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Comments by The Advocates for Human Rights on the combined initial, second, third, fourth, fifth, and sixth periodic reports submitted by Liberia

About The Advocates for Human Rights

The mission of The Advocates for Human Rights (AHR) is to implement international human rights standards to promote civil society and reinforce the rule of law. The Advocates for Human Rights was founded in 1983 by a group of Minnesota lawyers who recognized the community's unique spirit of social justice as an opportunity to promote and protect human rights in the United States and around the world. The organization has produced more than 75 reports documenting human rights practices in more than 25 countries; educated more than 10,000 students and community members on human rights issues; provided legal representation and assistance to more than 3,000 disadvantaged individuals and families and works with partners overseas and in the United States to restore and protect human rights. The Advocates for Human Rights is a non-governmental organization in special consultative status with the Economic and Social Council of the United Nations.

The Advocates' Work relevant to Women's Human Rights

The Advocates for Human Rights applies international human rights standards to advocate for women's rights in the United States and around the world. Using research, education and advocacy, the program has partnered with local organizations overseas and in the United States to document domestic violence, rape, employment discrimination, sexual harassment in the workplace, and trafficking in women and girls.

Since 1993, The Advocates has partnered with organizations in Central and Eastern Europe, the former Soviet Union, the Caucasus, Central Asia, Morocco, Nepal, Mexico and Haiti. Working with local partners, The Advocates has documented violations of women's rights including domestic violence, rape, employment discrimination, sexual harassment in the workplace and trafficking in women and girls and to follow up with training and advocacy initiatives. The Advocates uses traditional human rights fact-finding methods to document violations of women's human rights. Staff and volunteers conduct in-country research through close collaboration with local women's non-governmental organizations.

The Advocates has published 19 reports on violence against women as a human rights issue, consulted extensively with advocates who are drafting and beginning to implement new laws on violence against women, and presented numerous trainings on domestic violence legal reform.

The Advocates' Work relevant to Liberia

At the request of the Liberian Truth & Reconciliation Commission (TRC), The Advocates has coordinated the work of the TRC in the United States, the United Kingdom, and Buduburam Refugee Settlement in Ghana. The Advocates for Human Rights submitted its report to the Liberian TRC on 30 June 2009, at the close of the TRC's mandate.

From 1979 to 2003, more than 1.5 million Liberians were forced from their homes to escape from the violence and destruction of a protracted civil conflict. Many Liberians eventually made their way to the United States in their flight from war, including some 30,000 who settled in Minnesota. Most of their stories have never been told before. The report on the experience of the Liberian diaspora, entitled *A House with Two Rooms*, is the culmination of three years of work in the United States, the United Kingdom and Buduburam Refugee Settlement in Ghana. The report has been submitted to the Liberian Truth and Reconciliation Commission (TRC), the body charged by the Liberian government with determining the facts of the human rights violations that occurred during the civil war. The Liberian TRC officially completed its mandate June 30, 2009.

A House with Two Rooms documents the experience of human rights abuses and violations of international humanitarian law that forced Liberians to leave the country. It is based on an analysis of more than 1600 statements, fact-finding interviews, and witness testimony at public hearings held in the U.S. The report also tells the story of the "triple trauma" experienced by members of the diaspora during their flight through Liberia and across international borders, while living in refugee camps in West Africa, and in resettlement in the U.S. and U.K. In addition, the report summarizes the views of Liberians in the diaspora on the root causes of the conflict and their recommendations for systemic reform and reconciliation.

Summary of Submission to the Committee

The Advocates submits two items to the Committee: an excerpt from The Advocates' report to the Liberian Truth and Reconciliation Commission entitled ***A House with Two Rooms: Final Report of the Liberian Truth & Reconciliation Commission Diaspora Project***¹ (June 2009) and ***Liberia Is Not Ready***² (February 2009).

The Advocates for Human Rights welcomes the submission by the Government of Liberia of its consolidated periodic report to the Committee.

Women in Liberia face tremendous challenges as the country emerges from a period of prolonged conflict. Liberian women and girls often were the targets of human rights violations and abuses committed by all sides of the conflict. Beyond the violence of the conflict, Liberian society reflects deeply held patriarchal systems and beliefs. Despite such discrimination and socio-economic obstacles, Liberian women have held authority within traditional societies and more formal networks, which afforded them a base for socialization, support, and activism.

¹ Available at http://liberiatr.c.mnadvocates.org/Final_Report.html.

² Available at http://www.advrightrights.org/sites/608a3887-dd53-4796-8904-997a0131ca54/uploads/Liberia_Is_Not_Ready_2009_FINAL.pdf.

Status of Women in Liberia Today

Life has been, and can often be, very difficult for women in Liberia. Discrimination against women both in law and in practice is pervasive in Liberia. Deficiencies in the legal system, a reticence to investigate and prosecute certain cases affecting women, and the unavailability of legal assistance hamper women's access to justice. Furthermore, there is a need to increase public awareness of women's rights. In practice, few domestic laws and policies realize the principle of equality between men and women. Liberia's civil law system is patriarchal, and laws are often construed at the expense of women's human rights. Social attitudes tend to accept sexual crimes against women and children as one of life's risks.

Liberian women still face many challenges resulting from the long-term effects of the conflict. Women in Liberia face challenges in accessing the health care needed to address the physical consequences of sexual violence. The United Nations describes Liberia's health facilities as among the worst in the world, making it rare that a victim will receive adequate treatment following an episode of sexual violence. The mental health services that are needed to address these issues are also extremely limited in Liberia. As Liberia recovers, the health sector and civil society organizations must be strengthened, and they must pay particular attention to the long-term impact of the war on women.

While efforts are resulting in progress for women, there remain many disparities between men and women in Liberian society that continue to harm women. Prevailing cultural, historical, political, legal, and economic forces make gender inequality a daily reality for many women. Many of these conditions existed prior to the conflict and continue today. For example, although some non-governmental organizations and inter-governmental organizations in Liberia currently address violence against women, criminal proceedings against offenders are rare. The lack of prosecutions not only leaves the violence unaddressed but also adds a long-term imprint of impunity.

The pivotal role women play in household earning, childrearing, education, and social cohesion indicates that the continued subordination of women hinders Liberia's recovery from the war. Economically, Liberian women remain in an inferior position to men. Liberia's high unemployment rate often forces women to turn to transactional sex for subsistence income or for money for tuition fees. Approximately 80 percent of subsistence agriculture output is produced by women. Conversely, women accounted for only 11.4 percent of non-agricultural wage employment in 1999. The informal sector continues to be an important source of income for many women in Liberia; approximately one-third of women-headed households depend on the informal sector as their primary revenue source. Women also make up a significant percentage of small-scale market traders. Formal employment, which is comparatively rare for women, is concentrated in traditionally female-dominated professions, such as nursing, teaching, and the clerical professions, which offer few avenues for advancement.

Mandate of the Truth and Reconciliation Commission relative to Women's Human Rights (Question 12 of the Committee):

The mandate of the Truth and Reconciliation Commission (TRC) of Liberia recognizes that a thorough understanding of gender and its impact on both Liberian society and the conflict are essential to the success of the TRC process. Section 24 of the Act to Establish the Truth and Reconciliation Commission of Liberia provides:

The TRC shall consider and be sensitive to issues of human rights violations, gender and gender based violence thus ensuring that no one with a known record of human rights violations are employed by the TRC and that gender mainstreaming characterizes its work, operations and functions, ensuring therefore that women are fully represented and staffed at all levels of the work of the TRC and that special mechanisms are employed to handle women and children victims and perpetrators, not only to protect their dignity and safety but also to avoid re-traumatization.

The statute creating the TRC also recognizes the importance of the full participation of women in understanding the conflict and building the future of Liberia. The statute requires that at least four of the nine commissioners be women. Four of the commissioners appointed to the TRC are women, who have diverse experiences with regard to women's issues, and women have participated at various levels in the work of the TRC. The TRC's mandate requires that it adopt "specific mechanisms and procedures to address the experiences of women, children and vulnerable groups, paying particular attention to gender based violations..." The statute also requires the TRC to "employ specialists in children's and women's rights" and "ensure that special measures or mechanisms are employed that will enable women and children to provide testimony to the TRC, while at the same time protecting their safety and not endangering or delaying their social reintegration or psychological recovery."

Status of the Independent National Commission on Human Rights (Page 17 of Liberia's Report):

The Liberian Commission on Human Rights was created by an Act of Parliament in 1997. Article XXI of the Comprehensive Peace Agreement signed in Accra on 18 August 2003 provides for the creation of an Independent National Commission on Human Rights (INCHR). In March 2005, the National Transitional Government approved an Act repealing the 1997 Act and creating a new Independent National Commission on Human Rights of Liberia with the mandate of protection and promoting human rights in the Republic of Liberia. The President of Liberia, however, did not appoint any Commissioners "due to the inadequacy of the 2005 Act". A small Secretariat staff has been unable to effectively implement the INCHR's mandate due to inadequate funding allocations from the National Government. In August of 2008, the Executive and the Legislative Standing Committee on Human and Civil Rights proposed amendments to the Act which adopted by the Parliament and signed into law on 3 June, 2009. The selection, vetting and appointment of INCHR Commissioners is now in progress.

In its report to the TRC, The Advocates for Human Rights makes the following recommendations regarding the Human Rights Commission:

The Government of Liberia should move forward without further delay toward the establishment of the Independent National Commission on Human Rights. Based on selected provisions from the United Nations Principles relating to the status and functioning of national institutions for protection and promotion of human rights, the Independent National Commission on Human Rights should:

- be given a broad mandate, with rights and obligations clearly set forth in statutory and/or constitutional domestic law.

- be granted the power to, without endorsement or authorization from a higher government agency, review or investigate any human rights situation it so desires, and to submit to the government a report, recommendation, or opinion concerning such a situation, which it may then publicize at its discretion.
- be responsible for monitoring and encouraging the observance of regional and international human rights treaties to which Liberia is a party. The Commission should also contribute to any human rights reports the government is required to submit under any treaty obligations.
- have the authority to hear individual complaints regarding alleged human rights violations, to advise the complainant of the available remedies, and to transmit the complaint to the competent authorities along with the Commission's views and recommendations pertaining to the complaint.
- seek assistance in strengthening the capacity to promote and protect human rights in Liberia by participating in and seeking accreditation from the National Human Rights Institutions Forum, as well as the Network of National Human Rights Institutions in West Africa.

Submitted: Michele Garnett McKenzie, Advocacy Director, The Advocates for Human Rights



The following documents, "Chapter 10. Women," Recommendations, and Priority Recommendations, are excerpted from:

**A House with Two Rooms:
Final Report of the Liberian Truth &
Reconciliation Commission
Diaspora Project**

Submitted by The Advocates for Human Rights

to the
Truth & Reconciliation Commission of Liberia
June 19, 2009
during the National Reconciliation Conference
Unity Conference Center
Virginia, Liberia

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Chapter 10. WOMEN

Statements from Liberian women and men, as well as reports from civil society groups and international organizations, detail extreme forms of violence and other human rights abuses perpetrated against women before, during, and after the war in Liberia. During the conflict, women were subject to many of the same human rights violations as men were, including forced labor, killings, torture, and beatings. Many women were also targeted for gender-based violence, such as rape, sexual violence, and sexual slavery. After the conflict, violence against women, including sexual and domestic violence, continues to be prevalent in Liberia.³

Violence against women impairs fundamental rights and freedoms, such as the rights to life, security, and liberty, and the right not to be subjected to torture. The United Nations has recognized the connection between violence and inequality, stating that violence is one of the “crucial social mechanisms by which women are forced into a subordinate position compared with men.”⁴ Other forms of discrimination against women in both law and practice are prevalent in Liberia as well. While there are some laws that promote equality, weaknesses in the law and inadequate implementation prevent the full realization of women’s human rights. The problem is exacerbated by the bifurcation of Liberia’s laws into formal and customary systems, the latter of which allows discrimination against women in many cases. In addition, many social and cultural practices, as well as the deprivation of social and economic rights, contribute to the subordination of women in Liberia.

The mandate of the Truth and Reconciliation Commission (TRC) of Liberia recognizes that a thorough understanding of gender and its impact on both Liberian society and the conflict are essential to the success of the TRC process. Section 24 of the Act to Establish the Truth and Reconciliation Commission of Liberia provides:

The TRC shall consider and be sensitive to issues of human rights violations, gender and gender based violence thus ensuring that no one with a known record of human rights violations are employed by the TRC and that gender mainstreaming characterizes its work, operations and functions, ensuring therefore that women are fully represented and staffed at all levels of the work of the TRC and that special mechanisms are employed to handle women and children victims and perpetrators, not only to protect their dignity and safety but also to avoid re-traumatization.⁵

The statute creating the TRC also recognizes the importance of the full participation of women in understanding the conflict and building the future of Liberia. The statute requires that at least four of the nine commissioners be women. Four of the commissioners appointed to the TRC are women, who have diverse experiences with regard to women’s issues, and women have participated at various

³ U.N. Div. for the Advancement of Women, *Convention on the Elimination of All Forms of Discrimination Against Women, Mission to Liberia, 12-15 June 2006, Findings and Recommendations of Experts*, at 12, (2006) [hereinafter CEDAW Mission to Liberia], <http://www.un.org/womenwatch/daw/TechnicalCooperation/docs/WRS/report%20liberia2006.pdf>.

⁴ Declaration on the Elimination of Violence against Women, G.A. Res. 48/104, 48 U.N. GAOR Supp. (No. 49) at 217, U.N. Doc. A/RES/48/104 (Dec. 20, 1993).

⁵ An Act to Establish the Truth and Reconciliation Commission of Liberia (enacted by the National Transitional Legislative Assembly, May 12, 2005), <https://www.trcofliberia.org/about/trc-mandate>.

levels in the work of the TRC.⁶ The TRC's mandate requires that it adopt "specific mechanisms and procedures to address the experiences of women, children and vulnerable groups, paying particular attention to gender based violations..."⁷ The statute also requires the TRC to "employ specialists in children's and women's rights" and "ensure that special measures or mechanisms are employed that will enable women and children to provide testimony to the TRC, while at the same time protecting their safety and not endangering or delaying their social reintegration or psychological recovery."⁸

Past truth commissions have been criticized for their approach to women's issues because of a failure to fully incorporate the gender perspective into their work.⁹ The above provisions provide the Liberian TRC the authority and mandate to give focused attention to women's human rights issues. In addition, the TRC has undertaken outreach measures to encourage the participation of women. For example, the TRC's Committee on Gender held workshops and town hall meetings for women throughout Liberia, which included an overview of the TRC mandate, women's human rights violations in Liberia, and how other truth commissions have addressed gender issues.¹⁰ Also, the TRC has drafted a gender policy based on workshops, town hall meetings, and collaboration with other stakeholders.¹¹ In line with this approach and taking into account the widespread violence against women during the war, The Advocates has included a separate section on women to give the specific attention that is mandated.

Pre-existing Factors: The Role of Women in Liberian Society

In an experts' report prepared for the United Nations in 2002, Elisabeth Rehn and Ellen Johnson Sirleaf note that the violence women experience during armed conflict "does not arise solely out of the conditions of war; it is directly related to the violence that exists in women's lives during peacetime. Throughout the world, women experience violence because they are women, and often because they do not have the same rights or autonomy that men do."¹² As a result, a discussion of the factors that existed before the conflict is essential to better understand both women's human rights violations during the conflict, as well as the problems that still affect women post-conflict.

Life has been, and can often be, very difficult for women in Liberia. Discrimination against women both in law and in practice is pervasive in Liberia.¹³ Deficiencies in the legal system, a reticence to investigate and prosecute certain cases affecting women, and the unavailability of legal assistance

⁶ The Commissioners have various backgrounds with regard to women's issues. For example, one Commissioner is a member of the Liberian Women Initiative and has represented Liberian women at peace conferences; another Commissioner has served as the Country Vice-President of the International Federation of Women Lawyers and on the selection panel for members of the Independent National Human Rights Commission of Liberia; a third Commissioner brings experience as an HIV/AIDS counselor and social worker, and; a fourth Commissioner has served on the board of the National Women's Commission of Liberia. For additional biographical information on the TRC commissioners, see <https://www.trcofliberia.org/about/commissioners>.

⁷ An Act to Establish the Truth and Reconciliation Commission of Liberia art. IV, § (4)(e), (enacted by the National Transitional Legislative Assembly, May 12, 2005), <https://www.trcofliberia.org/about/trc-mandate..>

⁸ *Id.*, art. VII, § 26(o).

⁹ Int'l Center for Transitional Justice, Truth Commissions and Gender: Principles, Policies, and Procedures 2 (2006).

¹⁰ *Women's Voices in the TRC Process*, TRC FAST TRACK (Truth and Reconciliation Commission of Liberia), Dec. 18-31, 2006, at 1.

¹¹ Summary of Open Society Institute (OSI) and Open Society Initiative for West Africa (OSIWA) Projects in Liberia, http://www.emansion.gov.lr/doc/Summary_of_SFN_Liberia_Funding.pdf.

¹² ELISABETH REHN & ELLEN JOHNSON SIRLEAF, WOMEN, WAR AND PEACE: THE INDEPENDENT EXPERTS' ASSESSMENT ON THE IMPACT OF ARMED CONFLICT ON WOMEN AND WOMEN'S ROLE IN PEACE-BUILDING 13 (2002).

¹³ CEDAW Mission to Liberia, *supra* note 1, at 12-15.

hamper women's access to justice. Furthermore, there is a need to increase public awareness of women's rights.¹⁴ In practice, few domestic laws and policies realize the principle of equality between men and women. Liberia's civil law system is patriarchal, and laws are often construed at the expense of women's human rights.¹⁵ Social attitudes tend to accept sexual crimes against women and children as one of life's risks.¹⁶ For example, there is no domestic violence law in Liberia,¹⁷ and witness testimony revealed the reluctance of police to intervene in such cases:

I lived in Liberia. I have experienced situations where women have been abused, and in the heat of the situation, the police [were] called, and [the victim and perpetrator] were told, "That's your domestic problems." [The police] have nothing to do with that.¹⁸

Finally, socio-economic factors present challenges for many women in Liberia. Girls face greater barriers to accessing education because of violence against women and girls, early marriages, prioritization of males over females for schooling, and other biases.¹⁹ The formal—and therefore regulated—economic sector lacks job opportunities, leading many women to work in the informal sector where they are more susceptible to harassment.²⁰ Access to health care is extremely limited in Liberia, with resulting high maternal and infant mortality rates.²¹

A Note about the Role of Liberian Women as Leaders

Despite such discrimination and socio-economic obstacles, it is important to recognize that Liberian women often wield considerable personal power and political autonomy. Liberian women have held authority within traditional societies and more formal networks, which afforded them a base for socialization, support, and activism. For example, in secret societies such as the Sande society, female *zoes*, or traditional priests, train young girls in domestic skills, cooking, singing, food production, community leadership, midwifery, and story narration.²² Traditional women's societies that both entertain and assist one another are also found among the Kru and Bassa.²³ Collective action has also been employed by women to assert their rights. Academic Mary Moran witnessed one example where women carried out a mass protest to demand amends for a wrong; in leaving their village en masse and implementing a local, institutionalized practice, these women sought to protect their rights and claim a role in decision-making.²⁴ Liberian women also established more formal organizations, beginning with church-based groups to foster community bonds, forge connections among classes and ethnicities, and promote general unity, to socio-political organizations designed to increase women's political

¹⁴ *Id.* at 5.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* at 12.

¹⁸ Harriette Badio, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia, at 15 (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).

¹⁹ CEDAW Mission to Liberia, *supra* note 1, at 13.

²⁰ *Id.* at 14.

²¹ *Id.* at 15.

²² STEPHEN ELLIS, THE MASK OF ANARCHY: THE DESTRUCTION OF LIBERIA AND THE RELIGIOUS DIMENSION OF AN AFRICAN CIVIL WAR 225 (1999); Thelma Ekiyor, W. Afr. Network for Peacebuilding (WANEP), *Women in Peacebuilding: An Account of the Niger Delta Women*, at 6, http://www.wanep.org/publications/Women_in_Peacebuilding.pdf (last visited Feb. 28, 2009).

²³ MERRAN FRAENKEL, TRIBE AND CLASS IN MONROVIA 178 (1964). For example, members sing songs to tell stories about themselves or to honor leaders of the society. *Id.* at 179-180.

²⁴ MARY H. MORAN, LIBERIA: THE VIOLENCE OF DEMOCRACY 46-48 (2008).

participation.²⁵ Their early work in establishing girls' schools and churches²⁶ facilitated their later emergence in the public sphere. Women shifted into the more visible political sector when President Tubman appointed a number of women, albeit of the ruling settler class, to significant positions.²⁷ It was not until the Tolbert administration that the number of women appointees increased and their backgrounds broadened substantially to include "women who supported and represented change."²⁸ There are examples of prominent Liberian women in the international arena as well. For example, Liberian Assistant Secretary of State Angie Elisabeth Brooks served as the President of the U.N. General Assembly during its 24th session.²⁹ Finally, Liberian women assumed a prominent role in the peace process in the final years of the war; for example, the Women in Peacebuilding Network (WIPNET) played an extensive part in advocating for peace.³⁰ WIPNET members mobilized Christian and Muslim women in peaceful protests in both Liberia and Ghana as a way of pressuring the factions to end the conflict.³¹

Legal Systems

The division of Liberia's legal system into formal and customary laws creates additional disparities between rural and urban areas.³² Liberia's formal legal system, which employs statutory law, is composed of the Supreme Court, circuit courts, magistrates' courts, and justices of the peace courts.³³ Liberia's customary legal system, which is more prevalent in the rural areas, is bifurcated into state-sanctioned customary law and non-state-sanctioned customary law. The Ministry of Internal Affairs oversees state-sanctioned customary legal systems, which adjudicates disputes by town, clan, and paramount chiefs.³⁴ The state provides a framework for this system through the Rules and Regulations Governing the Hinterland of Liberia. In contrast, non-state-sanctioned customary law generally involves mechanisms such as palaver huts, Poro and Sande secret societies, leaders with special powers, and may include trial-by-ordeal.³⁵ There is a notable lack of coordination between the formal law and both customary legal systems, which consequently impedes fair execution of justice.³⁶

"States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake...To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination." Art. 2(c), Convention on the Elimination of All Forms of Discrimination against Women.

²⁵ Augustine Konneh, *Women and Politics in Africa: The Case of Liberia*, 14 PROC. & PAPERS OF THE GEO. ASS'N OF HISTORIANS, 107, 109 (1993) (citations omitted).

²⁶ *Id.* at 108 (noting that women were particularly active in these sectors between 1847 and 1940).

²⁷ *Id.* at 109 (1993).

²⁸ *Id.* at 110 (noting that while some women appointees belonged to the settler elite and represented the composition found under the Tubman administration, other appointees were the result of women's activism).

²⁹ D. ELWOOD DUNN, AMOS J. BEYAN & CARL PATRICK BURROWES, HISTORICAL DICTIONARY OF LIBERIA 48 (2d ed. 2001).

³⁰ Thelma Aremiebi Ekiyor & Leymah Roberta Gbowee, *Women's Peace Activism in West Africa: the WIPNET Experience*, in PEOPLE BUILDING PEACE II (Paul Van Tongeren et al. eds., 2005).

³¹ PRAY THE DEVIL BACK TO HELL (Fork Films 2008).

³² CEDAW Mission to Liberia, *supra* note 1, at 9.

³³ Int'l Crisis Group, *Liberia: Resurrecting the Justice System* 3, Afr. Rpt. No. 107, Apr. 6, 2006, <http://www.crisisgroup.org/home/index.cfm?l=1&id=4061>.

³⁴ Town chiefs and elders handle disputes within a town, clan chiefs have jurisdiction over inter-village disputes, and paramount chiefs hear appeals of decisions rendered by town and clan chiefs. *See id.* at 7. District commissioners, superintendents, and the Office of Tribal Affairs hear subsequent appeals. *Id.*

³⁵ *Id.* at 8; *see also* Resource Center for Community Empowerment & Integrated Development, *Traditional Forms of Reconciliation in Liberia* 52 (on file with the author).

³⁶ *See* Int'l Crisis Group, *supra* note 33, at i.

Customary law mechanisms are the most accessible form of justice for the majority of Liberia's population.³⁷ War and mass displacement have impacted the local systems, however, which are "loosely governed by anachronistic and obscure laws and regulations."³⁸ Furthermore, the practices and outcome of traditional courts may not be consistent with Liberia's Constitution and international human rights obligations.³⁹ Decisions are not always objectively made. The International Crisis Group reports that chiefs improperly impose fines to garner income for themselves, since they seldom receive the state compensation as required for their services.⁴⁰

The civil and customary components of Liberia's civil law system often conflict with traditional practices, the effect of which disfavors women.⁴¹ Discrimination is more pronounced in rural areas for various reasons. For example, men are the most common arbiters of customary law, thus diminishing the role of women in this process.⁴² Customary legal traditions discriminate against women by prohibiting them from executing contracts and controlling property.⁴³ Other discriminatory practices include the payment of dowries to husbands, payments to husbands in cases of adultery, and different legal ages for marriage between men and women. Many of these practices are predicated on the notion of women as property. For example, Rules Regulating the Hinterland impose a \$100 fine on males who commit adultery against their first wives and a \$10 fine for adultery with additional wives.⁴⁴ Trial-by-ordeal, where the suspect is subject to extreme pain or potential death, is a customary method employed to test the guilt of the accused.⁴⁵ Such methods are sometimes used to assess the guilt of women and girls suspected of witchcraft.

The Convention on the Elimination of All Forms of Discrimination against Women requires States Parties to:

"...accord to women equality with men before the law.

...accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

...agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void." Art. 15(1)-(3).

³⁷ U.S. Institute for Peace, Rule of Law, Country-specific Projects: Liberia, <http://www.usip.org/ruleoflaw/projects/countries/liberia.html#nonstate> (last visited Nov. 24, 2008).

³⁸ *Id.*

³⁹ Int'l Legal Assistance Consortium (ILAC), ILAC Report: Liberia 10-11 (Dec. 2003), http://www.ilac.se/sajt/bilder/pdf/Liberia_Report_2003.pdf.

⁴⁰ Int'l Crisis Group, *supra* note 33, at 8. The Ministry of Internal Affairs is required to compensate chiefs for their work in the customary legal system, but this rarely happens in practice. *Id.*

⁴¹ CEDAW Mission to Liberia, *supra* note 1, at 7. On the other hand, it should be recognized that there exist cultural practices with positive implications for women. For example, traditional forms of reconciliation among certain groups in Liberia hold the rapist responsible for the cost of treatment for the victim. *See* Resource Center for Community Empowerment and Integrated Development, Traditional Forms of Reconciliation in Liberia 32, 35 (undated) (on file with author).

⁴² Int'l Crisis Group, *supra* note 33, at 15.

⁴³ U.N. Country Team, *United Nations Common Country Assessment for Liberia: Consolidating Peace and National Recovery for Sustainable Development* 21 (June 2006), <http://www.lr.undp.org/CCA%2028%20July%20FINAL%20FULL%20SMALL.pdf>.

⁴⁴ Int'l Crisis Group, *supra* note 33, at 15.

⁴⁵ *Id.* at 9. In 1940, the Supreme Court of Liberia found trial-by-ordeal to be unconstitutional. *Id.* (citing *Tenteah et al v. Republic of Liberia*). The Rules Regulating the Hinterland, however, allow this mechanism providing the suspect's life is not placed at peril. *Id.* (citing Revised Rules and Regulations of the Hinterland, Art. 73).

Outside of the legal context, other cultural practices exist, such as female genital mutilation and levirate marriage,⁴⁶ which have a harmful effect on women. Members of the cabinet and Parliament have expressed ambivalence, however, toward the discontinuation of these traditional practices.⁴⁷ Furthermore, a lack of awareness that discrimination is a violation of human rights and of Liberia's international legal obligations perpetuates the problem of violence against women.⁴⁸

Education and Employment

The gender gap in education has been a problem in Liberia, predating the period of conflict. In 1979, 83 percent of males and 51 percent of females were enrolled in primary school.⁴⁹ By 1986-1988, the statistics for primary education of girls remained more or less the same. Statistics for gross primary enrollment ratio indicated that 82 percent of males and 50 percent of females were enrolled in primary education.⁵⁰ In other words, for every 100 males enrolled in primary education, 61 females were enrolled.⁵¹

"States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education." *Art. 10, Convention on the Elimination of All Forms of Discrimination against Women.* "States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights." *Art. 11, Convention on the Elimination of All Forms of Discrimination against Women.*

In terms of employment, women have traditionally played a central role in Liberia's informal workforce. According to a 1983 U.S. Department of State human rights report, 70 percent of Liberia's population worked in subsistence agriculture.⁵² The report notes that women comprised the major labor force in producing and managing food within the home and for sale in the market.⁵³ Working in the informal sector, while a significant responsibility, poses a number of obstacles to women's economic empowerment. Women in subsistence economies spend much of any given day performing tasks to maintain the household like carrying water, collecting fuel wood, preparing food, care-giving, agricultural production, and taking goods to the market. All of these activities require tremendous obligations but fall outside the scope of regulated labor. According to the U.N. Population Fund, "[p]oor women do more unpaid work, work longer hours and may accept degrading working conditions during times of crisis, just to ensure that their families survive."⁵⁴

"States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of

⁴⁶ CEDAW Mission to Liberia, *supra* note 1, at 9. "Levirate" marriage describes the practice of a man marrying his brother's widow.

⁴⁷ *Id.*

⁴⁸ *See id.* at 11.

⁴⁹ U.S. DEP'T OF STATE, LIBERIA: COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 207 (1983) [hereinafter DEP'T OF STATE COUNTRY REPORTS 1983]. Total primary school enrollment was 67 percent. *Id.*

⁵⁰ U.N. DEVELOPMENT PROGRAMME, HUMAN DEVELOPMENT REPORT 1990, at 152 (1990), <http://hdr.undp.org/en/reports/global/hdr1990/>. The gross enrolment ratio reflects the "number enrolled in a level of education, whether or not they belong in the relevant age group for that level, expressed as a percentage of the population in the relevant age group for that level." *Id.*

⁵¹ *Id.* at 144.

⁵² DEP'T OF STATE COUNTRY REPORTS 1983, *supra* note 49, at 206.

⁵³ *Id.*

⁵⁴ U.N. Population Fund, Women's Work and Economic Empowerment, ¶ 2, <http://www.unfpa.org/gender/empowerment1.htm> (last visited Nov. 25, 2008).

the provisions of the present Convention to women in rural areas." *Art. 14(1), Convention on the Elimination of All Forms of Discrimination against Women.*

Social Norms and de Facto Discrimination

Patriarchal norms and expectations also operate to subordinate women in Liberia. Such social attitudes are reflected in both formal and informal relationships between men and women, as described by statement givers, and help contextualize the violations during the war. For example, one statement giver recounted how she became engaged in 1994 after her fiancé paid a bride dowry for her.⁵⁵ Also, although formal Liberian law prohibits polygyny,⁵⁶ traditional systems still allow this practice.⁵⁷ Cultural norms and tribal rules provide some regulation over polygyny, but even this oversight has diminished considerably in the context of rural-to-urban migration.⁵⁸

In terms of informal relationships, some male statement givers described having children with several women and when asked to provide their names, they delineated between those they acknowledged and those they did not. One interviewee described the problem:

Africans have close and very large families as a result of the custom of polygamy and of the African concept of extended family. My father had children by three women. He was relatively well off before the conflict and his children all lived with him. It is common for men to have sex with multiple women and they often don't take responsibility to care for the children that result...There is a double standard for women and they are often treated deplorably. The women have a hard time caring for children by themselves.⁵⁹

Furthermore, statements revealed that women are often the primary and sole caretakers in households, and many women described difficult family circumstances. Often, they are not married to the fathers of their children and in some cases have sole responsibility for their care.

Under the Convention on the Elimination of All Forms of Discrimination against Women, States Parties are to undertake "all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases." *Art. 5, Convention on the Elimination of All Forms of Discrimination against Women.*

In other instances, the father has left the country to seek other opportunities and ceased providing for his family in Liberia.⁶⁰ In this case, he may be burdened with the responsibility of establishing

⁵⁵ TRC Diaspora Statement Rec. 860.

⁵⁶ "Polygyny" is the practice where a man has multiple wives. Dictionary.com, Definition of polygyny, <http://dictionary.reference.com/browse/polygyny> (last visited June 3, 2009).

⁵⁷ U.S. DEP'T OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2006: LIBERIA (2007).

⁵⁸ Telephone Interview with Dr. Patricia Jabbeh Wesley, Asst. Professor, Pennsylvania State University (Sept. 23, 2008) (noting that the rural-to-urban migration has diminished the influence of customary regulations over this practice as it occurs in the cities).

⁵⁹ TRC Diaspora Statement Rec. 15.

⁶⁰ See, e.g., TRC Diaspora Statement Recs. 980, 1329 and 1415.

himself in a new country or may have simply abandoned the family. A statement giver summarized how his mother, who was impoverished and ill, attempted to seek financial help from his father who had moved to the United States and met another woman:

Because she had little money, my mother asked my father to send us money from the United States. She mailed him messages recorded on cassettes telling him that she was sick and needed help. My father was “putting his life together in the US” and did not send money.⁶¹

Ultimately, his mother died from what the statement giver believed was a lack of proper care and medicine.⁶² Statements revealed particular difficulties for family members who remained behind during the conflict, as they faced economic hardship coupled with the need to escape. One statement giver’s children called their father in the United States at the onset of the war to beg for money so they could flee the rebel advancement.⁶³ The father never responded to their pleas for assistance.⁶⁴ In another case, a statement giver described how the father of her child left her for the United States while she was pregnant.⁶⁵ She described her experience:

The father of this child left me just about a month pregnant and travelled to the U.S. I was quite a teenager and when I contacted him on the issue he decided to write my family to tell them that he was going to marry me. For the past 25 years, he has never talked to me. The only thing he did was he sent for [our child].⁶⁶

Poor governance factors also subjugate women in Liberia. For example, corruption and the abuse of power are closely linked to women’s human rights violations in Liberia. Statements revealed instances of men abusing their positions of authority for purposes of sexual exploitation. A statement giver described how she was accepted into the John F. Kennedy Center in Monrovia to pursue a nursing degree in 1988.⁶⁷ The school’s registrar refused to enroll her until she had sex with him.⁶⁸ He told the young woman that “trading sex for favors was the way to survive in Liberia.”⁶⁹ Eventually, the woman’s brother intervened and convinced the school to register her for classes.⁷⁰

Periods of instability have presented further opportunity to abuse power, exacerbating violence against women. A statement giver described how at the time of the 1979 rice riots she saw soldiers committing abuses against civilians who broke the 7:00 p.m. curfew.⁷¹ She witnessed soldiers rape women who were out past this hour.⁷² If soldiers encountered a man and a woman breaking curfew, she related, “the male would be tortured and sent away, and the woman would be told to have sex

⁶¹ TRC Diaspora Statement Rec. 1329. See also Chapter 13 for more information on diaspora remittances.

⁶² *Id.*

⁶³ TRC Diaspora Statement Rec. 1415.

⁶⁴ *Id.*

⁶⁵ TRC Diaspora Statement Rec. 980.

⁶⁶ *Id.*

⁶⁷ TRC Diaspora Statement Rec. 406.

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ TRC Diaspora Statement Rec. 1444.

⁷² *Id.*

with the soldier (give it up) or be taken to jail.”⁷³ Poor governance, abuse of authority, and other problems demonstrate the broader need for state system reforms to protect women’s human rights.

Gender-Based Violence during the Conflict

The Liberian TRC has a specific mandate to focus on “vulnerable groups.”⁷⁴ In a discussion of women and war, the International Committee for the Red Cross (ICRC) defines vulnerability as “the result of the precarious conditions of existence of individuals, families or communities placed under threat by a brutal change in their environment.”⁷⁵ Importantly, it recognizes that certain social, economic, political, and cultural factors give rise to vulnerability during war.⁷⁶ Discrimination in law and practice, patriarchal attitudes, polygamous family structures, and the abuse of power have acted as subordinating factors for Liberian women. As a result, women’s human rights violations in Liberia long predated the conflict and contributed to the disposition toward widespread use of violence against women during the war.

Gender-based violence constitutes discrimination against women and violates women’s human rights and fundamental freedoms, including:

- (a) The right to life;
- (b) The right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment;
- (c) The right to equal protection according to humanitarian norms in time of international or internal armed conflict;
- (d) The right to liberty and security of person;
- (e) The right to equal protection under the law;
- (f) The right to equality in the family;
- (g) The right to the highest standard attainable of physical and mental health;
- (h) The right to just and favourable conditions of work. ¶ 7, *Committee on the Elimination of Discrimination against Women, General Recommendation 19, Violence against Women.*

The civil war in Liberia increased the violence against women in many forms, particularly sexual violence. Increases in fighting were often accompanied by more rapes. The former U.N. Special Rapporteur on violence against women has explained this phenomenon:

[S]ince women’s sexuality is seen as being under the protection of the men of the community, its defilement is an act of domination asserting power over the males of the community or group that is under attack... Women are particular targets as they are often regarded both as representing the symbolic honour of the culture and being the genetic gatekeepers to the community.⁷⁷

⁷³ *Id.*

⁷⁴ An Act to Establish the Truth and Reconciliation Commission of Liberia (enacted by the National Transitional Legislative Assembly, May 12, 2005), <https://www.trcofliberia.org/about/trc-mandate>, art. IV(4)(e).

⁷⁵ Int’l Committee of the Red Cross, *Women in War: a Particularly Vulnerable Group?* (Jan. 3, 2007), <http://www.icrc.org/web/eng/siteeng0.nsf/html/women-vulnerability-010307>.

⁷⁶ At the same time, the International Committee of the Red Cross notes that women display tremendous strength in surviving adversity and often assume active roles during conflict. Thus, it highlights the importance of framing the issue of vulnerability as a question of “who is vulnerable to what particular risk?” *Id.*

⁷⁷ World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, July 30-Aug. 10, 2001, Review of Reports, Studies, and other Documentation for the Preparatory Committee and the World Conference, ¶¶ 120, 121, U.N. Doc. A/CONF.189/PC.3/5 (July 27, 2001).

The increase in sexual violence against women during conflict is connected to militarization, the absence of traditional societal networks and structures, and the pre-existing factors outlined above.⁷⁸ According to the U.N. Economic and Social Council, evidence indicates that “the militarization process, including the ready availability of small weapons, that occurs prior to and during conflicts, as well as the process of demobilization of often frustrated and aggressive soldiers after a conflict, may also result in increased violence against women and girls.”⁷⁹ In their report, Rehn and Sirleaf describe gender-based violence during armed conflict:

Men and boys as well as women and girls are the victims of this targetting [sic], but women, much more than men, suffer gender-based violence. Their bodies become a battleground over which opposing forces struggle.⁸⁰ Women are raped as a way to humiliate the men they are related to, who are often forced to watch the assault. In societies where ethnicity is inherited through the male line, “enemy” women are raped and forced to bear children. Women who are already pregnant are forced to miscarry through violent attacks. Women are kidnapped and used as sexual slaves to service troops, as well as to cook for them and carry their loads from camp to camp. They are purposely infected with HIV/AIDS, a slow, painful murder.⁸¹

Statements bear witness to the use of Liberian women as a means to inflict revenge and attack the enemy. One rebel, who had just raped a woman, responded to the consternation of an onlooker: “Yes, they did it to our women and I’m going to do it to her.”⁸²

Prevalence of Violence against Women during the Conflict

As seen in conflicts throughout the region and world, sexual violence as a weapon of war is an increasing problem. In 2008, the U.N. Security Council adopted a resolution condemning the use of sexual violence in warfare, noting that sexual violence continues to occur in situations to the point of becoming “systematic and widespread.”⁸³ Wartime sexual violence is not unique to the Liberian context, but rather is a violation increasingly used in conflicts around the world.

Sexual violence was widespread during the Liberian conflict. More than 90 percent of Liberian women in one study reported being subjected to at least one act of sexual abuse during or after the war.⁸⁴ In an earlier controlled study published in the *Journal of the American Medical Association*,

⁷⁸ While some traditional customs may have a negative impact on women’s socio-economic status, other social networks may serve to protect women and promote their welfare. See Karin Helweg-Larsen & Marianne C. Kastrup, *Consequences of Collective Violence with Particular Focus on the Gender Perspective*, 54 DANISH MED. BULL. 155, 155 (2007).

⁷⁹ U.N. Econ. & Soc. Council (ECOSOC), Comm’n on Human Rights, *Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 2000/45: Violence against women perpetrated and/or condoned by the State during times of armed conflict (1997-2000)*, at 57, U.N. Doc. E/CN.4/2001/73 (Jan. 23 2001).

⁸⁰ REHN & JOHNSON SIRLEAF, *supra* note 12, at 12.

⁸¹ *Id.*

⁸² Marie Vah, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).

⁸³ S.C. Res. 1820, Preamble, U.N. Doc. S/RES/1820 (June 19, 2008).

⁸⁴ U.N. Country Team, *supra* note 43, at 22. See also Amnesty Int’l, *Liberia: No Impunity for Rape – a Crime against Humanity and a War Crime* 4, AI Index AFR 34/017/2004, Dec. 14, 2004, (reporting a similar statistic at approximately 60 to 70 percent).

nearly half the Liberian women interviewed indicated they had been physically or sexually abused.⁸⁵ As these statistics demonstrate, the numbers of reported rapes vary and represent only estimates because of a number of factors. First, sexual violence statistics are often extrapolated from the pool of victims who have come forward to seek medical attention for the consequences of rape.⁸⁶ Second, rape and sexual violence are often under-reported for several reasons. Fears of stigma or retaliation may deter victims from coming forward, the death of the victim may preclude reporting, or a victim may believe reporting to be of little utility since the violation is already complete.⁸⁷ While statistics cannot conclusively determine the extent of sexual violence, the empirical evidence nevertheless shows that sexual violence against women and girls was widespread during the Liberian conflict.

Nature of the Sexual Violence

Often, rape and sexual abuse occurred in the context of broader violence and chaos.⁸⁸ Other violations committed concurrently with sexual violence included killings, abduction, beatings, destruction of property, strip searches, binding, mutilation, and torture. Perpetrators carried out these atrocities not only against women, but also against their family members and others present at the time. One statement giver described her experience:

Six or seven rebels attacked our house. The rebels were insulting everyone, pulling everyone outside and beating them. My older daughter was hit on the face and my husband was shot in front of me. The rebels wanted to put me in a car but instead the commander took me back into the house. I tried to refuse him and was cut on my butt with a knife, but I got weak and gave up and the commander raped me. I was then dragged outside again and the rebels put my house on fire. The rebels got in the car and ran away.⁸⁹

Under the Rome Statute of the International Criminal Court, rape constitutes:

- **Genocide**, “committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group,” Art. 6(b);
- **A crime against humanity**, “when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack,” Art. 7(1)(g);
- **A war crime**, “in particular when committed as part of a plan or policy or as part of a large-scale commission of such Crimes.” Art. 8(1).

Many statement givers described how the rapes often involved the death of the victim and/or family members. Statement givers described brutal incidents of aggravated rape accompanied by violations, such as gang-rape and rape with foreign objects. It was not uncommon for a woman to be raped by multiple perpetrators at a given time. In a study of 991 Liberian women and girl victims of violence,

⁸⁵ Shana Swiss et al., *Violence Against Women During the Liberian Civil Conflict*, 279 J. AM. MED. ASS'N 625, 627 (1998).

⁸⁶ Charlotte Lindsey, Int'l Comm. Red Cross, *Women and War: A Special Report*, Mar. 2003, [http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/5KCDYC/\\$File/Women_War_special_report_8-3-03.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/5KCDYC/$File/Women_War_special_report_8-3-03.pdf).

⁸⁷ *Id.*

⁸⁸ Testimony also describes the commission of rapes against women in custody. See, e.g., Marie Vah, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).

⁸⁹ TRC Diaspora Statement Rec. 217.

the International Rescue Committee reported that 376 had been gang-raped.⁹⁰ One statement giver described a particularly brutal attack:

In 2003, I was living in Caldwell with my husband. On June 1, Taylor's boys (NPFL) took over...Rebels wanted our car and took it. They accused me of lying about my husband being Grebo. They stabbed me in the breast and dragged my husband outside and began to cut him. They forced me to carry his private parts and then they cut off his arms. They caught me and four of them raped me. I was three months pregnant and am still having pain from the rapes.⁹¹

Perpetrators also used foreign objects, such as guns, knives, and household objects, to carry out rape.⁹² Another female statement giver described an attack involving a foreign object: “[The rebel] asked for money to buy petrol for his car. I told him I didn't have money. He came back the very next day with his boys and put me at gunpoint, two or three raped me, beat me up and shoved the gun in my vagina.”⁹³ Even everyday objects were used to inflict suffering through rape. One public hearing witness testified how rebels raped her and other detained women using a spoon.⁹⁴

The Rome Statute uses the following definition of rape as a crime against humanity and a war crime:*
“The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body...The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent.” Art. 7(1)(g)-1(1), (2); Art. 8(2)(b)(xxii)-1(1)-(2), *International Criminal Court, Elements of Crimes*.

* These elements are in addition to the specific elements required to constitute a crime against humanity and war crime.

Breaking of Social Taboos

Combatants used rape and other forms of sexual violence to systematically break social taboos. In particular, combatants forced civilians to break sexual norms regarding age and family. Young men were forced to rape their mothers and grandmothers. Men were forced to have sex with their sisters. In addition to inflicting torture on members forced to commit incest, this war tactic had the long-term impact of destroying families. In one case, after National Patriotic Front of Liberia (NPFL) rebels forced a son to rape his mother, the mother sent her son away, telling him “she could never see him again.”⁹⁵

Also, perpetrators broke social taboos by forcing people to perform sexual acts in public. Statement givers reported men forced to have sex with women in front of their children and other family

⁹⁰ Int'l Rescue Committee, Liberia, *Situation Analysis of Gender-based Violence* 11 (Apr. 2004). Clients assisted were from refugee and IDP camps and from the general community. *Id.* at 10.

⁹¹ TRC Diaspora Statement Rec. 386.

⁹² International law prohibits rape using foreign objects as a crime against humanity and a war crime. INT'L CRIMINAL CODE ART. 7(1)(g)-1, ART. 8(2)(e)(vi)-1 (Elements of Crimes).

⁹³ TRC Diaspora Statement Rec. 236.

⁹⁴ Marie Vah, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).

⁹⁵ TRC Diaspora Statement Rec. 467.

members. Men were also forced to watch as rebel forces brutally raped their wives, daughters, and other family members. Such mental abuse provided another tool of torture that perpetrators employed as systematically and deliberately as the actual violations. Rape was thus used not only as a weapon of war against the women who were violated but also as a means to traumatize those forced to witness the rapes. One statement giver described her traumatic experience:

Late one night, about 1:00 [or] 2:00 am, I heard outbursts of gunfire. I, my parents and my three sisters woke up...a group of NPFL fighters...forcefully entered our house. One of them recognized my father and remarked, "These are the people we are looking for." My father was dragged out of the house, laid on the ground and they bound him with a strong rope. His feet and hands were bound. Then one of them said, "We have meat to eat here," and also said to my father, "watch the show." [They brought my sisters and me out.] After we had been brought out of the house they began raping us. I cannot remember what else happened because I blacked out...⁹⁶

Parties to the conflict are prohibited at all times and places from committing "outrages upon personal dignity, in particular humiliating and degrading treatment" against persons taking no part in the hostilities. Art. 3(1)(c), Convention (IV) relative to the Protection of Civilian Persons in Time of War. "[O]utrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault" are prohibited "at any time and in any place." Art. 4(2)(e), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts. Protected persons include those not taking a direct part in or those who are no longer taking part in hostilities. *Id.* at Art. 4(1).

The mental anguish experienced by witnesses to these violations was substantial, even where the victim and observer were unrelated. A public hearing witness described the emotional trauma she experienced firsthand from witnessing perpetrators rape a Ghanaian girl lying on the ground:

And then they took the gun, the sharpness of the gun, and they ram it in her...And they ram it in her. And I'm like, "God, I know by now you have taken her life so there's nothing down there that she's feeling." But to my surprise, she managed to lift her arm up to try to take that gun out of her. And I collapse, knowing that she was still alive and she was feeling that gun being rammed in her.⁹⁷

Rape as Torture

International treaties and caselaw prohibit rape at all times. As an act of torture, rape constitutes a war crime and a crime against humanity. States should take appropriate steps to punish such acts as mandated by international law.

Human rights and humanitarian law prohibit torture, even in times of public emergency or war. *Art. 7, 4(2), International Covenant on Civil and Political Rights; Art. 2(1)-(2), 4, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Art. 7(1)(f), 8(2), Rome Statute, Aydin v.*

⁹⁶ TRC Diaspora Statement Rec. 165.

⁹⁷ Marie Vah, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia at 9 (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).

Turkey, Judgment of 25 Sept. 1997, Eur. Ct. of H.R., *Reports of Judgments and Decisions*, 1997-VI, ¶¶ 83-84; *Fernando and Raquel Mejia v. Peru* (Decision of 1 March 1996), Report No. 5/96, case no 10.970, in *Annual Report of the Inter-American Commission on Human Rights* 1995 OEA/Ser.L/V/II.91 at pp. 182-188. Also, international criminal jurisprudence recognizes that rape constitutes a form of torture both as a crime against humanity and as a war crime. Providing the elements of torture are satisfied, rape constitutes “severe pain and suffering amounting to torture.” *Prosecutor v. Kvočka*, Case No. IT-98-30/1, ¶ 145, Judgment, Nov. 2, 2001 (citing *Celebici* Trial Chamber Judgement, ¶¶ 495-496 and 941-943, *Furundzija* Trial Chamber Judgement, ¶¶ 163, 171, *Akayesu* Trial Chamber Judgement, ¶¶ 597-598). With regard to rape as a crime against humanity, the International Criminal Tribunal for Yugoslavia (ICTY) found that “the presence of a state official or of any other authority-wielding person in the torture process is not necessary for the offence to be regarded as torture under international humanitarian law.” ¶ 496, *Prosecutor v. Kunarac, Kovac, Vukovic*, Case No. IT-96-23&23/1, Judgment, Feb. 22, 2001. Rape also constitutes torture as a war crime. The ICTY has stated, “Rape may also amount to a grave breach of the Geneva Conventions, a violation of the laws or customs of war,” providing the elements of the crimes are met. ¶ 172.

Attempts by other civilians to prevent these rapes often resulted in further violence and killings. One statement giver described how NPFL soldiers raped her in front of her husband and killed him when he tried to rescue her.⁹⁸

Disregard for the Age of Victims

The rape of young girls also reflected the intentional disregard for the age of victims. During the conflict, perpetrators committed sexual violence against victims of all ages. Children younger than ten years old and women older than 50 years suffered from sexual violence.⁹⁹ Perpetrators rape young girls to torture, injure, punish, obtain information, disgrace, humiliate, and break social bonds.¹⁰⁰ Attacking girls both dishonors the community and invalidates any protection their parents provide.¹⁰¹ One statement giver described an attack:

NPFL rebels burst my door in Caldwell and said they were looking for my husband...who was working at the Executive Mansion as chief mechanic. But he wasn't home and I was raped by four men and burnt on my neck with a cigar to force me to take off my clothes. Other men raped my ten-year-old daughter, who was a virgin, right in front of me.¹⁰²

Statements from Liberian women indicate that perpetrators committed rapes against even younger children. A woman described her experience:

I was eight years old when the war came in July 1990. My mother, brother and sister were in Grand Gedeh visiting a friend. Rebels knocked on the door and my father went out and was killed. A

⁹⁸ TRC Diaspora Statement Rec. 127.

⁹⁹ Amnesty Int'l, *supra* note 84, at 8.

¹⁰⁰ Florence Tercier Holst-Roness, Int'l Committee of the Red Cross, *Violence Against Girls in Africa During Armed Conflicts and Crises 9-10* (presented at the Second Int'l Policy Conference on the African Child: *Violence Against Girls in Africa*, Addis Ababa, May 11-12, 2006), [http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/violence-girls-conference-110506/\\$File/International-Policy-Conference.pdf](http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/violence-girls-conference-110506/$File/International-Policy-Conference.pdf).

¹⁰¹ *See generally id.*

¹⁰² TRC Diaspora Statement Rec. 55.

rebel boy came into the house and raped me. I have had problems ever since.¹⁰³

The rape of older women reinforced the breaking of social taboos. Many of the rapists were young males, and according to Liberian culture, rape by a young person was equivalent to rape by one's own child.¹⁰⁴ Statement givers who were older at the time described their own rape or the rape of their mothers.¹⁰⁵ One statement giver who was 45 years old at the time of a gang rape by NPFL child soldiers described her experience:

In March 1990...[an NPFL rebel] came to my house and said that I should bring the gold I have. I told him please sir, I don't have any more gold. When I told him this, he said I should take off my clothes so his boys can have sex with me. As old as I was, his boys (three of them) had sex with me. My husband could not stand it and so he rushed to them and that's how he was shot dead.¹⁰⁶

Targeting Pregnant Women

Perpetrators targeted women who were pregnant. Many statement givers described the practice of rebels finding a pregnant woman, wagering on the sex of the fetus, and then splitting open her stomach to determine the winner of the bet.¹⁰⁷ This practice occurred during raids, at checkpoints, and anywhere rebels found pregnant women. In one case, NPFL troops killed a pregnant woman and her husband:

The woman was at the end of her pregnancy when a group of rebels came to her house and demanded their car. The woman's husband told the rebels that they could not have the car because the woman was about to go into labor any time now and he needed it to take her to the hospital to deliver her baby. The rebels then took the woman, cut her open from the breast bone down to her pelvic bone while she was still alive, bet on the sex of the baby, and then cut the baby out of her uterus. The rebels then proceeded to cut the baby into three pieces and discarded the remains to the side. They then shot her and her husband to death.¹⁰⁸

Combatants are prohibited, at all times and places, from committing "violence to life and person, in particular murder of all kinds" against persons not taking part in the hostilities. *Art. 3(1)(a), Convention (IV) relative to the Protection of Civilian Persons in Time of War.*

¹⁰³ TRC Diaspora Statement Rec. 216.

¹⁰⁴ Ass'n of Female Lawyers of Liberia (AFELL), *Hundreds of Victims Silently Grieving, in WHAT WOMEN DO IN WARTIME: GENDER AND CONFLICT IN AFRICA* 131 (Meredith Turshen & Clotilde Twagiramariya eds., 1998).

¹⁰⁵ TRC Diaspora Statement Rec. 55 (describing statement giver's own rape at age forty); TRC Diaspora Statement Rec. 60 (describing the rape and murder of statement giver's mother when statement giver was age thirty-five); TRC Diaspora Statement Rec. 178 (describing the rape of statement giver's mother when statement giver was age twenty-five).

¹⁰⁶ TRC Diaspora Statement Rec. 496.

¹⁰⁷ Numerous statement givers reported witnessing or learning of the disembowelment of pregnant women to determine the sex of the fetus. *See, e.g.*, TRC Diaspora Statement Recs. 37, 44, 110, 121, 185, 205, 284, 438, 518, 575, 594, 618, 648, 689, 788, 823, 862, 895, 913, 921, 1021, 1102, 1104, 1152, 1302, 1335, 1338, 1340, 1346, 1354, 1388, 1408, 1412, 1413, 1415, 1417, 1478, 1479, 1496, 1507, 1512, 1675, 1681, 1718, 1739. That it was so frequently mentioned by statement givers is suggestive of not only its widespread use, but also its impact.

¹⁰⁸ TRC Diaspora Statement Rec. 1478.

Bush Wives

Some women were kidnapped, systematically raped, and forced to act as “bush wives” of the attacker.¹⁰⁹ In this role, they were forced to cook, clean, bear children, use drugs, and provide sex to the rebels during the conflict. As one statement giver described her sister’s experience as a bush wife, she became the rebel’s “whatever.”¹¹⁰ Another statement giver related her experience as a bush wife:

I was in Liberia until 1995, living in Zwedru. One day, I was sent out to fetch water. The rebels came out of the bush and kidnapped me. I was seventeen years old. I was not sure which rebel group it was. . . . I was forced to become a bush wife and was kept in the camp for a few months. During that time I was forced to work for them and I was raped. When I tried to fight back against the sexual assaults I was slapped and beaten... [A]s a result of my time as a bush wife, I contracted a sexually transmitted infection. I have sought treatment for the infection on numerous occasions, but it is recurrent.¹¹¹

Another statement giver described her abduction by a rebel in 1990. The rebel took her to a large building filled with Krahn children of government workers and numerous women. All were considered “war slaves” and forced to work on a cocoa farm. At night, the rebels would rape the girls and threaten to kill those who resisted.¹¹² As bush wives, victims were not necessarily shielded from more perpetrators, and they were still subject to rape by multiple men.

“Slavery and the slave trade in all their forms” are prohibited “at any time and in any place whatsoever.”
Art. 4(2)(e), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts.

Protected persons include those who are not taking a direct part in or are no longer taking part in hostilities. *Id.* at Art. 4(1).

A public hearing witness also testified about her sister’s experience as a bush wife. Her sister was ten years old when rebels abducted her in 1990. The rebel commander raped her so brutally that she was unable to walk. She bled and was incontinent for three days.¹¹³ For the next 12 years, she was enslaved as a bush wife.¹¹⁴ The witness described the emotional impact of her sister’s abduction on both her sister and the family:

And she said that she lived in this village, ten years old, far away from where her home, didn’t know anybody. And she kept crying and hoping that my father would come back because this is what he had told her, that he was going to come back and get her. But she said she kept waiting. She kept waiting and wondering why isn’t he coming to get her, and nobody came for her.

For twelve years she lived in this village, not knowing where her family was, and we didn’t know, as a family. All we knew was she

¹⁰⁹ *Liberia: Rape Victims’ Voices Not Heard, Aid Workers*, IRIN NEWS, Apr. 7, 2006, <http://www.irinnews.org/report.aspx?reportid=58689>.

¹¹⁰ TRC Diaspora Statement Rec. 1551.

¹¹¹ TRC Diaspora Statement Rec. 154.

¹¹² TRC Diaspora Statement Rec. 451.

¹¹³ Doris Parker, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).

¹¹⁴ *Id.*

was captured. And because someone was killed in that home, we thought she was dead. So for 12 years we thought she was dead, and most of the family members came to the United States.¹¹⁵

The length of time women and girls were forced to serve as bush wives varied. Statements and testimony revealed periods ranging from a few days to 12 years.¹¹⁶ Women and girls were forced to remain as bush wives until they could escape or were liberated.

The following elements must be met for sexual slavery to constitute a war crime in non-international armed conflicts under the Rome Statute:

- “1. The perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty.
2. The perpetrator caused such person or persons to engage in one or more acts of a sexual nature.
3. The conduct took place in the context of and was associated with an armed conflict not of an international character.
4. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.”

Art. 8 (2) (e) (vi)-2, International Criminal Court, Elements of Crimes (citation omitted)

Returning Home

Bush wives have faced social, economic, and emotional challenges in separating from their captors or returning to their communities. They may be unable to return because of the potential stigmatization from their families and communities, lack of economic means, emotional attachments to their commanders, or continued coercion by their captors.¹¹⁷ A public hearings witness from Minnesota described her family’s difficulty in persuading her sister to leave after several years of captivity. The witness recalled, “I remember we’re bribing her; we’ll buy you this; we’ll do this; don’t go back...”¹¹⁸ Not only had the husband’s family kept her baby as a guarantee for her return, but the witness believed she harbored a “Stockholm Syndrome” attachment to her husband, as well.¹¹⁹

Several of the statement givers revealed abuse by peacekeepers and soldiers who bartered necessities for sex. One statement giver reported that his stepmother’s sister “supported the family by dating

¹¹⁵ TRC Diaspora Statement Rec. 154; Doris Parker, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia, at 8 (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).

¹¹⁶ Doris Parker, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).

¹¹⁷ Kyra Sanin, U.C. Berkeley War Crimes Studies Center, Sierra Leone Trial Monitoring Program Weekly Report, Special Court Monitoring Program Update #57, Trial Chamber II - AFRC Trial, at 2 (Oct. 5, 2005), <http://socrates.berkeley.edu/~warcrime/SL-Reports/057.pdf>; see also Office of the Special Representative of the Secretary General for Children and Armed Conflict, The Situation of Girls in War, <http://www.un.org/children/conflict/english/girlsinwar.html> (last visited Nov. 25, 2008); see also Int’l Labour Org., *Red Shoes: Experiences of girl-combatants in Liberia* 66-67 (2005), www.ilo.org/public/english/employment/crisis/download/redshoes.pdf.

¹¹⁸ Doris Parker, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia, at 12 (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).

¹¹⁹ The Stockholm Syndrome is a condition sometimes found among hostages. In this case, both the captives and captors begin to believe they are experiencing similar problems, leading to the development of joint sympathy and a shared identity. David Lloyd Roberts, Int’l Comm. of the Red Cross, *Staying Alive: Safety and Security Guidelines for Humanitarian Volunteers in Conflict Areas* 151-52 (2005), [http://icrc.org/web/eng/siteeng0.nsf/htmlall/p0717/\\$File/ICRC_002_0717.PDF!Open](http://icrc.org/web/eng/siteeng0.nsf/htmlall/p0717/$File/ICRC_002_0717.PDF!Open).

soldiers.¹²⁰ Another statement giver described how she was arrested for five days and forced to have sex with soldiers because they controlled food and shelter.¹²¹ Other statement givers described violations by Economic Community of West African States Monitoring Group (ECOMOG) peacekeepers. One statement giver described how they fled to the ECOMOG base in December 1996. The ECOMOG soldiers “tried to take advantage of the situation” by sexually harassing them and asking refugee girls to show them their breasts.¹²² Other statement givers reported that ECOMOG soldiers committed rapes.¹²³ One statement giver reported that while ECOMOG soldiers were carrying her to the hospital, one of them raped her, resulting in a pregnancy.¹²⁴ Other Liberians recounted how ECOMOG bartered food for sex with the civilians.¹²⁵ One statement giver stated that these peacekeepers “left behind a dispirited nation of violated women and illegitimate children.”¹²⁶

Impunity for Rape

In the few instances where women reported rapes to authorities or commanders, they received no response or, worse, additional threats. One statement giver described how rebels took her and several other women away and raped them repeatedly in 1990.¹²⁷ She contracted a severe infection following the rape, requiring antibiotics for several weeks.¹²⁸ After this incident, the statement giver decided to report the rape:

The rebel who raped me was named Anthony...Anthony was a bodyguard of [a man called] Gio Devil. He was a senior commander in the NPFL (National Patriotic Front of Liberia). My family and I went to report the incident to [Gio Devil]. But he said to me: “You sleep with my boys, and then you come to complain to me?” Shocked at the accusation, I repeated three times, “Me?”¹²⁹

She reported that hearing his response was like “being raped again.”¹³⁰ In another case, a statement giver recounted how she reported an NPFL rebel who beat, bound, and raped her.¹³¹ Her attempt to seek redress resulted in further intimidation by her attacker. She described:

He threatened to kill me if I reported him. Notwithstanding the threat, I still reported the incident to a man...at the Defence Ministry in Monrovia. The [general] was arrested and detained at the Defence Ministry where he again threatened to kill me thereafter. That was the reason why I left Liberia.¹³²

Under the International Covenant on Civil and Political Rights, States Parties are:

¹²⁰ TRC Diaspora Statement Rec. 182.

¹²¹ TRC Diaspora Statement Rec. 1559.

¹²² TRC Diaspora Statement Rec. 1408.

¹²³ TRC Diaspora Statement Recs. 1412 and 974.

¹²⁴ TRC Diaspora Statement Rec. 974.

¹²⁵ TRC Diaspora Statement Recs. 1351 and 1346.

¹²⁶ TRC Diaspora Statement Rec. 1351.

¹²⁷ TRC Diaspora Statement Rec. 163.

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ Jane Samukai, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia, at 12 (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).

¹³¹ TRC Diaspora Statement Rec. 1284.

¹³² TRC Diaspora Statement Rec. 1295.

“(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
(c) To ensure that the competent authorities shall enforce such remedies when granted.” *Art. 2(3), International Covenant on Civil and Political Rights.*

In some cases, the offenders used “African science” or threats of supernatural means to intimidate victims.¹³³ A statement giver described the threats she faced when she sought to find the men who raped her sister while they were refugees in Ghana:

I went back to the market with my sister to try and find out who raped my sister. We went from person to person seeking information, but the community members of Awutu eventually told us that they would set spells on my sister and me if we did not drop the matter.”¹³⁴

Women as Combatants and Saviors

While women experience significant and devastating abuses during war, some also actively engage in many ways during conflicts and play critical roles in reconstruction processes. Elisabeth Rehn and Ellen Johnson Sirleaf explain in their report, “[w]omen are not always victims. They actively work to improve their situation, and they often actively support one side or another in conflict. Given that many conflicts arise out of social and economic inequality, it is not surprising that women take sides in an effort to better their lives, or to protect themselves and their families. Women become combatants, provide medical help, protect and feed armed groups.”¹³⁵

In some cases, female victims took up arms to oppose the forces that brought their attackers.¹³⁶ Statement givers reported seeing female NPFL combatants. Human Rights Watch also reported that girls served as both combatants and helpers with Liberians United for Reconciliation and Democracy (LURD), Movement for Democracy in Liberia (MODEL), and the government forces.¹³⁷ The structure of female units varied across factions. For example, the Women’s Artillery Commandos were all-female units headed by female leaders within the LURD faction.¹³⁸ Likewise, Taylor’s government forces included females, although all-female units were less defined, and girl combatants could be found in men’s battalions.¹³⁹

Statements revealed instances of females perpetrating human rights abuses against both men and women. At times, these women engaged in sexual violence against other women. A female rebel forced a woman to strip naked and lay on the floor before inserting the barrel of her gun into the

¹³³ “African Science,” or “juju,” is defined as “techniques of offence or defense which were rooted in local religious traditions rather than in either Islam or Christianity.” Stephen Ellis, *Mystical Weapons: Some Evidence from the Liberian War*, 31 J. RELIGION IN AFR. 222, abstract (May 2001).

¹³⁴ TRC Diaspora Statement Rec. 511.

¹³⁵ REHN & JOHNSON SIRLEAF, *supra* note 12, at 12-13.

¹³⁶ See, e.g., *Liberia’s Women Killers*, BBC NEWS, Aug. 26, 2003, <http://news.bbc.co.uk/2/hi/africa/3181529.stm>.

¹³⁷ Human Rights Watch, *How to Fight, How to Kill* 29, Feb. 1, 2004, <http://www.hrw.org/en/reports/2004/02/01/how-fight-how-kill>.

¹³⁸ International Labor Organization, *supra* note 117, at 23.

¹³⁹ *Id.* See chapter 9 for more information.

woman's vagina.¹⁴⁰ The female combatant moved the gun around so violently that the woman screamed out of pain.¹⁴¹ While female combatants waged the human rights violations as part of broader war tactics, they also reflected deep-seated traditional attitudes toward women. For example, a public hearing witness described the chattel-like treatment of a bush wife. The commander's wife forced the bush wife to marry her brother, telling her, "Oh, don't you know I know that you're mine?"¹⁴²

Women as combatants represented a shift in traditional gender roles, at times contradicting traditional expectations. Some victims reported looking to these females for help and were taken aback when they instead perpetrated abuses. One statement giver described her experience with a female rebel:

In 1993, my father died. I was then taken to Gbange by a female NPFL member who I thought was going to help me. Instead, [she] destroyed me, letting her boyfriend and other men rape me. She beat me, leaving a mark on my head.¹⁴³

In other instances, women played the role of ally and protector to other women and girls. Another statement giver described how a female NPFL fighter helped her escape after four NPFL fighters raped and abducted her.¹⁴⁴ The female combatant hid her and drove her to the Côte d'Ivoire border using an NPFL car.¹⁴⁵

One statement giver recalled her experience as a bush wife:

I was befriended by an elderly woman, Doreen, in the rebel camp. On August 24, 1995, this older lady was sent to fetch water for the fighters. They trusted her not to run off. We determined to escape together, and on this particular day, we went out to fetch water together. Doreen simply said that she liked me and wanted to help me out. I think that Doreen was feeling sorry for me because I was new and was always crying and was one of the youngest girls to be taken as a bush wife at the camp. Doreen had a bit of money and we were able to get to Ivory Coast. But the rebels were coming back and forth across the border easily so we decided to move on to Ghana.¹⁴⁶

Assistance was not always altruistic, however, and sometimes women harbored other motives. For example, there were accounts of women expecting services in return for their protection. One woman who cooked for Alhaji Kromah's men took care of a teenage girl, but only if she had sex with her son.¹⁴⁷

Finally, civilian women also played roles of protector and caretaker of others. As they fled, many women found children who needed protection and took them out of the country to keep them safe.

¹⁴⁰ TRC Diaspora Statement Rec. 1415.

¹⁴¹ *Id.*

¹⁴² Doris Parker, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia, at 8 (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).

¹⁴³ TRC Diaspora Statement Rec. 215.

¹⁴⁴ TRC Diaspora Statement Rec. 856.

¹⁴⁵ *Id.*

¹⁴⁶ TRC Diaspora Statement Rec. 154.

¹⁴⁷ TRC Diaspora Statement Rec. 1603.

One statement giver described her sons' experience after she became separated from them during an explosion.¹⁴⁸ The 12-year-old boy ran in one direction, where the statement giver's friend took him in and cared for him over the next two years in Kakata. The other three boys, six, seven and eight years of age, walked from Monrovia to Gbarnga without money or food.¹⁴⁹ They met a woman along the way who gave them food and took care of them for one week until they hitched a ride on a truck.¹⁵⁰

Gender-Based Violence in Flight from the Conflict

Many women experienced extreme violence in flight from the conflict. Numerous statement givers reported beatings, rape, and other sexual violence as they fled their homes and the country. Women were particularly vulnerable to violations at checkpoints. One statement giver recounted her experience at a checkpoint when she was 14 years old:

A man took me out of the checkpoint queue and led me to the back of a little hut a short distance away. There, I saw the dead and bloody bodies of a number of young girls and I recall feeling petrified. I did not know what had happened to the girls. The man told me to take off my clothes. I did as I was told and did not ask any questions. After I was raped, the man let me go. I waited until I crossed the checkpoint in Monrovia before crying. I was bleeding. After I crossed the checkpoint, I saw my friends and told them about the rape.¹⁵¹

Border crossings were another place for widespread human rights violations. A statement giver described her attack:

I am the victim. I was raped. I cannot remember the year but it was the last war. [Taylor's rebels] raped me and beat me. It happened at the Liberian border before entering Côte d'Ivoire...They tied my hands at my back and also tied my two legs. They took all my clothes I was wearing from my body. They took me to a place like a kitchen and raped me. More than five of them raped me. They did it because I was alone...My husband who is still missing was not with me. It was me and my two little children.¹⁵²

The consequences of rape were an additional burden for women to bear during their flight. One statement giver described how she was gang-raped by combatants when she was four months pregnant.¹⁵³ She miscarried, but was unable to access treatment as she fled from Liberia.¹⁵⁴ The fetus remained in her uterus until she arrived in Ghana.¹⁵⁵

Displacement

While the Liberian conflict was devastating to the general population, its effects were acutely felt by women. More than 700,000 Liberians found themselves refugees in third countries, including

¹⁴⁸ TRC Diaspora Statement Rec. 522.

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ TRC Diaspora Statement Rec. 1345.

¹⁵² TRC Diaspora Statement Rec. 348.

¹⁵³ TRC Diaspora Statement Rec. 1575.

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

Guinea, Côte d'Ivoire, Sierra Leone, Ghana, and Nigeria.¹⁵⁶ The internally displaced numbered an additional one million Liberians.¹⁵⁷ By the end of the first civil war, very few Liberians lived where they resided before the war began in December 1989.¹⁵⁸ As of 1996, more than 200,000 civilians, out of a population of 2.3 million, had died.¹⁵⁹ The trauma of such widespread family tragedy and dislocation had profound consequences for multiple generations of Liberians. In particular, their displacement and resettlement has had considerable impact, both positive and negative, on Liberian women. Chapter 13 of this report discusses these effects on women living in the refugee camps and in the United States.¹⁶⁰

Impact of Sexual Violence

In particular, the prevalence of sexual violence during the civil war had physical, social, and emotional consequences for Liberian women. As a war tactic, rape attacks both the individual and community through the destruction of familial and societal bonds.¹⁶¹ Rape incidents often culminated in divorce (in 25.8 percent of cases), unwanted pregnancy (15.1 percent), and stigmatization.¹⁶² A frail legal system, insufficient evidence, and social pressures against reporting sexual crimes rendered prosecutions a rarity.¹⁶³ Rape can compel communities to flee, thus eroding informal safeguards against rape and creating a vicious circle.¹⁶⁴ Finally, the fact that statement givers reported physiological and other consequences years and sometimes decades after the attacks demonstrates the far-reaching impact of rape.

Physical Consequences

Unwanted pregnancies were one of the many physical consequences of rape. They forced women and girls to become child-rearers when they may not have been physically, emotionally, or economically prepared. A pregnancy as a result of rape can also lead to stigmatization by community and family members. Multiple rapes and pregnancies may compound the problem for victims. For example, a statement giver described how his daughter had five children, four of whom were borne out of rape.¹⁶⁵ Another statement giver in the refugee camp described her experience:

Some time in June 1990 after NPFL fighters took control of Kakata, a group of them came to our house where they burst my fiancé's head. That resulted in his death. Terrified, I ran to my father's residence where I met another group of the fighters. I met them torturing my family which included my father who they later killed by shooting, and my two brothers. Four of them arrested me and tied my hands at my back. Then they led me behind the house where two of the fighters raped me, set the house on fire, released

¹⁵⁶ U.N. HIGH COMM'R FOR REFUGEES, 2005 UNHCR Statistical Yearbook: Liberia 400-401 (2007) (listing the total number of Liberian refugees in 1996 at 784,008), <http://www.unhcr.org/statistics/STATISTICS/4641be64d.pdf>.

¹⁵⁷ *Id.*

¹⁵⁸ Africa Faith & Justice Network, Action Alert on Liberia (May 9, 1996), <http://www.africaaction.org/docs96/lib9605.1.htm> (last visited Nov. 26, 2008).

¹⁵⁹ Friends of Liberia, Liberia: Opportunities and Obstacles for Peace (Dec. 1996), http://www.africa.upenn.edu/Urgent_Action/apic_122396.html.

¹⁶⁰ See Chapter 13 for further discussion.

¹⁶¹ Swiss & Giller, *Rape as a Crime of War*, 270 J. AM. MED. ASS'N 612-13 (1993).

¹⁶² U.N. Country Team, *supra* note 43, at 22.

¹⁶³ U.S. DEPT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2005: LIBERIA (2006), <http://www.state.gov/g/drl/rls/hrrpt/2005/61577.htm>.

¹⁶⁴ See Shana Swiss & Joan E. Giller, *Rape as a Crime of War*, 270 J. AM. MED. ASS'N 614 (1993) at 613.

¹⁶⁵ Miamen Wopea, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).

me and left...I conceived as a result of the first abuse and gave birth to a boy. The child died at the age of two...During the April 6, [1996] fighting, I was again raped by three NPFL fighters on the Old Road. I again conceived as a result of this gang rape. I gave birth to the child who is now eight years old and with me here in the camp.¹⁶⁶

The sexual violence also left many women unable to bear children. One statement giver described how she had been raped for three weeks by a LURD soldier, resulting in severe reproductive injuries and a hysterectomy. She stated:

I feel so bad that I cannot have more children. This is not how a woman is supposed to be. I still suffer in my stomach from the injury and the operation.¹⁶⁷

In addition to unwanted pregnancy and infertility, other physical consequences of rape include unsafe abortions, various gynecological complications, and sexually transmitted diseases (STDs), such as HIV. For example, one statement giver described how Krahn rebels raped her 11-year-old half-sister in front of their family and infected her with gonorrhea.¹⁶⁸ Rates of STDs for Liberian women, particularly former fighters and bush wives, remain generally unknown since shame often prevents them from publicly seeking any treatment or reporting diseases related to their victimization.¹⁶⁹ A “culture of silence” exists for victims of sexual violence because, as Belinda Bernhard suggests, “[w]omen and girls who have been raped or suffered sexual abuse are reluctant to admit they have been victimized (even to their own families) for fear that they will be victimized again by the stigma attached to rape and sexual abuse.”¹⁷⁰

Women also suffer the long-term physical consequences of other forms of violence. One statement giver described how rebels kicked her stomach and rendered her unconscious when she was five months pregnant.¹⁷¹ She miscarried three days later.¹⁷² To this day, she reported she has “horrible” premenstrual pain and loses large clots of blood.¹⁷³

Psychological Consequences

The psychological effects of rape are both short-term and long-term.¹⁷⁴ Following an incident, women often feel what Shana Swiss and Joan E. Giller describe as “shock, a fear of injury or death that can be paralyzing, and a sense of profound loss of control over one’s life.”¹⁷⁵ Longer-term effects include “persistent fears, avoidance of situations that trigger memories of the violation, profound feelings of shame, difficulty remembering events, intrusive thoughts of the abuse, decreased ability to respond to life generally, and difficulty reestablishing intimate relationships.”¹⁷⁶

¹⁶⁶ TRC Diaspora Statement Rec. 198.

¹⁶⁷ TRC Diaspora Statement Rec. 1602.

¹⁶⁸ TRC Diaspora Statement Rec. 1408.

¹⁶⁹ See Belinda Bernard, et al., Development Alternatives, Inc., *Assessment of the Situation of Women and Children Combatants in the Liberian Post-Conflict Period and Recommendations for Successful Integration* 86, Dec. 2003 (prepared for USAID), http://pdf.usaid.gov/pdf_docs/PNACY688.pdf.

¹⁷⁰ *Id.*

¹⁷¹ TRC Diaspora Statement Rec. 741.

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ Swiss & Giller, *supra* note 161, at 614 (citations omitted).

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

These feelings are manifested in such conditions as anxiety, depression, disturbed sleep, loss of self-esteem, sexual dysfunctions, suicide, stomach aches, headaches, back pain, and behavioral and eating disorders.¹⁷⁷ A high percentage of victims report post-traumatic stress disorder (PTSD), or “rape trauma syndrome,” which is the multitude of emotional responses to the sexual assault, including hopelessness, loss of control, phobias, anger, and guilt.¹⁷⁸ Treatment is difficult because some African cultures may not describe these symptoms in a psychological framework but rather as phantom physical complaints. Furthermore, rape trauma during the conflict was intensified by a backdrop of other psychological trauma stemming from the loss of loved ones, home, and community displacement, as well as prevailing infirmities and injuries.¹⁷⁹

Statements revealed the severe short-term and long-term emotional consequences for victims of sexual violence. A public hearing witness described the shock and trauma immediately following a rape by an NPFL rebel:

After the pickup pulled away, I stood in the dark crying, reflecting on the ordeal. I didn’t know what to do. What came to mind was to commit suicide because I felt that I could not face my fiancé and the rest of the family to talk about the horrible experience. I could not face the community because there was going to be lots of talk about my being raped. It wasn’t easy, but I had to pull myself together and find a way out of the dark because I didn’t know if they would come back.¹⁸⁰

She also described her fear of social contact and leaving the safety of her home in the months afterward. She was afraid to see anyone because a fear of the rebels consumed her.¹⁸¹ Her family persuaded her to begin working outside the home after a couple of months.¹⁸² Although her family accompanied her on her walk to work, the emotional trauma was very difficult for her to bear:

Fear penetrated me every morning after work and every night. It was a horrible experience, like a nightmare that would never go away. And because of this, I wasn’t regular at work. The trauma was too much.¹⁸³

Statements also described the long-term psychological consequences of rape. A statement giver described the outcome after combatants forced his uncle to rape his eight-year-old daughter. Although the girl survived the rape, she became “mentally unhinged.” By the age of 12, she died.¹⁸⁴ In another case, a statement giver described a woman who had been raped by ten of Charles Taylor’s

¹⁷⁷ The Advocates for Human Rights, Health Consequences of Sexual Assault, http://www.stopvaw.org/Health_Consequences_of_Sexual_Assault.html (last visited Nov. 26, 2008) (citation omitted).

¹⁷⁸ Ivana Bacik et al., Dublin Rape Crisis Centre, *The Legal Process and Victims of Rape: A comparative analysis of the laws and legal procedures relating to rape, and their impact upon victims of rape, in the fifteen member states of the European Union* 27, Sept. 1998, <http://www.drcc.ie/report/rapevic.pdf>.

¹⁷⁹ See Swiss & Giller, *supra* note 159.

¹⁸⁰ Jane Samukai, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia, at 10 (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).

¹⁸¹ *Id.*

¹⁸² *Id.*

¹⁸³ *Id.*

¹⁸⁴ TRC Diaspora Statement Rec. 1388. It was not clear to the statement giver with which armed faction the combatants were affiliated. *Id.*

rebels. The woman “never recovered psychologically and had begun to sleep with so many men that people had regarded her as if she was a prostitute.”¹⁸⁵ In one example, a woman was gang-raped in her village in the early 1990s when she was 12 years old. The injuries caused were so severe that she continued to suffer gynecological problems. She described these long-term effects of the rape as prohibiting her from developing normal relationships with men.¹⁸⁶

In other cases, the trauma is so difficult for victims that they would prefer never to speak of it. One statement giver who was raped at the age of 14 summarized:

I do not like to talk about the rape and, apart from telling friends who were at the checkpoint with me, I have only ever told a support worker here in England. I don't want any counseling or other support because I want to move on and forget the terrible memories.¹⁸⁷

Social Consequences

The social consequences of rape often compound the physical and psychological consequences of rape. Survivors face stigmatization by family and community, familial disintegration, alienation, and social retreat.¹⁸⁸ It is often difficult for victims to resume their relationships with intimate partners and friends.¹⁸⁹ In some cases, a rape would fracture a family as the victim chose to cut off all ties. One statement giver described how rebels raped his eldest daughter. She was so ashamed that she fled from the village. It was not until much later that the statement giver discovered his daughter had made her way to the United States.¹⁹⁰ Another statement giver described the stigmatization she faced from her community and fiancé following a rape:

Everybody in the school and in the community knew that I was raped. The Liberian community is very small and tight-knit. I felt ostracized, could not go to any social activities, and just wanted to die. In addition, my fiancé blamed me for being raped. He told me I should have resisted more fiercely. But I said it was impossible to resist because my hands were tied, and the rebels were all armed with guns. Later, I became pregnant...I am convinced this was my fiancé's child. But my fiancé blamed the child, and thought that it was the result of the rape, and pressured me to terminate my pregnancy. I refused, and now my daughter is sixteen-years-old. Although my fiancé and I eventually got married, our marriage fell apart because of the rape, because my husband kept blaming me, and also because I could not have a normal sexual relationship.¹⁹¹

Services Available to Women

Liberian women, both in Liberia and in the diaspora, still face many challenges resulting from the long-term effects of the conflict. Women in Liberia face challenges in accessing the health care needed to address the physical consequences of sexual violence. The United Nations describes

¹⁸⁵ TRC Diaspora Statement Rec. 1467.

¹⁸⁶ TRC Diaspora Statement Rec. 531.

¹⁸⁷ TRC Diaspora Statement Rec. 1345.

¹⁸⁸ Amnesty Int'l, *supra* note 84, at 26 (reporting a similar statistic at approximately 60 to 70 percent).

¹⁸⁹ See Swiss & Giller, *supra* note 161, at 614 (citations omitted).

¹⁹⁰ TRC Diaspora Statement Rec. 1302.

¹⁹¹ TRC Diaspora Statement Rec 163.

Liberia's health facilities as among the worst in the world, making it rare that a victim will receive adequate treatment following an episode of sexual violence.¹⁹² The mental health services that are needed to address these issues are also extremely limited in Liberia. As Liberia recovers, the health sector and civil society organizations must be strengthened, and they must pay particular attention to the long-term impact of the war on women.

Women in the refugee camps also have particular difficulty with the long-term effects of sexual violence. According to a survey of Liberian women in refugee camps in Sierra Leone, 98 percent who were victims of rape needed medical treatment for the physical injuries and sexually transmitted infections resulting from the rapes.¹⁹³ Many women reported ongoing gynecological problems as a result of rapes that occurred both in Liberia and in Buduburam. At the time statements were taken at Buduburam, there were only two doctors for the nearly 38,000 residents of the camp. As a result, many women have not gotten proper medical treatment to address these problems.

Status of Women in Liberia Today

Despite the brutality of the conflict, some improvements in the social status of women are perceptible in post-conflict Liberia. The war may have diminished certain harmful traditional practices by weakening the systems that facilitated them. For example, the conflict may have undermined the secret societies that performed female genital mutilation, though that practice is once again on the rise.¹⁹⁴

Women have made progress in the political sphere since the conflict ended. In 2006, Ellen Johnson Sirleaf became the first elected female president in Africa. Her inaugural speech stressed women's rights as a top priority.¹⁹⁵ Thirty-one percent of the cabinet and 14 percent of the legislature are composed of women; by comparison, 16.3 percent of the 110th U.S. Congress is female.¹⁹⁶ After the conflict, the government began actively recruiting women into its new armed forces, a process previously open only to men.¹⁹⁷ While women have encountered economic and educational obstacles to their advancement, they have begun to join the ranks of Liberia's most central institutions. Also, new legislation and government policies, including an amended rape law, offer greater protection and opportunities for women and girls.¹⁹⁸ In March 2008, the Liberian Government created a new criminal court to specifically handle cases of rape and other acts of violence against women.¹⁹⁹ In addition, the Act to Govern the Devolution of Estates and Establish the Rights of Inheritance for

¹⁹² See Amnesty Int'l, *The Wire: Peace Requires Justice for Women and Girls in Liberia* 35, AI Index NWS 21/001/2005, Feb. 1, 2005. See Current Country Conditions section.

¹⁹³ Allison Torbet, *Needs Assessment of Liberian Rape Survivors in Refugee Camps in Sierra Leone*, AFR. LEGAL AID QUARTERLY (Africa Legal Aid, Accra, Ghana) (2006).

¹⁹⁴ DEP'T OF STATE COUNTRY REPORTS 2005, *supra* note 161.

¹⁹⁵ See <http://www.emansion.gov.lr/content.php?sub=Inauguration&related=Major%20Speeches>.

¹⁹⁶ U.N. Country Team, *supra* note 43, at 22 (citing WIPNET & WANEP, Women's National Agenda for Peace, Security and Development in Post-War Liberia (March 30, 2006)). See also Center for American Women and Politics, Fact Sheet: Women in Elective Office 2008 (Oct. 2008), http://www.cawp.rutgers.edu/fast_facts/levels_of_office/documents/elective.pdf.

¹⁹⁷ Jonathan Paye-Layleh, *Liberia Begins Recruiting Women Into Post-War Army*, MAIL & GUARDIAN ONLINE, June 5, 2006,

http://www.mg.co.za/articlePage.aspx?articleid=273693&area=/breaking_news/breaking_news__africa/.

¹⁹⁸ THE ADVOCATES FOR HUMAN RIGHTS & DORSEY & WHITNEY LLP, LIBERIA IS NOT READY: 2009 21 (2009).

¹⁹⁹ LIBERIA: *Special Court for Sexual Violence Underway*, IRIN NEWS, Mar. 21, 2008, <http://www.irinnews.org/Report.aspx?ReportId=77406>.

Spouses of Both Statutory and Customary Marriages addresses the practice of regarding widows as property by conferring upon women the right to an inheritance.²⁰⁰

Civil society organizations play an important role in advocating for women's human rights. Women's organizations gained prominence through their efforts in the peace process during and after the war, staging peaceful demonstrations, mediating between warring factions, and promoting sophisticated agendas at diplomatic delegations.²⁰¹ Following the establishment of the 1990 interim government, women were instrumental in forming organizations to help war victims.²⁰² The Liberian Women's Initiative, an umbrella group of religious and social organizations, advocated a permanent solution to the conflict rather than an interim government at the 1994 Liberian National Conference.²⁰³ Today, Liberia's civil society, concentrated in urban areas, provides a counterweight to discriminatory practices by promoting women's rights.²⁰⁴ Non-governmental organizations in Liberia currently work on issues relating to violence against women, skills training, HIV/AIDS, and the rule of law.²⁰⁵ Organizations advocating against female genital mutilation, however, are few.²⁰⁶

U.N. Security Council Resolution 1325 on Women, Peace and Security “[c]alls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia: (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction; (b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements; (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary.”

While these important efforts are resulting in progress for women, there remain many disparities between men and women in Liberian society that continue to harm women. Prevailing cultural, historical, political, legal, and economic forces make gender inequality a daily reality for many women.²⁰⁷ Many of these conditions existed prior to the conflict and continue today. For example, although some non-governmental organizations and inter-governmental organizations in Liberia currently address violence against women, criminal proceedings against offenders are rare.²⁰⁸ The lack of prosecutions not only leaves the violence unaddressed but also adds a long-term imprint of impunity.

The pivotal role women play in household earning, childrearing, education, and social cohesion indicates that the continued subordination of women hinders Liberia's recovery from the war.²⁰⁹ Economically, Liberian women remain in an inferior position to men. Liberia's high unemployment

²⁰⁰ U.N. Country Team, *supra* note 43, at 21.

²⁰¹ AFRICAN WOMEN PEACE AND SUPPORT GROUP (AFPSG), LIBERIAN WOMEN PEACEMAKERS: FIGHTING FOR THE RIGHT TO BE SEEN, HEARD AND COUNTED 22-37 (2004).

²⁰² *Id.* at 9.

²⁰³ Ass'n of Female Lawyers of Liberia, *supra* note 102, at 133.

²⁰⁴ See CEDAW Mission to Liberia, *supra* note 1, at 10.

²⁰⁵ *Id.*

²⁰⁶ *Id.*

²⁰⁷ See U.N. Country Team, *supra* note 43, at 19.

²⁰⁸ See U.N. Population Fund, Panel Discussion, Addressing Sexual Violence in Liberia, Follow-up Event to the International Symposium on Sexual Violence in Conflict and Beyond 9 (Dec. 6, 2006), http://www.unfpa.org/emergencies/symposium06/docs/report_6december.pdf (from discussion by Annie Jones Demen, Deputy Minister of Gender and Development, Liberia).

²⁰⁹ U.N. Country Team, *supra* note 43, at 21.

rate often forces women to turn to transactional sex for subsistence income²¹⁰ or for money for tuition fees.²¹¹ Women continue to constitute the majority of Liberia's subsistence farmers.²¹² Approximately 80 percent of subsistence agriculture output is produced by women.²¹³ Conversely, women accounted for only 11.4 percent of non-agricultural wage employment in 1999.²¹⁴ The informal sector continues to be an important source of income for many women in Liberia; approximately one-third of women-headed households depend on the informal sector as their primary revenue source.²¹⁵ Women also make up a significant percentage of small-scale market traders. Formal employment, which is comparatively rare for women, is concentrated in traditionally female-dominated professions, such as nursing, teaching, and the clerical professions, which offer few avenues for advancement.²¹⁶

²¹⁰ U.N. Population Fund, *supra* note 208, at 9 (summary of presentation by Mandy Marsh, Programme Coordinator, Christian Children's Fund, Liberia).

²¹¹ *Liberia: Study Finds Many Girls Selling Bodies to Pay for School*, IRIN NEWS, Sept. 6, 2005, <http://www.irinnews.org/report.aspx?reportid=56186>.

²¹² CEDAW Mission to Liberia, *supra* note 1, at 14.

²¹³ U.N. Div. on the Advancement of Women, *Liberia, Response to the Questionnaire to Governments on Implementation of the Beijing Platform for Action (1995) and the Outcome of the Twenty-Third Special Session of the General Assembly*, 13 (2000), <http://www.un.org/womenwatch/daw/Review/responses/LIBERIA-English.pdf>.

²¹⁴ Rep. of Liberia, Millennium Development Goals Report 20 (2004).

²¹⁵ U.N. Div. on the Advancement of Women, *supra* note 211. In comparison, 18.2 percent of male-headed households depend on the informal sector as their main source of income. *Id.*

²¹⁶ See U.N. Country Team, *supra* note 41, at 21.

Recommendations

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Women's Human Rights

Women in Liberia experienced violence and other forms of discrimination as a result of their sex, prior to, during, and after the conflict. Many women spoke to the TRC about the structural societal constraints that impact their lives in Liberia. But women also play powerful social, economic, political, and other roles in Liberian culture. Ensuring their safety, health, participation, and empowerment in all aspects of Liberian society will be essential to developing the full potential of the Liberian nation in the post-conflict era. The Government of Liberia has ratified Convention on the Elimination of All Forms of Discrimination against Women and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and is therefore bound to the obligations set forth in those treaties. The Government of Liberia has signed, but not ratified, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

Making a commitment to women's human rights through international instruments is an important component of protecting and empowering women in Liberia. Accordingly, The Advocates recommends that the Government of Liberia:

- Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- Dedicate appropriate and sufficient resources to submit all due and overdue periodic reports to the Committee on the Elimination of All Forms of Discrimination against Women;
- Dedicate appropriate and sufficient resources to submit a report describing the legislative and other steps taken to achieve the rights set forth in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.¹

The international treaties and declarations discussed above provide a guiding framework for the promotion and protection of women's human rights in Liberia. In addition, many of the issues pertinent to women's human rights intersect with other recommendations that are described elsewhere in this report. The Advocates makes the following recommendations:

¹ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa art 26(1), CAB/LEG/66.6 (Sept. 13, 2000), entered into force Nov. 25, 2005.

Women's Human Rights: Ending Violence against Women

- The Government of Liberia should condemn violence against women as defined in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and in the Convention on the Elimination of All Forms of Discrimination against Women. Specifically, "violence against women means all acts perpetrated against women which cause or could cause them physical, sexual, psychological, or economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war."²
- The Government of Liberia should "take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."³
- The Government of Liberia should work toward the full implementation of the measures outlined in article 4 of the U.N. Declaration on the Elimination of Violence Against Women, specifically:
 - Exercise due diligence to prevent, investigate, and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons;
 - Develop penal, civil, labor, and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence; women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered; States should also inform women of their rights in seeking redress through such mechanisms;
 - Consider the possibility of developing national plans of action to promote the protection of women against any form of violence, or to include provisions for that purpose in plans already existing, taking into account, as appropriate, such cooperation as can be provided by non-governmental organizations, particularly those concerned with the issue of violence against women;
 - Work to ensure, to the maximum extent feasible in the light of available resources and, where needed, within the framework of international cooperation, that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counseling, and health and social services, facilities and programs, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation;
 - Include in government budgets adequate resources for activities related to the elimination of violence against women;
 - Take measures to ensure that law enforcement officers and public officials responsible for implementing policies to prevent, investigate and punish violence against women receive training to sensitize them to the needs of women;

² *Id.* art. 1(j).

³ Convention on the Elimination of All Forms of Discrimination against Women art. 6, G.A. Res. 34/180, U.N. Doc. A/34/46, *entered into force* Sept. 3, 1981.

- Adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices, and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women;
- Promote research, collect data, and compile statistics, especially concerning domestic violence, relating to the prevalence of different forms of violence against women and encourage research on the causes, nature, seriousness and consequences of violence against women and on the effectiveness of measures implemented to prevent and redress violence against women; those statistics and findings of the research will be made public; and
- Encourage the development of appropriate guidelines to assist in the implementation of the principles set forth in the U.N. Declaration on the Elimination of Violence Against Women;

Potential Implementation Strategy: Self-sustaining Shelters for Victims of Violence against Women

In Bulgaria, the organization Center Open Door provides legal and other assistance to women victims of violence. The Municipality of Pleven gave permission to the shelter to operate economic activities. The laundry service run by Open Door Center enables it to generate revenue that is re-invested into providing assistance to women victims of violence. This model enables the group to maintain a self-sufficient shelter for victims of violence that is not dependent on external funding from the governmental or international sources.⁴

Potential Implementation Strategy: Gender Mainstreaming in Government-funded Programs

The Government of Liberia may wish to consider mainstreaming actions to combat violence against women into its government funded programs, projects, or loans. For example, the Inter-American Development Bank has developed loan practices that integrate gender concerns into its projects. When making loans that relate to citizen security, the relevant projects have included: funding to raise awareness on domestic violence; funding for training of police and judges on issues of domestic violence; funding that enables government security information systems that contain relevant and accurate data on domestic violence; and funding to women’s non-governmental organizations with expertise in the area of domestic violence.⁵

Women’s Human Rights: Anti-discrimination Measures

Discrimination against women is pervasive in Liberia. As outlined in article 1 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, discrimination against women means any distinction, exclusion, or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment, or the exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres of life. In order to begin to address the problem of discrimination against women in Liberia, the Government of Liberia should undertake to fully

⁴ Best practice from Pleven – maintaining a self-sustainable shelter, posting of Liliya Sazonova to StopVAW, http://www.stopvaw.org/Best_practice_from_Pleven_maintaining_a_self-sustainable_shelter.html (Oct. 26, 2005, 7:40 AM CST).

⁵ CAREN GOWAN ET AL., U.N. MILLENNIUM PROJECT, TAKING ACTION: ACHIEVING GENDER EQUALITY AND EMPOWERING WOMEN 120 (2008)).

implement the provisions of the Protocol and of the Convention on the Elimination of All Forms of Discrimination against Women.

- In order to comply with article 2 of the Convention on the Elimination of All Forms of Discrimination against Women and the Protocol, the Government of Liberia should:
 - Support efforts to include specific language embodying the principle of equality between men and women in the national constitution;
 - Adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
 - Ensure that public authorities and institutions shall act in conformity with this obligation;
 - Take appropriate measures to eliminate discrimination against women by any person, organization, or enterprise; and
 - Take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs, and practices that constitute discrimination against women.

Beijing Platform for Action: Twelve Areas of Concern

The Beijing Platform for Action reaffirms that the rights of women and girls are an “inalienable, integral and indivisible part of universal human rights.”⁶ The Platform for Action calls upon governments to take action in twelve areas of concern. The Advocates recommends that, when designing national policies and programs to address women’s human rights, that the Government of Liberia take into account these critical issues:

- The persistent and increasing burden of poverty on women
- Inequalities and inadequacies in and unequal access to education and training
- Inequalities and inadequacies in and unequal access to health care and related services
- Violence against women
- The effects of armed or other kinds of conflict on women, including those living under foreign occupation
- Inequality in economic structures and policies, in all forms of productive activities and in access to resources
- Inequality between men and women in the sharing of power and decision-making at all levels
- Insufficient mechanisms at all levels to promote the advancement of women
- Lack of respect for and inadequate promotion and protection of the human rights of women
- Stereotyping of women and inequality in women’s access to and participation in all communication systems, especially in the media
- Gender inequalities in the management of natural resources and in the safeguarding of the environment
- Persistent discrimination against and violation of the rights of the girl child.⁷

⁶ Beijing Declaration and Platform for Action, Fourth World Conference on Women, 15 September 1995, A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995), Ch. III, ¶ 2

⁷ *Id.* ¶ 44.

- The Government of Liberia should “prohibit and condemn all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognized international standards.”⁸ The Government of Liberia should take all necessary, appropriate, and effective measures to eliminate harmful traditional practices, which measures may include increasing public awareness about the harmful traditional practices, providing assistance (such as health, legal, judicial, emotional support, and vocational training) to victims of harmful practices, and protecting women at-risk of harmful practices.⁹
- The Government of Liberia should prohibit and take appropriate steps to eliminate the practice of female genital mutilation.¹⁰ Such steps could include data gathering and dissemination, involving public figures and community leaders in shifting societal attitudes toward eliminating this practice, use of educational and training programs, and incorporation of appropriate strategies in national health policies.¹¹

Potential Implementation Strategy: De Jure Protection of Women’s Rights in Marriage

When drafting or modifying legislation to eliminate discrimination against women, the Government of Liberia may wish to consider Mozambique’s Family Law (2005) as a potential model for women’s protecting human rights in marriage. Some of the measures that the Family Law codifies include the following:

- Raising the minimum age of marriage for girls to 18
- Permitting women to seek divorce in cases of domestic violence or infidelity
- Legally recognizing customary or non-formal traditional marriages
- Ensuring the right of women to create and enforce prenuptial agreements
- Protecting the right of women to work outside the home without the permission of a husband or male relative
- Ensuring the right of women to buy, own, and manage property or other financial assets
- Promoting the sharing of authority as head of household between men and women.¹²

- The Government of Liberia should ensure the protection of the human rights of widows by, among other things, ensuring that: 1) they are not subject to inhuman, humiliating, or degrading treatment; 2) upon a husband’s death, the widow becomes the guardian and custodian of her children subject to the best interest of the child; 3) a widow has the right to remarry a person of her choosing; and 4) widows have the “right to an equitable share in the inheritance” of the husband’s property including continued residence in the matrimonial home.¹³
- The Government of Liberia should ensure the elimination of discrimination against women in all matters relating to marriage and family relations.¹⁴

⁸ Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa art 5, CAB/LEG/66.6 (Sept. 13, 2000), entered into force Nov. 25, 2005.

⁹ *Id.* art. 5.

¹⁰ *Id.* art. 5(b).

¹¹ U.N. Committee on the Elimination of All Forms of Discrimination against Women, Gen. Rec. 14 ¶ a-c, <http://www.un.org/womenwatch/daw/cedaw/recommendations/index.html>.

¹² Oxfam Int’l, *Balancing Culture, New Law in Mozambique*, Feb. 2006, http://www.oxfam.org/en/programs/development/safrica/mozambique_family_law.

¹³ Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa art 20, 21, CAB/LEG/66.6 (Sept. 13, 2000), entered into force Nov. 25, 2005.

¹⁴ Convention on the Elimination of All Forms of Discrimination against Women art. 16, G.A. Res. 34/180, U.N. Doc. A/34/46, *entered into force* Sept. 3, 1981.

- The Government of Liberia should ensure national laws comply with standards set forth in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, including setting forth a minimum age of eighteen years to marry, encouraging of monogamous marriages and the promotion and protection of women's rights in polygamous marriages, and providing for the written registration of all marriages for purposes of legal recognition.¹⁵

Potential Implementation Strategy: Long-distance Skills Training

The Gobi Women's project, which took place in Mongolia, broadcasted radio programs as a means of providing informal skills training to women long-distance. The topics, based on a needs assessment conducted in coordination with communities, included survival tools (making saddles, boots, etc., producing wool), health issues (family planning, first aid, nutrition), and commercial skills (price negotiating, handling money). Programs were broadcast twice a week, at times most convenient for the women. If women were unable to tune in at that time, learning centers offered tapes of the program. Visiting teachers would come and answer any questions; guidance booklets were also provided.¹⁶

- The Government of Liberia should ensure that women in traditional marriages not recognized by formal legal systems are guaranteed equality with men in the family and the sharing of earnings and property.¹⁷ The Government of Liberia should ensure that laws protect and enforce a woman's right to choose when, if, and whom she will marry.¹⁸
- The Government of Liberia should take appropriate measures to ensure the enjoyment by rural women of the rights under the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and article 14 of the Convention on the Elimination of All Forms of Discrimination against Women, specifically ensuring their right to:
 - participate in the elaboration and implementation of development planning at all levels;
 - have access to adequate health care facilities, including information, counseling and services in family planning;
 - benefit directly from social security programs;
 - obtain all types of training and education, formal and non-formal, including functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

Potential Implementation Strategy: Diesel-powered Multifunctional Platforms

Rural women suffer a tremendous burden with respect to fuel collection – in terms of time, health, safety, and other issues. In Mali, the UN Industrial Development Organization and the International Fund for Agricultural Development developed diesel-powered multifunctional platforms to reduce the burdens on

¹⁵ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa art 6(b)-(d), CAB/LEG/66.6 (Sept. 13, 2000), entered into force Nov. 25, 2005.

¹⁶ Using non-formal distance education to give marginalized groups the tools to survive, <http://www.newtactics.org/en/tactics/using-non-formal-distance-education-give-marginalized-groups-tools-survive> (July 11, 2003).

¹⁷ U.N. Committee on the Elimination of All Forms of Discrimination against Women, Gen. Rec. 21 ¶ 18, <http://www.un.org/womenwatch/daw/cedaw/recommendations/index.html>.

¹⁸ *Id.* ¶ 16.

rural women.¹⁹ The platforms included a diesel engine that supplied power that assisted with labor-intensive work such as agricultural processing, welding, water pumping, and electricity.²⁰ The Government of Liberia may want to consider implementing similar labor-saving energy services/devices to help reduce the onus of acquiring fuel. Additionally, the program in Mali further advanced women's rights by involving women in the design, management, and implementation of the project of establishing the platform.²¹ Such involvement placed women in decision-making positions and allowed them to give input on the project.

- organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment; and
- have access to agricultural credit and loans, marketing facilities, appropriate technology, and equal treatment in land and agrarian reform as well as in land resettlement schemes.

Women's Human Rights: Access to Justice, Equal Protection of the Law and Right to a Remedy

In order to ensure true equality for women in Liberia, women must stand equal before the law.²² The Advocates recommends the following:

- The Government of Liberia should accord to women, in civil matters, a legal capacity identical to that of men as well as the same opportunities to exercise that capacity. In particular, the government should give women equal rights to enter into contracts and to administer property and should treat them equally in all stages of procedure in courts and tribunals.
- The Government of Liberia should implement a national policy that all contracts and all other private instruments of any kind with a purported legal effect of restricting the legal capacity of women shall be deemed null and void.
- The Government of Liberia should accord to men and women the same rights relating to the movement of persons and the freedom to choose their residence and domicile.
- The Government of Liberia should take steps to increase women's access to free legal aid throughout Liberia.²³

Potential Implementation Strategy: Training Paralegals to Raise Awareness

A Rwandan association, *Haguruka*, has organized training sessions for hundreds of paralegals who can educate and guide women on their rights with respect to property and other issues.²⁴ The Government of

¹⁹ Caren Gowan et al., U.N. Millennium Project, *Taking Action: Achieving Gender Equality and Empowering Women* 73 (2008)).

²⁰ *Id.*

²¹ *Id.*

²² Convention on the Elimination of All Forms of Discrimination against Women, *supra* note 3, art. 15.

²³ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa art 8(b), CAB/LEG/66.6 (Sept. 13, 2000), entered into force Nov. 25, 2005.

²⁴ Catherine Newbury & Hannah Baldwin, *Confronting the Aftermath of Conflict: Women's Organizations in Postgenocide Rwanda*, in *WOMEN AND CIVIL WAR: IMPACT, ORGANIZATIONS AND ACTION* 97, 107-08 (Krishna Kumar ed., 2001).

Liberia may wish to consider facilitating similar resources to educate women and men on the rights of women and the recourses available where such rights have been violated.

Women's Human Rights: Economic Empowerment

In order to fully participate in Liberian society, women must have equal opportunities in the area of work, professional advancement, and economic opportunities.²⁵ The Advocates recommends the following:

- The Government of Liberia should promote equality of access to employment;
- The Government of Liberia should recognize and enforce the right to equal remuneration for jobs of equal value for women and men;
- The Government of Liberia should ensure transparency in recruitment, promotion, and dismissal of women;
- The Government of Liberia should combat and punish sexual harassment in the workplace;
- The Government of Liberia should guarantee women the freedom to choose their occupation and protect them from exploitation by their employers;
- The Government of Liberia should create conditions to promote and support the occupations and economic activities of women, in particular, within the informal sector ;
- The Government of Liberia should recognize and enforce the right of salaried women to the same allowances and entitlements as those granted to salaried men for their spouses and children;
- The Government of Liberia should take effective legislative and administrative measures to prevent the exploitation and abuse of women in advertising and pornography.

²⁵ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa art 13, CAB/LEG/66.6 (Sept. 13, 2000), entered into force Nov. 25, 2005.

Programs for Vulnerable Groups: Victims of Sexual Violence

Sexual violence was widespread throughout the conflict and was perpetrated against both men and women. The U.N. Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of Human Rights and Humanitarian Law, resolutions of the International Committee of the Red Cross, the Convention on the Elimination of Violence against Women, and the Declaration on the Elimination of Violence against Women provide a guiding framework for the effective promotion and protection of the human rights of victims of sexual violence. The Advocates recommends the following:

- The Government of Liberia should evaluate current programs and establish new programs as needed to provide victims of conflict with medical, psychological, and social assistance by qualified personnel aware of and trained in the specific issues involved.²⁶ Such assistance can include rehabilitation, assistance in child care and maintenance, treatment, counseling, and health and social services, facilities and programs, as well as support structures, and all other appropriate measures to promote victims' safety and physical and psychological rehabilitation.²⁷
- The Government of Liberia should give special attention to the health needs and rights of women in vulnerable and disadvantaged groups, such as migrant women, refugee and internally displaced women, girl children and older women, women in prostitution, indigenous women, and women with physical or mental disabilities.²⁸
- The Government of Liberia should promote the availability of and access to reproductive health clinics to diagnose and treat sexually transmitted infections and to provide counseling for victims of sexual violence.²⁹

Potential Implementation Strategy: Working with Communities to Support Victims of Sexual Violence

In Sierra Leone, the non-governmental organization Christian Children's Fund (i) analyzed the general situation of girl victims of sexual violence in ten villages, (ii) assessed the availability of resources for victims to recover and reintegrate, and (iii) used focus groups to determine the scope of rape and abduction as perpetrated against village girls.³⁰ The Christian Children's Fund developed the "Sealing the Past, Facing the Future" program, which had the following three main objectives: (1) reduce stress and enable psychosocial recovery; (2) promote community awareness of the impact of sexual violence on young girls and to change community attitudes and behaviors about sexually abused girls; and (3) provide opportunities for the economic development of female ex-combatants.³¹ Examples of some of the

²⁶ 26th Int'l Conference of the Red Cross and Red Crescent, Dec. 3-7, 1995, *Resolution 2: Protection of the Civilian Population in Period of Armed Conflict* art. B(e) [hereinafter ICRC Res. 2], <http://www.icrc.org/Web/eng/siteeng0.nsf/html/57JMRV>.

²⁷ Declaration on the Elimination of Violence against Women, Art. 4(g), G.A. Res. 48/104, U.N. Doc. A/48/49 (1993).

²⁸ Committee on the Elimination of Discrimination against Women, *Gen. Rec. 24: Women and Health* ¶ 6, 20th sess., U.N. Doc. A/54/38 (1999).

²⁹ HUMAN RIGHTS WATCH, "WE'LL KILL YOU IF YOU CRY:" SEXUAL VIOLENCE IN THE SIERRA LEONE CONFLICT Recommendations (2003).

³⁰ Kathleen Kostelny, *The Problem of Re-Acclimating Child Soldiers into Society Assuming Peacekeeping Is Successful: What About the Girls?*, 37 CORNELL INT'L L.J. 505, 507 (Winter 2004).

³¹ *Id.*; cf. Davidson Jonah, Christian Children's Fund, Programs to Rebuild in Sierra Leone, <http://www.christianchildrensfund.org/content.aspx?id=4113>.

components of the “Sealing the Past, Facing the Future” program include: (1) the creation of a “purification” ritual for sexually abused girls that was based on local practices and which apparently reduced social isolation and enabled girls to reintegrate into the local community; (2) the involvement of local leaders on sexual violence committees, which conducted activities such as coordinating regular meetings to discussing consequences of sexual violence to establishing rules (and working with the “chief” to levy fines for violations of such rules) to protect girls from physical and verbal abuse; and (3) the implementation of bi-weekly recreational activities that coach the girls on interpersonal skills with the overall aim of their re-integration into society.³² According to the Christian Children’s Fund website, this program “has successfully reduced stigma, and four out of five girls who worked with [the Christian Children’s Fund] have been returned to and been accepted by their families.”³³

While such programs are important for facilitating re-integration, other long-term programs should aim at eradicating misperceptions that victims of sexual abuse are somehow tainted and in need of purification. Such perceptions are erroneous and perpetuate harmful stereotypes about women and girls.

- The Government of Liberia should: 1) give special attention to the rights and needs of women and children, and to the factors relating to the reproductive role of women and their subordinate position in some societies, which make them especially vulnerable to HIV infection; 2) increase its public education efforts regarding the risk and effects of HIV/AIDS, especially in women and children; and 3) take steps to promote the role of women in the health care sector.³⁴

Potential Implementation Strategy

In its report on reparations for victims of sexual violence in Sierra Leone, Amnesty International made several recommendations that the Government of Liberia may wish to consider in addressing the needs of victims. Among others, the report recommended the inclusion of a gender component, including consultation and expertise, in the creation and implementation of any reparations program,³⁵ as well as the issuance of a public acknowledgement or apology for the suffering of women and girls.³⁶

- The Government of Liberia should establish and strengthen mechanisms to investigate, bring to justice, and punish those responsible for committing acts of sexual violence.³⁷
- The Government of Liberia should establish a fund to assist victims of sexual violence without delay.³⁸

Potential Implementation Strategy: Resource Directory for Victims of Sexual Violence

In its final report, the TRC of Sierra Leone recommended the creation of a resource directory for women and girl victims of sexual violence.³⁹ The Government of Liberia may wish to consider creating a directory

³² Kostelny, *supra* note 30, at 507-09.

³³ Christian Children’s Fund, Sierra Leone, <http://www.christianchildrensfund.org/content.aspx?id=244>.

³⁴ Committee on the Elimination of Discrimination against Women, *Gen. Rec. 15: Avoidance of discrimination against women in national strategies for the prevention and control of acquired immunodeficiency syndrome (AIDS)* ¶ a-c, 9th sess., U.N. Doc. A/45/38 (1990).

³⁵ Amnesty Int’l, *Sierra Leone: Getting Reparations Right for Survivors of Sexual Violence* 32, ¶ VIII(1)(2), AI Index AFR 51/005/2007, Nov. 1, 2007.

³⁶ *Id.* at 31, ¶ VIII(1)(1).

³⁷ ICRC Res. 2, *supra* note 26, art. B(c); *see also* Declaration on the Elimination of Violence against Women, *supra* note 27, art. 4(c)-(d).

³⁸ Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE), *Justice for Women: Seeking Accountability for Sexual Crimes in Post-Conflict Situations* 9, ¶ 7 (2008); *see also* Amnesty Int’l, *Sierra Leone: Getting Reparations Right for Survivors of Sexual Violence*, *supra* note 35, at 31, ¶ VIII (1)(2).

³⁹ SIERRA LEONE TRUTH & RECONCILIATION COMM’N, FINAL REPORT OF THE TRUTH & RECONCILIATION COMMISSION OF SIERRA LEONE VOL. 2 169, ¶ 331 (2004).

of skills programs, service providers, and donor agencies in Monrovia and rural Liberia available to victims of sexual violence for dissemination, taking into account the needs of illiterate populations.

Programs for Vulnerable Groups: Girls Associated with Armed Groups

The Advocates suggests that the Government of Liberia implement the following measures with regard to Girls Associated with Armed Forces. The following recommendations are drawn from The Paris Principles,⁴⁰ and reports produced by Amnesty International,⁴¹ and Development Alternatives, Inc.⁴² Additionally, The Advocates recommends the following:

- Ensure that staff working with girls associated with armed forces “are familiar with Security Council Resolution 1325, as well as, relevant international guidelines to provide for a gendered approach to both implementation and planning;”⁴³
- Ensure that gender appropriate information campaigns as well as access to female employees are made available to women and girls by collaborating with women’s organizations.⁴⁴
- Ensure that specific gender dynamics regarding access to accommodations are considered,⁴⁵ including reproductive health care, separate washing facilities, hygiene kits, and clean birthing kits. Measures should be taken to provide and guarantee safety and protection, including proper lighting as well as regular surveillance and patrolling by security forces.
- Ensure that psycho social counseling is made available in communities to all who need it⁴⁶ Care should be taken to assist girls in addressing whether they desire to recognize or reject relationships established with a member of an armed group.
- Ensure that education and training programs related to parenting skills and child health, as well as training unrelated to reproductive status, be made available and accessible.⁴⁷
- Provide nutrition and health care for infants and young children, as well as child care to allow women and girls to participate in training and education.⁴⁸
- Ensure that communities are part of the reintegration, reconciliation, and healing process.⁴⁹ Work with community leaders and groups to establish a forum to address stigmatization and increase public awareness of reintegration issues, including substance abuse, HIV/AIDS, STIs, obstetric fistula, and sexual violence.⁵⁰
- Use business and skill training to improve the overall livelihood of women. Ensure that access to credit and/or capital is available to supplement these trainings.⁵¹

⁴⁰ *Id.* ¶ 7.81.

⁴¹ Amnesty Int’l, *Liberia: A Flawed Process Discriminates against Women and Girls* 44-49, AI Index AFR 34/004/2008, Mar. 31, 2008.

⁴² Development Alternatives, Inc., *Assessment of the Situation of Women and Children Combatants in the Liberian Post-Conflict Period and Recommendations for Successful Integration* xiv (2003).

⁴³ Amnesty Int’l, *Liberia: A Flawed Process*, *supra* note 41, at 44.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ U.N. Children’s Fund, *Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (The Paris Principles)* § 2.1 (2007).

⁴⁸ U.N. Children’s Fund, *Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (The Paris Principles)* § 2.1 (2007); Amnesty Int’l, *Liberia: A Flawed Process*, *supra* note 41, at 44.

⁴⁹ Amnesty Int’l, *Liberia: A Flawed Process*, *supra* note 41, at 45.

⁵⁰ Development Alternatives, Inc., *supra* note 42, at xiv.

⁵¹ Amnesty Int’l, *Liberia: A Flawed Process*, *supra* note 41, at 45.

- Ensure that women and girls have access to quality career counseling which allows them to make choices that will maximize their options and lead them to choose marketable vocational skills.⁵²
- Adopt flexibility to adapt to the range of needs specific to each victim, and ensure that programs are accessible to women experiencing particular health problems related to their experience of the conflict.⁵³

⁵² *Id.*

⁵³ Development Alternatives, Inc., *supra* note 42, at xiv.

Chapter 2. PRIORITY RECOMMENDATIONS

Priority Recommendations at a Glance

- **Addressing the Immediate Needs of Victims**
- **Addressing the Immediate Needs of Refugees and the Displaced**
- **Addressing the Immediate Needs of Special Populations**
- **Ensuring Civil and Political Rights Are Guaranteed Immediately**
- **Ensuring Justice and Ending Impunity**
- **Addressing Corruption**
- **Ensuring Economic and Social Rights and Development**
- **Implementation of TRC Recommendations**
- **Taking Steps toward Reconciliation**
- **United States & International Community Action**

The Truth and Reconciliation Commission of Liberia (TRC) requested that The Advocates for Human Rights (The Advocates) address the full scope of Liberia's international legal obligations in The Advocates' report. We have presented that information, in consideration of the Liberian context, in **Chapter 14**.

Recommendations at the end of this report.

The current chapter contains priority areas that The Advocates suggest should be highlighted and addressed immediately. Prioritizing recommendations in the context of a truth and reconciliation commission is a task that borders on the impossible. The priority areas set forth here reflect a struggle between the many competing needs and rightful demands of the Liberians with whom The Advocates interacted in the United States, the United Kingdom, and Ghana. It also reflects the framework of international human rights that The Advocates seeks to promote and protect.

The Advocates recognizes that all of the following recommendations are important. Many measures, such as combating corruption and ensuring education, are integral to healing, justice, and non-repetition. The Advocates ultimately decided, however, to present recommendations in a sequence that acknowledges the need to address the most urgent rehabilitative needs of

victims and other vulnerable populations. Truth and reconciliation commissions are designed in large measure to be victim-centered processes. They cannot make victims whole, but unlike prosecutions and many other measures that focus on perpetrators, truth and reconciliation commissions document and validate the experiences of victims. Accordingly, victims' needs should be at the center of the TRC process. The sequences of priorities here is also consistent with the TRC's mandate to heed the experiences of women, children, and vulnerable groups. Providing some remediation for the violations they suffered should register at the top of any post-TRC action plan.

Addressing the Immediate Needs of Victims

The government of Liberia should adopt measures to address the immediate needs of war-affected persons. The ongoing physical and mental health effects of war trauma negatively impact the quality of life of innumerable Liberians and impede their ability to productively contribute to Liberia's development. Although related to the economic, social, and cultural rights to which all Liberians are entitled, the needs of victims of war trauma are distinct and merit special inclusion and high priority.

- The government of Liberia should ensure that victims' critical physical and mental health needs are addressed. For example, victims of sexual violence have an immediate need for medical services such as diagnosis and treatment of sexually transmitted infections, as well as other reproductive health concerns. Victims of other types of trauma have an immediate need for medical treatment to alleviate

chronic pain and other ailments. Many former child soldiers require access to drug and alcohol abuse treatment programs.

- The government should ensure that victims have access to basic necessities, such as food, potable water, clothing, and shelter.
- The government should support the reintegration and rehabilitation of victims into their community and society, which requires public sensitization, as well as educational programs.
- Literacy programs, skills training, vocational and technical programs, and other education should be made available free-of-charge to victims. The government of Liberia should work with other organizations to create jobs, employment programs, micro-credit schemes, and business training opportunities.
- The government should facilitate family tracing and reunification through cooperation, legal measures, the issuance of documents, and provision of information.
- The government of Liberia should dedicate adequate resources, financial support, and political will to implementing the TRC's recommendations concerning a reparations program, ensuring that the public is informed and has the opportunity to present and to receive collective claims.

Addressing the Immediate Needs of Refugees and the Displaced

- The governments of Ghana and other host countries should immediately cease any activities that seek to pressure persons with refugee status to return to Liberia. The host governments should recognize the continuation of refugee status for certain individuals, including those with valid asylum claims, humanitarian needs, and established familial, social, or economic links in the host country. The host governments should adopt measures to give effect to the rights of refugees, paying attention to the right to work, right to health, right to property, and the right to education.
- Host countries, the government of Liberia, and the U.N. High Commissioner for Refugees (UNHCR) should ensure that any repatriation process is carried out in accordance with international guidelines on safe, voluntary, and dignified repatriation.
- The government of Liberia should provide internally displaced people with safe access to food, potable water, shelter, clothing, sanitation, and health care, taking into account the special needs of particularly vulnerable populations within this group.
- The government of Liberia should ensure that returning refugees and displaced persons have access to vocational and/or agricultural training and other services to enable them to provide support for themselves and their families.

Addressing the Immediate Needs of Special Populations

- The government of Liberia should adopt measures to protect the rights of children to enjoy an adequate standard of living and the highest attainable standard of health. The government should strive to give effect to these rights, paying particular attention to needs of children formerly associated with fighting forces, children separated from their families, and orphans. Prime among recommendations is ensuring that children enjoy the right to education without discrimination, which includes eliminating user fees and increasing girls' enrollment. In addition, the government should ensure that all children are protected against economic exploitation, including child labor, and it should adopt measures to eliminate harmful traditional practices. Harmful traditional practices include practices that are rooted in traditional cultural beliefs but which violate internationally accepted human rights norms, such as female genital mutilation.
- The government of Liberia should adopt measures to eliminate discrimination against women in both law and practice, paying attention to the particular needs of rural, disabled and elderly women. This includes ending violence against women, social and cultural patterns that harm women (including traditional practices), early or forced marriage, and female genital mutilation. The

government should strive to ensure that women enjoy the protection of, and equal access to, the law as do men, which includes measures to increase availability of free legal aid, gender-sensitive trainings for legal, court, and law enforcement personnel, and appropriate legislative reform.

- The government of Liberia should adopt measures to meet older persons' needs, including their access to health care and food, water, shelter, and clothing--paying particular attention to elderly women.

Ensuring Civil and Political Rights Are Guaranteed Immediately

- The government of Liberia should ensure that the inherent integrity and dignity of the person is respected. The government should immediately repeal legislation that authorizes capital punishment and commute the death sentences of any inmates. It should take measures to prevent and to punish acts of torture, slavery and involuntary servitude, and forced labor within its jurisdiction.
- The government of Liberia should ensure that its administration of justice, police and penal system, and press freedoms comply with international legal standards. Liberia's history of abusive arrest and detention practices necessitates adherence to principles of international law relative to arrest and detention of prisoners, for which the International Covenant on Civil and Political Rights provides the guiding framework. The government should prioritize guaranteeing a fair and impartial judiciary through the development and dissemination of a judicial code of conduct, trainings, the codification of employment terms, and appropriate disciplinary measures as needed, for which the U.N. Principles on the Judiciary provide a guiding framework.
- The government of Liberia should prioritize improving the security situation in Liberia. Also, the government should ensure that its policies and procedures of the Liberian National Police and armed forces conform to international human rights standards and respect the basic rights enshrined in the constitution of Liberia. The government should provide adequate support to the Liberian National Police in the areas it has identified as critical challenges, including training, infrastructure development, logistics, and information technology. The government should work closely with UNMIL and civil society to ensure law enforcement is trained to respect human rights, to facilitate effective civilian oversight of the police, and to provide procedures for Liberians to make complaints about police misconduct to an independent investigatory body. Recommendations related to ensuring justice and ending impunity are relevant to the promotion of security.

Ensuring Justice and Ending Impunity

- The government of Liberia must ensure that individuals responsible for serious crimes under international law are prosecuted. The government should consider both new and existing prosecution mechanisms to give effect to this obligation. The government should consider authorizing a special court, in consultation with civil society and the international community, to prosecute serious violations of law. Alternatively, or in addition, the government may consider pursuing international and regional mechanisms, as well as national courts in other jurisdictions, for prosecution.
- At all times, the government of Liberia should guarantee to anyone accused of a crime competent legal counsel and due process in accordance with international legal standards. All prosecutions should be carried out in a fair and impartial manner that protects the due process rights of the accused.
- The government of Liberia must ensure that any grants of amnesty do not benefit perpetrators of serious crimes under international law or prejudice victims' right to reparation or right to the truth.
- The government of Liberia should adopt measures for lustration and vetting to ensure that individuals personally responsible for violations of human rights do not serve as state officials or employees. Such measures must include due process protections for those individuals.

Addressing Corruption

- The government of Liberia should take measures to combat corruption across all sectors. The U.N. Convention against Corruption and the AU Convention on Preventing and Combating Corruption provide a guiding framework. The government should criminalize and prosecute acts of bribery, embezzlement and misappropriation, abuse of functions, laundering criminal proceeds, and obstruction of justice. The government should provide adequate resources, financial support, and political will to the Anti-Corruption Commission.
- The government of Liberia should adopt and affirmatively implement and enforce hiring policies based on merit and not influenced by nepotism based on family, tribal or personal connections. The government should likewise develop and fund an independent complaint and enforcement mechanism to ensure compliance with such policies.

Ensuring Economic and Social Rights and Development

Meeting the needs of victims and ensuring that the nation moves forward requires the government to undertake long-term reforms of the education and healthcare sectors, as well as to undertake work on the right to development. The Advocates recognizes that, while many of the recommendations underpin recommendations related to victims, the government of Liberia must address the economic and social rights of all people.

- The government of Liberia should take measures to increase access to education. Such measures include working toward increased school enrollment of girls; taking steps to eliminate user fees imposed by schools; prioritizing the recruitment, training, retention of, and salary structures for teachers; and developing strategies for providing technical and vocational education to young people and adults.
- The government of Liberia should take measures to ensure access to timely and appropriate health care as envisaged by the right to enjoy the best attainable state of physical and mental health. Health care should be: available (in sufficient quantity); accessible (non-discriminatory in physical, economic, and informational terms); acceptable (ethical and culturally- and gender-sensitive); and of good quality (in terms of goods, facilities, and personnel). Importantly, the right to health also includes sanitation, potable water, sufficient food, nutrition, shelter and information, and a healthy environment.
- The government of Liberia should devote adequate resources and financial support to implementing the Poverty Reduction Strategy.
- The government of Liberia should work with other organizations to create jobs, employment programs, micro-credit schemes, and business training opportunities.

Implementation of TRC Recommendations

- The government of Liberia should dedicate adequate resources, financial support, and political will to implement the TRC's recommendations. To this end, the government should act promptly to expedite the establishment of the Independent National Commission on Human Rights, including making presidential appointments to the commission, directing all relevant government entities to provide full support to the commission, and widely and timely disseminating the TRC report and recommendations.
- Civil society should play an active role in monitoring and advocacy regarding the implementation of the TRC recommendations.

Taking Steps toward Reconciliation

- The government of Liberia should adopt measures to regain national unity. In particular, this recommendation includes adopting measures to combat discrimination and to protect linguistic rights, land rights, and cultural rights, paying particular attention to disabled persons and minorities. Such efforts should cut across all sectors and levels, including constitutional and other legal reforms, changes to educational policies and curricula, and the development of national strategies to protect against discrimination and to promote social and cultural rights.
- The government of Liberia should take measures toward national reconciliation. Many of these steps are low-cost or free and should be given priority:
 - The government of Liberia should amend the constitution to protect against discrimination and ensure that such protections are fully enforced through implementing legislation and practices.
 - The government of Liberia should take steps to modify its national image to fully reflect its history and people. Such steps may include re-naming streets, public buildings and institutions; changing the national seal; changing or creating national days and holidays; and ensuring historical accounts more accurately reflect the contributions of all people.
 - The government of Liberia should take steps to facilitate inter-tribal reconciliation through activities that bring different tribes together, such as social and sporting events.

United States & International Community Action

- The U.S. government should take immediate steps to allow Liberians registered under Deferred Enforced Departure status to apply for lawful permanent resident status.
- The U.S. government should take legislative and administrative steps to facilitate family reunification and respect the right to a family by revisiting denials of refugee resettlement applications and other family reunification petitions based on DNA evidence and by passing the Child Citizen Protection Act. The U.S. government should ensure that its definition of a “child” includes those children adopted under traditional, non-formal laws in Liberia.
- The U.S. government should ensure that Liberians in the United States can access health care that is culturally appropriate. Such services should take into account the specific Liberian context. For example, the government should expand federal funding for torture treatment and support programs that offer health services to former combatants and others who may be excluded because of their fighting status. Addressing mental health needs is a priority, and such efforts should include public education to overcome any stigmatization and the training of Liberian mental health workers.
- The U.S. government should take steps to ensure that Liberians have access to education that is age- and language-appropriate, paying particular attention to the literacy needs of Liberian women. This will require school systems to assess and to develop policies to accommodate native speakers of non-American English and students whose age or educational progress may not match grade level structures.
- The U.S. government should support policies that integrate Liberian professionals into careers matching their skills and training. Employment services should seek to pair Liberians with jobs that match their training and background and to support peer-mentoring programs.
- The U.S. government, and/or other appropriate organizations, should work in consultation with Liberian community leaders to develop a long-term strategy to facilitate reconciliation among Liberians in the diaspora, as well as support the creation of memorials.
- The U.S. government should cooperate with any prosecutions and act promptly to respond to requests for extradition. The U.S. government should explore prosecutions of foreign nationals for crimes committed outside of the United States, including those under the Genocide Accountability Act, Child Soldiers Accountability Act, War Crimes Act of 1996, and the Extraterritorial Torture Statute.

- The U.S. government should make foreign aid and technical assistance to Liberia a priority, using the Paris Declaration on Aid Effectiveness as a guiding framework. Such foreign aid should prioritize the re-development of Liberia and include recognition of the U.S. role in the conflict.
- The international community should act in accordance with its legal obligations to prosecute and to cooperate in prosecutions of serious crimes under international law. The international community should cooperate in any extradition requests for persons accused of crimes.
- The international community should intensify its cooperation regarding financial aid and technical assistance to Liberia, using the Paris Declaration on Aid Effectiveness as a guiding framework.