

Out-of-Court Settlement and Sexual Violence against Children in Liberia

A Research Paper Design

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List of Acronyms

COVID-19	Coronavirus Disease of 2019.
FPA	FrontPage Africa
GBV	Gender-Based Violence
IRIN	Integrated Regional Information Networks
SGBV	Sexual Gender Based Violence
SCR	Special Court for Rape
NTGL	National Transitional Government of Liberia
NGBVP	National Gender-Based Violence Plan of Action
TRC	Truth and Reconciliation Commission of Liberia
UNCRC	United Nations Conventions on the Rights of the Child
UNML	United Nations Mission in Liberia
UNSCR	United Nations Security Resolution

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Dedication

I dedicate this research to my family, especially, my husband Mr. Mitchell T-Mas Toby. Thank you for always being my strength, and biggest supporters. You have always encouraged me to continue to excel in all that I do and I am happy that you will see my accomplishments.

ABSTRACT

The issue of child rape and the manner in which rape cases are adjudicated remains a major challenge in Liberia. Most cases of rape occurring in Liberia particularly in the rural areas are settled out of the formal judicial system. Hence, perpetrators often get away with the crimes and the survivors are left to suffer bullying and stigmatization from the community. The dearth of evidence to address the reasons most survivors of sexual violence and their families adopt an out-of-court settlement of a criminal matter such as child rape has complicated existing literature thereby rendering attempts to provide viable solutions difficult. This research investigates the reasons for the adoption of informal adjudicatory mechanisms in resolution of child rape in Liberian rural communities and its implication on development. By adopting an empirical methodology of research, this study finds, based on acquired data, various factors that compel survivors and their families to adopt out-of-court settlement to include poverty, weak laws, delays and ineffectiveness in the court system, and vulnerabilities of survivors' families that cause them to give in to pressure from perpetrators' families to settle out-of-court. This study, using the social science theory of analysis identifies and explores the adverse effects of using out-of-court settlements on survivors and families, as they suffer stigmatization, withdrawal from communities, and shutting off or exclusion from normal community/social activities. This research also adopts 'best interest of the child' principle and restorative justice as the guiding concepts for the study.

Relevance to Development Studies

This study has implication for developmental studies. It adds to the scope of literature concerning the use of out-of-court settlements, how its impacts survivors and their families while exploring the way this impacts on development within Liberia. Although the use of out-of-court settlements adversely impact survivors and their families, it is continuously being used in Liberia. It has been observed that the impacts of out-of-court settlements in cases of sexual violence against children has not been sufficiently explored by researchers. It is hoped that an incisive thesis on the topic, such as this work will inspire more thoughts on the management and maneuvering of these cases in Liberia.

GENERAL INTRODUCTION

1.1. Introduction

The increasing number of rape and the adjudication of rape cases in the courts have become a serious source of concern for many Liberians (UNICEF 2021). According to UNICEF (2021) this is because, while the acts of sexual violence, particularly rape, were being perpetrated against children in all the 15 Counties, rape was being under-reported. The report further states that those survivors fear re-victimization from justice actors and sometimes, the community in which they live. This can be attributed to the fatigues survivors suffer while going back and forth in seeking justice in courts and the undue influences experienced by them from the perpetrators and their families. Survivors, who stood their grounds to pursue their cases despite the delay in trial proceedings, are most times faced with bullying, harassment from community dwellers, denial to access to community facilities, , and denial of participatory rights or privileges in meetings and decision-making at the community level. This ostracization schemes by communities may sometimes extend to denial of religious, educational and developmental rights or privileges. (Bridgewater 2016).

Post-war Liberia has witnessed horrendous incidents of rape particularly against minors as young as 3-year-olds and this extension of wartime violence are very alarming and rampant (UNMIL, 2016). In 2005, the National Transitional Government of Liberia NTGL passed a bill to amend the New Penal Code (Law) making rape a non-bailable offense. Upon Presidential ascendency in 2006, President Ellen Johnson Sirleaf promised that the administration would ensure the enforcement of relevant rape laws to restore the dignity of women and provide tougher punishment for perpetrators of rape (Africa Peacelink, 2005). However, adjudicating rape cases in court still remains a serious challenge.

Although rape is a crime in Liberia, most cases of rape are unreported, and often resolved out-of-court between parents or guardians of the survivors and perpetrators. Thus, perpetrators of the act are not identified and punished under the law thereby allowing for impunity (UNMIL, 2016). For instance, in 2010, only 6% of all rape related cases in Liberia went to court, of which only 2% resulted in conviction (Postmus et al., 2015, p.77).

Soljhjell & Sayndee, defined an out-of-court settlement as an agreement reached among individuals/groups in an awaiting litigation that settles the disagreements to their common legal involvement, management, or consent (Soljhjell & Sayndee, 2016). It could also be defined as a traditional way of solving cases that are predominantly characterized by the use of finances (Bridgewater, 2016).

With the surge in out-of-court settlement of rape cases, the main goal of this study is to establish how the Liberian Justice System works to bring justice for raped child survivors. This research also seeks to determine why survivors' families turn to the informal out-of-court settlements, instead of the formal justice system.

In order to achieve the aims of this research, this study is divided into six chapters. Chapter one introduces the topic of the study with the facts to serve as background. It is divided into seven sections which collectively identify the problems which have necessitated this study. This leads to the identification of the research objectives and questions in order to specifically delineate the significance of this study and its scope. Chapter one also includes the conceptual framework of the study to give the research a sense of direction on what must influence every consideration in this study.

Chapter Two of this study reviews existing literature on the subject of this research across all spectrums. Chapter three however presents the methods and methodology adopted in order to answer research question of this study. The Chapter covers the research philosophy and design, the sampling procedures adopted, community entry and ethical issues involved in

sourcing the data needed for a keen insight into the subject of this research. Chapter three also identifies the limitations and gaps of the study. Chapter Four of this research presents an analysis of both the literature reviewed in line with the data collated. This blend of opinions aids the introduction of Chapter Five which enumerates the findings of this research. Conclusively, the recommendations of this researcher based on available data were set out in Chapter 6 of this study.

1.2. Background to the study

Liberia suffered 14 years of civil unrest where women and children experienced the most atrocities (Swiss et al., 1989). Women and female children were abducted into rebel camps, and used as sex tools/slaves, they were forced to obey the rebels or get killed. The Liberian civil war started in 1989, when the National Patriotic Front headed by ex-president elect Charles Taylor invaded Liberia from neighbouring Cote D'Ivoire, to take power from the government of the late president Samuel Doe. There were also seven different warring faction groups that emerged during the period of the rebel invasion. In no time; Liberia was full of 'GUNS' (Swiss et al., 1998). The report further states, that half the 2.5 million Liberian population were forced to leave their homes and sought shelter internally; while the fighters used women and children as 'Human shields and sex partners as they advance in their fight. There have been many wartime rapes of women and, especially girls' children where rape was used 'as a weapon' against them (Kristof, 2009).

Moreover, ever since the war, post-conflict rape and sexual violence against women and female children are still happening; thus, post-conflict sexual violence constitutes an alarming security issue (Kitchen A.D., 2012). Sexual violence was deemed a characterizing element of the 14-year Liberian civil war; where rape reached rampant proportions (International

Development Law Organization, 2014). Since the conclusion of the civil war in 2003, the Liberian state and the international community have concentrated their efforts on ending sexual violence in the Nation. However, the culture of rape continues to remain pervasive in Liberia, especially in rural Liberia and among young girls. Most people blamed the continue occurrence of rape on the weakness and structure of the statutory system.

The statutory adjudicatory structure in Liberia consists of the Supreme Court (Monrovia), the County's Circuit Court, Magistrates' Courts, and Justice and Peace Courts (Herman & Martin-Ortega 2011). Each county's highest court is the Circuit Court, which tries sexual violence cases in the various counties. In reality, the statutory paths of achieving justice have been found to be non-functional as intended due to various difficulties. For instance, only about 2% of recent rapes and sexual violence incidents recorded in 2015 resulted in a criminal conviction (Office of the United Nations High Commissioner for Human Rights, 2016). UNMIL in 2016 blamed institutional weaknesses for not pursuing these rape cases. For instance, not keeping track and providing safe homes for witnesses and survivors; these contribute to sexual violence survivors' lack of trust in the legal system, which jeopardizes the rule of law.

1.3. Problem Statement

Rape is a persistent prevalent problem in Liberia; According to the World Health Organization (2015), 77% of Liberian women and girls have been sexually violated. The report also states that the law of Liberia has well-defined rape as a crime; however, the enforcement of the law by the Government has been found to be ineffective (World Health Organization, 2015). Also, sexual violence remains rampant in Liberia because the legal system, apparently consisting of both the academic and the practitioners is not fully up to date to discuss the gravity of the situation (CEDAW, 2015). Similarly at investigation stages,

perpetrators of rape may go free with impunity due to shortage of unequipped forensic laboratories, improper investigations, and lack of mobility and logistics (William P.B2021).

According to the UNMIL 2015 report, almost 80% of the rape survivors reported in Liberia in 2015 were below the age of 18 years. Most of the offenders live in the same community as the survivors, and in some instances, they were immediate relatives of the survivors. (UNMIL, 2016; Soljhell & Sayndee, 2016).

Moreover, UNMIL (2016) reports that in the Liberian context, out-of-court settlement is one of the major challenges for sexual violence survivors when they make efforts to hold their attackers legally accountable ((UNMIL, 2016)., Emphatically, the Liberian law authorizes the Judiciary to adjudicate rape cases; but, survivors of rape are lured into going for the customary informal settlements, rather than taking the rape cases to the Law because the system is weak (CEDAW, 2015). Given the fact that the Liberian law allows alternative dispute resolution (out-of-court settlements) only for civil cases, not criminal cases, the adoption of out-of-court settlement schemes for resolution of criminal matters in Liberian rural communities appears unreasonable, lacking in legality and suspicious.

De Carvalho and Schia (2011), M'Cormack (2017), and The Office of the United Nations High Commissioner for Human Rights (2016) further echo the findings of UNMIL report that social pressure to settle sexual violence cases through out-of-court settlement is also a key impediment to justice in sexual violence cases.

It has however been observed from the bludgeoning number of literatures on the rape of the rural Liberian child that, in the consideration of various causes of adopting an out-of-court settlement, appreciation or display of understanding on the general conditions of the survivors and their families after the act are downplayed. For instance, some research find enticement as a cause of adopting out-of-court settlement, (IRIN, 2014), some others generally assume causes without having regard to the realities in the rural communities

(Soljhell & Sayndee 2016). Although, most of these works were doctrinal, were found to be doctrinal in methodology.

Various researches have proven that rape may result in vaginal or rectal injury, sexually-transmitted infections, and pregnancy (Suprakash Choudhury et al., 2017). The survivor may report acute stress reactions, emotional detachment, and sleep disturbances as psychological disorders (Centers for Disease Control and Prevention, 2007). Other adverse sensitive and emotional costs include difficulties in social and work adjustment and sexual functioning, anxiety, fear, depression, self-blame, and PTSD (Rothbaum B. et al., 1992).

The downplay of these horrors do not present a thoroughly rapier analysis of the cause of adopting settlement out-of-courts by the survivors, most importantly and their families. As a researcher, i do believe that the lack of appreciation of the consequences of child rape may lead to a parochial analysis of causal factors and will ultimately affect the recommendation of viable solutions for child rape in Liberian rural communities.

1.4. Significance of the Study

The significance of this study is two-fold. Firstly, the study is significant because of its relevance and contribution to the existing literature within the field of sexual violence bringing to light the implications, deterring factors and consequences on development. Secondly, it provides a case within Liberia, highlighting the interplay of the weak justice system, and the act of using the informal out-of-court settlements, and child sexual violence. It analysed the weak justice system, and how its delay in adjudicating sexual violence cases. The study also investigated why raped survivors turned to the informal system, and not the formal justice system. Primarily, the social significance of the study is to establish the drivers behind the informal out-of-court settlements, and why the formal system is not equipped enough to adjudicate rape cases. Also, the study clearly elucidates a way forward in dealing with sexual violence against children in Liberia.

1.5. Research Objective and Questions

1.5.1. Research question

This study, having initially identified the political, legal and socio-cultural dimensions of child rape in rural Liberian communities hereby raises the following questions

1. What is the true extent of child rape in the rural communities of Liberia and what are the causes?
2. Does Liberian law or legal system protect survivors of child rape?
3. Why do survivors' families adopt the use of out-of-court settlement in addressing child rape cases, instead of the formal court system?
4. What are the effects of out-of-court settlements on survivors and their families?

1.5.2. Research Objectives

General Objective

Specific Objectives

1. To determine why survivors' families turn to the use of out-of-court settlements, instead of the formal justice system when addressing child sexual violence cases
2. To explore the adverse effects of out-of-court settlements on both the survivors and their families
3. To determine how prepared is the justice system to deal with child sexual violence

1.6. Conceptual Framework

1.6.1. The best interest of the child

The “best interests of the child” in modern day has been used since the 1920s to emphasize the need to prioritize improvement of the conditions of a child or children as a group. Over the years, it has become a principle for adoption in the domestic framework of many countries (UNICEF, 1996). The principle has been analysed by researchers and interpreted as

- a. The rights of the child to have his or best interests evaluated
- b. The rights of the child to be heard and to have his or her opinions taken into account in all dealings involving him/her.

Although the principles could be said to have been established in the Declaration of the Rights of the Child, adopted by the League of Nations in 1924 but however, a firm imprint of the principle can only be traced to the Declaration (‘The Declaration’) on the Rights of the Child in 1959, which declared that the child would be afforded particular protection, whether legal or otherwise, in order to allow for his or her reasonable, moral, mental, and social growth under normal circumstances. However, modifications in the Declaration have led to the adoption of the Convention of the Rights of the Child which was adopted in 1989. Since this Convention was adopted, a child is now recognized as a subject of rights (Jean, 2010). According to the report by Kujundžić (2017), the enforcement of the best interests of the child will always have a primary place when the decision regarding sexual violence against a child is made.

The best interest of children principle was used to investigate how the best interests of child survivors of sexual violence cases are upheld and adjudicate in the formal justice system. And how the best interests of the child rape survivors are protected, and taken care of by the informal out-of-court system, and formal justice system.

1.6.2. Restorative justice

Restorative justice is a world-wide social effort with large inner difference. Its general aim is changing the way modern-day societies see and react to crime and connected form of difficult behaviour (D Van Ness, KH Strong-2014). The authors further narrate that restorative justice strives to replenish our highly organized structures of punity, justice and, control with society-based restoring justice and improving societal control. The authors further argued that crime should not only be regulated but lots should be done to achieve other meaningful activities that hone justice for survival and also create a friendly environment that restore hope and heal their trauma. Such activities should include but not limited to: a significant involvement of justice for survivors of crime and alleviation of wounds which they suffered. Demanding proper and appropriate liability from perpetrators before moving back into the communities; ensuring that the loss encounter by of the society and societal are restored. The restorative justice model tern to give back to survivors and their families significant among of those concerns that the former courts system or authorities fail to restored to them.

The concept was employed in the study due to its tendency that is survivor driven, unlike the formal justice system which focuses on penalizing the perpetrator, and less attention to the well-being of the survivor. I argue that out-of- court settlement appears to many sexual survivors and families as a better option as oppose to the formal court proceeding which many of them see as time consuming, expensive, frustrating, re-traumatizing, unfriendly, and lack of consideration for the survivors and families' emotions and circumstances as they pursue justice. Hence, I argued that the introduction out-of-court settlement is well grounded in restorative justice that could be significantly beneficiary to survivors, and families and the society at large due to its survivor's centre-ness and its ability to give back to community what was taken away.

1.6.3. Children's right of participation and child agency

One of the major constantly mentioned principles in the 1989 United Nations Conventions on the Rights of the Child is Article 12. This article gives an expository inquiry of the tasks that the protection of child services encounters when executing Article 12 in decision-making in social work whilst safeguarding children. The article starts off with a framework of extensive motives for including children in the decisions which serve as influence on them, but states that, even though being favourable, executing Article 12 shown to be difficult due to conceptual, actual, and principled encounters which embedded within social work. The article continues to state that these challenges can be overcome by using the Lundy's Model of theorizing Article 12 by way of a real-world instrument that gives real solutions to assist in the field of social work control, other than keep away from the encounters. It is calculated that the recommendations will help allow the social workers to release their lawful responsibility to allow children voices to be heard in judgments that influence them. By law, the rights of the child to express his/her feelings, and for those opinions to be considered, it is the pillars of children's law (Fenton-Glynn, 2014), making it mandatory on states to guarantee that children's voices are heard. Acknowledged in Article 12 of the United Nations Convention on the Rights of the Child, this is not only a basic right in actually, but is similarly dominant in the interpretation and implementation of all children's rights (United Nations on the Rights of the Child, 2009), giving a prevalent consequence on the convention as a full (Sutherland, 2014).The arguments that have greater attention to children's voices or children's participation rights should be increased as cited in article 12 of the UNCRC. Article 12 of the UNCRC mentions that "States Parties should ensure that a child who is capable of developing his or her own opinions has the right to freely express those opinions

in all situations affecting the child, with child's opinions accorded appropriate weight in line with the child's age and maturity" (Lansdown, 2011:1).

The report by SOS Children's Villages International (2017) on international sexual violence against children mention that sexual violence against children's is frequently disguised and only a small percentage of incidents are reported and investigated. This is because children and adolescents are frequently too young, defenceless, and humiliated to share their stories.

The concepts of children's right of participation and child agency was used in this research to probe the extent to which child survivors of sexual violence are involved in the decision-making processes of out-of-court settlement, and the rights to their bodies.

1.6.4. Legal consciousness and mobilization

A concept that came about as a result of scholarly research in the 1980s and 1990s with the aim and objective of addressing problems surrounding one group exercising dominance over another, the way law supports its power and domain through institutions and agents despite consistent gaps between it promises to the people as it is written as against it practices (Silbey 2005). Silbey argues that the objective of the concept or legal doctrine is yet to achieve its goal in as much as, the law continues to treat people differently which sometime changed the way these people understand and perceived the law. In furtherance of her argument, she queries why individuals in society accept the law or legal system that fails on it promises to them, permanent among which count, such as equal treatment but in reality, suffer from and continuously experience what she terms as systematically reproduction of inequality. She posits that legal professional, experts and scholarships usually overlook these critical issues that law manifest itself to be and what it does. Silbey essays argue that Roscoe Pound (1910), an American legal scholar, and other twentieth century (Kalman 1986, Schlegel 1995), all speaking of law and society in the mid-century examines in practice the processes and effects

of implementing and administering law. According to her, scholarly body established, agreed and unearthed how consistent, the weakness and pitfall in law: a persistent, troublesome gap between law on the book and in practice (Pound 1910, Sarat 1985). Similarly, and passionately, she also argued and cited Galanter (1974) who indicated and argued that issue relating to the daily advancement in law on a case-by -case disposition, favour those Galanter referred to as “repeat players” who expect recurring legal engagements, have weaker cases or position in all cases. However, she indicated how Galanter referred to these classes of people as those with influence and cash to advance their cause for a prolong period and developing plans for legal bottomless by arranging instruments that justify their cause and the delay in the litigation against the poor in society some of whom if not all have legitimate claims. Hence, these repeat players are said to produce rule changes that works in their favour. She reveals that Galanter point did not indicate how rich or power people or group constantly win cases, but captured, and exposed the effect of systemic organizational processes that term to make or place one group of individuals or entity over another or mainly for repeated players in society.

Legal consciousness is also defined as, individuals' and the legal actors' knowledge and interpretation of the law and how individuals 'rights are interpreted by law. It is a phenomenon in which people encounter and understand the meanings, origins of authority, and cultural traditions (Ewick & Susan, 1998). Individuals comprehend legality via legal pictures on television, in the news, in films, in cultural activities, as well as in social relationships Lehoucq & Taylor (2020). These cultural conceptions of law and legality influence whether or not people see an act as a violation of the law or a discriminatory practice.

Because of the existence of various laws prohibiting sexual violence and because of the fact that sexual violence occurs in the societal setting, there is a correlation between sexual

violence and the concepts of legal consciousness and mobilization. Research by Marshall (2003) suggests that even when women felt violated, they did not always identify the violation as fulfilling the legal definition of sexual harassment, which includes more invasive actions like physical touch. Blackstone et al. (2009) proposes that because of the clear cultural correlation with sexual violence and with legality, it is important to entangle the connections between targeting legal consciousness, and mobilization.

The concepts of legal consciousness and mobilization was employed in discussing the factors that influence reporting of incidence of child sexual violence cases to the formal legal system and informal settlement channels.

1.7. Conclusion

This chapter provides the rationale for the study by comprehensively discussing the problem under investigation. Most of the sexual violence cases against Liberian Children go unreported and the perpetrators end up being unidentified. This is because most of the offenders live within the same society as the survivors, and in some instances, immediate relatives of the survivor; the chapter also argued why the survivors and families turn to the informal justice system instead of the formal system. The goal of the study was to explore the motivation and adverse effects of out-of-court settlement for addressing cases of child sexual violence in Liberia. The study's findings uncover the drivers behind the use of out-of-court settlement for and its implications for both survivors' and families.

Several theoretical approaches were used as guiding framework for this study. In regards to Restorative justice, the researcher argued that out-of-court settlement is grounded with the concept. The idea of best interest of the child was also used, whereby the researcher used it to investigate if and how the best interests of child rape survivor of sexual violence cases are upheld in both the informal out-of-court settlements, and the formal justice system.

Additionally, children right of participation and child agency was used to examine the extent to which child survivors of sexual violence are involved in the decision-making processes of out-of-court settlement settlements for sexual violence cases. Lastly, legal consciousness and mobilization theoretical approach was used to discuss the factors that influence reporting of incidence of sexual violence cases to the formal legal system and to informal settlement channels.

CHAPTER TWO

LITERATURE REVIEW

M'Cormack, (2018) highlighted how the justice system in Liberia works to prevent sexual violence against children. The work of M'Cormack focused on sexual violence against children and women. According to the researcher, in 2015 around 23% of the prison population in Liberia was accused of sexual violence. The majority of the victims in these cases were children and teenage girls. This crime rate was higher than any other type of crime rate within the country with armed robbery being the second most committed crime at 22%. The research work also highlighted that the institutional and legal weakness of the justice system and the low conviction and trial rates are the major reason behind the sexual violence against children. Based on the results from M'Cormack findings, it was seen that a number of cases related to sexual violence against children are never reported. Even if they are reported a vast majority of these cases end at out-of-court settlement. The biggest factor behind this out-of-court settlement issue is the lack of willingness and diligence from the justice officials, logistical constraints, corruption and social attitude. The justice system in Liberia was so outdated post-war era that the rape law was first introduced in Liberia in the year 2005 and the first children act came into practice in 2011. The research work further stated that with a hybrid justice system it is very tough to establish a proper and easily accessible justice system against sexual violence against children (M'Cormack, F. 2018).

The work of Darkawa (2015) focused on the challenges associated with handling the child rape and sexual violence challenge in Liberia. According to the author's results, it was stated in the post-war era it has become even tougher to handle sexual violence against children due to the lack of infrastructure, resources and a proper judicial system. This research work has employed a mixed method of content analysis and data collection. Through these analyses,

the work has analysed different drivers of sexual violence against children. According to the results, it was seen that the major reason behind the increasing sexual violence in Liberia, lack of sexual case reports and out-of-court settlements is that there is a massive chasm between the legal and judicial practices and the concept of child rights and protection in judicial laws, regulations and statutory documents. Moreover, another major factor stated by the author was that it is impossible for the Liberian government to protect children across its entire territory as they are unable to provide and deliver basic necessities and services to its total population. Furthermore, lack of control was seen to be another reason behind the prevailing cases of sexual violence. According to the final findings, the enforcement mechanism of the judicial system in Liberia is quite weak. Due to that particular reason, behavioural or attitudinal change in society is non-existent (Darkawa, 2015).

Bacon L (2016) however, analysed a number of factors that can be a reason for the increasing number of cases of sexual violence against children. The author's work further analysed the role of Police and Justice Departments in handling such cases of sexual violence against children. According to the findings, it was concluded that one of the major obstructions in the path of child rape prevention was the pattern of low case reporting. A vast number of sexual violence cases against children are never reported. Even the ones that are reported are subjected to a number of challenges such as poor policing, social taboos associated with rape in Liberia culture, and stigmatization. The author stated that according to the statistics from 2008 only 12.5% of the sexual violence cases were reported in Liberia. According to another statistic stated by the researcher in Liberia around 85% of the sexual violence victims are below the age of 18 years old and 48% are below the age of 12 years. This is another major reason why a vast majority of these cases are never reported. Research work further stated that out-of-court settlements in Liberia have become quite normal due to the inefficient and

slow justice system. Out-of-court settlements can happen through traditional and customary structures prevalent in Liberian society or can happen privately (Bacon L, 2016).

The concerted efforts of Postmus et al., (2015) explored the gender based sexual violence against children in Liberia. A number of survivors of sexual violence participated in this research work. The participants were children of both genders from different schools across Liberia. Results of this research work confirmed that children from both genders faced sexual violence at least in the form of inappropriate touching or peeping. The results also found that sexual violence in the form of sexual coercion was a more common phenomenon as compared to transactional sex such as trading sex for money or better grades. The research work has a lesser number of girl participants (758) as compared to the boy participants (1100) still, a higher number of girls reported sexual violence instances against them. The number of girls that experienced sexual violence was 30% as compared to the number of boys (22%). According to the results, only 38% of the participants stated that they reported instances of sexual violence against them. The results also show that the occurrence of sexual violence against children is happening at an alarmingly high rate in Liberia (Postmus et al., 2015).

Sohelji R et al., (2016) in their work evaluated how different judicial system structures in Liberia impacts the increased sexual violence against children. The author has stated that Liberia has a dual justice system in place. The formal counts work under a statutory justice system. On the other hand, there are customary courts all across the country and different counties. The customary courts are easily accessible as compared to the formal judicial system which is far more complicated. However, these courts are to some extent gender biased and the rights of children are often neglected here. Even though the formal judicial system has standardized laws but their implementation in child sexual violence case is very restricted and slow. This makes people rely on customary courts and out-of-court settlements. According to the findings of this research work, it was concluded that the major reason

behind the low reporting of sexual violence against Liberian children is the unfriendly nature of the statutory justice system. The justice system is limited in terms of resources and suffers from logistics constraints. Moreover, the normal Liberian system cannot afford formal justice as it is too expensive for them. Due to these reasons, people tend to move towards out-of-court settlements (Sohelji R et al., 2016).

Okereke (2013) in his research work focused upon the crime and sexual violence against children and women in Liberia. According to the author the war era and the after effects of the war had a severe impact on the children in Liberia. Apart from sexual violence they were exposed to human trafficking, physical abuse, and drug abuse. After the war, the country lacked a proper judicial infrastructure to fight these issues. The non-enforcement of law along with ethnic, gender, and racial discrimination in the country made life much more miserable for children in Liberia. Other major factors that were seen to be the reason behind the sexual violence against children were the poverty and unemployment rates in the country. According to the results, 95% of the population was living below the poverty line and 85% of the population was unemployed during the post war era. Parents were unable to take care of their children and which caused a large number of children to be exposed to sexual violence. A weak judicial system meant that these children had to rely on out-of-court settlements while dealing with sexual violence claims (Okereke, 2013).

De Carvahlo et al., (2011) in their work described how sexual violence against children increased in Liberia after the post war era. The author highlighted a number of factors that force the rape survivors to choose out-of-court settlements instead of looking for a proper appeal and follow-up on their complaints. According to the researcher, there are multiple reasons the rape survivors are reluctant to pursue their cases in Liberian formal courts. Stigmatization of the survivor by the police can be a major factor. The Liberian Police department lacks the necessary training to handle such cases and end up making it tough for

the victim to file a case related to sexual violence. Moreover, the WACPS in Liberia is mostly located in county capitals. The logistical constraints mean that everyone cannot access them for a formal judicial inquiry. The victims who report a sexual crime have to suffer in multiple ways. They are required to contribute financially for their case, they are required to identify the perpetrator which can be an emotional burden for them. Due to these factors, most of the children's family who has faced sexual violence tends to go for traditional courts (De Carvahlo et al., 2011).

The work of Kitchen (2011) examined the mental trauma; physical and sexual violence Liberian children went through during the civil war and the post war era. Their study has analysed the child wartime rape with frequency. The use of gender as an analytical lens for better cohesion was a noticeable style of analysis in Kitchen's work. The main aim of the research work was to identify factors that cause an increase in the act of sexual violence against children during wartime. Moreover, this study also examines why even so many years after the end of the war and the establishment of a judicial system the issue of child sexual abuse is not under control in Liberia. Using congruence and process-tracing approach, Kitchen proved the hypothesis that if there is a better representation of women in the government sector, the sexual violence against women and children can be reduced to a great extent in the country. However, according to the findings of this current study, it was seen that with a female head of state in Liberia the results for sexual violence against children doesn't change to a great extent. Fortunately, the findings of Kitchen's work concluded that better law implementations and strict laws against sexual violence can prove to be beneficial in stopping violence against children in Liberia (Kitchen, 2011).

Schia N.N. et al (2011) also compared the international response to the conflict in Liberia, and to the violence against children and women with the implementation of laws related to the protection of women and children within the country. According to the research findings,

it was seen that different human rights organizations such as the UN, UNSC, and UNHCR have played a vital role in supporting and protecting child rights in Liberia. The implementation of resolution 1325 by the UNSC is one such achievement. However, the internal judicial infrastructure has been unable to deal with the increasing crimes of sexual violence against women and children. The study has emphasized the need of developing supporting structures such as social workers, NGOs, and trained police to enable the Liberian judicial system to act as a strong force and prevent sexual violence against children (Schia et al., 2011).

In another work of Schia N et al., (2009) an attempt was made to describe the role of different departments in Liberia and international organizations around the world in preventing sexual violence against children. According to the author even though the 1325 resolution by UNSC was supposed to be a major milestone in protecting child rights in the country the implementation is still non-existent. According to the findings author stated that the international donors are more focused on the narrow agenda of stopping sexual violence against children, however in reality, they need to establish the rule of law and development of a proper judicial structure. The current approach of international organizations has a short-term impact. The author further highlighted that in order to deal with the issue of sexual violence against children the world needs to have a comprehensive response to create a strong judicial system within the country. Once the system is victim friendly the people will be able to trust the judicial system, and there will be fewer out-of-court settlements (Schia et al., 2009).

De Carvahlo (2009) in his research work highlighted the contribution of different human rights governing bodies, donor nations, and Liberians in dealing with sexual violence against children. The research paper has included some of the benefits extracted from these efforts such as the improvement in the judicial system and the establishment of laws and rules. The

research paper has analysed a number of constraints in the implementation of these laws. WACPS is a great initiative but is only restricted to major counties. A vast number of victims are unable to reach them for any assistance. According to the author's conclusion, a number of these donations are for the personal benefit of donors. The donated equipment is unsuitable for the Liberian National Police (LNP) and the implementation of WACPS also looks misplaced to some extent. The research paper has highlighted the communication gulf between the normal people and the formal judicial system. People need to be educated on how they can report their cases to the police and can seek justice from the formal justice system. Moreover, the justice system needs to be more accessible only then people will stop opting for out-of-court settlements in sexual violence cases (De Carvahlo, 2009).

Tayler et al., (2012) analysed the sexual violence cases in Monrovia Liberia after the war conflict was over. According to the findings it was seen that post war conflict there was no major drop in the number of sexual violence cases against children in Liberia. Children were constantly being abused. The researcher examined a focus group of 1500 sexual violence survivors. 98% of these survivors were girls with their median age as 13 years. 882 girls suffered sexual aggression during their daily routine activities while 37% of the girls were subjected to sexual violence within their own homes. The situation within the first decade of the post war era was so bad that 59% of these survivors didn't even get medical care within the first 72 hours of the attack from their perpetrators. According to this report, it was stated only 33% of these survivors reported their cases and pressed charges against their perpetrators. There were a number of reasons behind this low reporting rate. Some of the reasons were shame, stigmatization, and retaliation of influence of perpetrators, inadequate judicial system, police corruption, and lack of knowledge of the legal process. According to the results of this research, work government need to spread awareness and introduce programs related to child sexual violence. The public need to be educated about the

prosecution process, and the judicial system should give special preference to cases with violence against children. With the post war conflict and the highest rate of sexual violence against children around the world, Liberia needs to take stern steps to protect its youth (Tayler et al., 2012).

Lindsay's (2014) research work conducted integrated reviews in which children who were survivors of sexual violence or rape in Liberia participated. A total of 279 participants were part of this research work. Based on the feedback received from these survivors the researcher identified a number of obstructions and challenges people face while reporting the sexual violence instances. The study further evaluates a number of different programs that are in practice to stop or prevent sexual violence. According to the conclusion of this research work, the data gathered from key informants indicated that there is a serious gap in the implementation of violence prevention programs. The desired results are still to be achieved and none of the programs being used is having a significant impact in controlling sexual violence against children (Lindsay, 2014).

As for Stark L. et al., (2013), there is an obtrusive aim in the work of the authors of the research to implement a neighbourhood process to evaluate the occurrence of sexual violence against children and especially the girls under the age of 18 in Liberia. The study included 30 different clusters of household samples from two different counties. For the analysis purpose, the incidents of sexual violence over a period of 18 months were recorded. A total of 7015 and 6632 girls participated in the research work from two different counties. According to the research work it was seen that the incidents of sexual violence were mostly reported to neighbours and friends. Moreover, it was seen that majority of these incidents were never reported to formal authorities such as courts, community leaders, or police. According to the results, it was seen that cases of sexual violence were 50% more likely to be reported if the perpetrators were strangers instead of close relatives. According to the results, a significant

amount of sexual violence against young girls is present in Liberian domestic and household circles. According to the data collected from hospitals and police, it was concluded that a number of such sexual violence cases against children are never reported to authorities. The main reason behind non reporting is lack of resources, logistics and financial constraints. Due to these reasons survivors either never report sexual violence or choose out-of-court settlements. Results further showed that out-of-court settlements are more likely to happen when the perpetrator is a close relative of the victim or survivor (Stark L. et al., 2013).

Borba et al., (2016) in their work evaluated the mental burden and trauma young children feel due to their exposure to sexual violence. For the following research work, a quantitative data analysis method was employed with a total of 171 participants. According to the findings the post war era had a great toll on the Liberian youth. Moreover, sexual violence with a number of other factors such as poverty, drugs, trafficking, and a poor judicial system made it even worse for Liberian children. The poor upbringing and continuous violations majority of youth are unaware of their basic rights. The common Liberian have no access to the justice system. Even if they have access to the judicial system, they lack financial resources or the awareness related to how the system works. Due to these reasons, the vast majority of people are unaware of the laws related to child protection. Liberian people have more faith in the traditional justice system as compared to the conventional justice system. Due to these reasons the majority of sexual violence cases are either not report or are subjected to out-of-court settlements (Borba et al., 2016).

CHAPTER THREE

METHODOLOGY AND METHODS

3.1. Introduction

This chapter covers the methodological approach guiding the study. The first section of this chapter covers the research philosophy and design for this study. The succeeding sections cover the community entry and sampling procedures. Further, the chapter covers the study limitation and gaps, which is then followed by the data collection processes and procedures. Finally, the chapter presents the research ethics.

3.2. Research Philosophy and Design

Topics relating to child sexual violence or rape within Liberian context are very sensitive. Survivors are likely to be predisposed to stigmatization and societal judgment (UNMIL, 2016). To this effect, voluntary participation was an option; it entailed participants freely agreeing to participate in research being carried out (Murray, Nguyen, & Cohen, 2014). This study has adopted an explanatory research design. Explanatory scholars argue that the only way to gain actuality regardless specified or produced socially, is through social creations like common meanings language and consciousness (Chowdhury, 2014). Hickson (2016) further elucidates that explanatory research design provides researchers with a framework for reconstructing life experiences. Since one of the overarching objectives of the proposed study is to define better ways of dealing with cases of sexual violence against Liberian children, this makes an exploratory research design ideal for this study.

The study involved children aged from 18-21, those children who have been sexually violated when they were younger than their present age. The study focused on these ages range because these children are considered as adults and are more aware of sensitive issues and can better understand and relate to sexual violence; hence the researcher was not required

to gain parental consent for minors. Besides, Taylor (2010) reveals that children above the age of 15 years are more aware of sensitive issues and can better understand and relate to the issue of abuse.

In this case, qualitative approach was used to explain, clarify, and expand on the meanings of various elements of human life (Grossoehme, 2014). I have employed qualitative research design because the descriptive data gathered has enabled me comprehensively unpacked the workings of out-of-court settlements. Qualitative design has been used to collect adequate information and first-hand experiences of the survivors without overlooking minor descriptions or clarifications (Thyer, 2012). According to Yin (2017), qualitative research method is utilized to study how individuals respond to social and human problems; hence this approach has assisted in understanding how Liberians respond to the issue of child sexual violence, and to define better ways of dealing with this problem.

3.3. Community Entry and Sampling Procedures

I employed the critical case approach in the selection of respondents for the study in order to involve people who have experienced, associated or participated in child sexual violence cases and, out-of-court settlement. Emmel (2013) defines a critical case sample as made up of individuals that are most likely to give the more or most essential information that had largest influence on knowledge creation.

The participants of the study include:

- The director of Help for Children Foundation. This foundation functions as a ‘safe home’ for sexual violated children, they provide shelter, counselling and mental stabilities for them.

- 2 Social workers at the Help for Children Foundation. I spoke with these social workers because they are the first contact persons at the safe home who received sexually abused children when they are brought in.
- 7 Child rape survivors aged 18-21 years through the Help for Children Foundation in Nimba County. All the seven rape survivors have gone through OOCSSs thus, were able to provide reliable information that addressed the research questions. The study focused on these ages range because children are considered as adults hence the researcher will not be required to gain parental consent for minors. These respondents have assisted in answering the research question seeking to define the adverse effects of informal out-of-court settlements on both the victims and their families and the question examining how family and societal pressure encourage the use of out-of-court settlements when addressing child sexual violence cases.
- 2 employees of the one-stop clinic in Ganta, Nimba County. The one-stop center is the first place a rape victim is taken after being raped. It is called one-stop center because everything is there; medical care, psychological treatment, and the police.
- 2 section chiefs/elders from Ganta, who are involved in out-of-court settlement for sexual violence cases. Gaining audience with these chiefs/elders has been helpful for the research, because they are the main actors who initiate the use of out-of-court settlements
- 2 police officers in Ganta Police station, Nimba County because, the Police are the first contact authority to be called upon when a raped child survivor is being brought to the one-stop center.

3.4. Limitations and Gaps

The first step of my study was to seek permission from the Institution's Review Board (IRB) due to the ethical issues relating to my study. After I had obtained an IRB approval, I then proceeded with the next step of my data collection process of research as i was unable to carry out primary research due to the uncertainties of the COVID-19 pandemic, a Research Assistant was recruited to engage with the respondents and collect their contact information. However, there were some limitations while conducting the interviews. Due to poor internet connectivity in Liberia, i was not able to conduct all of the interviews with the participants via WhatsApp; hence my research assistant completed the interviews. I also encountered an interruption while conducting online interview when two of the survivors burst into tears, while in the middle of explaining their ordeals of child sexual violence, they began to cry, and i was so heart broken and had to stop the interview immediately and began arranged for the intervention of a counsellor. I waited for 5 days for them to heal, and began the interview.

3.5. Recruiting Research Assistant and Data collection tools and processes

Following the travel restrictions imposed as a result of curbing the spread of the COVID-19 pandemic, i was not be able to travel to Liberia to conduct the field research. Therefore, i enlisted the services of a research assistant who has helped me with reaching out to possible research participants. The research assistant is a social worker at the Defence for Children International (DCI), a local based organization which defends children's rights. She has knowledge of issues surrounding child sexual violence and also has experience with field research. As a result, she is an asset to this study.

The research assistant (RA) has used purposive sampling to select the research participants. I chose to use a purpose sampling design in my study because it allows me to choose participants who are available, willing, and posse the relevant knowledge to inform the

research (Palinkas et al., 2016). Also, as a researcher i used purposive sampling since i cannot interview the entire population. Purposive sampling has also enabled me to choose the most appropriate informants who were able to provide sufficient information for addressing my research questions.

I have also utilized telephone interviews and focus groups discussions. Also, telephone interviews were suitable for this research since they are convenient in terms of time and cost. The interview questions were self-constructed that allowed me to collect sufficient data to address the research questions. I with the help of my research assistant interviewed all the 17 respondents. The interview questions were also open-ended questions to allow me to explore the perceptions, views, and opinions of the respondents as to gain more comprehensive information to answer the research questions. Notably, all the questions were answered during the data collections using interviews and the findings were supplemented by findings from Focus Group Discussions ('FGDs'). Focus groups have ensured triangulation of the data and enriched the data collected using interviews. This is because FGDs have allowed the respondents to discuss on the issue under study and provide more comprehensive information concerning the topic. Semi-structured interviews were conducted first to ensure that the FGDs do not interfere with the respondents' views and opinions. Due to COVID-19 restrictions, interviews were done with the respondents 1.5 m apart.

After the identification of the potential respondents, the research assistant made the first contact with potential participants of the study and requested for their participation in the study after giving them information about the study. The information that was given to participants before their agreement to take part in the study included the nature of the study, who is the researcher, the research's goal, as well as how the findings will be publicized and utilized.

After these participants have agreed to take part in the study, the research assistant made contact with the participants and organised for data collection. The RA then requested for phone numbers from those respondents who had phones their phone. My RA began the data collection procedure after the approval from my supervisors.

Firstly, i sent an informed consent form to my RA via email, which she distributed to the respondents that i requested them to fill out and email them back to me. This has served as proof that participation in the study was voluntary. I also sent a debrief document to the participants that have showcased how i intended to ensure the protection, confidentiality, and anonymity of my respondents after the participants have signed and my RA emailed back the consent forms. I have then made follow up calls, and message through my RA to remind the respondents of the interview and the set interview dates.

On the interview dates, i called the respondents who were to be interviewed, to remind them to remind of the interview any time during the day. Interviews with the sexual violence survivors lasted for 90 to 120 minutes and each of these respondents was interviewed in two sessions. The first session was meant for allowing the researcher to create a rapport with the respondents, where the researcher was engaged in an open conversation with the respondents and their experiences. This section lasted for 30 to 45 minutes. Creating a rapport with the respondents made them to provide their views and opinions without any fear. The second session was intended for the actual interview and lasted for 45-60 minutes. The session with other respondents lasted for 30 to 45 minutes per session with an interviewee. Interview responses were recorded using an audio recorder, with the respondents' consents.

The focus group discussions took place one week after the interview. The respondents who were included in FGDs were the survivors of child sexual violence and have been involved in out-of-court settlements. Before the focus groups discussions, i have scheduled a zoom meeting via zoom, with other respondents who had access to internet. I did explain to the

respondents the need for the focus group discussions, which was to enrich the data collected using semi-structured interviews and requested them to reach me via my telephone number in case they need any clarification. The respondents were grouped into groups of two, to make the FGDs two. A thank you notes were sent to all respondents after the data collection process was completed to appreciate them for taking part in the study.

3.6. Research ethics

The research assistant followed all COVID-related preventives measures in making the first contact with possible study participants, including wearing of a mask, maintaining a distance of 1.5 meters apart and avoiding physical contact.

The research adhered to several ethical considerations as the topic under study is quite sensitive and involved human subjects. The first consideration is informed consent, where possible participants were given relevant information about the project before they agreed to take part in it. The participants were required to sign an informed consent form to show that they have agreed to voluntarily take part in the study.

Secondly, confidentiality and anonymity are fundamental ethical concerns for this study. Anonymity entails concealing the identity of the research subjects which result from the research. On the other hand, confidentiality entails who has the right to access the data collected from the participants. Since child sexual violence is a sensitive topic, anonymity and confidentiality was highly upheld in this study. The collected data was only accessible by the researcher and the RA and will be permanently deleted three years after data analysis and reporting. The research assistant has also signed a confidentiality form to show her agreement in keeping safe all information related to this study and not to divulge this information to others or use it for purposes other than those intended in the research.

Also, their agreement to take part in the study was voluntary as it was not solicited for using any kind of token. The participants were also allowed to withdraw at any point during the study if they decided to do so. The study process maintained the confidentiality of the participant's personal information to avoid it getting into other people's hands other than the research assistant and the researcher. All these ethical considerations were explained to possible respondents beforehand to improve their cooperation in the study.

Also, as the researcher, i have ensured measures that have minimised the participants' harm. For example, i ensured that the children who have been sexually violated should not suffer psychologically by ensuring this; i provided counselling to them before and after the research. This counselling has also prevented re-traumatization of the children. No compensation was provided to the participants for taking part in the study.

Additionally, as a researcher, i guaranteed the privacy of the young adult survivors by allowing them to choose a private area that they were comfortable to complete the interviews from. This has assisted in ensuring that they feel comfortable while providing their views and opinions. This has also assisted in guaranteeing their privacies and ensuring that they are protected from their family members who in some cases are the perpetrators of sexual violence against children

3.7. Conclusion

Since this qualitative study exposes the research participants to the risk of societal judgement and stigmatization, the researcher adopted a voluntary participation. The researcher employed a critical case approach to select the respondents. This method allowed the researcher to select participants who had experienced, associated, or participated in sexual violence and use of out-of-court settlements for sexual violence cases. The researcher sought IRB approval due to the ethical issues associated with this study. The uncertainties of COVID-19 pandemic

limited the researcher's ability to conduct primary research which resulted into recruiting a research assistant to engage with the respondents and collect their contact information. A purposive sampling technique was used to select respondents and telephone interviews and focus groups which were held via zoom were used for data collection.

The researcher adhered to several ethical considerations. Firstly, informed consent was given to all participants. Secondly, the researcher upheld confidentiality and anonymity of the respondents. Participations in the study were free to do so, and voluntarily and participants were free to withdraw from the study at any time during data collection process without being questioned. Child sexual violence survivors who took part in the study were also being provided with counselling services before and after the research to prevent them from suffering psychological distress. Privacy during data collection was also ensured, whereby respondents were requested to choose a private area that they were be comfortable to complete the interviews.

CHAPTER 4

DATA ANALYSIS

4.1. Introduction

This chapter analyses various data gathered in line with existing literature on child rape in Liberian rural communities. The interviews conducted involved town chiefs who are the custodians of the community traditions, relief organizations managing the scourge of child rape in Liberian rural communities, law enforcement agents, Liberian rural community-dwellers and victims themselves. Through a mix of both research papers and interviews, an attempt is made to rationalize or test the reasons provided by scholars on why there is consistency in the adoption of out-of-court settlement as a means of resolving child rape issues in rural Liberian communities. This Chapter begins with an appreciation of the implications of opting for out-of-court settlements on the victims and family of the survivor. It also examines a number of reasons causing survivors and their families to adopt out-of-court settlement ranging from institutional to cultural and political.

It is noted that Data was collated using semi-structured interviews and focus groups discussions. To select the most appropriate sample, the researcher used a purposive sampling technique. Focus Group Discussions ('FGDs') were held via zoom, and telephone interviews were adopted. Telephone interviews were ideal for this study since they are economical and save on time (Farooq & De Villiers, 2017). Interview questions were self-constructed to capture the research objectives and help address the research questions. Interviews lasted for approximately 30 to 45 minutes.

4.2. Implications of Out-of-court Settlements

Out-of-court settlements can have a number of negative impacts on the well-being of survivors and their families. Based on the interview conducted it was established that

stigmatization of survivors and their families were major concerns. A number of respondents who participated in this research highlighted the following:

Respondent 3 who is a Liberian female and a Police officer further endorsed this idea by stating that;

“Out-of-court settlement negatively impacts the survivors; sometimes it leaves emotional scars on the victims that she might never recover from. As for the survivors’ families, out-of-court settlements bring shame to them.”

This statement comes from a senior Police officer involved with cases of such nature on a regular basis. Survivors are already compromised in terms of their physical health due to the danger of unwanted pregnancies and sexually transmitted diseases. The out-of-court settlements can put additional social pressure on them that can compromise their mental health. Moreover, it can also create an embarrassing situation for their families.

This section treats these implications under the following subheadings viz;

4.2.1. Emotional Suffering Within Community of Residence

Respondent 4 who is a Liberian female and a Police officer stated that,

“The survivors’ suffered emotionally and the survivors’ families suffer insults.”

Respondent 1 who is a Liberian female and works as the director of Help for Children Foundation stated:

“The community most often frowns at the survivor and family and sometimes calls them liars.”

The survivors and their families sometimes experience emotional pressure if the survivors’ families decide not to pursue the legal proceeding against the perpetrators.

Respondent 2 alluded to the assertion by saying

“If a survivor or her family does not opt for out-of-court settlement the survivor is thought of as disrespectful to elderly men in the community”.

This often leads to the survivor being hated and denied access to basic community facilities.

Respondent 6, a 21 years old female and a high school graduate and a rape survivor further backed the argument that the survivors who opt for out-of-court settlement are subjected to sheer stigmatization. According to her,

“Shame, stigmatization, and sometimes the survivor suffer insults from the community or may die from the rape as a result of violent rape”.

Respondent 16 who is a female and a registered nurse and have dealt with numerous rape cases during her career also stated in her interview,

“The community stigmatizes the survivors and families when there is an alleged rape.”

Based on these arguments and statements it can be said that due to the out-of-court settlements the survivors and their families have to face sheer pressure and hate from the community that can cast an impact on their mental health and can cause severe stigmatization.

4.2.2. General Notoriety and Image-soiling

Image deterioration is another major problem that rape survivors face, especially the ones who opt for an out-of-court settlement. In Liberia, there can be a number of different influences that force a family to opt for out-of-court settlements. These factors can be logistic constraints, a slow justice system, or a lack of resources. However, if a survivor or its family chooses to go for an out-of-court settlement they are looked down upon in their local community and society. Sometimes they may be looked down upon

by overzealous members of the community as lacking in integrity and obtaining commercial benefits to sweep a crime such as child rape under the carpet.

Respondent 1 who is a Liberian female and works as the director of Help for Children Foundation stated,

“Most out-of-court settlements result in monetary gains by the survivors’ families, thus, making the out-of-court settlements commercial”.

Another respondent highlighted the fact that due to poverty and social pressure a huge number of survivors have to take the option of out-of-court settlement and the money from the offender’s family. Respondent 11 who is a 21 years old female, high School drop-out and rape survivor stated in her interview;

“Family/society influences the use of out-of-court settlements when the survivor’s family withdraws the case from the Police station and accepts money from the perpetrator’s family.”

Respondent 2 who is a Liberian female and a psychosocial counsellor also backed this assertion by saying,

“Survivors’ families received money from perpetrators families to withdraw the case from the Police station”.

Liberia is a poor country where major portions of the local population live below the poverty line. The unemployment rates are extremely high and it is tough for most families to keep up with the formal judicial proceedings. Even the offenders are thought of as victims in such situations. Receiving money against out-of-court settlements is looked upon as a commercial manipulation by the survivor’s family, which can further enhance the stigmatization for the survivor.

This similar consequence appears envisaged in the work of Chandler (2010). According to the author, the suffering of these people is not just limited to the act of sexual violence but also continues on a daily basis at multiple levels.

4.2.3. Re-victimization

Another aspect of stigmatization is the social suffering that survivors might have to face. The out-of-court settlements can lead to a great deal of social suffering for the survivors. In a number of cases, the perpetrator is a relative, neighbour, or someone from the close circle of the survivors. In case of out-of-court settlements, the perpetrator is free again and the survivor might have to live around the perpetrator under normal conditions. This can be a serious emotional and psychological burden for the survivors.

Respondent 8 is a 20 years old female, High school student and rape survivor stated in her interview.

“When the society allows the perpetrator to move back in the society after the case has been compromised by the survivor’s family.

Based on this statement it can clearly be seen that the induction of the perpetrator back into society can seriously disturb the mental health of the survivor. Another survivor stated a similar concept in her interview. Respondent 9 who is a 20 years old female, 9th-grade drop-out and rape survivor emphasized that,

“Family/society influences the use of out-of-court settlements when the survivor’s family decides to marry their 16-year-old daughter to the man who raped her because she has gotten pregnant as a result of the rape.”

Based on these statements it can be seen that under most of these cases the perpetrator is either a family member or someone from a close circle. Due to this reason, most of the time the family of the survivors compromises the case and do not proceed with the formal

judicial system. As a result, the perpetrator goes back to their normal life and might end up living around the survivor again. This can mess up their confidence and they can suffer in their daily life to a great extent.

4.3. An Analysis of Reasons Survivors and Families Choose to Adopt Out-Of-Court Settlement

This section clarifies the reasons survivors and families still choose to adopt out-of-court settlement even in the face of the numerous implications identified above. The shame, general notoriety and allegations of commercializing a criminal act are serious enough to make survivors and family rethink out-of-court settlements in the opinion of this researcher. However, choosing to settle out-of-court raises suspicion. This section investigates these reasons as obtainable in various scholarly works and analyses same to match it up with the results of the interview conducted. These reasons are supplied below.

4.3.1. Strengthening of Family Bonds

An alternative argument that was presented by some of the respondents was that through out-of-court settlements, the families involved have to deal with these situations on their own. This can make them bond together and make them stronger. This is an unlikely or unpopular opinion and can be a bit controversial too. Based on the famous saying “what doesn’t kill you makes you stronger”. Some of the respondents believe that going through the out-of-court settlements and their consequences make the families and the rape survivors stronger and create a strong bond between them.

Respondent 14 who is a 65 years old illiterate, town chief stated in his interview, “*Families become strong*”

Respondent 15 who is 68 years old illiterate, town chief also gave a similar statement saying that,

“When dealing with the use out-of-court settlements, Families become strong and united”.

Based on these themes it can be seen that out-of-court settlements can have a number of different negative impacts on the mental health and social life of the survivors and their families however, rural community dwellers of Liberia accept that it can also bring positive outcomes as well. The two respondents are notably town chiefs who by all intents and purposes must prioritize the stability of the community over individual grievances.

4.3.2. Weak Institutions

Over the past few years with better awareness of child rights among the justice actors in Liberia and the focus of international organization such as UNHCR and UN is a positive increase in reporting of sexual violence cases against children in Liberia. However, even after the reporting of the cases the conviction rates for such cases are still quite low. Lack of protection and a slow formal judicial system force the families of these survivors to opt for out -of- court settlements. The child rape law in Liberia contains severe penalties for the perpetrators. However, the country has a poor infrastructure, facilities and lack of man power which is a serious obstruction in the path of proper investigation of sexual violence cases. Even though the law emphasis upon the DNA testing, speedy trials, and identity protection of sexual abused survivors, the implementation of these laws is still far from being practical. The weakness of these institutions is hereby appreciated in the following subsections;

A. Ineffective Policing Structure

Respondent 1 who is a Liberian female and works as the director of Help for Children Foundation stated

"Lack of manpower in the police department and police system has affected the court system.

It is extremely tough for people to file cases related to child sexual abuse with the police department. As the police department is the first step for people while trying to seek justice for the survivors the effectiveness of the courts can be enhanced to a great extent by improving the police department. Based on this statement we can see that the Liberian police require serious reforms. Another respondent highlighted a similar aspect related to the effectiveness of the police department.

Respondent 5 who is a Liberian Male and works as a community dweller stated in his interview;

"The Liberian police are understaffed and lack resources. A number of the times if a family tries to file a case with the police related to child sexual abuse, they are made to pay money to the police in the form of transportation money or sometimes bribe. Liberia is a poor country and most of the people cannot afford to pay this money. This is one of the major reasons why survivors' families do not want to contact the Police when a child is raped, but turn to the customary courts."

Based on these responses it can be seen that the effectiveness of the justice system depends upon the effectiveness of the police department. The police department in Liberia is seriously underdeveloped, understaffed and lacks professional training. Due to this particular reason, people are reluctant to contact police, file cases related to child sexual abuse, and take their cases to the formal courts.

Moreover, according to the findings it was seen that the police department was seriously understaffed and low on resources. On average in Liberia for an area of 8000 kilometres square, there are only 100 police officers. Moreover, for the surveillance of a similar area police department has one car and one motorbike. Different obstructions like poor road conditions and high cost of petrol are some of the additional reasons that make it tough for the people to access police. This is one major reason why people are unwilling to contact the police or report their cases. Due to these delay the survivors and their family are under consistent social pressure and face threats from the perpetrators. Moreover, a low conviction probability is also a discouraging factor. According to the interview question the first respondent also emphasized on this aspect of formal court settlement.

Based on these findings it can be seen that the poor police department has reduced the effectiveness of the official judicial system.

B. Problematic Judicial system

The formal courts in Liberia are only located in the major district and even these courts have a huge load of cases. Due to these factors, it takes a lot of time for the completion of these cases. Child rape cases, on the other hand, are an extremely sensitive topic and these cases should be solved on a priority basis. Unfortunately, in Liberia due to the above-mentioned factors, the court proceedings are quite slow and it is very tough for the rape survivors and their families to keep up with delays in courts. Due to this reason, these people turn to the use of out-of-court settlements.

Respondent 3 who is a Liberian female and a Police officer stated that delay in court proceedings was one of the major reasons social and economic pressures mount on the survivor families. Even though Liberia has a formal judicial system, there is a huge burden on the system for the existing cases. The cases related to child sexual violence are quite sensitive

and should be dealt with on a priority basis. However, due to the lack of resources and manpower, it has not been the case in Liberia. The delay in court proceedings mounts the social pressure on the survivors and their families. This is one of the major reasons why people opt for out-of-court settlements.

Respondent 11 is a 21 years old female, High School drop-out and rape survivor also highlighted a similar aspect saying,

“The judicial system in Liberia is quite expensive for many Liberians, especially survivors’ families, and due to the slow nature of the formal system, survivors’ families go to the informal courts”.

Based on these findings it can be said that the slow justice system in Liberia is one of the major reasons why people turn to out-of-court settlements.

Respondent 1 who is a Liberian female and works as the director of Help for Children Foundation stated

1. “The implications of using out-of-court settlements in addressing sexual violence cases against children are, the Liberian rape law and justice system are weak and have failed the Liberian children”.

Respondent 2 who is a Liberian female and a psychosocialcounsellor stated that

“The issue of culture most times influences the use of out-of-court settlements, in child raped survivors’ cases”.

Based on these responses, it can be seen that both respondents believe that the formal justice system in Liberia is under developed and the implementation of rape law is quite weak. Also, when it comes to the formal justice system in Liberia, there is a serious lack of consciousness about the child sexual violence related law even among the legal professionals and justice actors. The legal consciousness about the formal law among the general public is next to nothing.

4.3.3. Cultural Preferences

Based on the analysis provided by the past literature and the interview answers from respondents it can be said that traditional justice system is a system that is compatible with the Liberian society and people in the country especially in rural areas are much more comfortable with traditional justice systems as compared to the formal system. Although already, a number of different factors make traditional justice system a preferred choice for the Liberian people. Factors such as logistics constraints, economic circumstances, lack of trust, lack of legal consciousness, and uncertainty related to judicial process are other major factors.

The customary institutions are easily accessible for people and their proceedings are less costly and sometimes even free of cost.

4.3.4. Poverty or lack of economic means

Liberia is a war torn and poor country. A huge part of its population lives below the poverty line. The unemployment rates are alarmingly high. On the other hand, the judicial system is quite slow and expensive. The lawyers demand relatively higher fees and most of the poor families living in the rural areas cannot afford to pay these kinds of fees. Moreover, the Police department doesn't receive enough funds from the government and ask the survivors families for the petrol money or other process fees. It is extremely tough for the survivors and their families to pay for this kind of expense.

Respondent 11 is a 21 years old female, High School drop-out and rape survivor stated in her interview,

"In Liberia, most of the parents cannot support their own children. It is very tough for a number of families to look after their basic needs. Under these circumstances, it is impossible for families to keep up with the court proceedings and the expenditure".

Based on this statement it can be seen that poverty is a major reason why people are unable to

use the formal justice system. Respondent 5, a Liberian Male, works as a community dweller commented on the reasons why families go for out-of-court settlements. According to the respondent,

"A huge proportion of Liberian population is living below the poverty line. On the other hand, the police stations and courts are only located in major districts and to access them a family requires a significant amount of money. Due to these reasons, a number of people prefer out-of-court settlements in place of formal courts procedures".

From the statement of respondent 5, we get a similar impression about the poverty and lack of resources in Liberian society.

Logistics constraints are another reason why people prefer out-of-court settlements. Liberia has a weak economy and the poverty and unemployment rates are quite high. Most of the police stations and urban courts in Liberia are also located in urban areas and average travelling time to police stations can range from 3.5 hours up to 10 hours. On the other hand, the customary institutions for informal justice are located within the communities and are easily accessible for people. Cost is another major factor why people prefer out-of-court settlements. Respondent 4 who is a Liberian female and a Police officer stated that *"Liberians are quite poor and for them the formal justice system can be quite unfriendly and costly."*

Respondent 11 is a 21 years old female, High School drop-out and rape survivor highlighted a similar aspect stated that "

Liberians cannot afford the formal justice system the lack of resources and funds mean that police sometimes ask the survivors and their families for transportation money to go and arrest the alleged perpetrator. The lawyer fees and other court fees can be quite a burden for the survivors and their families."

4.3.5. Lack of Awareness by the Rural Liberians

As discussed earlier in Liberia a huge number of cases do not even reach the formal courts.

Respondent 11 is a 21 years old female, High School drop-out and rape survivor stated in her interview,

"The survivors' families do not have a fair idea about how official courts work. Especially in rural areas, people don't understand the English language and there is a great deal of communication gap between the authorities and the people.

A lot of the people think that the official courts are not affordable for them and they don't even try to report any cases to the authorities."

According to this statement, it can be seen that even if the court system is properly established in Liberia and the other aspects such as delay in justice and affordability of formal justice system are neglected there is a serious lack of awareness among the people related to the formal justice system. People don't understand how they can report a crime related to child sexual abuse to the official authorities and how they can take up their cases to the next level. There is a general perception among the masses that the official judicial system is not affordable for them and they don't even try to get access to the formal justice system. Due to this reason, a huge number of cases are never reported to the official justice system.

Respondent 2 who is a Liberian female and a psychosocial counsellor stated that

"Life in Liberia is different from the western countries".

4.4. Conclusion

This chapter analysed the implications of opting for informal crime resolution arrangement by survivors and their families and identifies that resolution of child rape via communal means has even more serious consequences than pressing the charges in formal court system.

Hence, the choice of survivors and their families remain incredible. However, through an analysis of the interviews conducted, there are now profound reasons to establish the logic behind such hugely implicating choice in the hands of the survivors and their families.

CHAPTER 5

FINDINGS AND DISCUSSIONS

5.1. Introduction

This chapter presents the research findings and discussion. The second section summarizes the research findings. These findings are presented based on the research questions. Lastly, a discussion of the findings which links the findings of the current study with the existing literature is provided.

5.2. Research findings

This study in the first chapter identified the political, legal and socio-cultural dimensions of child rape in rural Liberian communities. These four questions were raised in order to guide the direction of this research and they are viz:

1. What is the true extent of child rape in the rural communities of Liberia and what are the causes?
2. Does Liberian law or legal system protect survivors of child rape?
3. Why do survivors' families adopt out-of-court settlement in addressing child rape, instead of the formal court system?
4. What are the effects of out-of-court settlements on survivors and their families?

Below is the summary of findings in respect of these research questions.

A. *What is the true extent of child rape in the rural communities of Liberia and what are the causes?*

In answering the first question for this research, there was a review of existing doctrinal literature. Reports of the World Health Organization, United Nations Children Emergency Fund (UNICEF) among many other allied organizations were reviewed. It was found that although rape has been very constant in Liberia, the surge of child rape began during the

Liberian Civil War which lasted a long time. It was also found that a number of cases related to sexual violence against children are never reported. Even if they are reported a vast majority of these cases end at out-of-court settlement. It has been found that one of the major obstructions in the path of child rape prevention was the pattern of low case reporting. A vast number of sexual violence cases against children are never reported. Even the ones that are reported are subjected to a number of challenges such as poor policing, social taboos associated with rape in Liberia culture, and stigmatization. Various research works reviewed and a statistic from 2008 revealed that in Liberia only 12.5% of the sexual violence cases were reported. Another statistic revealed that in Liberia, around 85% of the sexual violence survivors are below the age of 18 years old and 48% are below the age of 12 years.

It could be summarily put that the Liberian Civil War and underreporting of child rape has allowed the act to continue unabated for a long period of time.

B. Do Liberian laws and legal system protect survivors of child rape?

This research finds that although there are some laws in Liberia that expressly prohibit rape, these laws are not sufficient to distinguish between rape and defilement as in other countries in West Africa such as Nigeria. It is believed that stricter measures must be adopted in case of child rape as distinguishable from general rape involving adults. This research also finds that the justice system in Liberia had become so outdated post-war era that the rape law was first introduced in Liberia in the year 2005 and the first Children Act came into practice in 2011. Also, it was found that given the complex or hybrid justice system in Liberia, it is very tough to establish a proper and easily accessible justice system against sexual violence against children. It was also found that the enforcement mechanism of the judicial system in Liberia is quite weak, expensive and problematic. Due to that particular reason, behavioural or attitudinal change in society is non-existent.

In the same vein, it was found through review of literature only that better law implementations and strict laws against sexual violence can prove to be beneficial in stopping violence against children in Liberia.

C. Why do survivors' families adopt out-of-court settlement in addressing child rape instead of the formal court system?

This research observed that Liberia has a dual justice system in place. The formal court works under a statutory justice system usually in the urban areas and therefore usually inaccessible by rural dwellers. However, the customary courts are all across the country and different counties. The customary courts are easily accessible as compared to the formal judicial system which is far more complicated. Thus, easily, the question of access makes survivors' families adopt out of court settlement. Also, the normal Liberian system cannot afford formal justice as it is too expensive for them. Due to these reasons, people tend to move towards out-of-court settlements.

Other reasons including poverty, cultural or communal preferences, commercial benefits, and emphasis on communal bonds have discouraged many from attempting to explore the legal remedies available for survivors of child rape.

D. What are the effects of out-of-court settlement on survivors and their families?

This research identifies general community stigmatization, shame and notoriety as the immediate consequences of out of court settlements. There is also the possibility of the survivors being revictimized by the same culprit since the case is unreported and no punishment has been meted thereby leading to perpetual fear. This is not to mention the various psychological and physiological implications found in case of the survivors themselves. Rape survivors have to go through stigmatization on so many different levels.

Their mental health and confidence can be affected. Moreover, in countries like Liberia and Ghana, there is a culture where survivors receive more blame as compared to the offenders.

5.3. Research Discussion

In exploring the reasons given for opting for out-of-court settlements, the interviews conducted with Respondents 1, 2, 4, 5, 11, 14, 15 were very insightful to illuminate the socio-legal causes for this choice.

Where the strengthening of family bonds narrative was given, existing research suggests that rural communities emphasize strengthening family and communal bonds (Till and Patrick, 2017) in order to allow peace reign even though it is at the expense of the rape survivor. This narrative has also been corroborated by the 14th and 15th respondents who are town chiefs. Based on these themes it can be seen that out-of-court settlements can have a number of different negative impacts on the mental health and social life of the survivors and their families however, rural community dwellers of Liberia accept that it can also bring positive outcomes as well. The two respondents are notably town chiefs who by all intents and purposes must prioritize the stability of the community over individual grievances.

The weakness of the institutions of justice excuse was also explored in accordance with the statements of the 1st and 5th Respondents. It must be noted that in recognition of this challenge, Weh-Dorlieh (2015) in his research work analysed different sexual abuse cases against children in Liberia. According to the findings it was seen that in the legal process followed by the statutory system the evidence collection mechanism is quite inefficient. Due to this particular reason, a lot of useful pieces of evidence get tempered and lost during the proceedings. Yahya et al, (2015) also emphasized a similar phenomenon stating that UN in their survey of Liberia did not take into account the already existing justice institutions and

assumed that the Liberian justice system needs a fresh start. Schia (2009) also highlighted a similar role that could have been played by the Norwegian government and UNMIL. Blakemore (2019) in his research work stated that Liberians are quite dissatisfied with court systems in Liberia. Bacon (2017) in his research work highlighted a similar aspect stating that the formal justice system is yet to be firmly established across Liberia. Based on these findings it is important for the international organizations to understand the already existing justice system in the country. With proper efforts and direction, the effectiveness of the already existing system can be enhanced and monitored.

In the aspects of a problematic justice system as a facilitator of out-of-court settlements, the statements of Respondents 11, 1 and 2 are very relevant as it confirms that the justice system is snail paced, expensive and unnecessarily difficult. This is confirmed by the work of Romero (2019). It was noted in this work that even though the traditional justice system is a quick and cheap source of justice, the traditional justice system has been seen to be in favour of perpetrators on a number of occasions. Thus, explaining why anyone would be surprised and shocked at the choice of the survivors. Bacon (2017) in his research work highlighted a similar aspect stating that the formal justice system is still to be established properly across Liberia and the ones in existence are unduly problematic. According to a survey from Institute of Peace from United States it was seen that even though there is a formal justice system in practice in Liberia only 2 per cent of sexual violence related cases reach to the formal courts. On the other hand, 45% of such cases are handled in customary or traditional courts. A number of different authors such as Schia, Maturu, De Carvalho and many others who have studied the Liberian conflict and challenges related to juvenile justice closely believe that the international actors need to explore the dual justice system in Liberia. According to Maturu the traditional justice system in Liberia works much better and has been

proved quite effective in dealing with a number of rural crimes. The people understand the traditional system much better. Laura (2015) in her research work related to customary justice system highlighted the reasons why most Liberians turn to the use of out-of-court settlements, instead of the formal justice system. According to her the international organizations failed to understand the Liberian traditional and customary justice system and its importance. After the war was over, the world turned its attention towards Liberia and international donors identified that Liberia does not have a properly structured formal justice system. The author has criticized the international donors in her research stating that the donors adopted a start from the scratch approach and neglected the traditional justice system that was in practice from such a long time.

Thus, existing literature suggests that the formal justice system of Liberia has yet to mature and the matured customary justice system remains misogynist.

Admittedly, there is poverty in Liberia. However, this has affected greatly the exercise of one's rights and the exploration of the remedies of the law in formal courts system. This admission has been confirmed in the statements of Respondents 11, 5 and 4. Wodon (2012) in his work linked the poverty and formal judicial system. According to the author even if the Liberian people have access to the formal judicial system, they still prefer out-of-court settlements and traditional courts. Poverty is the major reason behind this choice. Customary or traditional courts are quick to process the cases and cost very little money or no money at all. Moreover, the Liberian people trust the traditional court proceedings more than the formal courts.

Also, in the area of lack of awareness and the information supplied by Respondents 2 and 11. There has been a confirmation located in the work of Horn et al., (2016). Their research work stated a similar phenomenon saying that a lot of people wouldn't file cases related to child sexual abuse with the police under any condition. According to the author in some of the

counties, Liberia has special police dedicated to the cases related to children and women. Even in these counties most, child sexual abuse cases are never reported to the police. Due to this phenomenon, the effectiveness of the formal judicial system has been reduced as well. It is believed this could be traced to a serious lack of awareness on the procedure. Ultimately, Farinde (2015) in his research work made a comparison between the dual justice systems in Liberia. According to the author the traditional courts in Liberia are working since 1943 and are a part of Liberian history. The system is strongly embedded in Liberian culture and cannot be replaced overnight. According to the author, the formal judicial system needs to establish itself especially in rural areas in two different steps so as to allow the rural Liberians an awareness of the existence of formal court systems. In the first step, they have to extend their authority, especially through the rural Liberian areas.

5.4. Conclusion

Overall, the chapter covers the presentation and discussion of findings, and the driving forces behind the use of out-of-court settlements, and child sexual violence. The identified effects of Using informal out-of-court settlements on both the survivors and their families include shame, stigmatization, emotional distress, and the transmission of STIs, unwanted pregnancies, forced marriages, and even death. The chapter also discussed why out-of-court settlements have become a normal thing in Liberian rural communities.

CHAPTER SIX

CONCLUSION AND RECOMMENDATIONS

6.1. Introduction

This chapter presents the conclusion and recommendations. The conclusion is drawn from the study findings while recommendations for the application of study findings and for future research are made. The limitations of the study have also been presented in this chapter.

6.2. Conclusion

This study was guided by three main objectives. The first objective was to explore the adverse effects of out-of-court settlements on both survivors' and families. The second goal of the study was to determine how prepared is the formal justice system to deal with child sexual violence cases. The third objective was to determine why survivors' families turn to the informal system instead of the formal justice system. Findings revealed that out-of-court settlement is more used in solving child sexual violence cases in Liberia, because it is easier and less stressful, and seeks the interests of the survivors. While the formal justice system focuses on mainly punishing the perpetrators and paying less attention to the survivors' well-being.

It is believed most of the problems which inform this choice is not in the hands of the survivors or their families as the implications of out of court settlements do not favour those who opt in for it. However, the dearth of accessible remedies for child rape has made their lot resort to communal methods which only guarantees more damage within.

6.3. Recommendations

Based on observation, the problems which inform the choice of out-of-court settlements is not in the hands of the survivors or their families as the implications of out of court settlements do not favour those who opt in for it. Rather, it is in the hands of the government and stakeholders in the subject matter. The dearth of accessible remedies for child rape logically has made the rural dwellers resort to communal methods which only guarantees more damage within. If only to curtain a future disaster, these recommendations should be adopted. These recommendations, the researcher believes are capital intensive but are best for the altogether mending of the socio-political fabric of Liberia.

A. JUDICIAL REFORMS: This recommendation includes the need to strengthen the formal judicial system of Liberia, the need to allow customary justice system synergize with the formal and overhaul the justice system such that there is a new guiding philosophy of adjudicating rape matters, particularly child rape. Judicial reforms, this researcher believes is the first step to confronting the challenge of child rape in Liberia. The government of Liberia must be determined to establish more formal courts within the counties in order to establish a presence and symbolize the nearness of justice to the rural dwellers. The establishment of more judicial divisions may facilitate the urge to report cases and arrange trials. Why the formal courts become important is because of the standards of proof which the formal courts offer which may not be readily witnessed in customary courts.

Also, the customary courts since they are much closer to the people must be empowered to receive complaints from relevant stakeholder for onward transfer to the formal courts. This researcher does not call for the complete eradication of customary courts. This might be met with resistance as customary courts are the custodians of

customary laws and customs is admittedly the life of the people. However, a synergy in operations will ensure that the concerned authorities have a report of criminal cases such as child rape thereby solving the problem of underreporting and preparing a responsible government of Liberia for the strategies to adopt to ensure there is an end to the scourge of child rape.

Also, efforts should be internally made by heads of courts to establish more special courts for rape and sexual violence matters in order to achieve speedy dispensation of these cases.

It is believed that judicial reforms are the first step to achieving a breakthrough. This is because where the judiciary is adequately entertaining cases, the loopholes in the laws will be discovered, the efficiency of law enforcement agents will be discovered and the socio-political implications of child rape will be immediately understood.

B. LEGAL REFORMS

It is noted that there are few laws on the crime of rape in Liberia. Rape is therefore treated as a general phenomenon. This, the researcher believes is not supposed to be. Child rape is different in outlook, circumstance and proof from general rape. The age of the victim is different as much as the implications on the health of the survivors. This researcher hereby calls for the introduction of specific laws on sexual violence against children. These laws should be informed by current literature in proof and strict punitive measure be inculcated. The recommendations of this researcher also extend to the opening of an Offenders List which will contain the names of all rapists found guilty such that no amount of pardon will cleanse such names and allow them participate in the development of the country.

C. INCREASED SOCIAL AWARENESS

The researcher recommends increased awareness and campaigns at all levels on the legal remedies available to survivors of child rape, the need to change socio-cultural approach to cases of child rape in the rural communities which are harmful to both victims and the system, and advocate for change in policy-making and legal framework as has been recommended earlier. It is believed that civil society organizations have a lot of roles to play in this regard by organizing sensitization rallies and symposia for the citizenry particularly in the rural communities of Liberia as no child is unsusceptible to child rape in Liberia. Civil society organizations could be said to represent the people and may have tendencies to understand social problems from an emotional and deeply analytical perspective and use that knowledge as a means of social empowerment. The work of civil society organizations therefore extends to demands from government, sensitizing rural dwellers and presenting complaints to the international community as and where necessary to effect change.

References

- Aaron, M., 2012. The pathways of problematic sexual behavior: A literature review of factors affecting adult sexual behavior in survivors of childhood sexual abuse. *Sexual Addiction & Compulsivity*, 19(3), pp.199-218.
- Abebe, T., 2019. Reconceptualising children's agency as continuum and interdependence. *Social Sciences*, 8(3), p.81.
- Amnéus, D., 2011. Insufficient legal protection and access to justice for post-conflict sexual violence. *Development dialogue*, 55, pp.67-90.
- Aryee, E., 2013. I was raped: The psychological effects of rape among Liberian & Ghanaian women in Ghana.
- Bamidele, O., 2017. War, Sex and Justice: Barriers to Gender Justice in Post-Conflict Liberia. *International Journal of Criminal Justice Sciences*, 12(1).
- Bacon, L., 2015. Liberia's Gender-Sensitive Police Reform: Improving Representation and Responsiveness in a Post-Conflict Setting. *International Peacekeeping*, 22(4), pp.372-397.
- Bach, M. H., Beck Hansen, N., Ahrens, C., Nielsen, C. R., Walshe, C., & Hansen, M. (2021). Underserved survivors of sexual assault: a systematic scoping review. *European journal of psychotraumatology*, 12(1), 1895516.[https://dx.doi.org/10.1080%2F20008198.2021.1895516\](https://dx.doi.org/10.1080%2F20008198.2021.1895516)
- Bassiouni, M.C., 2011. Crimes against humanity: historical evolution and contemporary application. Cambridge University Press.
- Borba, C.P., Ng, L.C., Stevenson, A., Vesga-Lopez, O., Harris, B.L., Parnarouskis, L., Gray, D.A., Carney, J.R., Domínguez, S., Wang, E.K. and Boxill, R., 2016. A mental health needs assessment of children and adolescents in post-conflict Liberia: results from a quantitative key-informant survey. *International journal of culture and mental health*, 9(1), pp.56-70.

- Bacon, L., 2017. Liberia's Gender-Sensitive Police Reform: Improving Representation and Responsiveness in a Post-Conflict Setting. In Development Assistance for Peacebuilding (pp. 90-115). Routledge.
- Blakemore, S., Freedman, R. and Lemay-Hébert, N., 2019. Child safeguarding in a peacekeeping context: lessons from Liberia. *Development in Practice*, 29(6), pp.735-747. <https://doi.org/10.1080/09614524.2019.1614148>
- Blackstone, A., Uggen, C. and McLaughlin, H., 2009. Legal consciousness and responses to sexual harassment. *Law & society review*, 43(3), pp.631-668.
- Bridgewater, G., 2016. Physical and sexual violence against children in Kenya within a cultural context. *Community practitioner*, 89(2), pp.30-36.
- Campbell, R., 2006. Rape survivors' experiences with the legal and medical systems: Do rape victim advocates make a difference? *Violence against women*, 12(1), pp.30-45.
- Chandler, R.M., 2010. Speaking with Postwar Liberia: Gender-Based Violence Interventions for Girls and Women. In *Women, War, and Violence* (pp. 31-44). Palgrave Macmillan, New York.
- Chaudhury, S., Bakhla, A.K., Murthy, P.S. and Jagtap, B., 2017. Psychological aspects of rape and its consequences. *Psychol Behav Sci Int J*, 2, pp.1-7.
- Chowdhury, M.F., 2014. Interpretivism in aiding our understanding of the contemporary social world. *Open Journal of Philosophy*, 2014.
- Colman, R.A. and Widom, C.S., 2004. Childhood abuse and neglect and adult intimate relationships: A prospective study. *Child abuse & neglect*, 28(11), pp.1133-1151.
- Compton, J., 2014. The peril of imposing the rule of law: Lessons from Liberia. *Minn. J. Int'l L.*, 23, p.47.

Darkwa, L., 2015. Winning the Battle and Losing the War: Child Rape in Post Conflict Liberia. *The International Journal of Children's Rights*, 23(4), pp.790-817.

De Carvalho, B. and Schia, N.N., 2011. Sexual and Gender-based Violence in Liberia and the Case for a Comprehensive Approach to the Rule of Law. *Journal of International Relations and Development*, 14(1), pp.134-141.

Emmel, N., 2013. Purposeful sampling. Sampling and choosing cases in qualitative research: A realist approach, pp.33-45.

Ewick, P. and Silbey, S.S., 1998. The common place of law: Stories from everyday life. University of Chicago Press.

president Weah declares rape a national emergency.<https://www.rfi.fr/en/africa/20200913-liberia-president-weah-declares-rape-a-national-emergency-after-protests-sexual-assault-gender-based-violence>. Last accessed 31, May, 2021

Farinde, L.O., 2015. The effectiveness of protecting children's rights in post-conflict Liberian society (Master's thesis, University of Cape Town).

Fay, F., 2019. Decolonizing the child protection apparatus: Revisiting child rights governance in Zanzibar. *Childhood*, 26(3), pp.321-336.

Fenton-Glynn, C., 2014. The child's voice in adoption proceedings: A European perspective. *The International Journal of Children's Rights*, 22(1), pp.135-163.

Galanter, M., 1974. Why the haves come out ahead: Speculations on the limits of legal change. *Law & Soc'y Rev.*, 9, p.95.

Grossoehme, D.H., 2014. Overview of qualitative research. *Journal of health care chaplaincy*, 20(3), pp.109-122.

Hall, M. and Hall, J., 2011. The long-term effects of childhood sexual abuse: Counseling implications.

Horn, R., Puffer, E.S., Roesch, E. and Lehmann, H., 2016. ‘I don’t need an eye for an eye’: Women’s responses to intimate partner violence in Sierra Leone and Liberia. *Global public health*, 11(1-2), pp.108-121.

Herman, J. and Martin-Ortega, O., 2011. Narrowing gaps in justice: Rule of law programming in Liberia. *Peacebuilding and Rule of Law in Africa—Just Peace*, pp.142-160.

Hanson-DeFusco, J., 2020. Fatal Remedies: Child Sexual Abuse and Education Policy in Liberia (Doctoral dissertation, University of Pittsburgh).

Hubbard, W.H., 1999. Civil Settlement During Rape Prosecutions. *U. Chi. L. Rev.*, 66, p.1231.

Integrated Regional Information Networks (IRIN). (2014). Tackling Liberia's high rape rate, 18 July 2014, available at: <https://www.refworld.org/docid/53cfa1e94.html> [accessed 2 May 2021]

Integrated Regional Information Networks (IRIN). (2014). Tackling Liberia's high rape rate, 18 July 2014, available at: <https://www.refworld.org/docid/53cfa1e94.html>

International Development Law Organization. (2018). JUDICIAL COOPERATION TO END SEXUAL VIOLENCE IN LIBERIA. Retrieved from <https://www.idlo.int/news/highlights/judicial-cooperation-end-sexual-violence-liberia>

International Development Law Organization. (2017). STRENGTHENING THE RULE OF LAW, JUSTICE AND SECURITY IN LIBERIA. Retrieved from <https://www.idlo.int/what-we-do/initiatives/strengthening-rule-law-justice-and-security-liberia>

Jaw, I., 2012. Rape as a Primary Weapon of Genocide. URJ-UCCS: Undergraduate Research

Journal at UCCS, 5(1), pp.3-8.

Kalman, L., 2016. Legal realism at Yale, 1927-1960. UNC Press Books.

Kassa, G.M., Muche, A.A., Berhe, A.K. and Fekadu, G.A., 2017. Prevalence and determinants of anemia among pregnant women in Ethiopia; a systematic review and meta-analysis. BMC hematology, 17(1), pp.1-9.

Kennedy, A. C., Adams, A., Bybee, D., Campbell, R., Kubiak, S. P., & Sullivan, C. (2012). A model of sexually and physically victimized women's process of attaining effective formal help over time: The role of social location, context, and intervention. American journal of community psychology, 50(1-2), 217-228. <https://doi.org/10.1007/s10464-012-9494-x>

Kitchen, A.D., 2012. When Laws and Representation Are Not Enough: Enduring Impunity and Post-Conflict Sexual Violence in Liberia and Sierra Leone (Doctoral dissertation, Wright State University).

Kujundžić, L., 2017. Multidisciplinary cooperation in the best interests of children witnesses and victims of sexual abuse. Child Protection HUB for South East Europe, pp.1-5.

Lamoureux, B. E., Palmieri, P. A., Jackson, A. P., & Hobfoll, S. E. (2012). Child sexual abuse and adulthood-interpersonal outcomes: Examining pathways for intervention. Psychological Trauma: Theory, Research, Practice, and Policy, 4(6), 605.

Landis, D. and Stark, L., 2014. Examining promising practice: an integrated review of services for young survivors of sexual violence in Liberia. Intervention: Journal of Mental Health and Psychosocial Support in Conflict Affected Areas, 12(3), pp.430-44.

Lansdown, G., 2011. Every child's right to be heard: a resource guide on the UN committee on the rights of the child general comment no. 12. London: Save the Children/United Nations Children's Fund.

Lehoucq, E. and Taylor, W.K., 2020. Conceptualizing legal mobilization: How should we understand the deployment of legal strategies? *Law & Social Inquiry*, 45(1), pp.166-193.

Liberia's Inexcusable Cases of Rape - FrontPage Africa. (2020). Retrieved 12 August 2021, from <https://frontpageafricaonline.com/opinion/commentary/liberias-inexcusable-cases-of-rape/>

Lorenz, K., Kirkner, A. and Ullman, S.E., 2019. A qualitative study of sexual assault survivors' post-assault legal system experiences. *Journal of trauma & dissociation*, 20(3), pp.263-287.

Marshall, A.M., 2003. Injustice frames, legality, and the everyday construction of sexual harassment. *Law & Social Inquiry*, 28(3), pp.659-689.

Martin, A., Najman, J.M., Williams, G.M., Bor, W., Gorton, E. and Alati, R., 2011. Longitudinal analysis of maternal risk factors for childhood sexual abuse: early attitudes and behaviours, socioeconomic status, and mental health. *Australian & New Zealand Journal of Psychiatry*, 45(8), pp.629-637.

M'Cormack, F., 2018. Prospects for accessing justice for sexual violence in Liberia's hybrid system. *Stability: International Journal of Security and Development*, 7(1).

Morse, B.S., 2019. Policing and the rule of law in weak states: evidence from Liberia (Doctoral dissertation, Massachusetts Institute of Technology).

Mullen, P.E., Martin, J.L., Anderson, J.C., Romans, S.E. and Herbison, G.P., 1994. The effect of child sexual abuse on social, interpersonal and sexual function in adult life. *The British Journal of Psychiatry*, 165(1), pp.35-47.

Murray, L. K., Nguyen, A., & Cohen, J. A. (2014). Child sexual abuse. *Child and Adolescent Psychiatric Clinics*, 23(2), 321-337.

Myers, W. and Bourdillon, M., 2012. Introduction: development, children, and protection. *Development in Practice*, 22(4), pp.437-447.

Negele, A., Kaufhold, J., Kallenbach, L. and Leuzinger-Bohleber, M., 2015. Childhood trauma and its relation to chronic depression in adulthood. *Depression research and treatment*.

Office of the United Nations High Commissioner for Human Rights. (2016). UN report urges Liberia to act on rape. Retrieved from <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20680&LangID=E>

Liberia: An Act to amend the new Penal Code Chapter 14. Available at <https://www.refworld.org/docid/44868e674.html>. Accessed September 28, 20221

Okereke, Godpower O. "Crime and punishment in Liberia." *International Journal of Comparative and Applied Criminal Justice* 37, no. 1 (2013): 63-74.

Pinker, S., 2011. *The better angels of our nature: The decline of violence in history and its causes*. Penguin uk.

Postmus, J.L., Hoge, G.L., Davis, R., Johnson, L., Koechlein, E. and Winter, S., 2015. Examining gender-based violence and abuse among Liberian school students in four counties: An exploratory study. *Child abuse & neglect*, 44, pp.76-86.

Puffer, E.S., Green, E.P., Chase, R.M., Sim, A.L., Zayzay, J., Friis, E., Garcia-Rolland, E. and Boone, L., 2015. Parents make the difference: a randomized-controlled trial of a parenting intervention in Liberia. *Global Mental Health*, 2.

Prasad, V., 2018. If anyone is listening, # MeToo: Breaking the culture of silence around sexual abuse through regulating non-disclosure agreements and secret settlements. *BCL Rev.*, 59, p.2507.

Pound, R., 1910. Law in books and law in action. *Am. L. Rev.*, 44, p.12.

Reddy, D., 2014. Managing sexual and gender-based violence (SGBV) in Liberia: Exploring the syncretisation of Western and traditional approaches (Master's thesis, The University of Bergen).

Romero, M. and Sandefur, J., 2019. Beyond short-term learning gains: The impact of outsourcing schools in Liberia after three years (No. 521). Center for Global Development.

Schaack, R.D. and Turay-Kanneh, R.S., 1998. Violence against women during the Liberian civil conflict. *Jama*, 279(8), pp.625-629.

Schlegel, J.H., 1995. American legal realism and empirical social science. Univ of North Carolina Press.

Swiss, S., Jennings, P.J., Aryee, G.V., Brown, G.H., Jappah-Samukai, R.M., Kamara, M.S., Sawrikar, P. and Katz, I., 2017. Barriers to disclosing child sexual abuse (CSA) in ethnic minority communities: A review of the literature and implications for practice in Australia. *Children and Youth Services Review*, 83, pp.302-315.

Schia, N.N. and De Carvalho, B., 2009. "Nobody Gets Justice Here!": Addressing Sexual and Gender-Based Violence and the Rule of Law in Liberia.

Schia, N.N. and De Carvalho, B., 2011. Protection from sexual and gender-based violence in Liberia: a role for traditional justice? *conflict trends*, 2011(1), pp.38-42.

Schia, N. N., & de Carvalho, B. (2010). Peacebuilding in Liberia and the Case for a Perspective from Below.

Solhjell, R. and Sayndee, T.D., 2016. Gender-Based Violence and Access to Justice: Grand Bassa County, Liberia.

Stark, L., Warner, A., Lehmann, H., Boothby, N. and Ager, A., 2013. Measuring the incidence and reporting of violence against women and girls in Liberia using the neighborhood method'. *Conflict and health*, 7(1), pp.1-9.

Simon, J., Luetzow, A. and Conte, J.R., 2020. Thirty years of the convention on the rights of the child: Developments in child sexual abuse and exploitation. *Child abuse & neglect*, 110, p.104399.

Silbey, S.S., 2005. After legal consciousness. *Annu. Rev. Law Soc. Sci.*, 1, pp.323-368.

SOS Children's Villages International. (2017). THE RIGHT TO PROTECTION ENDING

Springer, K. W., Sheridan, J., Kuo, D., & Carnes, M. (2003). The long-term health outcomes of childhood abuse. *Journal of general internal medicine*, 18(10), 864-870.

. Stark, L., Warner, A., Lehmann, H., Boothby, N. and Ager, A., 2013. Measuring the incidence and reporting of violence against women and girls in Liberia using the neighborhood method'. *Conflict and health*, 7(1), pp.1-9.

Sutherland, E.E., 2014. Listening to the child's voice in the family setting: From aspiration to reality. *Child & Fam. LQ*, 26, p.152.

- Swiss, S., Jennings, P.J., Aryee, G.V., Brown, G.H., Jappah-Samukai, R.M., Kamara, M.S., Schaack, R.D. and Turay-Kanneh, R.S., 1998. Violence against women during the Liberian civil conflict. *Jama*, 279(8), pp.625-629.
- Taylor, A.S., 2000. The UN Convention on the Rights of the Child: giving children a voice. *Researching children's perspectives*, pp.21-33.
- Thyer, B.A., 2012. The scientific value of qualitative research for social work. *Qualitative Social Work*, 11(2), pp.115-125.
- Tillman, S., Bryant-Davis, T., Smith, K. and Marks, A., 2010. Shattering silence: Exploring barriers to disclosure for African American sexual assault survivors. *Trauma, violence, & abuse*, 11(2), pp.59-70.
- Truth and Reconciliation Commission (2009), Volume Three, Appendices, Title I: Women and the Conflict. Republic of Liberia, Monrovia
- Ullman, S.E., 2010. Talking about sexual assault: Society's response to survivors. American Psychological Association.
- United Nations Mission in Liberia. (2016). Addressing Impunity for Rape in Liberia. Retrieved from
http://www.ohchr.org/Documents/Countries/LR/SGBV_ReportLiberia_October2016.docx [accessed 1 May 2021]
- United Nations Mission in Liberia. (2016). UN report urges Liberia to act on rape. Retrieved from
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20680&LangID=E&http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20680&LangID=E>
- Child Protection, UNICEF-Liberia. Available at <https://www.unicef.org/liberia/child-protection>. Last accessed, November 1, 2021

Child Protection, UNICEF Liberia available at: <https://www.unicef.org/liberia/child-protection> Last accessed October 7, 2021

Venema, R.M., 2016. Police officer schema of sexual assault reports: Real rape, ambiguous Van Ness, D. and Strong, K.H., 2014. Restoring justice: An introduction to restorative justice. Routledge.

cases, and false reports. *Journal of interpersonal violence*, 31(5), pp.872-899.

Roy, K., 2017. 12 “Ladkiyaan phir aage?”. Re-Presenting Feminist Methodologies: Interdisciplinary Explorations, p.267.

VIOLENCE AGAINST CHILDREN. Retrieved from https://www.sos-childrensvillages.org/getmedia/83145000-19d4-451c-9e98-15565fd6842d/TheRightToProtection_EN.pdf

Wilson, P.B., 2021. Increasing Accountability for Rape in Liberia: The Need for a Forensic System to Increase the Success Rates of Prosecution. *William & Mary Journal of Race, Gender, and Social Justice*, 27(3), p.829.

Weh-Dorliae, Y., 2015. The United Nations Training of the Liberia National Police: Effectiveness, Results, and Future Implications (Doctoral dissertation, Walden University).

Ward, J. and Marsh, M., 2006, June. Sexual violence against women and girls in war and its aftermath: Realities, responses and required resources. In *Symposium on Sexual Violence in Conflict and Beyond* (Vol. 21, p. 23).

Wodon, Q., 2012. Poverty and the policy response to the economic crisis in Liberia. The World Bank.

Yahaya, I., Soares, J., De Leon, A.P. and Macassa, G., 2012. A comparative study of the socioeconomic factors associated with childhood sexual abuse in sub-Saharan Africa. Pan African medical journal, 11(1).

Zimba, W., Menon, J.A., Thankian, K. and Mwaba, S.O.C., 2016. The psychological impact of child sexual abuse on primary caregivers. Medical Journal of Zambia, 43(3), pp.167-173.

Penal code of Liberia. available at:
https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/LBR_national_legislation.pdf. Last accessed, September, 13, 2021

No impunity for rapists. available at
http://africa.peacelink.org/newsfromafrica/articles/art_10565.html. Last accessed on October 13, 2021

New UN Report- Urges Liberia. Available at:<https://news.un.org/en/story/2016/10/542832-new-un-report-urges-liberia-act-rape-legacy-impunity-14-year-civil-conflict> Last accessed on October, 14, 2021

INT-CEDAW Available
at:https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LBR/INT_CEDAW_NGO_LBR_19364_E.pdf Last accessed on October 13, 2021

Appendix

SECTION A: DEMOGRAPHICS

1. What is your gender?
2. What is your age?

3. What is your ethnicity/race?
4. What is your marital status?
5. What is your educational level?

SECTION B: SURVEY QUESTIONS

6. What is the true extent of child rape in the rural communities of Liberia and what are the causes?
7. Does Liberian law or legal system protect survivors of child rape?
8. Why do survivors' families adopt the use of out-of-court settlement in addressing child rape cases, instead of the formal court system?
9. What are the effects of out-of-court settlements on survivors and their families?
10. Have you experienced a scenario in which out-of-court settlements was used as a statutory measure in addressing sexual violence against children in Liberia?

If yes, please explain your experience.

11. What are the implications of using out-of-court settlements as an alternative statutory measure in addressing sexual violence against children in Liberia?
12. How does societal/family pressure influence the use of out-of-court settlements when addressing child sexual violence cases?
 - a) Do the family members contribute to the choice of using out-of-court settlements to address child sexual violence cases? If yes, please explain how.
 - b) How does society contribute to the choice of using out-of-court settlements to Address child sexual violence cases?
13. What are the consequences of informal out-of-court settlements on both the

Survivors and their families?

- a) Were you a direct survivor of child sexual assault/violence? If yes, please explain how the choice of out-of-court settlements affected you and your family.
- b) If you were not a direct survivor of sexual assault/violence, please explain how the choice of out-of-court settlements to address child sexual violence cases impacts the survivors and their families.