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# War, Sex and Justice: Barriers to Gender Justice in Post-Conflict Liberia

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## Abstract

*The literature on the sexual violence (SV) in many arms-ravaged countries offers a gruesome and horrific narrative of how the feminine sex has become a victim of such conflict. The literature relates how women were both victims and weapons of war in both physical and psychological ways. However, the literature contains very little relating to the issues of sexual justice for victims as well as perpetrators. In Liberia, years of conflict and abuses against women have been given great attention, but little has been said about regimes of reparation, rehabilitation, and compensation for the victims of war. While there were attempts to ensure that victims of war be systematically compensated and rehabilitated as in Rwanda, the Liberian experience left much to be desired in this respect. The reason for this deserves investigation. Although there are traditional and contemporary barriers barring access to sexual justice in many developing countries, Liberia included, efforts to achieve sexual assault justice in post-conflict societies remain very sensitive for the reason that they may inadvertently lead to stigmatization. The social deficit resulting from this failure has yet to be analyzed in many states. Similarly, a systemically dysfunctional judicial process cannot serve as an agency of remedy. This system is usually expensive to service and maintain. This is coupled with a loss of faith in government and its institutions by the victims. As a combination of weak judicial institutions and social and economic impediments limits the prospects of a sexual justice, this study assesses sexual justice in post-conflict Bahn and Nimba County in Liberia. It examines the broader implications, as it raises questions about the relevance of the regime of justice on the Bahn and Nimba County victims and the perpetrator and draw lessons from this experience.*

Keywords: Conflict, Sexual Violence, Sexual Justice, Women, Liberia.

## Introduction

The Liberian civil conflict took place at a time when at least 38 countries across the globe; 14 of which are on the African region, were either, entering into, actively waging, or concluding armed conflicts (Gettleman, 2010). Liberia went through civil wars from 1989 to 1996 and from 1999 to 2003. While the underlying causes varied, the key characteristics and impacts of these seemingly disparate conflicts were strikingly similar. Almost without exception, these conflicts were marked by the indiscriminate mass-scale commission of sexual and gender based violence, the extent and sheer brutality of which was unprecedented. It is widely estimated, for example, that up to 54% women and girls in Liberia were victims of sexual violence during that country's ten-year war (Human

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Rights Watch, 2002). Sexual violations committed by National Patriotic Front of Liberia (NPFL) and Liberians United for Reconciliation and Democracy (LURD), a rebel group alleged to be supported by neighbouring Guinea, entered Northern Liberia., and raping sprees carried out by Liberian armed groups in the north-eastern regions of Sierra Leone followed similar patterns of sexual violations across national borders.

To address the issues that arise in conflict and move toward effective reconstruction, policymakers and practitioners must understand the needs, experiences, and motivations of the different populations involved. At the heart of most conflicts are the armed combatants themselves—often among the most difficult groups to access, but some of the most essential to understanding the factors driving violence. Hit by two successive civil wars in 1989 and 1999, the country of Liberia hangs in limbo between a conflict and post-conflict state. In a theatre of impunity, over twenty armed groups operate in a shifting landscape of motivations and alliances, leaving the country, after years of unrest, with some of the worst health and development indicators in the world. Extremely brutal forms of sexual violence have been one of the most salient and destructive characteristics of the conflict. Despite international recognition of the problem, levels of rape in Liberia increased in 2003 and remain extremely high (Scott, 2005). Rehn, and Johnson Sirleaf, (2002) estimates that 75% of the population to which 62% to 72% women and girls have been assaulted over the past twelve years. In the first three months of 2003, the United Nations High Commissioner for Refugees reported that 75% women were sexually assaulted throughout the country (Campbell, 2008).

More than a third of these rapes occurred in Bahn and Nimba County, in the conflict-affected villages and rural communities. These regional figures are comparable to the same period in 2014, revealing little progress in decreasing sexual violence.<sup>21</sup> The extant research on SGBV has, predominantly and appropriately, focused on victims and survivors of rape. In a survey conducted in Liberia in 2014, over 54% of women interviewed reported that their attacker was wearing some kind of uniform (Piccard, 2011). Over two-thirds said they were gang-raped, and almost half reported being abducted. These findings speak to the highly militarized forms of rape in Liberia, suggesting that understandings of why sexual gender-based violence occurs there are incomplete without fuller insight into the experiences and attitudes of combatants' themselves.<sup>3</sup>

The article takes into consideration and addresses the following questions: What is the concept of justice and how do Liberia's current conditions relate to it? What are the main issues concerning the Liberian women population with regard to dealing with its present and past gender-based violence? What measures have been employed in dealing with the present and past gender-based violence? Past injustices on gender-based violence in Liberia that remain unaddressed can easily become a source of new tensions and conflict, while impunity undermines trust in institutions and prevents the normalization of contacts

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<sup>2</sup> MONROVIA/DAKAR, 18 July 2014 (IRIN) - Rates of sexual violence in post-war Liberia are still "extremely high" according to a recently published report by UK-based think tank the Overseas Development Institute (ODI).

<sup>3</sup> In a report, this was cited in 2008 study into the Prevalence of Sexual Violence in Liberia which found a prevalence rate for sexual violence against women (defined operationally to include acts which are not rape, such as forcible undressing) of 16.3%. Even a cursory examination of the multitude of blog posts responding to Kirshenbaum's initiative, shows that the most widely referenced figure for rape is 75%, taken from a New York Times Op. Ed. by Nicholas Kristof.

between communities. While each community understandably views transitional justice and reconciliation from different perspectives, a debate on these mechanisms and how they could be best applied in Liberia is of vital importance for all communities. A long-term approach is required for Liberia to speed the gender based violence criminal prosecutions, initiate alternative mechanisms to support victims and their families and to establish a comprehensive method of engaging various parts of the society to discuss the legacies of the past and opportunities for the future.

### **Conceptualizing the Praxis of TJ within the Framework of GBV**

TJ is an interdisciplinary and partly victim-centered field of theory and practice which deals with legacies of mass human rights abuses, including GBV. It is linked to the fight against impunity and the broader domains of human rights and GBV (Kritz, 1995). Its most immediate goals are to end impunity and restore dignity to victims, while the more long-term goals seek to contribute to conflict prevention through the restoration of civic trust, reconciliation, and establishment of the rule of law and democratic order (Corey, 2011). TJ focuses on the challenge that societies in transition – whether from war to peace – face in dealing with a legacy of mass sexual abuse. The strategies of TJ can be relevant to other situations as well, including to well-established democracies dealing with more distant legacies of abuse (Eboe-Osuji, 2012). While the term “TJ” did not enter the modern political lexicon until the early post-Cold War period, its historical lineage can be dated back to the Nuremberg trials and even earlier (Teitel, 2000). As a legal doctrine, though, the field of TJ traces its primary inspiration to the jurisprudence of United Nations treaty bodies and supranational regional human rights courts and commissions. The core parts of that jurisprudence have now been directly affirmed in many important UN documents such as the 1997, 2004, and 2005 reports of UN special rapporteurs on the fight against impunity, and the 2004 report by the Secretary-General on The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies.<sup>4</sup>

Although transitional contexts engender a wide range of moral, legal, and political dilemmas, the problems of dealing with GBV are among the most difficult. Both policy and capacity tends to put constraints on governments in confronting legacies of past GBV abuses. These limitations may include a weak judicial system, a fragile peace, very large numbers of perpetrators and victims, and legal or constitutional obstacles such as amnesty laws (Hayner, 2011). In such contexts, full and prompt justice for the victims of GBV is virtually impossible, but as a minimum we must require good faith with respect to the efforts to seek truth and justice and institutional reform which takes into account the rights and needs of the victims of GBV.

At an operational level, TJ is pursued through five main mechanisms: criminal prosecutions, truth commissions, victim reparations, security system reform and remembrance and memorialisation (Nesiah, et.al., 2006). In the design and implementation of such mechanisms, TJ should pay specific attention on the rights of victims and their families, taking into consideration the particular needs and perspectives of women. Conceptually and practically, the mechanisms of TJ need one another. For example, without truth-telling, institutional reform, or reparation efforts, the trial of a very

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<sup>4</sup> Office of the UN High Commissioner for Human Rights, Rule of Law Tools for Post Conflict States: Prosecution Initiatives, 2006; Office of the High Commissioner for Human Rights, Rule of Law Tools for Post Conflict States: Truth commissions, 2006.

limited number of perpetrators can be viewed as a form of political revanchism. Truth-telling, in isolation from efforts to punish abusers, reform institutions, and repair victims, can be viewed as nothing more than words. Rehabilitation without any links to other TJ measures may be perceived as an attempt to “buy” the acquiescence of victims. Similarly, reforming justice systems without any attempt to satisfy victims’ legitimate expectations of justice and truth, is ineffective from the standpoint of accountability and unlikely to succeed in its own terms (United Nations Special Rapporteur, 2009). Accordingly, the TJ method emphasizes holistic strategies to deal with the past. While there is no single formula for dealing with a past that was marked by mass sexual abuse, TJ teaches us that the choices a society makes are more likely to be effective when they are based on a serious examination of prior national, regional and international experiences. Such examination reduces the chance of repeating avoidable errors (United Nations General Assembly, 2014). Ensuring active consultation of, and participation by, victim groups and the public at large is another crucial factor. Without such consultation and participation, the prospects of designing and operating a credible and effective TJ policy are greatly diminished (United Nations General Assembly, 2014). Gender-based violence is considered to be any harmful act directed against individuals or groups of individuals on the basis of their gender (United Nations General Assembly, 2014, p. 3, para. 4).

In the other hand, GBV include sexual violence, domestic violence, trafficking, forced/early marriage and harmful traditional practices. Sexual violence is a form of GBV and encompasses “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting” (United Nations General Assembly, 2014, p. 4, para. 6). Sexual violence takes multiple forms and includes rape, sexual abuse, forced pregnancy, forced sterilization, forced abortion, forced prostitution, trafficking, sexual enslavement, forced circumcision, castration and forced nudity. An understanding and analysis of how gender intersects, for instance, with race, religion, economic situation, political affiliation and geography is also critical to understanding and addressing patterns and forms of GBV.

In some contexts, it is also important to take into consideration violence perpetrated against persons perceived as not conforming to traditional notions of masculinity or femininity, including lesbian, gay, bisexual and transgender persons. Although men are also targets of GBV in war situations, the victims of such violence continue to be disproportionately women. Experience shows that in wars and post-war situations, and in periods of political or civil strife and instability, women are exposed to heightened risks of violations of their human rights and higher levels of violence, including sexual violence. During war, sexual violence is often used as a tactic of war to humiliate, dominate, instill fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group (United Nations General Assembly, 2014, p. 3, para. 5). Ethnic cleansing and the destruction of the fabric of family and community are often also part of the deliberate strategies of warring parties (United Nations General Assembly, 2014).

For the United Nations system, TJ comprises the full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. TJ consists of both judicial and non-judicial processes and mechanisms, including

prosecution initiatives, truth-seeking, rehabilitation programmes, institutional reform or an appropriate combination thereof (United Nations General Assembly, 2014, p. 5, para. 8).

Furthermore, comprehensive national consultations, particularly with those affected by human rights violations, have been recognized as critical element of TJ (United Nations General Assembly, p. 3. para. 7). Addressing GBV in societies transitioning from conflict or repressive rule is vital to ensuring accountability and sustainable peace. TJ processes can help to realize the rights of victims of such violence and can be instrumental in identifying and dismantling the underlying structural discrimination that enabled it to occur. As such, it is important to ensure that victims of GBV are consulted effectively, that they receive adequate redress for violations, that women can fully participate in TJ processes and that their rights and perspectives are adequately reflected therein. There has been an increased focus on the effective participation of victims in TJ processes, and the participatory procedures necessary to address the different needs of and opportunities for women. Security Council resolution 1325 (2000) and subsequent Council resolutions on women, peace and security, including resolution 2122 (2013), recognized the need to include women in all aspects of peacemaking, post-war reconstruction and peace building.

### **Methodology**

The paper's broader context of transitional justice with all the issues and concepts it embraces, was compiled through desk research consulting literature on transitional justice, International Center for Transitional Justice publications, articles from peer reviewed journals discussing truth and reconciliation through various case studies etc. In order to present a clear picture of the Bahn and Nimba County context and attempt to answer the questions referred to above, a series of interviews were conducted with government officials, members of the Liberia Assembly, representatives of civil society organizations active in Bahn and Nimba County, representatives of victims' associations in Bahn and Nimba County, local and international experts and activists on issues of gender-based violence and human rights dealing with the past, as well as representatives of women international organizations working in Bahn and Nimba County. Local newspapers and reports of human rights organizations were consulted to retrieve additional information on local perceptions. The UNDP Liberia report on Public Perception on Transitional Justice was used to display the only statistical information existing in Liberia regarding women's perceptions of different transitional justice mechanisms (prosecutions, truth-seeking, etc.) based on ethnicity. Furthermore, in the course of the analysis, a focus group with local women experts on gender-based violence and human rights issues, the justice system, and community integration was conducted to discuss and debate the challenges Liberia faces in dealing with the present and past.

### **Towards Understanding Sex and War Rape in Liberia**

Wartime rape is probably as old as war itself. However, real attention to and study of this phenomenon has been undertaken seriously only in the past two decades, as international attention became focused on the atrocities committed in Rwanda (Geetanjali, 2006). SGBV during conflict can serve larger strategic purposes, functioning as a means of warfare with diverse yet predictable consequences. The strategic rape theory states that SGBV is a tool to subjugate populations, instil fear, curtail movement and economic activity, stigmatize women, undermine community and family structures,

contribute to bonding of perpetrators through the common act of rape, and in some cases, deliberately pollute the bloodline of the victimized population (Pauwels, 2002).

History has shown, however, that the reality of wartime rape is unexpectedly complicated, and that the pervasiveness of sexual violence varies across and within conflicts. Various parties may use SGBV differently in the same dispute, and the types and prevalence of SGBV may change both temporally and geographically. Rape has been highly violent and widespread in some conflicts, such as in Sierra Leone and Rwanda and rare in other conflicts. Armed groups in Liberia conflict often exhibit a unique profile or repertoire of violence. Rebel groups during and after the end of war by 2003 were infamous for raping with instruments such as guns and forcing people to watch as other members of their family were killed (Frese, 2004).

Recently, the Liberians United for Reconciliation and Democracy (LURD), which has established itself in the Northern Liberia, practices both killing and mutilation of civilians to deter communities from disclosing LURD whereabouts (Käihkö, 2015). An armed group's repertoire of violence may change over time; it may serve the strategic aims of the groups or be a pattern of individual exploitation that has reached large proportions. Widespread rape, however, can also be detrimental to the perpetrating groups. Instead of intimidating populations, rape can spur them toward anger and revenge. When armed groups depend on civilians for support, rape can quickly undermine their reputations and endanger the groups' access to vital resources, such as food and shelter. A single-theory approach may be too blunt a tool to adequately predict profiles of violence and motivations for the perpetration of SGBV within conflict. It may be more valuable to look at a multiplicity of causes and dynamics that interact to influence soldiers' behaviours. These can change over time and space, just as they can vary from unit to unit within the same larger structure. This attempts to take a more differentiated view of the motivations and causes of violence by looking at a particular group within the Liberia conflict.

### **Sexual Violence against Women in Liberia**

Sexual violence against women is said to have taken place during the conflicts and after the conflict in Liberia (Swiss, 1998). The most prevalent form of sexual violence against women involves a combination of rape, sexual mutilation or putting heavy objects onto female genitals– forms of violations that are reportedly rife in conflict situations where women are sexually abused. Although there has been very little research on the psychosocial reactions of women to these forms of sexual gender based violence, it is likely that the psychosocial consequences of such acts are not significantly different to those manifesting in male survivors. Commenting on this, Hayden (2000) stated that 'if rape is understood as the exercise of power, however, we cannot ignore the way in which sexual assault is used against women as well as men to undermine and invert gendered constructions of protector/protected roles, with the aim of terrorizing entire societies'.

In virtually all societies in Liberia affected by armed conflict– even in Bahn and Nimba County of Liberia ravaged by conflict– women still labour under an avalanche of disadvantages due to failed justice (Smidt, 2004). The patriarchy, a system of social ordering that has historically placed the men as the superior of the women, is the conceptual justification for the subordination of women to men. As a result, discrimination and privation has been the lot of the majority of the Liberia's women. Not

even formal equality and abstract autonomy, the two key tenets of liberalism, have sufficed to combat the deep seat of gender bias and misogyny in Liberia.

But this begs the question. Where do parents get gender and political awareness that allows them to transmit those values to their offspring? This, I believe, is fundamentally an obligation of the state to create an educational system that forges a citizenship that is averse to misogyny. This requires a curriculum and an instructional faculty in primary and secondary schools that is designed to transform the individual. Waiting to develop a different Liberian citizen after these stages is an often futile exercise. Institutions of justice such as the UN High Commissioner for Human Rights can play important roles in curriculum conception and teacher training in gender and human rights in Liberia. There is new scholarship on masculinities that opens a dialogue on how to create better men devoid of the hatred of women (Brownmiller, 1993).

In our view, changing Liberian peoples' views at the earliest stages of human development will be the key to reformulating our understanding of sexual and gender-based violence in Liberia. But this alone will not suffice. The Liberian society as a whole needs to undergo a catharsis about women as human beings, and not objects of sex or work during armed conflict and after. Societal stereotypes which are based on myths of misogyny need to be combated at various levels. For example, there is no reason why Liberia women's rights work is seen as the preserve – or responsibility – of women's rights organizations. In Bahn and Nimba County, for instance, the War-Affected Women in Liberia (WAMIL) has been tagged as the groups invested with this mandate. Many other human rights institutions have marginal programs on women's rights (Smidt, 2004). Even when so so-called mainstreaming of women's rights was all the rage, nothing fundamentally different happened. It was a song for donors without a political commitment. What we realize today in Liberia is that women's rights have to be explicitly part of the agenda of every civil society organization. But beyond that, the state in all its iterations must address women's rights. This means the full inclusion of women in its political, economic, judicial, and bureaucratic structures so that they are not aliens in decision-making where laws and public policies are determined. In other words, the entirety of Liberian society must be engendered. Finally, it is not possible to re-conceive women without unpacking the myth from fact about sexuality, gender-based violence, and womanhood in a cultural, legal, social, and political context.

In Liberia, the woman during the conflict and after is viewed primarily as a sexual object for the pleasure of the man. It is not an extreme view to state that some cultures in Liberia see women as akin to property for possession by men. In such cultures, women's bodies and their sexualities are not the preserve of the individual, but of the community and the man. In other communities within Liberia, for instance, these dehumanized conceptions of women result in rape, defilement, and various brutalities against girls and women (Baaz & Stern, 2009). In other cultures, even the concept of rape may not exist within marriage, or outside of it, and sexual assaults and other forms of sexual and gender based violence are blamed on the victim. How does Liberian society re-educate men – and sanction them when they deviate – to understand that women's bodies are not chattel? Many Liberian national laws on the books either condone sexual stereotypes, men's control over women's bodies, or proscribe the ability of women to control their own sexuality. To transform these deep-seated Liberian society will require new or reform constitutional and legal orders, a judiciary and state with the political will to stand up for

women, and inclusion of women at all levels of social and political engagement in Republic of Liberia.

### **What Motivates Sexual and Gender Based Violence (SGBV)?**

To understand the possible triggers for sexual and gender based violence, we must take a closer look at what motivates sexual and gender based violence, during conflict and in its aftermath. Leatherman (2011) offers an inventory of possible reasons why sexual violence is committed during armed conflict. Among others, they contend, sexual violence is used to ‘torture and humiliate people, in order to gain control over their victims, to ensure their compliance, or to induce flight from a given area. When committed against women and girls, sexual violence is often intended to humiliate their families and communities, wherein women and girls are “bearers of honour”, and men are shamed for failing to protect “their” women. It is used as a means of destroying family and community structures, most overtly when armed groups commit public rapes in front of the community, force family members to witness each other’s rape, or even force people to commit acts of sexual violence against their own family members’ (Card, 1998). Studies emanating from these and other post-conflict settings strongly suggest that ‘conflict dynamics and gender dynamics are intricately interconnected, and will be drawn into interlocking and self perpetuating cycles of violence unless the political will to create alternative dynamics can be mobilized’ (Diken & Laustsen, 2005). Until we address the profound psychosocial, health, social and economic needs of both women and men, the backlash imposed by power inequalities may be harsh and prolonged. Consequently, efforts must be made to capitalise on the potential of both women and men to assist in the prevention and response to sexual and gender based violence.

### **Liberia and Sexual and Gender-based Violence**

In Liberia armed conflicts, the most vulnerable populations are usually women. Despite the fact that Liberia justice system was the first in Africa to invoke the Rome Statute of the Liberian Criminal Court to prosecute sexual violence as a crime, rape continues to be a weapon of war. However, in the most recent armed conflicts in Liberia, women have borne the brunt of the atrocities. This is often the case even though women are rarely direct and indirect participants in the armed conflicts, or the bearers of arms. Since women are regarded as property in many cultures, violating them is seen as a diminution of the men who “own” them. That is how women become weapons of armed conflict and for which men fight over.

In the case of the present Liberia, for example, rebels sexually violated young women with a view to committing rape. In one particularly chilling incident, rebels carried out a massive rape of as many as 60% Liberian women (Fuest, 2008). Gbowee (2009) characterized the violations as “an assault against the female gender, violating her body and its reproductive capabilities as a weapon of war.” He traced the genesis of these atrocities to Liberian culture that usurps the female body and reduces the woman to “her reproductive capacities in order to fulfil the overall objective of Liberia nationalism by producing more citizens to populate the nation”. According to him, this view of the female body is deeply rooted in Liberian culture and Liberian official policies. This certainly was the case in Liberia, as demonstrated in Liberian National Criminal Court. In that case, it was clear that attackers targeted Liberian women and their bodies as an



instrument of genocide. The same has been largely true of the atrocities committed in small villages in Liberia.

However, what has been so disturbing is that public outrage and international opinion still fails to understand the gender dimensions of genocide – that women are targeted at several levels as a racial or ethnic identity in addition to the fact of their gender in Liberia. This failure to centre gender in the understanding of sexual violence erases women from the face of genocide and treats them as non-existent. As a result, responses to women as such are few, if any. This means that women of Liberia who survive sexual and gender-based violence have no place to turn for their traumas. Their communities often regard them as “damaged” and official justice institutions have generally had little to offer.

### **Liberia and Legal Responses to Cases of Gender-Based Violence**

The most well-known form of truth-seeking body in transitional contexts is the truth commission. Truth commissions are ad hoc commissions of inquiry established in, and authorized by, Liberia for the primary purposes of investigating and reporting on key periods of recent past gender-based violence abuse, and of making recommendations to remedy such abuse and prevent its recurrence. There have been truth commissions created around the world during the last few decades. One of them is the Liberia Truth and Reconciliation Commission (TRC), with its internationally-televised public hearings. The TRC is still the only truth commission to date which had the power to grant amnesties, but this has often been misunderstood and has led to the erroneous rejection of truth commissions as bodies that undermine justice efforts, even though the record of most truth commissions shows quite the opposite. Furthermore, truth commissions have a victim-centered approach and most modern truth commissions hold public hearings for gender-based violence victims. Truth commissions exist for a designated period of time, have a specific mandate, exhibit a variety of organizational arrangements, and adopt a range of processes and procedures, with the goal of producing and disseminating a final report, including conclusions and recommendations. Ultimately, the goals of such commissions are to contribute to ending and accounting for past abuses of authority, to promote national reconciliation and/or bolster a new political order or legitimize new policies. It is clear a full frontal approach to the problem of sexual and gender-based violence is indispensable to understanding and addressing the problem in whatever transitional justice vehicle is chosen in Liberia. A number of responses should be contemplated because of the multifaceted nature of the problem. For instance, criminal sanctions against Liberia perpetrators are necessary, even in the context of a truth commission. Thus adjudicatory responses form one of the core pathways. We should keep in mind that adjudication has several purposes – these can be punitive, deterrent, compensatory, or correcting a historical wrong. They can also be civilizational. Some of these focus on Liberia perpetrator, others on the victim or survivor. But others can and should be rehabilitative – that is, seeking to heal the traumas of victims and survivors as well as their families. Here, one of the purposes is to ease the reintegration of the survivors and their families back into society. Sometimes truth telling and public acknowledgement will play a role in this process in Liberia. Whatever strategies are employed, it is essential to have a legal and policy framework for addressing these institutions of justice in Liberia deficits. It is clear to us that the Liberia national law – itself a product of the patriarchy in virtually all communities – is woefully ineffective in dealing with sexual and gender-based violence in Liberia.

This is doubly the case in the wake of armed conflicts and wars where the fabric of Liberian society has been badly damaged or even decimated. Imagine that in peacetime it is virtually impossible to get people to deal honestly with sexual and gender-based violence. This is true whether such abuses take place within the home or outside of it in the workplace or other locales. The machinery of the state and law enforcement has never been eager to interrupt the lives of Liberian perpetrators. This means that civil society in Liberia must work extremely hard and remain vigilant to make sure that the requisite laws are passed and that enforcement authorities do their job in Liberia.

The law has not been a great friend to Liberian women. Take for example, the international criminal law in this area. Both the statutes of the Rome Statute of the International Criminal Court did not exactly centre sexual offences in their frameworks, although they recognized rape as an egregious offence. It recognized for the first time in such a court the seriousness of rape and other sexual offences in the context of armed conflict as an element of crimes against humanity. This is a blindness that is directly lifted from Liberia national laws. It is this lacuna that has to be filled at the jurisprudential level if sexual violence is to be addressed seriously. One of the major challenges for any transitional justice instrument is finding the facts about sexual and gender based violence. Often, the Liberia victims may not report such abuses, even to Liberia truth commissions. This was the case with the Liberia truth commission. Women either refuse to come forward, or minimize their own suffering, when they do (Goldblatt & Meintjes, 1998).

This is a legal problem. Liberia societies in transition need to de-stigmatize sexual and gender-based violence so that Liberia women can come forward to report such atrocities. A number of approaches, such as testimonies given without revealing the identity of the victim may yield better results. In other cases, women statement-takers may be more successful than their male counterparts in getting information out of survivors. Whatever the case, it is important that transitional justice mechanisms be victim-centred in sexual and gender based violence situations. Otherwise, young women will stay away because they will feel that they are a means to an end they do not understand or endorse, or are pawns in a larger legal game. There is no substitute for making sure that reparatory measures are put in place to assist victims and to raise public consciousness about the problem. This is true no matter what transitional justice mechanism is adopted. Ultimately Liberia societies in transitional justice contexts need to arrive at a high national consensus or convergence on the importance of tackling sexual and gender-based violence otherwise nothing much will happen.

### **Measures to Address GBV in the Face of failed Justice**

Since the inauguration of the new government, Liberia embarked on a massive recovery and reconstruction programme to consolidate peace and security. Basic social services are being restored, roads and infrastructure is being rebuilt and institutions of governance are being re-established. The Government has also put in place a range of measures to address gender equality and sexual and gender based violence, in particular. At the national and local level, it has demonstrated its steadfastness in attending to provisions and obligations set out in War-Affected Women in Liberia (WAMIL), as evidenced in its detailed status report on the implementation of the Beijing Platform for Action (GTZ, 2009).

Liberia is one of only six countries in Africa and 23 countries world-wide to have developed National Action Plans for the Implementation of the UNSCR 1325 (Johnson, 2008). Liberia National Action Plan on UNSCR 1325 and UNSCR 1820 recommends, among others, the harmonization of the statutory and traditional justice mechanisms to enhance the rule of law and to promote accountability and women's improved access to justice; women's increased participation at all levels in political and decision-making processes; and the enactment and full implementation of laws for the prevention of all types of gender based violence, including rape; domestic violence; harmful traditional practices; human trafficking; and the sexual exploitation abuse of women.

On the domestic front, Liberia government has also passed a raft of legislations to promote and protect the rights of women, among others, with respect to ownership of property, marriage and cohabitation. Notably in 2012 the Government passed the so-called Customary Marriages law, closely followed by the Amended Rape Law of 2000, both of which increased the age of sexual consent. In terms of the new Act to Establish the Devolution of Estates and Establish Rights of Inheritance for Spouses of both Statutory and Customary Marriages (2000) or so-called Customary Marriages law, the wives of customary marriages now have, among several other rights, the right of entitlement to one-third of the husband's property upon marriage or upon his death; and right to seek redress in a court of law for any violation of her human rights (Manjoo & Mcraith, 2011).

Liberia government has also enacted legislation to amend the Penal Law Chapter 14 Section 14 and to Provide for Gang Rape (2000) (Article 15 of the Constitution, 2006). Designed to ensure non-repetition of the sexual violations committed during the conflict period, the 2006 new Rape Amendment Act expands the definition of rape to include gang rape; rape against minors; rape resulting in serious bodily harm; and rape using a weapon and provides for custodial penalties up to lifetime imprisonment depending on the degree of the rape. The Act also requires in-camera hearings for all rape cases. Recognising the prevalence of sexual crimes against the Liberia women population, Liberia government has also drafted provisions for the punishment of sexual offences into key pieces of local related laws.

Its commitment to address the high prevalence of sexual and gender based violence is also reflected in its 2008 – 2011 Poverty Reduction Strategy, seen as the foundational framework for the achievement of gender equality, women's empowerment, and equitable access to resources. Additional efforts to address sexual and gender based violence include the National Plan of Action for GBV; the National Plan of Action for Women; the establishment of a GBV Unit in the Ministry of Gender, responsible for the collection of information, coordination of activities and direction of policy interventions relating to the implementation of national action plans to address SGBV.

## Conclusion

The article indicate that acceptance of violence as a means of sustaining patriarchy and the subordination of women permeated political, economic, cultural and social structures and relationships long before Liberia descended into open conflict. An intricate network of normative systems, including patriarchal customary institutions and secret societies reinforce the roles of men as providers and women as bearers of children and home-makers. These long-standing power inequalities pervade all aspects of social relations, including sexual relations, which were often characterised by aggression and open violence. The evidence reveals that though not spoken about openly then, violence

against women was a common feature in pre-conflict Liberian society. The scale and extent of sexual and gender based violence witnessed during the conflict, grossly amplified social, political and economic power differentials which existed prior to and, in some instances, even heightened during the war.

The evidence shows that two out of every three Liberian women were subjected to sexual and gender based violence, including rape, gang rapes, sexual slavery, forced marriage and forced impregnation, among others during the conflict. Although overwhelmingly directed at women and girls, sexual violence was also inflicted on men and boys, often with the sole objective of men exercising power and control over other men. While some experienced violations such as rape or mutilations of genital organs, a significant proportion of males were forced to witness the violent rape of female relatives, including wives, mothers and daughters. Perpetrated overwhelmingly by men or boys involved with fighting forces, sexual and gender based violence was not only an outcome of the conflict, but indeed became an objective of the conflict in and of itself. It was used as a brutal terror tactic to instil fear and intimidation to induce the mass displacement of civilian populations. In turn, the forced dislocation of entire villages and towns was used as a ruse to commit sexual violations; to coerce women and youth into joining fighting factions; and to break down the social relations and values systems that build communities' cohesion. While considerable shifts in gender relations have occurred, underlying power relations between men and women remain largely intact. Though both men and women have made adjustments in their economic roles, adaptations were mostly situational and have not resulted in sustained changes in gender roles. Underlying power inequalities in key social institutions and gender ideologies continue to act against substantial and long-term changes in gender relations. Despite changes in the socio-economic environment, social expectations still dictate that males continue in their previously-held roles. Rather than enabling men to transition to the new realities, the lack of social support and safety mechanisms reinforce the yearning among men to rearrange or return to old patriarchal ideologies.

The findings suggest there is a link between men's rigid adherence to gender roles and expectations and the incidence of sexual and gender based violence. Their inability to meet societal expectations in an overbearing patriarchal system potentially poses a threat not only to their ability to remain part and parcel of a dominant system and ideology but also to their own sense of identity and self-worth. The findings suggest that in order to deal with the disconnect of what is and what should be, many may seek out alternative avenues for fulfilling societal expectations, including recourse to harmful or self-destructive behaviours such as alcohol abuse and violence, including sexual and gender based violence. However, it cannot be concluded that there is no scope for lasting change. Though limited as yet, changes in consciousness among women and men are in evidence, and can be built on. The pressures of economic realities, evolving social and political processes, and an overall awareness of human rights imperatives necessitate a realignment of gender roles and social relations.

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