

Zero tolerance for Liberian rapists

by Lois Bruthus

A 2005 survey in six counties of Liberia found that almost 75% of female respondents had been raped during the civil war. The Association of Female Lawyers of Liberia (AFELL) has helped draft recent legislation but political commitment and awareness training are now crucially important.

Rape and sexual abuse were common forms of violence during the war which ended in 2003. Many young girls and women were forcibly taken as 'bush wives', cooks, cleaners and sex slaves to the fighters. The war has ended but there is strong evidence of a high prevalence of sexual and gender-based violence (SGBV) and domestic violence throughout the country. AFELL receives reports of up to six rape cases every day.

The vast majority of cases go unreported and rape continues to flourish in communities in post-war Liberia. Alleged perpetrators include influential community members such

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as teachers, religious and traditional community leaders, and fathers. There is a general conspiracy of silence/denial by the community or even the affected family. Customs and traditions often take precedence over Liberia's formal legal system. Brutal crimes of a sexual nature such as statutory rape, gang rape, attempted rape, sexual assault, sodomy, incest, sexual harassment, prostitution, child trafficking and criminal coercion remain rampant.

Until this year rape has been aailable offence. Even if a suspect were arrested, he could be out of jail and back home the next day and in a position to intimidate anyone who might give evidence against him. AFELL championed the bill which gave rise to the promulgation of the

new rape law on 17 January 2006 immediately after the inauguration of Ellen Johnson Sirleaf as President.

The new rape law widens the definition of rape to cover penetration with any foreign object, not just the penis, and also raises the age of a child to 18 in harmony with the Convention on the Rights of the Child. Those under the age of 18 are now automatically deemed not to have given consent. The law also covers gang rape and stipulates a penalty of life imprisonment for the rape of women, girls and boys. The issue of marital rape was raised during this campaign but defeated by the majority male-dominated legislature.

Barriers to justice

However, there are still major barriers to justice for SGBV victims and their families. The legal system is in dire need of reform. Courts are not functioning to full capacity and only operate up to 42 days a year. Only four cases have resulted in convictions, with one of them carrying the maximum penalty of life imprisonment. Lawyers are in short supply and qualified lawyers are reluctant to take assignments in rural areas. Survivors are unable to meet the costs of prosecutions and justice is dispensed at a snail's pace. Traditional leaders are the only recourse open to many women but many chiefs are reluctant to get involved – and when they do get involved, justice is often compromised. Community members continue to view rape as a matter to be settled privately outside the judicial system. Familiar and

intra-communal rape and forced and early marriage remain endemic.

Action is urgently needed to redress the erosion of moral values and the economic deprivation that has led to such appalling levels of SGBV in our country. In order to end the culture of impunity it is essential to:

- raise public awareness of the new rape law and its implications
- ensure sustained high-level political commitment to enforcing the new legislation
- reform the judicial system
- establish a specialised court to more speedily process rape cases
- provide counselling, safe houses and free legal support to SGBV survivors
- provide incentives to encourage Liberian attorneys to work in rural areas
- provide a supportive environment to enhance SGBV survivors' coping strategies
- build the capacity of NGOs to lobby for women's rights
- support skills training and small-scale enterprise programmes for war-affected women and girls in order to alleviate their dependency on prostitution and other forms of sexual abuse
- establish coordination for effective programming
- establish a databank to track incidences of SGBV and monitor effective responses.

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