



## **EVALUATION**

### **Strengthening of Prosecution of SGBV Offences through support to the Sexual and Gender Based Violence Crimes Unit (SGBV CU)**

**Monrovia**

**LIBERIA**

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## **Acronyms**

AFELL	Association of Female Lawyers of Liberia
ARC	American Refugee Council
CEDAW	Convention Against All forms of discrimination against women
CLO	Case Liaison Officer
CSO	Civil Society Organizations
CU	Crimes Unit
GBV	Gender Based Violence
LNP	Liberian National Police
MOJ	Ministry of Justice
NGO	Non- Governmental Organization
NRC	Norwegian Refugee Council
NSA	Non-State Actors
ODC	Organizational Development Change
SGBV	Sexual and Gender Based Violence
THINK	Touching Humanity in Need of Kindness
TOR	Terms of Reference
UNFPA	United Nations Population Fund
UNDP	United Nations Development Fund
UNHCR	United Nations High Commission for Refugee
WHO	World Health Organizations
USD	United State Dollar

## **Acknowledgement**

This project evaluation process benefited tremendously from the generosity of various stakeholders and partners alike, and it would be fitting to place on record the contribution of some of them.

Firstly, the UNFPA Liberia Country Office provided useful background materials and literature, and supported the consultant with adequate logistics as well as morally. They were willing and available for discussions and interviews on short notice and provided their inside perspectives as requested.

Similarly, the staff members of the Sexual and Gender Based Violence (SGBV) Crimes Unit in Liberia equally provided valuable perspectives and contributions to the process. They were open and willing to discuss issues, including those bordering on failures/challenges with unparalleled candor and professionalism. They participated in the initial meetings and helped to appropriately shape the data collection phase.

Thirdly, the national level partners (government representatives from the Ministry of Justice, the Police, etc) all willingly participated in the process and provided information and valuable perspectives which together enriched the review findings. Similarly, representatives from the British Foreign Office, and other representatives of partners, listed in the name of people interviewed (annex), also fully cooperated and tremendously helped the process.

Finally, the contributions of the numerous trainees, trainers and community level key informants cannot be left unacknowledged. The various discussions, contributions and interviews were truly insightful and enriching, and helped the Consultant to empathize with the victims. Hopefully, the findings and recommendations of this evaluation review will ultimately provide some respite and useful suggestions for how to improve the work of the SGBV CU.

The comments and contributions offered by the UNFPA M&E Officer Line Friberg Nielsen, based on her review of the draft report, were truly useful and helped to improve the quality, relevance and validity of the report. The Consultant wishes to thank all those who provided feedback on the draft report, during the finalization phase of the evaluation process.

Notwithstanding the above, any error, misrepresentation and/or omission, is entirely that of the Consultants and should not be attributed to the above.

Emmanuel Saffa Abdulai, November 2010

## **Executive Summary**

This report presents the findings, analysis and recommendations from the Evaluation of the SGBV Crimes Unit, a unit which has as its purpose to prosecute perpetrators of gender and sexual based violence, particularly rape in Liberia. The SGBV CU is under the Liberian Ministry of Justice.

The SGBV Crimes Unit – as a project - was originally designed as an eighteen (18) months (from 2009 to 2011) strategic grant from UNFPA, UNDP, and the Liberian Government, to be implemented by a Programme Coordination Unit within the SGBV CU office in Monrovia, Liberia.

The purpose of this Evaluation is to assess the progress of the SGBV Crimes Unit from April 2009 to date and to make specific recommendations for how to best achieve the objectives and outcomes within the remaining period which comes to an end in March 2011.

The Consultant used a mix of approaches and data collection techniques deemed most appropriate for the purpose. The review used participatory research methodologies involving a cross section of the various stakeholders at all levels. The Consultant sought to ensure inclusiveness, representativeness and appropriateness.

The sample selection was done through purposive random sampling and the Consultants facilitated the data collection process using guides which were standards for post conflict evaluation. The appraisal, like other similar reviews, had a few limitations which may have had some degree of influence on the findings. Notable among the limitations were the issues of time constraint, conflict of schedules, transportation, unavailability of some key players, e.g. the judge, for interviews, and scanty monitoring data among the partners.

The key findings have been categorized into main themes, followed by an interpretation and analysis of the data, followed by identification of recommendations based on the findings.

While this project is highly needed considering the prevalence of SGBV CU in Liberia, and the establishment of the Unit is a cornerstone in the fight against SGBV, the overall results of the project are minimal, and do not reflect the amount of resources invested into it.

The majority of the respondents also believed that the design of the project did not allow for a reasonable measure of flexibility, which would have enabled the partners to accommodate the emerging needs and priorities of the beneficiaries, on a timely and responsive basis. Instead, the inflexibility caused frustration, and delay in implementation in the initial stage. The operational plans and budgets were static, thereby posing accounting and reconciliation challenges.

The adopted approach of shifting from direct service delivery to participatory and sustainable development, with the attendant capacity building measures, is said to be relevant, appropriate and empowering. However, on this issue, the findings from the evaluation are mixed and complicated. Whilst the approach is suitable and relevant, it needs to be accompanied by a delicate balancing act especially in the context of Liberia being a fragile state, with widespread poverty and deprivation. Service delivery is what the beneficiaries need the most, and it is also the main objective of the project. The approach also requires suitable strategies for working with local partners, to deliver the services. Such strategies may be clear to other external partners like Think, IRC, but need to be explained. The SGBV CU currently does not have a clear strategy informing them how to work with local partners. Similarly, introducing and working with paralegals is well received and relevant, but the initial pilot planning failed to take this approach into consideration, despite the fact that it has been an effective and successful approach to legal service delivery in other countries coming out of long-term conflict. The present use of the so-called ‘Case Liaison Officers’ is foggy - at best - and needs to be reviewed, to ensure clarity in roles and responsibilities, and to enable coherent monitoring and evaluation.

Other organizations like IRC have made significant strides in the area of networking and partnership for increased programme impact. They have established and strengthened networks at national and regional levels, which are engaging the Government, and helps to realize significant strategic gains. The partners<sup>1</sup> in this regard, have registered more gains than the SGBV CU, and their know-how, experience and lessons learned should offer critical learning opportunities to the SGBV CU Programme Coordination Unit, and relevant MoJ staff, within the context of the project.

The SGBV CU was established by MOJ to help strengthen the capacities of the local legal service delivery partners, and enhance the coordination of the national response to SGBV (focusing on Montserrado, to begin with). The establishment of the office in Monrovia, and the provision of services have yielded significant benefits to the victims, partners like civil society and SGBV CU and the programme. It is said to have enhanced communication between MOJ and the partners to some extent, and has also helped to enhance support/ services to victims. The support services, however, have also had less good outcomes. Whilst other apparatus of the SGBV has provided relevant and timely services in some cases, the findings indicate that the timing, criteria of identifying final support needs, the coordination between the SGBV CU and the other partners such as the police, the quality of services, and continuity, all need to be improved. Furthermore, contrary to the programme logic, that needs of the partners will be reduced by the second half of the programme, several respondents indicated the need for more engagement in identified priority areas such as monitoring and evaluation, development of organizational strategies/ policies, data management, programme planning and budgeting, and linking this to strategic plans and ODC plans, among others. To address this, some of the

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<sup>1</sup> THINK and IRC for instance.

support services could be sourced from the program partners themselves, thereby strengthening inter-partner relations and networking, as well as learning from each other.

Each piece of analysis of the information obtained ends with a set of specific recommendations, whilst the final parts summarised several recommendations which are designed to enhance the relevance and impact of the project. The recommendations are actionable, and specific to particular programme and or organizational issues and themes that have been identified as requiring further attention and action.

# 1. Introduction

In the 1990s, Liberia was ravaged by a brutal civil war, characterized by horrific behavior among the population, including the kidnapping and conscriptions of child soldiers into the rebel units, forced child labour, and the widespread of sexual violence against women and children (Alyson Zureick 2009). There are numerous reports of rape, gang rape, rape of children, and children forced to rape their parents and/or other adults.

By the end of the civil war, the practice of sexual and gender based violence was widespread in Liberia, and both the Government and international development partners were alarmed.

According to the 2007 Demographic Health Survey in Liberia, rape constitutes 70% of those crimes reported to the police and other agencies. Women between the ages of 15- 49 are the main victims, with 17.6% of women in that category having experienced rape at some point after the war had ended. 22 % of the female victims of SGBV, in the 25-39 age groups, have been raped. 32% of the female victims of SGBV still live with the perpetrators, who are either their husbands or partners, while another 10.2% of the cases have been perpetrated by former and/or current boyfriend. Alarmingly, the armed forces have also been caught in this sordid practice, with 8.1% of the cases reported to have been perpetrated by either a police officer or a soldier. Further, according to a WHO Study from 2005, which covers populated counties, 91% of the total sampled population of 1,628 women and girls, reported to have been victims of some form of sexual abuse. Outrageously, 75% of the same group had experienced gang-rape specifically (AFELL 2007).

According to AFFEL's *Assessment and Review of the Factors Affecting the Prosecution of Sexual and Gender-Based Offences in Liberia*, from 2007, the victims of rape and other sexual violence are as young as "9 months and children as young as 9 years". The consequence of this form of brutality is most often death of the child, or life-long trauma, as well as destruction of the umbilical cord and uterus that prevent the victims from giving birth to children in the future due to early tampering of immature parts of the child, the report affirms.

While it is stated by many, e.g. the AFELL Supra, that rape was not a practice in Liberia before the war, and that the war is the reason for the perverted practices among the Liberian population today, including SGBV, there is much that suggests otherwise. Firstly, the SGBV related crimes are not committed by hard core criminals known for committing similar felonies. Rather, rape and other sexual offences are committed by "persons whom the victims and their communities depend for guidance and protection – fathers, husbands, pastors, officials, elders, police, prosecutors, and young men and boys [AFEL 2007]". If rape and similar sexual offenses was a war-induced practice, it would be the ex-combatants and the armed forces who would be the predominant perpetrators, but this is not the case. It is therefore safe to conclude, inter alia, that the lack of strong law and state mechanism to deter people from practicing SGBV is the cause.

That apart, the communities, as a consequence of the war, are less cohesive than they were before the war. Additionally, there are other practices and traditions and ways of living together that pre-date the war, which have affected the communities from reporting rapes case for instance. The establishment of the SGBV CU is in response to the appalling situation in the country with regard to SGBV. The specific purpose of the Unit is to prosecute perpetrators of SGBV in Montserrado County, in Liberia.

After more than eighteen months of implementation, this assessment has been commissioned by UNFPA to evaluate the relevance, effectiveness, efficiency, impact, and sustainability, of the work of the SGBV CU to date.

### **1.1. Objective of the Study**

The purpose of the evaluation is to assess the institutional relevance, effectiveness, efficiency, impact and sustainability of the SGBV Crimes Unit, which will include the design of the pilot project, management and overall staff.

- Assess the relevance of the Unit/Project with regard to priority and policies of the government and UNFPA and need of the target population. Taking into consideration the relevance of the SGBV CU and its mode of operation and to make specific recommendations for how best to address the identified needs for changes and achieve the programme outcomes, within the remaining period.
- To further assess the effectiveness of the Unit/Project on the scale of the performance of the unit, the achievement of purpose and objectives, and juxtaposing the expected and the actual results. The evaluation checked whether the direction of the programme is the correct one and whether the activities carried out to date and those planned for the period remaining are likely to meet the outcomes of the programme. The evaluation will also identify any areas where the programme design needs adjusting or re-orienting in order to enhance its effectiveness.
- To examine the qualitative effects/impact of the Unit/project on the wider target beneficiaries and how it has improved since its service delivery to survivors of SGBV and contributed to addressing the reduction of SGBV in Liberia ( in Montserrado County specifically)
- Assess the efficiency of the implementation processes and strategies of the Unit/Project through further assessment of the management of the unit and its contribution to the achievement of the desired results, as well as management's contribution to the effectiveness of the project. Also, assess the use of inputs to produce project outputs.

- Assess project sustainability, that is the likelihood that achievement will continue if/when support is withdrawn as well as what is required for the CU to be sustainable.
- Finally, to document best practices and draw lessons learned.

## 2.1 Methodology

This evaluation has employed the traditional dual evaluation technique of qualitative and quantitative information gathering. It has further utilized ‘observation’ to provide empirical findings of institutional and behavioral trends. Below is an overview of the methods used to gather information:

- a) **Literature Review:** The literature review included the preparatory project proposal on which basis the project, and the SGBV Crimes Unit was established. Concepts notes for trainings, training manuals, and evaluation reports of capacity building trainings, have also been reviewed. In addition, the main documents listed in the Terms of Reference – the SGBV Plan of Action from 2006, the Rape Law, the National Gender Policy, the ‘Assessment and Review of the Capacity of the Court System: Factors affecting the prosecution of SGBV Offenses in Liberia’, and the CEDAW Committee Concluding Comments on the Government of Liberia. While this list was not exhaustive, the review went on to compare notes from project reports from projects supported by UNFPA, before the SGBV CU project.
- b) **Observation:** To add contextual knowledge, time was spent with, and observations were made of, the operations of the Liberian National Police (LNP), the prosecutorial practice at trials, capacity development of prosecutors in present cases and cases, behavioral changes of both systems and personnel that have taken place compared to other government institutions of the same states at the CU and the Justice Ministry. More specifically, a few days were spent in offices, courts and at the police station. Observations were also made during preparation of witnesses, trials and post trial debrief of GBV cases.
- c) **Interview:** extensive interviews were conducted with a wide range of stakeholders involved in the overall implementation of this project. It started with the originators of the project, i.e. relevant UNFPA staff, SGBV CU staff including personnel involved in the field work, police officers, prosecutors, and most importantly present and past victims/beneficiaries, to gauge their assessment of the overall impact of the project and its implementation methodology.

## **1.2. Sample Selection**

For Montserrat County, a sample of ten to fifteen locations were selected through random sampling techniques, and key informants (KIs) were then selected based on a number of considerations including ethnicity, age, gender, trade area, and type of disability. The KIs provided valuable information and perspectives. In addition to the KI interviews, two informal interviews were conducted with respondents who were selected through purposive random sampling techniques comprising both males and females. The size of the focus groups ranged from six to twelve participants at various random places where people meet to discuss societal issues.

## **1.3. Data Collection & Analysis**

The actual data collection was done through the use of a combination of techniques, which re-enforced each other and enriched the information gathered. The major data collection techniques included:

- Interviews with key stakeholders using interview guides prepared by the Consultant as provided in an annex
- Visited locations and interviewed community members in the areas covered by the services delivered by the Crimes Unit
- Review of relevant programme documents from the SGBV CU as well as UNDP and UNFPA offices

Based on the information collected during the field work phase, the Consultant synthesized it and reviewed it separately. The review exercise served as data validation, whereby misrepresentations, errors and misinterpretations were detected and accordingly corrected. The Consultant then drafted the report and first circulated it internally, to ensure accuracy, relevance and adequacy.

## **1.4. Limitation of the Methodology**

While the evaluation process was planned in great detail, there were some process related constraints and challenges which may have in some respects affected the outcome and quality of the findings. The major limitations were as follows:

- Time constraints was a significant factor as it relates to the possibility of the Consultant to find time to meet with other partners and implementers of the project, to be able to discuss and synthesize the findings as a team.
- Inadequate coordination of the schedules of the various partners during the evaluation process. There were several activities simultaneously going on, requiring the participation

of the same management representatives and thus the Consultant could not access a few key informants as they were not available at the time of data collection. This therefore prevented the assessment of financial report, for instance, which limited the scope of the report.

- Inadequate monitoring information and data tracking systems within SGBV CU and MOJ constrained the opportunities for in-depth interrogation of the issues, based on credible programme records. The strength of programme reviews and evaluations is usually enhanced by the availability of records of past monitoring and performance trends.
- The documents needed for the preparation of the consultants were not properly gathered in advance. Important documents were missing or not offered on a timely basis, e.g. financial information. This has to some extent affected the content of the review since a proper appraisal of financial undertakings was not possible.
- The ToR had not included the Police at all, as a key informant to the evaluation. This was a critical omission, considering the important and necessary linkages between the Police and the SGBV CU. Further, it became almost impossible to set up meetings with members of the Liberian National Police after the Caesar Freeman case.<sup>2</sup>

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<sup>2</sup> Caesar Freeman is the highest ranking influential officer that has been arrested and detained by the SGBV crimes units. His trial has prompted a lot of acrimony from the elites in Liberia, particularly so when one of theirs' is now behind bars, and calls for a review of the rape laws.

## **2. Findings, analysis and recommendations**

### **2.1. Status of Prosecution of SGBV Cases**

In 2008, a project proposal was submitted to the Liberian Peace Building Fund to establish a Sexual and Gender Based Violence Crimes Unit (SGBV CU), in Montserrado (Monrovia), as a pilot project under the MOJ. This project was approved, but the funding did not come through until sometime in April 2009 when the SGBV CU officially started work.

The overall objective of the project, i.e. the SGBV CU, is to provide rapid investigative and prosecutorial response to complaints of rape, gang rape, sexual assaults, sexual abuse, sexual exploitation and incest particularly those committed against children. Therefore the SGBV CU is to “increase prosecution of SGBV crimes and to provide a victim-centered approach to those affected by sexual violence, and assist victims in dealing with the criminal justice system” (Main Project Document). The partners to the SGBV CU are UNDP, UNFPA, UNHCR and MOJ. The MOJ is the lead institution, while UNFPA, UNDP and UNHCR have provided financial support. UNFPA has been the manager of the LPBF grant to the project, as well as in charge of providing technical support to the Unit.

The SGBV CU was established opposite the Ministry of Information (MOI) at the foot of Capitol Hill. It is housed in a two story building, fenced in by a high wall, with barbed wire, with two securities personnel placed firmly at the entrance, responsible for guarding the entrance to the compound.

The Unit is staffed with two prosecutors who are on secondment from the MOJ, three of whom have extensive practical prosecutorial experience and others are junior prosecutors assisting the senior colleagues. While the project documents called for only three prosecutors, five case liaison officers (CLOs) have also been recruited, whose roles are to ensure that evidence for prosecution is collected, through liaising with the police, and also to respond to the emergency calls coming in on the hotline telephone number. Four of the CLOs are provided for by the PBF and one by NRC. There are two victims support officers (VSOs) – one paid by UNDP and the other by NRC. The SGBV CU has one Administrative officer, as provided by the original project, and training and research officer, one receptionist, one messenger and a cleaner.

#### ***3.1.1. Analysis***

There is no doubt that the establishment of SGBV crimes Unit was timely, if not even long overdue, in a society where rape and other forms of sexual based violence has become rampant. The CU remains a very relevant institution, although steps could be taken to improve its efficiency and effectiveness.

This evaluation found that the physical presentation of the CU is a problem in and of itself. The overtly secured building, with no information by the gate, or at the door of the building itself, explaining that this is the SGBV CU, presents a message that the state of Liberia is not willing or ready to acknowledge that rape and related offences is something that deserves the utmost attention; that it is not critical to let it be known that services are available to victims of SGBV. Additionally, even with it scattered concluded cases it does represent an effort from the government and donors to combat SGBV in the country. Without the symbolic physical presence of the SGBV, the situation would have worsen by the minute considering the alarming rate at which the crime of rape was increasing the Liberia before the establishment of the SGBV CU.

While the idea of the project is unquestionably relevant and critical, and has the potential to have a very positive impact on the Liberian society, the design of the project could have been better. Firstly this project made room for little flexibility in terms of changing course to the methodology and strategy when certain trend provided unworkable. Or when the intended results or effectiveness of the project were not reflective of the times and resources put into it. As such the project methodology was followed rigidly like a scripture that should be dogmatically revered.

More important, the project has not had a monitoring and evaluation framework. It has not had any system to detect any lapses on the project, and to recommend changes. It is a serious omission, that this was not put in place from the beginning of the project, considering that it is a heavily funded pilot project, that aims to curb one of society’s most critical problems. Since most of the resources were already spent, and results minimal, it appears too late to correct the lapses of the project and to save already wasted resources.

The project budget \$ 1,046,827 was mainly used to finance the project activities and its capacity building component. In 18 months of operation, the Unit has achieved only 5 convictions out of ten trials. This result is far below expectation and reflects inefficiency considering the amount of funding and the time frame. Taking all the other factors into consideration, and not attributing the abysmal performance to only the SGBV CU, considering the inhabiting roles of the police, the court, evidence gathering difficulties, the value for money in this project is questionable. For instances, with the combine problems, the table below shows that the number of cases that the SGBV team succeeds in taking to court are very limited.

**Table 1: Number of cases handled by the SGBV Crimes Unit and the speed of the process**

No	Category of Cases	Completed	Convicted	Hang Jury	Cases Dropped	Acquitted	Total
1.	Cases Inherited	0	0	0	87	0	185
2.	Fresh Cases since SGBV Inception	10	5	1	0	4	10

c4.	Detainees awaiting indictment	-	-	-	-	-	158
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The SGBV CU has a marvelous team and a very spirited personnel, who are not only qualified for the various positions, but are very personate about ensuring that they succeed. While this is the case, it is surprising that the SGBV CU was left all by itself to carry out a pilot phase of a new project. The absence of an effective management oversight mechanism, of the decisions and undertakings of the CU, is alarming. There is no system for checks and balances, on the management of the CU. It was as though the project was time fixed meaning optimum results were not the necessary desire but only completion by the end of time frame. Therefore, no properly functioning supervisory mechanism built within the project inception document. There should have been an effective joint management oversight team, or a strong Steering Committee, comprising members of the MOJ, SGBV CU, UNFPA, UNDP, CSOs, and Police. The role of this team would be to oversee and correct emerging problems in the implementation phase of a critical national institution.

Because the SGBV CU was created under the MOJ, it naturally became a governmental agency that prosecutes cases for the state. But as will be discussed in section 2.3, such government structures need auxiliary support from other NSAs in the country. There was a need for an effective and more coordinated networking between the SGBV CU and civil society organizations working on SGBV issues in Montserrado County. The roles of the NGOs or other stakeholders were not spelled out in the project, coupled with the failure of management to take initiatives to relate with other NGOs – save for THINK, which persistently referred cases of SGBV crimes, and has an excellent records management system. But there is no record of any relationship with other organizations. Certainly, the SGBV CU should learn from the exceptional records management scheme at THINK.

The CU has five CLOs whose role is to coordinate cases, undertake outreach, carry the mobile phone hotlines, relate with police and follow-up on cases and witnesses. As a pilot phase, these six officers might be good for a test case, but there is need for a full-blown paralegal program attached to the SGBV CU. Paralegals carry out multiple tasks ranging from witness identification and preparation, tracing and follow-up of SGBV, to cases assessment, preparation of files for trial attorney, research and brief writings, outreach and more importantly advising clients on the process involved in prosecuting SGBV cases. Paralegal programs will bring community involvement and more young people into the fight against SGBV cases. At present, it looks like the state is doing it alone.

In the fight against rape and other gender based violence related crimes, the CU should not have been created like an island. Records show serious disconnect with other institutions. But not only

is the project disconnected, and is not related to other existing structures, it has attracted a lot of bad blood and rivalry from institutions that are supposed to be partners. The LNP for instance believe the resources that were to be allocated to them have been converted to create the SGBV CU. A full discussion of this will be done in subsection 2.3 assessing the police. Members of the Judiciary saw the unit CU as a ‘favored son’ that the government has allowed to not only circumvent process and procedures, but that is spoilt with resources. Some judges and lawyers have even refused adjudicating or prosecuting cases involving rape for these reasons.

While some of the accusations from the Judiciary and the Police are not entirely true<sup>3</sup>, the isolated nature of the SGBV CU could be responsible for some of the suspicions and institutional gridlocks. The Unit was not designed to share resources without partner institutions and, as such, despite the abundance of resources, has not offered any help to institutions that could have been good partners. For instance, while six almost brand new vehicles are packed within the gigantic walls of the SGBV CU, the police do not even have bicycles to carry on their business, e.g. conduct SGBV related arrests. The CU has claimed to have made efforts to help out, but those vehicles are only available to the Police when the CLOs are not using them, rather than have them packed in the CU compound. In other words, the Police cannot respond swiftly to reports SGBV related crimes without having to wait for the CLOs, which obviously delays the Police response to reported cases, and in the end affects the opportunity to build cases.

Internal management arrangements of the CU rest with the Chief Prosecutor, a lawyer with many years of legal experience. Part of her role is to macro and micro manage the other prosecutors, and additionally to oversee the roles and responsibilities of the CLOs, the victim support staff and all the administrative staff. Additionally, the Chief prosecutor also supervises the allocation of resources and the up keep of the office. These responsibilities are by no means the normal duties of a manager, but the Chief Prosecutor is not an administrator. With only prosecutorial experience, the management of the office becomes onerous. There is a need for an independent manager under the office of the Chief Prosecutor, who will be in charge of office management.

It is also clear that at the inception of this project, basic institutional dynamics and networking were less considered. While the SGBV CU has its own issues and challenges that need to be address, external actors are undermining the process. As will be discussed in 2.3 the main challenges that have resulted to the abysmal results of the CU emanates from the Liberian National Police and the Judiciary. Except recommendations under those subsections are met, the project funders and the government of Liberia will have to do with the present output.

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<sup>3</sup> The Police claimed the huge funds for setting up the SGBV CU was meant for the Liberian National Police and was converted to a ‘useless’ purpose of setting up the Unit; while the judiciary believes the government setting up structures within the walls of the judiciary that violates the procedural aspect how a court should be set up.

### **3.1.2. Recommendation**

- If this project is going to be continued, which is strongly recommended, the entire implementation strategy and activity plan should be revisited to allocate more resources to service delivery than capacity building (the next 'phase' should use the capacity that has now been built to deliver the services)
- A paralegal program is highly recommended to add value to the program and bring more community involvement into the project. Paralegals should be recruited from project target communities and mostly be persons who understand the community behavioral trend and needs and who would be regarded as part of the communities
- Legal aid clinics needs to be established, as stated in the GBV Action plan
- An mechanism framework should be developed, to ensure that progress information is available at the end of every quarter, to inform the continuation of implementation
- A management oversight body, comprising government, civil society, judiciary, donors and other stakeholders, to oversee the project
- An office manager below the position of Chief Prosecutor is needed to manage the CU and provide respite to the Chief Prosecutor.
- The SGBV Unit has to allow for the Police to use SGBV CU cars and drivers (e.g. make sure that there is always a driver from the Unit behind the wheel, for accountability and security purposes), to get to locations of reported cases. Strict monitoring of the use of cars to this end can be implemented.

## **2.2. The Legal Framework**

The Rape Law of Liberia, which was approved 29<sup>th</sup> December 2005, came about through a concerted effort of the Association of Female Lawyers and the Government of Liberia to provide a more stringent law that will punish perpetrator of rape and other sexual offences adequately. Therefore it amended the New Penal Code Chapter 14 section 14.70 which originally did not provide for gang rape offences. It is therefore not an aftermath or product of the project under review.

The Rape Law stipulates that it is an offense when a person engages in sexual intercourse with another without the other person's consent; or "intentionally penetrates the vagina, anus, mouth or any other opening or another with his penis without the victim's consent; or uses another instrument to penetrate the "vagina, anus, mouth or any other openings of the victims body". The

Act further outlaws gang rape, stipulating that it is a first degree offence<sup>4</sup> if anyone engages with or connive with another person (s) to facilitate rape, or agrees to engage or cause the performance of any conduct that will otherwise be regarded as rape (Rape Law 2005).

The act continues to define sexual intercourse and consent adequately in section 3 (A and B). It further states that rape can be characterized in multiple ways: the use of violence or force or fear of violence; further the *mens rea*<sup>5</sup> for rape can be constructive in the instances where the victim was tricked into giving consent, asleep, and/or drugged to the point of unconsciousness.

Rape is a felony of first degree if the victim is under 18 years of age when the incidence took place was ganged raped, was threatened with fire arms or deadly weapon, and the victim incurred disability from the act. However, if an act of rape does not contain all of these ingredients; it is an offence of second degree and is punishable for up to ten years.

Interestingly, the Act stipulates a life imprisonment sentence to rape of a first degree and denied bail to the accused during trial because rape is regarded as a capital offence. All rape cases are to be held in camera and it should not only be a statutory provision but judicial precedent and ruling that must be followed

### **3.2.1. Analysis**

The Rape Law of 2005 provides an attempt by the government and people of Liberia to provide a legal framework for regulation of sexual behavior in the country. This is quite impressive considering the fact that it takes years for most post conflict countries to usually begin to address post war symptoms like sexual violence. It again shows the level of government commitment to solving the problem of rape in the country.

The law took the sensitivity of the entire rape situation into consideration and authorized for the use of in camera trials, in Criminal Court E. This is an important step towards the victim right protection and must be upheld. However, there are certain fundamentals that the Court E is refusing to follow, as has been discussed above in section 2.4.

Interestingly, the Liberian law on rape has also not been that helpful, in addressing SGBV cases: while the recently promulgated law improved the legal environment, it is by no means an adequate situation.

The law provides only for rape of ‘a person’, but suggested that rape of a person below the age of 18 (eighteen) is an aggravated felony. This provision is a bold step, but a controversial one. It

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<sup>4</sup> A first degree offence is a serious offence which the law will regard as committed with intent and not out of negligence or recklessness.

<sup>5</sup> The mental element of an offense is called mens rea. For a crime to be committed there coincide two elements: the actus reus, which is the physical act itself, and the mens rea, which is the intent to commit the offense.

fails to make provision for or recognize the universal legal principle of statutory rape which states that whether there is consent or not, any sexual intercourse with woman below the age of sixteen years is rape. By this blanket bracket of consent and eighteen years, it could be interpreted that a child under the age of sixteen can engage in sexual intercourse so long as he or she consented. The age of consent is not eighteen, while being below the age of eighteen the person is still a youth; the age of consent is sixteen as was established in the aged old case of R v Prince. Statutory rape is completely left out and this is dangerous for children who might want to engage in sexual activities.

The punishments for rape are all life imprisonment maximum. While all categories and levels of rape constitute the offense, raping a child of 9 years or below, for instances, should impinge grave punishment and must be regarded as a more serious offense than raping an adult (above the age of eighteen). The law is also quiet on differentiating rape and other sexual offenses and violence.

In as much as it is absolutely necessary to stamp out the crime of rape and the impunity that is attached, slamming disproportionate punishment on lesser offenses such as sexual harassment and sexual violence is also a violation of fundamental human rights and goes against the cardinal principle of proportionality.

There are many unanswered questions and many important issues that do not appear to be addressed, in the existing laws regarding rape and SGBV. Some examples below:

- 1) What happens when the child is raped by another child who is in the category of 'young person', i.e. a person under sixteen; would life imprisonment be the punishment for the young person?
- 2) What about in the cases of someone raping a mad person who is unable to give consent, incest, sodomy and or buggery, removing the defense of marriage, and detail definition? In modern drafting, it has been accepted that the law should be unambiguous and not prone to many interpretations. How would consent be proven when the law is silence on the elements of consent?
- 3) What about engaging a child to watch sexual activity for self gratification? Engaging a child to engage in sexual activities to another by force directly or indirectly, is that not offensive? Meeting a child for the purpose of child activities? What happens when a man forces a child to engage in voyeurism?

### **3.2.2. Recommendation**

- The current Rape Law should be reviewed, amended and/or reformed to include the issues raise.
- The punishment for perpetrators who rape children should be higher than that of adult considering the consequences that will emerged from it.
- Provision should also be made for cases were children are involved. Certainly life imprisonment should not be the punishment for a child raping another.
- Punishment should be meted out to parents or guardians or any other adults who allows, forced, and trick a child to watch sexual activities.

## **2.3. The Liberia National Police**

The Liberia National Police is a creation of Statute and is trusted with the responsibility to police the territorial boundaries of the Republic of Liberia. Commonly called the Liberian National Police, it is a responsible for the peace, stability, internal security of the country. The Liberian National Police is performing appreciably well under the existing circumstances of their job.<sup>6</sup> However, the LNP is constrained in many ways that compound the challenges the response to the rampant prevalence of rape and sexual offences in the country.

The design of the SGBV Crimes Unit (SGBV CU) project intended to have a close interconnection between the LNP and SGBV CU. The former would receive the cases from the public, process the investigations, prepare evidence and refer the case to the latter. This was supposed to be done with the aid of the Case Liaison Officers (CLOs) of the SGBV CU who would promptly, upon receiving information from the LNP about a case through the hotlines, contact the police, and assist. At the initial stage of the project, the design seemed to have worked for a while.

### ***Analysis***

However, the LNP believes that SGBV CU has snatched the bounty from their mouth considering the amount of resources put into setting-up the SGBV CU. They believe that all the resources should have been invested into the national police force.

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<sup>6</sup> The condition of service in the Liberian National Police is very poor: salary and allowances are unimaginably low and the supplies that follows, uniform and butts, are not only not forthcoming but when they do come they are substandard.

Another issue is that LNP lack resources to undertake proper investigation into SGBV cases. They have no form of transportation to visit crimes scenes, and they have no cabinets to preserve investigation materials, and no papers and pens to carry out investigations.

The condition of service in the police is deplorable and as a professional force, getting only 91 USD per month is not only inadequate but demoralizing. And working with CLOs, who earn at least ten times more than the LNP officers, brought about friction and rivalry, between the LNP and the SGBV CU. The LNP undertakes the hard part of the job and have the authority to make things happen.

The acrimonious situation has resulted into non-corporation from the police: the police stopped updating the SGBV CU on cases reported; this became acute after Caesar Freeman Case<sup>7</sup>, and or asking the SGBV CU to preserve evidence. Every effort by the SGBV CU to solve this problem has proven futile.

Putting excessive demands on the Police to effectively investigate cases should have been met with equal resources, motivation, awareness, and corporation from the other bodies.

Capacity of the police personnel is a major challenge to the success of the SGBV crusade. Without an effective police force to carry out the investigation and effectively arrest and charge to court cases, the efforts will not yield much result. After the long years of war, and considering the recruitment requirement for entry into the police force, there was every need to retrain the police officers on not only investigative and evidence handling ramifications, but also the content of international human rights and jurisprudence.

Over the past two years, a lot of trainings have been organized by organizations working on SGBV issues in Liberia especially the Norwegian Refugee Council (NRC); however these trainings have been miss placed. For instance, the SGBV Crimes Unit itself has organized training for police office, but only middle level and senior officers. The field junior officers, who investigate the cases, are left out of these trainings. NRC has instituted a training program for the LNP, but this also follows the same pattern on the demands of the hierarchy of the LNP. While the excuse is that the senior officers need to understand the issues first before the lower ranks, these senior officers are not really involved in investigating the cases. Granted the training will roll into the next phase of targeting the other officers, but this came too little too late considering the reality that the SGBV CU could be at the end of it existence.

Politicizing SGBV cases is another issue that the government of Liberia needs to closely refrain from, if setting up the SGBV CU and Criminal Court E is not to be regarded as mere phonic for

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<sup>7</sup> Caesar Freeman is the highest ranking influential officer that has been arrested and detained by the SGBV crimes units. His trial has prompted a lot of acrimony from the elites in Liberia, particularly so when one of theirs' is now behind bars, and calls for a review of the rape laws.

donor satisfaction or symbolic gestures. The SGBV CU had initially operated freely and cordially with the police force without any problem, but since the Caesar Freeman case was indicted, the police force has cut ties with the CU. Everyone has his or her reasons for this sudden disruption of the relationship. However, there are suggestions that because the accused is well placed in society and have many friends in the police, instructions from above ordered for the police not to cooperate with the CU, on the processing of the case.

Even where there is no formal legal framework allowing sharing of resources, but the SGBV CU should be able to assist the Police with some logistics like a vehicle and a drive to take them around and investigate case. Similarly, the donors must pay some attention to the plight of the police. In any project dealing with the police, some resources must be allocated to a very deprived force. It is also important for the government to create a formal legal relationship between the SGBV CU and the Police.

## **2.4. The Judiciary**

The Judiciary is the third arm of government, and is divided into various components. In order to create a speedy trial for rape and other sexual offences, the government of Liberia created Criminal Court 'E', specifically for adjudicating on SGBV cases. This has led to Criminal Court E being dubbed a 'Special Court' by many international and local observers. This special court has been given special procedures, and can circumvent the long process of normal trials in the Liberia judicial. For cases to be brought before the court, there is no requirement for preliminary investigation at the magistrate court level. Only a grand jury will sit and determine whether the prosecution has enough cases to bring to trial or not.

Criminal Court E is presided over by one female judge, who is assisted in trial by a jury of fifteen Liberians, even though the law makes provision for two judges. Obviously, a team of prosecuting lawyers from the SGBV CU sits opposite the defense table on the right of the court, which, in the trial observed by the Consultant, is also always full of lawyers. The Defense team is located on the left and the Accused sit by the Judges' table facing the audience, with the jury on his left and the court clerks on the right. Two of the clerks are court reporters: one uses a type writer to type every word uttered in the court room during the trial. Another clerk does voice recording that is stored in a computer (that only the clerk knows how to operate). Behind the audience is a well paved wooden compartment that houses the technicians, jury and witness protection room.

Overhanging the walls behind the judge are two 32 inches plasma televisions that relay the picture of the witness testifying in close camera. The witness sits in the witness room and uses a microphone to testify to the open court and the prosecution and defense lawyers also question the witness through a microphone.

Security is tight at the gate during trial with bailiffs positioned at the transparent door checking for passes anyone entering the building. Five family members from each side are allowed to witness the trial and a yellow locally made pass is given to one SGBV Crimes Unit staff to distribute as the family gathers outside the court room.

### *3.4.1. Analysis*

The creation of Criminal Court E is a political manifestation of the government's commitment to support the fight against sexual and gender based violence in Liberia. There is hardly a better way to show support and solidarity for a cause, than establishing a special court with different process and procedures to ensure that cases of rape are treated with some amount of urgency.

However, this procedural by-pass has attracted ferocious criticism from practicing defense lawyers, as well as other legal luminaries. Some of the criticisms are genuine and includes denying defendant the fundamental due process of the law, firstly. It violates constitutional requirement where the adversarial system is practice of how a trial should be run in the Republic of Liberia, secondly. It is still a wonder why there has been no constitutional challenge to already convicted cases on grounds that due process of the law has not been followed.

While it is always good to protect witnesses from media fury and defendant's supporters back lash in sensitive cases like rape, the rationale of putting known witnesses in a witness room to testify in a closed trial remains baffling. If the trial is closed, then the defendant should be given an opportunity to confront the accuser; similarly so, the victim must face the alleged perpetrator. If the trials were open, the witness room should not be utilized. But putting a witness in a witness room and broadcast his/her face to the lawyers, judges, jury, ten family members of the victim and perpetrator, and bailiffs of the country, undermines the essence of in-camera trial. If there is going to be a broadcast of the witness testimony, there should not be any family members present, only the lawyers, judge, and a jury should be present in the court room. Witnesses, who are known, should testify in open court and witness protection mechanisms put in place for after court occurrences.

It is crucial that all words uttered during a court case are registered, and put appropriately in the court record system, and also provided to the members of the court and the jury at the end of a trial. However, the Special Court typist is not a trained stenographer, i.e. the typing is very slow (the typist is using an old machine that struggles with the pace of the fingers). The current arrangement is so slow that it distorts the flow of evidence as the witnesses testify. Persistently, the court would have to wait for the machine to catch up with the proceedings.

There are no indications of what the court does with the notes taken during trials. While it is a part of accepted process that copies of the trial transcripts are sent to the prosecuting and defense team, the notes should be used for a much more important function. In order to leave a good legacy of the court, court reporting should be introduced. The cases decided conviction or not,

should be fully reported as part of a wider law reporting scheme for reporters. Legal commentators, academics and students should be allowed to read these cases and comment or critique them. By so doing, the jurisprudence of SGBV cases would be enrooted into Liberian legal circles, which will allow gradual acceptance of the law and its dictates, general discussions of rulings, and, most importantly, it will make judgments better.

Trials are too long and delayed due to the process in the court and this frustrates the victims and witnesses and even the public that what to know the outcome of some of the cases. This is cause mainly by defense lawyers who mostly file unnecessary and delay-tactic motions, and according the Liberian system all motions must be adjudicated on first before the trials continue.

### ***3.4.2. Recommendations***

- A second judge should be added to the one sitting judge to serve as trial judge sitting alone or help the existing judge to sit by shift in the jury trials – one in the morning and the second judge in the afternoon. This is because the time spent on one case by the long present judge makes the trial process too slow and thus handles few cases only.
- The government should go further to empanel another ‘grand jury’ for sexual offences and other related cases, especially for overcrowded Montserrado County. This will help more cases pass the grand jury level and quickly move to trial stage.
- The principles of in-camera trial must be followed to the letter by the court. There should be no half way in-camera trials and special circumstances, where the face of the witness could be shown.
- Criminal Court ‘E’ should be allocated a trained stenographer to quickly record the proceedings of the court and allow for speedy trials.
- Court records should be utilized into court reporting whereby law reports are produced out of this and published for wider consumption.

## **2.5. Victims Care**

The victim support officers (VSOs) at the SGV CU are responsible for victim care. They handle victims in the form of following up on cases and ensure that the victims are provided with access to counseling. The VSOs also help in tracing and identifying witnesses, and assist the prosecutors to prepare the witness for trial. Where there is a need for greater protection, the victim support staffs refer the cases to the ‘safe homes’ in the county. There are two victim support officers and a room at the SGBV CU is allocated for victim handling at first and

subsequent meeting. This is a major component of the project and considering the number of cases that have been reported, the two officers are not enough.

The victims file in from various sources: sometimes they are referred by the police after initial report of the crimes; on other occasions NGOs like THINK and NRC processed the files and start preliminary investigations before referring the matter to the SGBV; other times the victim themselves walked into the SGBV CU headquarters and report the matter. The witness protection scheme at the CU is very detail with officers under strict confidentiality oath to ensure that the identity and date collected are not reveal to outsider under any circumstance.

The SGBV CU has a witness interviewing room where the victim and or witness it quietly with a well trained CLOs to elicit the facts from the victim. While the room is too formal, but the close walls provide not only confidentiality but security for traumatized victims.

### ***3.5.1. Recommendation***

- More VSOs should be employed, trained in psycho-social counseling and trauma management.
- The salary of both or all future VSOs must be in the project fund and not rely on other NGOs for payment.
- Also, it would be complimentary to outsource the issue of victim case, as an alternative. The project design should be alter to include others more professional organizations in victim's care

## **2.6. Referrals of Cases**

In order for the SGBV CU to operate properly, it must receive cases of rape and other sexual violence from various sources. The main legislative source is the Police, who is supposed to call the SGBV CU CLO's immediately as a case has been reported. However, according to the main project document, there should also be other sources of case reporting, e.g. NGOs and even directly from the victims. THINK – Touching Humanity in Need of Kindness, a local NGO, has referred about sixty two cases to the SGBV CU since the latter was established and has a neat records of cases referred, with information about date, gravity and location. NRC has also referred cases to either the LNP or the SGBV CU. NRC has used community clubs and structures to raise awareness and ensure that cases are reported to it centers or main contact person. UNMIL Civilian Police Monitoring SGBV issues also contributed to bringing cases to the attention of either the police and or the SGBV CU. Every case that UNMIL Civilian police has referred to policed as been brought to the notice of the CU.

### ***3.6.1. Analysis***

The SGBV CU has many outstanding and new cases, meaning referrals has been great from all angles, initially. The consistent and systematic referral of SGBV cases from the LNP to the

Crimes Unit have been severely hampered by the thorny relationship between the LNP and the SGBV CU. Initially the number of referrals reflected a relatively well functioning system, but since the inception of the highly politically sensitive case of Caesar Freeman, referrals dropped. At the time of conducting this evaluation, there were already eight cases charged to court by the LNP without the knowledge of SGBV CU.

The LNP acrimony has become a blame game: SGBV staffs believe the LNP is undermining the work they are doing so LNP referred fewer cases to the SGBV CU; while the LNP believe the SGBV CU CLOs are inefficient and ineffective (i.e. the CLOs are said to be slow in turning up, when called to investigate reported cases). Further, the LNP is of the view that the CU by-passed them on the Caesar Freeman case.

Another key observation is the fact that the Chief Justice of the Republic of Liberia has – in practice - outlawed paralegal terminology and programs. There is however no law on this anywhere in the laws of Liberia and could be seen as an abuse of discretionary powers. A paralegal system would greatly enhance the SGBV CU's chance to effectively address the many cases of SGBV reported. As manifested in many post war countries, like Sierra Leone and Uganda, paralegals lessen the burden of overcrowded courts, allow for access to justice that makes us of communal structures, and provide employments for young people who understands the cultural ramifications of sensitive issues like rape. Looking at relevant experience by others, it is interesting to note that the Norwegian Refugee Council (NRC) has indirectly instituted a paralegal program, but this is outside of Monrovia because of the orders of the Chief Justice not to use the term paralegal legal or institutes any program that resembles paralegalism.

While there is a crisis in the relation between the LNP and the SGBV, hampering the reporting of cases to the Unit, it is also critical to consider the fact that many cases of SGBV are never reported to the police in the first place, rather they are only reported to the medical centers or clinics. Effectively, it means that there are many cases of SGBV that never reach the SGBV CU.

### ***3.6.2. Recommendation***

- The crisis in the relationship between the LNP and the SGBV CU needs to be resolved immediately. It is critical to the prevention and mitigation of SGBV in Liberia, and in Montserrado in particular, that there is a complimentary, cordial and productive working relationship between the two institutions.
- To enhance the information flow about SGBV cases to the Unit, the SGBV CU should be more visible and accessible – at its headquarters in Monrovia but more importantly at the community level, e.g. by creating easy access points in the form of community drop-in centres and/or drop-in points at the medical centres of NGOs at the community level.
- The SGBV CU should make an effort, urgently, to connect with relevant NGOs that work on SGBV related issues, to strengthen information flow about SGBV cases, as well as

enhance opportunities for reciprocal learning. The NGOs often have very effective and efficient modes of operation, and a lot can be learned.

- Law, rules and/or regulations should be passed that mandates all medical centers to refer rape or sexual offences reported to them for treatment.
- For rapes cases to be tackled in Liberia, there is every need to institute paralegal programs that will recruit educated and non-educated persons from the community train them and allow them to serve as feeder programs. One great example the Society for Democratic Initiatives, Sierra Leone (SDI)<sup>8</sup> paralegal program dealing with domestic and sexual based violence cases in Sierra Leone.

## **2.7. Institutional Reform: Ministry of Justice Internal Dynamics**

The purpose of the establishment of the Criminal Court E and the SGBV CU, under the judiciary and Ministry of Justice (MoJ), respectively, was to address the need for institutional reform, in the area of national legal framework on SGBV, and to build capacity of the Ministry for this purpose. As has been analyzed under subsection 2.4, Criminal Court E has a judge that sits exclusively on SGBV cases, thus providing speed and attention to the plight of the cases. The setting up of a special prosecutorial arm in SGBV CU is impressive considering the fact that at least there is a structure working against impunity specifically related to SGBV; before there was none.

### **3.7.1. Analysis**

The MOJ allocated five prosecutors from the MOJ to work at the SGBV CU, and this changed the outlook and concentration of the lawyers. It gave them a special entry point into criminal law and allowed them to focus specifically on SGBV. The judge and prosecutors were also supported to receive training on this issue including oversea trips to learn from and understudy jurisdiction, like to South Africa, where inspiration was gathered for how to run the Criminal Court E and the SGBV CU. However, the evaluation finds it questionable whether the study trips to the US, that were conducted, really provided the expected and intended value for money, considering that US courts have no specialized experience in post war sexual offence issues. It is surprising to note that the consultant could not lay hands on any report from the trip to evaluate the efficacy of such investment. However, the only justification from both the SGBV CU and UNFPA was that Liberia is a colony of the USA, so any capacity building training should be in the US. This makes little sense, however, considering the fact that there are countries in Africa with great similar experience, and within a post-conflict context, like that of Liberia's.

While the existence of the SGBV CU has reduced the workload of the County Prosecutor, and freed up time for him tend to other types of prosecutions in Montserrado County, it appears as if

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<sup>8</sup> For more information on this, please contact [info@sfdi-sl.org](mailto:info@sfdi-sl.org)

the ministry was not actually fully ready for the implementation of the SGBV CU project. This is evidenced by the poor level of supervision and involvement of the MoJ in the operations of the SGBV CU. As the line ministry implementing the project, MoJ has paid little attention to ensuring the effectiveness and efficiency of the SGBV CU, considering its potential for impact on the society. The CU appears to be very alone in grappling with demanding institution-building challenges.

Within the MOJ itself, and the entirety of the judiciary, there is a lack of willingness and ownership of the new dynamics that unfolded with the creation of Criminal Court ‘E’ and the establishment of the CU. There is no consensus on the procedures and privileges allocated to both institutions and this could be seen as major impediment to a seemingly initial robust governmental structure. Some judges and lawyers have refused to sit on SGBV cases and decry the Rape Law outright as anti-elites and too harsh. However, this could not be the real reason for their refusal to participate in rape trials. But rather the mere refusal to accept changes that will affect them and their practice.

The appointment of less experienced judges to sit on Criminal Court ‘E’, with the potential of highly contentious capital offences, has additionally made it difficult for the SGBV CU to meet reach its goals and objectives. A bold analysis is that the MOJ was merely dancing to the tune of sthe donors but did not buy into the idea. At present, there are many issues, which the sitting judge is still to fully understand; the in-camera trial approach has repeatedly delayed trials, and defense witnesses have repeatedly raised longish objections, despite the higher Court ruling that allows for in-camera trials. In addition, the evaluation observed that the lawyers are blatantly violating the rules: in two trials that were observed, a lawyer walked up to the television and took a picture with his mobile phone; on another occasion the judge allowed the perpetrator and his lawyers to walk into the witness room and meet the witness. This completely violates the Supreme Court ruling of the matter and further undermines the safety and security of the witness and or perpetrator.

### ***3.7.2. Recommendation***

- The MOJ has to take ownership of, and a committed interest in, the SGBV CU, and begin to provide supervision and monitoring of progress and appraisal of achievements. Both the Criminal Court E and the SGBV CU should not be seen as projects, but rather as arms of the judiciary. A lot of awareness raising is needed, especially among the most senior staff within the MOJ.
- In terms of the violation of court procedures, the judge should reprimand anybody, be it practitioner, observer of the court, or witness. The judge should not be reluctant to slam contempt charges for violation of the rules of the court.

## 2.8. Capacity Building

As the table below shows, the project over catered for the capacity building of staff members, judges, police officers, media and outreach for the masses. SGBV staff attended similar trainings organized by other organizations such as the NRC, and IRC, to name a few. Most of the trainings were preceded by the development of manuals, which were quite extensive.

**Table 2: SGBV Crimes Unit staff capacity building trainings**

No	Title of training	Location of training and duration of training	Participants from SGBV CU	Purpose/objectives of the training	Organizer of the training	Training report available
1	Modern Trial Advocacy	Earl Mark School of Law, Pennsylvania, USA	2 staff: Cllr. Felicia V. Coleman and Attorney George D. W. Sagbeh	Building the trial and advocacy skills of prosecutors in modern trial techniques	National Institute for Trial Advocacy	Yes
2.	Quarterly County Attorney and Prosecutors Training	Montserrado, Cape Mount, Bong, Sinoe, Margibi Counties	5 staff: Cllr. Felicia Coleman, Cllr. Amara Sheriff, Attorneys George Sagbeh, Joyce Tarpeh, & Esther Seton-Cee	Building the Trial Skills of County Attorneys and Prosecutors	UNDP, PAE and Ministry of Justice R.L.	No Certificates were awarded after the completion of each quarterly report.
3.	Study Tour	California, USA	4 staff: Felicia coleman, Doris Maholo-Saydee, Rosetta Baikpeh, Amara Sheriff	Learning experience in the procedures for prosecuting rape cases and best practices	UNFPA & Rape Treatment Center	Yes
4.	Study Tour	Rape Court, South Africa	1 staff: Cllr. Felicia Coleman	Learning experience to witness the operations of the in-camera hearing	UNFPA	Yes

				in the Court in South to adopt best practices in the courts in Liberia.		
5.	Criminal Justice and Sexual Response to Sexual Violence	P. A. Rib House, Monrovia, Liberia	4 staff: Cllr. Amara Sheriff, Attorneys George Sagbeh, Joyce Tarpeh & Esther Seton-Cee	Building the skills of Judges, Prosecutors, Medical Practitioners & Public Defenders in understanding the importance of medical evidence in sexual assault cases.	NRC, Judicial Training Institute and Crimes Unit	Yes
6.	Modern Trial Advocacy	Cape Hotel, Monrovia, Liberia	1 staff: Cllr. Amara Sheriff	Building the trial and advocacy skills of prosecutors in modern trial techniques.	Lawyers Without Borders & Ministry of Justice	No. Certificates were issued after completion of training.
7.	Gender and Justice Training	Ivory Coast	1 staff: Attorney Joyce Tarpeh	Building skills in understanding gender and justice issues related to sexual gender based violence.	Ministry of Justice & GTZ	Yes
8.	Psychosocial Counseling in Sexual Gender Based Violence Cases	P.A. Rib House, Monrovia, Liberia	2 staff: Doris Maholo-Saydee and Tenneh Johnson	Building the skills of the Unit's psychosocial Counsellors in handling victims of sexual violence.	UNFPA/ MOJ	Yes

### **3.8.1. Analysis**

The project was developed to cater for the creation of a new institution (the SGBV CU) and therefore a lot of activities were directed towards capacity building. The project laid a lot of emphasis on capacity building, with over 70% of resources allocated to it, while the remaining 30% went to actual service delivery. The evaluation finds that, this disproportional relationship should have been noticed, by the supporting partners, and that flexibility should have been allowed for making amendments.

While extensive training and capacity building was undoubtedly relevant and needed at the onset of the project, repeated training of the same persons within short time span does not appear to add significant value to the effectiveness of the Unit (in part due to the absence of the staff while

undertaking training). Particularly so considering the fact that post war countries tend to abuse the need and use of ‘workshops’ and other forms of ‘trainings’. A lot of the participants attended trainings only for the sake of so doing without adding any much value to the staff members.

### **3.8.2. Recommendation**

- Volume of capacity building activities should be narrowed to only address absolutely critical gaps and needs of the CU Staff, the MoJ, the LNP and the media. Refresher training in-country can be developed instead of conducting expensive over-seas training trips. Overall, identification of training needs, and support to be provided to it, should be critically scrutinized by MoJ (overseeing the SGBV CU) and supporting partners (such as UNFPA).
- More emphasis should be given to training of media representatives, on SGBV CU issues, considering the role of the media in changing attitudes and behavior of the population.

## **2.9. The Information Management System of the SGBV Crimes Unit**

### **3.9.1. Records Keeping**

Records at the SGBV are being managed by an IT officer, who appears to be well qualified. He performs the duty of an IT manager of the office and at the same time a data clerk, imputing data into the most recent excel date keeping system. The files contain the personal data of complainant and witnesses, statement taken by the referral institutions, findings of the investigations by the police or other institutions who started the investigations, and sometimes photographs of victims and crime scene. The IT offer imputes these data into a excel program that guarantees multiple and long lasting storage opportunities.

Internet connectivity is extremely necessary for intra and inters office communication and for safeguarding the records through online anti-virus and other uploads, however connection is poor/slow, and sometimes it is not working at all, in the entire office.

There is also a centralised data storage system, in the main frame single computer used for this purpose. While this is necessary and required, a single computer stored in a room with no air condition is a risk to the records.

The office does operate a manual file cabinet which stores sensitive information about clients and cases. This second aspect of the storage system is also managed by the IT office.

## **Recommendation**

- The IT officer should be assisted by a couple of other officers responsible for data entry and records filing.
- The mainframe computer must be replaced with a high capacity central processing unit that has a large capacity.
- The IT room must be more protected and air conditioned.

### ***3.9.2. Hotlines***

SGBV CU operates one hotlines phone numbers meant for receiving phone calls on emergency cases. This phones are handled by the CLOs who answer the calls and respondent to emergency situation. The numbers are simple and easy to remember. However, it is not a stationary phone and is taken home with the CLOs. This undermines efficient and office like attendance to the phone.

It is important to note that the hotlines are a greater and easier means of bringing cases to the attention of the SGBV CU. For this reason, NRC has been providing top up cost for the phone. This allowed the CLOs to return calls from distress callers that cannot afford the entire call.

However, the manner in which the phone is operated needs to be reassessed. There are complaints, which is denied by the CLOs, that the phones are used by the CLOs for personal purposes. Making personal calls and misusing the top-up units which are meant to serve usefully in responding to SGBV reports. Additionally, there are also claims that because the CLOs take the phones home, they put the phone on silence at night in order to avoid disturbing their sleep. This is completely inimical to the purpose and intent for which the lines were set up. The CLOs should be reached at any time of the day so that they can help victims of sexual and gender based violence.

## **Recommendation**

- The phone should be placed in the office with a 24 hours attendance to it by either the CLOs or special phone operators employed.
- A supervisor should monitor the amount of calls made from the phone, for what purpose, and the impact it has on the number of case reported

### ***3.9.3. Cross Referencing of Information and Other Relevant Partners***

There is dearth in the information sharing in Liberia in and amongst institutions working on SGBV. Overall, there is a very poor culture for information sharing amongst units and people.

The Police are not willing to share information with the SGBV CU; the SGBV CU has not developed a mechanism for sharing information with either the Police or NGOs working on SGBV in Liberia. Rather, few information has come from THINK about cases they have referred to SGBV CU, but THINK complains that the SGBV CU seldom refer back to them or even update them on cases that they refer. Another partner, whose information could be of immense benefit to the SGBV CU, is the NRC. NRC does extensive work, not only with the communities but also through medical clinics that could help identify cases for the SGBV CU or augment statistics. It is in the same vein that the UNPOL should work closely with the SGBV CU to share information and cross check information on issues.

### **Recommendation**

- There is a need for the SGBV CU to develop a mechanism of information sharing among partners working on GBV issues in Liberia. This will help greatly in synchronising that approach to addressing SGBV and will connect the efforts. Information sharing is the key to working with the multiple of partners involved in this crusade.
- SGBV CU staff should be trained in cross reference sources and data to get accurate findings.

### **2.10. Citizen's Engagement with the SGBV Crimes Unit and Formal Justice System**

With the prevalence of SGBV and the lack of mechanisms to curb the practice in Liberia, it would be expected that the creation of the SGBV CU will generate tremendous interaction between the people of Montserrado County and the formal justice system. However, at the time of this report, this interaction is still alarmingly low, due to a number of factors.

In a country that saw fourteen years of civil conflict, there is a deep lack of trust, and dependability on the state apparatus. The judiciary is no exception; the perception that only rich people can buy justice is still widespread in the Liberian society, as is the view that for justice to be delivered, one has to be connected or related to someone in power. This is one of the reasons for people refraining from using and entering the formal justice system. In the case of rape and sexual offences, many Liberians will prefer to report abuses to their community head, such as religious leaders, as well as medical practitioners paid by NGOs, instead of reporting them to the formal criminal justice system. While the impression and feelings of corruption, favoritism, nepotism and regionalism prevail in the criminal justice system, the creation of the SGBV CU was supposed to provide some amount of hope for victims of SGBV – in Montserrado County, and perhaps, in time, across the country.

However, the over-politicization of certain trials, in the short lifespan of the SGBV CU and the Criminal Court 'E', has only reinforced the mistrust in Government legal institutions. The Caesar Freeman case is notorious for having a split of support among the powers-that-be. The media is biased against the victim, the LNP has taken sides and the elites of the governing class have shifted more to left against the court and fair play. This display of partisan divide reinforced the pre-war Liberia where the state colluded with rogue elites to violate the rights of people and destroy the country.

The delayed court procedures and actions reduce the hope of victims and relatives of access to proper, timely and fair justice. There is very little faith in the system. Some trials have taken up to two years before being concluding, some longer.

Also, victims, and witnesses in support of the victims, are in fear of reprisals of the defendant or his supporters, when the defendants hold power/enjoy strong political public support, e.g Caesar Freeman. The combination of excessive media attention and inadequate witness protection, pressures people to sort to community level and informal negotiations of punishment for sexual crimes, instead of taking the cases to court, and to the wider public.

## **2.11. Accessibility of the SGBV Crimes Unit**

The location of the SGBV CU would seem to make it easily accessible and visible, it being located at the foot of Capitol Hill, opposite the Ministry of Information, and adjacent to the Senate building. However, there is no sign at the entrance, announcing that this is the location of a Government Unit that deals with and responds to SGBV. The fencing, which was financed by NRC, provides confidentiality to the victims, and security to the staff as well as the property of the unit.

### ***3.11.1. Analysis***

It is important to note that the SGBV CU was not intended to be a drop-in centre. The purpose of the building was to house the team of prosecutors and other auxiliary staff assisting in the achievement of the goals of the unit. However, had it been the intention that the CU should also serve as a drop-in centre, the issue of accessibility and visibility would have arisen at the beginning.

However, while the purpose of the CU was not to serve as drop-in centre, the fact is that victims and relatives of victims, in distrust of the police, come to the CU for protection, and to report violations against them. In recognition of this additional function of the SGBV CU, which the SGBV CU has to acknowledge and accept, the intimidating security-conscious presentation of the Unit, with the high barbed-wire fence etc., could be appropriately toned down. The SGBV CU should also explain and justify why it should continue to be unannounced that the building

houses a Government Unit that addresses SGBV. It seems counterproductive to addressing and curbing SGBV.

### ***3.11.2. Recommendation***

- The SGBV CU should engage in activities for establishment of drop-in centres at health clinics, centers and the like, at the community level. This would enhance the information flow from the community level to the SGBV CU, circumventing the strained relations with the LNP.
- As is stated in the GBV Action Plan of 2006, the community should be sensitized and organized to provide protection for witnesses whenever they come forward.
- Further, the SGBV CU should build networks with other in-country programs to ensure that there are many referrals of cases and the task of outreach is reduced. The SGBV CU should then use those networks to raise more awareness in the communities.
- The Community structures should be encouraged to monitor cases and ensure the zest in prosecuting perpetrators does not dissipate with time.

## **3. Best Practices/ Lessons Learnt**

The pilot phase of the SGBV CU project has seen many success stories as well challenges that the project and other countries or subsequent projects should emulate or learn from. In this section, I am going to attempt to tabulate these best practices and lessons learnt from this initial process.

### **3.1. Best Practices**

The SGBV set up introduced a new approach in the fight against minimizing sexual and gender based violence not only in Liberia, but in other post war West Africa and African Countries where the issue of sexual and gender based formed part of transitional justice issues. In many post conflict countries, it is novelty to establish a special court within the judiciary systems to handle, exclusively, sexual and gender based violence issues. Even on a broader take, Kenya is still struggling with setting up a special court to investigate the post election violence which includes sexual and gender based violence. The difficulty normally lies with the willingness of the judicial structures to adjust and accommodates new ideas and structures.

It is also fair to regard the government's openness and willingness to not only pass a new act, but to set up the CU together with other donors and allow it to operate freely and independently. Normally, with over one million dollars, competition for control and use of such huge funds

blurred the sight of government and unnecessary bottle neck creeps and scramble for resource control becomes the order of the day.

Additionally, the project is drafted on a multi-stakeholders platform including government, civil society, international governments, media practitioners, donors and international community and communities. The oversight community that was set up took into consideration this approach as well. While it is extremely difficult to build and maintain coalitions of this nature, this project was able to bring these factions to work together as well.

Another innovation was the use of Information Communication Technology to enhance effectiveness, efficiency and reach-ability. The SMS and mobile phone system has made it easier for victims as well as eye witnesses and bystanders to report crimes and or possible crimes. People will not have to move long distances to report to the police, instead they can make a call, or send a message, and the CLOs will return the calls and follow-up on the cases.

In order to expedite the investigations, the project made use of CLOs who are experienced in both psycho-social counselling and criminal matters. Like paralegals, the CLOs gather information and preserved evidence. It is an extremely necessary set of support staff to the overall success of the CU.

### **3.2. Lessons**

In the midst of these best practices, there are challenges and lessons learnt from the pilot phased of this project. Below I will attempt to point out these internal dynamics.

There was political good will no doubt in the sitting up of the CU, however, there were many other aspects of the Political dynamics that was not taken into consideration and handled in the design of the project. The project was supposed to be operated under the MOJ and work in tandem with the Ministry of Gender. However, none of these two ministries actually participated directly in the overseeing of the CU. Apart from the general coalition oversight committee that they participated in; the CU was left all by itself. It is the usual problem of coalition building where institutions and person don't take responsibility direct responsibility for roles and responsibilities entrusted to them.

The management of the SGBV was put on the shoulders of the lawyers who were supposed to be prosecutors of the cases. Rather than give hundred percent of their times on persecuting cases in court, the lawyers including the Head of the CU were busy undertaking minor administrative details that consumed time and deviated their attention from the main task. A management team of experienced administrators should be employed to work on basic office running issues and allow the lawyer to concentrate on legal work.

The Law is new and a very bold step in the right direction, however the law is still very limited and omits several provisions that should address key elementary and jurisprudential issues. Therefore, the law should be extensive and detail comparative analysis done with the Sierra Leone ‘Sexual Offences Act’ to incorporate certain elements that are missing.

The issues of paralegals or the process of paralegalism is a step on which the entire Liberian sexual and gender based violence campaign may fall or else overleap. For in the way it lies, there is no way it could be avoided. While there is no codified rule forbidding the use of the term or the institution of the process, the office of the chief justice is reported to have outlawed it. Paralegal programs, whether community paralegals or formalised legally structures paralegals will serve as feeder program into the prosecutorial aspect of the CU. It is highly necessary.

Finally, the internal interplay between the LNP and the CU is one major component that was not well thought out. This had led to tensions which stifled the process of handling cases and or sharing information between the two major stakeholders whose corporation the success of the project rely on. In Sierra Leone, the police co-chair the National Committee on Gender Based Violence and as such takes ownership of the process. The Police reports to the Committee number of cases reported or charged to court and the police is heavily supported in terms of logistics.

#### **4. Conclusion**

The SGBV CU’s first phase has ended and it has asked for a no cost extension to complete the activities of the project. The project is assessed using the internationally recognized evaluation standards, namely relevance, effectiveness, efficiency, impact, and sustainability:

**Relevance:** The project is highly needed, not only in Montserrado County, but the whole of Liberia, to help reduce the rate of rape cases and accidence in the country. While the pilot phase has shown enormous challenges both in terms of institutional set up and the national political dynamics, the SGBV CU remains the major path to reducing sexual and gender based violence in Liberia, if recommendations proffer above would be taken into advice. There should be more complimentary programs like the paralegal programs and networking to ensure that this project becomes a reality.

**Effectiveness:** The objectives of the project are slowly being achieved, with some modification to the ways and means of carrying out the project. It is critical to the response to SGBV in Liberia that there are SGBV specific trials, and the CU is positioned to play a key role to sustain and improve that response. But support to the SGBV CU now has to shift from institution building to more effectiveness, in terms of processing of SGBV cases, and getting them to court.

**Efficiency:** The project cost compared to the result produced so far does not measure up in terms of value for money. The project appears to be too expensive in relation to its actual outputs, and future support should work out modalities to ensure that the results reflect the funds invested into the project. There are well experienced people on the project to show value for money, however there are many external challenges that need to be dealt with before good product for the amount of resources could be shown.

**Impact:** Quantitatively, the impact of the project is disappointing considering the fact that in eighteen months only ten (10) cases have been completed and five (5) convictions secured. However, the symbolic impact – or value - of the SGBV CU, and the establishment of Criminal Court ‘E’, must not be underestimated. The very existence of a mechanism that will put to trial, in almost public view, the normally ‘untouchable’ perpetrators of rape and other sexual offences, sends a signal that the era of impunity is no more. The physical presence of SGBV CU at Capitol Hill and the chilling effect that the elites have of the SGBV office would certainly provide some amount of deterrence and reckless impunity.

**Sustainability:** At present, it is extremely difficult to think that the Liberian Government will sustain this project considering available Government funds – relying mainly on donors - and the fact the Peace Building Fund money allocated to the project finishes in March 2011. It is highly advisable that donors be approached to find funds to sustain the project, taking into consideration the observations and suggestions above, to ensure that the money already spent, the efforts that have already gone into building the SGBV CU as an institution, and the trust that the population has in its Government’s response to SGBV in the country, is not wasted.

# **Annexes**

## **Annex 1**

### **Terms of Reference**

#### **Evaluation**

#### **Strengthening of Prosecution of SGBV Offences through the Sexual and Gender Based Violence Crimes Unit (SGBV CU)**

#### **Monrovia, Liberia**

##### **1. Background**

The prevalence of Sexual and Gender Based Violence (SGBV) in Liberia is rampant. While SGBV did occur in Liberia before the civil war, the 14 years of fighting only intensified the extent of SGBV, as it was used as a weapon of war.

Literature shows that Sexual and Gender Based Violence, particularly rape, is one of the most commonly reported crimes in Liberia; in 2007, it constituted 70% of all reported crimes (Demographic Health Survey Liberia, 2007). In 2007, 17.6% of women between 15 and 49 years of age stated that they had experienced sexual violence; for the 25-39 age groups specifically, the rate was 22%. Of those who had experienced sexual violence, 32% stated that the perpetrator was a current husband/partner. In 10.2% of the cases, it was a current/former boyfriend, and in another 8.1% of the cases, it was a police officer or soldier. In 2007, 38.6% of Liberian women between 15 and 49 years of age, and ever married, had experienced physical and/or sexual violence.

In response to the extreme magnitude of SGBV in Liberia, a specialized SGBV Crimes Unit was established in February of 2009, as a pilot project under the Ministry of Justice, to provide rapid investigative and prosecutorial response to complaints of rape, gang rape sexual assault, sexual abuse, sexual exploitation, and incest with particular focus on sexual offenses committed against children and adolescents. The primary responsibility of the SGBV Crimes Unit is to prosecute sexual offenses cases originating in Montserrado County, but it is the idea that the CU will cover additional counties in time, and eventually the entire country (possibly with the establishment of county units).

The goal of the SGBV CU is to increase prosecution of SGBV crimes and to provide a victim-centered approach to those affected by sexual violence, and assist victims in dealing with the criminal justice system.

The SGBV Crimes Unit as a project is intended to be implemented in three (3) phases: 1) Institutional development, 2) Institutional Development and Individual change, and 3) Institutional development, individual Change and Public attitude. The Unit is currently implementing phase 1, which covers 1-18 months.

The vast majority of the SGBV CU operating costs are funded by an 18 month grant from the Liberian Peace Building Fund administered by UNFPA. Additional assistance is provided by UNDP, UNHCR and Norwegian Refugee Council and the Government of Liberia. UNMIL Legal and Judicial Support Services and UNPOL, along with The Carter Center and PAE Justice Sector Support for Liberia, provide technical assistance to the Unit.

Due to the delay in the receipt of funding, implementation of the project activities did not begin until April 2009.

When starting its operations in April 2009, the CU inherited a backlog of over 20 cases transferred from the Montserrado County Attorney's office for prosecution in the newly established Sexual Offenses Court, Court E; while at the same time there were additional 150 persons, in the Monrovia Central Prison, accused and charged for sexual offences who had not been indicted. After 15 months of operation, the Unit has reportedly tripled the number of sexual offenses cases brought to trial in Liberia. In addition, the Unit has partnered with the Liberian Police to improve the quality of investigations. The Unit has also conducted training for County Attorneys, City Solicitors and other Ministry of Justice prosecutors, as well as for police and providers of medical and psycho-social services to victims of sexual offenses. Through its outreach activities, the SGBV Crimes Unit has provided information on prosecution and prevention of and response to sexual violence to school and community groups.

The key partners include: a) Liberia National Police, (WACPS) and UNMIL to improve investigation of SGBVCU cases and evidence collection; b) Ministry of Health & Social Welfare (MOHSW) in providing psychosocial support for victims; and c) THINK to provide services for the clinical management of SGBV e.g. Post Exposure Prophylaxis, protection from STI's, HIV/AIDS and pregnancy. The Ministry of Gender and Development (MoGD) has further established a unit that collects data on SGBV and co-ordinates the work of all stakeholders addressing SGBV through the UN Joint Programme on Sexual and Gender Based Violence.

Key intended results, from the SGBV Crimes Unit:

- Physical establishment and staffing of the SGBV Crimes Unit;
- Quality information collection system for reporting on SGBV cases in Montserrado County, run by the SGBV CU;
- Through the establishment of the SGBV CU, the MoJ's internal structures are reformed to allow for targeted and efficient prosecution of SGBV cases;
- Operational plan for prosecution of SGBV crimes developed by MOJ;
- Enhance prosecutorial effectiveness in the area of SGBV;
- Enhanced justice delivery to the communities based on training of the SGBV CU prosecutors, investigators and the victim support advocate in procedural and substantive areas;
- Enhanced public trust and engagement with formal justice system in cases of SGBV, based on SGBV collaboration with partners, through its Outreach and Training Coordinator;
- Enhanced public awareness of the SGBV CU's work.

Since its establishment, the Unit has been fully functional with trained staff working with police, healthcare providers and partners to provide appropriate and timely response to incidences of rape. The staff includes specially trained prosecutors, case liaison officers and victim support officers.

The SGBV Unit is being funded by UNFPA as part of UNFPA Liberia's commitment, vis a vis its country programme, to support the implementation of the GBV Action Plan by strengthening the prosecution of sexual offences. The Role of the Unit is to gather evidence and build a prosecution case file, so that survivors can get legal redress.

## **2. Purpose of Evaluation**

UNFPA support to the SGBV CU was scheduled to run out September 2010, but in anticipation of a no-cost extension being granted soon, by the donor, the Peacebuilding Office, funding of activities may be stretched to March 2011. However, the evaluation should generally follow the standards for a summative evaluation.

The purpose of the evaluation is to provide information on the efficacy of the SGBV CU vis a vis the goals and objectives of the Unit, with emphasis on those outputs and outcomes that have been directly supported by UNFPA through the mutually signed work plans.

However, the evaluation should also serve to identify ways, i.e. present recommendations, to enhance the efficacy and efficiency of the SGBV CU, and should address issues related to sustainability of the SGBV CU beyond its current pilot project status, as well as replicability of such a Unit in other counties, i.e. lessons learned from the work of the SGBV CU in Montserrado County.

With reference to the intended results, the evaluation should assess:

- Status of prosecutorial effectiveness in relation to SGBV cases (before and after establishment of the SGBV CU);
- Changes made to MoJ's internal structures towards more targeted and efficient prosecution of SGBV cases (before and after establishment of the SGBV CU);
- Quality of SGBV CU information management system;
- Level of citizen's engagement with formal justice system in cases of SGBV (before and after establishment of the SGBV CU);
- Public awareness of the SGBV CU's work.

More specifically, the evaluation should study the following issues:

- The outcome from the training conducted by the SGBV CU to County Attorneys, City Solicitors and other Ministry of Justice prosecutors, as well as police and providers of medical and psycho-social services to victims of sexual offenses;
- The outcome, and added value to the efficacy of the SGBV CU, of the trainings participated in, as well as the study trips abroad, by members of the SGBV CU staff;
- Effectiveness of the SGBV 24 hr hotline (telephone) as a mechanism to register and address SGBV cases, and quality of the follow up from the calls made to the hotline;
- Quality of management of information regarding reported SGBV cases (also, who is information shared with (relevant stakeholders), with what outcome);
- Synergies explored with other relevant programmes and projects, with what outcome, and potential synergies to be explored by the SGBV CU;
- Quality of collaboration between the SGBV CU and other relevant service providers, in terms of service delivery to targeted beneficiaries (SGBV survivors): quality of support provided by the CU to the victims that 'pass through' the CU;
- Outcome of the outreach activities, carried out by the SGBV CU, to schools and community groups, informing about prosecution and prevention of and response to sexual violence;
- Strategies that should be introduced to enhance the quality and/or scope of the CU's service delivery, to the survivors of SGBV.

### **3. Objectives and methodology**

Overall, the evaluation should follow the OECD/DAC standards and principles for evaluation of development programmes<sup>9</sup>.

#### Objectives:

1. Assess the institutional set up of the Unit (the design of the pilot project), including management and staffing structures

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<sup>9</sup> [http://www.oecd.org/document/29/0,3343,en\\_2649\\_34435\\_45124317\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/29/0,3343,en_2649_34435_45124317_1_1_1_1,00.html)

2. Assess the relevance of the Unit/project with regard to priorities and policies of the Government, UNFPA, and the needs of target populations (the relevance of the specific design of the SGBV CU, and how it operates)
3. Assess the effectiveness of the Unit/project, i.e. the performance of the Unit, the achievement of purpose and objectives, comparing actual and expected results. Also study any changes made during the implementation, in relation to increased or decreased effectiveness
4. Assess the qualitative effects/impact of the Unit/project on the beneficiaries (SGBV survivors) and the extent to which the Unit has improved service delivery to survivors of SGBV and contributed to addressing the reduction of SGBV in Liberia (in Montserrado County specifically)
5. Assess the efficiency of the implementation processes and strategies of the Unit/project:
  - a) Assess the management of the Unit and its contribution to achieving the desired results; and assess the delivery process
  - b) Assess the use of inputs to produce project outputs; assess the causality (examine the factors or events that have affected the project results)
6. Document best practices, and draw lessons learned
7. Assess project sustainability, i.e. the likelihood that achievements will continue if/when support is withdrawn, as well as what is required for the CU to be sustained/sustainable

#### Methodology:

The evaluation will be carried out with the services of external consultants using this TOR. The evaluation will combine both qualitative and quantitative methods to gather relevant information aiming at assessing the relevance, performance and best practices, and drawing lessons learned, for learning as well as for input to planning of continuation. Review of reports and documents, and interviews and discussions with project staff, beneficiaries and key stakeholders, will be used as data collection methods.

#### Evaluation Steps:

- Preparatory Activities: review of reports and documents, monitoring reports, statistics, analysis of performance data, development of data collection tools;
- Evaluation Activities: discussion/interview with UNFPA, SGBV CU staff and beneficiaries, observation of activities, and meetings with partners and other stakeholders;
- Post-evaluation Activities: preparation and dissemination of the final evaluation report, sharing of lessons learned and best practices.

The methodology must be approved by the SGBV CU and the UNFPA GBV Advisor, as well as the UNFPA M&E Officer.

#### **4. Scope of work and output**

In order to achieve the objectives the consultant shall:

- (i) Develop an inception report outlining the methodology for the Evaluation, as well as the practical steps to be taken (plan);
- (ii) Hold initial meetings, or have structured e-mail exchange, with the SGBV CU and UNFPA to further refine the scope of evaluation, and develop the structure of the Evaluation report;
- (iii) Undertake interviews with SGBV CU staff, Ministry of Gender, UNFPA, and other stakeholders (Touching Humanity in Need of Kindness, Ministry of Health and Social Welfare, including survivors of SGBV and other beneficiaries;
- (iv) Prepare an Evaluation report with findings and detailed recommendations;
- (v) Perform any other task as requested by the SGBV CU/UNFPA in relation to the evaluation.

#### **5. Inputs**

The consultant will be provided with office space at the UNFPA office, and UNFPA will also provide transport during the evaluation.

#### **6. Duration**

The Consultant will complete the work over the duration of 21 working days, starting 18<sup>th</sup> October, with the deadline for submission of final evaluation report on 15<sup>th</sup> November 2010.

#### **7. Qualifications and Experience**

The Consultant shall have the following competencies and experience:

- A post graduate degree in social sciences or law, along with other relevant training in gender studies.

Experience:

- At least 5 years of professional and relevant experience at national and/or international level in the areas of programme management and evaluation, law/Human Rights, 'Gender and Development' and SGBV.

Language requirements:

- Must have excellent presentation and writing skills in English.

Key competencies:

- Must have very strong analytical skills and research experience;
- Must demonstrate commitment to excellent performance, as well as responsibility, flexibility and punctuality. Must have strong integrity, objectivity and professional competencies, and demonstrate sensitivity to cultural diversity and gender issues;
- Must have solid computer and Internet use skills.

## **8. Documentation to be reviewed**

(The following list is not all inclusive, but is only some of the documents to be reviewed)

- An assessment and Review of the Capacity of the Court System: Factors affecting the Prosecution of SGBV Offenses in Liberia by AFELL
- The GBV Plan of Action 2006
- The National Gender Policy
- The CEDAW Committee Concluding Comments to the Government of Liberia
- The Rape Law

UNFPA and the SGBV Crimes Unit will provide the consultants with as much documentation as possible.

## **Annex 2**

### **Interview guide, for interviews with SGBV Crimes Unit staff**

1. When was the SGBV CU set up and when did it actually start operations
2. How long have you worked here
3. Can you kindly explain to me your role at the SGBV CU?
4. You are paid every month, is your salary sufficient enough in your estimation for the kind of job you are doing?
5. How many cases have you prosecuted so far since it inception
6. How many cases were there before you the SGBV CU was set up
7. Of those prosecuted, how many are new cases that originated after you were created
8. I understand there are many detainees who are accused of SGBV in prisons. How many of them?
9. Is this the same number that you met, or have you charged or released some since you came
10. What is your role here
11. Who do you report to, or who is your boss
12. What is your relationship with the other staff, officially I mean? How is your working relationship
13. What challenges/problems do you think you face in the dispensation of your duties

### **Annex 3**

#### **Interview guide, for interviews with members of the public, about public perception and awareness**

1. What is your name and where do you live?
2. Are you aware of the SGBV Crimes Unit and its role in society?
3. Have you heard anything they do?
4. How did you hear about it?
5. Do you know where their office is located? If yes, where?
6. Have you reported any cases to the SGBV CU?
7. Have any of your friends, family or anyone you know reported any case to the SGBV CU that you are aware of?
8. How do you or people normally report cases to the police or SGBV Crimes Units?
9. Are you aware that they do have a hotline that you call in case you want to report cases to them?
10. Do you know the number?
11. Do you think this Unit is necessary in the fight against SGBV in Liberia?
12. Do you know how much it cost the country to set it up?
13. If yes, is it too much of money to put into this type of enterprise?
14. Have you ever called the number or do you know someone how has called the number?
15. What were responses?
16. How swift did they react to your call?

## **Annex 4**

### **Interview guide, for interviews with UNFPA, UNDP, UNHCR and other partners**

1. What is your name?
2. Where you at UNFPA/UNDP/UNHCR when this project was started?
3. Have you read the project document to understand the entire purpose of the project
4. How involved has your agency been in this project implementation
5. How often do you visit the SGBV Crimes Union and or crime scenes or Court hearing
6. Do you have an officer attached to the project for follow-up it progress or monitor the activities carried out?
7. What is your estimation of the performance of the project over the stipulated Do you think this project is needed considering that output within the time frame?
8. Is this project efficient in terms of cost and value for money?
9. You think you agency will support the project to the next phases?
10. Do you think the Peace Building Fund is endowed enough to be able providing further funding of this project?

## **Annex 5**

### **Interview guide for interviews with Liberian National Police (LNP) staff**

1. What is your name and rank in the police force?
2. How long have you been a police officer?
3. Are you aware of the SGBV –CU recently set up in Liberia?
4. What do you know?
5. Have you worked with the SGBV CU on any cases?
6. Or have you referred case to the SGBV –CU?
7. How many cases have you referred to the CU?
8. Have you worked with the CLOs to investigate cases of SGBV?
9. Did they provide you vehicle to take you the crimes scene?
10. Did you hand over the evidence that you gathered from the field to them?
11. Do you think the SGBV-CU created outside of the police force is a good thing and will work?
12. There have been recent allegations that the Police has refused to work with the SGBV-CU especially after the Caesar Freeman case. What do you know about that?
13. What is your general impression of the SGBV CU and it work?

## **Annex 6**

### **List of persons interviewed**

1. Counsellor, Felicia Coleman, Chief Prosecutor, SGBV CU
2. Line Friberg Nielsen, Monitoring and Evaluation Officer, UNFPA
3. Stella Twea, Consultant, Gender, UNFPA
4. Michael Kamau, Psycho-social specialist, UNFPA
5. Attorney Joyce E. S. Tarpeh, Prosecutor, SGBV CU
6. Attorney Esther Seton-Cee - Prosecutor
7. Counselor Amara M. Sheriff , Prosecutor, SGBV Crimes Unit
8. Emily Dewitts Ricks, Case Liaison Officer, SGBV Crimes Unit
9. Doris Maholo-Saydee, Victims Support Advocate
10. Rosetta Neese-Balkpeh, Case Liaison Officer
11. Anne Stone, Norwegian Refugee Council
12. George D. W. Sagbeh, Prosecutor/ Attorney At Law
13. Three Defense Lawyers, who preferred to be anonymous