

**International
Institute of
Social Studies**

Erasmus

**Out-of-Court Settlements and Sexual Violence against
Children in Nimba County, Rural Liberia**

A Research Paper presented by:

Victoria Jackson Toby

LIBERIA

In partial fulfillment of the requirements for obtaining the degree of

MASTER OF ARTS IN DEVELOPMENT STUDIES

Major: Social Policy for Development

(SPD)

Members of the Examining Committee:

Kristen Cheney

Auma Okwany

The Hague, the Netherlands

March 2022

Disclaimer:

This document represents part of the author's study programme while at the International Institute of Social Studies. The views stated therein are those of the author and not necessarily those of the Institute.

Inquiries:

International Institute of Social Studies
P.O. Box 29776
2502 LT The Hague
The Netherlands

t: +31 70 426 0460
e: info@iss.nl
w: www.iss.nl
fb: <http://www.facebook.com/iss.nl>
twitter: [@issnl](https://twitter.com/issnl)

Location:

Kortenaerkade 12
2518 AX The Hague
The Netherlands

COVID-19	Coronavirus Disease of 2019
CRC	Convention on the Rights of the Child
DCI	Defense for Children International
FPA	FrontPage Africa
GBV	Gender-Based Violence
IRB	Institute Review Board
IRIN	Integrated Regional Information Networks
RA	Research Assistant
SGBV	Sexual Gender Based Violence
SCR	Special Court for Rape
SVC	Sexual Violence Against Children
NTGL	National Transitional Government of Liberia
NGBVP	National Gender-Based Violence Plan of Action
OHCHR	Office of the High Commissioner for Human Rights
TRC	Truth and Reconciliation Commission
UNCRC	United Nations Conventions on the Rights of the Child
UNMIL	United Nations Mission in Liberia
WACPS	Women and Children Protection Session
WHO	World Health Organization

I dedicate this study to my husband Mr Mitchell T-Mas Toby.

Without you, I would not have managed.

Acknowledgements

I wish to thank the Almighty God for giving me strength and guiding me to complete my dissertation. I would not have reached this far if not for Him. Secondly, I wish to extend my sincere gratitude, appreciation, and message of thanks to my supervisors Kristen Cheney and Auma Okwany. Thank you so much for your endless support throughout the completion of this dissertation. You have always provided me with valuable supervision, guidance, and encouragement, without which I would not have completed this study. I also wish to thank my family and friends for your selfless support during my study. Your efforts cannot go unrecognized. 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. May God bless you abundantly!

Abstract

The study brings to light the mixed consequences of using out-of-court settlements to informally resolve allegations of sexual violence against children (SVC), specifically girls. Out-of-court settlements compensate child survivors, without requiring children to testify in court, and sometimes give their families ‘closure’. However, this research paper also examines how for cases of SVC, out-of-court settlements (OCS) can undermine “...the expressive and deterrent effects of criminal sanctions” in relation to sexual crimes (Hubbard, 1999: 12). In most cases in rural Liberia, allegations of SVC are not taken to court. Most are settled customarily, outside formal judicial systems. Perpetrators’ families pay settlement money, which can be used for medical care and possible relocation of the family. Yet perpetrators themselves are not charged, tried or imprisoned. They may not be held personally accountable for their crimes at all. The study asks to what extent out-of-court-settlements can be considered in the ‘best interest of the child’, and respecting children’s rights to participation and agency. The study also examines the diverse ways in which people in the rural communities interpret and understand the legal consciousness of the law. Concepts of legal consciousness and legal mobilization are used to interpret a range of evidence from interviews with concerned professionals and survivors of SVC, including two focus group discussions with survivors of SVC (aged 18-21). It is found that OCSs mean police investigations are usually halted. The payments of OCSs are seen as benefiting survivors and their families, but survivors not perpetrators usually have to relocate. This study finds various factors that encourage survivors and their families to agree to OCS, one being poverty. The study examines that OCS, customary settlements are used mainly because in rural areas the formal justice system does not work well. The study unpacks uses and misuse of OCS in SVC cases in Nimba County, rural Liberia.

Relevance to Development Studies

Out-of-court settlements of cases of sexual violence against children in rural Liberia have not received much attention. Reasons for this, included non-reporting to the police of sexual violence incidents, poor tracking of cases, and relocation of survivors and their families. This study aims to close a gap in Liberian socio- legal scholarship through identifying the causes and drivers behind OCSs for ‘settling’ cases of SVC. The focus is on Nimba County in particular, a rural area. The study adds to existing literature on out-of-court settlements in a range of contexts, and how these impact survivors, their families and allow impunity (or not) for perpetrators. Using out-of-court settlements to resolve criminal cases can adversely impact survivors and their families, but often is the only option for settlement for those living in rural Liberia. The study also makes a few suggestions for improving the management of justice in cases of SVC in rural Liberia in future.

Keywords

Liberia, out-of-court settlements, sexual violence, girl child, rape, CRC, best interests, legal consciousness and mobilization, children’s rights, agency, legal justice system, Nimba County.

Table of Contents

CHAPTER 1: INTRODUCTION	9
1.1. An Overview	9
1.2. Problem statement	10
1.3. Research Objective and Questions	10
1.4. Limitations and Solutions during COVID-19	11
1.5. Organization of the Study	12
CHAPTER 2: OUT-OF-COURT SETTLEMENT: LITERATURE REVIEW	14
2.1. Introduction	14
2.2. Legal consciousness and mobilization	14
2.3. Government and Donor Partners Strategies	15
2.4. Dangers and Risks of OCSs	16
2.5. Barriers to settling through the courts	18
2.6. Out-of-court settlements and SVC cases	19
2.7 Best Interests of the Child and the Right of Participation	20
2.8. Conclusion	21
CHAPTER 3: METHODOLOGY AND METHODS	23
3.1. Introduction	23
3.2. Analytical Approach	23
3.3. Framework of Analysis	24
3.4. Selection of Participants	25
3.5 Research Ethics	26
3.6 Conclusion	26
CHAPTER 4: DATA INTERPRETATION	27
4.1 Introduction	27
4.3 Government and Donor Roles	28
4.4. Legal consciousness and mobilization	29
4.6 Barriers in reducing the OCSs in SVC cases	32
4.7 Cultural Preferences	34
4.8. Conclusion	35
CHAPTER 5: ROUND-UP	37

5.1. Research findings	37
5.2. Conclusion	40
CHAPTER 6: CONCLUSION AND RECOMMENDATIONS	41
6.1. Introduction	41
6.2. Conclusion	41
6.3. Recommendations	41
References	44

CHAPTER 1: INTRODUCTION

1.1. An Overview

Liberia suffered 14 years of civil instability, where women and children experienced the most atrocities. Women and female children were abducted into rebel camps, and used as sex slaves, and were forced to obey the rebels or be killed themselves. The Liberian civil war started in 1989, when the National Patriotic Front headed by ex-president elect Charles Taylor invaded Liberia from neighboring Ivory Coast, 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' Ackerman (2009). The report further states, that half the 2.5 million Liberian population was 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 Utas (2005).

Despite the war having ended, post-conflict rape and sexual violence against female children is still happening; thus, post-conflict sexual violence constitutes an alarming security issue Kitchen (2012). Sexual violence against children (SVC) was deemed a characterizing element of the 14-year Liberian civil war; where rape reached rampant proportions Nyei (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 against children in the Nation. However, the culture of SVC continues to remain pervasive in Liberia, especially in rural Liberia. 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 SVC Medie (2015). However, adjudicating rape cases in court still remains a serious challenge.

For instance, in 2010, only 6% of all SVC related cases in Liberia went to court, of which only 2% resulted in conviction Postmus et al. (2015), the authors further narrated that these cases are settled out of the formal courts. Despite the intervention of United Nations and elections been held, Post-war Liberia continued to witness 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).

The increasing number of rape and the adjudication of rape cases in the courts have become a serious source of concern for many Liberians, (United Nations Mission in Liberia, 2016). According to UNMIL, and the Office for the United Nations High Commissioner for Human Rights (OHCHR, 2015-2016) this is because, while the acts of sexual violence, particularly rape, were being perpetrated against children in all the 15 Counties, SVC was being under-reported. The report further states that those survivors fear re-victimization from justice actors and sometimes, from the communities dwellers in which they lived. This can be attributed to the fatigues survivors suffered while going back and forth in seeking justice in courts, due to the

weak justice system, corruption, lack of logistics, and other barriers as highlighted by Cohen & Green (2012), survivors who stood their grounds to pursue their cases despite the delay in court trial proceedings, are most times faced with bullying, harassment from community dwellers, denial of access to community facilities, and denial of participatory rights or privileges in community meetings and decision-making at the community level. This ostracization schemes by community dwellers sometimes, extend to denial to worship in religion grounds, and educational and developmental rights or privileges Bridgewater, (2016). As a result of these many challenges faced by survivors and families of rape cases, majority end up being resolved in the informal courts instead of the formal justice or judicial system in rural Liberia, particularly Nimba County.

Solhjell & Sayndee (2016) define 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. It could also be defined as a traditional way of solving cases that are predominantly characterized by the use of finances as stated by Solhjell & Sayndee (2016). With the uncertainty in out-of-court settlement in SVC cases, the main goal of this study was to establish the mechanisms justice actors are using to address out-of-court settlements, in SVC cases in rural Liberia. This research also sought to determine the dangers and risks involve in using out-of-court settlements in SVC. The study also asks what the government and international donor partners doing to address the issue of out-of-court settlements in cases involving SVC. The findings conclusion and recommendations of this study were conclusively based on the data available to the researcher and are therefore set out in chapter 6 of this paper.

1.2. Problem statement

The problem of sexual violence against rural Liberian children can be perceived from a three-prong approach. On the first hand, it is the lack of adequate legal framework, secondly the lack of adequate legal knowledge and finally how the available laws can be mobilized to the advantage of the survivors and families. It is reiterated that SVC, especially rape, is a persistent prevalent problem in Liberia; according to the statistics of the World Health Organization, of the 2015-2016 UN report, 61.4 and 77.4% of Liberian women and, especially girls have been sexually abused. 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 Zwier (2017). Factors such as lack of legal consciousness continue to make SVC rampant in rural 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 Henry (2012). Similarly at investigation stages, perpetrators of SVC may go free with impunity due to shortage of unequipped forensic laboratories, improper investigations, and lack of mobility and logistics Bruey (2016). This exposes the challenge of how to mobilize the laws for the protection of survivors in a socio-legal context.

1.3. Research Objective and Questions

The research evaluates the drivers, tools, and implications of out-of-court settlements in SVC cases in rural Liberia. I used supporting data by the use of sub-questions to answer my main

question while addressing the issue of out-of-court settlements in solving SVC. The main research question is:

How do out-of-court settlements affect child sexual violence survivors and their families in rural Liberia? Can problems be prevented in the use of such settlements, through addressing legal consciousness of those involved?

The main purpose behind the issues of out-of-court settlements and sexual violence against children in rural Liberia, are the lack of the survivors' best interests not being prioritized, and how decisions are made for them in these sexual violence cases. Article 12 of the UN Convention (CRC) on the best interests of the child states that children should be given the opportunity to express freely their opinion on matter concerning them. The Government should make sure, that these sexual violence cases against rural girls' children be adequately adjudicated in the formal courts, and the government should provide all necessary mechanisms, to ensure affordable and fair trials.

The sub-questions are as follows:

1. What kinds of risks do out-of-court settlements have for survivors and their families?
2. What are the implications of out-of-court settlements for perpetrators and criminal justice?
3. How can child sexual violence survivors in rural Liberia be protected through legal mobilisation and consciousness?
4. Can out-of-court settlements help to prevent sexual violence against children in rural Liberia?
5. What are the government and international donors doing to address the issue of out-of-court settlement in cases involving sexual violence against children?

1.4. Limitations and Solutions during COVID-19

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 obtaining IRB approval, the researcher proceeded with the next step to collect and generate data. Since conducting primary research was not possible, due to the uncertainties of the COVID-19 pandemic, a Research Assistant was recruited to engage with the respondents and collect contact information. The research assistant is a social worker at the Defense for Children International (DCI), a local based organization which defends children's rights. She has knowledge of issues surrounding Sexual Violence against Children (SVC) and also has experience with field research. As a result, she was an asset to this study.

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. Informed consent forms were sent to my RA via email, which she distributed to the respondents who were

requested to fill out the forms and email them back to me. This has served as proof that participation in the study was voluntary. A debrief document followed for participants that showed how their discussion would be protected, kept confidential and anonymous. After participants had signed, my RA emailed me back the consent forms. I then made follow up calls and messages through my RA to remind respondents of interview day and time. On the interview dates, respondents were reminded that they would be interviewed, and reminded of the interview time. The interviews with sexual violence survivors lasted from 90 to 120 minutes. Each respondent was interviewed in two sessions. The first short session of 30-40 minutes was to allow the researcher and RA to create a rapport with respondents. This made it possible for the researcher to engage in open conversation with respondents and to learn about their experiences. 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 which 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' consent.

The focus group discussions took place one week after the interviews. The respondents who were included in FGDs were the survivors of sexual violence against children, who had been involved in out-of-court settlements. 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 in case they needed any clarification. The respondents were grouped into two FGDs. Due to poor internet connectivity in Liberia; it was not possible to conduct interviews with all 16 participants via WhatsApp. In total, 14 interviews were conducted, with my research assistant completing interviews with the last two participants. Despite taking care, some ethical challenges emerged during online interviews. In two cases, the survivors started to cry, in the middle of explaining their ordeals of being survivors of SVC. I decided to stop the interview immediately, as consent does not allow for doing harm. Then I hired a trained and licensed counselor who provided some counseling sessions for the two survivors for a week. After this they expressed the wish to speak with us again. The counselor assured me via phone that they were now okay and ready for the discussion.

1.5. Organization of the Study

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 objective and questions in order to specifically delineate the significance of this study and its scope.

Chapter 2 of this study reviews existing literature, which highlights existing studies about main concerns and theories: out-of-court settlements, how is it being considered amongst Liberians, especially rural dwellers. This chapter covers conceptual frameworks, considering the suggestions of prior studies for the research. Chapter 3 however presents the methods and methodology adopted in order to answer research question of this study. Chapter 3 covers the analytical approach, the framework of analysis, selection of participants, and ethical issues involved in sourcing the data needed for a keen insight into the subject of this research. Chapter 4 of this

research presents an full insights of the interpretation of data collected . This brings us to the round-up of the research findings in Chapter 5. Chapter 6 is the conclusion, and provides recommendations arising from this research paper.

CHAPTER 2: OUT-OF-COURT SETTLEMENT: LITERATURE REVIEW

2.1. Introduction

This chapter evaluates different literature on several phases of the study, pointing out why out-of-court settlement promotes rape against children in rural Liberia, and the adverse effects of out-of-court settlements on both survivors and families. There have been many studies done to stress the negative impacts of out-of-court settlements in sexual violence children cases in rural Liberia. Diverse parts of the OCS are recorded from the literature and examined through review. Questions on how the use of OCS can be discontinued are evaluated. And several of the known difficulties on why OCS is in fact denying justice to the survivors are explored by the works of several authors. Then, the literature review narrows down its emphasis on sexual violence against children in rural Liberia. The Best Interest of the Child, Children's Rights to Participation and Agency, and Legal Consciousness and Mobilization are the concepts used to best guide the study.

2.2. 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, and as much as, the law continues to treat people differently which sometime changed the way these people understand and perceived the law (Silbey 2005). The author queries why individuals in society accept the law or legal system that fails on its promises to them, permanent among which count, such as equal treatment but in reality, suffer from and continuously experience what the author terms as systematically reproduction of inequality. The author also posits that legal professional, experts and scholarships usually overlook these critical issues that law manifest itself to be and what it does. Silbey' argument is confirmed by Blewer, et. al (2021), an American legal scholar. All speak of law and society and examine 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 2000). Similarly, and passionately, she also argued and cited Galanter (1974) who indicated and argued that issues relating to the daily advancement in law on a case-by -case disposition, favor those, Galanter referred to as "repeat players" who expect recurring legal engagements, have weaker cases or position in all cases. However, she indicated how Galander 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 favor. She reveals that Galanter point did not indicate how rich or power people or group that 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 & Silbey 1998).

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 et al. (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. The concept of legal consciousness and mobilization was employed in discussing the factors that influence reporting of incidence of SVC cases to the formal legal system and informal settlement channels. When the sexual violence survivors do not want to report the crimes committed against them.

2.3. Government and Donor Partners Strategies

The Liberian Government and international donor partners associated with child rights have been continuously trying to overcome the prevalence of out-of-court settlements. However, these efforts have not proved to be fruitful up till this point. Abramowitz & Moran (2012) in their research work focused on the role of the Government in dealing with out-of-court settlements. According to the authors, the Traditional Justice System has been embedded within the Liberian culture for years. If the Government wants to make the formal system more effective and replace the Traditional Informal Justice System it needs to make it affordable and easily accessible for its people.

The international organizations have made lots of efforts in protecting child rights, and controlling sexual violence against children and promoting the formal justice system in Liberia. However, they are keen on comparing the Liberian formal justice and the informal system, and want the Liberian justice system to function as of their own countries, which should not be the case (Blakemore et al., 2019). Ojelo (2010) highlighted the fact that Liberia has a complex and war-affected history and it is quite tough to eradicate the traditional justice system altogether. The Government needs to spread awareness about the importance of the formal justice system. At the same time, the formal justice system needs to be more friendly and accessible for the people (Ojelo, 2010).

The different, and poor judicial system structures help to increase SVC and the use of out-of-court settlements Sohelli R et al., (2016). The authors also stated that, there are customary courts all across the country and in 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 there. Even though the formal judicial system has standardized laws but their implementation in sexual violence

against children is very restricted and slow. This makes people rely on customary courts and out-of-court settlements. The authors have emphasized that the Liberian Government needs to improve the effectiveness and performance of the formal justice system in order to reduce the influence of customary courts (Solhjell and Sayndee, 2016).

The report by SOS Children's Villages International (2017) on sexual violence against children mentioned that sexual violence against children can also be by perpetrators who are visitors, such as international donor representatives or UN troops, for example. This kind of sexual violence is frequently disguised and only a small percentage of incidents are ever reported or investigated. This is because children and adolescents are frequently too young, defenseless, or humiliated to share their stories.

As far as the implementation of a Dual justice system in Liberia is concerned, Schia & De Carvalho (2011) in their work presented an overview about how international organizations such as UNSC, UN, UNHCR, and others perceive the dual justice system and its implementation in Liberia. The authors also compared the international response to the conflict in Liberia, and to the violence against girls children 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 United Nations (UN) United Nations Security Council (UNSC) and United Nation High Commissioner for Refugees (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 children. The study has emphasized the need of developing supporting structures such as social work, NGOs, and trained legal actors to enable the Liberian judicial system to act as a strong force and prevent sexual violence against children.

The description of different roles of the different departments in Liberia and international organizations around the world in preventing sexual violence against children, have been highlighted by Schia & De Carvalho (2009). According to the authors even though the 1325 resolution by UNSC was supposed to be a major milestone in protecting child rights in the country, however the implementation of this, is still non-existent. According to the findings, the authors 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 authors 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 Liberia. Once the system is survivor friendly the people will be able to trust the judicial system, and there will be fewer out-of-court settlements.

2.4. Dangers and Risks of OCSs

The issue of out-of-court settlements is quite prevalent, and people are more comfortable in settling their disputes through the settlements. Such customary settlements are not always fair

and deliver justice to the survivors. There are however, a number of danger, and risks associated with these settlements.

In Liberia the use of out-of-court settlements are a result of power dynamic imbalanced; most of the survivors in sexual violence against children cases are from poor families, who cannot afford to pay for medical treatments at the one-stop centers, or to hire a legal presentation at the formal courts; this puts the perpetrators at the advantageous position (Gallen 2016). Some of the dangers involved in the SCV cases are; unwanted pregnancies, and survivors contracting sexually transmitted diseases which sometimes, result in the deaths of the survivors; and because the survivors are usually from poor families, they are coerced and manipulated by the perpetrators' families to settle out of court. Mang (2000) also stated a similar phenomenon, stating that survivors and their families are often intimidated by the customary courts and their offenders. The intimidating nature of the perpetrators and the court make the survivors accept the unfair settlements (Gallen 2016).

Another drawback these courts have is, they do not possess any established infrastructure for investigation. In most SVC cases, the court proceedings work towards a compromise between sexual violence offenders and the survivors. The perpetrators are less likely to receive appropriate punishment for their offences (Abramowitz and Moran, 2012). Leatherman (2011) also emphasized that in Liberia a number of SVC cases are never reported or investigated. According to the author, the fact that out-of-court settlements in rural Liberia mostly work towards a compromise can cause serious suffering amongst the survivors of SVC. The author further stated that in a high proportion of sexual violence against children cases, the perpetrators are mostly from a close circle of these children. Due to the out-of-court settlements, the survivors have to sometimes face their perpetrators who are let back into the communities; thus creating room for another child to be sexually violated. These survivors have to live with this torment and re-live their abuse over and over again. This can further be more traumatizing for them, and cause them emotional problems, such as miseries , sleepless nights, nervousness, and other negative factors (Leatherman, 2011).

Some of the risk of the out-of-court settlements is that, the settlements proceedings are more likely to favor the stronger side. In the majority of SVC cases, the perpetrators are from a stronger side (Horn et al. 2016). The authors also highlighted that during these proceedings the survivors are often accused of filing a case for personal grudges against the perpetrator, thus calling them liars. In these informal out-of-court settlements in SVC, the survivors' families at time do not get the full amount of the settlement money, and might never get it, because there is no legality involve in the agreement, and promise made by perpetrators' families to complete the full payment of the settlement money (Sandefur and Siddiqi 2013). Survivors and their families who accept the out-of-court settlements even when they are not provided with fair justice also forfeit their rights for pursuing legal action (Sandefur and Siddiqi 2013). Radford et al. (2015) on the other hand, stated that pursuing justice in SVC cases through a formal court system can provide the survivors with necessary closure. However, the out-of-court settlements are more likely to provide them with a compromise rather than justice. Taking the sexual violence cases against children to formal courts can sometimes provide the sexual violence survivors with better control and provide them with a sense of empowerment (McAuslan (2011). Mag (2000) also

stated a similar aspect, that seeking justice through formal courts can have a healing impact on the sexual abused survivors. This is because, once the perpetrators are found guilty, they will be placed behind bar, and the survivors would not have to face the perpetrators in the community again. On the other hand, the out-of-court settlements can deprive sexual violence survivors of this kind of closure they deserve and seek through the formal courts (McAuslan, 2011).

2.5. Barriers to settling through the courts

The Judicial system in Liberia is not quite unique in nature. Due to the complex and slow judicial infrastructure and lack of resources, it is quite tough for the Liberian Government to reduce the use of out-of-court settlements. A number of cases related to sexual violence against children are never reported. Even if they are reported, they are never taken to court; a vast majority of these cases end at an out-of-court settlements (M'Cormack, 2018). The author also stated that the biggest factors 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 is outdated to the some extents, that the rape law was only 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 for child sexual violence survivors.

There are some problems human rights governing bodies, and donor nation's face when dealing with sexual violence against children and out-of-court settlements. These problems include the number of constraint in the implementation of the rape law (De Carvalho and Schia, 2011). The research paper has also included some of the benefits extracted from these efforts such as the improvement in the judicial system and the establishment of laws and rules. However, the research paper has also analyzed a number of constraints in the implementation of these laws. The women and children protection session of the Liberian National Police (WACPS) which is a great judicial initiative is only restricted to major counties. A vast number of survivors are unable to access major counties for any assistance due to lack of transportation services, and poor roads connectivity. The paper also highlights similar weakness of the formal justice system and justice actors. Bamidele (2017) states that a number of donations given to the judicial which are intended to improve the formal justice system in Liberia, which inturns, are for the personal benefit of donors themselves. 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 gap between the common people and the formal judicial system.

Similarly, this gap is also stated by Blair et al, (2019) that survivors of sexual violence against children do not report these cases to the police and seek justice from the formal courts. Moreover, the formal system needs to be more accessible. Only then people will stop opting for out-of-court settlements in sexual violence against children cases. Survivors are reluctant to report the sexual violence cases because of the slow justice system when dealing with the SVC casasa. According to Sesay (2019) child sexual violence cases are quite sensitive and the painfully long court proceeding makes the survivors re-live their trauma over and over again. Blair et al.,

(2019) also highlighted a similar aspect stating that poor judicial infrastructure, lack of staff, and weak laws are the main reason why formal courts are less effective in SVC cases in rural Liberia. According to the authors, most of the people living in the rural areas do not have enough financial resources to afford the formal justice system. The authors continue to state that even if these cases are taken to the formal judiciary system, the slow justice system would cause the survivors to give up on following their cases and shift to out-of-court settlements. In rural Liberia, community dwellers lack confidence about how the formal court system works. Moreover, the traditional courts system are embedded within the Liberian culture. The average Liberian person has a negative perception of the formal courts, moreover, the obstructions like the bribe, corruption, unfriendly nature of the police department, and slow justice system make people to often avoid the formal justice system (Darkwa, 2015). As highlighted by Lubkemann, et al (2011) rural dwellers believe that they are more likely to lose a sexual violence cases in the formal courts. There can be multiple reasons for losing a case in the formal courts, such as the lack of proof, incompetent lawyers, inability of survivors and families to follow up on the cases etc. Due to these factors, people in rural Liberia believe that the traditional courts or out-of-court settlements are their best option in child sexual violence cases (Lubkemann et al., 2011).

2.6. Out-of-court settlements and SVC cases

The verdict in out-of-court settlements is usually quick and predictable. According to Marx et al, (2019) the survivors of sexual violence against children in rural Liberia often do not want to involve a number of people in their cases, because of the fear of being stigmatized by community dwellers. Gallen (2016) also stated that the formal courts system in rural communities are often not survivor-friendly. Moreover, the long trials in the formal justice system can make rape survivors suffer emotional trauma many times over. Out-of-court settlements or the traditional courts do not take much time in arranging their proceedings, and their decisions are quite predictable (Gallen 2016). Out-of-court settlements for child survivors of sexual violence can have different outcomes. The impact on the survivors depends on different factors such as the outcome of the settlement, and nature of the sexual assault. Different authors have different opinions about the impacts of out-of-court settlements on rape survivors in rural Liberia.

Another aspect of most out-of-court cases is that perpetrators do not admit to their crimes. They just agree to a settlement or make a verbal agreement with the survivors' families. In most cases, the survivors are looked down upon by community dwellers, for accepting such settlements (Medie 2017). Jeong (2017) described SVC cases where the perpetrator (s) never accept their wrongdoing, which makes them look almost like victims themselves. In such cases, the actual victim of SVC and their families are looked upon as opportunists and can be stigmatized by the local community. According to research carried out by Drimmer & Lamoree (2011), legal actors in Liberia tend to believe that the formal justice system empowers the survivors of SVC. It is also suggested that, taking such cases to the formal courts would also help spread awareness among the rural inhabitants about the negative impacts of out-of-court settlements on child rights. However, the authors state that these cases are quite sensitive in nature as they involve children as well as the trauma associated with sexual violence. The authors further state that it takes a lot of resources as well as courage for these survivors' families to take such cases to the formal courts (Drimmer and Lamoree, 2011).

According to another study by Lucey and Kumalo (2017), the major reasons why most child sexual violence survivors' families cite corruption, poor logistics, and lack of access to formal justice as major reasons why they do not tend to use formal justice system. These constraints help the perpetrators get away with their crimes, thereby negatively impacting the mental health and peace of children who are sexual violence survivors (Lucey and Kumalo, 2017).

2.7 Best Interests of the Child and the Right of Participation

One of the major principles constantly mentioned in the 1989 United Nations Conventions on the Rights of the Child (CRC) is Article 12, relates to tasks the child services must fulfil when making decisions related to prosecution of cases of SVC:

1. "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law." (CRC 1989 Article 12).

Article 12 shows how difficult are the conceptual, actual, and principled encounters which are embedded within social work. By law, the rights of the child to express his/her feelings, and for those opinions to be considered, is a pillar of children's law (Fenton-Glynn, 2014). It is considered mandatory for countries to guarantee that children's voices are heard. Acknowledged in Article 12 of the UNCRC, this is not only a basic right in actually, but is similarly dominant in the explanation and application of all children's rights (UN on the Rights of the Child, 2009), giving a prevalent consequence on the convention as a full (Sutherland, 2014). According to one author, Article 12 underpins the responsibility of States Parties for ensuring "...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 in line with the child's age and "maturity" (Lansdown, 2014:1).

Since the 1920s till modern days, the need to prioritize improvement of the conditions of children as a group has received growing emphasis. Over the years, 'best interests of the child' has become a principle adopted into the domestic legal framework of many countries (UNICEF, 1996). The principle has been analyzed by researchers and interpreted as

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

Although the principles could be said to have first been established in the Declaration of the Rights of the Child, adopted by the League of Nations in 1924, a firm imprint of the principle can only be traced to the Declaration of 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, with the adoption of the Convention of the Rights of the Child in 1989, children are now recognized as subjects of rights (Jean, 2010). According to the report by Kujundžić (2017), the notion of the best interests of the child is of primary importance when it comes to sexual violence against children. The best interests of the child principle supposed to be used for example to protect child rape survivors, whether they are in the formal court or in the informal out-of-court traditional legal system. The concepts of children's right to participation and legal consciousness were 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 decisions made by their parents to accept the settlements on their behalf.

2.8. Conclusion

From the discussions in this literature review, it can be concluded that the Liberian government and a number of international organizations such as the UN, UNHCR, and UNSC are working together to promote a formal justice system in Liberia. However, these efforts need to be focused on making the formal justice system more people-friendly, affordable, and accessible. The Government needs to invest in the formal justice system and international donors should be more focused on building a reliable judicial infrastructure. The Liberian government can reduce the use of out-of-court settlements by improving the formal justice system. In this research section, it was also seen that out- of- court settlements can have multiple pros and cons. Different authors had different opinions about the use of out- of- court settlements where some believed that it has a negative impact on the survivors of SVC as they provided perpetrators with an advantage. Many out-of-court settlements occur due to the influence, intimidating power, or pressure from the perpetrators' families. It was also seen that due to the use of out-of-court settlements the survivors are looked down upon and are thought of as opportunists. However, there are a few positive outcomes that come from the out-of-court settlements. The survivors are not traumatized due to long court proceedings, and they are not financially burdened to take the cases to the formal courts. The research work also highlighted a number of factors due to which the formal justice system is unable to overtake the use of out -of court- settlements. These factors included the incompetency of Liberian National Police, the slow justice system, the lack of access of rural dwellers to the formal courts, lack of resources, and logistics constraints. Other factors included the social norms, the trust in traditional courts, corruption elements in the judicial system, and the uncertainty associated with the formal justice system.

This chapter provides the rationale for the study by comprehensively discussing the problem under investigation. Most of the SCV cases in rural areas go unreported and the perpetrators end up being unidentified. This is because most of the offenders live within the same communities as the survivors, and in some instances, immediate relatives of the survivors. The chapter also explored 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 SCV cases in rural Liberia. The study's findings uncovered the danger and risks involved in the use of out-of-court. 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 survivors 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 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. Finally, it can be concluded that the out-of-court settlement can have a mixed impact on the child sexual violence survivors. Even though some of the authors argued that the use of out-of-court settlements are quick and predictable, and can save the survivors from the pain of re-living the trauma again through the court proceedings. However, other authors argued that due to the out-of-court settlements the perpetrators never accept their wrongdoings and therefore the survivors never receive the sense of empowerment or enclosure that they can receive from winning a formal court case. In conclusion, it can be said that the use of out-of-court settlements can be eradicated by building an effective, reliable, and strong justice system. Moreover, the Government of Liberia needs to establish a training sessions where justice actors can be well trained on how to handle these SVC cases.

CHAPTER 3: METHODOLOGY AND METHODS

3.1. Introduction

This chapter covers the methodological approach guiding the study. The first section of this chapter covers the analytical approach for this study. The succeeding sections cover the framework of analysis. Further, the chapter covers the data collection processes and procedures, selection of participants, and Finally, the chapter presents the research ethics.

3.2. Analytical Approach

Topics relating to sexual violence against children or rape within rural Liberians context are very sensitive. Survivors are likely to be predisposed to stigmatization and societal judgment (UNMIL, 2016). To this effect, participants were not bribed or coerced to participate in the research (Lawson & Flomo 2020). This study has adopted an analytical and methodological approach, using a gender and human rights approach concerned with gender justice for the girls and their families (Molyneux et al. 2002). Since the overarching objective of the proposed study is to evaluate drivers and implications of OCS in SVC cases, this makes an analytical and methodological approach ideal for this study (Carlsson et al, 2002).

The study intended to capture backdated perspectives. The research work also focused on this aspect, because these children are considered as adults now, 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, Tayler-Smith et al., (2012) revealed that children above the age of 15 years are more aware of sensitive issues and can better understand and relate to the issue of sexual abuse (Tayler-Smith et al. 2012).

The figure below in the research findings, a framework of analysis provides an overview of the analytical approach used in this research work. The main aim of this research work is to study out-of-court settlements in cases of sexual violence against children (SVC) in rural Liberia. There are four different aspects that are analyzed over the course of this research work. These four aspects are also shown in the Figure 1, represented by the research questions.

3.3. Framework of Analysis

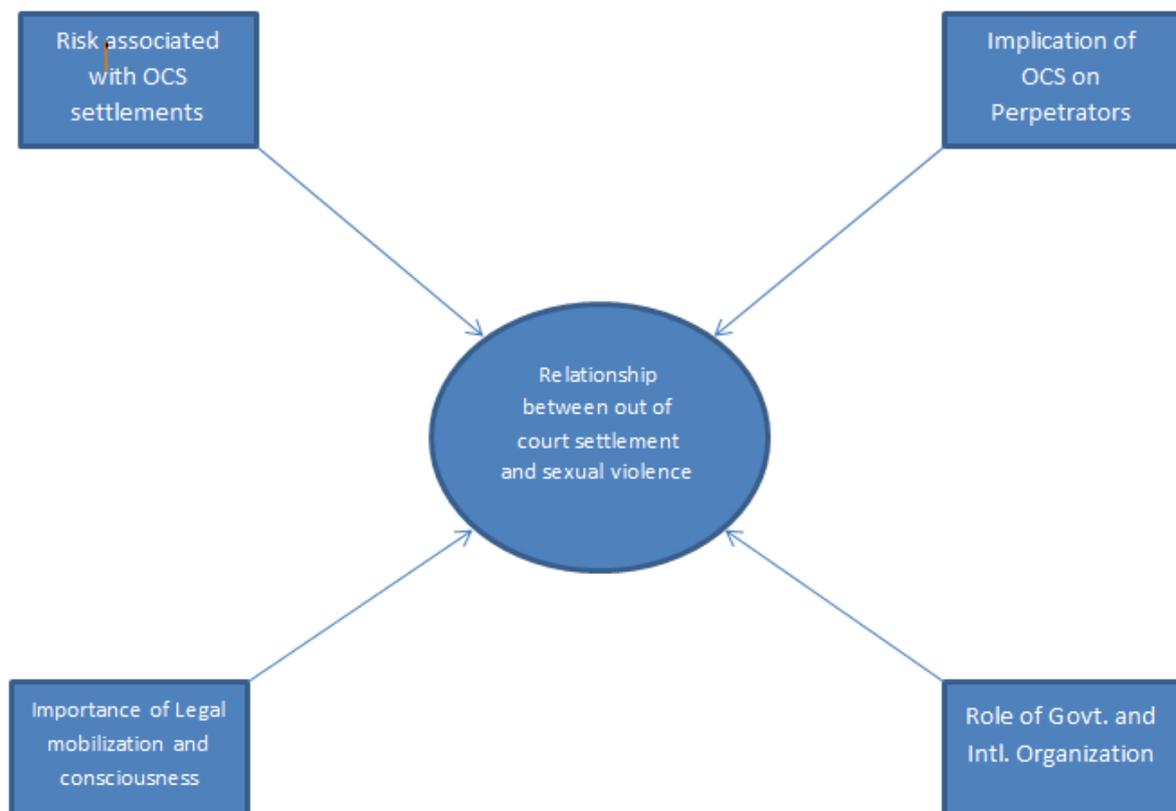


Figure 1: Framework of Analytical Representation

I did a detailed case study looking at role of legal system, the government, civil society groups, families and survivors. In this case, a qualitative approach was used to explain, clarify, and expand on the meanings of various elements of human life. The qualitative research design was

used because the descriptive data gathered has enabled the research work to comprehensively unpack the workings of the use of out-of-court settlements. Qualitative design has enabled this work to collect adequate information and first-hand experiences of the survivors without overlooking minor descriptions or clarifications. According to Kamal (2019), qualitative research method are utilized to study how individuals respond to social and human problems; hence this approach has assisted in understanding how rural dwellers respond to the issue of sexual SVC in rural Nimba County. The study also hopes to contribute to identifying , and define better ways of dealing with this problem in future (Kamal, 2019).

3.4. Selection of Participants

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 cases involving sexual violence against children, and out-of-court settlements. Cheng et al., (2017) define a critical case sample as made up of individuals that are most likely to give the most essential information that had the largest influence on knowledge creation and with the most directly relevant past experience (Cheng et al. 2017). 16 participants were involved in the study; including 7 survivors of sexual violence, the participants in this study included:

- The director of Help for Children Foundation. This foundation functions serve 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 OCSs thus, were able to provide reliable information that addressed the research questions. The study focused on these ages range because children 18 years and above, are considered as adults, hence the researcher was not be required to gain parental consent for minors. These respondents have assisted in answering the research questions seeking to define the factors that influenced the use of out-of-court settlements in sexual violence against children cases in rural Liberia. And how can these sexual violence survivors be protected through the means of legal consciousness. These respondents also assisted in answering the research main question; how do out-of-court settlements affect child sexual violence survivors and their families in rural Liberia? Can problems be prevented in the use of OCSs, through addressing legal consciousness of those involved?
- 2 employees of the one-stop center in Ganta, Nimba County. The one-stop center is the first place a rape survivor 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 rape child survivor is being brought to the one-stop centre.

3.5 Research Ethics

This study identifies informed consent because the topic under discussion is a very sensitive one, therefore moral principles were used to guide my RA and myself to carry out this research without intentionally committing harm to the participants of the study, or members of the communities in which the study was carried out. Because of the sensitivity of the topic under discussion, my research assistant and I communicated with respondents in diverse facets of the study in the language they understood (Sanjari et al., 2014). Moreover, my RA and I identified beforehand the data which was to be collected and how the data would be used. After this information was certain, participants were asked of their voluntary participation in the study. Additionally, we got consent from respondents with respect to recording of interviews and the full completion of the questions listed in Appendix B. The participants were also knowledgeable that at any time (even if, after they were interviewed or questionnaire recorded), they were free to pull out from the research. The study upheld the discretion of participants' individual information from unauthorized access. The research also recognized confidentiality by retaining records that are secured through the use of password and protected files and secure (encrypted) file transfer arrangements.

3.6 Conclusion

From the conclusion in this methodology and methods, it can be concluded that analytical approach was used because, the topic under discussion is a very sensitive one. Also a framework of analysis was used in a figure, the main aim of this work, was to study OCSs in SVC cases. The figure was also used to better outline the research questions. The research used a qualitative approach to explain, clarify and expand on the meaning of various human life. The participants were selected through the critical case approach of respondents for the study in order to involve people who have experienced, associated or participated in SVC cases. Finally, informed consent was identified in the study because of the sensitive nature of the topic under discussion. Moral principles were used to guide my RA and I to carry out this research without intentionally doing harm to participants of the study, and members of the community in which the study was carried out.

CHAPTER 4: DATA INTERPRETATION

4.1 Introduction

This chapter analyses various data gathered in line with existing literature of SCV cases in rural Liberian communities. The interviews conducted involved town chiefs who are the custodians of the community traditions, local organizations managing the scourge of child rape survivors in rural Nimba County, law enforcement agents, Liberian rural community-dwellers and survivors 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 SVC issues in rural Liberia. This chapter begins with an appreciation of the implications of opting for out-of-court settlements on the survivors and families. It also examines several reasons causing survivors and their families to adopt out-of-court settlements ranging from institutional to cultural and political.

It is noted that data was collected using semi-structured interviews and focus groups discussions. To select the most appropriate sample, I 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 (Neville et al., 2016). 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 Risks and Danger of OCSs

Out-of-court settlements can have a number of dangers and risks on the well-being of survivors. Based on the interview conducted it was established that survivors’ withdrawal, sleepless nights, fear of being re-raped, and self-blame that might lead to survivors committing suicide, survivors unwanted pregnancies, and survivors contracting sexually transmitted diseases from the rape that might lead to death are some of the dangers and risks involved in out-of-court settlements. The second research sub-question was:

Sub-Question: 1

What are the dangers and risks involved in dealing with of out-of-court settlements in SVC cases in Nimba County?

Emotional Suffering

A number of respondents who participated in this, such as Respondent 1 who is a Liberian female and a psychosocial counselor, further endorsed this idea, stating that:

“Some of the dangers and risks involve in using out-of-court settlements are: the survivor might get raped again by the same perpetrator, or she might blame herself of being responsible for the rape, which might lead to her withdrawal from reality, and puts her in a catatonic state. Also, one of the risks of the out of the use of court settlements is that, most times, the survivors’ families do not get the full out-of-court payment. They only get a part payment from perpetrators’ families to withdraw the case from the court, and or police station, and then promised to get the full payment once the case is withdrawn, but

sometimes that payment never come, and the survivor' families are not able to go back to the court or police to re-file the case”.

This statement comes from a licenced counsellor who is involved with cases of such nature on a regular basis. There is no guarantee of safety for the survivor, after the settlement that Survivors' families ever receiving a the balance of payment of compensation. The use of out-of-court settlement exposes and makes both survivors and families vulnerable to perpetrators and families. The survivors who opt for an out-of-court settlements are prone to social pressure applied on them from within their communities. Aryee (2013) research work highlighted this stating that due to lack of legal awareness among community dwellers, a weak justice system, and extensive social pressure on the survivors and their families force them to accept out-of-court settlements (Aryee, 2013). On the other hand, respondent 2 who is a Liberian female and works as the director of Help for Children Foundation stated: “I have seen a case where the survivor of rape was being bullied and stigmatized in the community of being a liar and cheap scammer”. Liebling-Kalifani et al., (2011) also highlighted the emotional suffering child rape survivors can go through. According to the authors, the sexual violence experience can have a serious psychological impact, especially during the initial phase. Moreover, sexual violence against children can have long-lasting impacts too (Liebling-Kalifani et al., 2011). Cooper et al. (2019) stated that, even though, survivors' families are more likely to seek closure through a formal justice system, out-of-court settlements on the other hand can result in deteriorating well-being and mental health for the survivor (Cooper et al., 2019).

4.3 Government and Donor Roles

The lack of access to reach the formal legal system and child rights is a massive concern in rural Liberia. People in these rural communities do not have full access to the formal courts because of the ineffectiveness of how the system works. Vast majority of the rural population especially in Nimba County, do not have confidence in the system formal justice system anymore because of all the lapses and intuitional weakness.

Sub-question 2: What are the government and international donors doing to address the issue of out-of-court settlement in cases involving sexual violence against children?

When it comes to SVC cases, and the out-of-court settlements in rural Liberia, the key role of the government and international organizations is to implement a child right based approach and spread legal consciousness about child rights in rural Liberian communities (Bruch et al., 2016). This section discusses different themes and their implications.

Government failure to ensure access to the formal justice system

During the era before the Liberian civil war the Liberian justice system was manipulated by individuals in power Sharif et al., (2013) . Thus, the rural dwellers do not have trust, and access in the system, so they do not rely on the formal justice system. Sobkoviak et al., (2012) also emphasized a similar aspect stating that the international organization did try to implement a strong formal justice system in Liberia but these attempts were not too effective due to the insufficient knowledge of the local language, and improper structure for the legal system. One of the major roles of the government and international donor partners is to provide adequate

training for the justice actors. Respondent 3 who is a Liberian Male and works as a community dweller stated in his interview that the lack of training hinders the application of a child right based approach in the Liberian justice system. According to the statement: “Several justice actors do not understand the importance of child rights and their application in the Liberian justice system. Children’s rights are never protected and prosecutors or the court officials do not have enough knowledge or training as it relates to children’s rights”. Griffiths et al (2011) in their research work highlighted this aspect, and stated that the Liberian police and the legal practitioners lacked basic knowledge of how the law should be interpreted. The police are often the first contact institutions who present these cases to the courts, yet lack the understanding of child rights and their implications for cases of sexual violence against children. According to the authors, as the result of lack of legal consciousness by legal actors, the perpetrators gain the advantage of such negligence (Griffiths et al 2011). Blackstone et al. (2009) propose 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. Individuals comprehend legality via legal pictures on television, in the news, in films, in cultural activities, as well as in social relationships and all of these can be used as instruments for raising awareness, or forming legal consciousness, in this case of SVC (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 in the first place.

Fyanka (2014) stated that those working in a legal capacity inside the Liberian justice system need to access both experience and training, to strengthen formal justice system. This in turn might push survivors and their families to opt for legal settlements through the courts rather than resorting to out-of-court settlements. As to pursue a case via the formal justice system requires additional resources, as well as a changed consciousness of the uses of law Fyanka (2014). These statements proved that justice actors in the Liberian justice system do not have proper qualifications related to child rights and their application. The government and international organizations need to play their role not only by providing training to support increased legal consciousness, but also in raising awareness among justice actors of the need to organize and conduct seminars in rural Liberia.

4.4. Legal consciousness and mobilization

The ignorance of child rights in the SVC case is a key concern in the rural communities. At a social level, the sexual violence survivors and their families are pressured by chiefs/elders, and or perpetrator’ families, to accept the out-of-court settlements. Cohen & Green (2012) in their work stated that the Liberian society is guilty of child rights violations on a number of fronts.

Sub-question: 3 How can child sexual violence survivors in rural Liberia be protected through legal consciousness and mobilization?

The child sexual violence survivors needs the protection of legal consciousness and mobilization through reform of both formal and informal systems. Legal actors like the police and the personnels of the formal courts need to adequately practise the SVC law as it is written. They should also initial seminars in these rural communities especially amongst

the chiefs, survivors', and perpetrators' families. Cohen & Green (2012), highlight that the Liberian society has in so many instances violated children's rights, because they do not understand and interpret the sexual violence law the way that it should be. Legal consciousness is defined as, individuals' and the legal actors' understanding the interpretation of the law and how personages 'rights' are interpreted by law. It is a phenomenon in which people encounter and understand the meanings, roots of authority, and cultural traditions Ewick & Silbey (1998). The authors also state that the lack of legal consciousness and mobilization, leads to discriminations; to include, discrimination against disabled children, abused especially against girls children who are sexually violated. According to the authors, the survivors and their families sometimes experience emotional pressure from these session chiefs/elders if the survivors' families decide to take up legal proceedings against the perpetrators rather than settle for an out-of-court settlement Cohen & Green (2012). They are considered as being disrespectful, or questioning the authority of the elders within the community. This aspect was backed up by one of the interview respondents. Respondent 4 alluded to this, by saying: "If the survivors' families do not opt for out-of-court settlement, they are thought of as disrespectful to elders and traditions in the community, they are sometimes banned from using community facilities, such as worship grounds, community's wells, etc." Based on these arguments and statements, it can be said that It was also established from the interview conducted that, Survivors and families are also bullied and insulted by community dwellers if they agree to settle the SVC cases in the formal courts; thus, putting them in a vulnerable positions that make them to give in, and turn to the use of out-of-court settlements in these SVC cases.

The child right to participation and Agency to be enforced in SVC cases

One of major aspect of this research is to study the application of child right to participation in Liberian Justice Infrastructure. Achgill et al., (2015) stated that the juvenile who suffer sexual violence are under significant trauma already. The legal system and justice actors need to ensure that the court proceedings are considerate and child friendly (Achgill et al., 2015). Thornhill (2017) stated that research work highlights the fact that SVC is a significant issue in rural Liberia and the formal court system should take more time to process these cases on a priority basis. Moreover, the author also emphasised the fact that the formal justice does not have a child-sensitive environment as a major reason why child rape survivors opt for out-of-court settlements as they they feared re-living the trauma of being raped again in court proceedings (Thornhill, 2017). In many child sexual violence cases, the survivors are denied the right to participation and agency. In some instances, where a survivor got pregnant as a result of the rape, she is forced by the elders and parents to marry the perpetrator; without even asking if she is in agreement with such decision. These survivors' rights to participations and agencies have been denied during the processes of executing the use of out-of-court settlements in these sexual violence against children cases in rural Liberia, specifically, Nimba County Abramowitz & Moran (2012). Medie (2013) highlight the fact that in a number of cases of sexual violence against children cases, the perpetrators most often is a relative, neighbor, or

someone from the close circle of the survivors thus, making it easy to initial the forced marriage of survivor to perpetrator; which can cause grave emotional and psychological torment on the survivor (Medie, 2013). Respondent 5 is a 20 years old female, High school student and rape survivor stated in her interview. “Forcing the miserable and hurt survivor to marry the very man who has violated and abused her can seriously disturb the mental health of the survivor, which might lead to hard depression of the survivor that might result in her death”. Simic (2009) narrated that child rape survivor in Nimba County undergo trauma and sufferings due to lack of legal representation, and denial of their right to justice. According to the author, the experience can make these survivors develop aggressive behavior, self-blame, and anger (Simic, 2009). Moreover, these survivors can also display a lack of empathy and a tendency for isolation in their conduct. Another survivor stated a similar concept in her interview. Respondent 6 who is a 18 years old female, 9th-grade dropped-out and rape survivor emphasized that, “survivors’ families are pressured by these so-called elders to give their abused daughters hands in marriage to the very doers of the sexual violence against them”.

The above statements have shown that, there is a strong cultural dominance in Liberia, Jones et al. (2017) highlight the influences of culture and traditions in these out-of-court settlements in child sexual violence cases; which is seen as the keen impediment to survivors’ families seeking justice at the formal judiciary system. The stronghold of Liberian culture has covered the voices and agencies of rape survivors in the decision making aspects of marrying her to the one who abused her, in this act, she has no right to object or speak, she only have to obey and do what the elders and her family aske her to do. The survivors’ rights to participation and voices have been denied and marginalized, thus, making them ‘subjects to orders’ Jones et al. (2017).

4.5 Implications

Image deterioration is one of the problems that perpetrators undergo after the process of OCSs and sexual violence against girls children Atwood et al (2011), according to the aurnhors, perpetrators of SVC also suffer some emotional problems when OCS is final. They are considered by some community dwellers as ‘dangerous and heartless’; additionally, parents keep their girls children away from them. They ususlly are frown are, at social gatherings and communities programs. Perpetrators of SVC, when opt for OCSs, sometimes lost all credibility from the communities dwellers Chandler (2010). Similarly, the process of OCSs in rural Nimba County, present a negative picture for the criminal justice system Schia & De Carvalho (2009). According to the authors, the continuous use of OCSs in rural Nimba, indicates that the criminal justice system of Liberia is not well equipped of handling these SVC cases, and as such, the formal justice system is considered by rural dwellers, “not child-friendly” Schia & De Carvalho (2009).

Sub-question: 4 What are the implications of out-of-court settlements for perpetrators and criminal justice?

There are several implications of OCSs for alledged perpetrators and the criminal justice system.To name a few; perpetrators face stigmatization and shame, not welcome in neighbours homes, and most times experience difficulty in finding a wife in the community

Solhjell & Sayndee (2016). The authors further stated that, in the same way, the criminal justice system is considered by rural communities dwellers as, incompetent, not people friendly, and transparent Solhjell & Sayndee (2016). Thus this beliefs by rural dwellers about the justice system has cause survivors' families unwillingness to testify against the perpetrators in the formal courts as the result, the families opt for OSCs (Henderson et al 2013). Respondent 7 is a Liberian female, who is also a nurse stated that: "Most times perpetrators are considered by rural dwellers as public enemies, while the justice system is considered no good". Similarly, Respondent 8 highlighted that, "perpetrators homes are also considered, 'no go zone'". One of the aspects that could influence OCSs in SVC cases would be because of the extreme poverty that the citizens are faced with. Liberia is a poor Country where major portions of the local population live below the poverty line World Bank (2020). The unemployment rates are extremely high and it is tough for most families to keep up with the formal judicial proceedings which requires hiring legal counselors to adjudicate the case (Backiny-Yetna et al. 2012). This similar consequence appears envisaged in the work of Chandler (2010). According to the author, the punishment of these perpetrators continue on a daily basis at multiple levels Chandler (2010).

4.6 Barriers in reducing the OCSs in SVC cases

This section clarifies the reasons survivors and families still choose to adopt out-of-court settlements even in the face of the numerous dangers and risks identified above. The safety of survivors, general notoriety and allegations of commercializing a criminal act are serious enough to make survivors and families rethink out-of-court settlements in the opinion of this researcher. However, choosing to settle out of the formal court raises suspicion. This section investigates what are the different reasons the use of out-of-court settlements are tough to reduce in rural Liberia. These reasons are supplied below.

4.6.1 Weak institutions

Over the past few years with better awareness of child rights among the justice actors in Liberia and the focus of international organizations such as UNHCR and UN is a positive increase in reporting of sexual violence cases against children in rural communities. 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(Flomoku & Reeves 2012), Herbert (2014). According to Graef (2015), the child rape law in Liberia contains severe penalties for the a guilty perpetrators. However, the country has poor infrastructure, facilities, and, a lack of manpower which is a serious obstruction in the path of proper investigation of sexual violence cases Graef (2015). Even though the law emphasis upon the DNA testing, speedy trials, and identity protection of sexually abused survivors, the implementation of these laws is still far from being practical. The weakness of these institutions is hereby highlighted in the following subsections; Bash (2000) analysis called Liberia a weak state with a powerful informal society. The interaction between the local rural dwellers and the state government has created a dual justice system that is more inclined towards the customary system. Respondent 9, a survivor stated in her interview: "If only the sexual

violence law on paper can be implemented in action, and fully practiced by legal actors, then OCSs would be reduced”. This statement was backed by two sexual survivors, when they narrated in their in their view that: “The rape laws are there, in the book, however, implementing them is the problem”

4.6.2 Ineffective Policing Structure

The inefficient police system in Liberia is one of the causes behind a weak formal judicial system. However, there are a number of reasons why the Liberian police lack competency. According to Bacon (2015), the police department in the country lacks financial and technical resources, for instance, the police depots and stations in the rural communities, do not have vehicles for patrol or to immediately rush on a rape crime scene. Due to this reason, the department is unable to provide significant assistance or protection for sexual survivors (Bacon, 2015). Morse (2019) in his work stated that the influence of the members from Liberian traditional community and other customary chiefs is some of the reasons why the police department does not have enough influence in these rural communities. These members and chiefs feel privileged under the prevalence of customary law and do not want the formal justice system to take over their monopoly (Morse, 2019). Benjamin S Morse (2020) research work stated that it is extremely tough for people to file cases related to sexual violence against children with the police department; which 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 (Morse, 2020). Based on this statement we can say that the Liberian police require serious reforms. Another respondent highlighted a similar aspect related to the effectiveness of the police department. Respondent 10 who is a Liberian female and a survivor of SVC in her interview stated that, "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 SVC, they are made to pay money to the police in the form of transportation money or sometimes bribe”.

Based on these responses it can be seen that the effectiveness of the police department depends upon the structuring of the justice system. The police department in Liberia is seriously underdeveloped, understaffed and lacks professional training (Morse 2020). Due to this particular reason, people are reluctant to contact police, or file cases related to sexual violence against children; they rather take their cases to the informal courts Baker (2009). Moreover, 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 the police. This also is one major reason why people are unwilling to contact the police or report their cases Medie (2015). Due to these delays, the survivors and their families are under consistent social pressure and face threats from the elders and perpetrators’ families to settle the matter out informally. Moreover, a low conviction probability is also a discouraging factor.

4.6.3. Unstructured Judicial system

The formal courts in Liberia are only located in the major districts and even these courts have a huge load of unsolved cases. Due to these factors, it takes a lot of time for the completion of these cases. Sandefur & Siddiqi (2013) stated SVC cases, are extremely sensitive topic and

these cases should be solved on a priority basis. Unfortunately, in rural 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 Sandefur and Siddiqi (2013). Thus, dwellers turn to out-of-court settlements for redress and settlements. Responent 11, a Liberian female and high school dropped out states that: “The courts take too much time before these rape cases can get verdicts, which most times, never come, because of the poor and ineffective ways these cases are being handled”. And, Responent 12 is a high school student, and a survivor stated that: “Sometimes, the survivors’ families have to pay for stationery to the court clerks for assignment to be typed and issued to the perpetrators”.

Based on these responses, it can be said that the formal Liberian justice system is under-developed and the implementation of rape law is quite weak. Also, when it relates to the formal system in rural Liberia, there is a serious lack of consciousness about the SVC related law even amongst the legal professionals and justice actors. The legal consciousness about the formal law among the general public is next to nothing.

4.7 Cultural Preferences

Based on the analysis provided by the past literature and the interview answers from respondents of this research has established that the informal traditional justice system is a system that is compatible with the rural communities, especially inhabitants of rural Nimba County. These rural dwellers are much more comfortable with the way in which the traditional justice systems function, settle SVC cases as compared to the formal system (Neef, 2017). Although already, a number of different factors make the traditional justice system a preferred choice for the rural dwellers. Factors such as logistics constraints, economic circumstances, lack of trust for the courts, lack of legal consciousness, and uncertainties related to the judicial process are other major factors (Compton 2014). The customary institutions are easily accessible for the rural dwellers, and their proceedings are less costly and sometimes even free of charge (Lucey & Kumalo, 2017). Responent 13, a police officer stated in his interview that: “ the rural dwellers of Nimba County prefare the informal OCSs because it works for them and their traditions”. In another statement by another police officer of this research, in person of Responent 14, “the rural dwellers of Nimba County respect and obey the local chiefs/elders, and so they rather go to them in solving their problems then seeking redress from the formal courts”.

Sub-question 5: Can OCSs help to prevent sexual violence against children in Nimba County?

An alternative argument that was presented by some of the respondents was that the use of out-of-court settlements, can not in no way stop or prevent SVC in Nimba County. However, based on interview conducted, this research has established that the use of

OCSs is also used to unite the both survivors' and perpetrators' families; bringing them closed in a 'bond'. Respondent 15 who is a 65 years old illiterate town chief, and a Liberian stated in his interview that: "Out-of-court settlements bring the both families together in unity and strength". Respondent 16 who is 68 years old illiterate town chief also gave a similar statement saying, "When dealing with out-of-court settlements, families seek and get comforts with each other, which make them to bond and become stronger and united". Vinck et al., (2011) who conducted a population-based survey about dispute resolution in Liberia concluded from their research work that Liberia is a war-torn country that has a growing population also affected by slavery in the past. These people have mentally accepted out-of-court settlements as an ultimate solution for all kinds of disputes. In order to introduce and implement a formal justice system, a change of mindset is required. 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 Nimba County accept that it can also bring positive outcomes as well as negative impact on perpetrators.

4.8. Conclusion

This chapter analyzed the implications of opting for informal OCSs for perpetrators and the criminal justice system. The chapter also identifies that the resolution of SVC via communal means might look like an easier resolution but has certain drawbacks. This emphasizes that the Liberian government and international organizations like the UN and UNHCR need to build legal consciousness among the justice actors. During the analysis, it was established that people who are justice actors within the Liberian justice system do not have proper legal consciousness or infrastructure to protect child's right. Moreover, this chapter also concluded that rural dwellers have a serious lack of access when it comes to going through the legal system. These people do not understand why the justice system does not work in their favor; as it is very slow and weak when it comes to adjudicating these SVC cases. This analysis has also considered different risks and dangers associated with out-of-court settlements. It was seen that out-of-court settlement can cause child rape survivor to be portrayed as opportunists. Moreover, child rights are ignored and child rape survivors and their families are pressured at multiple levels by session chiefs/elders to opt for out-of-court settlements. In Nimba County, if survivors' families do not accept the out-of-court settlements, but opt for the formal justice system, their actions are considered disrespectful towards the community leaders, which place them in unpleasant positions within the community. The analysis process further proved that survivors and their families are manipulated by perpetrators' families, and especially the elders/chiefs into accepting out-of-court settlements due to multiple reasons such as the fear of notoriety, financial constraints, or social pressure.

The analysis further highlighted different barriers to reducing the use out-of-court settlements. Different barriers identified in this research work included weak institutions, lack of training for justice actors, ineffective police department, and a problematic judicial system. Other major concerns are poverty, lack of access to formal system, and high existence of traditional norms in rural Liberia. Due to these reasons, it is quite tough to reduce out-of-court settlements in rural Nimba County. In order to reduce the use of out-of-court settlement, the Liberian government

and international donor partners need to work together to build a strong judicial system. Moreover, there is a need to spread awareness about child rights, to enhance the effectiveness of the formal justice system.

CHAPTER 5: ROUND-UP

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.

5.1. Research findings

This study identifies the political, legal, and socio-cultural dimensions of child rape survivor in Nimba County, rural Liberia. This chapter has discussed different findings for each of the research questions. Moreover, the interconnection of these findings and results have also been evaluated over the course of these past sections. As far as the government's role in dealing with out-of-court settlements and SVC is concerned, it has been realized that there are a number of steps that the Liberian government can take to minimize out-of-court settlements. One of the major roles of the government is to make the formal courts accessible to the rural dwellers (Bruch et al, 2016). Legal consciousness was seen to be an important aspect and it was termed as the government's responsibility to spread legal consciousness by carrying awareness amongst the rural dwellers Armstrong (2004). From the analysis of literature as well as the opinion of the respondents, it was noted that the lack of legal consciousness is one of the reasons why the session chiefs/elders of rural Nimba County, handle these SVC cases in the informal courts instead of the formal courts. Similarly, justice actors such as, the lawyers and police officers do not have enough legal consciousness in terms of child rights or the legal sensitivity of SVC cases. From literature analysis, it was also confirmed that the formal justice actors also lack experience of legal consciousness, therefore, the government can enhance the level of legal consciousness in the justice circuit by providing training for legal actors, and emphasizing child rights in judicial courses Mgbeoji (2011); the authors also stressed that, making sure that the judicial system is more child-friendly which survivors' families do not feel intimidated at any level Veale et al. (2017).

Findings also revealed another key step that the government can take to reduce out-of-court settlements, which is by equipping, and providing all necessary logistics for the police department, and also to structure the formal courts. In so doing, this action will ensure rural dwellers that they can depend on the formal justice system as stated by Collins (2017). Even though, the formal court proceedings and providing proof for such sensitive issue like SVC cases, can be extremely difficult and time consuming, the government can improve the judicial infrastructure and can make the formal justice system more accessible for the poor people Schaberg & Williamson (2008). This research also identifies survivors' withdrawal, sleepless nights, and self-blame which might lead to sexual violence survivor committing suicide. There is also the possibility that the sexual violence survivor being re-victimized by the same perpetrator since the case is unreported and no punishment has been meted thereby, leading to perpetual fear which might lead to serious torment on the survivors. Not to mention the various psychological implications the survivors suffer. Child survivors have to go through stigmatization on so many different levels Pham (2006). Moreover, according to statements of

some of the Respondents, if the families of the child rape survivor accept the out-of-court settlements they are looked upon as self-seekers and liars. Different authors also highlighted the negative factors that influence the use of out-of-court settlements that can enhance the trauma and suffering caused by SVC Flomoku & Reeves (2012). Another major risk associated with out-of-court settlements is that in most instances, survivors' families might not get the full settlements money from the perpetrators' families during the settlements deal. Moreover, once the deal is accepted, survivor families cannot cancel the arrangement. The research also established that, in some instances of SVC cases, survivors are forced into marrying the perpetrators when they get pregnant due to the sexual violence. This is again, against the right of participation for the survivors which can have a detrimental impact on their mental wellbeing. In instances where perpetrators are family members or a close relative, the alleged perpetrators move back into the surroundings of the survivors after an out-of-court settlement. This in turn can put further pressure on these survivors increasing their psychological and emotional burden Sandefur & Siddiqi (2013).

This research observed that Liberia has a dual justice system in place. The formal courts work under a statutory justice system usually in the urban areas and therefore usually inaccessible to rural dwellers. However, the customary courts are all across the country and in different counties. These customary courts are easily accessible as compared to the formal judicial courts which are far more complicated, and expensive in proceedings. Thus, makes survivors' families adopt OCSs. Other reasons including poverty, culture, commercial benefits, and emphasis on communal bonds have discouraged many from attempting to explore the legal remedies available for child survivors. It was noted that in recognition of this challenge, Blair (2016) analyzed different sexual violence cases against children in rural Liberia. According to the findings it was seen that in the legal process followed by the statutory system that the evidence mechanism is quite inefficient. Due to this particular reason, a lot of useful pieces of evidence get tempered with and lost during the proceedings.

The research also established that the informal traditional justice system proceedings are quick and cheap, and most times favored the perpetrators on a number of occasions. According to a survey from the Institute of Peace in the United States it was seen that even though there is a formal justice system in practice in Liberia only 2 percent of sexual violence-related cases reach 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, Mature, 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. The research also established that the rural dwellers prefer the informal courts because they work in their interests as compared to the formal court. The research also established that the Liberian police is very unstructured, and corrupt when dealing with these SVC cases. Finally, the research has established that the traditional courts in Liberia have been working since 1943 and are a part of Liberian history. The system is strongly embedded in Liberian culture and cannot be replaced overnight.

Table 1: Research Design

Variable	Description	Indicators
The role of government	How Government and international donor partners collaborate together to control out-of-court settlements	<ul style="list-style-type: none"> • Legal consciousness • Promoting Child Right to Participation • Providing access to the formal justice system
Out-of-court Settlements drawbacks	Different drawbacks associated with out-of-court settlements	<ul style="list-style-type: none"> • Negatively impact the emotional health of survivors • Impact of Social Pressure • Negative effect on the Survivors right to participation, • Image soiling and General Notoriety
Obstacles in Reducing Out-of-court Settlements	Evaluation of different barriers in reducing out-of-court settlements	<ul style="list-style-type: none"> • Weak Institutions • Ineffective Police Department • Slow formal Justice system • Cultural Preferences • Poverty • Lack of access to the formal justice system
Recommendations	Different steps that can be implemented to improve the situation in Liberia	<ul style="list-style-type: none"> • Efficient resource allocation • Providing training to justice actors • Government playing a better role • Police Reforms • Prioritizing the child rape cases and speed trial for these cases.

5.2. Conclusion

The discussion over the course of this research work concluded a number of initiatives that Liberian government can take to reduce the use of out-of-court settlements in rural Liberia. These aspects include the legal consciousness among the justice actors and making the formal courts more accessible to rural dwellers. Moreover, the children who have been sexually assaulted deserve the right to participation. It is important that the government ensures a child friendly environment for the children in such sensitive cases. Moreover, the out-of-court settlements certain risks and dangers. Moreover, the child survivors who accept out-of-court settlements are often blamed more than the perpetrators. The child survivors are often coerced to accept the decisions given by the customary courts; survivors' families are believed to be arrogant and disrespectful to elders/chiefs if they refuse to accept the out-of-court settlements. Another possible horrible outcome of the out-of-court settlements is the survivor being forced to get married to the perpetrator when she gets pregnant from the sexual violence. Even after all these dangers and drawbacks the use of out-of-court settlements are quite prevalent in the rural Nimba County. There are multiple factors that cause the child rape cases to get settlement out of the formal justice system. A vast number of people in rural Liberia believe that formal justice system is slow and expensive. It was seen that there are a number of steps that can be taken to improve the effectiveness of the formal justice system. Legal consciousness, structured judicial system, police reforms and improved role of justice actors are the key steps that can be taken to improve formal justice system.

CHAPTER 6: 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. The limitations of the study have also been presented in this chapter.

6.2. Conclusion

This study was guided by one main objective. Findings revealed that out-of-court settlement is more used in solving SVC cases in Nimba County, rural Liberia, because it is easily accessible, less stressful, less expensive, or no money spent for adjudicating the trials at all. While the formal justice system is slow, expensive, corrupt and not easily accessible to the rural dwellers. In order to evaluate the preparedness of formal justice system this research work evaluate, how do out-of-court settlements affect child sexual violence survivors and their families in rural Liberia? Can problems be prevented in the use of such settlements, through addressing legal consciousness of those involved? The analysis and discussion showed that government needs to promote legal consciousness among all justice actors in order to make the formal justice system more functional and potent. For this purpose the police, courts, and lawyers need to understand their roles and act accordingly. In addition this justice system is also required to enhance the child right to participation. It was seen that the children who are rape survivors find it hard to get proper support and representation in formal justice system. Legal consciousness, the rights of the child, and children participation and agencies are the key to achieving this goal.

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 favor 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 survivors 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 rural 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 justice system, and to overhaul the justice system such that there is a new guiding philosophy of adjudicating sexual violence matters, particularly child rape. Judicial reforms, which I believe is the first step to confronting the challenge of child rape in Nimba County. The government of Liberia must be determined to establish more formal courts within the various counties in order to establish its 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.

- B.** Also, the customary courts since they are much closer to the people must be empowered to receive complaints from relevant stakeholders for onward transfer to the formal courts; as 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 child 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.

C. LEGAL REFORMS

It is noted that there are few laws on the crime of sexual violence in Liberia. Even though, there are special courts and office services for sexual violence, but the crime is being treated as a general phenomenon. This, I believe is not supposed to be, as SVC is different in outlook, as well as circumstance and proof. The age of the survivors is taken into account as much as the implications on their health. I hereby recommend the full implementations of the laws on sexual violence against children. These laws should be enforced by current literature in proof and strict punitive measure be inculcated.

D. INCREASED SOCIAL AWARENESS

I recommend increase awareness and campaigns at all levels on the legal remedies available to survivors of SVC, the need to change socio-cultural approach to cases of SVC in the rural communities which are harmful to both survivors 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 rural 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

- ABRAMOWITZ, S. & MORAN, M. H. 2012. International human rights, gender-based violence, and local discourses of abuse in postconflict Liberia: a problem of “culture”? *African Studies Review*, 55, 119-146.
- ACHGILL, D., GERAY, J., EL HACHIMI, H., JADHAV, V., MULLINS, E., REDDY, H., SPARKS, T., VALDEZ-VIVAS, N., WALKER, E. & ALI, N. 2015. Improving health conditions in conflict-affected Liberia: A community-based approach.
- ACKERMAN, R. 2009. Rebuilding Liberia, one brick at a time. *World Policy Journal*, 26, 83-92.
- ADDRESSING impunity for Rape in Liberia. Available at:
https://unmil.unmissions.org/sites/default/files/impunity_report_-_binding.pdf
- ARMSTRONG, G. 2004. The lords of misrule: Football and the rights of the child in Liberia, West Africa. *Sport in society*, 7, 473-502.
- ARYEE, E. 2013. I was raped: The psychological effects of rape among Liberian & Ghanaian women in Ghana.
- ATWOOD, K. A., KENNEDY, S. B., BARBU, E. M., NAGBE, W., SEEKEY, W., SIRLEAF, P., PERRY, O., MARTIN, R. B. & SOSU, F. 2011. Transactional sex among youths in post-conflict Liberia. *Journal of health, population, and nutrition*, 29, 113.
- BACKINY-YETNA, P., WODON, Q., MUNGAI, R. & TSIMPO, C. 2012. Poverty in Liberia: Level, profile, and determinants.
- BAHRAMNEZHAD, F., CHERAGHI, M. A., SALSALI, M., Asgari, P., Fomani, F. K., Sanjari, M., & Afshar, P. F. (2014). Futile care; concept analysis based on a hybrid model. *Global journal of health science*, 6(5), 301.
- BACON, L. 2015. Liberia's Gender-Sensitive Police Reform: Improving Representation and Responsiveness in a Post-Conflict Setting. *International Peacekeeping*, 22, 372-397.
- BAKER, B. 2009. A policing partnership for post-war Africa? Lessons from Liberia and southern Sudan. *Policing & Society*, 19, 372-389.
- BAMIDELE, O. 2017. War, Sex and Justice: Barriers to Gender Justice in Post-Conflict Liberia. *International Journal of Criminal Justice Sciences*, 12.
- BLACKSTONE, A., UDDEN C., & MCLAUGHLIN H. (2009). Legal consciousness and responses to sexual harassment. *Law & society review*, 43(3), 631-668.
- BLAIR, R., KARIM, S. & MORSE, B. 2016. Building trust in a reformed security sector: A field experiment in Liberia. *Policy Brief*, 51111.
- BLAIR, R. A., KARIM, S. M. & MORSE, B. S. 2019. Establishing the rule of law in weak and war-torn states: Evidence from a field experiment with the Liberian National Police. *American Political Science Review*, 113, 641-657.

- BLAKEMORE, S., FREEDMAN, R. & LEMAY-HÉBERT, N. 2019. Child safeguarding in a peacekeeping context: lessons from Liberia. *Development in Practice*, 29, 735-747.
- BLEWER, R. (2021). "Changes in Law Were Full of Danger": Conclusion. In *Child Witnesses in Twentieth Century Australian Courtrooms* (pp. 241-252). Palgrave Macmillan, Cham.
- BØÅS, M., DIVON, S. A. & SAYNDEE, T. D. 2016. Gender Based Violence and Access to Justice: the case of Ganta, Liberia.
- BRIDGEWATER, G. 2016. Physical and sexual violence against children in Kenya within a cultural context. *Community practitioner*, 89, 30-36.
- BRUCH, C., MUFFETT, C. & NICHOLS, S. S. 2016. Natural resources and post-conflict governance: building a sustainable peace. *Governance, natural resources, and post-conflict peacebuilding*. Routledge.
- CARTER, J. 2008. Reconstructing the rule of law: Post-conflict Liberia. *Harvard International Review*, 30, 14.
- CARLSSON B., JACOBSSON, S., Holmén, M., & Rickne, A. (2002). Innovation systems: analytical and methodological issues. *Research policy*, 31(2), 233-245.
- CHANDLER, R. M. 2010. Speaking with Postwar Liberia: Gender-Based Violence Interventions for Girls and Women. *Women, War, and Violence*. Springer.
- CHENG, X., FU, S. & DE VREEDE, G.-J. 2017. Understanding trust influencing factors in social media communication: A qualitative study. *International Journal of Information Management*, 37, 25-35.
- COHEN, D. K. & GREEN, A. H. 2012. Dueling incentives: Sexual violence in Liberia and the politics of human rights advocacy. *Journal of Peace Research*, 49, 445-458.
- COLLINS, T. M. 2017. A child's right to participate: Implications for international child protection. *The International Journal of Human Rights*, 21, 14-46.
- COMPTON, J. 2014. The peril of imposing the rule of law: Lessons from Liberia. *Minn. J. Int'l L.*, 23, 47.
- CONVENTION on the rights of the child. Available at:
<https://www2.ohchr.org/english/bodies/crc/docs/advanceversions/crc-c-gc-12.pdf>
- COOPER, K., MARKS, A. & SMITH, K. 2019. CHAPTER TWELVE SEXUAL ASSAULT IN THE LIBERIAN CIVIL WAR THEMA BRYANT-DAVIS. *Navigating African Biblical Hermeneutics: Trends and Themes from our Pots and our Calabashes*, 216.
- CONROY, M. A., SUTHERLAND, K. S., VO, A. K., Carr, S., & Ogston, P. L. (2014). Early childhood teachers' use of effective instructional practices and the collateral effects on young children's behavior. *Journal of Positive Behavior Interventions*, 16(2), 81-92.
- DARKWA, L. 2015. Winning the Battle and Losing the War: Child Rape in Post Conflict Liberia. *The International Journal of Children's Rights*, 23, 790-817.

- DE CARVALHO, B. & 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, 134-141.
- DRIMMER, J. C. & LAMOREE, S. R. 2011. Think globally, sue locally: trends and out-of-court tactics in transitional tort actions. *Berkeley J. Int'l L.*, 29, 456.
- FENTON-GLYNN, C. (2014). The child's voice in adoption proceedings: A European perspective. *The International Journal of Children's Rights*, 22(1), 135-163.
- FRITSVOLD, E. D. (2009). Under the law: Legal consciousness and radical environmental activism. *Law & Social Inquiry*, 34(4), 799-824.
- FLOMOKU, P. & REEVES, L. 2012. Formal and informal justice in Liberia. *Accord, Conciliation Resources* (23). Available from: <http://www.cr.org/accord/westafrica-liberia-and-sierra-leone> (accessed 29 May 2016).
- FYANKA, B. B. 2014. Security Sector Reforms and Governance in Post-Conflict Environment: An Assessment of Nigeria and Liberia. *IUP Journal of International Relations*, 8, 54.
- FYNN BRUEY, V. 2016. Systematic Gender Violence and the Rule of Law: Aboriginal Communities in Australia and Post-War Liberia. *Available at SSRN 3887715*.
- GALANTER, M. (1974). Afterword: explaining litigation. *Law & Soc'y Rev.*, 9, 347.
- GALLEN, J. 2016. Jesus Wept: The Roman Catholic Church, child sexual abuse and transitional justice. *International Journal of Transitional Justice*, 10, 332-349.
- GRAEF, J. 2015. Practicing justice in Liberia: A brief history. *Practicing Post-Liberal Peacebuilding*, Springer.
- GREENE, O. J., BERTS, H. & NJERI, S. 2015. Conflict Analysis of Liberia, and Analysis of Issues and Implications for Future Swedish Development Co-operation.
- GRIFFITHS, C. & VALASEK, K. 2011. Liberia. *THE SECURITY SECTOR AND GENDER IN WEST AFRICA*, 137.
- HENDERSON, D., DOMINGUEZ, S., WANG, E., BOXILL, R., CARNEY, J., HARRIS, B. & LEVEY, E. 2013. Assessment of the needs of vulnerable youth populations in post-conflict Liberia: original. *African Journal of Psychiatry*, 16, 349-355.
- HENRY, N. (2012) *War and rape: Law, memory and justice*, Routledge.
- HERBERT, S. (2014) Conflict analysis of Liberia. *Birmingham, UK: GSDRC, University of Birmingham*.
- HORN, R., PUFFER, E. S., ROESCH, E. & 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, 108-121.
- HULL, N. E. H. (1995). Vital schools of jurisprudence: Roscoe Pound, Wesley Newcomb Hohfeld, and the promotion of an academic jurisprudential agenda, 1910-1919. *Journal of Legal Education*, 45(2), 235-281.
- JEONG, H.-W (2017) *Peace and conflict studies: An introduction*, Taylor & Francis.

- KAMAL, S. 2019. Research paradigm and the philosophical foundations of a qualitative study. *PEOPLE: International Journal of Social Sciences*, 4, 1386-1394.
- KALMAN, L. (1997). Border Patrol: Reflections on the Turn to History in Legal Scholarship. *Fordham L. Rev.*, 66, 87.
- KITCHEN, A. D. (2012).. *When Laws and Representation Are Not Enough: Enduring Impunity and Post-Conflict Sexual Violence in Liberia and Sierra Leone*. Wright State University.
- KINYANDA, E., KWEKWE, D., HOWARD, L. & DANUWELI, C. (2011) Women war survivors of the 1989-2003 conflict in Liberia: the impact of sexual and gender-based violence. *Journal of International Women's Studies*, 12, 1-21.
- KUJUNDZIC, L. (2017). Multidisciplinary cooperation in the best interests of children witnesses and victims of sexual abuse. *Child Protection HUB for South East Europe*, 1-5.
- LANDOWNS, G., Jimerson, S. R., & Shahroozi, R. (2014). Children's rights and school psychology: Children's right to participation. *Journal of school psychology*, 52(1), 3-12.
- LAWSON, E. S. & FLOMO, V. K. 2020. Motherwork and gender justice in Peace Huts: a feminist view from Liberia. *Third World Quarterly*, 41, 1863-1880.
- LEATHERMAN, J. 2011. *Sexual violence and armed conflict*, Polity.
- LEHOUCQ, E., & TAYLOR W. the deployment of legal strategies?. *Law & Social Inquiry*, 45(1), 166-193.
- LIBERIA: An ACT to AMEND the new PENAL CODE Chapter 14. Available at <https://www.refworld.org/docid/44868e674.html>. Accessed February 7, 2022
- LIEBLING-KALIFANI, H., MWAKA, V., OJIAMBO-OCHIENG, R., WERE-OGUTTU, J.,
- LUBKEMANN, S., ISSER, D. & CHAPMAN, P. 2011. Neither state nor custom—just naked power: the consequences of ideals-oriented rule of law policy-making in Liberia. *The Journal of Legal Pluralism and Unofficial Law*, 43, 73-109.
- LUCEY, A. & KUMALO, L. 2017. Partnering for sustainable peace in Liberia. *Institute for Security Studies Papers*, 2017, 1-20.
- M'CORMACK, F. 2018. Prospects for accessing justice for sexual violence in Liberia's hybrid system. *Stability: International Journal of Security and Development*, 7.
- MARSHALL, A. M., & BARCLAY, S. (2003). In their own words: How ordinary people construct the legal world. *Law & Social Inquiry*, 28(3), 617-628.
- MARX, A., BRIGHT, C., PINEAU, N. & WOUTERS, J. 2019. Corporate Accountability Mechanisms in EU Member States for Human Rights Abuses in Third Countries. *Published in the European Yearbook of Human Rights*.
- MCAUSLAN, P. Urban planning law in Liberia: the case for a transformational approach. *Urban Forum*, 2011. Springer, 283-297.
- MEDIE, P. A. 2013. Fighting gender-based violence: The women's movement and the enforcement of rape law in Liberia. *African Affairs*, 112, 377-397.

- MEDIE, P. A. 2015. Women and postconflict security: A study of police response to domestic violence in Liberia. *Politics & Gender*, 11, 478-498.
- MEDIE, P. A. 2017. Rape reporting in post-conflict Côte d'Ivoire: Accessing justice and ending impunity. *African Affairs*, 116, 414-434.
- MGBEOJI, I. 2011. *Collective Insecurity: The Liberian Crisis, Unilateralism, and Global Order*, UBC Press.
- MORSE, B. S. 2019. *Policing and the rule of law in weak states: evidence from Liberia*. Massachusetts Institute of Technology.
- MORSE, B. S. 2020. Patrimonial Policing: Police Bias and Access to Justice in Liberia.
- MOLYNEUX, M., & RAZAVI, S. (Eds.). (2002). *Gender justice, development, and rights*. OUP Oxford.
- NEEF, M. 2017. Local Rules?! The Practices of Conflict Resolution by the United Nations in Liberia.
- NEVILLE, S., ADAMS, J. & COOK, C. 2016. Using internet-based approaches to collect qualitative data from vulnerable groups: reflections from the field. *Contemporary Nurse*, 52, 657-668.
- NYEI, I. 2014. Decentralizing the state in Liberia: the issues, progress and challenges. *Stability: International Journal of Security and Development*, 3.
- OJIELO, O. 2010. Critical lessons in post-conflict security in Africa: The case of Liberia's Truth and Reconciliation Commission.
- 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>
- PHAM, J. P. 2006. Liberia and Sierra Leone: A study of comparative human rights approaches by civil society actors. *Interdisc. J. Hum. Rts. L.*, 1, 69.
- POSTMUS, J. L., HOGE, G. L., DAVIS, R., JOHNSON, L., KOECHLEIN, E. & WINTER, S. 2015. Examining gender based violence and abuse among Liberian school students in four counties: An exploratory study. *Child abuse & neglect*, 44, 76-86.
- RADFORD, L., ALLNOCK, D. & HYNES, P. 2015. Preventing and responding to child sexual abuse and exploitation: Evidence review. *Child Protection Section Programme Division UNICEF Headquarters*.
- SAMUELS, F., JONES, N., & ABU HAMAD, B. (2017). Psychosocial support for adolescent girls in post-conflict settings: beyond a health systems approach. *Health policy and planning*, 32(suppl_5), v40-v51.
- SANDEFUR, J. & SIDDIQI, B. Delivering justice to the poor: theory and experimental evidence from liberia. World Bank Workshop on African Political Economy, Washington, DC, May, 2013.

- SARAT, A. (2000). Imagining the law of the father: loss, dread, and mourning in The Sweet Hereafter. *Law & Soc'y Rev.*, 34, 3.
- SCHABERG, L. & WILLIAMSON, J. 2008. Liberia: Key Factors of Child Vulnerability. Washington, DC: Displaced Children and Orphans Fund (DCOF) of USAID.
- SCHIA, N. N. & DE CARVALHO, B. 2011. Protection from sexual and gender-based violence in Liberia: a role for traditional justice? *conflict trends*, 2011, 38-42.
- SESAY, M. 2019. Hijacking the rule of law in postconflict environments. *European Journal of International Security*, 4, 41-60.
- SHERIF, A. & MAINA, G. 2013. Enhancing security and justice in Liberia: The regional hub model.
- SILBEY, S. S. (2005). Everyday life and the constitution of legality. *The Blackwell companion to the sociology of culture*, 332-45.
- SIMIC, O. Rethinking 'sexual exploitation' in UN peacekeeping operations. Women's Studies International Forum, 2009. Elsevier, 288-295.
- SOBKOVIAK, R. M., YOUNT, K. M. & HALIM, N. 2012. Domestic violence and child nutrition in Liberia. *Social science & medicine*, 74, 103-111.
- SOLHJELL, R. & SAYNDEE, T. D. 2016. Gender-Based Violence and Access to Justice: Grand Bassa County, Liberia.
- SOS CHILDREN'S VILLAGE PROBES SEXUAL ABUSED, CURRUPTION. Available at: <https://www.africanews.com/2021/05/07/sos-children-s-villages-investigates-cases-of-sexual-abuse-corruption/>
- TAYLER-SMITH, K., ZACHARIAH, R., HINDERAKER, S., MANZI, M., DE PLECKER, E., VAN WOLVELAER, P., GIL, T., GOETGHEBUER, S., RITTER, H. & BAWO, L. 2012. Sexual violence in post-conflict Liberia: survivors and their care. *Tropical Medicine & International Health*, 17, 1356-1360.
- THORNHILL, K. 2017. Power, predation, and postwar state formation: The public discourse of ritual child rape in Liberia. *Third World Thematics: A TWQ Journal*, 2, 229-247.
- UTAS, M. 2005. West-African warsapes: Victimcy, girlfriending, soldiering: Tactic agency in a young woman's social navigation of the Liberian war zone. *Anthropological Quarterly*, 403-430.
- UNICEF (1996) *The Best Interests of the Child-UNICEF*. Available at: <https://www.unicef-irc.org/publications/108-the-best-interests-of-the-child-towards-a-synthesis-of-childrens-rights-and-cultural.html>. Last accessed, February 8, 2022.
- VEALE, A., WORTHEN, M., & MCKAY, S. (2017). Transformative spaces in the social reintegration of former child soldier young mothers in Sierra Leone, Liberia, and Northern Uganda. *Peace and Conflict: Journal of Peace Psychology*, 23(1), 58.

- VINCK, P., PHAM, P. N. & KREUTZER, T. 2011. Talking Peace: A population-based survey on attitudes about security, dispute resolution, and post-conflict reconstruction in Liberia.
- WORLD BANK-DATABANK (2021) *Poverty & Equity Brief Liberia* Available at: https://databank.worldbank.org/data/download/poverty/987B9C90-CB9F-4D93-AE8C-750588BF00QA/AM2020/Global_POVEQ_LBR.pdf. Last accessed, February 9, 2022
- ZERMATTEN, J. (2010). The best interests of the child principle: literal analysis and function. *The International Journal of Children's Rights*, 18(4), 483-499.]
- ZWIER, P. J. 2017. Human Rights for Women in Liberia (and West Africa): Integrating Formal and Informal Rule of Law Reforms through the Carter Center's Community Justice Advisor Project. *Law and Development Review*, 10, 187-235.

Appendix

SECTION A: DEMOGRAPHICS

1. Gender: Females (13) Male (3)
2. Ages: 18-40 years
3. Ethnicity/race: Liberians
4. Marital status: married (3), unmarried (11)
5. Educational level: Bachelor Degree (3), Registered nurse (2), Police officers (2), High school level (7), and Community dweller (1)

SECTION B: SURVEY QUESTIONS

1. What kind of risks do out-of-court settlements pose for the survivors and their families?
2. What are the implications of out-of-court settlements for perpetrators and criminal justice?
3. How can child sexual violence survivors in rural Liberia be protected through legal mobilization and consciousness?
4. Can out-of-court settlements help to prevent sexual violence against children in rural Liberia?
5. What are the government and international donors doing to address the issue of OCSs in cases involving SVC?
6. How are children's rights to participations and agencies being realized in SVC cases?
7. What are the barriers in reducing the use of out-of-court settlements in child sexual violence cases in Nimba County?

8. What are the general notoriety and image-soiling of alleged perpetrators in OCSs child sexual violence cases in Nimba County?
9. What are the impacts of cultural preference in child sexual violence cases in Nimba County?
10. How effective is the Liberian judiciary system when dealing with SVC cases in Nimba County?

SECTION C: FOCUS GROUP DISCUSSION

11. Have you experienced rape before? If so, how was the case handled?
12. How do you feel about the use of out-of-court settlements in SVC cases in Nimba County?
13. How do you feel about your parents when they agree to settle the SVC matter in informal court?