes as (equally) public. Some crimes (rape) appear to be perceived as more public and in need of state intervention than others (domestic violence).<sup>40</sup> It is, therefore, important to note that the distinctions in the constantly evolving gendered social order. Overall, the public/private dichotomy that characterizes the gendered social order has been reconstructed by the civil war and continues to be reconstituted by actors and events in the post-conflict phase. I provide a detailed discussion of these actors in the next chapter.

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<sup>39</sup> On the other hand, it is possible that people are reporting more crimes to the police because of a (perceived) breakdown in preferred customary justice mechanisms caused by the war. This is, however, unlikely because the majority of people continue to rely on the traditional justice system (Isser et al., 2009). Furthermore, Moran (2006) cites anthropologist Richard Nesbitt who during visits to seventeen southeastern communities found that the “basic governance structure is still in place” (p. 43).

<sup>40</sup> Isser et al., (2009) found that while only one percent of respondents reported domestic violence to a formal forum such as the police, 21 percent of rape cases were forwarded to formal forums. The reporting of rape to a formal forum was second only to the reporting of murder to similar venues (25 percent). This data is partly based on surveys conducted of 2,500 households in five counties.

## **4.0 RESPONSES TO GENDER-BASED VIOLENCE: THE STATE AND NON-STATE ORGANIZATIONS**

### **4.1 INTRODUCTION**

In this chapter, I articulate how successive Liberian governments and local and international nongovernmental organizations have responded to domestic violence, internal human trafficking, and rape in the country. I demonstrate that since the end of the war, women's organizations have played an important role in policy implementation. In collaboration with international organizations, they have lobbied for the passage of anti-GBV legislations, created institutions and programs to address GBV, and raised awareness of various forms of the problem. Through these measures, they have been able to influence the behaviors of both survivors of GBV and police officers. I argue that the women's movement in Liberia has prioritized the problem of sexual violence and this has contributed to the variation in police responses to GBV. I theorize that this focus on sexual violence is a product of the prevalence, brutality, and visibility of rape during the civil wars; continued reports of rape in the aftermath of the wars; and the international community's focus on sexual violence.

I argue that the influence of international norms is mediated by the local socioeconomic and political context. Despite an international norm that promotes the prosecution of men who batter, the women's movement in Liberia has not lobbied for a mandatory prosecution policy in the case of domestic violence. I argue that the widespread poverty, lack of social services,

pressure from relatives, and some social acceptance of domestic violence has led survivors to reject the prosecution of their abusers. Consequently, women's organizations have encouraged and assisted women to go to court but have not attempted to create policies that would compel them to do so.

These findings advance the women's rights literature by articulating how women's organizations shape policy implementation in Africa. They also contribute to the international relations literature by showing how the local socioeconomic and political contexts can mediate the impact of international human rights norms. The following section provides a brief overview of the literature on women's organizations and policy change. With this literature as a point of reference, I discuss how pre and post-war governments and local and international organizations have responded to GBV in Liberia. I then employ the study's theoretical framework to analyze the actions of each of these actors as they relate to police behavior and conclude with a discussion of the theoretical relevance of my findings.

## **4.2 WOMEN'S ORGANIZATIONS AND WOMEN'S RIGHTS**

Local cultures have shaped Liberians' perceptions of, and attitudes towards each form of gender-based violence (GBV). The domestic and international socioeconomic and political environments have also contributed to these perceptions and attitudes (Gibbs, 1960; Isser, Lubkemann, & N'Tow, 2009). Local cultures—which are continually reconstituted by domestic and international social, political, and economic influences—have also shaped how successive governments have addressed each type of GBV in Liberia before, during, and after the country's civil war. Local civil society organizations have also normatively and materially influenced how the state has responded to each type of violence against women, as have intergovernmental

organizations, international organizations, and national and sub-national women's and human rights advocacy groups from across the globe. The influence of these non-state actors has not been limited to Liberia or to the issue of GBV.

The feminist literature has extensively documented and theorized how women's movements have mobilized at the sub-national, national, and international levels to advocate for legal, policy, and institutional changes to advance women's rights (Bevacqua, 2000; Bush, 1992; Krook, 2006; Tripp, Casimiro, Kwesiga, & Mungwa, 2009; Weldon, 2002). The distinction between a women's movement—which consists of a collection of organizations—and a feminist organization is important to make at this point. I employ Myra Max Ferree's definitions, which state that a women's movement is one which “organizes women as women to make social change” (Ferree, 2006, p. 6). According to this understanding of the concept, it is the constituency of the movement (women) and a focus on affecting change in issues that are identified as women's concerns. Women's movements can therefore focus their activism on a range of issues, including conflict resolution, anti-colonialism, antiracism, or environmental justice. However, their mobilization around a shared gender identity and focus on the “concerns of women” in whatever issues that they address, make them a women's movement. Over time, these women's movements can evolve to adopt (or reject) a feminist ideology and agenda.

Ferree defines feminism as “activism for the purpose of challenging and changing women's subordination to men” (2006, p. 6). Unlike a women's movement, feminism does not necessarily have to entail mobilization around a shared gender identity but around a target for changing the gendered social order. Feminists can include men and can organize in NGOs, the state bureaucracy, or international organizations. Even if a women's movement does not explicitly self-identity as feminist, some of its goals can be distinctly feminist in nature (Ferree,

2006). Furthermore, examples from many countries, including Liberia, have demonstrated that women's movements' goals, such as conflict resolution, even when they are not constructed as feminist, can produce changes that directly challenge and transform the gendered social order to the advantage of women (African Women Peace and Support Group [AWPSG] 2004). This multi-functionality underscores the broad relevance of women's movements.

Women's and feminist movements have been pivotal to the development, progress, and outcomes of domestic women's rights campaigns across the globe.<sup>41</sup> They mobilized for women's suffrage in the United States (Hartman, 1989), for women's reproductive rights in Brazil (Sardenberg & Costa, 2010), and for women's political participation in South Africa (Waylen, 2007), to give a few examples. However, women's movements have not limited their activism to advancing women's rights, but have promoted human rights in general. For example, women mobilized in several Latin American countries to challenge authoritarian governments and to hold them accountable for human rights abuses (Safa, 1990). In Africa, women mobilized against colonial oppression and exploitation throughout the colonial era (Green, 1999; Modise & Curnow, 2000; Simbanegavi, 2000; Tripp, Casimiro, Kwesiga, & Mungwa, 2009). Women's organizations have advocated for a range of anti-GBV measures to be introduced and implemented at the domestic level. Targeting both governments and society, they have mobilized to influence legal and policy changes in the area of GBV, to raise awareness, to reform existing institutions, and to create new ones that would better protect women from violence and provide services to survivors.

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<sup>41</sup> Actors who do not identify as members of feminist or women's movements can also advocate for the advancement of women's rights. There are a small number of local nongovernment organizations in Liberia that have GBV as one of their program areas. I interviewed the president of one such organization, The Servant of All Prayers Ministries, in Monrovia. The organization is affiliated with the Bethel Church in Monrovia. The president explained to me that the organization provides psychosocial counseling to men who have been accused of, or charged with, perpetrating GBV crimes (Personal interview, August 11, 2010).

Studies have revealed that there are certain conditions that, when present in specific combinations, increase the likelihood that a women's movement will achieve its goal. Laurel Weldon (2002), in her study of how democratic states address violence against women, argued that governments' responsiveness is driven by "the presence of a strong, autonomous women's movement that draws on and reinforces state institutions designed to promote the status of women" (2002, p. 5). The importance of autonomous women's movements resonates in Africa, where authoritarian governments have sometimes co-opted women's activism to serve the interests of the ruling elite. Nonetheless, this autonomy is not sufficient to ensure that women's movements accomplish their goals. In her comparative study of women's political participation in states that had transitioned to democracy, Georgina Waylen (2007) posited that a favorable "political opportunity structure" and the activities of the women's movement—their engagement with other groups that are involved in the transitional process—is important to the achievement of movement goals.

On the other hand, other studies have shown that a strong and sufficiently-engaged women's movement is not necessary for the formulation and passage of women's rights laws and policies. Mala Htun and Laurel Weldon (2010) pointed out that "few theories confront the fact that gender equality policies have been adopted when women's presence in government is low (or nonexistent) and when women's movements in civil society are weak" (p. 208). They underscore the importance of disaggregating gender policies to understand why some are adopted while others are not. Htun's (2003) comparative study of how Argentina, Brazil, and Chile addressed the issues of abortion, divorce, and gender equality in the family also supports this point. She argued that "differences among gender issues are politically consequential" and

underscores the analytical importance of disaggregating issues such as “women’s rights” and “feminist policies”, instead of treating them as “single issue areas” (p. 2).

The need for disaggregation is not only important for the women’s rights issue under study but also for the context in which it occurs. Recent studies have shown that post-conflict states in Africa have been more amenable to passing GBV laws than other countries that did not emerge from conflict after the 1990s (Tripp, 2010). Scholars have noted that states’ willingness to adopt women-friendly laws and policies has not only been influenced by domestic conditions and pressures but also by international norms, funding, and pressure (Basu, 2010; Tripp, Casimiro, Kwesiga, & Mungwa, 2009). Domestic women’s rights movements have drawn on international women’s rights norms and resources to raise consciousness and to pressure their respective governments into addressing various forms of GBV. Women’s rights advocates have refined and propagated these anti-GBV norms, which originate in various local contexts and are propagated at regional and global seminars, workshops, and conferences. The UN’s women’s conferences have been the principal venues at which women’s rights advocates have introduced, debated, and propagated these norms and proposed strategies that advocates can employ at the national and sub-national levels to advance women’s rights (Joachim, 2003).

They have lobbied for, and gained the support of powerful international organizations and states (Adams, 2006; Joachim, 2003). Margaret E. Keck and Kathryn Sikkink (1998) called this type of international network of activists, a transnational advocacy network. The regional and global diffusion of women’s rights norms and the impact of international women’s rights campaigns on domestic laws and policies have underscored the importance of transnational advocacy networks to the advancement of women’s rights. Local women’s rights movements not only learn from their counterparts in other countries but also work through these networks to

lobby powerful international actors (and agenda setters) such as the United Nations (UN) and to pressure their respective governments into ceasing practices that discriminate against women, passing women-friendly laws, formulating women-friendly policies, and creating institutions that serve women's interests. Technological advancements in the last two decades have facilitated and increased the speed at which women's movements can share information with their international counterparts and mobilize around GBV and other women's rights concerns.

Women's movements do not have a standardized process by which they make use of the information and resources that they acquire through their participation in transnational advocacy networks. Amrita Basu (2010) argued that the "impact of transnational forces is mediated by national ones" (p. 5). Dongxiao Liu (2006) has supported this argument in her comparative study of how the Chinese and Indian women's movements responded to the Beijing Platform for Action. She argued that domestic contexts determine the meaning that national and sub-national women's movements attach to international agendas. Susanne Zwingel (2005 & 2011) made a similar argument in her research of how states' obligations under the Convention on the Elimination of Discrimination against Women (CEDAW) are translated at the domestic level. She concluded that "the authority of global norms depends on the active appropriation and interpretation of them within various national and sub-national contexts all over the world" (2005, p. 402).

These findings demonstrate that neither states, nor women's movements—however weak—are blank canvasses on which international actors can paint the entirety of their internalized norms, unchallenged. Rather, local women's movements and their respective governments form part of the global network of actors who support or oppose particular women's rights issues. Women's movements, and sometimes states, seek to lobby and gain support for their causes from



influential international institutions such as the UN and powerful nations such as the United States (US). It is then up to this same network of actors to employ normative and material pressures directly to states and to support domestic women's movements in their advocacy efforts. However, due to social, political, and economic factors that vary widely across states, international norms are never automatically and completely adopted by domestic women's movements to form their agenda and become activism goals. Instead, the focus of women's movements and their approach to issues such as GBV are mediated by an array of domestic social, political, and economic factors.

This final point is especially relevant to this chapter because it embodies the dynamics of women's movement's activism in Liberia. The proceeding sections illustrate how the Liberian government, local women's organizations, and international actors have responded to various forms of GBV in Liberia. The chapter demonstrates how they have interacted and influenced each other and how their actions have been affected by the social, political, and economic transformations that have occurred within, and outside of Liberia.

### **4.3 RESPONSES TO GENDER-BASED VIOLENCE IN PRE-CIVIL WAR LIBERIA (1847 - 1989)**

Although pre-civil war governments, local women's groups, and international organizations recognized that rape and domestic violence were problems that affected women in Liberia, they did not consider these issues to be policy priorities. Human trafficking was even more marginalized as a policy problem, as it was not on the state's agenda or that of the women's movement.

The state's law enforcement and social welfare agencies mostly overlooked all but the most extreme cases of GBV and took very few steps to measure the scope of the problem or to study how women, and society as a whole, were affected by it. Statistics and reports of social problems and issues that affected women, produced by the state, were generally devoid of information on the extent of GBV within Liberia or analyses of the causes and consequences of the problem. For example, the country's 1986 Demographic and Health Survey featured sections on women's health and social status that did not include any information on GBV. None of the Ministry of Justice's (MoJ) annual reports, which I analyzed, listed any form of GBV as a problem that deserved attention from police officers or the courts.<sup>42</sup> In fact, rape was the only form of GBV documented and this was only to list the number of cases that were reported to some police stations in the country, and included in court records. The reports also provided figures on the number of simple and aggravated assault cases that were reported to a few police stations across the country or forwarded to court. However, this information was not disaggregated by the sexes of the accused and the victim, or detailed enough to determine which cases were incidents of intimate partner violence. This omission makes it impossible to determine the extent of pre-civil war domestic violence and reflects the low priority that the state gave to the issue during this period. The reports did not include any information on internal or external forms of human trafficking. This dearth of information on GBV is in itself relevant because it demonstrates the extent to which successive pre-war governments and law enforcement agencies perceived of it as a non-issue. Nonetheless, interviews and the historical

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<sup>42</sup> The reports were housed at the University of Liberia but most of them were destroyed during the civil war. The ones that survived the war and that I analyzed covered the following time periods: October 1, 1958 - September 30, 1959; October 1, 1962 - September 30, 1963; October 1965 - September 1966; October 1, 1967 - September 30, 1968; October 1, 1968 - September 30, 1969; October 1, 1971 - September 30, 1972; October 1, 1972 - December 31, 1972; January 1, 1973 - November 30, 1973; January 1, 1976 - December 31, 1976; January 1, 1977 - December 31, 1977; January 1, 1979 - December 31, 1979; January 1, 1980 - January 31, 1980 .

literature clearly show that these three forms of GBV were prevalent prior to the civil war (Personal interviews, 2010 & 2011).

The state received minimal pressure from non-state actors—including local women’s rights groups—to place any form of GBV on its agenda. In the nineteenth and early twentieth century, when Americo-Liberians were founding the Liberian state, women’s rights activists did not participate in the formulation of statutory law and national policies.<sup>43</sup> Americo-Liberians’ desire to emulate the “civilized” ways of the people of the United States of America (US) and Western Europe extended to the lawmaking process as well. Liberian lawmakers used Anglo-American legal codes as models for granting rights to the citizens. The contents of the country’s 1847 constitution and its penal law, therefore, reflected pre-existing Anglo-American laws. Consequently, the political and socio-economic conditions and conflicts that led to the formulation and passage of these laws in the US and Europe were often missing in Liberia. These laws, therefore, did not always reflect the legal requirements and lived conditions of the Liberian people.

Rape against women was criminalized in the penal law but the definition of the act was very limited. Penetration by objects other than the penis, in orifices other than the vagina, and by more than one person was not addressed in the law. The state did not criminalize marital rape. Although a domestic violence law did not exist, the crime could be prosecuted under the penal law as either simple or aggravated assault. On the other hand, the legislature never passed a human trafficking law. While only women could be victims of rape under the existing law, the laws on simple and aggravated assault were gender-blind and did not reference male-on-female or female-on-male violence.

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<sup>43</sup> As explained in Chapter Three, indigenous women repeatedly challenged the policies of pre-war governments. They, however, were usually excluded from policy formulation until the mid-twentieth century.

Chiefs, and in some cases the central government, controlled the customary lawmaking process. Chiefs, sometimes unilaterally, created the customs of their people and because most chiefs were men who viewed women as subordinate members of society, they did not strive to create customary laws that would have the potential to reduce gender inequalities (Schwab & Harley, 1947; Strong, 1930). Instead, most customary laws were formulated to reproduce and protect the patriarchal status quo. Because the control of women was central to the protection of this status quo, practices such as domestic violence that facilitated the control and domination of women were essential to the endurance of most customs and were often tolerated under most customary laws. Nonetheless, amongst most ethnic groups, extreme cases of violence against women were punished.<sup>44</sup>

Even when female chiefs and religious leaders were in power, they usually did not attempt to change the status quo by formulating customary laws to outlaw gendered practices such as violence against women. They rather operated within this status quo. The failure to completely prohibit GBV in customary law persisted even when the central government participated in the formulation of these laws. The 1949 Revised Laws and Administrative Regulations for Governing the Hinterlands stated that:

(n) A man having married a woman lawfully, shall not under the following circumstances treat her in the following manners: He as husband shall not forcibly beat her, knock, strip her naked nor abuse her publicly just to confess her lover or lovers' names to him.

(Republic of Liberia, 1949, p. 35)

Despite the relatively progressive statement that it makes, this clause is specific to the issue of adultery on the part of women, which was of utmost concern to both customary and statutory

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<sup>44</sup> The definition of 'extreme' was subjective amongst and within ethnic groups. For example, Gibbs (1960) explained that the spilling of blood among the Kpelle was taboo. A case of GBV in which a woman's blood was spilled would, therefore, be considered extreme amongst the Kpelle.

lawmakers (Gibbs, 1960; Schwab & Harley, 1947; Strong, 1930).<sup>45</sup> Furthermore, this clause did not detail any punishment for a man who committed any of these acts, reducing it to a plea for good behavior on the part of husbands. Therefore, while most customary laws did not explicitly sanction GBV, they did not outlaw most violent acts against women either. GBV was tolerated until it attained the level of ‘extreme’, which was subjectively defined by the leaders of each ethnic group.<sup>46</sup> When combined with the gaps and weaknesses in the statutory law of the state, customary laws contributed to a weak legal response to GBV in pre-civil war Liberia.

Women’s rights were placed on the state’s agenda in the second half of the twentieth century. In 1975, Liberia sent a delegation to the first UN Conference on Women in Mexico City. Violence against women was one of the issues discussed at the conference, although not extensively (UN, 1976). The Liberian government was also represented at the Third World Conference on Women held in Nairobi in 1985. Violence against women—including domestic violence, human trafficking, and rape—was one of the focal points of this conference (UN, 1986). In fact, the Liberian government delegation was active in the discussion of these issues. It co-sponsored a draft resolution on Sexual Violence against Women and Children. In this draft resolution, the co-sponsors noted that women and children were frequently abused sexually and called upon “governments to take appropriate steps to protect, in an effective manner, women and children from any form of violence” (UN, 1986, p. 216). They made several progressive proposals for addressing the problem, including the introduction of legislative measures that would not victimize and criminalize the victims. Liberia also co-sponsored a draft resolution on Domestic Violence against Women at the Nairobi Conference in 1985. The prevalence of domestic violence across all racial, social, and economic cleavages was recognized in this

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<sup>45</sup> The regulation of adultery committed by wives and not husbands was another means by which women were controlled in Liberian society.

<sup>46</sup> An ethnic group could be spread over several towns and/or villages. Each town and/or village would have a separate customary authority which would create customary laws. Consequently, it was possible to have variations in laws within ethnic groups.

resolution. Governmental agencies were urged to “pay special attention to violence against women and to treat such behavior as criminal, and to provide services to assist battered women and their children” (UN, 1986, p. 254). The participation of Liberian delegates in crafting this resolution demonstrates that during this period, representatives of the state recognized that rape and domestic violence were policy problems that deserved attention.

Nonetheless, this recognition was not translated into GBV legal and policy instruments at the domestic level, nor did the state create programs and institutions to address these problems. Liberian delegates who attended the UN Conference in Nairobi, along with delegates to previous global population conferences “promulgated a comprehensive population policy which significantly endorsed the Nairobi recommendations as they pertain, particularly, to the role and status of women” (“Women Urged to Fight Discrimination,” 1989, p. 1). This 1988 National Policy on Population for Social and Economic Development focused on the need to reduce the high rate of population growth and emphasized the economic empowerment of women and the enhancement of their contribution to agriculture and other areas of national development. Violence against women (or a similar term referring to the problem) was not directly mentioned in the document. Instead, the policy underscored the need to “introduce appropriate legislation to remove all types of discriminatory practices against women, and to protect their legal rights in the fields of employment, marriage, control over their bodies, and their rights to properties” (National Population Commission, 1988, p. 15). This statement constituted the extent of the discussion of GBV in the country’s major women’s rights document produced during this period. The policy did not reflect the relatively extensive and progressive proposals that the Liberian delegation to the Nairobi conference had co-sponsored in the draft resolutions on sexual and domestic violence.

It is safe to say that the participation of representatives of the Liberian state in the global women's conferences did not automatically lead to the wholesale adoption of the ideas on GBV that were introduced and propagated during these meetings. While acknowledging the existence of rape and domestic violence and the need to address these problems on the international stage, the state had created a policy, and was planning to develop institutions and programs that focused on the reduction of high fertility rates and the enhancement of the roles and status of women in development.<sup>47</sup> This lack of attention to GBV and the relative importance accorded to population control and economic empowerment in the domestic arena was because these were the women's rights policy issues that the state perceived as pressing and requiring action. Population control and economic empowerment reflected the Women in Development approach that the UN and international development agencies were supporting in third world countries during this period. Furthermore, despite the lobbying on the part of transnational women's rights activists for states to respond to GBV, which was largely a product of the UN conferences on women, the international community had only recently begun to accept that GBV was an issue that required state intervention in the late 1980s (United Nations Economic and Social Council, 1995). Consequently, states such as Liberia received minimal pressure from powerful international actors to prioritize GBV as a policy problem prior to the civil war which began in 1989.

The exclusion of rape, domestic violence, and other forms of GBV from the state's agenda also happened partly because most domestic women's rights organizations were focused on women's economic empowerment. When women's groups did advocate for the state to address a form of GBV, theirs were often not sustained and focused campaigns. Instead, their activism was usually in reaction to a series of violent attacks against women or to a particularly

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<sup>47</sup> The document also failed to make the link between women's economic empowerment and GBV.

shocking incident of GBV. For example, female residents of the Matadi Estates in Monrovia, in March 1988, criticized the police for poorly handling the investigation of the rape and murder of one of the estate's female residents. They appealed to several government agencies that were involved in the case to prioritize it. In an interview a spokesperson for the women stated that "...if we do not act now, all of us will finish in the estate...we are living in fear" ("Estate Women," 1988, p. 1). These forms of advocacy, however, usually did not gather enough momentum to become sustained sub-national or national campaigns against any form of GBV. The absence of such activism had institutional and programmatic implications.

The Liberian state did not have institutions that were dedicated to responding to GBV. In fact, pre-civil war Liberia did not have a state bureau that was responsible for women's affairs, however defined. One of the proposals made in the 1988 population policy was for the establishment of an apolitical bureau of Women's Affairs "to advance women's interests and monitor national trends with respect to women's rights including patterns of fertility and behavior" (1988, p. 15). This proposal was discussed at a three-day national workshop on the "Improvement of the Role and Status of Women in Liberia" that was attended by state and women's organizations' representatives in Monrovia in 1989 but was not acted upon until 1994 when a women's desk was created in the Ministry of Planning ("Women Urged to Fight Discrimination," 1989, p. 1). The benefits that could result from having a centralized women's rights machinery within the state apparatus, which have been theorized in the feminist literature (Green, 1999; Tripp, 2010; Waylen, 2007; Weldon, 2002), were therefore largely absent in Liberia. Community-level GBV advocacy efforts lacked the key support within the state bureaucracies that could have contributed to making them more effective, and to reverberate nationally.



The absence of a GBV section is especially remarkable in the justice sector because of the central role that law enforcement officers play in the prevention of GBV and the prosecution of violent crimes against women. Both the Liberia National Police (LNP) force and the state's judicial system did not have units that were dedicated to responding to violent crimes against women. Cases of GBV that were brought to the police and to court were handled by officials who lacked gender-sensitivity training and therefore did not know how to work with survivors of GBV. Research across societies has demonstrated that gender-insensitive justice agents deter victims from reporting crimes. Furthermore, such agents are more likely to not investigate or to poorly investigate cases.<sup>48</sup> Interviews with women's rights activists and police officers have confirmed these assertions in pre-civil war Liberia (Personal interviews, 2010, 2011, & 2012). Police often investigated cases poorly, harassed victims, and blamed them for bringing violence upon themselves. Police officers abused some victims and it was common practice for officers to allow complainants to withdraw cases for resolution in family or customary court hearings.<sup>49</sup> The absence of GBV sections within state agencies was, therefore, an impediment to deterring and prosecuting all forms of GBV that were illegal during this period.

Another weakness in pre-civil war Liberia's response to GBV was the absence of well-organized campaigns to educate the public on the issue. GBV education was especially needed in Liberia because according to women's rights activists interviewed, many Liberians—both men and women—did not recognize the gravity of the problem (Personal interviews, 2010 & 2011). Society as a whole needed to be educated and the consciousness of women had to be raised to recognize all forms of GBV as violations of their rights and possibly as crimes. Campaigns that raised awareness of specific forms of GBV or of violence against women as a whole, were not

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<sup>48</sup> Both of these concerns were raised in the draft resolutions that were co-sponsored by the state's delegation at the Nairobi Conference in 1985.

<sup>49</sup> Victims' attitudes towards GBV are discussed in Chapter Three and the behavior of police officers to the problem is detailed in Chapter Five.

conducted on a large scale, or sustained over an extended period of time that would have ensured that the messages reached a significant number of people and became a part of the national discourse.

## **Conclusion**

Although advancing women's rights was on the agenda of both the state and non-state actors in pre- civil war Liberia, mostly in the late 1980's, there was limited attention paid to GBV. Customary laws did not prohibit violence against women, although, extreme cases were punished amongst some ethnic groups. With the exception of rape, other violent crimes that disproportionately affected women were either subsumed under gender-blind legal statutes or were not included in the statutory law. Despite the participation of the state's delegates in the UN conferences on women in 1975 and 1985, where violence against women was discussed, Liberia did not have strong anti-GBV policies, state institutions lacked GBV sections, and education campaigns to raise awareness of the problem did not exist. This was partly because international organizations (IOs) and domestic women's rights groups were focusing their advocacy and programmatic efforts on women's economic empowerment and not on GBV. The outbreak of the country's civil war in 1989 transformed how these non-state actors responded to some forms of GBV in Liberia.

## **4.4 RESPONSES TO GENDER-BASED VIOLENCE DURING THE CIVIL WARS**

**(1989 - 2003)**

The Liberian civil wars began in December 1989 when Charles Taylor's rebel forces entered the country through Nimba County and launched a military offensive against the government of President Samuel Doe. It officially ended in August, 2003, when the government of Charles

Taylor, opposing rebel groups, and political parties, signed the Comprehensive Peace Agreement (CPA) in Ghana. During the presidencies of Samuel Doe and Charles Taylor, government soldiers and rebel forces indiscriminately attacked civilians and committed mass atrocities against the Liberian population (United Nations Security Council, 2003a). Men, women, and children were physically and psychologically tortured, enslaved, raped, and murdered. Those who did not die at the hands of rebel and government soldiers succumbed to starvation and disease. An estimated 250,000 Liberians died as a result of the war and hundreds of thousands more were displaced. Approximately half of those who died were non-combatants (United Nations Security Council, 2003a).

The conflict also resulted in the physical and structural destruction of both public and private institutions. Rebel forces targeted government institutions such as ministries, courthouses, and police stations for destruction. Indiscriminate bombardment by fighting forces also led to the destruction of schools, churches, hospitals, and homes. Combatants burnt government records and library books, damaged or stole hospital equipment, and looted offices. This physical destruction was accompanied by a decimation of the country's workforce. Employees fled or were murdered and the constant threat of violence and physical destruction of places of work, made it impossible for those who remained to perform their duties. This state of affairs rendered state institutions and most private institutions nonfunctional. Most state and private institutions persisted in this condition during the tenure of the interim governments and the presidency of Charles Taylor. Consequently, it fell to the civilian population as well as local nongovernmental organizations (NGOs), intergovernmental organizations, and international organizations to perform all functions of the state, including responding to GBV.

In the early stages of the civil war (December 1989 and early 1990's), newspapers carried stories of the atrocities that Charles Taylor's forces were committing against non-combatants ("More Liberians Cross Borders," 1990). Internally displaced people who had escaped attacks on their villages and towns also brought reports of atrocities perpetrated by government and rebel soldiers to the places where they sought refuge. According to women's rights activists, most of these accounts included stories of the rape, torture, and murder of girls and women and served as catalysts for Liberian women who began to work for an end to the violence against women and to help survivors of the atrocities (Personal interviews, 2010 & 2011). However, their efforts were not limited to helping girls and women but to ending violence against all Liberians and to providing humanitarian relief to all who were affected by the conflict. While some women worked in loosely-coordinated groups or well-structured organizations, others contributed as individuals. Together, they constituted a women's movement. This movement responded to GBV in four ways: providing humanitarian assistance, educating Liberians on the ills of some forms of GBV, negotiating the cessation of the war, and providing legal services to survivors of GBV. Often, some individuals and groups engaged in several of these initiatives simultaneously.

Women began to condemn the violence and demand peace, in the early stages of the conflict. Some of their peace activism was for short periods of time and on a small scale while others occurred at the national level and lasted for several years. On May 19, 1990, Daily Observer, one of the most read newspapers in Liberia, published an appeal by Christian women led by educator Mary Brownell, for an end to the crisis in Nimba County. The women planned to petition Charles Taylor and explained that they were taking this action because, "the present crisis is causing innocent lives, including those of women and children" (Slewion, 1990). In the same month, the Ecumenical Women's Organization appealed to the Organization of Africa

Unity (OAU) and the UN to mediate a ceasefire in the rapidly spreading conflict (“Women Call for Ceasefire,” 1990, p. 1). They cited the loss of life and the destruction of the country reasons for their appeal. These early efforts were not limited to organizations but included individuals as well. Hawa Clemens, a woman who had declared her intention to run for the presidency in 1985, also appealed to the government of Samuel Doe and to rebel leader Charles Taylor to lay down their arms (“It is Time for Peace,” 1990).

As the conflict progressed, the women’s movement became more organized and members intensified their efforts to end the violence. They also began to diversify their strategies and to employ others that were more visible and would have a greater impact. The Liberian Women’s Initiative (LWI), which was formed in 1994, worked with groups such as the Inter-Faith Mediation Council to organize stay-home days that paralyzed businesses and government institutions in Monrovia in March 1995 and early 1996. This form of protest signaled to the warring parties, that the movement was influential and gave legitimacy to the women’s efforts at peace negotiations (AWPSG, 2004). Women from various organizations, with personal funds and some raised through local and international fundraising efforts, attended local and international peace talks and though they were sometimes excluded from the official discussions, they persisted in making their case to the warring factions and the international community (AWPSG, 2004). In May 1995, women’s organizations sent a three-woman delegation to the Economic Community of West African States (ECOWAS) Heads of State Mediation Committee in Abuja, Nigeria. Initially refused participation in the proceedings, the women intensively lobbied until then ECOWAS chairman, President Jerry John Rawlings of Ghana, agreed to allow them to speak to the attendees. According to a member of the delegation, Theresa Leigh-Sherman:

I just took that...paper...and slowly we talked about the killing and how these men were opening these women's stomachs and betting on the babies. We talked about everything because the women were tired. We were just tired. We were just tired. It was a 30-minute paper. We made recommendations. And I tell you the nine Presidents that were there and...CNN, BBC, everybody was in tears because these are the facts that these people didn't know about...but we had gone through it. We had lost everything we worked for. (AWPSG, 2004, p. 26)

During this meeting, the women demanded a place at all negotiation tables and made recommendations for a government of inclusion and for a disarmament process. The women also employed some unconventional methods to bring an end to the conflict. They sent letters to the spouses of the heads of state of all ECOWAS countries "to encourage informal and secondary advocacy—to influence the nearest head on the pillow" (AWPSG, 2004, p. 18). Individual women also worked alongside women's groups. In 1993, a woman with ties to one of the rebel factions opposing Charles Taylor negotiated with this faction to halt a planned military offensive on Monrovia (AWPSG, 2004).

The women's movement continued to mobilize domestically and to pressure warring parties to come to the negotiations table and to lay down their arms. Their efforts were frequently interrupted but never derailed by intermittent outbreaks of violence. Liberian women participated in the fourth World Conference on Women in Beijing. At the conference, Mary Brownell of the LWI lamented the lack of encouragement from women of other African countries. This changed when Femme Afrique Solidarite visited Liberia to observe the 1997 elections. In 2000, the Mano River Women Union Peace Network (MARWOPNET), which consisted of 56 peace activists from Liberia, Sierra Leone, and Guinea was formed. The network pressured ECOWAS to

address a range of human security issues in the region and participated in several peace negotiations, including the 25<sup>th</sup> Summit of ECOWAS Heads of States in Dakar, Senegal.

Another organization, the Women in Peace-Building Network (WIPNET), was also active in the peace-building process. Formed in 2000, WIPNET brought together Christian and Muslim women to peacefully demonstrate against the continued violence and to demand an end to the war. According to one of the group's leaders, Leymah Gbowee,

It is women and children, the weaker vessels of the human race, that are most often affected during and after conflicts. Women and children die from a combination of factors: bullets, hunger, childbirth, rape. (AWPSG 2004, p. 47)

WIPNET organized a sit-in in Monrovia that rapidly spread to other parts of the country. Along with other women's organizations, they continued to protest the conflict and its brutality at the final peace talks in Ghana in 2003. They mobilized refugee women in Ghana to picket the talks and to compel the parties to come to a resolution. Denied entrance to the negotiation hall, the women protested outside and famously barricaded the participants in the hall, out of frustration at the slow pace of the peace process (Disney & Reticker, 2008). While at the peace talks, the women's movement distributed the Golden Tulip Declaration to all participants. The declaration outlined the movement's demands for women's inclusion in the peace process. The talks resulted in the 2003 CPA which officially ended the 14-years of war. Women's peace activism did not die off with the official end of the civil wars. Immediately after the peace agreement was signed, women's organizations held another protest march calling for a faster deployment of the international peacekeeping force into the interior of the country to put an end to the atrocities that persisted (AWPSG, 2004). They also mobilized women to vote in the 2004 general elections.

These peace-building initiatives directly affected women's experiences of some forms of GBV. The end of the conflict resulted in lower levels of sexual violence against women (Tomczyk et al, 2007). The brief ceasefires that were negotiated by the women also provided temporary respite from attacks by soldiers and created safer avenues for people to search for food and water and to access medical care. Women's activism also served to put GBV in Liberia on the public agenda and brought it to the attention of the international community. It was the first time that physical and sexual forms of violence against women had been publicly and consistently opposed on a national platform. This emboldened more survivors to speak about their experiences and get help and partly influenced international organizations in Liberia to fund anti-GBV initiatives developed by local women's organizations and to create their own programs to respond to the problem. On the other hand, due to the prevalence and the visibility of atrocities committed by the warring factions, the women's movement and the international community in Liberia were focused exclusively on GBV committed by combatants. This affected how the state, NGOs, intergovernmental organizations, and international organizations structured their initial post-civil war responses to GBV.

The women's movement also provided humanitarian assistance to survivors of GBV and their families. This assistance came in the form of medical care and the provision of food, water, clothing, and shelter. While some of these initiatives were supported with funds from intergovernmental and international organizations, others were independently provided by women's groups. In 1993, Ruth Caesar with funds from the United Nations Children's Fund (UNICEF) and support from the National Women's Commission of Liberia (NAWOCOL) created the Abused Women and Girls Project in Monrovia.<sup>50</sup> In an interview, she explained that

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<sup>50</sup> Ruth Caesar was also the head of the Committee on Gender Equity, Women, and Child Development in the National Transitional Legislative Assembly from 2003 – 2005



it took her two years to secure funding for the project. She had previously approached several international funding agencies without success. She stated that the people whom she approached within these organizations recognized the need for such a project but explained to her that their headquarters in New York, Geneva, etc. had not provided funding for sexual assault programs. This, however, changed as the conflict progressed. The increased reports of sexual violence in Liberia contributed to UNICEF's agreement to fund the Abused Women and Girls project. However, the initial rejections delayed the establishment of the project (Personal Interview, June 5, 2011).

When established, the Abused Women and Girls project was housed in a center called *My Sister's Place* and consisted of a mobile medical unit which provided gynecological care to rape victims, a legal arm that educated women on their rights, a trauma team to provide women with psychological counseling, and an economic empowerment arm to train women in income generating skills. Members of the project's staff drove a car equipped with a megaphone through the Internally Displaced People's (IDP) camps and other communities in Monrovia and broadcast messages that encouraged victims of sexual violence to report to *My Sister's Place* for care and assistance. According to Caesar, this component of the project was necessary because many victims of sexual violence were ashamed of what they had experienced and were reluctant to seek help out of fear that they would be stigmatized in their communities. The project was extended to Grand Bassa County.

Responding to a dire shortage of food in the capital city, the Concerned Women's Organization negotiated with Charles Taylor's forces for the safe passage of food from the town of Gbarnga to Monrovia. The Feeding, Recreation, and Literacy Project under the auspices of the Young Men's Christian Association provided trauma counseling for over 500 war affected

children (AWPSG, 2004). These and numerous other women-organized projects created a lifeline for many Liberians. Although their efforts were overwhelmingly focused on Monrovia and other areas that were accessible during the war, they provided medical and psychological care to some survivors of GBV who had suffered grave injuries and succeeded in saving and restoring lives. Assisting GBV survivors with food, water, and shelter also saved lives and aided recovery.

Women's organizations also provided legal services to survivors of GBV. In 1994, female lawyers formed the Association of Female Lawyers of Liberia (AFELL) to advocate for women's rights, provide legal assistance to female victims of violence, and to mediate cases of domestic violence, which, according to Zoer Bernard, acting president of the organization, was "the order of the day" during the civil war (Personal Interview, July 15, 2010). She explained that AFELL invited disputing partners into the legal clinic to help them come to "amicable solutions". During the presidency of Charles Taylor, they advocated for the amendment and creation of laws to protect women from violence and other forms of discrimination. For example, AFELL advocated for the passage of the domestic relations bill that gave some rights to both men and women within the home. With external funding, members of the organization also provided legal representation to survivors of sexual violence during the presidency of Charles Taylor. Their contribution was necessary because the MoJ lacked the prosecutorial capacity.

Women's organizations also began to lobby for the creation of the Ministry of Gender and Development (MoGD) during this period. According to Jennie B. Morris, a founding member of the LWI, her organization played a key role in pressuring the government of Charles Taylor to create the ministry in 2000 (Morris, 2005). She explained that the LWI drew on the Beijing Platform for Action, which called for the creation and strengthening of gender

machineries and the mainstreaming of gender in all governmental bodies. They collaborated with the United Nation Development Program's (UNDP) gender advisor to advocate for the creation of the ministry beginning in 1999. Although the MoGD was established under a government that sanctioned and actively encouraged the rape, torture, enslavement, and murder of men, women, and children, it was still a significant step in institutionalizing women's rights and giving them a voice—however faint—in the state's bureaucracy.

Finally, the women's movement also raised awareness of some forms of GBV among communities within Liberia. Although the bulk of their activities were in larger towns and areas that could be physically accessed during the conflict, they succeeded in getting their messages across to a significant number of people. Every aspect of their advocacy, humanitarian, and legal efforts contributed to a more open discussion of GBV, especially rape. Even though thousands of women were being raped, there was still a stigma attached to survivors of the crime; making them unwilling to acknowledge or discuss their experiences. This made it impossible for them to seek medical care or to pursue justice. However, the awareness that was raised by the women's movement ensured that rape was no longer a taboo topic, and set the stage for a more open discussion of the problem after the war ended.

The activities of the women's movement during the conflict, though not limited to GBV, was the first time that Liberia had seen a nation-wide campaign against the issue. This grassroots campaign, propelled by women's frustration with the violence and indignities of the war, saved lives and contributed to the resolution of the civil war. On the way to achieving peace, the women's movement underscored the effects of violent conflicts on women and girls and demonstrated that women could play an important role in peace-building. Liberian women also succeeded in bringing international attention to GBV through their activism. Intergovernmental

and international organizations responded to GBV in three ways: they funded the activities of local NGOs and women's groups; they also collaborated with these groups, and independently implemented initiatives in the areas of humanitarian assistance, peace-building, and awareness-raising.

During the initial stages of the civil war in 1990, the international community within Liberia was largely focused on ending the violence and providing humanitarian assistance. They sought to protect all civilians from violence without recognition of the unique threats that women were facing during the war. Consequently, the majority of their programs were not structured to provide assistance to women who had been physically and sexually abused and the most of their staff did not have the training to handle such problems. For example, the Economic Community of West African States Monitoring Group (ECOMOG), which arrived in Liberia in August 1990, did not have any plans in place to address violence against women. 'Funmi Olonisakin explained that "ECOMOG has focused almost exclusively on the military aspects" (2008, p. 33). The mission did not provide training and lacked expertise on issues such as child protection and GBV. This weakness, of course, failed to reduce women's and girl's vulnerability to violence.

However, as the knowledge of the brutality of crimes against women and girls surfaced, international actors incorporated anti-GBV projects into their activities. They subsequently initiated funding and logistical support to local women's groups and nongovernmental organizations that were engaged in anti-GBV work. Intergovernmental organizations funded several anti-GBV initiatives, often run by local women's rights activists. For example, UNICEF collaborated on, and funded the Abused Women and Girls Project in 1994. Intergovernmental and international organizations also built the capacity of women's rights organizations. Ruth Ceasar explained to me that she was influenced to develop the Abused Women and Girls project

by a Save the Children workshop that she attended in 1991 that educated participants on the issue of rape and encouraged them to take actions to address the problem (Personal interview, June 5, 2011).

Intergovernmental and international organizations were also the primary providers of humanitarian assistance, which included medical and psychological assistance to survivors of GBV, as well as water, food, and shelter. The International Commission of the Red Cross was providing medical care to Liberians in 1990 (“More Liberians Cross Borders”, 1990). In 2003, the International Rescue Committee (IRC) established “drop-in” centers in Monrovia where female survivors of sexual violence could go to receive medical and psychological care. They also provided these services at IDP camps across the city (IRC, 2003).

The international community also played an important role in protecting civilians from violence and negotiating peace. ECOMOG forces battled with the warring factions to protect and regain territory and to prevent violence against civilians. However, the peacekeeping force had an inadequately specified mission and was poorly resourced (Olonisakin, 2008). Furthermore, ECOMOG at various points in the conflict sided with different warring factions who were committing atrocities against the civilian population (Olonisakin, 2008). Nonetheless, their intervention did save the lives of many Liberians. The international community also oversaw the peace negotiations process. ECOWAS negotiated multiple peace agreements each of which was eventually broken by the warring factions. It also mediated the CPA which ended the civil war. Peace negotiations were funded by the international community and organizations such as the UN intervened directly to pressure warring factions, including the rebel government of Charles Taylor, to end the violence (Hayner, 2007).

The collaboration between international actors and local women's groups lent important financial support to local women's activism and service provision. Although women's organizations did succeed in raising funds internally to implement their projects, the poverty caused by the conflict necessitated external financial support. The support of powerful international actors was also important because despite their belligerency, warring factions wanted assistance and legitimacy that could only be conferred by the international community. For example, despite his dismal human rights record, including his sanctioning of the rape, physical torture, enslavement, and murder of women and girls, Charles Taylor agreed to the creation of the MoGD upon lobbying by women's organizations with support from United Nations Development Program (UNDP). The support and capacity-building provided by the UNDP was important for the realization of the creation of the ministry. Overall, international organizations possessed more resources and arguably more clout than the local women's organizations, making their collaborations with the latter very important.

Highlighting the contributions of the international community is not meant to imply that the actions of intergovernmental and international organizations adequately protected civilians or that they were always positive. These international actors possessed many shortcomings. International negotiators consistently excluded women's groups from peace negotiations and resisted their efforts to participate in the conflict resolution process (AWPSG, 2004). Not only was ECOMOG poorly-resourced but its forces were involved in the looting of properties during the war and implicated in brutality against civilians (Olonisakin, 2008). Their weakness left many people vulnerable to violence, including GBV. The failure of the international community to respond to the Liberian's pleas for assistance on many occasions was another weakness on its part. Furthermore, international organizations working in Liberia were often restricted by the

conflict and a lack of resources and therefore unable to access many people who were in need of assistance (United Nations Security Council, 2003b). Nonetheless, it is important to recognize that the assistance and protection that was provided by intergovernmental and international organizations did prevent some forms of GBV against some women and provide medical and other forms of humanitarian assistance to some survivors of GBV. They also contributed to placing GBV on the public agenda and to encouraging Liberians to discuss the problem of sexual violence more openly.

## **Conclusion**

The 14-year civil war proved to be a turning point in how state and non-state actors responded to GBV in Liberia. The state was largely nonexistent during this period and during the presidencies of Samuel Doe and Charles Taylor, it was actively involved in perpetrating GBV and other human rights violations. However, advocacy by women's organizations and the intervention of intergovernmental and international organizations largely compelled warring factions to end their violence. Women's organizations engaged in advocacy and humanitarian work that prevented violence, provided care for survivors, and raised awareness of GBV in Liberia domestically and internationally. This served to bring GBV out of the private sphere, where it had been throughout the country's history, into the public sphere. Whereas prior to the civil wars, the state and local women's organizations had overlooked the gravity of the problem and the need to create policies and programs to respond to it, the advocacy work of Liberian women had made women's rights—including GBV—a political issue. It was no longer sufficient to have a limited rape law and institutional practices that discriminated against women and encouraged GBV. On the other hand, most of the humanitarian work of non-state actors was focused on larger towns and areas that were safely accessible during the war. Furthermore, the

prevalence, visibility, and brutality of sexual violence against women meant that it was the issue that garnered the most attention. It was the form of GBV most discussed by women's rights organizations and that which was most brought to the attention of international organizations. During this period, non-state actors were focused on preventing and responding to GBV that was perpetrated by combatants. These actors, therefore, framed GBV as a crime committed by rebel soldiers and the discourse failed to include non-combatants as abusers. These civil war trends not only affected how these actors responded during the civil wars but have also shaped how they have addressed the problem since its end in 2003.

## **4.5 RESPONDING TO GENDER-BASED VIOLENCE AFTER THE CIVIL WARS**

### **(2003 - 2011)**

#### **4.5.1 The Initial Post -War Phase**

The changing social and political conditions in Liberia after the end of the civil wars necessitated new strategies to respond to GBV. Non-state actors, therefore, expanded existing measures to protect women from violence and to provide assistance to survivors after the CPA was signed in 2003. The CPA did not specifically reference GBV but it articulated the need to pay attention to “war victims” and listed women as one group of victims. Article XXXI Vulnerable Groups stated that:

1a. The NTGL [National Transitional Government of Liberia] shall accord particular attention to the issue of the rehabilitation of vulnerable groups or war victims (children, women, the elderly and the disabled) within Liberia, who have been severely affected by the conflict in Liberia.



It also instructed that:

3. The NTGL, in formulating and implementing programs for national rehabilitation, reconstruction and development, for the moral, social and physical reconstruction of Liberia in the post-conflict period, shall ensure that the needs and potentials of the war victims are taken into account and that gender balance is maintained in apportioning responsibilities for program implementation.

The agreement also mandated the establishment of a Truth and Reconciliation Commission; the reconstruction of the security sector; and the Cantonment, Disarmament, Rehabilitation, Reintegration (CDRR) of all combatants, including forces of the Government of Liberia (GoL). A National Commission for Disarmament, Demobilization, Rehabilitation, and Reintegration (NCDDRR) was proposed to coordinate all Disarmament, Demobilization, Rehabilitation, and Reintegration (DDRR) activities. The NCDDRR comprised representatives from the National Transitional Government of Liberia (NTGL), the GoL, rebel factions, ECOWAS, the United Nations, African Union, and the International Contact Group on Liberia (ICGL). The signatories to the CPA also requested that the UN in collaboration with ECOWAS, the AU, and the ICGL deploy an international stabilization force “to support the transnational government” and assist in the implementation of the CPA, including the DDRR process (CPA, 2003, p. 6). In response to this request, the United Nations Mission in Liberia (UNMIL) was established on September 19 2003 under Chapter VII of the UN Charter.

One of the first post-war anti-GBV programs was implemented during the disarmament and demobilization stages of the DDRR process. UNMIL and the NCDDRR ran this program from December 2003 to November 2004 in eight sites across the country. The UN recognized the importance of a gendered approach to the DDRR process in the planning stages. The September

2003 Secretary General's report to the Security Council outlined the requirements for the process and proposed that:

Any disarmament, demobilization and reintegration programme should pay particular attention to the needs of child combatants, women among the fighting forces, dependants of combatants, camp followers and abductees. There should be a clear definition of beneficiaries, screening for vulnerabilities should be carried out and interim care facilities should be established to cater to their needs and reintegration. Special measures and programmes should address the gender-specific needs of female ex-combatants, as well as the wives and widows of former combatants. Briefing, counselling and training in programmes for the eventual reintegration of ex-combatants should take into consideration the differences in the experiences during conflict of women and girls, as compared to men and boys. Because of the high rates of sexual violence perpetrated in the conflict, reintegration programmes must include prevention of sexual violence. (p. 12)

Some of these proposals were incorporated into the DDRR process. According to Fatoumata Aisha (2005), UNMIL's Office of the Gender Advisor (OGA) "monitored the DD process and provided technical expertise and advice on the incorporation of gender" (p. 156). They also incorporated women's organizations and local gender experts into the process in various capacities, including providing human rights education to ex-combatants. This human rights message emphasized women's and children's rights and was accompanied by the provision of medical and psychological for female ex-combatants who had experienced physical and sexual violence. However, noncombatants did not benefit from this program.

The women's movement, international, and intergovernmental organizations spent the first year after the peace agreement trying to establish security and democracy in the country and

to secure the basic needs of the population. During this period, the NTGL, which was inaugurated in 2003, was plagued with in-fighting as warring factions jockeyed for political positions without concern for the welfare of the Liberian people (Aisha, 2005). Meanwhile, the humanitarian situation remained dire. The country lacked electricity and running water and most Liberians depended on food aid for their survival. Furthermore, armed groups continued to terrorize the population in some parts of the country and humanitarian organizations were still receiving alarming reports of violence against women, particularly rape, in the IDP camps and in communities across the country. Many of these reports described the rape of children (Personal interviews, 2010 & 2011).

There are numerous criticisms that can be made of the response to GBV during this initial post-war phase. For example, Aisha (2005) decried the lack of female military observers to screen female ex-combatants during the disarmament and demobilization process. Nonetheless, it is important to point out that the gender component of the DDRR process was the first nationwide post-war collaboration between the GoL, local NGOs (including women's organizations), and the international community in Liberia on the issue of GBV. It set the foundation for how these three sets of actors have since self-organized and structured their responses GBV.

During and immediately after the civil wars, it was primarily the women's movement and other local human rights NGO, intergovernmental organizations, and international organizations that responded to GBV. This was because for most of this period, the Liberian state was nonexistent. The wartime interim governments lacked the authority and resources to maintain law and order, deter violence, or to provide care for survivors. The governments of Samuel Doe and Charles Taylor had themselves committed atrocities against civilians and did not prioritize

the protection of the Liberian population from violence. The NTGL had inherited a broken state that lacked everything and was therefore dependent on the international community in order to perform the most basic functions. The Secretary-General assessed the security sector thus:

Judicial institutions throughout Liberia have suffered an almost complete breakdown as a result of years of violent conflict and the disregard of the Taylor Government for the rule of law. The Liberian national police is said to have functioned more as an instrument of repression than as an enforcer of law and order. Its 3,500 officers lack training and have not been paid since early 2002. Corruption has been endemic. Similarly, the judiciary sometimes does not enjoy public confidence and has suffered from corrupt practices and political interference. Most courts are not functioning and much of the infrastructure has been destroyed or looted. It also appears that various prisons throughout the country are empty and dilapidated, and that former prisoners are on the loose. (United Nations Security Council, 2003a, p. 6)

The weakness of the Liberian state had therefore placed non-state actors in charge of every aspect of governance and service provision during and in the immediate aftermath of the civil wars. However, as the nation-building process began to take off, the Liberian government began to assume more responsibilities, with the support of the international community and local civil society organizations. Consequently, instead of being the only set of actors who responded to GBV, non-state organizations began to work with the GoL to address the problem. The rest of this chapter describes how the women's movement in Liberia, other human rights NGOs, intergovernmental organizations, and international organizations have formed an anti-GBV advocacy coalition which often includes the MoGD and other women's rights advocates within

the national government. I will also describe how their activities affect anti-GBV policy implementers, particularly police officers.

#### **4.5.2 The Reconstruction Period**

The end of the civil war has seen women's movement activism across a range of women's rights issues. GBV is one of these issues and it has emerged as one of the top concerns of the women's movement and is the focus of the anti-GBV advocacy coalition. This coalition consists of local and international organizations, some of which were engaged in anti-GBV work during the civil wars, and includes several government agencies. It also includes domestic human rights groups that have increasingly begun to place GBV on their organizational agendas. The coalition's activism has centered on making changes in three areas: legal and policy changes, institutional and programmatic changes, and consciousness and awareness-raising.

**4.5.2.3 Laws and policies.** The anti-GBV advocacy coalition first sought to map out their plans of action through the creation of several women's rights policy documents, many of which incorporated the issue of GBV while others were devoted exclusively to addressing GBV. Examples of the former include the Poverty Reduction Strategy (2008), the Liberia National Action Plan for the Implementation of Resolution 1325 (2009), and the National Gender Policy (2009). All three of these documents have strategies for preventing and responding to GBV and were created through the coordinated efforts of representatives of relevant government line ministries, international organizations, and NGOs. For example, one of the objectives of the National Gender Policy is to eradicate GBV.

Liberia's 2006 National GBV Plan of Action, on the other hand, was devoted exclusively to discussing ways of preventing GBV and meeting the needs of survivors. Its goals were to reduce GBV by 30 percent by 2011 and to provide "appropriate care and services to survivors of GBV" (Republic of Liberia, 2006, p. 8). The policy was created through consultations with members of the anti-GBV advocacy coalition to serve as a guide for their future operations. Discussing the policy, President Sirleaf Johnson said that:

My Administration is convinced that the implementation of this multisectoral Plan of Action will move us closer towards being a country where women and girls can live free from fear and violence and enjoy mutual respect and confidence. We are determined to combat violence against women and girls and to protect the human rights of all peoples in our society. We will furthermore enforce the Rape Law—which came into effect the day after my inauguration—without fear or favor. (UNFPA, 2006, p. 1)

The policy highlights five focus areas: psychosocial and economic empowerment, health, protection/security, legal, and coordination.

The contents of these policy documents were informed by existing international and national human rights and development documents such as the Millennium Development Goals (MDGs), the United Nations Development Assistance Framework (UNDAF), the Women's National Action Plan, African Charter on Human and Peoples' Rights, the Convention on the Rights of the Child (CRC), Act to Ratify the Protocol on the Rights of Women in Africa to the African Charter on Human and People's Rights (approved Dec. 2005), CEDAW, and the United Nations Human Rights Charter, among others.<sup>51</sup> Another characteristic of these policies is that they build upon each other and were largely conceived as improvements on extant policy documents.

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<sup>51</sup> These international instruments were referenced in the texts of policies.

Another area of advocacy has been the creation and amendment of anti-GBV legislation. Advocacy to amend Liberia's existing rape law began during the tenure of Liberia's transitional government in 2003. When the CPA was signed in August 2003, there was a general expectation that there would be a significant drop in the level of violence. The government and non-state actors were, therefore, surprised by continued reports of rape which included gang rape and rape of children and infants. Information on these crimes was spread by word-of-mouth within and across communities. There were also media reports of some incidents. According to Ruth Caesar, head of the Committee on Gender Equity, Women, and Child Development in the National Transitional Legislative Assembly from 2003-2005:

...it was in the newspapers that three year old children were being raped, little babies were being raped, minors were being raped, teenage girls were being gang-raped, death and all came about and violence was prevalent and had increased widely and it was just the inter-personal relationship and trauma that was being exhibited from the 15 years of conflict. (Personal interview, June 5, 2011)

In response to these reports, women's rights advocates within the NTGL, the women's movement, the UN, and international organizations, identified the absence of a comprehensive rape law as an impediment to providing justice to rape victims and to deterring the crime. They also agreed that the absence of such a law allowed rapists to operate with impunity. These advocates, therefore, began working towards strengthening the existing rape law.

The process to amend the rape law was led by AFELL and supported by the Committee on Gender Equity, Women, and Child Development of the NTGL; the Ministry of Justice, UNICEF, Doctors Without Borders, and a host of other organizations. The coalition faced a male-dominated legislature that appeared to be mostly sympathetic to the plight of rape victims

and was willing to amend the law. According to one of the government's representatives in the process whom I interviewed, some of the male legislatures were particularly eager for the law to be amended because they knew people who had been raped during the civil wars and were therefore personally affected by the problem. However, there were some reservations. Some legislators and members of the public disapproved of one of the punitive measures that advocates were seeking to include in the law. The representatives of AFELL had wanted to mandate the death penalty as punishment for certain degrees of rape but received fierce opposition from lawmakers and some members of the justice sector. A compromise was finally reached with the removal of the death clause and its replacement with life imprisonment. Nevertheless, some lawmakers, lawyers, and members of the public, especially men, still argue that life imprisonment is too harsh a punishment for the crime of rape ("Lawyers Denounce Rape Law as Unjust," 2010, p. 2). Efforts by these critics are currently underway to amend the law.

A second area of contention in the amendment process was the inclusion of a clause on marital rape. Once again, AFELL had sought to introduce a measure that some lawmakers thought was too harsh and a threat to the institution of marriage. According to a representative of AFELL, this led to resistance from lawmakers and resulted in the removal of the marital rape clause (Personal interview, September 7, 2010). Nonetheless, the law still criminalizes marital rape because it does not explicitly exempt the act from prosecution.

The amended rape law significantly enhanced the pre-existing statute on rape in the country's penal law. Two sections of Chapter 14 of the New Penal Code were repealed and replaced. The definitions of consent and sexual intercourse were revised. The penetration of other orifices other than the vagina was included in the definition of intercourse and the terms of consent were made more stringent. Gang rape was also included in the definition of rape. The



maximum sentence for rape was revised from 10 years to life imprisonment and the granting of bail was non-applicable in all rape cases. The passage of the amendment ensured that all forms of rape were covered under the law and attempted to ensure that all those accused would have a day in court. Legal changes were not restricted to the crime of rape.

In the immediate aftermath of the civil war in 2004, anti-human trafficking activists also began to lobby the state to create a trafficking law. According to a former head of the GoL's Anti-Trafficking Program in the Ministry of Labor (MoL) and Country Trafficking Expert at the International Organization for Migration, the Liberian government had previously ratified several international agreements that required it to tackle the problem domestically (Personal interview, August 23, 2010). A difference in this case is that the effort to create and pass the law was not spearheaded by women's rights organizations but rather, by organizations whose mission it was to protect the rights of children. Because the overwhelming majority of trafficking victims were children, albeit girls, advocates perceived it as a child rights issue and not women's rights. This advocacy resulted in the passage of the 2005 Act to Ban Trafficking in Persons.

Activists, however, did not advocate for a domestic violence law. According to the leadership of AFELL, one of the organizations that were pivotal to the passage of the Rape Amendment Act, they had focused on rape due to reports of the prevalence of the problem in the initial post-conflict stage. Furthermore the brutality of the crimes reported, particularly against children, had created a sense of urgency around addressing rape that was missing on the issue of domestic violence. Although women's rights organizations saw battered women coming through their doors for help, the problem was not accorded the same sense of urgency by these women's

groups and by the general public. Whereas newspapers regularly reported on the issue of rape, especially when it involved children, this was not the case for domestic violence.<sup>52</sup>

The amendment of the rape law and the creation of the anti-human trafficking law had several implications for how both crimes were responded to. In the case of human trafficking, the law provided the first legal recognition of the crime and outlined the roles of NGOs and the state and its agencies including the law enforcement sector. This constituted a major development from the pre-war period, when there was no law and no official guideline for how the problem should be dealt with. The amendment of the rape law was a signal to the general public that rape would no longer be tolerated.<sup>53</sup> By passing the law, the state communicated to its implementing agencies and to the Liberian public that rape would be treated as a criminal offense and the punishment of the crime would be prioritized. The law also provided clarity and direction for law enforcement officers; it prohibited the release of accused rapists by police officers and provided guidance to judges for sentencing, although judges have continued to use discretion in sentencing. The law prohibited police officers from using their discretion to determine if a case of rape was “serious” and thus, should be forwarded to court or “not serious” and should, therefore, be mediated in the police station or the family. The absence of a domestic violence law, on the other hand, opened the door for the use of discretion on the part of police officers.

The passage of the rape amendment also served to highlight the weaknesses of the judicial system. Rape cases that the police sent to court were often left pending on the docket. Liberia lacked sufficient lawyers, judges, and court rooms to adequately handle the wave of

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<sup>52</sup> Workshops held by the state, NGOs and IOs have sought to educate reporters on how to report on sexual violence and have encouraged reporting on the issue.

<sup>53</sup> The ability of the law to deter rape is, however, under question. According to Isser et al., (2009), “we found virtually no evidence that most Liberians found this law to be working as an effective deterrent—which may relate at least in part to the perception that the state justice system simply cannot or will not take the measures that might provide local satisfaction anymore than it appears to in any other type of case” (p. 67). The second part of this quote expresses a variation of this study’s research problem which is the gap between rhetoric and action. An assessment of the effectiveness of the rape law (and the signal that it sends to the Liberian people) cannot be done without recognizing that people’s perception of the deterrence effect of the law is also influenced by how it is enforced. In other words, the law by itself, is not enough.

cases that were sent for prosecution. According to Deweh Gray, former president of AFELL and Commissioner of the Law Reform Commission, this led to the prioritization of murder, robbery and treason over cases of rape and other forms of GBV (Personal interview, August 2, 2011). Men accused of rape were sometimes held in custody for extended periods of time without trial and eventually released on humanitarian grounds.<sup>54</sup> Several women's rights activists whom I interviewed also complained that rapists were bribing their way out of police custody. Consequently, the amendment failed to serve some of its intended purposes; perpetrators were not being brought to justice and were released to potentially terrorize their victims and commit more crimes. Victims were denied justice and society was taught that rapists could go unpunished, weakening faith in the already embattled justice system. This state of affairs underscored the need for institutional changes.

**4.5.2.2 Institutional and programmatic changes.** A second area of action has been the creation of new state and non-state agencies and the restructuring of existing institutions and programs to make them better positioned and equipped to prevent GBV and to aid survivors. While the majority of these agencies are mandated to advance women's rights in general with GBV as one of their program areas, others work exclusively on preventing and responding to GBV. The Women's NGO Secretariat of Liberia (WONGOSOL) is one such organization that works at advancing women's rights on all fronts. Women's NGOs, recognizing the need for a national body to coordinate their activities, formally created the organization in 1998 but due to constant disruptions by the war, its office was not established until 2006. In 2009 it had 60 members across the country and the leadership has participated in crafting national women's rights policies—including the anti-GBV policy—and in organizing women to give their testimonies at the

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<sup>54</sup> This practice persists.

TRC. The organization is largely funded by international donors such as the Global Fund for Women and has worked closely with UNMIL/OGA in training its members on human rights and gender (Greenberg, 2009; Personal interview, September 6, 2010; WONGOSOL, 2009).

These and other NGOs also complement the work of police officers in many ways. NGOs run safe homes that house women and children. Although these safe homes are heavily underfunded and the services that they provide limited, they house juveniles (both perpetrators and victims of crimes) who would otherwise have to sleep on benches in the police station, be housed by individual police officers, or placed in prison cells with adult criminals. NGOs also provide logistics to help the police in unifying trafficked children with their biological parents. They serve as liaisons between complainants and the police and their efforts facilitate the investigate process.

Within the government, the GBV Secretariat of the MoGD is the state agency that oversees all GBV activity in the country. The secretariat “collects and analyzes data, shares information, coordinates interventions and directs policy interventions relating to the implementation of the GBV Plan of Action” (UMMIL 2007. p. 2). Although the secretariat was created to play a coordinating role, it has begun to implement programs. Staff of the secretariat mediate cases of domestic violence (simple assault) and persistent non-support, often referring complainants to agencies that provide legal aid, health, and economic support to survivors and sometimes, to the Women and Children Protection Section (WACPS) of the Liberia National Police (LNP). The leadership of some women’s organizations has criticized the secretariat’s involvement in policy implementation and has argued that it tends to compete with NGOs in the provision of services instead of supporting them. NGOs claimed that the GBV secretariat is also biased in favor of some organizations and includes them in activities while others are sidelined

(Personal interviews, 2010 & 2011). This has created divisions in the women's movement and has hindered cooperation.

Within the secretariat is the GBV taskforce. Established in 2006 by a coalition of IOs, NGOs, and the government, the taskforce is chaired by the MoGD and meets to strategize on plans of action, develop policies, evaluate existing programs, and report on the successes and the difficulties that members experience in their day-to-day operations. The GBV taskforce also plays a policing role; members report on the performance of other members as well as on the operations of other actors that are engaged in anti-GBV work. These reports sometimes critique these actors for poorly implementing policies or taking actions that impede the realization of the objectives of the taskforce. Taskforce members are then assigned to follow-up on these cases by approaching the concerned organization and asking them to amend their practices. The results of these follow-ups are then reported to the taskforce and subsequent follow-ups are made if deemed necessary.

For example, in the May 2010 meeting which I attended, the UNHCR's representative to the taskforce explained that doctors in Lofa County were unwilling to sign the medical reports of rape victims. She argued that this inaction was impeding prosecutions because the police would not proceed with a case without a signed medical report. The chairwoman of the meeting promised to follow-up on the issue. Members of the taskforce also use it as a forum to discuss problems related to the police force and to ask the LNP's representative (when present) to take their concerns to the WACPS command. Officers who demand bribes, make extrajudicial releases of the accused, and abuse survivors in any way are also exposed at these meetings with the intention that they would be reported and disciplined by the WACPS command. For example, a staff member of the MoGD and a member of the GBV taskforce in Gbarnga told of how a

female police officer was confronted by the taskforce for demanding a bribe from a rape victim (Personal interview, May 25, 2011). She explained that in such cases where it is discovered that police officers are colluding with the accused or demanding that complainants pay bribes, the taskforce lodges complaints with the local LNP commander. These attempts sometimes yield results and contribute to changes in how the police and other anti-GBV agencies implement policies.

Members of the taskforce also target traditional leaders. Isser et al. (2009) stated that “the majority of rural Liberians, including chiefs, are generally well aware that rape is an issue that the state justice system has reserved for its exclusive jurisdiction” (p. 66). An interview with a Paramount Chief in Lofa County demonstrates the role that NGOs play in constructing and enforcing this understanding.

Interviewer: Do you resolve rape cases?

Paramount Chief: No, rape cases do not belong to me and I don’t venture around it because it belong to justice.<sup>55</sup>

Interviewer: But you are dispensing justice in your office...

Paramount Chief: The reason is when rape cases occurred and we try to put it under control the [NGO] people complain to the Ministry of Internal Affairs that we are overlapping our functions—and so we let it go to its rightful place. (2009, p. 68)

These NGOs, many of which are members of the GBV Taskforce, are working to ensure that cases enter the formal justice system and progress to trial. Though they are not always present to or successful at preventing traditional authorities from intervening in cases, they do contribute to bringing some cases before the police and courts.

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<sup>55</sup> Justice refers to the Ministry of Justice which oversees the courts as well as the police force. Customary forms of dispute resolution fall under the jurisdiction of the Ministry of Internal Affairs.

The taskforce, therefore, plays an important planning, coordinating, and policing role in the fight against GBV. It is the place where policies are developed and it is where members of the anti-GBV coalition plot their courses of action. The GBV Secretariat represents the first time that the state has had a body that is dedicated to responding to GBV. The secretariat is an influential advocate within the state bureaucracy and has been a strong voice for the anti-GBV movement. Its influence has been aided by President Johnson's strong anti-GBV stance and by the financial and other forms of support that it has received from the international community. It has served as another signal to the public that the government's dedication to addressing the problem extends beyond formulating laws and policies. It provides a reasonably united front from which women's rights activists can lobby for change. It is relatively easy for a corrupt judge to ignore the demands of a small local NGO but significantly more difficult to do the same to the taskforce.

Nonetheless, the secretariat has several weaknesses. First, it is beset by dissent; the leadership of some NGOs perceived the MoGD as fighting for control of the GBV taskforce and all other activities. They complained that the ministry attempts to dictate to members and punishes those who fail to comply by ostracizing and marginalizing them. This has led some members of the taskforce to respond negatively by failing to attend meetings, refusing to contribute to policy discussions, and failing to report on the progress of their respective programs. In my interviews with the leadership of several women's NGOs, they accused the MoGD, which chairs the GBV taskforce, of trying to punish them for expressing dissenting views. They claimed that they have been sidelined from planning discussions and have been excluded from representing the taskforce at national and international anti-GBV meetings. Attendance of taskforce meetings by members is also irregular due to the inability of some

members to afford the transportation cost of attendance and to a shortage of staff to attend the meetings. Fuest (2009) has also argued that conflict is arising because “the women’s movement is run by the social elite” (131). She has asserted that the pre-war civilized-indigenous as well as a Christian-Muslim and rural-urban divide characterizes the women’s movement in Liberia and has contributed to the exclusion of some women.

Another problem with the taskforce is its overwhelming focus on sexual violence to the neglect of other forms of GBV. Meetings are dominated by discussions of ways to prevent and respond to sexual violence. Members, even though they address other forms of GBV in their organizations, report disproportionately on their sexual violence programs. Some members of the taskforce have identified this as a major problem that needs to be addressed because among other things, other forms of GBV such as domestic violence are affecting many women in Liberia (Personal observation of GBV Taskforce Meeting, August 26, 2010; MoGD GBV Taskforce, 2008). The head of an IO’s SGBV program told me that most members of the GBV Taskforce are focusing on rape and ignoring other forms of GBV such as domestic violence that are happening within the country (Personal interview, September 1, 2010). She argued that organizations have been “blinded” by rape and perceive it as the worst form of violence even though in extreme cases, other forms of GBV (also) result in death. Benjamin de Carvalho and Niels Schia (2011) in a critique of state and non-state actors’ approach to justice in Liberia stated that:

As a UN official said to us, ‘The UN tends to fragment vulnerable issues. SGBV has become fragmented and rape has taken all the attention’. As an NGO worker told us, ‘GBV tends to be equated with rape at the expense of other forms of gendered violence’. (p.136)



The overwhelming focus on sexual violence means that there is very little discussion of how best to prevent and respond to non-sexual forms of GBV.

Another area that has seen the creation of new anti-GBV institutions is the security sector. In 2004, UNMIL created the Sexual Assault squad within the LNP to take responsibility for receiving and investigating rape cases. However, those who studied the performance of police officers within the squad rated it as very poor. Advocates and police officers whom I interviewed in 2010 and 2011—including one who served on the SA Squad—observed that officers of the squad lacked the training to handle rape cases. Police officers of the squad often re-traumatized victims and compromised their confidentiality. They also released suspects due to poor investigative procedures and corruption.

In response, UNICEF and the LNP signed a memorandum of understanding which established the Women and Children Protection Section (WACPS) of the LNP in September 2005. The unit was modeled after the Family Support Unit of the Sierra Leonean Police and the Women and Juvenile Unit of the Ghana Police Force. Initial training for the first cohort of WACPS officers, who numbered 46, was provided by two officers of the SLP. Officers of the unit undergo a four-week specialized training in the “professional handling and management of sexual violence, exploitation and abuse cases involving women and children” (WACPS, 2010). Since its creation, the unit has benefited from the support of several international and local organizations. UNMIL, UNDP, the Norwegian government, AFELL, and numerous other actors have provided office buildings, investigative equipment, and training for officers of the WACPS. As of January 2011, there was a WACPS unit located in each county.<sup>56</sup> However, some of the problems of the SA Squad have persisted with the creation of this new unit. There continues to

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<sup>56</sup>They are mostly located in the capital making them difficult to access by people who live outside this area.

be reports of mishandling of cases brought about by corruption, a lack of training, and scarce resources. These problems are discussed in Chapter Five.

On the other hand, the unit's creation improved victims' access to justice. Victims of rape—who could physically access the police stations—now had a place to go where they encountered officers who had received sexual violence response training. Some police officers, whom I interviewed, argued that the improved confidentiality and investigative procedures implemented by the WACPS have encouraged more victims to come forward to seek justice although this argument is not entirely supported by research on the issue (Isser et al., 2009). The WACPS also serves a mediation function. Cases of intimate partner violence and persistent non-support are mediated by police officers who are trained in handling these issues. The unit works closely with the SGBV unit in the MoJ and to some extent with the GBV unit in the MoGD and the Anti-Trafficking Taskforce in the MoL.

There have also been changes in the judicial system. In 2009, AFELL with the support of several international organizations advocated for the passage of an act to create Criminal Court E, a court that is mandated to exclusively prosecute all cases of sexual violence in Montserrado County. Members of AFELL modeled the court after that of South Africa and appealed to the Danish International Development Agency (DANIDA) and the UN for funding for its establishment. As of January 2011, there was one courtroom dedicated to hearing cases of sexual violence and trials were conducted in-camera to protect the victim's confidentiality. The creation of the court has reemphasized the importance that the government attaches to the punishment of those who perpetrate sexual violence crimes. It is intended to send a strong signal to the public and its existence has further raised awareness of the problem of rape. This is because in advertising the court and its functions to communities in Monrovia, women's organizations

brought the issue of sexual violence to the forefront and underscored the fact that it is a crime. The court has also made it possible for more cases to be heard and has instituted a trial process that is protective of victims, many of whom are children. On the other hand, the prosecution of cases has proceeded at a glacial pace due to the fact that there is only a single courtroom dedicated to rape cases. Furthermore, as of January 2011, the court was restricted to Montserrado County, meaning that survivors in the other 14 counties continued to face the same problems that the court was created to solve in Monrovia.

The MoJ, with support from the UNHCR, the Peacebuilding Fund for Liberia, UNDP, Carter Center, AFELL, UNMIL, and the Norwegian Refugee Council (NRC) created the Sexual and Gender Based Violence (SGBV) Crimes Unit in 2009 in the MOJ to complement Criminal Court E and the WACPS. The unit is mandated to assist in the investigation and prosecution of sexual offences. The head of the unit, counselor Felicia Coleman explained to me that her outfit also prioritizes the welfare of the victim (Personal interview, July 14, 2010). They provide counselors to survivors and their families to prepare them for trial and to support them throughout the trial. They also refer victims to other NGOs where they can receive psycho-social support, provide them with some emergency financial assistance, relocate them to other communities to avoid stigmatization, create awareness of sexual violence within communities, and train police officers and medical personnel who work with victims of sexual violence. The SGBV unit runs a 24 hour hotline for victims to report cases and receive advice on how to access medical care and justice. The unit, however, is still a pilot project and only operates in Montserrado County. Its continued presence in the county is contingent upon the receipt of donor funding.

Despite these substantial limitations, there have been some advantages to the creation of the unit. First, victims and their families in Monrovia have a place to go to get information and step-by-step guidance on what to do after they have been raped. Social workers, police officers, and staff of the unit told me that by providing victim-support staff to counsel the victims, prepare them for trial, and stand by them from the investigative stage to the trial process, the SGBV crime unit encourages many complainants to not withdraw their cases at the police station or from court and to persist until justice is served. The participation of the unit and its partner NGOs have also reduced the fees—many of them illegal—that victims had to pay to police officers and court officials that prevented many of them from accessing justice. The unit also supports the WACPS and complements its effort. WACPS officers liaise with staff of the SGBV unit when it comes to sexual abuse cases. Because they often lack vehicles to visit the crime scene and equipment to gather evidence, WACPS officers often depend on the SGBV unit for transportation and cameras to photograph the crime scene. They are often accompanied by a staff of the unit who provides legal advice and guidance.

Similar to Criminal Court E, the SGBV unit signals to the community as well as to law enforcement that rape is a criminal offence and will be treated as such. The primary goal of the unit is to ensure that rape and other sexual violence cases go to court. The existence of the unit is therefore a bold statement to that effect. Not only does the staff of the unit provide support for survivors and their families, but they also police the justice system. By following cases from the time they are first reported to the police to the time that they go to trial, the unit is able to directly prevent the attrition of cases which might be caused by the complainants, police officers, or court officials.

Another agency that was created within the MoJ after the civil war is the GBV Unit in 2006. Created with support from the UNFPA, the staff of the unit is responsible for overseeing all non-sexual violence GBV cases that make it into the judicial system. The staff is charged with collecting data on cases and visiting court houses across the county to interview staff and judges in order to determine the problems that they face. The unit is also supposed to serve as the anti-GBV spokesperson within the MoJ. However, unlike the SGBV unit, it is severely underfunded and understaffed. In September 2010, the office had only one computer for three full-time staff members. This hindered record keeping and made follow-up on cases difficult. The state of this unit is similar to that of the Anti-Trafficking Taskforce that was created in the Ministry of Labor (MoL) in 2005.

The Anti-Trafficking Taskforce faces severe funding constraints. The MoL fails to adequately support the taskforce. Furthermore, there are comparatively few organizations that focus on the issue of trafficking in Monrovia, limiting the collective influence that members exert on the WACPS and on their ability to reach a wider audience. Several members of the taskforce expressed frustration at the continued withdrawal of internal human trafficking cases by the police despite the criminalization of the offence and in spite of their efforts to impress on the police to refer cases to court (Personal interviews, 2010).

In 2008, the seven UN agencies operating in Liberia and the GoL created the Government and UN Joint Program to Prevent and Respond to Sexual Gender Based Violence. The first phase of the project ran from June 2008 - July 2010 and the second phase began in July 2010 and is scheduled to end in June 2012. According to Madhumita Sakar, the director of the unit, it was created in response to the needs and goals of the Liberian government as expressed in the National GBV Policy and the PRS to address the large number of rapes that have occurred

since the civil wars ended (Personal interview, July 25, 2010). The goal is to reduce the incidence of SGBV and to provide an improved response to the problem (Joint Program of the United Nations and the Government of Liberia, undated). The joint program office is situated within, and works closely with the GBV Secretariat in the MoGD. The head of the joint program plays an advisory role and works closely with all UN agencies that are implementing a range of sexual violence programs. These initiatives are built around eight core strategies: 1) sensitization and awareness creation, 2) male involvement, 3) community participation, 4) capacity enhancement, 5) advocacy and communication, 6) youth and children involvement, 7) collaborative management, partnerships and networking, and 8) strengthening the system for managing of GBV related data and information. The MoGD coordinates these activities in order to avoid duplication among the partner agencies. The unit works closely with the GBV taskforce and the funding and expertise provided has boosted the capacity of the GBV Secretariat in the area of sexual violence. It also sends a strong message about the priority that is placed on eradicating sexual violence in Liberia. On the other hand, its activities are contingent on external donor support.

**4.5.2.3 Awareness and consciousness-raising.** The anti-GBV advocacy coalition has also developed and funded several programs to raise awareness of GBV. These initiatives include the 2005 National Sexual Exploitation and Abuse Campaign and the 2007 Anti-Rape Campaign. NGOs and IOs have myriad community education programs. For example, the NRC trains “Wise Men” and “Wise Women” who educate their peers in the community on the issue of rape. There are also several radio programs on UN Radio and Liberia Democracy Radio that educate women on GBV. Billboards across Monrovia also educate on domestic violence and rape. The advocacy coalition has also prioritized the training of journalists on how to report on GBV, especially

sexual violence. Members of the coalition have sponsored numerous workshops for media personnel around the country and have effectively included them in the coalition, emphasizing that reporting on GBV is a social responsibility. Newspapers, therefore, regularly carry stories of GBV crimes, although the majority of these stories are on the rape of minors.

Overall, information on GBV is available across the country, although information outlets are concentrated in the capital city of Monrovia. Where available, these outlets have educated Liberians on the need to report GBV and on their rights. These education campaigns, however, focus on rape and to a lesser extent on domestic violence and human trafficking. A gender advisor in one of the UN agencies explained that studies conducted by her office had revealed that some Liberians felt that there was a glut of information on sexual violence and that some of the billboards and radio advertisements were inappropriately sexually explicit (Personal interview, May 29, 2011).<sup>57</sup> She accepted that there was a need for some organizations to rethink their methods and messages. Another thing to point out is that most of the awareness-raising and education material produced by the members of the anti-GBV coalition stress that rape is a criminal act that has to be prosecuted. I analyzed the contents of over 40 documents collected from NGOs, IOs, and government ministries produced from 2005-2011. These documents included minutes of meetings, training booklets, brochures and flyers for the public, and departmental regulations. Sexual violence was the most discussed form of GBV and was three times more likely to be framed as a crime than domestic violence or human trafficking. This framing of the issues has had implications for how police officers have responded to these crimes.

Not only are police officers exposed to the billboard, radio, and newspaper messages but they also receive direct training from local and international organizations. During these training

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<sup>57</sup> It is possible that people who think that there is too much information on rape do so because they do not appreciate the gravity of the crime.

sessions, coalition members are able to directly relay their perceptions of and approaches to addressing each form of GBV to police officers. Even though hearing this information does not constitute a guarantee that it will affect the behavior of police officers, it also does not eliminate the possibility that police procedures will be affected. And as I will explain in Chapter Five, the education provided by local and international organizations does shape the responses of some police officers. Several officers whom I interviewed cited lessons that they had learnt from some of these training workshops as the reason for their actions.

## **Conclusion**

Since the end of the civil-war, the anti-GBV advocacy coalition in Liberia has created, lobbied for, and sponsored a range of initiatives to address the problem. Policy documents and education campaigns underscore the need to eradicate the problem in Liberia. However, most of the measures that have been introduced have focused on sexual violence. The prevalence and brutality of the problem during the war and alarming reports of its continuation in the post-war phase, especially with children as the victims, has served to make it the focus of the anti-GBV advocacy coalition. The increased international focus on sexual violence since the breakup of the former Yugoslavia has also led many international organizations to prioritize rape and to fund local initiatives in Liberia.

This is not to imply that there is sufficient attention paid to the issue of sexual violence or that other forms of GBV are missing from the agenda. Sexual violence is still not adequately deterred and responded to in Liberia but in comparison to other forms of GBV, the anti-rape effort has fared better. There are domestic violence billboards across Monrovia and radio programs on the ills of human trafficking are broadcast around the country. However, the message that is sent out is not always one of punishment but usually of behavior change. This is



not so in the case of rape where from the very beginning, the focus has been on ensuring that rapists go to jail. Through the creation of a law and policies, development of institutions and programs, and awareness-raising, the anti-GBV advocacy coalition has consistently emphasized to all stakeholders, including the police, that a legal approach should be adopted in response to the crime of rape. The message has not been as resounding and unambiguous for other forms of GBV. The institutions, laws, and policies introduced since the end of civil the war are only a first step in addressing GBV. Survivors across the country continue to lack access to justice and to care. However, this is the first time that such a coordinated effort to address GBV has existed in Liberia. It is a product of the women's movement, international organizations that provide funding and political backing, and a government that is headed by a president who recognizes the gravity of GBV.

#### **4.6 ASSESSMENT OF THE THEORETICAL FRAMEWORK: STATE AND NON-STATE ACTORS**

The public administration, feminist, and post-conflict literatures reviewed in Chapter Two showed that state and non-state actors such as local and international organizations affect how street-level bureaucrats implement policies; in this case, whether police officers would refer domestic violence, internal human trafficking, and rape cases to court or withdrew them at the police station. These literatures identify six possible actions (explanatory variables) that political actors within the state and four that those in non-state organizations can take to influence how a police officer responds to any type of GBV. These explanatory variables correspond to Hypotheses II and III.

**H II:** Police officers are more likely to refer rape cases, as compared to domestic violence or internal human trafficking cases, to court because state actors (politicians) promote the

forwarding of rape cases to court and not the forwarding of domestic violence and internal human trafficking cases. Politicians promote the forwarding of rape cases rather than cases of domestic violence and internal human trafficking by: (1) providing funds and equipment that support the forwarding of rape cases to court, (2) framing and passing laws that emphasize the forwarding of rape cases to court, (3) framing and creating policies that emphasize the forwarding of rape cases to court, (4) providing training that promotes the forwarding of rape cases to court, (5) creating and enforcing organizational policies that promote the forwarding of rape cases to court, and (6) applying political pressure (rewards and sanctions) to the police to forward rape cases to court.

**H III:** Police officers are more likely to forward rape cases, as compared to domestic violence or internal human trafficking cases, to court because non-state (political) actors promote the forwarding of rape cases to court and not the forwarding of domestic violence and internal human trafficking. Non-state actors promote the forwarding of rape cases to court rather than the forwarding of domestic violence and internal human trafficking by: (1) framing laws that emphasize the forwarding of rape cases to court, (2) framing policies that emphasize the forwarding of rape cases to court, (3) creating organizational policies that promote the forwarding of rape cases to court, and (4) applying political pressure (rewards and sanctions) to the police to forward rape cases to court.

### **Providing Funds and Equipment for Law Enforcement**

Funding for the enforcement of GBV laws is highly inadequate. The international community has provided most of the financing for the operation of the WACPS but the GoL pays the salaries of police officers. In Monrovia, the SGBV crime unit provides this assistance to police exclusively in rape cases. They also work with victims to prevent the withdrawal of rape

cases from the police station. To a lesser degree, IOs provide similar forms of assistance in Monrovia and other counties. UNPOL and UNMIL provide vehicles, phone airtime, and technical expertise to enable police officers investigate human trafficking, aggravated assault, and rape cases.

### **Framing the Law**

The state prosecutes domestic violence as simple or aggravated assault. The penal law frames simple and aggravated assault as criminal offences; simple assault is a misdemeanor and aggravated assault is a second degree felony. The 2005 Act to Ban the Trafficking in Persons frames both internal and external human trafficking as criminal offences to be prosecuted. By designating these offences as criminal, the state (in theory) is signaling to police officers that they should employ a legal approach when they receive reports of these acts. Depending on the nature of the attack, the penal code designates rape as a first or second degree felony. The rape amendment has extended the acts that constitute the crime of rape. It has also established a no-bail policy for accused rapists and instituted harsher penalties for those found guilty; two positions which are absent in the laws on assault and human trafficking and (in theory) signal to police officers that the state prioritizes the prosecution and punishment of rapists.

Representatives of the government, NGOs, and IOs collaborated in developing the Act to Ban the Trafficking in Persons and the amendment to the rape law. The legislature's move to pass these laws was partly based on pressure from non-state actors.

### **Framing the Policies**

State and non-state actors have collaborated to develop multiple anti-GBV policy documents. These documents cover all forms of GBV but highlight the problem of sexual violence over other forms of GBV. According to the public administration literature (Meyers &

Vorsanger, 2003), this framing of the policies should signal to police officers that policymakers view the issue as a priority.

### **Providing Training to Police Officers**

Officers from the Family Support Unit (FSU) in Sierra Leone trained the first contingent of WACPS officers. Since then, the police academy has worked with multiple local and international organizations, including UNMIL, to train police officers on how to respond to GBV. Officers also attend workshops and refresher courses organized by NGOs and IOs. An analysis of training manuals show that the training sessions have emphasized a legal response to rape more than to other forms of GBV.<sup>58</sup>

### **Creating Institutional Policies<sup>59</sup>**

The WACPS command (under the auspices of the MoJ) has created stringent rules which direct that police officers cannot withdraw rape cases and can only withdraw aggravated assault cases when it is in the “best interests” of the victim. There is also a policy of non-withdrawal for human trafficking. The WACPS largely enforces the non-withdrawal policy for rape through sanctions but weakly enforces the non-withdrawal policy for human trafficking.<sup>60</sup> Withdrawal in the best interests of the victim is subject to multiple interpretations and is more difficult to, and loosely enforced by the WACPS.

The heavy involvement of international actors such as UNICEF in creating and funding the WACPS has enabled them to shape the section’s policies and to employ political pressure to ensure enforcement.

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<sup>58</sup> I extensively discuss the results of this analysis in Chapter Five.

<sup>59</sup> I have attempted throughout this dissertation to distinguish the WACPS from other state agencies for analytical purposes. This distinction is made on the basis that there are discourses and activities that occur within the WACPS without the direct influence of other state agencies and can even be in contravention of the preferences of other state agencies. This assumption is premised on the public administration literature (for example Lin, 2000) and is supported by the data. For example, supervisors in the WACPS distinguish between what officers learn at the MoJ-run (therefore state-run) police academy and what they learn on the job (discussed in Chapter Five). However, in many other areas, the distinction is not as clear. For example in the creation of rules and the provision of training, the WACPS cooperates with the larger MoJ, the MoGD, and even IOs. Consequently, it is not always possible to attribute the action under discussion to one actor (the state, WACPS, or non-state actors). Instead, I can only explain that the explanatory variable (creating departmental policies or providing training) is a product of multiple sources of influence.

<sup>60</sup> In Chapter Five, I provide a detailed description of the internal structure and policies of the WACPS.

## **Applying Political Pressure to Police Officers**

The state through the MoJ applies pressure to police officers to adopt certain measures. The MoGD, which is the arm of the state responsible for GBV, works closely with the MoJ and reports police officers who are not performing in accordance with the state's policies. The MoJ then takes the necessary actions through the WACPS command structure. As explained, the GBV Secretariat in the MoGD has prioritized the issue of rape and the prosecution of rapists. It has placed less emphasis on the prosecution of human traffickers and perpetrators of domestic violence. It, therefore, follows that the state (through) the MoGD is placing more pressure on police officers to adopt a legal approach to rape than to other forms of GBV. The Human Trafficking Taskforce in the MoL is relatively weak and limited in its ability to put pressure on the WACPS.

As members of the GBV Taskforce, NGOs and IOs work closely with the GBV Secretariat and thus, contribute to the pressure that is placed on the WACPS and its officers. Furthermore, due to the fact that the justice sector (and the government as a whole) in Liberia is heavily dependent on IOs for financial and technical support and because these organizations are highly regarded in Liberia, their requests and demands made to all government agencies carry weight.<sup>61</sup>

This chapter has demonstrated that there is a variation in how the members of the anti-GBV coalition have addressed domestic violence, internal human trafficking, and rape in Liberia. In Chapter Five, I will analyze the extent to which this variation explains the variation in how police officers respond to these three crimes.

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<sup>61</sup> On the other hand, staff of IOs in Liberia emphasized that they were responding to the needs and demands of Liberians and were not imposing their own agendas. For example, the head of UNMIL's Gender Affairs Unit stressed that his unit supports the Liberian government and all initiatives are taken in collaboration with the government (Personal interview, September 8, 2010). However, because these powerful IOs advise the government and provide financial backing, their influence in crafting and enforcing policies and laws cannot be understated.

## **4.7 RELEVANCE TO THE LITERATURE**

This description and analysis of how the Liberian state and local and international organizations have responded to GBV over the last two centuries make several contributions to the women's rights, African politics, and international relations literatures. I compare actors' responses to three forms of GBV in three areas (laws and policies, institutions and programs, and education and awareness-raising). Aili Tripp (2010) demonstrated that post-conflict African states have passed domestic violence laws at a higher rate than states that have not recently emerged from conflict. In this chapter, I build on her argument to show that actors do not uniformly respond to GBV and that this variation in response extends beyond policymaking to include the creation of institutions and awareness-raising. This chapter demonstrates that there has been a greater focus on rape in all three areas of response which has been caused by the prevalence, brutality, and visibility of rape during the civil wars; continued reports of rape, especially of minors, in the aftermath of the wars; and the increasing international focus on sexual violence since the wars in the former Yugoslavia.

Even though research indicates that sexual violence might not have been the most common form of violence that women were subjected to during the war (Swiss et al., 1998), the visibility and brutality of the act served to highlight it within Liberia. As explained in Chapter Three, prior to the civil wars, sexual violence in Liberia was shrouded in secrecy. The offence was a source of shame for victims and their relatives and families did all that they could to ensure that it did not become public knowledge. The need for secrecy was heightened in the case of young girls and unmarried women due to the fear that public knowledge of their rapes would

jeopardize their marriage prospects.<sup>62</sup> The combatants' tendency to sexually violate girls and women in public, therefore, upturned the social order. All of a sudden, all surviving members in a community knew who had been raped and by whom. The children borne of these rapes remained as public testaments to these attacks. Furthermore, the brutality of the rapes alarmed Liberians. Combatants employed gang rapes, weapons and other instruments, and sexual slavery to terrorize the population. The targeting of children, in contravention to cultural norms that decry the sexual violation of children, also marked the brutality of these attacks. Those who did not die as a result of these attacks sustained trauma and injuries that sometimes required them to reveal their experiences to humanitarian workers. This served to bring the problem to the attention of local and international organization and underscored its prevalence. This prevalence, brutality, and visibility of the crime were some of the impetuses for the mobilization of women during the war.

When reports of rape, especially of children, began to emerge in the aftermath of the civil wars, people feared that combatants were continuing their attacks against the populace. Although most of these rapes were not committed in public, they were occurring in a social and political milieu that had been substantially transformed by the civil wars. People were more willing to report their abuse and society was more comfortable with talking about this abuse and thus, demanding that the state take actions to address the problem. Many of these reports of rape were directly made to the leadership and staff of women's organizations and IOs. Liberians were familiar with these organizations and had come to depend on them for all manner of assistance throughout the conflict. These reports of rape, therefore, spurred women's organizations to prioritize the problem in the post-conflict phase. The revelation that rape was the most reported

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<sup>62</sup> Both customary and statutory laws and societal norms did not recognize marital rape.

crime in the country in 2007 further contributed to increasing organizations' attention to the problem.

The international focus on sexual violence by international institutions has also supported this prioritization of sexual violence. International organizations have directly lobbied the government and collaborated with the women's movement in multiple ways as described above. Interviewees also told me that IOs are more interested in funding women's NGOs that run sexual violence programs, leading some to focus on the problem. A social worker in a major local NGO explained that:

...those are the issues the international community is looking at because these children have been raped and people are talking (about) rape. Liberia is getting high in reporting rape and the money is coming in that line and most of the NGOs apply for that, because if they see an issue and say well domestic violence is a problem in this community or this county and then the donor is saying no we have money for Sexual and Gender Base Violence, on the rape I mean, we have money for rape survivors. So if you do your proposal and another person does theirs, they are going to take the proposal that the money is there for... We have lot of issues in Liberia that could be taken up. A lot of issues like teenage pregnancy, domestic violence, forced marriages, FGM, those are areas that need to be really tackled but very little is done. (Personal interview, August 16, 2010).

Speaking more generally about the influence of donors, a staff member of another local organization explained that:

That is how most donors operate, they come with something already made, what their programs are. It is changing gradually where people are beginning to get views from



organizations working around this issue, like organizing stakeholder forums, asking what can be done and based on the outcome of the meeting they then design their programs.

That is to say, asking the people what they need to focus on for the year, but usually donors already come with their programs, hence everything they do is donor driven and the NGOs have to comply with the programs they have set. (Personal interview, July 9, 2010)

IOs wield financial influence and their focus on sexual violence has supported and reinforced the priority placed on rape by local women's organizations.

I take this finding a step further to argue that the variation in the women's movement's (and the entire anti-GBV coalition) responses has had implications for the policy implementation process. The focus on sexual violence in all three areas of response has meant that police officers are better educated and have more guidance on how to respond to rape. On the other hand, they have received less training about other forms of GBV. Some officers confused trafficking with kidnapping and child abuse. I suggest that this is because of insufficient training/education that the WACPS and members of the advocacy coalition have provided to police officers on the issue.

The focus on rape has also provided police officers with resources. Although the WACPS is plagued with a lack of everything—cars, police radios, DNA kits, telephones, computers, paper, pens, interrogation rooms, etc.—there are relatively more resources to respond to rape. The SGBV crime unit (which is limited to Monrovia) provides cars, telephone cards, and cameras to aid in the investigation and follow-up of rape cases. These are usually lacking in the investigation of other forms of GBV. Personnel of the SGBV unit also work side-by-side with police officers; this is important for two reasons. First, they give guidance on how police officers should handle

cases. Second, they monitor the behavior of police officers. Officers are often tempted to accept bribes to free jailed perpetrators (including rapists); however, this is more difficult to do when personnel of the SGBV unit are constantly looking over their shoulders. This level of monitoring is usually unavailable in trafficking and domestic violence cases. It is, however, important to state that the UN Police (UNPOL) also follows up on cases such as aggravated assault, human trafficking, and rape in Monrovia and other counties across the country. They also furnish police officers with the equipment needed to investigate and follow-up on such cases.<sup>63</sup>

The focus on rape also affects how complainants interact with police officers. Liberians have been educated on the issue of rape more so than other forms of GBV. Consequently, they have increasingly come to understand that it is a crime that should be reported to the police.<sup>64</sup> This is less so for other forms of GBV. For example, in my interview with a staff member of the DEN-L Network, she revealed to me that it was not until after her organization provided anti-trafficking education to some villagers in Gbarnga that they began to understand that trafficking is a crime and therefore refused to cooperate with people who came to the villages to recruit children to be taken to Monrovia. This is not meant to imply that before the anti-GBV movement, Liberians did not know that rape was a crime. Most people knew that it was a crime but did not respond accordingly.<sup>65</sup> It also does not mean that education is sufficient for behavior change.<sup>66</sup> Instead, it is an argument that education is necessary for behavior change but so far, the education has focused overwhelmingly on sexual violence. If people do not perceive what

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<sup>63</sup> This indicates that the physical presence of these external actors and the equipment that they provide is not sufficient to lead police officers to adopt a legal approach to a crime.

<sup>64</sup> As explained in Chapter Three, this understanding does not guarantee that a crime will be reported.

<sup>65</sup> The Ministry of Justice reports analyzed showed that an average of two rapes was reported every year in the pre-conflict period. This contradicts what interviewees have said about the prevalence of rape in their communities during this period and demonstrates that reporting was low.

<sup>66</sup> Even with the anti-rape awareness-raising campaigns, many people still do not report their attacks to the police for a variety of reasons discussed in Chapter Three.

they experience as a crime, they are less likely to demand justice; they are more likely to demand that police officers withdraw charges against the perpetrators.

I recognize that the implementation process is affected by a complex interaction of factors. A well-educated complainant might be bribed by the perpetrator to withdraw charges. Officers who are well-trained and supervised by personnel of the SGBV unit could still find a way to outwit the system and withdraw rape cases for personal gain. A victim of domestic violence could demand that her case be investigated and forwarded to court even if it entails her paying the transportation costs of police officers and visiting the police station daily. However, it is still important to understand that the activities of the anti-GBV advocacy coalition have an influence on the policy implementation process, even if that influence is mediated by other factors. This is an important contribution to the feminist literature and is especially relevant for the scholarship on Africa which has focused almost exclusively on explaining the policymaking process to the neglect of everything else that occurs thereafter.

This chapter also demonstrates that although the women's movement has been influenced by international norms and ideas, its actions have not been exclusively determined by these factors. Instead, the movement has selectively drawn on these international norms and ideas to shape its agenda. For example, even though the UN has conveyed to states that men who batter should be prosecuted and has condemned impunity for violence that occurs in the private sphere (Joachim, 2007), the women's movement in Liberia has not made the prosecution of domestic violence cases the centerpiece of its anti-domestic violence efforts. Many women's organizations mediate cases of simple assault. And in the case of aggravated assault, the leadership and staff of most women's organizations have encouraged and assisted but not compelled women to pursue

the prosecution of their abusers and have not lobbied for the creation of mandatory prosecution policies.

This has been partly due to survivors' reluctance to go to court. In interviews, the staff of most organizations explained that survivors of domestic violence often cannot be convinced to go to court (and sometimes to the police) because they are financially dependent on their abusers and would suffer, along with their children, if these men were imprisoned (Personal interviews, 2010 & 2011). They lamented the lack of a social safety net to support women who wanted to leave abusive relationships. They also pointed to the pressure that survivors received from their families to mediate incidents of abuse within the family. As discussed in Chapter Three, a significant segment of the population still thinks that domestic violence is an acceptable act. Consequently, some survivors fail to recognize the gravity and criminality of the violence to which they have been subjected.

Furthermore, the leadership and staff of some organizations interviewed did not think that prosecution was the best response to simple assault. They recognized the social and financial costs that prosecution placed on victims and estimated that the mediation of these conflicts were sometimes in the best interests of women and their children. All of these factors have led women's organizations to focus more on meeting the immediate health and financial needs of the survivors instead of lobbying for a mandatory prosecution of domestic violence cases.

I also propose that women's organizations have not pursued policies and programs of mandatory prosecution because it is not on the agenda of most donors. Whereas these organizations have received funding to implement programs that would assist survivors of sexual violence receive justice, donors have not prioritized the funding of domestic violence programs. I suggest that the presence of such funding could lead women's NGOs to lobby for changes within

the Ministry of Justice that would promote the prosecution of batterers and would be better positioned to support women in seeking justice. Increased donor funding would enable NGOs to better address the socioeconomic factors that prevent women from seeking justice. In the absence of this funding, NGOs' programs are mostly dictated by the preferences and needs of domestic violence survivors and the limitations of the criminal justice system.

This clearly shows how the international agenda has been mediated by the domestic context and what this means for the implementation process. These findings are relevant to the international relations literature. Although scholars in this subfield have argued that domestic policy action is mediated by international norms and transnational activism, they are still trying to understand the 'how'. This chapter answers the 'how' question in the context of an African state that is emerging from violent conflict and has received a large amount of attention, in the area of GBV, from the international community. The following chapter will discuss how the activities of the anti-GBV coalition have affected police behavior.

## **5.0 ENFORCING ANTI-GBV LAWS IN LIBERIA**

### **5.1 INTRODUCTION**

Police officers are central to the enforcement of anti-GBV laws. They are tasked with deterring violent crimes against women as well as with ensuring that the victims of such crimes receive justice for their sufferings. These officers are not blank slates but bring a host of social, cultural, and economic ideas and experiences to the execution of their assigned tasks as enforcers of the law. They have knowledge of and experiences with GBV that predate their training in the police academy and that affect their performance as police officers. Moreover, they are molded and constrained by the organizational milieus within which they work. Workshops that they attend train them to be more sensitive to the needs of victims but low pay and few incentives negatively affect performance and contribute to corruption in the police force.

In the course of deterring and responding to incidents of GBV, they are also subject to the influences of a range of individuals, some acting independently and others as part of organizations. From the female victim of domestic violence who refuses to cooperate with the police in building a case against her husband to the United Nations Police (UNPOL) officer who regularly visits a police station to review case files in order to assess the progress and quality of investigations, officers' perceptions and actions are being shaped and reshaped by a stream of actors in the criminal justice process. Every external actor is imbued with the norms, practices,

and expectations of the environments in which he or she has lived and worked and brings these attributes to bear on police officers.

In understanding why police officers of the Women and Children Protection Section (WACPS) are more likely to refer rape cases to court for arraignment than cases of partner-perpetrated aggravated assault (domestic violence) and internal human trafficking, it is necessary to study each of these influences and determine how they drive the decisions and actions of police officers.<sup>67</sup> I, therefore, analyze the complexity and tensions of the law enforcement process. I employ the theoretical framework developed in Chapter Two to identify the relevant explanatory variables that affect police officers on a daily basis in conflicting and complementary ways. I then employ these data to test the hypothesized relationship between the proposed explanatory variables and the behaviors of police officers.

I argue that police officers are more likely to forward rape than other type of GBV cases to court because they perceive it as a crime that should not be adjudicated by the police and because the WACPS enforces a non-withdrawal policy for rape cases. I find that officers' perception of the crime has been shaped by the training that they have received from state and non-state actors, the policies of the WACPS, and the framing of the rape law. The perception of the crime and the enforcement of a non-withdrawal policy are sufficient but not necessary conditions for the referral of cases to court. Officers' judgments of victims of rape and internal human trafficking as well as their judgments of the effects of all three crimes on victims have

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<sup>67</sup> The non-forwarding or withdrawal of a case happens when one or more police officers come to a verbal or written agreement with a complainant. In this agreement, the officer(s) on behalf of the WACPS consents to therewith cease all involvement in a case that had previously been reported to the police. Once the agreement is complainant signs the agreement, the police will only become involved again if the complainant reactivates the charges or files another complaint. A withdrawal is not synonymous to the dropping of charges. Cases are often withdrawn even as charges remain. Withdrawals happen at all stages of the investigative process and even occur in statutory law courts under the supervision of magistrates or judges. For the purposes of this study, I focus on only one stage of this process; where officers have gathered enough evidence to charge the accused with a crime but prior to the arraignment or 'first presentation' of the accused before a magistrate or judge.

also led them to refer some cases to court. These judgments have been shaped by cultural norms, personal interaction with the victims, and the training that they have received.

Contrary to much of the literature on police responses to rape, I find that the credibility of the victim has not been a significant determining factor for the withdrawal of rape cases. Overall gender norms that blame rape survivors for their victimization and cast doubt on their accounts did not emerge in the accounts of police officers. I argue that the anti-GBV coalition by strengthening the rape law, creating institutions to address the problem, and raising awareness has helped to moderate these norms and to shape how police officers perceive the crime of rape. On the other hand, cultural norms that support a degree of child labor and exploitation coupled with the poverty in Liberia and insufficient training have led most officers to adopt an extralegal approach to internal human trafficking. I argue that the anti-GBV coalition's limited focus on the issue of internal human trafficking has contributed to this outcome.

The findings demonstrate that there are multiple combinations of variables and multiple paths that lead to the observed outcomes. Discourses and actions as well as perceptions operating at the state, non-state, organizational, individual, and victim levels all affect police behavior. I show that state and non-state actors' focus on sexual violence has promoted officers' referral of rape cases to court and that in the absence of a strict non-withdrawal policy, officers often base their decisions on factors that are closer to the frontline. I also articulate how anti-GBV laws are reinterpreted on a daily basis by police officers and the people with whom they interact in the course of executing their duties.



## 5.2 THE CRIMINAL JUSTICE SYSTEM IN LIBERIA

The criminal justice system is central to the enforcement of anti-GBV laws and the implementation of anti-GBV policies at the national and sub-national levels. Police officers are the first link in the chain of agencies that comprise this system. Other agencies in the chain are the border patrol, the statutory law courts, and the prison service. Police officers work closely with the staff of these agencies to investigate and arrest people accused of violent crimes against women and to ensure the prosecution of these individuals.

Border patrol agents are central to the investigation and prosecution of transnational crimes such as human trafficking and in preventing sexual assault and other forms of violence against female traders who travel across the Mano River region.<sup>68</sup> Once they are arrested and charged by the police, the prosecution of individuals accused of GBV crimes rests with the officials and judges of the state's court system. Those found guilty by the courts are placed in the custody of the state to serve out their sentences in the prison system.

Although this process presents as uncomplicated, in practice it is replete with countless problems that hinder the effective and efficient functioning of the formal criminal justice system. These problems include a dearth of trained and impartial judges, pervasive and widespread corruption in the system, and poor infrastructure. These and other problems have plagued the formal criminal justice system in Liberia since the first security sector agency—the Liberian Frontier Force (LFF)—was created in 1908. They have affected the performance of police officers and largely shaped how victims of GBV experience justice.

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<sup>68</sup> Border patrol agents have been accused of molesting female traders. Several training workshops for border patrol agents were held in 2010 by members of the anti-GBV taskforce to address this issue.

### 5.2.1 Enforcing Anti-GBV Laws in Pre-Civil War Liberia

As described in the previous chapters, law enforcement in pre-civil war Liberia was at best weak, and at worst, predatory. The founding fathers employed a poorly trained and underpaid force to oppress and abuse the indigenous people. The rape of women and girls was one of the criminal acts that were attributed to soldiers of the LFF (Akpan, 1973; Strong, 1930). The abusive tendencies of security sector agents continued with the establishment of the Liberian National Police (LNP) force by an Act of Legislature on June 6, 1975. Acting as agents of whichever government was in power, politicized police officers prioritized the welfare of their patrons over that of the Liberian people. They actively participated in the abuse of human rights during the civil war and posed a direct threat to those whom they were tasked with protecting (Malan, 2008).

Prior to the civil war, GBV crimes were rarely reported to the police. Furthermore, the LNP did not have a section that was dedicated to responding to violence against women. In fact, the crime category of violence against women, GBV, or any other terminology that described this set of offences was not recognized by the police service. Police officers did not receive training in how to investigate violent crimes against women. Criminal offences against girls and women, such as rape and aggravated assault, were processed through the Detective Division without any protections against re-traumatizing the victim or protecting her confidentiality. The legislature had not yet criminalized human trafficking and that crime was not being brought before the police.<sup>69</sup>

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<sup>69</sup> This does not mean that a person could not be brought to justice for committing the offence of human trafficking. They would have been charged with related crimes such as child endangerment or kidnapping. However, the absence of police files describing cases makes it impossible to determine which cases of child endangerment and kidnapping were in reality, instances of human trafficking.

According to women's rights advocates interviewed, women who reported abuse were often blamed for bringing harm upon themselves (Personal interviews, 2010 & 2011). A female police officer who served on the force in the 1980s stated that "in fact, sexual assault, we were not taking action against it, it was not reported" (Personal interview, Monrovia, September 19, 2010). A male police officer explained that police officers rarely withdrew cases of statutory rape but withdrew cases of "common rape"—that is the rape of adult women—with the approval of their supervisors (Telephone interview, April 22, 2012). According to the female police officer quoted above, the police rarely forwarded domestic violence cases to court (Personal interview, Monrovia, September 19, 2010). A male investigator who served on the force during the same period state that, "much emphasis was not placed on abuse against women" (Telephone interview, August 18, 2011). He explained that the norm in the police force was to view the domestic abuse of women as an acceptable form of discipline except where it resulted in extreme physical injury.

As is currently the practice, some victims and complainants attempted to withdraw cases for adjudication in family palavers or customary courts. The policy of the police force, however, was to arraign all individuals accused of major crimes such as rape and aggravated assault. Nonetheless, some victims of these crimes successfully withdrew their cases. Where their requests for withdrawal were denied, they simply refused to serve as witnesses for the state when their cases were called to trial. The lack of detailed data from the police force prevents a thorough comparison of police officers' responses across violent crimes against women. However, based on the limited information detailed in the Ministry of Justice's (MoJ) annual reports and interviews conducted, I conclude that the pre-civil war period was characterized by a

paucity of GBV cases reported to the police and a policy of ensuring the prosecution of crimes such as rape and aggravated assault that was seldom implemented.

### **5.2.2 Enforcing Anti-GBV Laws in Post-Civil War Liberia**

The Women and Children Protection Section (WACPS) of the LNP force became operational in September 2005. A part of the reformed police force, the section was created in response to the high numbers of rape of women and girls in Liberia that were being reported after the civil wars (United Nations Mission in Liberia (UNMIL), 2008). The prevalence of these reports of the rapes of children, including babies, particularly emphasized the need for a section in the police force that would be dedicated to handling these and other forms of sexual and gender-based violence.

The WACPS replaced the Juvenile Unit and the Sexual Assault Squad. The Sexual Assault Squad was created immediately after the civil war to respond to the problem of sexual violence. However, it was woefully unprepared and under-resourced for the task. Police officers of the squad lacked the training that they needed to work with victims. Officers compromised victims' confidentiality by interviewing them in open areas where others could observe them and listen to their statements (Personal interview, June 1, 2011). It was not unusual for officers of the squad to blame victims for provoking their assaults through sexualized dress and/or behavior or by being in places that they should have known were not safe. The officers also lacked the resources and equipment that they needed to perform their duties and were poorly paid, making them even more susceptible to accepting bribes and other forms of corruption.

The weaknesses of the squad underscored the need for a better trained and resourced force to respond to the problem of sexual violence and other forms of GBV. Consequently, the

Women and Children Protection Section (WACPS) was created through a memorandum of understanding between the United Nations Children's Fund (UNICEF) and the LNP. United Nations Police (UNPOL) also supported the section's creation. It was structured after the Family Support Units that were established in Sierra Leone in 2000 after that country's civil war ended. The Women and Juvenile Unit of the Ghana Police Service also informed the creation of the section. Two police officers from the Family Support Unit trained the first cohort of 46 police officers. Out of this number, 15 were trained as trainers in order to prepare future cadets.

Although the section was primarily established to address the problem of sexual violence, its mandate extends to all forms of GBV and abuse against children. The cases investigated include statutory rape, gang rape, sexual assault, corruption of a minor, prostitution, persistent nonsupport, endangering the welfare of a child, child trafficking, child abuse, domestic violence; missing, lost, and found juveniles; theft; and other offences involving juveniles (WACPS, undated flyer).

UNICEF rehabilitated and reconstructed six of the WACPS units. Rehabilitation and reconstruction of the other units were undertaken by UNMIL Quick Impact Projects, the United Nations High Commission for Refugees (UNHCR), and with Norwegian government assistance. WACPS units are housed in the same building or compound as the other sections of the police force (WACPS, 2011). The section is headquartered in Monrovia with units in each of the 15 counties of the country. In Monserrado County, there are WACPS units in each of the 23 police stations in the city. The police stations are divided into zones and each zone has a central depot. In the counties, WACPS units are only located in the larger towns that have police stations. For example Bomi, Grand Cape Mount, Gbarpolu, Sinoe, Rivercess, River Gee Gee, and Grand Kru counties, each had only one WACPS unit in 2011. These units are, therefore, often not easily

accessible by people who live far away from the police station, especially those in rural areas. This inaccessibility affects the reporting of crime and hinders officers—who usually do not have vehicles—from conducting investigations and following up on cases.

Although the UN and the Government of Liberia (GoL) created campaigns to encourage women to join the LNP, men continue to outnumber women on the force. This applies to the WACPS also. Out of 215 officers in the section in 2011, only 71 were female. At least three counties (Sinoe, River Gee, and Grand Kru) did not have female personnel on staff in the section in 2011.

Cadets receive four weeks of specialized training in the “professional handling and management of sexual violence, exploitation and abuse cases involving women and children” (WACPS, 2011, p. 4). Until 2009, the police academy employed the *Training Manual: Investigation of Sexual Exploitation and Abuse in Liberia* to train recruits. The WACPS adopted this manual from the FSU in Sierra Leone. In 2009, the GBV Taskforce introduced the *National Standard Operating Procedures for Prevention and Response to Sexual Gender-Based Violence in Liberia*. The GBV Taskforce, which is headed by the Ministry of Gender and Development (MoGD), crafted this document. The contributors to the development of the document were the WACPS, UNMIL, and UNHCR. In 2009, the Ministry of Justice (MoJ) in collaboration with some members of the anti-GBV coalition also introduced the *Sexual Assault and Abuse Handbook for the Women and Children Protection Section of the Liberian National Police*. All three of these documents have served as training manuals in the academy and during training workshops sponsored by members of the anti-GBV coalition such as UNICEF, UNMIL, and the Association of Female Lawyers of Liberia (AFELL).

After the four weeks of training in Monrovia, cadets are assigned to a police station in one of the 15 counties. The chain of command in the section is as follows: Sectional Head - Deputy Sectional Head - Chief Administrator - Chief of Operations/Monitor - Chief Investigator - Chief Statistician - Regional Line Managers/Coordinators - Line Manager/Unit Head - Investigators. The section falls under the Crime Services Department (CSD) and all reports are channeled through the CSD Administration to the Inspector General. There are four squads in the WACPS headquarters in Monrovia: domestic violence; sexual assault; juvenile unit; and information, education, and communication. WACPS units with fewer personnel have an individual in multiple roles. Nonetheless, police officers in all units are subject to the same guidelines. According to the WACPS information booklet:

When a case is reported to the section, the first point of contact is the WACPS charge of quarter where the referral is usually recorded and the victim/survivor is sent to the unit responsible for the investigation. An initial information or report is sent to the unit responsible for the investigation. An initial information report is sent through the office of the chief of section to the chief of crime services department. (WACPS, 2011, p. 10)

With the exception of the newly constructed headquarters in Monrovia, the section is highly under-resourced. Outside of the central headquarters, none of the 16 police stations that I visited in Monrovia or the WACPS depot in Gbarnga had a single computer. Records were kept in books and on sheets of paper but the absence of filing cabinets in most units made it difficult to maintain these records. In most of the stations, a one-room office also served as the interview and detention room. The protection of victims' privacy continues to be a major problem due to this lack of physical space. In some police stations, the section is housed in a separate wing or building; however, this is not always the case. At the West Point police station in Liberia, one

has to walk by the detention cells—holding men who had been arrested for crimes such as armed robbery, gang rape, and murder—in order to access the WACPS office. The corridor along the cell is so narrow that it is possible for a person within the cell to reach out and grab someone who is walking by. This is highly problematic as most of the people who come to the WACPS units are traumatized women and children. Placing them in the same surroundings as accused criminals can only add to this trauma.

Next to the lack of vehicles, the absence of rooms and furniture to temporarily house juvenile offenders and victims was the most cited problem by the officers interviewed. Officer No. 3, a male Unit Commander stationed in Monrovia, stated that:

Lack of logistics in totality makes our work very difficult. We encounter lost and found children, abused children, and if we can't get safe homes immediately we have to keep them at the stations and there are no finances or anything set in place to cater to these children while they're in our care. We work under extreme conditions. (Personal interview, Monrovia, September 21, 2010)

Most juveniles that are brought to the section and not picked up by the staff of underfunded and overextended safe homes sleep on benches in the section's offices or are housed by police officers in their private residences.<sup>70</sup> Officers have to feed these children out of their private funds until they can be reunified with their families or taken to a safe home. I witnessed firsthand the extent of this problem during my first visit to the section's headquarters in May 2010.<sup>71</sup> A teenage girl who appeared to be no more than 15 years old was sitting on the floor in the reception area, handcuffed to a desk. The details of the case were unclear but she was a victim of a crime who appeared to be suffering from a psychological disorder. She had been

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<sup>70</sup> This practice opens the door to the abuse of juveniles by police officers, especially sexual abuse.

<sup>71</sup> The headquarters has since been moved to a more spacious building provided by donors.



handcuffed to the desk because she was trying to leave the station before the staff of a safe home could arrive to fetch her. There was no mental health professional on staff to help her. The police station had three rooms which served as office spaces and interview rooms. There was no space to temporarily accommodate victims or juvenile offenders. As she sat handcuffed to the table, she urinated on the floor and had to sit in it for a while before she was taken away. Throughout this ordeal, police officers, complainants, offenders, and guests like me streamed in and out of the waiting area, witnessing and commenting on her plight.

This lack of space is coupled with a lack of furniture. Most offices are poorly furnished and many police stations have furniture that is falling apart. At several stations in Monrovia, police officers told me that they had personally provided the furniture in the section and also had to pay for stationery to record complainants' statements. With the exception of the headquarters in Monrovia, WACPS investigators also do not have vehicles to transport them to crimes scenes or to transport the accused to court. Instead, some stations have one or two motorbikes that had been donated by international organizations and are used for all activities. Even where these motorbikes are available, they are highly inadequate as they do not protect the safety and confidentiality of victims, especially those who are seriously injured. It is also difficult to use motorbikes to pursue suspects over long distances in a climate with very high levels of rainfall. Police officers depend heavily on local NGOs, the Sexual and Gender-Based Violence Crimes Unit (SGBV), and international organizations for transportation to and from crime scenes and court. In the absence of this assistance, police officers either have to cover the cost of transportation from their personal funds or to ask the victims and complainants to do so. The line manager at one of the depots in Monrovia complained that the state is more willing to invest in the Rapid Response Unit of the police force that is tasked with responding to armed robbery, a

crime that plagues the country. In fact, the WACPS appears to be heavily dependent on international organizations for the construction of office space as well as for the provision of office furniture, office supplies, and means of transportation.

**5.2.2.1 Rules and regulations of the women and children protection section.** The WACPS responses to domestic violence, internal human trafficking, and rape is very similar on paper but varies in practice. Police officers are taught to empathize with all victims and complainants, treat them with care and courtesy, refer victims for medical treatment, keep victims and complainants updated on the progress of investigations, relocate victims to safe homes, and prevent further abuse by prosecuting those accused of being perpetrators (WACPS, 2011, p. 6). The pathway for a sexual assault case is as follows: 1) a reported case is sent to the charge of quarters where the referral is recorded, 2) the survivor is sent to the sexual assault squad where a statement is taken, 3) the police refer the survivor to a hospital for medical examination and treatment—a medical report is issued to the survivor, 4) the police refer the survivor to a safe home for protection, 5) the suspect is arrested and investigated 6) the investigating officers send an informative report to the Crime Services Department, 7) the CSD sends the case file to the legal affairs office for legal advice, 8) case investigators go to the court liaison section of the police, court liaison escorts all parties to the County Attorney’s office for indictment once it is established that there is sufficient evidence to charge the matter to court (WACPS, 2011, p. 8). The *Investigation of Sexual Exploitation and Abuse in Liberia* adds two intermediate steps to this process: after the victim is referred to the hospital, the investigators on the case—there always have to be two of them—attend a strategy meeting with their immediate supervisor to brief him/her on the progress of the case and to plan the investigation (p. 11). The investigators also have to contact the SGBV Crimes Unit of the Ministry of Justice for technical and legal advice when a case is reported (2011, p.

10). Human trafficking for the purposes of sexual exploitation is also subject to these steps. The training documents provide a very detailed and instructive guide of what police officers should do when a complainant reports a sexual offence. These instructions remove every confusion and ambiguity that could possibly affect police officers' performances. They also do not leave any space for the exercise of discretion. The final decision to present an accused rapist for indictment rests with the Legal Affairs Office of the LNP and not with individual police officers.

As is the case in every organization, there is a divergence between written rules and actual practice. Interviews with staff of NGOs and the findings of policy studies have revealed that police officers do withdraw rape cases (International Crisis Group [ICG], 2006; Isser, Lubkemann, & N'Tow, 2009; Personal interviews, 2010 & 2011). Interviewees have asserted that police officers accept bribes from accused rapists in exchange for releasing them from police custody before they are indicted and for hindering investigations.<sup>72</sup> Furthermore, one of the officers interviewed admitted that she has sometimes agreed when complainants requested the withdrawal of rape cases (Personal interview, Monrovia, September 20, 2010). According to her, she has agreed to this because of some victims' unwillingness to go to court. Another officer also stated that he has agreed to the withdrawal of rape cases where both the perpetrator and victim were minors of about 10 years (Personal interview, Monrovia, September 20, 2010). He argued that this course of action is necessary because such a case falls into a legal gray area. This decision, however, is not approved by the WACPS administration. These examples clearly demonstrate that every officer does not adhere to the process described above; some find ways to circumvent the rules. But when they have, it has not been because there is an organizational norm that allows for the practice. The unwritten rules of the WACPS reflect what is detailed in

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<sup>72</sup> Tables 1 and 2 show that the police do withdraw some rape cases. However, I do not assume that every rape or other case that officers withdraw is due to corruption on their part. This chapter demonstrates that multiple factors affect the behavior of police officers.

the training manuals. Officer No. 1, a male national supervisor, stated that police officers are not authorized to use their discretion to withdraw rape cases because “the issue of discretion in rape is above the police” (Personal interview, Monrovia, July 17, 2010). During weekly meetings of all heads of WACPS units, the Chief of Operations regularly emphasizes this message to those in attendance. This information is then passed down to the officers under their supervision. To ensure that these regulations are not ignored, sanctions have been put in place for those who are caught withdrawing rape cases. The administration reminds officers that they could be suspended or fired for withdrawing a rape case. The officers whom I interviewed recounted anecdotes of others who had lost their jobs for not heeding these warnings.

There is only one instance cited where in consultation with a prosecutor, police officers would agree for a reported rape case to be withdrawn at the police station. This is when a man in the early stages of legal adulthood (19–20 yrs) has sexual relations with a girl who is in her mid-teens and impregnates her. Technically, this constitutes statutory rape but Officer No. 1 explained that family concerns about who would financially support the pregnant mother and child if the man is incarcerated often leads to a decision to withdraw such a case at the police station after consulting with a prosecutor. Otherwise, the rules, both formal and informal, are identical and clearly dictate that police officers cannot withdraw rape cases. This is not the case for other forms of GBV.

With one exception, the police training manuals do not provide similar detailed instructions for how police officers should respond to each non-sexual form of GBV. Instead, there is a general procedure that is outlined for non-sexual GBV cases. The description of the response procedure for non-sexual abuse cases in the WACPS-LNP Background information manual ends when the investigators send the case file to the CSD. The omission of a discussion

of prosecution in this case reflects the flexibility in decision-making that characterizes most non-sexual violence GBV crimes. *The Investigation of Sexual Exploitation and Abuse in Liberia*, the first post-civil war training manual used by the police offers some direction on domestic violence and discusses prosecution of the crime as a non-optional requirement:

The Women and Protection Unit must encourage victims to report all incidents of abuse.

Education of victims must be ensured to remove the culture of shame and guilt.

Recording and investigating complaints from victims of domestic violence is a must.

Prosecution of all domestic violence cases.

Conviction and sentence of perpetrators to long jail terms. (Women and Children

Protection Unit, undated, p. 24)

In comparison to the instructions provided on how to respond to sexual violence, these directions are relatively limited. The *National Standard Operating Procedures for Prevention and Response to Sexual Gender-Based Violence in Liberia* introduced in 2009 provides the most detailed discussion of how police officers should respond to non-sexual abuse cases. It states that once probable cause is established and an arrest made:

...the perpetrator/defendant is arrested, s/he is brought to the magistrate for ‘presentation’ or ‘first instance’ by the police/sheriff. The magistrate will advise the perpetrator/defendant of his or her rights and determine bail. If the perpetrator/defendant qualifies for and pays the bail, s/he may be released until trial. In non-sexual offences, including assault, aggravated assault, or terroristic threats, the Magistrate has the authority to hold a preliminary examination to determine whether there is probable cause that the perpetrator/defendant committed the crime. If the perpetrator/defendant waives his or her right to a preliminary examination, or if the magistrate finds probable cause at

the preliminary examination, the magistrate will transfer the case to the Circuit Court.

The desk of the Circuit Court will refer the file to the county attorney, who will evaluate the evidence and present the case to the grand jury for indictment. (p. 9)

Organizational norms and practices do not match the process outlined in the manual.

Police officers are accorded the use of discretion in some forms of non-sexual crimes. According to Officer No. 1:

Really you see, we have academic and we have practical. Usually at the academy we tell you the strict thing, we don't compromise rape cases, we don't compromise assault, we don't compromise XYZ. But we come on the field, the physical reality, you take into consideration the setting you find yourself in, then definitely you have to use your discretion... The police is given discretionary power, in certain instances you use your discretion. So most times, letting domestic violence assault cases go home, not going to court, we use our discretionary power. (Personal interview, Monrovia, July 17, 2010).

He argued that the cultural setting in which the laws are being enforced necessitates a nuanced approach to justice. He pointed to the high level of unemployment and poverty among victims which causes them to stay in abusive relationships and to accept monetary bribes from their abusers in order to withdraw cases. He argued that enforcing the law without a consideration of the economic impact on victims would be detrimental to the wellbeing of the women and children whom the WACPS are tasked with protecting.

In discussing the reluctance of female victims of domestic violence to agree to the prosecution of their abusers, he stated that, "you see, for the Liberian setting, most women are liabilities to their husbands, so because of that aspect, the whole life is dependable [dependent on the man], so any action that you want to take will not go down well for her" (Personal interview,

Monrovia, July 17, 2010). He explained that in such situations, officers have sometimes honored women's requests to withdraw cases.<sup>73</sup> He also cited the lack of knowledge of the law among most people which led them to unknowingly commit criminal acts without realizing that they were breaking the law as another reason for a nuanced, case-by-case instead of a one-size fits all approach to justice. He gave an example of how cultural practices and ignorance of the law affect people's behaviors and lead officer's to use discretion:

You see Liberia has a culture, way back people felt like beating on the child is the best remedy to bring up the child in a good manner. Like when I was growing up, my mother sat me down, because we are from the [X] background, my mother sat me down and if you do wrong as a child if they do not beat you and pepper you, they feel like they have not disciplined you. So I was brought up like that, they beat me, they pepper me, they naked me and wasted pepper all over me, most people in Liberia grew up in such a harsh way, so definitely the view that they are in a position to take care of a child, they feel like that discipline that the parents used against them is the same discipline that they want to give to the children so most of them do it and they don't feel like they are committing a crime, they feel like it is normal so most times we provide advice and tell them that it is wrong. And if for any reason, like I said earlier, you want to be a repeat offender then definitely we feel that you want to be an outlaw, [then] the law definitely needs to take its course. (Personal interview, July 17, 2010)

Consequently, police officers are afforded some flexibility in their responses to aggravated assault. The withdrawal of aggravated assault cases is forbidden except where it is done in the best interest of the victim and not for the personal gain of the police officer. In

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<sup>73</sup> The proceeding discussion will explain why this is not always the case.

describing the section's response to an officer who is caught withdrawing a case of aggravated assault, Officer No. 1 explained that:

...once an officer compromises such a major case, we usually reprimand the officer.

Sometimes we serve you a warning letter, but depending on the circumstances, if you took your decision *in the best interest of the victim*, sometimes we just pat on you and tell you that next time, let it be settled at the court level. (Personal interview, July 17, 2010)

Investigators are expected to consult with their supervisors before withdrawing any such cases. Acting "in the best interest of the victim" is subject to multiple interpretations and this is reflected in the actions of police officers. A police officer who agrees to withdraw a case of aggravated assault involving a seriously injured woman, who pleads for the release of her abusive husband because without him her five children would starve and because the (illegal) court fees would financially ruin her, is acting in the interests of the woman. In the same vein, a police officer who refuses this request because he fears that this husband, who has repeatedly abused his wife, could maim and possibly kill her if released is also acting in the interest of the victim. This tension is at the heart of many decisions taken. Police officers have varied opinions about what constitutes the best interest of the victim and these ideas play an important role in the decisions that they make and the actions they take.

This tension is also evident in officers' responses to internal human trafficking. Officer No. 1 explained that police officers are not authorized to use discretion in cases of internal human trafficking. He, however, admitted that their inability to establish that the act of trafficking had occurred has led to the withdrawal of the case at the police station. He explained that logistical constraints such as the lack of vehicles to track down and keep in touch with families of trafficked children who lived in rural areas has sometimes made it difficult for police



officers to establish that all elements of trafficking are present and to locate and charge the accused persons.<sup>74</sup> With no evidence and no suspect, they are often left with no option but to educate the parents of victims on the issue of trafficking and to close the case files. However, if they succeed in establishing that the crime of trafficking has occurred, withdrawal is not allowed (Personal interview, July 17, 2010). Nonetheless, police officers' withdrawal of cases in which the suspect had been apprehended and evidence gathered demonstrates that prohibiting the withdrawal of cases is insufficient to prevent the act.

The official and unofficial emphasis on the prosecution of sexual violence contrasts with the rules and norms surrounding the response to non-sexual violence cases. In the case of aggravated assault, police officers' use of discretion is authorized as long as it is in the best interest of the victim and not for the gain of the officer. This is not detailed in the training manuals but is verbalized and modeled by superior officers. On the other hand, the WACPS' approach to internal human trafficking is similar to rape both on paper and verbally. However, while the non-withdrawal of rape is regularly emphasized and prioritized, the same is not done for internal human trafficking. This combination of official and unofficial rules has contributed to the variation in officers' responses to domestic violence, internal human trafficking, and rape

### **5.3 ASSESSMENT OF THE THEORETICAL FRAMEWORK: THE ORGANIZATION**

This study's theoretical framework identifies four variables operating within the organization (WACPS) that shape police behavior. These variables correspond to hypothesis four.

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<sup>74</sup> To charge a person with trafficking, police officers have to show that the defendant recruited, transported, transferred, harbored, or received a person by 1) means of the threat or use of force 2) or other means of coercion 3) or by abduction, fraud, deception, abuse of power, or of a position of vulnerability 4) or by giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation (2005 Act to Ban the Trafficking in Persons). To establish that any of these elements are present in a case, police officers often have to travel to the point of recruitment, which is often a distant rural area to conduct their investigations. The lack of logistical support makes this difficult.

**H IV:** Police officers are more likely to forward rape cases, as compared to domestic violence or internal human trafficking cases, to court because organizational characteristics promote the forwarding of rape cases to court rather than the forwarding of domestic violence and internal human trafficking. Organizational characteristics that promote the forwarding of rape cases to court are: (1) the provision of training that promotes the forwarding of rape cases to court, (2) the creation and enforcement of organizational policies that promote the forwarding of rape cases to court, (3) supervisors' emphasis on the forwarding of rape cases to court, and 4) the creation of collective organizational norms that promote the forwarding of rape cases to court.

### **Providing Funds and Equipment for Implementation**

Funding for the enforcement of GBV laws is highly inadequate. As explained in Chapter Four, the WACPS is financially supported by the international community and the Liberian government. The WACPS receives equipment and support through the Sexual and Gender Based Violence Crime Unit to respond exclusively to sexual violence crimes in Monrovia. To a lesser extent, IOs provide this support in Monrovia and in other counties.

### **Providing Training to Police Officers**

The WACPS provides on-the-job training for police officers. The WACPS teaches officers that they cannot withdraw rape cases. This message is reinforced on the job. The WACPS also teaches officers that they cannot withdraw aggravated assault or internal human trafficking cases. However, supervisors tell officers that they can withdraw aggravated assault when it is in the best interest of the victim. This message is reinforced on the job. Supervisors also tell officers that they should not withdraw cases of internal human trafficking but this message is not reinforced.

## **Organizational Policies**

Supervisors prohibit police officers from withdrawing rape and human trafficking cases. They are allowed to withdraw aggravated assault cases when it is in the best interest of the victim.

## **Supervising Police Officers**

Supervisors tell officers that they will face punishment (suspension or dismissal) for withdrawing rape cases. The WACPS has enforced this sanction in some instances. Supervisors also warn officers that they will face sanctions for withdrawing aggravated assault cases for personal gain. The WACPS has enforced this sanction in some instances. Supervisors do not emphasize to police officers that they will be punished for withdrawing cases of internal human trafficking.

## **Organizational Norms**

The training, verbal messages, and supervision provided by the WACPS as well as officers' personal beliefs have made the non-withdrawal of rape an organizational norm. They have, however, failed to make the non-withdrawal of aggravated assault and internal human trafficking organizational norms. Instead, the use of discretion when responding to these crimes is the organizational norm.

## **5.4 POLICE OFFICERS' RESPONSES TO RAPE**

With the exception of a female police officer stationed in Monrovia, the other 39 officers interviewed stated that they do not allow complainants to withdraw rape cases at the police station. Officers explained that no amount and intensity of pleading from victims or their relatives lead them to mediate reported incidents of rape in the police station or to cease the

investigating and processing of cases in order for complainants to adjudicate the matter in family palavers or customary court hearings.

They gave three reasons for their insistence on forwarding rape cases to court. These reasons showed the influence of the state, NGOs and IOs, organizational variables, and officers' judgment of victims. One reason, officers' judgment of victims is a product of their experiences with victims of rape and cultural norms surrounding rape. Their judgments have led them to classify rape as a crime that cannot be withdrawn from the police station under any circumstances. A second reason given for forwarding rape cases to court is that its withdrawal is "above the police". The framing of the rape law; organizational rules, norms, and sanctions; and the training provided by the state as well as non-state actors have contributed to shaping the idea that rape is above the police. Supervision and the enforcement of rules have also served as a deterrent and a third reason for forwarding rape cases to court. Victims' preferences proved to be irrelevant to determining how officers responded to rape.

Officers generally described rape as the most serious form of GBV that they encounter on the job. They used a variety of expressions and phrases to convey the idea that rape is a serious crime. These include "grievous", "heinous", "major", "not minor", and "most serious". The reasons given for categorizing rape as a serious offence were that it is a first degree felony and therefore has a high legal stature, it is a crime against the state, decision-making in rape cases is above the level of the police, it is prioritized by the government and international organizations, it is perpetrated against vulnerable women, and is a crime that jeopardizes the future of its child victims. Officers also gave these reasons to justify their refusal to withdraw rape cases.

When asked why they did not withdraw rape cases, the most frequent answer given was that rape is a crime that police officers do not have the authority to withdraw. They expressed

this perception in several ways; one of which was that rape is “above the police”. Officers explained that they lack the authority to make major decisions such as whether or not to withdraw a case when responding to rape. They underscored the roles of their superiors and the courts in this decision-making process. In expressing this point, Officer No. 9, a female officer stationed in Monrovia, explained that, “all rape cases we take to court, we do not compromise rape cases. Even if the victim wants home settlement of such a case, we do not have that right to grant that they take that case home, they should go to court and then the court will take a decision, not the unit” (Personal interview, September 21, 2010).

Officers emphasized the role of the court system in the decision to withdraw rape cases and spoke of themselves as investigators and not adjudicators in rape cases. They also argued that in rape cases, the wishes of the victim or complainant (to withdraw the case) is of no significance at the police station. Officer No. 14, a male stationed in Monrovia, explained that, “they do say it [that they do not want to go to court] but we do not listen to them because with rape cases we do not have any authority over it, we must forward it to court. The victim can then tell that to the court and it will decide what to do (Personal interview, September 15, 2010). Similarly, Officer No. 31, a male stationed in Monrovia, stated that, “rape cases, we force them to send it to court and when it is time they change their mind, we force them to take it to court and they withdraw it from court” (Personal interview, September 14, 2010).

Their perception of rape as a crime that is above the police has operated as a causal mechanism that has led officers to forward rape cases to court. But what has led them to think of rape as a crime that they cannot withdraw at the police station? In other words, what independent variable(s) have generated the perception (causal mechanism) that rape is above the police? The interviews revealed three variables that have been important to shaping this perception.

The first variable is the rules of the WACPS. These rules are products of all of the state and non-state actors that collaborated to establish the section and support its operation. Organizational rules, both formal (as described in training manuals) and informal (as verbally told and modeled to police officers) dictate that police officers cannot withdraw rape cases at the police station.<sup>75</sup> Supervisors have accompanied these rules with threats of punishment for those who are defiant. Sanctions include suspension and dismissal. Officers explained that their superiors have regularly emphasized at meetings that rape is a crime that cannot be withdrawn at the police station. These supervisors have also warned that officers who are caught withdrawing rape cases would face disciplinary action. Their superiors have clearly and repeatedly stated that they cannot honor the request of a complainant or victim to withdraw a rape case under any circumstances. This warning has generated the knowledge (intervening variable) and created and reinforced the perception (causal mechanism) that the withdrawal of rape is above police officers. Officer No. 34, a female stationed in Monrovia, while discussing the directives received from the central headquarters stated that:

...we will face problems because we have been made to understand that rape cases are not meant to be compromised, thus we won't agree to withdraw such a case, you can only take that case to court for you to withdraw it. If you do something like that, you could be suspended or dismissed. (Personal interview, September 20, 2010)

These rules and sanctions instituted by the WACPS have conveyed (provided knowledge) to officers that the withdrawal of rape is above the police. This knowledge has in turn shaped the perception that rape is a crime that police officers cannot withdraw at the police station.

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<sup>75</sup>In the case of rape the formal (as described in training manuals) and the informal (as verbally told and modeled to police officers) were largely aligned. That is, what supervisors told and demonstrated to officers on the job matched what they learnt at the academy. However, the cases of domestic violence show that this is not always the case.

The framing of the rape law is a second variable that has led officers to perceive the crime as one which is above the police. They explained that rape, like murder but unlike other forms of GBV, is a first degree felony.<sup>76</sup> Moreover, unlike other forms of GBV except murder, a person accused of rape, once charged, cannot be bailed out of the state's custody. They also explained that the crime once reported, is against the state of Liberia and out of the hands of the complainant; the complainant is only a witness for the state. Consequently, any decision that has to be made regarding a rape case is above the level of the victim and the police. To officers, this has conveyed and reinforced the notion that the adjudication of rape cases is beyond their jurisdiction. According to Officer No. 16, a male stationed in Monrovia:

...it is often against the state and not the individual so we advise them to go to the court.

Because it is not the individual that decides, the crime is committed against the state so the individual does not have the decision to drop charges or not, it is the state. (Personal interview, July 10, 2010)

When asked why he would withdraw an aggravated assault but not a rape case, officer No. 41 stated that, "because a rape case is a first degree felony and aggravated assault is a second degree felony. For rape aspect we can't make our own decisions; we have to consult our superiors or the courts" (Personal interview, June 10, 2010).<sup>77</sup> The legal stature that the state accords to the crime has signaled to police officers that the case "belongs" to the state and is above police officers. According to officer No. 37, a female stationed in Monrovia:

...we have been receiving cases where the parents just do not want to prosecute the person but then for we the police, we look at the crime committed, it's a state crime. So we tell them that since you do not want to prosecute this person, but for us you will be

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<sup>76</sup> Depending on the nature of the act, rape can be a first or second degree felony.

<sup>77</sup> The penal code does not state or indicate that a second degree felony can be withdrawn at the police station.

serving as a state witness, even though you serve as a complainant in our document but once we have evidence linking this man to the crime, whether you do not want to prosecute, we will still send this man to court and the state will prosecute him. (Personal interview, September 21, 2010)

The WACPS as well as the staff of IOs and NGOs have communicated (provided knowledge) the legal stature of the law to police officers. Accordingly, officers have heard about the law during training at the police academy, in workshops and awareness-raising campaigns organized by NGOs and IOs, and through their supervisors who have repeated this information at departmental meetings and other interactions.

In fact, the training provided by the WACPS and other state actors as well as NGOs and IOs is a third variable that has shaped the perception of police officers. Training sessions have been used not only to convey the legal stature of the rape law but to teach police officers how to respond to rape, the repercussions of rape on victims and the society, and the sanctions for withdrawing rape cases (providing knowledge). Officers stated that the training that they received at the police academy along with departmental workshops and others organized by NGOs and IOs clearly instructed them that they could not use their discretion to withdraw rape cases. This message instructed that the WACPS' Legal Affairs Office and the SGBV crime unit should be involved in all decisions to proceed or halt with the prosecution of all rape cases. Officers explained that they risk disciplinary action, including the loss of their jobs, if they withdraw rape cases without the approval of the CSD and the SGBV crime unit. As officer No. 41, a male stationed in Monrovia, explained, "sometimes you can be suspended indefinitely or sent to court to justify your actions. Because we have been told time and time in all trainings that rape is not compromisable" (Personal interview, June 10, 2010). The training provided by the



WACPS and other members of the GBV Taskforce has, therefore, been important. This training begins at the police academy and is built upon in seminars and workshops organized by organizations such as AFELL and the NRC and by larger organizations such as UNICEF. It has informed police officers that they cannot withdraw rape cases. This information has not only contributed to shaping officers' perceptions of the offence but also, how they choose to respond to it. It has also erased any ambiguity or confusion that might have led an officer to withdraw a rape case.

Together, the rules of the police force, the framing of the rape law, and the training provided by state and non-state actors (independent variables) have communicated to police officers that they cannot withdraw rape cases (intervening variable). This has served to create and reinforce the perception (causal mechanism) among officers that the withdrawal of rape is above the police.

Two other causal mechanisms that have led police officers to forward rape cases to court are their judgments of rape victims and their judgments of the effects of the crime on victims (a variant of perception of the crime). These judgments centered on victims' ages and their vulnerability as well as the impacts of the crime on their lives. The majority of victims in rape cases that are reported to the police are minors, some below the age of five. To these officers, the act of rape perpetrated against children is especially heinous. They explained that for those who survived, there are long term physical and psychological effects. They mentioned the possibility of children dying from injuries sustained during rapes, contracting sexually transmitted diseases such as HIV, sustaining injuries that could destroy their reproductive systems, and being subject to stigmatization within their communities. Officer No. 26, a female stationed in Monrovia, summarized the response to the rape of minors:

Those two cases [rape and aggravated assault], we really give priority to those two cases. Mostly, because where someone comes bleeding , we really, we have to pay attention to them and just take care of them because sometimes the people bring the children here, they have been sexually abused, we have to take the initiative. Sometimes there will be no parents but we ourselves have to take them to the hospital and things, to cater for them. From there we send them to the THINK Safe Home because we can't send that child back into that same community with that same perpetrator. (Personal interview, January 16, 2010)

Similarly, Officer No. 28, a male stationed Gbarnga, explained that:

If the perpetrator is a fully grown adult and the victim is still a minor, as the investigator I'm aware of the child's future and I refuse to settle such cases. I'm aware of the consequences of sending the victim back into the hands of the perpetrator. My first priority is medically examining the victim and prosecuting the accused person to court. The court is the last in the judicial making process. The police is the first pillar of the criminal justice program and we need to protect the victim. Accusers may formally approach the court with their choice of settling the matter outside the courts. (Personal interview, May 24, 2011)

They, however, explained that they take all forms of rape seriously and have followed departmental protocol when responding to all cases, regardless of the age of the victim. Some of them pointed to the medical and psychological trauma that adult victims experience in order to highlight the gravity of rape against adults. According to Officer No. 15, a male stationed in Monrovia, rape is a "hideous crime under the Liberian law, the person is victimized [more] than

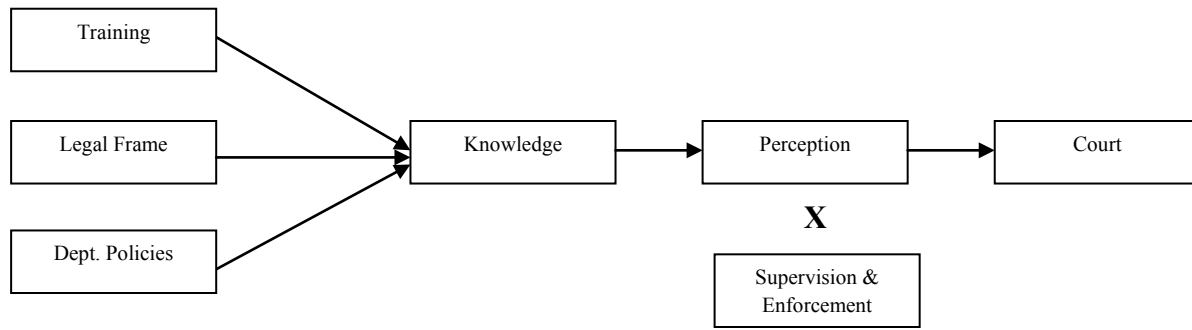
any other case” (Personal interview, September 14, 2010). Nonetheless, it is clear from the interviews that the rape of minors evokes very strong sentiments within these officers.

Their judgment of child victims mirrors the sentiment expressed by other Liberians interviewed (KAICT, 2011). Officers operate in a societal and cultural milieu in which the rape of minors is strongly frowned upon (independent variable). But even beyond the cultural norm, officers’ direct interactions with victims served to shape their judgments (independent variable). They sometimes accompany victims to the hospital and, therefore, have been witnesses to victims’ suffering. They also read the medical reports that give them firsthand information on the injuries sustained by victims. This direct contact with victims and their suffering has been very important to the forming of officers’ opinions. This personal interaction has not only shaped their judgment of victims and the effects of the crime but has also reinforced the message received from all sources about the heinous nature of rape, especially against minors.

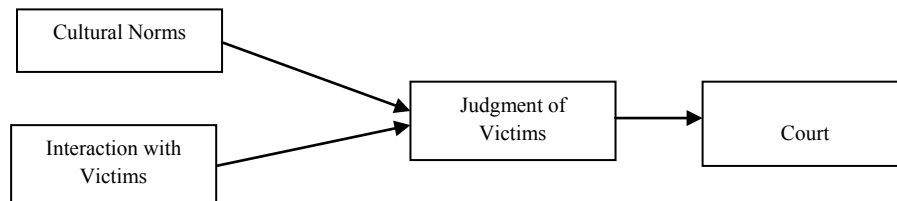
The final variable that has led officers to forward rape cases to court is the enforcement of rules and the supervision of officers. The progress from perception to court is conditional upon enforcement and supervision. Although I was unable to obtain data on how many officers have been dismissed or suspended for withdrawing rape cases, interviews with supervisors as well as frontline officers revealed that officers have been sanctioned for taking this course of action. Supervisors have not only stated and modeled the norms of the WACPS but have also enforced them. This has proven to be important in how officers perceive the crime but also directly serves as a deterrent for withdrawing rape cases.

Supervision by external actors has also led police officers to forward rape cases to court. In Monrovia, officers contact the SGBV crime unit when a case of rape is reported. In some cases, the crime unit is the first point of contact for the victims who are subsequently referred to

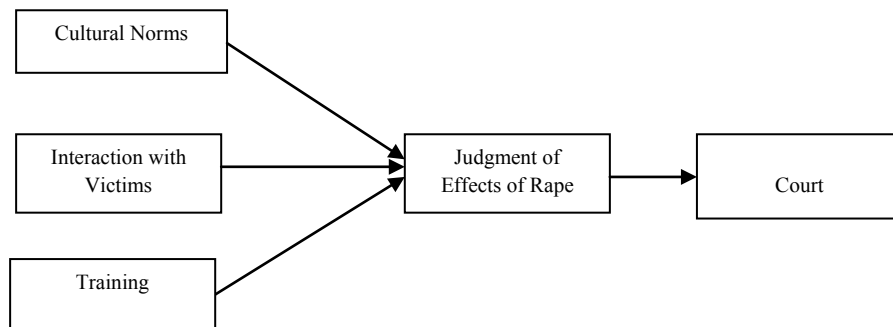
the police. Staff of the crime unit is involved in and supervise the investigatory, charging, and court processes. This has generally made it difficult but not impossible for officers in Monrovia to withdraw rape cases without the knowledge of their superiors. Police officers are also supervised by UNPOL. UNPOL officers regularly visit police stations in Monrovia to follow up on major cases such as rape and aggravated assault. They question WACPS officers on the state of investigations and provide support in the form of transportation and phone air time for these officers to follow-up on cases that are pending. In Gbarnga, they review the WACPS log books to assess how officers are responding to cases and provide transportation for officers to follow-up on sexual violence cases. Their involvement has served as a second layer of supervision for WACPS officers. NGOs have provided another level of supervision. Groups such as AFELL and THINK as well as international organizations such as the NRC follow up on rape cases. They provide victim advocates who escort the victims through the criminal justice system and monitor the behaviors of all workers in the criminal justice system. When they think that officers are receiving bribes to withdraw cases or are simply failing to perform as required, they sometimes report to the GBV taskforce within the MoGD or directly contact the WACPS administration. This serves to put pressure on the WACPS and on individual police officers. These organizations have, however, been constrained in the extent to which they can monitor officers' performance. They lack sufficient manpower and the financial resources to do so. Interviews in Gbarnga indicate that in 2011, local NGOs and IOs in that region were better resourced (than those in Monrovia) to hold police officers accountable (Personal interviews, May 2011). It is possible that these organizations are better resourced because they are less extended than those situated in Monrovia which is more densely populated and has a higher crime rate.



**Figure 1: Causal Pathway to Court I – Rape**



**Figure 2: Causal Pathway to Court II – Rape**



**Figure 3: Causal Pathway to Court III – Rape**

## Discussion

The interview data above show that the state, non-state actors, the organization (WACPS), and the individual are all relevant sources of influence. Victims' preferences (where they request the withdrawal of cases) have not had an influence on the behavior of officers.

Officers' perception of the crime as one that cannot be withdrawn has proven to be the most important factor that has determined their decision to forward a rape cases to court. This perception, which operates as a causal mechanism, has in turn been shaped by the rules of the WACPS, the framing of the rape law, and the training provided to police officers. However, the existence of this perception has not automatically led officers to refer rape cases to court. Instead, the WACPS enforcement of institutional rules and supervision by IOs and NGOs have deterred some officers from withdrawing rape cases and encouraged the referral of cases to court. This supervision and enforcement is a conditional variable that increases the impact of officers' perception on their referral of rape cases to court. Two other casual mechanisms that have led officers to forward rape cases to court are their judgments of victims and their judgments of the effects of rape on victims. These judgments have been shaped by the officer's personal interactions with victims as well as their internalization of a cultural norm that strongly frowns upon the sexual assault of minors. In addition, officers' judgment of the crime, mainly its health consequences, is also a product of the training that police officers receive.

Officers rarely gave a single explanation for their actions. They rather cited a combination of these factors. For example, Officer No. 8, a male stationed in Monrovia stated that:

The most serious sexual gender base violence which we've had is rape, statutory rape or ordinary rape. We attach more seriousness to rape cases because, it's a seven years sentence and it's unbailable [framing of the law]. Because we've been under so many workshops [training] we know the gravity of the offence [judgment of the effects on victims] thus we take it very serious. (Personal interview, October 10, 2010)

This shows that police officers are subject to multiple pressures exerted by complementary sources of influence. Furthermore, there are often interactions among these sources of influence as well as the influences that they exert.

Although legislators passed the amendment of the rape law, IOs and NGOs participated in its crafting. These non-state actors have also directly influenced the WACPS rules through their participation in the establishment of the section. On the other hand, the norms of Liberian society and officers' interactions with victims have reinforced the importance of forwarding rape cases to court. IOs and NGOs have actively worked to shape these norms since the end of the civil war, thus indirectly molding officers' judgments.

Overall, the interview data show, as illustrated in Figures I, II, and III, that there are multiple paths to arriving at the final outcome. That is, there are multiple combinations/sequences of variables that lead officers to forward rape cases to court. While Causal Pathway I was the most common sequence, Causal Pathways II and III were also present in officers' explanations. Furthermore, these pathways were usually complementary; officers usually gave more than one set of explanations for why they forwarded rape cases to court.

Officer No. 39, a female investigator stationed in Monrovia is the only police officer that admitted to sometimes withdrawing rape cases. Her responses to cases of rape match that which she has adopted for aggravated assault. She stated that when victims and complainants have refused to go to court, she has allowed them to sign an agreement stating that they have voluntarily decided to withdraw their cases from the police station. When pressed to explain her decision to withdraw rape cases—which is contrary to the information provided by her unit commander—she stated that she had not in fact participated in making such decisions because she

worked the night shift and, therefore, handed case files to officers on the day shift without making any decisions about withdrawal.

Similar to other officers, she stated that she devotes the most attention to rape cases. She, however, did not speak of it as a state crime or one that is above the level of the police. She also did not speak of the WACPS rules and regulations regarding rape or of the legal stature of the crime. This led me to several possible conclusions. First, it is possible that despite the exposure to all of the independent variables discussed above, she has been unaffected. A more plausible explanation is that she has been defying her unit commander and withdrawing rape cases for personal gain. A third possibility is that other members of her unit have in fact agreed to the withdrawal of rape cases but did not admit to this during the interviews.

## **5.5 POLICE OFFICERS' RESPONSES TO DOMESTIC VIOLENCE**

Police officers' decisions to transfer a case of aggravated domestic assault to court or to allow complainants to withdraw it at the police station were highly discretionary. Of those interviewed, 18 officers stated that they have never allowed a complainant to withdraw a case of aggravated assault from the police station but have insisted on transferring these cases to the magisterial court. Twenty-two stated that they have sometimes agreed to complainants' requests to withdraw cases and out of this number, three stated that they have withdrawn cases based on the "degree" of the assault.

Officers claimed that they rely on medical reports to determine if an incident of domestic violence is a case of aggravated assault. However, they pointed to the visibility of the victim's injuries in cases of aggravated assault as an important means of determination. The majority described a victim of aggravated assault as a person who has sustained visible cuts, bruises, and



is bleeding. They sympathetically discussed the suffering that victims endure at the hands of their abusers and the pressures that their relatives subjected them to in order to compel them to withdraw cases for adjudication in the family or community. Officers also expressed frustration at the lack of social services to financially support and empower victims of domestic violence. They recognized that aggravated assault is a serious offence and two people specified that it is a crime that is above the police.

As is the case with rape, the sources of influence have been the state, non-state actors, the organization, and individual-level variables. However, unlike rape, victims' preferences have proven to be an important determining factor. For the officers who stated that they forward all cases to court, the primary reason given was their judgment of the effects of aggravated assault on the victim (causal mechanism). They judged aggravated assault as a crime that results in serious bodily injuries and thus, should proceed to court. According to Officer No. 24, a male stationed in Monrovia, "cases such as aggravated assault where you'll see wounds, bruises, etc. on the victim we do not compromise it, and we do not leave such a case to them but a simple assault case can be allowed to be settled amicably (Personal interview, July 10, 2010). Officers, therefore, judged that victims needed to go to court because of the physical injuries inflicted during an incident of aggravated assault.

For some of these officers, the fear that the victim in a withdrawn case of aggravated assault could suffer complications that could lead to other injuries or even death has reinforced the judgment of aggravated assault as a crime that causes serious injuries and so should be forwarded to court. According to Officer No. 31, a male stationed in Monrovia, "for aggravated, they go and withdraw their matter in court, because it is serious, you don't know what will happen" (Personal interview, September 14, 2010). Officer No. 17, a female stationed in

Monrovia, also stated that, “the woman might come to report and later on say she’s changed her mind but looking at the wound or injury sustained by the woman, we the police will not allow her to withdraw the case, because sometimes when we allow that, it might backfire” (Personal interview, September 14, 2010).

They explained that should victims of withdrawn aggravated assault cases suffer further complications as a result of their abuse, the families of these victims as well as the WACPS could hold the officers responsible. According to Officer No. 28, a male stationed in Gbarnga, “these are cases are not to be compromised in the police station because it’s a bad bodily wound inflicted on a person. A police officer who compromises such a case is held accountable should anything happen in the future” (Personal interview, May 24, 2011).

The judgment that aggravated assault is a grievous crime and thus, should be forwarded to court has been shaped by officers’ interactions with victims. They regularly see the extent of victims’ injuries as well as medical reports and understand the implications of the assault on the victims. This firsthand knowledge has led them to recognize the gravity of the act and to view it as an offence that should be adjudicated in court. Officers’ judgments have also been informed by the state’s framing of the penal law against aggravated assault. The law defines aggravated assault as a crime that results in serious bodily injury. Officers have, therefore, drawn on this knowledge of the law, acquired during trainings, to form their judgment of the crime.

However, officers’ judgment that an aggravated assault case could result in death, and therefore should be forwarded to court, is not only out of concern for victims’ welfare but also an attempt to shield themselves from future blame. Officer No. 28 recounted an incident that occurred in 2005 during his tenure as commanding officer of a depot in Monrovia that cemented his decision to not withdraw cases of aggravated assault. He explained that a woman hit her

boyfriend's head with a glass bottle and injured him. Investigators under his command arrested and detained the perpetrator at the police station but in his absence, she was released after a family member pleaded with the police to do so. The victim subsequently died from the injuries sustained. The community members later stormed the police station threatening to kill the officer who had released the suspect. This and other similar incidents have cautioned police officers about the dangers of withdrawing cases of aggravated assault. In this group of officers who claimed that they never withdrew aggravated assault cases, two (a relatively small figure) explicitly cited fear of reprisals from community members and sanctions from the WACPS as reasons for forwarding rape cases to court. This underscores the importance of the enforcement of organizational rules. It also highlights the importance of a second variable, community's preferences.

Within this group of people who stated that they never withdrew aggravated assault cases, the perception of the crime as above the police proved to be secondary to their judgments of the effects of the act. Within this group, six persons offered the legal stature of the crime as one of the justifications for their actions and two persons listed the rules of the WACPS. Compared to rape, the perception of aggravated assault cases as above police officers has not proven to be as important as officers' concerns about the injuries caused by the crime.

It is also important to note that out of those who offered "above the police" explanations (legal stature of the crime and rules of the WACPS), only two gave these as the sole justification for their decision. In most cases, more than one factor determined officers' decisions and actions. For example, Officer No. 26, a female stationed in Monrovia, in explaining her decision stated that:

...because the case is not hers (the victim's) again, the case is the Republic of Liberia's [legal stature of the crime]. Because you that bring a case or complaint to the police station, when you are going through the court procedure, you are just a witness but the case is for the Republic of Liberia. So for that reason we will make you to know that if you want to withdraw your case against this man you can do it at the court but not here because we are seeing you, and seeing the wound on you [judgment of effects of crime], so we can't just waive that case in case tomorrow something happens then they will say the police (is to blame) [reprisals from community and sanctions from WACPS].

(Personal interview, September 16, 2010)

The officers who stated that they have sometimes withdrawn cases of aggravated assault also recognized that it results in serious bodily injury and could result in medical complications for which the police could be blamed. But for these officers, victims' preferences for extralegal forms of dispute resolution (victims' preferences) have proven to be the overriding factor that determines their actions.

The majority of officers who admitted to withdrawing cases of aggravated assault claimed that they have done so because the victims demand it. They argued that they usually do not force victims to support the prosecution of their husbands and domestic partners because when they have, the women have refused to cooperate with the state and serve as its witness. They explained that when this has happened, the presiding judge has thrown out the case. They, therefore, choose to withdraw cases at the police station, usually in consultation with their supervisors. To complete the withdrawal, they ask the victims to sign withdrawal forms that would absolve the police of all blame should the victim be re-attacked or suffer complications from the initial abuse. These forms are kept on file and submitted to the central administration—as

proof that the police acted at the behest of the victim—should a victim or her relatives decide to accuse the police of corruption or wrongly handling her case. According to Officer No. 33, a male stationed in Monrovia:

From the department [central headquarters], aggravated assault cases as a whole are not supposed to be compromised by the police, but if a complainant decides to walk away, they have to write a note that they are walking away, because that will be our evidence that you decided to walk away from the case. That way we won't get into any kind of trouble with the department. (Personal interview, September 16, 2010)

Similarly, Officer No. 25, a male stationed in Monrovia stated that:

In any case, there must be a complainant. She changes her mind and refuses to go to court. After the 48 hours the husband would have to be released. When the victim requests to be sent home with her husband, she can't be forced into going to court. We often ask that she puts into writing her requests with her signature and contact information attached so we can use it in our defense should any situation arise. (Personal interview, September 16, 2010)

Officer No. 35, a female stationed in Monrovia also stated that:

If you say that you don't want a case with him, we don't have any authority to hold the person. To withdraw the case, we ask them to make a note, "I the undersigned person withdraw my case for home settlement, any other action equals court proceedings". After, if there are any other instances of violence between these two people, they go straight to court and the court issues a writ. (Personal interview, September 16, 2010)

The financial burden that a trial would place on the victims also factored into this decision to grant their requests. According to Officer No. 40, a male stationed in Monrovia:

Police officers can't compromise cases, they should be compromised in court. Where the man is the breadwinner, there are difficulties. Sometimes the police compromise such cases. So where the perpetrator is the breadwinner, we sometimes use our discretionary power to see reason and settle it. Then we ask the complainant to do a withdrawal note, in case our bosses come in. Before we withdraw a case, we contact our immediate boss for advice. (Personal interview, September 16, 2010)

Officer no 2, a male and high-ranking supervisor at the national level, also stated that,

This is one of the cases we receive that causes problems in the sense that the police has to accept compromise because the women always fear for the husbands, who is normally the sole breadwinner of the family and wouldn't want to further prosecute in order to save their marriages. (Personal interview, May 10, 2010)

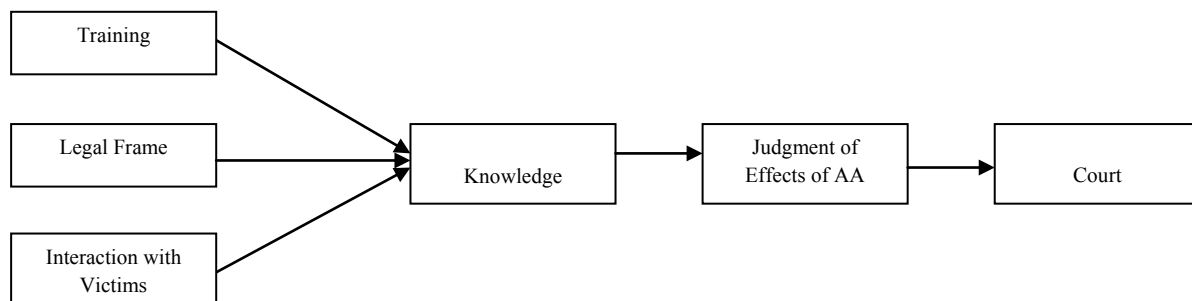
Similarly, Officer No. 36, a male stationed in Monrovia, explained that:

When it is aggravated assault, the first thing we do is that we ask this man to provide money for this lady to take [medical] treatment. But you know most of these cases when it is brought to this section, whether it is aggravated assault or simple assault, the woman after she has sought treatment will come and say that I don't want to go to court because we have children and my parents are talking that I shouldn't go to court with him so these are the difficult aspects we face when it comes to husband and wife and their prosecution. (Personal interview, September 15, 2010)

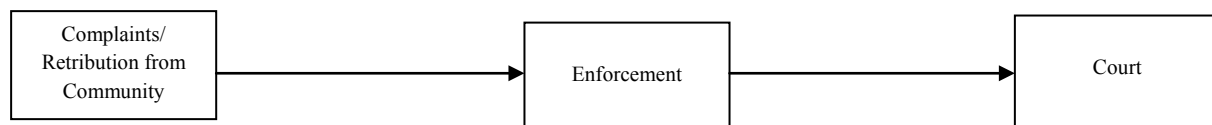
This underscores officers' judgments of the victims. These officers realize that many of the women who seek help from the police have very little financial support from sources other than their husbands or boyfriends. They also know that these women are sometimes pressured and punished by their relatives and in-laws for involving the police in domestic affairs. This

knowledge has led them to prioritize the demands of the victims. The socioeconomic status of women in Liberia, combined with cultural norms has shaped victims' preference which in turn has affected how officers judge victim and how they respond to aggravated assault.

However, of this group, three officers stated that they have not always base their decisions on what the victims or complainants want but on the degree of the assault. Although the penal law describes an aggravated assault as one that results in "serious bodily injury", it does not state what constitutes a serious injury. These officers, therefore, based their conclusions on the medical reports and on the injuries that were visible (judgment of the effects of the crime). Indeed, one officer described a serious injury as one in which there was blood gushing out of a person's eye. Others set the threshold much lower. In these instances, victims' preferences matter as long as officers do not think that the assault is particularly serious but once they do, the case is forwarded to court.



**Figure 4:** Causal Pathway to Court I – Aggravated Assault



**Figure 5:** Causal Pathway to Court II – Aggravated Assault



**Figure 6:** Causal Pathway to Withdrawal I – Aggravated Assault

## Discussion

The interview data show that police officers responses to aggravated assault have been affected by influences exerted by the state, IOs and NGOs, the WACPS, victims and the community, and by officers' themselves. Those who claimed that they always forwarded aggravated assault cases to court based their decision primarily on the harms caused by the act. Officers' interactions with victims and knowledge of the law have contributed to shaping their



judgment of aggravated assault. Fear of sanctions from the WACPS and reprisals from the community also featured into this decision to forward cases to court. Officers' perception that the crime is beyond their jurisdiction has also been an important factor, but to a lesser degree.

For those who said that they have sometimes withdrawn cases, victims' preference has been the determining factor. These officers are aware of the gravity of the injuries that victims sustain but have been reluctant to compel victims to go to court. They cited the economic and social conditions in Liberia that affect victims' willingness to proceed to court. Out of this number, three based their decision to withdraw a case on the degree of the assault. This assessment, however, was subjective.

The case of domestic violence demonstrates that when officers have discretionary power, their decisions are primarily determined by factors that are closer to the frontline. This is not to say that training, policies of the organization, or supervision, are not important. These factors continue to underlie all actions but because they do not prohibit the use of discretion, they open the door for other causal processes to come into play.

## **5.6 POLICE OFFICERS' RESPONSES TO INTERNAL HUMAN TRAFFICKING**

Police officers have relied heavily on discretion to respond to internal human trafficking. Of those interviewed, seven stated categorically that they have always forwarded cases of internal human trafficking to court and have not honored complainants' requests to withdraw their cases. Three officers, however, admitted that they have allowed complainants to withdraw cases. The other 18 stated that they have sometimes allowed victims and complainants to withdraw cases.

For the seven who stated that they have always forwarded internal human trafficking to court, the major explanation given was that the crime results in the exploitation of victims, who are usually minors. This points to a judgment of the victim as well a judgment of the effect of the crime on victims. One person pointed to the sexual abuse of trafficked children as a factor that precluded all compromises with complainants. This judgment of the victim and the effects of the crime is a product of officers' interactions with the victims and the training provided by state and non-state actors. One person also pointed to the legal stature of the crime as justification for forwarding cases to court. He described human trafficking as an organized crime, thus, as one that should be forwarded to court. This understanding of internal human trafficking as an organized crime is a product of training provided by the WACPS as well as IOs and NGOs and the framing of the law. While the legal stature of the crime and the organizational rules and regulations featured prominently in the responses of police officers when they discussed their refusals to withdraw cases of rape, and to a much lesser extent in their justification for forwarding aggravated assault cases to court, these explanations were mostly absent in the decision to forward cases of internal human trafficking to court.

For the officers who stated that their decisions and actions were conditional upon the specifics of the case under consideration, the exploitation and abuse of trafficked children were also important but the nature and degree of this exploitation and abuse was what determined their courses of action. They explained that it was only when they assessed the degree of exploitation and abuse to be minor that they honored complainants' requests to withdraw their cases.

They explained that complainants are often reluctant to proceed to court in cases of internal human trafficking. Most victims are transported to Monrovia under the pretext of getting an education but then forced into servitude. These children, mostly girls, often run away from

their guardians to police stations or are found wandering the streets and brought to the police stations by good Samaritans. Officers explained that their highest priority is the wellbeing of the victims. They therefore ensure that the victims receive medical care when necessary. They then work with the guardian (once located), WACPS units in the relevant counties, and local NGOs to trace and reunite the children with their biological parents. These parents are often unaware that their children are being exploited in Monrovia and are usually under the impression that their wards are being educated. Officers explained that once the parents are reunited with their children, their primary concern has been to return to their homes in distant towns or villages and they are often not interested in the prosecution of the alleged trafficker. This demonstrates the importance of victims' preference.

One of the major reasons for this disinterest in prosecution is that most of these families are extremely poor. They cannot afford to leave their work (usually farming and trading) to devote time to regularly coming to Monrovia to follow up on the progress of cases with the police and the court. They also do not have the money to pay the expenses of police officers during the investigative process and to bribe court officials into ensuring that their cases make it onto the docket. This poverty is coupled with a lack of understanding of the offence and the law that criminalizes it. Many people do not perceive the act as criminal, especially where it does not result in grave physical injuries against the child. To many, it is simply a bad experience of child fosterage, a practice that has existed in Liberia for decades and is traditionally not criminalized. Consequently, complainants are usually not invested in the prosecution of the accused trafficker and instead plead with officers to withdraw their cases, sometimes for adjudication in their families or communities.

This is further complicated by the relationship between the offenders and the complainants. Officers claimed that victims often plead for all charges against traffickers to be dropped because the traffickers and victims' families are often related or share close ties. They explained that it is these pleas that sometimes lead them to agree for charges to be withdrawn. Officer No. 25, a male stationed in Monrovia, explained that:

Sometimes we consider our settings. It's like an uncle leaving Monrovia to bring his niece or nephew back under the pretense of sending them to school. In situations that involve members of the same family, sending the perpetrator to court might cause disputes. They plead with the police and our only response is that the guardian either sends the child to school or back to their parents. (Personal interview, September 16, 2010)

Officer No. 17, a female stationed in Monrovia, explained that:

We send them to safe homes and try and reunite them with their parents and if the parents want to go to court, we send them to court. I said *if*, because sometimes it is relatives who go in for these children and treat them like this and for family sake, the parents wouldn't want to go to court. (Personal interview, September 14, 2010)

Officer No. 23, a male stationed in Monrovia, further emphasized the effect of close ties between victim and trafficker:

...for example, a lady brought a child from the interior [rural area] and maltreated her.

The girl's parents were in Bong County, we sent her to THINK [safe home] and later to be reunified with her parents but we did not send the case to court. The parents and guardian were all relatives and didn't want to go to court.

Officer No. 26, a female stationed in Monrovia, also explained that:

Normally, it [victims' parents demanding prosecution of alleged trafficker] really can't happen. Because the parent will only say, I want my child, let my child come and be here [in the rural area]...Because some of them will say, I don't want to go to court because I don't want the family relationship to spoil, but since that is how he brought my child to maltreat him or her, let my child come to me, I waive it. Most of the time. (Personal interview, September 16, 2010)

Officer No. 36, a male stationed in Monrovia, also explained that,

The problem was that I was asking whether they were willing to go to court and the biological parents are saying that they are not willing to go to court. Since the police has found their daughter and then they have come, they will only take delivery of the child, so they are not willing for prosecution and these are one of the difficult aspects when it comes to human trafficking. (Personal interview, September 15, 2010)

As is the case with domestic violence, these officers feel that forcing reluctant victims to go to court is a futile endeavor because they would simply refuse to show up in court when the case is called and the courts do not have the resources or inclination to pursue them. Officer No. 19, a female stationed in Monrovia, stated that:

...the biological parents do not have the heart to send that person [accused trafficker] to court because they feel that the person was helping them, so they end up taking their children back with them. Even if they are told about what the person's intention was, we can't force them to go to court because they won't show up; they prefer to take their child back without any trouble. (Personal interview, September 29, 2010)

Police officers decisions have also been affected by the fact that a few parents would agree for their children to continue living with the accused trafficker or guardian in Monrovia,

even after it had been established that the child was being exploited. Officer No. 40, a male stationed in Monrovia, stated that:

Sometimes the child is related to the guardian and when we want to detain the person that child will be crying so sometimes we have to use our discretion. Because by law we have to send this case to court but if you enforce everything, the people will not look at you right... The police say that we should not compromise cases but if we don't, it will cause complete embarrassment in the community. Example, if you prosecute the guardian where the child has to go back and stay with this same guardian, you create problems for that child. If the guardian sends the child back to the biological parents in the interior, how will that child go to school? Ninety-nine percent of the population is illiterate so we use reason. Except where the child is not going to school at all then we take it serious.

(Personal interview, September, 16, 2010)

Indeed, for the 17 officers who claimed that they sometimes withdrew cases of internal human trafficking, the non-education of trafficked children is a determining factor in their decisions. The education of the child is central to their decision and the overworking of a child while denying that child an education heightened the degree of the offence. Officer No. 17 explained that "in cases where the child was taken from his or her parents under the knowledge that the child will be sent to school and the child isn't taken to school but rather sent to sell. That is direct trafficking". She explained that in such circumstances, she has rejected all pleas to withdraw the case.

In general, officers who exercised discretion were more likely to be lenient with an alleged trafficker or guardian if the child was being educated. In these cases, they would counsel the guardian to limit the amount of work assigned and to cease all activities that would endanger

the child's welfare. Officers described the welfare of the child as their primary concern and argued that this has often necessitated a compromise. Children could perform some work for their guardians in exchange for an education, shelter, food, and clothing, as had been done for over two centuries in Liberia. This arrangement is preferable as long as the guardians are not overworking the child. In such cases, the offence of trafficking has been placed second to the child's future. Where police officers have thought that a trafficked child has a chance at a better life than they would have if living with their parents in rural areas, and where the biological parents are willing, officers have only counseled the guardian to take better care of the child. It is only when this person repeatedly overworks or physically and sexually abuses this child that officers have detained them and insisted on forwarding the case to court. This reflects a judgment of the effects of the crime on the victim, which comes from personal interactions as well as training. It also demonstrates that cultural norms affect officers' responses. Cultural norms against the sexual abuse of children as well as cultural norms that tolerate a degree of child labor appear to influence their decisions.

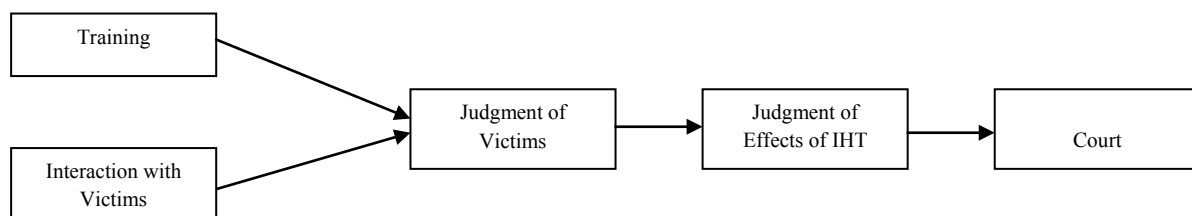
A condition under which police officers have said that they would not heed parents' pleas to withdraw a case is when the child is being sexually abused. Officers explained that when it has been discovered that a trafficked girl was being sexually exploited by a trafficker or guardian they have responded as they have done in the case of rape. Officer No. 12, a female stationed in Monrovia, stated that:

In a case were the child sells to get money to go to school, we can detain and release the person but make sure that child doesn't go back to the selling and then you'll send that child back to his or her parents. You are charged when you allow that child to engage in prostitution in order to get money for the upkeep of the house...we send the guardian to

court because that is strictly trafficking, the intent is not right. (Personal interview, September 14, 2010)

Officer No. 16, a male stationed in Monrovia further underscored the non-tolerance of sexual abuse involving trafficked children. He stated that a case would be forwarded to court “as long as a sexual assault issue raises its head, for instance when the child is brought to the city under the pretense of going to school and is engaged in sexual activities by the guardian” (Personal interview, July 10, 2010). On the other hand, the four officers that stated that they always withdrew cases of internal human trafficking explained that they did so because of the reluctance of the victim to see the case through to court.

Eight of the officers interviewed lacked a thorough understanding of trafficking. They confused the act with crimes such as kidnapping, child labor, and child endangerment. Consequently, when they have received cases of internal human trafficking, they have failed to charge accordingly. Some of these cases have been forwarded to court but not as incidents of internal human trafficking.

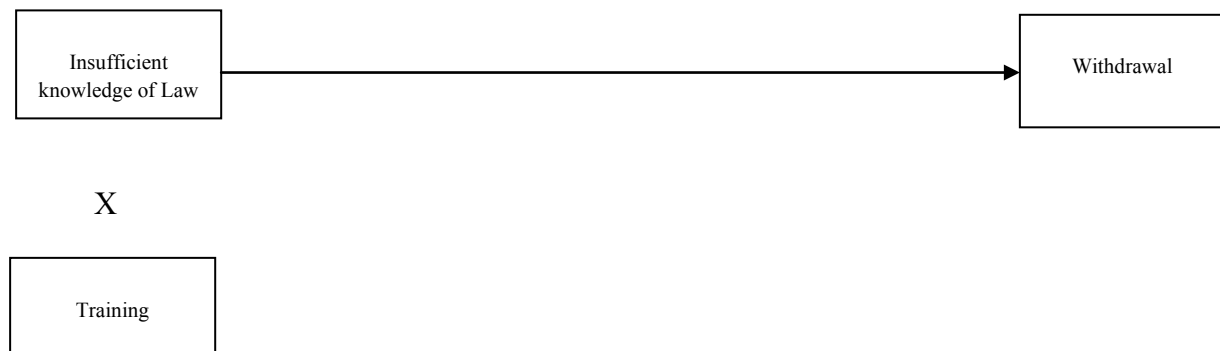


**Figure 7:** Causal Pathway to Court I – Internal Human Trafficking





**Figure 8:** Causal Pathway to Withdrawal I – Internal Human Trafficking



**Figure 9:** Causal Pathway to Withdrawal II – Internal Human Trafficking

## Discussion

The influences of the state, non-state actors, the WACPS, individual-level factors, and victims' preferences shaped officers' responses to the crime. For the minority of officers who claimed to not withdraw cases, their judgments of the victim and of the effect of the crime proved to be important. The fact that the internal human trafficking is exploitative and targets minors has led them to forward it to court. This judgment has been shaped by training as well as

their interactions with victims. One person also volunteered the framing of the crime in the law—as an organized crime—as a factor that precludes its withdrawal.

The degree and nature of exploitation and abuse were also relevant for officers who have sometimes withdrawn cases. They claimed that they do not withdraw incidents in which the victim has been sexually abused or subjected to extreme physical abuse or exploitation. Where these conditions are absent, they have acquiesced to victims requests to withdraw cases. Cultural norms on the acceptability of a degree of child labor also proved to be important, especially due to the crippling poverty in Liberia that has made it necessary for many children to engage in some form of work to earn a living.

Officers' decisions have been shaped primarily by factors on the frontline. Unlike in rape cases, victims' preferences have proven to be very important as have officers' assessments of the extent of the abuse on the victim. In deciding to send cases to court, the dictates of the law and organizational rules appear to be of secondary importance. This of course does not mean that these variables are of no causal relevance. The fact that officers are able to send trafficking cases to court at all, is because the state in collaboration with IOs and NGOs criminalized the act in 2005. Training provided by these actors, though apparently inadequate, has enabled officers to understand the crime of trafficking and provided knowledge on what is to be done when it is reported. In the absence of sufficient training, officers fail to forward cases to court. When it comes to the delivery of the law, officers' decisions appear to be actively driven by variables at the frontline. This constitutes the most important difference between officers' responses to rape and internal human trafficking.

## **5.7 ASSESSMENT OF THE THEORETICAL FRAMEWORK: THE INDIVIDUAL**

The literatures reviewed highlighted six variables that operate at the individual-level and shape officers' responses. These variables correspond to hypothesis five.

**H V:** Police officers are more likely to forward rape cases to court, as compared to domestic violence and internal human trafficking cases, because individual-level variables support this course of action but do not support the forwarding of domestic violence and internal human trafficking cases to court. These individual-level variables are: (1) officers know and understand the rape law, (2) officer know and understand anti-rape policies, (3) officers realize material benefits when they forward rape cases to court, (4) the political, religious, cultural, and other ideologies to which officers subscribe promote the forwarding of rape cases to court, (5) officers perceive rape as a crime that should be adjudicated by the formal justice system, and (6) officers judge victims of rape as deserving of formal justice.

### **Officers' Knowledge and Understanding of Laws**

All officers knew and understood the rape law. They also knew the law on aggravated assault but interpreted serious bodily injury differently. At least eight officers did not understand the Act to Ban the Trafficking in Persons and one person stated that he had not received any training on human trafficking.

### **Officers' Knowledge and Understanding of Policies**

Officers did not reference the national anti-GBV policy documents.

### **Perceptions of the Victim**

Officers judged victims of rape and the effects of the crime on victims. The fact that many victims of rape have been minors evoked strong emotions among officers. They also judged victims of internal human trafficking who have been subjected to sexual abuse or extreme

physical violence as deserving of formal justice. Officers judged the serious bodily injuries caused by aggravated assault as necessitating formal justice but did not offer judgments of the victims of domestic violence.

### **Officers Perceptions of the Crimes**

Two-thirds of officers perceived rape as a crime that is above the police but less than half held the same perceptions of aggravated assault. Only one person spoke of internal human trafficking as a crime that is above the police.

### **Officers' Self Interest**

Officers did not admit to accepting bribes for the withdrawal of any cases. However, interviews with members of the anti-GBV taskforce revealed that corruption is a problem in the WACPS. I am unable to comment about the extent to which corruption affects police behavior.

### **Officers' Ideologies**

Officers subscribed to cultural ideologies that strongly frown upon the sexual abuse of minors. This was relevant to how they responded to rape cases as well as instances of internal human trafficking that included sexual violence. They also subscribed to cultural norms that are accepting of a certain degree of child labor and physical violence.

## 5.8 EXPLAINING THE VARIATION: WHY ARE OFFICERS MORE LIKELY TO FORWARD RAPE CASES TO COURT?

Table 8

Explanatory Variables that Cause Case Referrals

<b>Variables</b> \ <b>Crime</b>	Rape	Aggravated Assault	Internal Human Trafficking
Perception of crime	X	X	---
Judgment of effects of crime	X	X	X
Judgment of Victims	X	---	X
Supervision	X	---	---
Enforcement	X	X	---
Community's preference	---	X	---

Note. (X) = present and (---) = absent.

Table 9

Explanatory Variables that Cause Case Withdrawals

<b>Variables</b> \ <b>Crime</b>	Rape	Aggravated Assault	Internal Human Trafficking
Victims' preference	---	X	X
Insufficient knowledge	---	---	X

Note. (X) = present and (---) = absent.

The decision to forward rape cases to court was based on four main factors. One was the perception that rape is above the police. This perception was created and reinforced by WACPS' rules, the legal stature of the law, and training provided by state and non-state actors.

The second and third factors were officers' judgments of the victims and of the effects of the crime. These judgments were a product of cultural norms and direct contact with victims. A fourth factor was rule enforcement and supervision by state and non-state actors, which served to deter the withdrawal of rape cases.

The perception of the crime as above the police was less salient in the case of aggravated assault and practically absent in officers' discussion of their responses to internal human trafficking. Nevertheless, even when officers did not think that aggravated assault or internal human trafficking was above the police, they still forwarded some of these cases to court. This shows that the perception of the crime (as one that cannot be withdrawn at the police station) is not a necessary condition for the forwarding of cases to court. However, where this perception is present, it appears to increase the likelihood that an officer will transfer the case to court. There are multiple paths to arriving at the observed outcomes.

The training provided, the framing of the law, and rules of the organization, contributed to shaping this perception but the responses to aggravated assault and internal human trafficking showed that without enforcement, these variables are insufficient to compel the referral of cases to court. Officers learn in training that internal human trafficking cases should not be adjudicated by the police and that this action goes against the rules of the WACPS. Nevertheless this message is not emphasized and officers who withdraw these cases usually do not face disciplinary measures. This lack of reinforcement and enforcement greatly sets the two crimes (rape and human trafficking) apart and accounts for most of the variation observed. Similarly, aggravated assault, like some forms of rape, is a second degree felony. However, because the WACPS allows officers to use discretion when responding to aggravated assault, the legal stature of the crime was less important in driving officers to forward cases to court. There is no enforcement of a strict non-withdrawal policy, giving officers the flexibility to withdraw cases when they see fit. Overall, it appears that providing training, creating rules, and framing the law have to be accompanied by supervision and enforcement in order to lead officers to forward cases to court.

At the same time, the perception that rape is above the police and the enforcement of this non-withdrawal policy (even though they increase the likelihood that police will forward cases to court) are not necessary conditions for this to happen. The data demonstrate that where officers perceived a victim as vulnerable or where they assessed the effects of the crime as particularly harmful, they would forward it to court, sometimes without any mind to rules or sanctions. These judgments of victims and of the effects of the crime, though highly subjective, were also influenced by cultural norms.

In the absence of strict rules (and their enforcement) officers were more willing to allow victims to choose between a legal and extralegal response. Frontline factors were very important to the police when they responded to aggravated assault and internal human trafficking. Instead of a one-size-fits-all approach, officers appeared to structure their responses to the situations at hand.

Officers are subject to multiple influences. The decision to forward a case to court can be due to an individual-level factor such as the officers' interactions with the victim or can be due to the strict enforcement of the organization's rules. However, the data show that officers' perceptions of the crime, combined with their judgments of the victim and the effect of the crime (where these things emphasize the forwarding of a case to court), and with the enforcement of a non-withdrawal policy significantly increase the likelihood that they will forward a case to court.

### **What about Corruption?**

As discussed in the preceding paragraphs, the LNP is rife with corruption. Officers extort illegal fees from complainants in exchange for performing their investigative duties. They have also been accused of accepting bribes from offenders such as rapists in order to help them evade the law. But the officers interviewed claimed that their actions were not driven by corruption. It

is possible but highly unlikely that all of the policemen and women whom I interviewed were incorrupt. In the absence of sufficient information, I am unable to determine the extent to which corruption has led to the withdrawal of cases. A women's rights activist whom I interviewed suggested that, officers were accepting bribes to withdraw rape cases that they knew were weak, perhaps due to insufficient evidence, and therefore, would not go to trial. A related possibility is that officers are demanding bribes to release offenders that the law already requires them to release. For example when women report domestic abuse, the offenders are arrested and detained for 48 hours. These women usually return within 24 hours asking for the release of their partners. There is some indication that officers, preying upon most people's ignorance of the law, use this opportunity to extort money from both victim and offender before releasing the offender. I do not have sufficient evidence to support these theories but propose them as possible explanations.

However, it is clear that the variation that is observed in the withdrawal of cases is not due to corruption. If corruption were an important explanatory factor, I would expect it to be more rampant in the processing of rape cases and therefore, lead to the withdrawal of relatively more rape cases. The punishment for rape is harshest; it would make sense that people would be more willing to pay bribes to evade prosecution for rape. The statistics provided by the WACPS show that rape is the least withdrawn crime. In the face of the evidence but in the absence of in depth studies of police corruption, it is reasonable to conclude that corruption is a problem across all cases. Any attempt to ameliorate police performance would have to prioritize the reduction and eradication of all corrupt practices from the police force as well as the judicial system.

### **What about Inadequate Resources?**

A lack of resources severely constrains police officers. Although the section receives more assistance for the investigation of rape cases, it is still heavily under-resourced in all areas.



Many cases are never investigated and remain pending due to the lack of vehicles and equipment to visit crime scenes, pursue suspects, and follow-up on cases. Even though it did not emerge as a major explanation for the withdrawal of cases in the interviews, inadequate resources account for the attrition of a significant number of cases. Complainants report crimes but officers usually do not have the resources to follow-up on these reports. When complainants cannot afford to provide transportation and other tools needed for investigation, officers sometimes never investigate. Although these cases are not actively withdrawn, they fall between the cracks and victims never receive justice. The performance of the WACPS cannot be improved without equipping officers with the tools that they need to enforce the law.

## **5.9 THEORETICAL AND POLICY RELEVANCE**

These findings are an important step to understanding the implementation of women's rights policies. The women's rights literature on Africa has focused almost exclusively on explaining the formulation of policies and laws and the passage of the latter without probing the implementation stage. The influence of women's rights movements beyond the policy formulation stage is not well understood. Furthermore, the policy influence of powerful international actors such as the UN in (post-conflict) African states remains under-theorized. These findings shed light on the influence of these actors and also illustrate how the local conditions within a country affect policy implementation.

These findings are useful for geographical comparisons. While studies on Latin America have underscored the influence of patriarchy and the public/private divide, this study shows that these factors do not necessarily produce identical outcomes across all forms of GBV. The experience of sexual violence during the civil war and the post-civil war emphasis on the

prosecution of sexual crimes has served to temper the extent to which patriarchy has affected officers' responses to the problem. On the other hand, the importance of the public/private divide is more evident in the responses to domestic violence and internal human trafficking where officers are more willing to allow these cases to be adjudicated in the private sphere. These findings demonstrate the importance of disaggregating the issue of GBV. I expand on the theoretical and policy implications of these findings in the following chapter.

## 6.0 CONCLUSION

I have studied police officers in post-conflict Liberia in order to understand why they are more likely to forward rape cases, than cases of domestic violence and internal human trafficking to court. I find that there is not a single variable that explains why officers refer cases to court or withdraw them at the police station. Instead, officers' behaviors are explained by combinations of variables that operate through multiple pathways. Officers' perception of rape as a crime that is above the police and the Women and Children Protection Section's (WACPS) enforcement of a non-withdrawal policy for rape explains why more rape cases are referred to court. Officers' perception of rape has been shaped by the stature of the crime in the state's penal code; the training that officers receive from the WACPS, international organizations (IOs), and local women's nongovernmental organizations (NGOs); and by the WACPS' internal rules and norms that dictate how officers should respond to rape. I also find that in the absence of the perception that a crime is above the police and in the presence of weak enforcement, officers will refer cases to court based on their judgments of the victim and of the effects of the crime on the victim. Officers' judgments of victims are products of their interactions with victims, cultural norms regarding each crime, and the training provided by the WACPS, IOs, and NGOs.

Though the primary objective of this dissertation has been to study the variation in police officers' responses to domestic violence, internal human trafficking, and rape, the questions posed and the answers that have emerged are not limited to explaining how police officers within police stations in Liberia respond to these three forms of GBV. Instead, the action arena of the

police station and the policemen and women that occupy it serve as a lens through which I have studied a range of state and non-state actors and their beliefs and attitudes towards, gender, violence, security, women's rights, institution-building, and post-conflict reconstruction. The findings of this study make theoretical and policy contributions to these issue areas.

## **6.1 THEORETICAL CONTRIBUTIONS**

This dissertation contributes to the study of GBV, women's rights, women's movements, African politics, post-conflict state-building, and international norms. I demonstrate how the state has worked with intergovernmental, international nongovernmental, and local nongovernmental organizations to shape how people think and respond to GBV. I also theorize how the local political and socioeconomic contexts mediate the ideas and actions of these local and international actors.

### **6.1.1 Enforcing Women's Rights Laws**

I advance the literature on women's rights policy implementation in general and the enforcement of anti-GBV laws in particular. In Chapters Two and Four, I discussed the dearth of implementations studies in the literature on women's rights in Africa. There are no studies that systematically compare police officers' responses to various forms of GBV in order to explain the referral and withdrawal of cases. The findings of this dissertation, therefore, fill an important gap in the women's rights literature. Although they are limited to the issue of GBV in Liberia, these findings provide a theoretical framework for studying the enforcement of women's and

human rights laws and the implementation of women's and human rights policies in African states more generally.

Future research projects could test the theory developed in this study in other country and issue cases. Is police behavior in post-conflict states and states that have not recently emerged from conflict determined by the same factors and conditions? Are the factors that affect police enforcement of anti-GBV laws also significant in driving how they enforce the laws on non-gendered forms of violence? Do health workers personal beliefs shape how they implement reproductive health policies? Do citizen preferences affect how health workers administer HIV programs? What explains prisoner abuse by prison officers? This study provides a theoretical framework for hypotheses development and testing for these and other research questions. As I will demonstrate below, the investigation of such research questions has the potential to produce policy recommendations that can enhance the solutions developed to address policy problems.

### **6.1.2 Police Behavior**

In confirmation of studies of police responses to GBV in post-conflict states (ActionAID, 2007; Baker & Liebling-Kalifani, 2010; UNFPA, 2005), I find that insufficient training and resources do lead to the withdrawal of cases. However, inadequate resources appear to lead more to the involuntary attrition of cases early on in the investigative process. I use the term involuntary because these cases are not actively withdrawn by complainants or police officers but instead fall between the cracks and are abandoned by both parties. This often happens when officers lack the equipment to follow-up on complaints and complainants do not have the resources to foot the bill for officers to follow-up on complaints. In such cases, victims eventually cease to visit the police station and the case is left pending in police files and never progress to court. The lack of

training and resources are, therefore, significant to the referral and the eventual prosecution of cases.

Studies of the criminal justice system in Africa also highlight the problem of corruption. Citizens complain about police corruption, IOs and NGOs observe this corruption, and police themselves acknowledge that their institution is rife with corruption (Amnesty International, 2010; Andersson et al., 1999; Baker & Liebling-Kalifani, 2010). These studies confirm the pervasive and ubiquitous image of the corrupt African policeman who extorts instead of protects and has no respect for the rule of law or the idea of human rights. I do not dispute the existence of corruption in the WACPS but argue that corruption is only one part of the story. Most of the policemen and women whom I interviewed appeared to be working within the constraints of the policies and resources of the criminal justice system and making decisions that they thought were in the best interests of the victims. These officers seemed to be trying to balance the exigencies of the socioeconomic conditions within Liberia with the political and organizational pressure to enforce the rule of law. They recognized how poverty, a low literacy rate, and patriarchal gender norms prevent victims from seeking retribution from the formal justice system and tried to negotiate this tension with the limited tools at their disposal. Their attempts to negotiate this tension sometimes involved or presented as corruption. As I said before, I am not disputing the fact that corruption exists within the WACPS. However, I am arguing that the decisions that officers make are guided by a complex interaction of political, social, economic, and cultural factors that are not limited to the culture of corruption. In ignoring this complexity, we miss a valuable opportunity to understand and improve police behavior.

### **6.1.3 The Women's Movement**

Another contribution that this study makes is that it demonstrates how various state and non-state actors affect the enforcement of anti-GBV laws. One set of actors that is very visible and influential in the process are local women's rights organizations loosely organized into a women's movement. The case of Liberia shows that the influence of these women's NGOs is not limited to advocating for the passage of legislations and the formulation of policies. Staff of women's rights organizations train police officers, hold them accountable for their behaviors, and complement police efforts by providing technical and sometimes financial support to aid investigations. My analyses show that all of these actions are extremely important to how police officers respond to each form of GBV. Through these trainings, officers are educated about laws, the causes and consequences of various forms of GBV, and how best to respond to each form of the problem. Women's organizations individually and through the anti-GBV taskforce monitor the behavior of police officers and hold them accountable for their actions. This places pressure on police officers to prioritize the welfare of victims and where applicable, to refer cases to court. Women's organizations also assist officers with transportation and phone airtime to enable them conduct investigations and make arrests. Without this support, officers find it difficult to bring criminals to justice and to reunify trafficked minors with their families.

On the other hand, my research shows that women's NGOs do not respond uniformly to all forms of GBV. Not only has the leadership of most women's NGOs prioritized anti-rape initiatives but they have also advocated for a legal response to rape cases. They have done this through the shaping of the rape amendment and various GBV policy documents that underscore the arrest and prosecution of accused rapists, the building of institutions that promote a legal response to rape, and through awareness-raising campaigns that emphasize that rape is a crime to

be prosecuted. Their response to other forms of GBV has differed. While they recognize domestic violence and internal human trafficking as serious problems that require attention, the interviews and documentary evidence presented in this study show that they are largely viewed as less pressing problems in comparison to rape. Furthermore, the data also show that while the leadership of women's NGOs have advocated for a legal response to rape, their initiatives have not promoted an unequivocal legal response to non-sexual forms of GBV.

An easy and simplistic answer to why the women's movement has prioritized rape and has promoted a legal response to the crime is that sexual violence is more heinous than any other form of GBV. I do not aim to dispute the gravity of sexual violence or to create a ranking of various forms of violence. That would be insensitive and an insult to victims of GBV. I seek only to have an intellectual discussion about why some forms of GBV garner more attention than others and why the solutions that are adopted to address these problems differ and to understand the policy implications of these dynamics. If the focus on rape is simply because sexual violence is a more heinous crime, then there is one follow-up question that should be asked: why is it that the women's movement did not mobilize against the problem of rape— a more heinous crime— prior to the civil war?

A second answer that could be given for the focus on sexual violence is that it was more rampant during the country's civil war. Studies, however, indicate that physical violence was more prevalent than sexual violence (Swiss et al., 1998; Tomczyk et al., 2007). A more accurate answer, therefore, would be that women's rights activists perceived the problem of rape to be more prevalent during the civil war. I argued in Chapter Four that the women's movement focus on rape and the promotion of a legal approach to the problem is due to Liberian's sensitivity to the issue of rape, a product of its prevalence, brutality, and visibility during the war; continued



reports of rape after the war; and also due to the international focus on sexual violence. Although women were subjected to other forms of GBV during the war at rates that some would argue were higher than those of rape, the public nature in which many women were raped was in direct contrast to the privacy that characterized the commission of the act and its adjudication in the pre-war period. This served to bring the problem to the attention of the population, including women's rights activists. Furthermore, the brutality of rapes alarmed Liberians, and the international community. These dynamics of rape during the civil war served to place the problem on the public agenda and led women's organizations to mobilize against it during the war. Continued reports of rapes, especially of children, in the aftermath of the civil war raised fears that the conflict-era victimization of women and girls had not ended and reinforced concerns about the threat posed by ex-combatants, and the fragility of Liberia's newly-established peace. The announcement that rape was the most reported crime in 2007 heightened these concerns. This led women's organizations to employ new and preexisting networks and strategies to address the issue, contributing to its prioritization above other forms of GBV and the promotion of a legal response to the problem.

The international focus on the issue of rape since the wars in the former Yugoslavia has also contributed to the women's movement's focus on rape. Women's NGOs work closely with IOs such as the UN; they receive training from IOs, they collaborate with IOs in crafting laws and policies and in designing programs, and they are funded by IOs. Their agendas and programs are, therefore, influenced by the international focus on sexual violence. This is not to suggest that local women's NGOs have no agenda of their own and are dictated to by international actors. Instead, it is to explain that local women's NGOs do not operate in a policy vacuum and their

agendas and programs have been affected by the international community's focus on sexual violence.<sup>78</sup>

This dissertation makes the theoretical contribution of showing how the agenda of the women's movement has been set in the aftermath of a violent conflict and the implications of this agenda for the enforcement of anti-GBV laws. It provides a framework for theorizing how women's (and social) movements' mobilize around issues during and after conflicts and the effects of this mobilization. It also provides answers to multiple sub research questions. For example, to what extent do the tools and strategies that women's movements employ in passing legislation transfer to law enforcement?

My findings also underscore the importance of disaggregating the women's rights issues under study, a point that has already been made (Htun, 2003; Weldon & Htun, 2010) but needs to be reemphasized. Numerous academic and policy papers have rightly recognized the important advancements that women's movements have made in addressing GBV and other women's rights concerns in post-conflict states, including Liberia. A disaggregated approach would show that this response is not uniform across all stages of the policy process and across all forms of GBV. This would greatly enhance our understanding of how women's movements, IOs, and governments address various forms of GBV. It would also improve our ability to make policy recommendations for how all of these actors can better protect women from violence.

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<sup>78</sup> It is important to reiterate that despite the international and local focus on sexual violence, women are inadequately protected from sexual violence and the health and social services needed to support survivors are lacking. However, in comparison to other forms of GBV, sexual violence receives more attention.

#### **6.1.4 The Changing Gender Social Order**

The feminist and women's rights literatures have underscored the negative impacts of oppressive gender norms which, manifest in multiple ways. These gender norms frame intimate partner violence as a private issue and contribute to police officers' reluctance to intervene to stop the violence (Dahl, 1997; Schneider, 1991). Officers prioritize the protection of the family unit over the physical safety of the victim (Boesten, 2006; Jubb, 2001). These norms also promote the persecution of the victim over the prosecution of the offender; officers question the veracity of rape victims' statements more than they do victims of other crimes (Jordan, 2004). The findings of this dissertation confirm the presence of these norms in Liberia but suggest that the 14-year conflict and the resulting mobilization of the women's movement as well as the international community's increasing awareness and attention to GBV is gradually transforming the gender social order in Liberia and effacing some of these norms.

In Chapters Three, Four, and Five I described the absence of GBV from the agendas of the Liberian government, the police force, and the women's movement prior to the civil wars and how this changed during and after the conflict. Before the civil wars, the police did not recognize violence against women as a serious problem. They condoned all but the most extreme cases of domestic violence and it was not unusual to blame adult survivors of rape for dressing and behaving in ways that provoked their victimization. These behaviors have been less pervasive in the post-conflict phase. When the Sexual Assault Squad of the Liberian National Police (LNP) force failed to meet the needs of survivors, the state in collaboration with IOs such as the United Nations Children Fund (UNICEF) created the Women and Children Protection Section (WACPS) in 2005. In this section, officers have been taught to respect victims, empathize with them, and to ensure their protection. The narration in Chapters Three and Four clearly shows that

police officers do not always do these things and that some continue to re-victimize the survivors of GBV.

However, the interviews that I conducted show that patriarchal gender norms are not as present in the police force as they used to be. In the case of rape, I did not detect any blaming of adult survivors and concerns about victims who lie only surfaced in four interviews. Instead, the interviews suggest that officers have largely based their decisions on the law, the training they have received, the policies of the WACPS, and their judgment of rape as a heinous and a destructive offence.<sup>79</sup> An officer recounted how he had work with the SGBV crime unit to pursue the rapists of a commercial sex worker who was plied with alcohol in a nightclub by a potential customer who then took her to a house where she was gang raped (Personal interview, September 15, 2010). Community members in the vicinity of the nightclub accompanied her to the police station to report the assault. While research suggests that such a high-risk victim would not receive sympathy from some sections of the public (United Nations Mission in Liberia [UNMIL], 2008), the officer showed concern for the victim—he escorted her to the hospital and worked with the crime unit to place her in a safe home, offered no judgment of her profession, and launched an investigation of the case, although the culprits had not been apprehended as of the time of the interview. These and other examples signal to me that norms that promote the trivialization of sexual violence and the blaming of victims are being eroded in the police force.

Similarly, police officers did not appear to view domestic violence as an acceptable offence. While the interviews with officers who worked in the pre-conflict period suggest that the police tended to view all but the most extreme forms of intimate partner violence as justified, interviews with current officers indicate that this attitude is not as common. However, they

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<sup>79</sup> Officers saw their duty in rape cases to be one of evidence gathering. The final decision to proceed with the prosecution of a rape case was made by the WACPS' legal affairs office in collaboration with the SGBV Crime Unit (in Monrovia) and the County Attorney's office.

suggest that some officers do not see the formal justice system as the only venue for adjudicating cases of domestic violence. Officers explained that they have worked with victims and offenders to resolve simple assault cases in the police station and also handed these cases over to community leaders in agreement with complainants.<sup>80</sup>

In justifying the withdrawal of simple assault cases, officers explained that the offense is a minor one (results in minor, if any injuries) and, therefore, can be resolved within the home or the community if the complainant so prefers. They posited that this frees up resources to respond to major offenses such as aggravated assault and rape. The unity of the family unit was also an important factor as officers were of the opinion that husbands should not be sent to jail—and families disrupted—because of simple assault offences unless the victim prefers this course of action or the man is a repeat offender. Indeed, the WACPS headquarters in 2010 had a squad that mediated such cases at the police station to counsel against further abuse and to prevent family division. This demonstrates that the protection of the family unit remains a priority but mostly in simple assault cases. Officers see a role for themselves in “major” offences such as aggravated assault and rape.

Officers’ responses to domestic violence and rape reflect a gradual transformation of gender norms and the gender social order. For the reasons already discussed, this transformation is not happening uniformly; while the blaming of rape victims appears to have significantly reduced, the perception of simple assault as a private issue seems to be more common. However, both cases represent major positive changes from the pre-civil war era. The attitudes of Liberians suggest that this transformation has not been limited to the police force. The willingness to report rape and domestic violence cases to the police and see some of these cases through to court imply a changing gender social order. The secrecy that surrounded the issue of rape is

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<sup>80</sup> The adjudication of simple assault cases upon victims’ request is the WACPS’ policy.

increasingly fading away and some women no longer see family palavers and customary courts as the only sources of justice. Although the overwhelmingly majority of women continue to experience violence without reporting it or relying on customary forms of justice (International Crisis Group [ICG], 2006; Isser, Lubkemann, & N'Tow, 2009), it is still noteworthy that some survivors are actively turning to the formal criminal justice system.

### **6.1.5 The International Influence**

The data and analysis have demonstrated that international actors and international norms shape the ideas and actions of not only the leadership and staff of women's NGOs but also leaders and bureaucrats within the government. In this section I want to briefly focus on the interaction that occurs between actors and ideas at the local and international levels and to highlight the theoretical relevance of my findings in this regard.

International relations scholars have studied how transnational advocacy networks place international human rights norms on the agendas of powerful international actors and how these international actors along with local civil society organizations employ these norms to effect change at the local level (Joachim, 2007, Keck & Sikkink, 1998). The manner in which these international norms are translated at the local level, however, remains under-theorized (Liu, 2006; Zwingel, 2011). I argue that the local political and socioeconomic contexts mediate international norms and either constrain or support the degree to which these norms affect policy formulation and implementation and the structure of this effect. In Chapter Four, I discussed how the women's movement has selectively adopted international norms regarding domestic violence. In this section, I will further illustrate this interaction between the local and the

international by comparing how the Liberian government and the women's movement have responded to rape and female genital mutilation (FGM).

The Liberian state criminalized rape prior to the civil war and amended the rape law in 2004. Legislators demanded the removal of a clause on marital rape before adopting the amendment. According to some women's rights activists, the legislators demanded the removal of the marital rape clause to protect husband's rights over the bodies of their wives (Personal interviews, 2010). Therefore, despite the legislators' stated commitment to combating rape, pressure from the women's movement, and international condemnation of the act, the rape amendment was passed without a clause that explicitly criminalizes marital rape. This outcome underscores how deeply-rooted (patriarchal) norms can restrict the legitimization of incipient ideas and moderate the degree to which international norms and pressure can shape national laws.

The case of FGM demonstrates how local norms not only moderate but prevent the adoption of international norms. In Liberia, FGM forms part of a traditional ceremony among some ethnic groups in which girls are initiated into adulthood. The ceremony takes place in a "bush", is organized by the female-only Sande society, and is performed by women called *zoes*. Liberia's 2007 Demographic and Health Survey estimates that 58 percent of women have undergone the practice. The Sande society and its male counterpart, the Poro society, operate under the auspices of the Ministry of Internal Affairs.

The Assistant Minister of Culture announced that in December 2011, he wrote a letter to all traditional leaders and *zoes*, diplomatically asking them to stop all Sande Bush activities and also stated that the Ministry of Internal Affairs has stopped giving permits to Sande societies since January 2012 ("Female Circumcisions Temporarily Stopped in Liberia," 2012). In March

2012, traditional female leaders of the Sande society, which performs FGM, announced that they would temporarily halt all female circumcisions for four years. During this period, the land on which the circumcisions are performed will be handed over to the men's Poro society to perform their initiation ceremonies ("Female Circumcisions Temporarily Stopped in Liberia," 2012).

Liberia does not have a law that criminalizes FGM. The absence of a Liberian law that criminalizes FGM is significant for three reasons: (1) the Liberian government has communicated and signaled through multiple mediums that it is committed to eradicating all forms of GBV and advancing women's rights, (2) the international community has condemned the practice of FGM and has called for its eradication, and (3) the current Liberian government has received direct pressure and recommendations from the international community to pass a law that criminalizes the act of FGM (Convention of the Elimination of all Forms of Discrimination against Women (CEDAW), 2009).

As discussed in Chapter Four, the Liberian state under the leadership of President Ellen Johnson Sirleaf has affirmed its commitment to gender equality and women's rights. The president herself has spoken extensively about GBV more broadly and about the issue of FGM ("Liberia's President wants more EU Help," 2006). The 2006 GBV policy document identified FGM as one of the forms of GBV that need to be addressed in agreement with multiple international instruments.

The international community has condemned the practice of GBV. This condemnation has not been without controversy. FGM was one of the most intensely contested issues at the 1980 UN Conference in Copenhagen (Joachim, 2007). Many Southern activists judged the criticism of the practice to be an act of cultural imperialism by Western feminists and governments. These criticisms have lingered. However, within the last decade, African women's



organizations across the continent have agreed that harmful practices such as FGM have to be abandoned. Through the efforts of these women's organizations, the Protocol on the Rights of Women in Africa (Maputo Protocol) was appended to the African Charter on Human and Peoples' Rights in 2003. The protocol urges African governments to tackle GBV and all harmful practices.

States Parties shall take all necessary legislative and other measures to eliminate such practices, including:... b) prohibition, through legislative measures backed by sanctions, of all forms of female genital mutilation, scarification, medicalisation and para-medicalisation of female genital mutilation and all other practices in order to eradicate them....(2003, p. 7)

Liberia signed the protocol on December 16, 2003 and ratified it on December 14, 2007.

The Maputo Protocol clearly calls for the legislation to ban the practice of FGM. This call has been made more directly to the Liberian government. After Liberia submitted its combined second, third, fourth, fifth, and sixth periodic report to the Committee on the Elimination of Discrimination against Women (CEDAW) in 2008, CEDAW replied in 2009 with concluding observations. In these observations, members of the committee stated that:

20. The Committee is extremely concerned about the persistence of female genital mutilation, which is a grave violation of girls' and women's human rights to bodily integrity and health and the State party's obligations under the Convention, and regrets that there is no law prohibiting this practice. The Committee is also concerned that the operations of the Ministry of Internal Affairs in issuing permits to the practitioners represent an explicit form of support for the practice and thereby undermine any efforts to eliminate it.

21. The Committee urges the State party to enact without delay and as a matter of priority legislation prohibiting female genital mutilation and to ensure that offenders are prosecuted and punished in accordance with the severity of this violation. The Committee also calls on the State party to immediately stop issuing permits to practitioners, as is currently being done by the Ministry of Internal Affairs. It encourages the State party to extend and accelerate implementation of programmes designed to sensitize and provide alternative sources of income for those who perform female genital mutilation as a means of livelihood. It urges the State party to strengthen its awareness-raising and educational efforts, targeted at both women and men, including Government officials at all levels, chiefs and other traditional and community leaders, and zoes, to eliminate the practice of female genital mutilation and its underlying cultural justifications. (CEDAW 2009, p. 5)

In light of these facts, the absence of legislation that bans FGM in Liberia is an interesting puzzle.

I argue that FGM in Liberia remains unlegislated because it is a politically charged issue that is championed by influential traditional leaders and because some members of government believe that legislation is not sufficient to halt the practice. FGM is championed by influential traditional leaders who hold sway over politicians due to their ability to mobilize voters. Consequently, politicians who have openly condemned other forms of GBV have been reluctant to do the same for FGM. In fact, some members of the government have openly defended the practice of FGM and have argued that it is a part of Liberia culture that should be upheld (Government of Liberia, 2008).

Due to the sensitive nature of the problem, the Liberian government has adopted a non-confrontational approach; negotiating with practitioners instead of openly condemning their actions. This tension was evident in a 2006 interview of President Sirleaf Johnson:

EuroNews: Another major question regarding women in Africa: two million women every year across Africa undergo female genital mutilation. What are your feelings regarding this practice and what do you think the right approach should be?

EJS: That is a problem in our country too. It's a traditional and cultural problem. I think it has to be addressed through education. We must start from the primary schools, to talk about the importance of not violating the physique of women, we must talk about the consequences of this practice. It would be very difficult if we were to legislate right away and try to enforce it.

EuroNews: Is it a practice that should be condemned?

EJS: No it's a problem that must be resisted, we have to object to it, but we also have to know that we have to work with those who have this culture, this tradition so deeply embedded in their systems, and so it takes a bit more than just condemnation, it also takes instruction and education, because that's the only way you'll be able to really solve it in a permanent way. You don't want to have laws, you don't want to prosecute people and then have them do the same thing underground. ("Liberia's President wants more EU Help," 2006).

The president echoes a theme common to some members of her government when she states that legislation cannot bring an end to the practice of FGM.

The leadership of the Ministry of Gender and Development (MoGD) has been careful to be respectful of the tradition in their awareness-raising campaigns. Instead of condemning the

practice and criticizing its practitioners, they have raised awareness of the health complications that result from FGM and encouraged women to abandon the practice (Government of Liberia, 2008). The MoGD has introduced programs to economically empower *zoes* in order to encourage them to leave the profession. The newly-appointed Minister of Gender and Development, Julia Duncan Cassell, revealed that “the government has been talking privately to traditional leaders for some time, and it has concluded that an outright ban would cause a backlash” (“Female Circumcision Temporarily Stopped in Liberia,” 2012). The minister explained that the government wants the practice to stop but added that, “You can’t just stop something that years and years ago your ancestors started. You have to be able to work along with [traditional leaders]” (“Female Circumcision Temporarily Stopped in Liberia,” 2012).

Apart from the CEDAW recommendations, the government has received criticisms from IOs and NGOs working within Liberia. A high-ranking UNMIL official told me that politicians do not want to talk about FGM (Personal interview, September 8, 2010). Benjamin de Carvalho and Niels Schia (2011) quote a UN official in Liberia as saying, “The UN work on “harmful traditional practices” has been in the pipelines for years, but the governments are not keen on dealing with the issue” (p. 136). They further assert that “It [FGM] has been put in the shadow of rape and disconnected from SGBV: ‘Rape is easier to tackle than FGM...’, a UN official explained” (p. 137). The UN in Liberia has not prioritized FGM despite the organization’s condemnation of the act internationally. UN staff members, however, recognize the need to address the problem.

Women’s NGOs have not been absent from the process. They have raised awareness and offered skills training to *zoes*. Two officials of the Norwegian Refugee Council (NRC) explained to me that NGOs have had to tread carefully around the issue of FGM (Personal interview,

August 19, 2010). They have also tried, unsuccessfully, to pass a legislation that bans FGM. Women's NGOs tried to insert a clause prohibiting FGM in the Children's Act, which was passed into law in 2011, but some legislators rejected this attempt and the clause was eventually removed. This is in contrast to the support that the women's movement received from the legislature to pass the rape amendment but akin to the resistance that led to the removal of the marital rape clause from the amendment. Civil society actors have faced resistance from some politicians as well as from the Sande society which oversees the practice of FGM.

In April 2012, a senator and a representative from Bong County decried the attack on the tradition of FGM and threatened to mount a "stiffest ever" resistance to any attempt to pass a law that bans the practice ("Liberia's MP Resist Attempt to Abolish FGM," 2012). The lawmakers charged the government with collaborating with Western powers to abolish an important Liberian culture. The leader of the Sande society, Mama Tormah, has said that FGM is a sacred ritual that should not even be discussed in public. An interviewee described to me how Mama Tormah had walked out of a meeting because someone had raised the issue of FGM. Threats have also been used to resist attempts to criticize or transform the traditional structure that supports FGM. In March 2012, a reporter who authored an expose on FGM that ran in a local newspaper received threats of death and forced circumcision for exposing the secrets of the Sande society and subsequently went into hiding (Moore, 2012). The reporter claimed that she also received calls to cease her discussion of the issue from several people including "a powerful woman inside the Liberian government" (Reporter Threatened over Female Circumcision Story in Liberia," 2012). FGM is a politically charged issue and anyone who attempts to address it, whether politicians, civil society actor, or representative of powerful international organizations, will continue to be met with resistance in the near-future.

The state's response to FGM in Liberia further illustrates how the local context constrains the adoption of international norms. Despite its commitment to combating GBV and international pressure to criminalize FGM, the Liberian government has failed to pass a law that bans FGM. High-level bureaucrats offer carefully worded criticisms of the practice and in some cases champion it while legislators refuse to criminalize it. The importance of the local context is also seen in how women's organizations have eschewed mandatory prosecution policies in favor of a victim's-preference approach to domestic violence (see Chapter Four). The cases of marital rape, FGM, and domestic violence demonstrate that local political, socioeconomic, and cultural factors mediate the women's movement's adoption of international norms and these factors also impede the women's movement's effort to translate these internationally agreed-upon ideas into national legislation. I conclude that: (1) the women's movement has harnessed international norms and resources to accomplish legal and programmatic changes but has failed to adopt these norms where they have conflicted with the socioeconomic needs of Liberian women; and (2) lawmakers have rejected the legitimization of international norms where they have conflicted with deeply-engrained and politically contentious gender norms that are backed by powerful political actors.

## **6.2 POLICY IMPLICATIONS**

One of the objectives of this study is to propose recommendations that can contribute to improving how GBV is prevented and responded to in post-conflict states. While the implementation of women's rights policies has been extensively researched in developed nations, there is a huge gap in the study of this issue in Africa. This poses a serious problem because if we cannot understand the behavior of policy implementers, how can we expect to improve them?

This is especially pertinent to states that are emerging from conflicts and are characterized by weak institutions, poorly trained implementers, a lack of resources, and socioeconomically vulnerable populations. I, therefore, aim to begin to fill this policy gap. I briefly outline the policy contributions that this study makes in this section.

### **6.2.1 Enhancing Police Performance**

The study provides insight into how police officers in a post-conflict state behave. Much of the scholarly and policy literature on police officers in post-conflict (African) states has pointed to poor remuneration, corruption, oppressive cultural and religious norms, and a lack of professionalism as the sources of problems in the police force. These factors are all relevant but this study shows that there are other things happening behind the scenes that are equally, if not much more, important but are often unobservable. My findings reveal that police officers are complex entities whose decisions and actions are subject to and guided by multiple and sometimes competing influences. In many instances, it appeared that officers did what they believed to be the right thing in a particular situation. Consequently, the questions that scholars and policy makers should be asking are: (1) what is the right response? and (2) what are we doing to ensure that police officers know what the right response is?

**6.2.1.1 What is the right response?** I argue that the right response to every form of GBV is one that embodies four elements: (1) ensures that the survivor is no longer at risk of violence; (2) ensures that the abuser is prevented from committing further acts of violence; (3) ensures the immediate and long-term social and economic welfare of the survivor, and (4) deters GBV in the society. The policies of the police force and the responses of police officers should be guided by

this victim-first approach. The specifics of each policy (non-withdrawal or withdrawal under certain conditions) will differ by country and by form of GBV. This approach is necessary because the challenges that confront survivors of acts of GBV are distinctly determined by the social, economic, and political context in which the violence occurs. It is, therefore, impractical to propose a universal response to all forms of GBV.

Women's rights activists have advocated for states to treat GBV as a criminal problem; investigating all cases and when appropriate, arresting and prosecuting the perpetrators. I strongly agree that abusers should not be allowed to commit these crimes with impunity but the evidence shows that many survivors do not have the desire to see a case through the criminal justice system. Officers within the criminal justice system, therefore, have to balance the need to enforce the law with a need to respect the wishes of the complainant. I argue that these tensions that the police force and police officers face will be greatly reduced if they adopted the victim-first approach. This is because the approach would remove most of the factors that make victims reluctant to pursue formal justice. In Liberia and in other African countries, victims do not want to go to court because: (1) they do not trust the criminal justice system; (2) they are under pressure from relatives and community members to settle cases outside of the formal justice system; and (3) they stand to make financial gains by settling cases outside of court and make financial losses by proceeding to court. A victim-first approach that prioritizes the safety as well as the social and economic welfare of the victim directly addresses reasons No. 2 and No. 3.

The adoption of this approach would require continuous improvements of the police force. Officers would have to be better remunerated and corruption stamped out. Officers would also need regular training and improved access to vehicles and all of the other equipment required for executing their duties. Institutional policies would have to be clearly defined and



void of ambiguity. Supervisors would have to enhance and standardize supervision and rule enforcement across the force. Both NGOs and IOs would have to cooperate with the state in funding and implementing these changes. These improvements will make the force more effective and would help to reduce people's lack of trust in the criminal justice system, reason No. 1 for why people refuse to go to court. It would also enable police officers to better protect survivors from repeat violence, to bring offenders to justice, and to reduce impunity and deter violence.

Equally important to the changes within the police force are measures to ensure the social and economic welfare of the victims. These measures when implemented would lessen victims' resistance to going to court and will ensure that they are better protected from future violence and retaliation from their relatives and communities that might result from their cooperation with the police. Because police officers are not trained as social workers, the police force has to work closely with welfare agencies in accomplishing this. In most poor countries, the state does not have the capacity to provide and/or does not recognize the importance of providing social and economic support to victims. In Liberia, this role is filled almost exclusively by NGOs and IOs. NGOs provide temporary shelters for abused women and relocate victims of rape in order to protect them from stigmatization within their communities. They also provide women with immediate economic support in the forms of cash and job training. Unfortunately, these organizations are overstretched and underfunded, greatly limiting their abilities to provide these services.

Governments have to make the welfare of victims a priority. A criminal justice approach to GBV that is limited to arresting and prosecuting the perpetrator and overlooks the welfare of the victim is unlikely to produce the intended results. It will not encourage complainants to

cooperate with the police and will inadvertently lead to the withdrawal of the majority of cases, if not from the police station then from court. The government, therefore, has to support local NGOs that provide these services and to strengthen state agencies to enable them better perform these roles.

Finally, it is important to note that police referral of cases to court is only an intermediate step in the justice process. The majority of cases that the police refer to court never go to trial. The judicial system in Liberia is overstretched, corrupt, poorly resourced, and lacks trained personnel to administer justice. Due to these gaps, the referral of cases to court sometimes amounts to a symbolic gesture; police know that most cases will not be tried but are simply making a point. This underscores the need for the state as well as non-state actors to work to reform the justice system. This has been discussed extensively elsewhere (Carvahlo & Schia, 2011; ICG, 2006; Isser et. al, 2009), but needs to be reemphasized. There is the need for more courts, adequately-trained workers, better remuneration, and improved logistics. Equally important is the need to reduce corruption in the court system. Criminal Court E is one such improvement but it is limited to Monrovia and processes a very small amount of cases.<sup>81</sup>

Without these changes, the work of police officers is in vain; referring cases to court means little if the cases never go to trial. I do not think that women should be forced to go to court but I think that measures should be in place to allay the fears of those who are reluctant and for those who are prepared, the criminal justice system should be easily accessible and navigable.

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<sup>81</sup> Statistics from Criminal Court E, February – July 2010: Total number of cases docketed for the term (25), total number of cases tried (5), total number of cases nolle prosequi (41), total number of cases won (2), total number of cases lost (1), total number of cases neither won nor lost – hung verdict (1). “The state and the defense counsel entered into motions of nolle prosequi in most of the cases in favor of the defendants as the Prosecution could not locate its primary witness and lack of evidence” (Ministry of Justice document).

### **6.3 CONCLUSION**

This study has begun a very important theoretical and policy discussion: how are women's rights policies implemented? Because of its focus on one country and one policy issue, I cannot make broad claims about how frontline workers implement women's rights policies. This is not a weakness. As discussed in Chapter Two, the factors that affect frontline behavior in one issue are often distinct from those that operate in another issue area. A theory that claimed to explain policy implementation in all policy issue areas would, therefore, be highly questionable. The contribution that this study makes, apart from explaining police behavior in Liberia, is that it provides a framework for studying policy implementation in Africa. By drawing on the public administration, feminist studies, women's studies, and post-conflict literatures, I have identified the variables that are relevant to the implementation of women's and human rights policies and employed these variables to construct and test a theoretical framework. This framework can be employed to study the implementation of numerous policies and can be built upon and extended in multiple directions to advance our understanding of a variety of policy problems.

## **APPENDIX A**

### **LIST OF ABBREVIATIONS**

AFELL	Association of Female Lawyers of Liberia
APWSG	African Women and Peace Support Group
CDRR	Cantonment, Disarmament, Rehabilitation, Reintegration
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CPA	Comprehensive Peace Agreement
DDRR	Disarmament, Demobilization, Rehabilitation, and Reintegration
ECOMOG	Economic Community of West African States Monitoring Group
ECOWAS	Economic Community of West African States
FGM	Female Genital Mutilation
GBV	Gender-Based Violence
GoL	Government of Liberia
ICG	International Crisis Group
ICGL	International Contact Group on Liberia
IDP	Internally Displaced People
IO	International Organization
IRC	International Rescue Committee
KAICT	Kofi Annan Institute for Conflict Transformation
LFF	Liberia Frontier Force
LNP	Liberia National Police
LWI	Liberian Women's Initiative
MoL	Ministry of Labor
MoGD	Ministry of Gender and Development
MoJ	Ministry of Justice
NCDDRR	National Commission for Disarmament, Demobilization, Rehabilitation, and Reintegration
NGO	Nongovernmental Organization
NRC	Norwegian Refugee Council
NTGL	National Transitional Government of Liberia

OGA	Office of the Gender Advisor
SGBV	Sexual Gender-Based Violence
UN	United Nations
UNDP	United Nations Development Program
UNICEF	United Nations Children's Fund
UNFPA	United Nations Population Fund
UNHCR	Office of the United Nations High Commissioner for Refugees
UNMIL	United Nations Mission in Liberia
UNODC	United Nations Office on Drugs and Crime
UNPOL	United Nations Police
US	United States
USIP	United States Institute of Peace
WACPS	Women and Children Protection Section
WIPNET	Women in Peace-Building Network
WONGOSOL	Women's NGO Secretariat of Liberia

## **APPENDIX B**

### **INTERVIEW PROTOCOLS**

#### **Interview Protocol for Police Officers**

Phone: +231062049305

Email: pem16@pitt.edu

Hello, I am a graduate student at the University of Pittsburgh and I am researching how the government deals with, or doesn't deal with, the problem of violence against women. I want to know if the government takes action to end violence against women and the problems that it faces in doing this. To understand these issues, I would like to ask you some questions about your work.

If you agree to talk to me, we will have a 30 – 45 minute face-to-face interview. I will ask you questions about your experiences with the police force. I will not ask you about any violence you might have faced. I am a student and I do not work with any government agency or nongovernmental organization.

You may refuse to answer any question I ask. You may end the interview at any time and for any reason. I will keep the records of this interview for at least five years, but I will not identify you by name in my notes. No information about your participation in this study will be made public.

1. Sex:
2. What is your name?
3. What is your religion?
4. When did you join the WACPS?
5. What is your position in the WACPS?
6. Where are you currently stationed?
7. Where were you previously stationed?
8. What are the current VAW policy (areas) priorities of the WACPS?

- a. Why are these the priority areas?
  - b. How have they changed since 2006?
  - c. Why have they changed?
9. Rank these three problems (domestic violence, rape, human trafficking) according to the priority you give to enforcing their respective laws?
- a. Explain your reason for this ranking.
10. What do you do when faced with cases of domestic violence, human trafficking, and rape?
- a. Why do you do these things?
11. What factors (positive and negative) have affected whether and how you enforce the assault, trafficking, and rape laws?
- a. How have local women's groups affected your behavior?
  - b. How have international organizations affected your behavior?
  - c. How has the government affected your behavior?
  - d. How have traditional leaders affected your behavior?
  - e. How have the preferences of victims affected your behavior?
12. What challenges do you face in performing your duties?

## **Interview Protocol for Staff of Government Ministries**

Phone: +231062049305

Email: pem16@pitt.edu

I am a graduate student at the University of Pittsburgh and I am researching how the government deals with, or doesn't deal with, the problem of violence against women. I want to know if the government takes action to end violence against women and the problems that it faces in doing this. To understand these issues, I would like to ask you some questions about your experiences with the Ministry of Gender and Development/ the Ministry of Justice/ Ministry of Labor.

If you agree to talk to me, we will have a 30 – 45 minute face-to-face interview. I will ask you questions about your experiences with the ministry. I will not ask you about any violence you might have faced. I am a student and I do not work with any government agency or nongovernmental organization.

You may refuse to answer any question I ask. You may end the interview at any time and for any reason. I will keep the records of this interview for at least five years, but I will not identify you by name in my notes. No information about your participation in this study will be made public without your consent.

1. What is your name?
2. Which ministry do you work for?
3. What is your position in this ministry?
4. What are the current VAW policy (areas) priorities of your ministry?
  - a. Why are these the priority areas?
  - b. How have they changed since 2006?
  - c. Why have they changed?
5. Rank these problems (domestic violence, human trafficking, rape) according to the priority you give to implementing their respective policies?
  - a. Explain your reason for this ranking.
6. What has been/ is being done in your ministry to address domestic violence, human trafficking, and rape?
7. Why are there fewer resources (training, awareness raising, specialized mechanisms) for domestic violence and human trafficking than for rape?
8. What factors (positive and negative) have affected whether and how you implement domestic violence, human trafficking, and rape policies?
  - a. How have local women's groups affected your behavior?
  - b. How have international organizations affected your behavior?



- d. How have traditional leaders affected your behavior?
  - e. How have the preferences of victims affected your behavior?
9. What has Security Council resolution 1325 meant for your work?

## **Interview Protocol for Staff of Non-State Organizations**

Phone: +231062049305

Email: pem16@pitt.edu

I am a graduate student at the University of Pittsburgh and I am researching how the government deals with, or doesn't deal with, the problem of violence against women. I want to know if the government takes action to end violence against women and the problems that it faces in doing this. To understand these issues, I would like to ask you some questions about your organization.

If you agree to talk to me, we will have a 30 – 45 minute face-to-face interview. I will ask you questions about your organization. I will not ask you about any violence you might have faced. I am a student and I do not work with any government agency or nongovernmental organization.

You may refuse to answer any question I ask. You may end the interview at any time and for any reason. I will keep the records of this interview for at least five years, but I will not identify you by name in my notes. No information about your participation in this study will be made public without your consent.

1. What is your name?
2. Which organization do you work for?
3. What is your position in this organization?
4. What are the current VAW policy (areas) priorities for your organization?
  - a. Why are these the priority areas?
  - b. How have they changed since 2006?
  - c. Why have they changed?
5. What are the current VAW policy (areas) priorities for the government [ask about specific government agencies]?
  - a. Why are these the priority areas?
  - b. How have they changed since 2006?
  - c. Why have they changed?
6. How do implementing agencies respond when faced with domestic violence, human trafficking, and rape?
  - a. What weaknesses exist in the MoJ, MoL, LNP, MoGD implementation of each of these policies?
7. Why are there fewer resources (training, awareness raising, specialized mechanisms) for domestic violence and human trafficking than for rape?
8. What role has your organization played in implementing these policies?

9. What factors (positive and negative) have affected the degree to which policies [list policies] are implemented by government agencies [distinguish between high-level bureaucrats and street-level bureaucrats]?

10. What has Security Council resolution 1325 meant for your work?

## **Interview Protocol for Victims of Violence**

Phone: +231062049305

Email: pem16@pitt.edu

I am a graduate student at the University of Pittsburgh and I am researching how the government deals with, or doesn't deal with, the problem of violence against women. I want to know if the government takes action to end violence against women and the problems that it faces in doing this. To understand these issues, I would like to ask you some questions about your experiences with the government and NGOs.

If you agree to talk to me, we will have a 30 – 45 minute face-to-face interview. I will ask you questions about your experiences with the government and NGOs. I am a student and I do not work with any government agency or nongovernmental organization.

You may refuse to answer any question I ask. You may end the interview at any time and for any reason. I will keep the records of this interview for at least five years, but I will not identify you by name in my notes. No information about your participation in this study will be made public.

1. How old are you?
2. What is your religion?
3. Which ethnic group do you belong to?
4. What form of violence did you experience?
5. When did you experience this violence?
6. Where did you go for help after you experienced this violence?
7. Could you describe your interaction with this agency from the initial meeting to when your problem was resolved (or until now, if it has not been resolved)?
  - a. How quickly did they respond?
  - b. What exactly did they do?
  - c. What resources did they use?
  - d. Did they refer you to other agencies? Which ones and why?
  - e. Did they meet your expectations?

## APPENDIX C

### CODEBOOK

**Decision –Withdrawal:** References to always withdrawing cases of domestic violence, internal human trafficking, or rape.

**Decision – Court:** References to always forwarding cases of domestic violence, internal human trafficking, or rape to court.

**Decision – Both:** References to sometimes withdrawing or forwarding cases of domestic violence, internal human trafficking, or rape to court.

**Decision Justification – Resources:** References to a lack or availability of funds and equipment as justification for withdrawing a case or forwarding it to court.

**Decision Justification – The Law:** Any references to the law as justification for withdrawing a case or forwarding it to court. This includes discussions of the texts of laws and the sentences meted out to those found guilty.

**Decision Justification – Policies:** Any references to anti-GBV policies as justification for withdrawing a case or forwarding it to court.

**Decision Justification – Training:** Any references to training received as justification for withdrawing a case or forwarding it to court. This includes references to the police academy and workshops and training sessions sponsored by the WACPS and non-state organization.

**Decision Justification – Organizational Policies:** References to the official rules of the WACPS as justification for forwarding a case to court or withdrawing it.

**Decision Justification – Officers’ Knowledge and Understanding of the Law:** References that reflect officer’s knowledge and understanding or lack of knowledge and understanding of the laws.

**Decision Justification – Officers’ Knowledge and Understanding of the Policy:** References that reflect officer’s knowledge and understanding or lack of knowledge and understanding of anti-GBV policies.

**Decision Justification – Victims’ Preference:** Any references to complainants’ preference as justification for withdrawing a case at the police station or forwarding a case to court. This includes references to the socioeconomic status of the complainants when discussed as prohibitive to forwarding a case to court.

**Decision Justification – Pressure from Political Actors:** References to demands and requests made by international organizations, nongovernmental organizations, and bureaucrats in government ministries as justification for forwarding a case to court or withdrawing it at the police station.

**Decision Justification – Supervision by Superiors:** Any references to what supervisors instruct and the penalties that they impose on those who ignore these instructions as justification for withdrawing a case or forwarding it to court. Also includes incentives for adhering to supervisors’ instructions.

**Decision Justification – Officers’ Self-Interest:** Any references to personal gain that they might realize from forwarding a case to court. This excludes incentives and compensation received from the WACPS for performing their duties.

**Decision Justification – Organizational Norms:** Any references to the culture and practices of the WACPS or to individual police stations as justification for withdrawing a case or forwarding it to court.

**Decision Justification – Ideologies and Norms:** References to gender, cultural, religious, ethnic, and other beliefs and norms as justification for forwarding a case to court or withdrawing it.

**Decision Justification – Officers’ Perception of the Crime:** Any references to the effects of a form of GBV on victims as justification for forwarding a case to court or withdrawing it. This includes references to social, economic, and health consequences of the offense as well as references to the seriousness of the offense. It also includes all discussion of a form of GBV as beyond the jurisdiction of the police. Includes phrases such as “above the police”, “bigger than the police”, “belongs to the courts”, etc.

**Decision Justification – Perception of the Victim:** Any references to the status of victims as justification for forwarding a case to court or withdrawing it. Status of victim includes references to the age, gender, socioeconomic status, vulnerability, etc.

**Decision Justification – War:** Any references to Liberia’s civil wars as justification for forwarding a case to court or withdrawing it.

**Decision Justification – Avoid Blame:** References to forwarding cases to court or asking victims to sign withdrawal slips to avert future problems with the community and with the WACPS.

**Challenges:** Any references to difficulties that police officers face in enforcing the law. This includes a lack of resources, insufficient training, sexism, poor remuneration, etc.

**SGBV Unit:** Any references to the SGBV Unit of the MoJ.

**Rural:** Any references to the behavior of complainants and offenders in rural areas as well as discussions of how police behave in rural areas.

**NGOs:** Any references to the involvement of women's organizations in any area of the law enforcement process.

**IO:** Any references to the involvement of international organizations in any area of the law enforcement process.

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