

RECOMMENDED UN ACTIONS TO ACCELERATE THE NATIONAL RESPONSE TO RAPE (JULY- NOVEMBER 2007)

Background:

In June 2007 as the incidences of rape in Liberia persisted, the SRSG requested UNMIL OGA to undertake an assessment on the prosecution of rape cases in Liberia. To facilitate the assessment, the OGA met with UNDP, UNICEF, UNFPA, Legal and Judicial Systems Support Division (LJSSD), UNPOL and the Solicitor General. The report was an assessment of the findings and input from the different stakeholders including Association of Female Lawyers in Liberia (AFELL). The assessment put forward proposals for immediate practical action on the part of the Government of Liberia (GOL) and the UN to reduce the incidence of rape and improve the processing of rape cases in the criminal justice system.

Assessment Findings/Gaps/Recommendations: (Included in the UN Matrix):

Following the assessment, members of the UNCT undertook a special review of the assessment findings and the National Action Plan on GBV to identify those actions the UN could take to support the implementation of the National Plan of Action on Gender-Based Violence. The identified areas of action were aligned with the National Action Plan. These include: Protection and Security sector, Legal, Medical and Coordination particularly focusing on improving co-ordination of UN rape response. A matrix was developed for the actions UN could take immediately to increase the speed and intensity of national response to rape. These short-term actions were planned for completion in three months or less from the 24th of July to 23rd of October 2007 and shared with the Government.

Her Excellency the President, Madam Ellen Johnson Sirleaf, organized a meeting with the UN team to discuss the UN Action Plan to accelerate the National Response to rape shared with her by the SRSG, Ambassador: Alan Doss.

Monthly progress reports on the immediate UN actions were compiled by the OGA and shared with the Government and members of the UN team. This is the final report for the UN joint immediate actions over the three months period. The report looks at the gaps identified in each thematic area of the National Plan of Action on GBV, the UN recommended actions, achievements and the impact.

Protection & Security Sector:

The gaps identified in the Security Sector include: lack of knowledge and procedure of the LNP, difficulty of acquiring rape data, unlawful release of the accused for private payment, general lack of logistics especially in the Women and Children Protection Stations (WACPs), lack of administrative and technical resources, NGOs supporting the problems do not release information to the police, poor recording capacity within the LNP-criminal justice system, and over reliance on medical evidence in rape cases excluding incriminating and justifiable evidence. To address these gaps, the UN recommended the following strategies:

Strengthening the LNP Women & Children's Protection Section (WACPS)

Significant progress has been made in strengthening Liberia National Police (LNP) WACPS since the inception of the WACP within LNP. Presently, twenty-one (21) WACP offices have been established including the Headquarters, with eight (8) WACP offices in Monrovia and thirteen (13) WACPS Offices in the Leeward Counties.

To expand mentoring to counties pending Police Contributing Countries deployment, a monitoring system has been put in place to supervise, assess and give on-job training to LNP WACPS Officers in leeward. UNPOL WACPS Advisors in Monrovia make monthly visits to leeward counties and UNPOL in Leeward Counties are also involved in mentoring and supervising LNP WACPS Officers. More to this, UNICEF through fortnightly meetings supervises and provides technical support to the WACPS. Furthermore, four (4) UNPOL with experience in WACPS were redeployed and this improved co-location in Monrovia Zones and the UNPOL in leeward are tasked to mentor, advice and monitor LNP WACPS. All staff of 13 WACPS functional stations in leeward received capacity mentorship from UNPOL WACPS advisors. DPKO has also requested the Police Contributing Countries (PCC) to deploy Police Officers with relevant experience in WACPS.

One hundred and fifty six (156) WACP LNP Officers have so far received training in WACPS under the sponsorship of UNICEF. Another 25 are being trained and this will bring the total of trained LNP WACPS to 181 to complete the training cycle by December 2007. More formal training is planned for 2008.

To improve monitoring and the quality of work of the WACPS, UNICEF provided seven (7) motorbikes, two (2) new computers, accessories and a vehicle to the WACPS. LNP WACPS Offences Register has been introduced including result from court column during assessment of functional WACPS units and is now being used in all WACPS units. Competent Leadership was assigned to the WACPS and on-job mentoring and capacity building for the leadership is in place.

The noted impact includes: expanded mentoring to counties, improvement in submission of reports and statistics on rape. Some LNP stations in leeward are now sending weekly reports on rape electronically through UNPOL team leaders. More rape cases are being sent to court promptly and investigation skills and case management of LNP has improved. Monitoring and the quality of work of the WACPS has improved. There is more effective direction and management.

Zero Tolerance of Rape:

Her Excellency the President, Madam Ellen Johnson Sirleaf publicly supports efforts to eliminate 'compromise' in rape cases and promotes zero tolerance of rape. At a meeting with the UN team, Her Excellency recommended review of the amended rape bill which has maximum sentence but no minimum sentence; increased sensitization of the public and; designing of strong messages to advocate against rape. Advisory committee to the National GBV Task Force set up following the meeting with the President. Furthermore, the UN team is supporting the Minister of Gender's efforts to eliminate 'compromise' in rape cases through the UN Joint Plan of Action on GBV, support through the GBV Inter-Agency Committee and the UN actions to accelerate national response to rape. More so, thirteen (13) LJSSD monitors are pro-active in the counties to ensure the progression of rape cases through the justice system. Support is also extended to public information effort to state the case against rape, featuring well known figures, preferably male, at national, county and district levels. Community sensitization is ongoing through targeted activities, such as the *Butini road show*, public service announcements on UNMIL Radio and distribution of public information and outreach print material. A nation wide communications strategy/campaign against rape has been developed to support national partners. Public Information support has extended to reach schools. UNICEF Project on the Prevention of SEA among Liberia Youth & in schools expanded to reach (8) counties (Montserrado, Margibi, Lofa, Nimba, Cape Mount, Grand Gedeh, Sinoe and

Maryland. One hundred (100) teachers and one thousand (1000) students are targeted in each of the counties. Plans are in place to up scale coverage in 2008.

The government response to the prosecution of rape cases has improved; a comprehensive nationwide campaign against rape with uniformity in the messages is ongoing. The UN actions to accelerate the national response to rape are part of a larger Joint UN Plan of Action on GBV. The expansion of awareness on SEA to reach schools has created more awareness for teachers and students. This may prevent or reduce prevalence in the schools.

Medical Sector:

Over reliance on medical evidence in rape cases excluding incriminating and justifiable evidence; lack of uniformity in medical procedures, poorly equipped crime laboratories, and sparsely distributed medical facilities especially in the counties are some of the gaps identified during the baseline survey. To address these gaps, the UN employed the following strategies:

Simplify medical procedures:

A set of protocols was developed jointly with UN agencies (WHO, UNFPA & UNHCR) and government in areas of assessment, treatment protocols & reporting. Tools were adopted from the generic standards developed by WHO, UNFPA & UNHCR. Guidelines, protocols & medical history & examination forms-sexual violence were circulated to health facilities. A “Health and Psychosocial Pillar” chaired by the Ministry of Health (MOH) was set up to address issues related to rape and other forms of SGBV. With support from UNFPA, UNHCR, WHO and MOH, four trainings in clinical management of rape (including the medical examination and management, medical reporting and referral) were conducted for 101 health care providers from 12 counties. More to this, two trainings of training of trainers (TOT) were conducted for 30 selected health workers from local, international NGOs and government health facilities. These trainings also included the use of rape treatment kits and PEP kits. There has also been procurement and distribution of rape treatment kits and PEP kits to health organizations and agencies in charge of clinical management of rape. As a result, there is swifter processing of medical evidence and with the Protocol widely used in the country, there is uniformity in reporting.

Legal and Judicial Sector:

Some of the gaps identified in the Legal and Judicial Sector that the UN could take immediate action include: prosecutors and magistrates /judges being actively involved in the non-judicial settlement of rape cases; weak human resource capacity of the judiciary and prosecution; lack of oversight mechanisms for both prosecutors and judiciary; delays in the judicial conduct of cases; failings in the procedural transfer of cases from magistrates’ courts to the circuit court and to the county attorney’s office; communication gap between the police and the prosecutors and, between the police and the courts; inability of courts to conduct; the absence of assigned public defenders; delays in the judicial conduct of cases and the release of defendants from prison without formal hearings before the courts trials due to lack of funding and incentives for juries. To accelerate the national response to the identified gaps in the legal sector, the UN used the following strategies:

Increase availability of lawyers to prosecute rape cases:

The prosecutorial and defence support for the extension of the National Legal Consultants Programme for a further six months was approved by both the Solicitor

General and the Chief Justice. Contracts for 13 defence and 15 prosecutorial consultants as part of the National Legal Consultants Programme have been signed.

LJSSD monitors are pro-active in 13 counties to ensure the progression of rape cases through the justice system. Minister of Justice publicly urged AFELL to be pro-active in prosecuting rape cases and to participate in the Nation Plan of Action on GBV Task Force. AFELL is now engaged in the National Plan of Action on GBV. Eight (8) AFELL lawyers are working on prosecution of rape cases. In discussions initiated with the Minister for Justice by DSRSG ROL and LJSSD the Minister clearly stated his intention to engage the Bar Association in various aspects of the Ministry's work.

Hasten availability of GBV special court & child-friendly courts:

The President recalled the Chief Justice's (CJ) commitment to prepare a special court with support from UNFPA and install child-friendly facilities in the courts. The CJ approved the assessment of the Magisterial Courts in the 15 Counties. The renovation of Criminal Court C was slightly delayed following a re-assessment made by Architects Milton & Richards. The scope of the renovation of Courtroom C needed to be harmonised with that of Criminal Court A and B supported by PAE/USA at the request of CJ. The renovation works of Court C will be comprehensive, and an agreement was reached with donor and all parties on the revised works and on the subsequent increase of renovation cost. The works are expected to last five (5) months. The assessment of the magistrate court has been completed in seven counties: Bomi, Bong, Lofa, Bassa, Montserrado, Gbarpolu and Cape Mount. UNICEF is awaiting preliminary report from the court assessment that will inform the installation process of the child friendly courts.

Assure oversight of rape case management and reduce delays:

The Chief Justice appointed one female Associate Justice to oversee rape case management and provide monthly status reports on every case of rape. LJSSD has also implemented monthly reporting procedures on rape cases for submission to the Judiciary and Solicitor General. Both the MoJ and CJ have given assurances that appropriate disciplinary action will be taken with respect to reported cases. To address the challenge of inability of courts to conduct trials due to lack of funding and incentives for the jurors, the CJ advised that he will take action to increase the level of allowances for jurors to ensure that sufficient and qualified people enter the jury pools. To address the challenge of absence of assigned public defenders, the CJ advised that when law students graduate under the Judicial Scholarship Scheme in March 2007, he will assign them to the counties as public defence counsel. To bridge the communication gaps between the police and the prosecutors and, between the police and the courts, chain link meetings have been introduced between the Judicial and the Police. Another development is that courts no longer accept criminal cases including rape directly from victims. Rape cases reported directly to the courts are referred to LNP WACPS. The quality of case management has improved.

UN Co-ordination:

The UN team developed a Joint UN Programme on Gender Based Violence to support the National Action plan on GBV. A Joint UN Advisory Committee was set up to advise the National Gender Theme Group on the assessment of rape cases and strategize on a way forward.