

ICCPR Implementation in Liberia

Report of Civil Society Organizations In Reply to the List of Issues

March 2018

With Support from:



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1. Introduction

Liberia ratified the International Covenant on Civil and Political Rights (ICCPR) in 2004. Liberia's initial report on the implementation of the ICCPR was due in 2005. After 11 years of delay, Liberia submitted its initial report on 2nd November 2016¹. Following the submission of the report, on 21 August 2017 the Committee adopted a List of Issues (LOI)². This list sets out 26 key questions in relation to the initial report of Liberia. The State is expected to send its written replies to the Committee before the date scheduled for the review. The first review of Liberia by the Human Rights Committee is scheduled to take place in Geneva during the 122^o session from 12 March to 6 April 2018.

2. Methodology

In view of the scheduled assessment, the Civil Society Human Rights Advocacy Platform of Liberia with support from the Centre for Civil and Political Rights (CCPR) held two days' national consultations in preparation of a CSOs report in Reply to the List of Issues. The consultations were held on 18th and 19th January 2018 at the Corina Hotel in Monrovia to prepare the report and validated by thematic leads of the Civil Society Human Rights Advocacy Platform.

3. List of Civil Society Organisations

This report is submitted by the Civil Society Human Rights Advocacy Platform of Liberia, (CSO-HRAPL) consisting of:

1. Independent Human Rights Investigators
2. Catholic Justice and Peace Commission
3. Regional Watch for Human Rights
4. Prison Fellowship of Liberia
5. ECOWAS Women in Liberia
6. Better Future Foundation
7. Women Solidarity
8. National CSO Council of Liberia
9. National Teachers Association of Liberia
10. IsraAID- Liberia
11. Human Rights Monitor Liberia United Methodist Church
12. National Health Workers Union of Liberia
13. National Street Children Activists Network
14. National Human Rights Monitor
15. Foundation for Human Rights and Democracy
16. Association of Female Lawyers of Liberia
17. Rural human Rights Activists Program
18. Human Rights and Protection Forum
19. Women of Liberia Peacebuilding Network

¹ The Initial report of Liberia (CCPR/C/LBR/1) is available here <http://ccprcentre.org/files/documents/CCPR:C:LBR:1.pdf>

² The List of Issues in relation to the initial report of Liberia CCPR/C/LBR/Q/1 is available here: <http://ccprcentre.org/files/documents/CCPR:C:LBR:Q:1.pdf>

4. Constitutional and legal framework within which the Covenant is implemented (art. 2)

Issue 1:

Please provide information on the status of the Covenant in relation to domestic law, including statutes and customary law, and on whether national courts have invoked the Covenant in particular cases. Given that article 2 of the Constitution establishes the primacy of the Constitution over treaties, please indicate whether any constitutional provisions have been found to be in conflict with the Covenant and provide information on measures to ensure that any constitutional reform efforts, including proposition 24, are consistent with the Covenant. Please provide information on any instances in which customary law has been in conflict with the Covenant and on any measures that have been taken to repeal the provisions of the Revised Rules and Regulations Governing the Hinterland of Liberia that are incompatible with the Covenant. Please indicate whether the State party intends to ratify the Optional Protocol to the Covenant and provide information on the status of the proposed national body on treaty obligations, including any resources allocated.

Comments:

It can be difficult for the Court to invoke the Covenant in domestic cases, because of the different laws that Liberia has. For example, under the Customary Laws, the age limit for marriage is 16 while the age limit under the statutory law is 18. A man can marry up to two wives. Customary Law is silent on that provision, but in most cases, men under this category have two to three wives³.

Customary and statutory laws are in serious conflict regarding the age limit for marriage, as indicated in section 2.9 of the customary law. The Customary law exposes girls in rural areas, particularly, to early marriage and statutory rape. Hence, the need for the Legislature to enact new laws that will clearly provide the age limit for both Customary and Statutory marriage.

The lack of political will on the part of the Liberian government to implement the Truth and Reconciliation Commission (TRC) recommendations has posed serious challenge to the process including the presumption that implementation of some recommendations of the TRC could spark unrests in Liberia. In fact, most of the individuals indicted in the TRC recommendations are top government officials, some of whom are Senators, Representatives as well as the former President of Liberia, Ellen Johnson Sirleaf.

Liberia has over the years, as a result of ensuring the ratification and response to Optional Protocols and other international treaty obligations, established legislative Human Rights Committees at the Senate and the House of Representatives. The establishment of other human rights focus divisions in government line Ministries and Agencies have been undertaken in order to fulfil treaty obligations to the ICCPR. In 2017, Liberia launched a National Mechanism on Treaty Obligations with oversight responsibility to report on treaty related matters and follow-up with various treaty bodies and committees at the United Nations. The body constitute line ministries, agencies of government, the

³ Section 2.9 of the Act to Govern the Devolution (Is this Dissolution or Devolution?) of Estates and Establish Rights of Inheritance for Spouses of Both Statutory and Customary Marriages—2003

INCHR and Civil Society playing observers' role with no voting rights. Due to the lateness of the establishment of the body, the national budgetary for fiscal year 2016-2017 did not provide any allocation for the operations of this National Mechanism on Treaty Obligations.

The National Human Rights Action Plan secretariat at the Ministry of Justice has been responsible for the drafting of treaty reports before the national mechanism was established and still remains active in ensuring that Liberia lives up to its treaty reporting obligations.

Recommendations:

The State Party should:

1. Undertake measures to ensure that the implementation of proposition 24 of the Constitutional Review Committee (CRC) of Liberia is consistent with the Covenant rights of all Liberians
2. Reform existing national customary laws to be consistent with the Covenant
3. Repeal provisions in the Revised Rule and Regulations of the Hinterland that are inconsistent with the Covenant including the statutory customary age limit for marriage set at sixteen year

Issue 2:

Please describe the measures taken to ensure that the Independent National Commission on Human Rights conforms to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including the principles of independence. Please provide information on the measures taken to ensure that the Commission has the human and financial resources to fulfil its mandate effectively, including specific information on the number and type of complaints received and how they were resolved.

Comments:

The independence of the Independent National Commission on Human Rights (INCHR) is ensured in the composition of the structure of the commission⁴. The INCHR is composed of a Board of Commissioners (BOC) and a Secretariat. There are seven Commissioners, who are appointed by the President of Liberia with consent of the Liberian Senate. The President's appointment is based on the recommendations from an Independent Panel of Experts (ICE) put together by the Chief Justice of Liberia. These Commissioners form the policy arm of the Commission. In 2015 a list of proposed names was presented by the Independent Panel of Experts to the office of the President of Liberia for consideration. The list did not include any of the previous Commissioners who had served for five years between 2010-2015. However, former President Ellen Johnson Sirleaf nominated a former Commissioner outside of the list of Commissioners proposed by the Independent Panel of Experts into office. Thus, undermining the independence of the process of nomination of Commissioners to the INCHR. The said Commissioner further did not appear before the House of Senate for confirmation as was in the case of the other Commissioners. Consequently, a number of Civil Society Organizations wrote to the Liberian Senate and the Chief Justice. Nonetheless, there has been no action taken by the government to address CSOs protest. Till date, the said Commissioner remains in office. As of the submission of this report the INCHR has gone for three years without a Chairperson.

The INCHR has engaged with national institutions on separate accounts of human rights promotion and protection under the National Human Rights Action Plan of Liberia of which the INCHR is a

⁴ INCHR. 2005.Aboutus Accessed on 15 Jan. 18.Retrieved from: <http://inchrliberia.com/index.php/about-us/what-we-do>

member of the steering committee. The process leading to the development of the National Human Rights Action Plan has fostered open engagements between the INCHR and civil society. The National Human Rights Action Plan outlines specific engagements between the INCHR and the CSO as part of the implementation of the Action Plan. A Human Rights Advocacy Platform of Civil Society Organisations signed a Memorandum of Understanding between the CSOs on the platform and the INCHR to engage in joint initiatives to advance human rights in Liberia as part of efforts to implement the National Human Rights Action Plan.

The Secretariat is made up of five departments and one unit and it is headed by an Executive Director who conducts the day-to-day operations of the Commission. The daily activities of the Commission are defined by the powers in Act 2005 that established it. In Article 9 of the INCHR Act 2005, the Commission submits quarterly or annual reports on its activities to the three arms of government- the Executive, judiciary and the legislature⁵.

The Government of Liberia allocated from its Fiscal Budget a total of US\$7,130,916.00 over the last five years 2010 – 2016, while it is projected that for the period 2016 – 2021 the Government will contribute US\$8,117,700.00 which constitutes at least 55.8% of the US\$14,838,740 million projected for the operations and programs of the Commissioner for the next five years as detailed in the Chapter on costing and resource mobilization plan in the INCHR Strategic Plan⁶. To date, 100% of the Commission's core budget comes from the Government of Liberia. However, donors such as the UNDP and United Nations Mission in Liberia Human Rights Section regularly support the Commission financially. UNDP with funding from the United Nations Peacebuilding Fund (UNPBF) is supporting the Project Management Unit/PMU which is managing 'the Community-Based Truth Telling and Atonement Project (the Palava Hut Project) under the auspices of the INCHR⁷.

Nonetheless, the INCHR has been restrained by the government from enhancing clear financial autonomy, as a result of amendments made to the INCHR Act 2005. The amendment subjects all foreign donors funding to the Commission to go through national budgetary regulations. The Commission is also underfunded by the government over the years which has slowed its operations. The Commission has completed the structuring of five departments in line with statutes, a number of human rights monitors have been deployed to 15 counties and effort to open regional offices is ongoing in Liberia. The Commission reported a number of complaints received, measures taken to respond to individuals, and group cases are under investigations and verification.

Recommendations:

The State Party should:

1. Ensure the independence of the INCHR by removing the Commissioner who was appointed by former President Ellen Johnson Sirleaf
2. Undertake measures to ensure that the INCHR operates in full compliance with the Paris Principles, including restoration of its financial autonomy and being able to freely access funding from alternative sources
3. Adequately resource the INCHR to enable it fulfill its mandate effectively

⁵INCHR. 2005.Statement Of Compliance. Accessed on 15 Jan. 18.Retrieved from: <http://inchrliberia.com/index.php/about-us/statement-of-compliance>

⁶ INCHR. 2005. Budget Performance Report. Accessed on 15 Jan. 18. Retrieved from: <http://inchrliberia.com/index.php/our-reports/budget-performance-report>

⁷ Ibid

4. Follow the INCHR Act provision on the vetting of names of proposed Chairpersons on the INCHR by the Senate

5. Truth and Reconciliation Commission and past human rights violations (arts. 2, 6, 7 and 14)

Issue 3:

Please provide information on the follow-up given to the final report and recommendations of the Truth and Reconciliation Commission, including the measures taken by the Independent National Commission on Human Rights to implement the recommendations. Please provide information on the follow-up to annex III, which contains a complete list of persons recommended for prosecution for gross human rights violations and war crimes, including the number of individuals prosecuted and for which crimes, the number of convictions secured, the sentences imposed and the reparation granted to victims.

Comments:

The TRC advised for the establishment of an Extraordinary Criminal Tribunal for Liberia and named individuals, corporations and institutions recommended for prosecution or, in some cases, for further investigation⁸. The TRC also included a list of individuals recommended to be barred from holding public office for thirty years (including President Ellen Johnson Sirleaf)⁹. However, this has not been implemented. The Supreme Court of Liberia ruled in a case that the recommendation on prosecution of persons for gross human rights violations and war crimes, was unconstitutional. Therefore, this recommendation was not implemented.

The TRC also urged the Government of Liberia to guarantee the full enjoyment of social, economic and cultural rights, in addition to civil and political rights¹⁰. As part of efforts in support of this recommendation, the Government of Liberia undertook the implementation of the Agenda for Transformation. This is a five-year development programme aimed at economic reconstruction, poverty alleviation and wealth creation. The Agenda follows a three-year (2008-2011) Lift Liberia Poverty Reduction Strategy (PRS), with a focus to transition Liberia from post-conflict emergency reconstruction to economic recovery¹¹.

The TRC's report called for the establishment of a National Palava Hut Forum as a complementary tool for justice and national reconciliation. The Palava Hut is a traditional dispute resolution mechanism established to promote and consolidate lasting peace and harmony throughout Liberia at the community level. A number of activities on the Palava Hut programs were organized in the 15 counties, ranging from awareness, conferences, training and public hearing between victims and perpetrators. However, persons recommended for prosecution by the Report for the Commission of international crimes were not entitled to pardon through the Palava Hut process¹². The INCHR also has initiated a number of memorial projects in line with the TRC recommendations to build a memorial

⁸ United States Institute of Peace (USIP).20 February 2006. Truth Commission: Liberia. Accessed on 16 January 2018. Retrieved from: <https://www.usip.org/publications/2006/02/truth-commission-liberia>

⁹ United States Institute of Peace (USIP).20 February 2006. Truth Commission: Liberia. Accessed on 16 January 2018. Retrieved from: <https://www.usip.org/publications/2006/02/truth-commission-liberia>

¹⁰ Ibid

¹¹ Government of Liberia. 15 April 2013. Agenda for Transformation: Steps toward Liberia Rising 2030.

¹² Ibid

site in the area of a mass grave in Liberia. In addition, a Strategic Roadmap for National Healing, Peacebuilding and Reconciliation was launched by the President Ellen Johnson Sirleaf in 2012. The Roadmap aims to promote peace and coherence among different actors and to articulate clear goals for reconciliation. Some projects under reconciliation included Liberia National History Project and the National Symbol Project. Other programmes for reconciliation include Conflict Prevention and Mediation, Womens' Economic Empowerment, Youth Recovery and Empowerment and Social Cohesion.

The TRC recommended that the Government of Liberia assumes its full responsibility under international law to provide reparations for all those individuals and communities victimized by the years of instability and war, especially women and children. The Commission recommended a reparation program of approximately US\$500m over 30 years. It also recommended general amnesty for children and amnesty for lesser crimes in an effort to foster national healing and reconciliation if individuals admit their wrongs and express remorse¹³. Nonetheless, due financial constraints such reparation was not undertaken by government.

The Commission recommended that institutional reform must be implemented to promote good governance and human rights, and to prevent the recurrence of abuses¹⁴. In view of this, the Whistle Blower Act of 2012 was passed to protect whistle-blowers who are persons who disclose information for the public good, whether those whistleblowers are in the public or private sectors¹⁵. The Whistle Blower Act was aimed at encouraging citizen participation in the disclosure of information to counter corruption and promote good governance.

The Truth and Reconciliation Act ordered the President to report to the Legislature, three months after the report has been read. But on 28 August 2009 the Liberian Legislature announced that they must consult the constituents for about a year before deciding whether or not to implement the recommendations. The Supreme Court of Liberia ruled in January 2011 that it was unconstitutional for the recommendation to ban a number of individuals from holding public office¹⁶.

Since the release of the TRC report in 2009 on the recommendation of the prosecution for gross human rights violations and war crimes, there has been no further action taken by the government in addressing the justice aspect of the report.

The TRC recommended the establishment of a Trust Fund to implement the reparation aspect of the report, but to this date of reporting, this has not been achieved. In her last report to the legislature on the TRC implementation, Former President Ellen Johnson Sirleaf proposed a collective reparation rather than an individual reparation for victims. The Transitional Justice Working Group (TJWG), a coalition of civil society institutions on transitional justice issues saw the establishment of the TRC and contributed to its work. The TJWG with support from Open Society Initiative for West Africa (OSIWA) undertook series of programs in response to the implementation of the post TRC process including the construction of memorial sites in Bong county, where over 800 people in local village Kpolokpala and Samay were killed during the Liberian civil war. This initiative has served as a catalyst for broader memorialization programs that extend to other parts of the country.

¹³ Ibid

¹⁴ Ibid

¹⁵ Constance J. 26 April, 2010. Liberia: Whistleblower Protection Law to Be Considered. The Library of Congress Accessed on 17 January 2018. Retrieved from: <https://www.loc.gov/law/foreign-news/article/liberia-whistleblower-protection-law-to-be-considered>

¹⁶ Ibid

Recommendation(s):

The State Party should:

1. Set up a panel to review the progress on the implementation of the TRC, comprised of government representatives, INCHR, Civil society representatives
2. Set up a Trust Fund Commission to facilitate the payment of Reparation to victims of the War
3. Consider the draft legislation to facilitate the establishment of an Extraordinary Criminal Court to fairly and effectively prosecute past human rights violations and abuses
4. Ensure adequate support and funding for programs designed in view of the TRC recommendations to improve Liberia's judicial and criminal justice system to ensure victims' access to justice and the right of the accused to a fair trial;
5. Ensure protection for human rights defenders inside Liberia against attacks and intimidation, and ensure that those who intimidate or attack human rights defenders are brought to justice
6. Publicly clarify that there is no amnesty for serious international crimes committed during Liberia's civil wars, including for those who participated in the TRC

6. State of emergency and counter-terrorism measures (arts. 2, 4, 7 and 9)

Issue 4:

Regarding the state of emergency declared in August 2014 and lifted in November 2014, please (a) provide information regarding the legal process for instituting a state of emergency under domestic law, (b) identify any Covenant rights that were suspended during the emergency and the measures taken to ensure that such suspensions were strictly required by the exigencies of the situation, (c) explain how the state of emergency complied with article 4 of the Covenant, (d) the measures undertaken to document all violations of human rights under the Covenant related to the emergency situation, and (e) information regarding all investigations into such violations, including information regarding the five soldiers found at fault for violations during the 20 August 2014 protest, the number of prosecutions and the convictions secured, the nature of the sentences imposed and any reparation provided to victims. Please also provide information on any steps taken to ensure that future derogations from the Covenant will comply with article 4.

Comments:

The State of Emergency is constitutional under Article 86-A & B of the Constitution of Liberia. While, the intent of the imposed state of Emergency during the Ebola outbreak in Liberia was to guarantee the collective security of the State, its abrupt imposition, without containment, without consultation with CSOs/relevant stakeholders; without making provision for access to food or basic livelihood, among others, led to panic and violations of the population particularly in places like West Point, Dolo town and Counties like Lofa that were quarantined.

The initial response of the Government of Liberia was fighting Ebola alone without coordinated efforts and solidarity with CSOs/CBOs and stakeholders. Due to the emergency, Commercial Kanks were closed for 3 days without prior public announcements. Schools from the Kindergarten to the University

level were also closed indefinitely for nearly a year without any learning activities¹⁷. The proclamation has no measures or Action Plan to tackle the Ebola outbreak and to restore stability¹⁸ as required by the Liberian Constitution¹⁹. However, the House of Representatives and the Liberian Senate welcomed it without asking for any measure or action plan as the Liberian Constitution stipulates²⁰.

The President of Liberia, Ellen Johnson Sirleaf ordered that the four soldiers and their Commander who opened fire on the protesting crowd to be punished for the act²¹. Although one boy was shot dead and several people were wounded, the Armed Forces of Liberia (AFL) denied responsibility for the violence initially. But after inquiry into the incident, 'the findings from the Disciplinary Board of the AFL concluded that a Platoon Commander and four enlisted men were guilty of indiscretion and exhibited indiscipline on August 20, 2014'²². The Commander was 'found guilty of conduct unbecoming of an officer and dereliction in the performance of duty, with a recommended punishment including demotion in rank and 30 days in correctional custody' while two soldiers under his command were found guilty of assault and arbitrary use of force, while two others were convicted of making false statements. The disciplinary board recommended they receive sentences including 30 days in custody²³.

Recommendation:

The State party should:

Provide national guidelines on the implementation of a proclamation of State of Emergency in the event of national crisis

7. Counter-Terrorism Measures

Issue 5:

Please elaborate on the definition of terrorism under article 14 (54) of the Penal Code and provide information regarding cases brought on charges of terrorism and their outcome, including the sentences imposed. Please also provide information on the legal safeguards in place for persons suspected of, or charged with, committing an act of terrorism or a terrorism-related crime.

Comments:

Article 14(54) of the Penal Code of Liberia regards that "a person has committed a felony of the first degree, a capital offense, if he unlawfully, deliberately or intentionally attempts to discharge, or discharges fire-arm, grenades, bombs, time-bombs, missiles, explosives, or other lethal devices which are likely to cause bodily injury, or place such person or group of persons in a building, outdoors or in the open space, or in a vehicle, whether or not such explosive causes bodily injury or death to

¹⁷ Better Future Foundation BFF-BFF Cautions President Sirleaf on abrupt state of Emergency, Daily Observer, Aug 11, 2014

¹⁸ The Perspective. 14 August 2014. The State Of Emergency: Where Are The Measures?. Accessed on 12 January. Retrieved from:

¹⁹ Ibid

²⁰ Ibid

²¹ Reuters. 10 November 2014. Liberia punishes soldiers involved in Ebola quarantine violence. Assessed on 12 January 2018. Retrieved from: <https://www.reuters.com/article/us-health-ebola-liberia/liberia-punishes-soldiers-involved-in-ebola-quarantine-violence-idUSKCN0IU1GW20141110>.

²² Ibid

²³ Ibid

another²⁴”. Except for this provision, no other provision exists that clearly gives a definition on terrorism.

Aries Dean, a businessman, was arrested by the Liberian National Police and charged with assault, terrorist threat and disorderly conducting himself against Maxim Blaise, another businessman²⁵. Maxim Blaise who was the complainant reported to the Police that Dean threatened to harm him and later assaulted him. Later investigations from the Police revealed that Dean alleged that the complainant killed Dean’s brother and fraudulently withdrew huge sums of money from Dean’s brother’s personal account in 2006²⁶. The Police said that Dean ‘tactically admitted to the commission of the crimes and said he was carrying out a citizen’s arrest and Blaise resisted so in an attempt to subdue the victim, he punched him to the floor’²⁷.

According to the Police charge sheet the act by Dean is in violation of Chapter 14, subchapter (B) section 14.21 (in regards to simple assault); Chapter 14, subchapter (B) section 14.24 (in regards to Terroristic Threats) and Chapter 17, section 17.3 (in regards to Disorderly Conduct) of the revised penal law²⁸.

A radio talk show host in Liberia, Henry Costa was arrested and detained on 21 March 2014 at the Monrovia Central Prison²⁹. He was charged with ‘Terrorist Threat, Menacing, and Criminal Coercion’³⁰. The complaint was filed against the journalist by Fombah Sirleaf, Director of National Security Agency and son of the country’s President. According to the lawyer of the journalist, Fombah Sirleaf filed the suit on 26 February 2014 alleging that the journalist had challenged him to a ‘fight’ on his show on a local radio station. Henry Costa was arrested but later released on bail after he fulfilled a bail of an undisclosed amount³¹.

Recommendation:

The State Party should:

Reform existing law on terrorism to clearly define acts that constitutes terrorism; the specific penalties for terrorists acts and the legal safeguards for persons accused of terrorism

8. Non-discrimination (arts. 2, 6, 7, 13, 14, 17, 25 and 26)

Issue 6:

Please provide further information on any legislation prohibiting discrimination and containing a comprehensive list of prohibited grounds for discrimination. Please specifically describe the measures

²⁴ Penal Law. Liberian Codes Revised. Vol. (4). Title 26. Articles 14(54).

²⁵ Front Page Africa-Police Charge Businessman With Assault, Terrorist Threat in Liberia. Accessed on 12 January 2018. Retrieved from: <http://frontpageafricaonline.com/index.php/news/4615-police-charge-businessman-with-assault-terrorist-threat-in-liberia>.

²⁶ Ibid

²⁷ Ibid

²⁸ Ibid

²⁹ Media Foundation for West Africa.23 March 2014. Liberia Alert: Journalist arrested, charged with Terrorism. Accessed on 12 January 13, 2018. Retrieved from: <http://www.mfwa.org/liberia-alert-journalist-arrested-charged-with-terrorism/>.

³⁰ Media Foundation for West Africa.23 March 2014. Liberia Alert: Journalist arrested, charged with Terrorism. Accessed on 12 January 13, 2018. Retrieved from: <http://www.mfwa.org/liberia-alert-journalist-arrested-charged-with-terrorism/>.

³¹ Ibid

to combat and prevent stigmatization, discrimination or abuse of (a) persons infected with or affected by HIV/AIDS, including in medical facilities, (b) persons with disabilities, including with regard to access to treatment for persons with intellectual disabilities, (c) elderly persons, (d) Ebola survivors, their families and health-care workers who worked in Ebola treatment facilities, and (e) persons living with albinism. Please describe measures that are being taken to combat and prevent discrimination against foreign nationals, including efforts to repeal article 24 (b) of the Constitution, and explain how article 27 (b) is consistent with the Covenant.

Comments:

The Liberian Constitution provides for non-discrimination, especially Articles 2, 6, 7, 13, 14 and 17. There have been instances where these provisions of the Constitution have been violated without any proper course of redress undertaken on behalf of victims. For example, Ebola survivors were denied access to their homes and isolated by communities; HIV/AIDS victims have also experienced a similar situation, including persons in same sex relationships. In addition, international non-governmental organizations like Handicap International undertake projects to improve the conditions of persons with disabilities and vulnerable persons. They have a rehabilitation clinic to meet the physical therapy and orthopaedic needs of the disabled and victims of the war³². The agency also facilitates access to education for children with disabilities. They train teachers to be able to handle the educational needs of disabled children³³.

Liberia in 2012 signed and ratified the UN Convention on the Rights of Persons with Disabilities (CRPD). Liberia has also signed and ratified other international instruments that provide a framework for the protection of persons with disabilities, such as the UN Convention on the Rights of the Child, the African Charter on Human and People's Rights, the Convention on the Elimination of All Forms of Discrimination against Women. In addition, a National Commission on Disabilities was established in 2005 with the mandate to handle the general welfare and education of persons with disabilities and with an interim management. It has not yet committed itself to its task in a significant way, mostly due to inadequate budgetary support from the government and the delay in getting it operational. It has, though, ensured the partial implementation of a disability policy and provided development funds to schools and rehabilitation centres. Liberia has a Human Rights and Disability Task Force comprising of 11 civil society organisations (CSOs). It has examined and influenced key issues for the protection and promotion of the rights of persons with disabilities in the Agenda for Transformation. The National Union of the Disabled (NUOD) has 20 members and was founded in 2009. It has become an important advocacy organisation, participating in the effort to include disability in the Agenda for Transformation. The Ministry of Health is responsible for provision of health services. However, they are poorly developed, especially in rural areas and are mostly not accessible to persons with disabilities.

Discrimination against Albinos in Liberia is so great that the Liberia Albino Society (LAS) revealed in 2015 that albinos face multiple forms of inhuman discriminations³⁴. According to LAS the discrimination includes stigmatization, social exclusion and denial of employment in both public and private sectors. Albinos face verbal abuse or even ritual killings³⁵. Albinos in Liberia are allowed to celebrate World Albinism Day established by UN General Assembly. The Government of Liberia

³² Ibid

³³ Ibid

³⁴ Liberian Observer .15 June 2015. Albinos Lament Discrimination. Accessed on 11 January 2018. Retrieved from:

³⁵ Deutsche Welle.24 July 2013. Liberian albinos fight for rights. Accessed on 11 January. Retrieved from:

collaborated with LAS in 2013 and they provided free skin cancer treatment for over 300 albinos in Liberia.³⁶

The Ministry of Gender, Children and Social Protection has the overall responsibility for promoting and monitoring disability rights and for mainstreaming disability into its activities.

Orphaned children of HIV/AIDS face discrimination and stigmatization and this hampers their social welfare, physiological needs, access to care and support, education needs³⁷. Although the Ministry of Health and National AIDS & STI Control Program (NACP) have made health easily accessible, seeking health care is more difficult for young people due to barriers in obtaining health care and lack of health education among young people. Also, people in urban areas are more likely to get tested for HIV/AIDS than those in rural areas³⁸. The Global Progress Report is produced by the Monitoring and Evaluation Department of the National AIDS & STI Control Program, Ministry of Health in collaboration with the National AIDS Commission with support from the Joint United Nations Program on HIV and AIDS (UNAIDS).

During the Ebola period, some Government hospitals were closed down. Children and women suffered the most due to lack of access to routine maternal and child care including pre and postnatal services as well as shut down of immunization for children. Some mothers had to give birth in the street since no medical facilities were available to accept them. Thus people sought for alternative treatment during the time of the Ebola³⁹.

Recommendations:

The State Party should:

1. Provide appropriate mechanism for redress for victims of discrimination, including survivors of the Ebola virus, Persons with Disabilities, Persons and Children Living with HIV and Albinos and adults in same sex relationships
2. Embark on anti-stigma and non-discriminatory public campaigns on the rights of Ebola virus, Persons with Disabilities, Persons and Children Living with HIV and Albinos and adults in same sex relationships

Issue 7:

Please indicate the extent to which domestic law prohibits all forms of discrimination on the basis of sexual orientation and gender identity. Please explain all measures being taken to combat hate speech and violence against lesbian, gay, bisexual, transgender and intersex persons, including defenders and activists. Please respond to widespread allegations that the police and justice system discriminate against those persons, including through lengthy detention without trial, failure to investigate complaints and reprisals against victims of violence. Please provide information on the number of complaints received relating to violence against lesbian, gay, bisexual, transgender and intersex persons, including by police officers, the investigations conducted, prosecutions pursued, the penalties imposed and any reparation provided to victims. Please provide information on the penalties

³⁶ VOA.25 June 2013Liberian Albinos Get Free Preventative Skin Cancer Treatment. Accessed on 11 January. Retrieved from: <https://www.voanews.com/a/liberia-albinos-preventative-skin-cancer-treatment/1689181.html>.

³⁷ National AIDS Commission (NAC).2016. Liberia HIV&AIDS Response Progress Report. National AIDS Commission (NAC).

³⁸ Ibid

³⁹ J Korkoyah, D.T. &Wreh. F.F. July 2015.Ebola Impact Revealed: An Assessment of the Differing Impact of the Outbreak on Women and Men in Liberia.

for “deviate sexual intercourse” under article 14 (74) of the Penal Code, on any enforcement of this law and any plans to repeal it.

Comments:

Article 11 of the Liberian Constitution guarantees protections to all citizens. Civil and customary laws are recognized under Article 65 of the Liberian Constitution. However they become invalid if they violate the provisions of non-discrimination or equality⁴⁰. While the Liberian Constitution protects the rights of Liberians irrespective of, *inter alia*, gender, region, education, it also criminalizes sexual activities of the following groups: Female Sex Workers (FSW) and Men who have Sex with Men (MSM). Hence they fear to get tested due to fear of arrest, prosecution, imprisonment and stigmatization⁴¹. In order to reduce public stigma of FSW and MSM, the Independent National Human Rights Commission is working with other government agencies to raise awareness on the situation of these groups and the need for them to have increase access to health. A National Investment Plan for Building a Resilient Health System (2015-2021) was developed in 2014 to replace the National Strategic Framework 2010-2015. The Strategic Framework exists to provide an overall framework to restore the loss caused by the Ebola outbreak and to provide health security for all Liberians⁴². Victims of Sexual and Gender-Based Violence through government polices receive immediate treatment which includes emergency contraception, prevention and treatment of STI, prevention of tetanus, HIV post-exposure prophylaxis (ARVs) and counselling⁴³.

Recommendations:

The State Party should:

1. Provide appropriate mechanisms for redress for victims of discrimination, including survivors of the Ebola virus, Persons with Disabilities, Persons and Children Living with HIV and Albinos and adults in same sex relationships
2. Provide measures for the protection of individuals in same sex relationships against discrimination and violence
3. Reform domestic law to prevent discrimination and violence against individuals in same sex relationships and Sex Workers

9. Gender equality (arts. 2, 3, 25 and 26)

Issue 8:

In the light of the Gender and Development Act of 2001 and the National Gender Policy adopted in 2009, please provide further information on the proportion of women in decision-making positions in both the private and public sectors. Please specify the measures being taken to promote equal representation of women in public affairs, including in executive, legislative and judicial bodies, particularly at decision-making levels, and elaborate on the meaning and impact of section 4 (5) (1) (b) of the electoral law, which indicates that political parties and coalitions shall “endeavour to ensure” 30 per cent gender representation in candidate lists and governing bodies. Please describe the measures being taken to increase voter registration and voting by women.

⁴⁰OECD (2014), Gender, Institutions and Development Database, <http://stats.oecd.org>.

⁴¹ *Ibid*

⁴² *Ibid*

⁴³ *Ibid*

Comments:

A 2009 National Gender Policy provides for the representation of women in government and in public administration and shows Government commitment to ensure gender participation in public spaces. However, generally, women representation is low. The Affirmative Action Bill that was aimed to increase female representation in the National Legislature in accordance to Article 18 of the Liberia Constitution hit a snag due to the Legislature's failure to pass the said Bill into Law.

A Gender and Development Act was adopted in 2001 for the development of the Ministry of Gender, Children and Social Protection as well as the appointment of women into ministerial positions. However, Liberia ranks 146th out of 190 countries in terms of women representation in Legislature as women account for 11.65% of elected members. In the cabinet or executive branch, only 21% are women. In local government from the village to the county level women account for fewer than 6% in terms of leadership positions. Though 40% of the Supreme Court members are women, there are only five persons in the court. In the lower courts women are just 12.5% of judges⁴⁴. The number of female representation in political parties is very low. In the twenty political parties, less than 150 females contested for elected positions. According to the National Election Commission 2017 electoral statistic, out of approximately 2.1 million votes, 48% were females while 52% were males.

Women Participation in National Government- Gender Equity by 40%:

Body/level	Title	Women	Men	Total	% of women
Cabinets	Ministers	4	15	19	21%
Senate	Senators	3	27	30	10%
House of Representatives	Representative	9	64	73	12.3%
Judiciary	Supreme Court Justices	2	3	5	40%
	Circuit court Judge	2	14	16	12.5%
	Specialized Court Judge	4	31	35	11%
	Stipendiary Magistrate	1	89	90	1.1%
	Associate Magistrate	6	207	213	2.8%
Counties	County Superintendent	4	11	15	26.7%
	Development Superintendent	3	12	15	20%
Statutory District	District Superintendent	1	47	48	2.1%
	District development Superintendent	0	32	32	0%

⁴⁴ UN Women and Ministry of Internal Affairs August 1, 2017

Administrative District	Commissioners	6	154	160	3.9%
Township	Commissioners	14	247	261	5.4%
City	Mayor	26	80	106	24.5%
Chieftdom	Paramount Chief	10	235	245	4.1%
Clan	Clan Chief	31	522	553	5.6%
General Town	General Town Chief	48	1,005	1,053	4.6%

Source: UN Women and Ministry of Internal Affairs, August 1, 2017

Recommendations:

The State Party should:

1. Pass the Affirmative Action Bill into Law to secure 30% of women representation in the national Legislature
2. Take measures to increase women’s participation in local and public level decision-making including the creation and raising of awareness of safe spaces for women

Issue 9:

Please provide information on article 20 (1) (b) of the Alien and Nationality Law of 1973, which permits only fathers to pass on Liberian citizenship to children born outside the country, and indicate any measures taken to ensure that women can transmit Liberian nationality on an equal footing, including plans to revise that law. Please provide further information on the concepts of “customary marriage” and “statutory marriage” and measures taken to ensure the equal rights of women in all marriages in law and in practice. Please clarify the legal age of marriage under customary law and address the impact of efforts to eliminate child marriage. Please explain what measures have been taken to address polygamy.

Comments:

The penal code of provides an opportunity for people born out of the country of Liberia and desirous of becoming a Liberian to meet a consult to declare his/her oath of allegiance. Howbeit, it is not known if anyone is being denied said right. So, if it is done, then it is on a lower scale. Currently in Liberia, the acceptable age for marriages in customary and statutory law, is 21 for males and 18 for females.

Recommendations:

The State Party should:

1. Reform national laws on the legal age of marriage to be consistent with each other
2. Undertake measures to eliminate child marriage in Liberia and provide remedies for victims
3. Take measures to address the issue of polygamy including providing a clear directive on the right of women to equal marriage

10. Violence against women (arts. 2, 3, 6, 7, 14, 24 and 26)

Issue 10:

Please describe all measures taken to eradicate all human rights violations perpetrated by secret societies, in particular ritualistic killings, and accusations of witchcraft, forced abductions and female

genital mutilation, including the current status of legislative efforts to criminalize female genital mutilation. Please explain what measures are being taken to (a) ensure that existing criminal laws are enforced with respect to secret societies and these traditional practices, and include information on the number of complaints received in the last five years, the investigations and prosecutions pursued, the convictions secured, the sentences imposed and reparation afforded to victims, (b) protect victims and their families who seek legal remedies from threats and reprisals, and (c) limit the influence of these secret societies and combat stereotypical attitudes toward the gender roles of women and men in Liberian society.

Comments:

The 2011 Education Law of Liberia provides that no child shall be subjected to harmful cultural practice (including FGM) during school period, however, many children of school-going age continue to undergo FGM. A National Working Group Against FGM was set up to secure the criminalization of FGM under component **16.21L** of the Domestic Violence Act. However, the 53rd Parliament of Liberia struck out a criminalization clause in the Domestic Violence Act based on the culturally sensitive nature of the practice. One week to the transition in government, an Executive Order was issued by President Johnson Sirleaf seeking to ban FGM for girls under 18 years for a year. The Executive Order nonetheless, leaves room for FGM to be performed with consent from adults.

Recommendation(s)

The State Party should:

1. Pass the proposed Bill on FGM to criminalize this practice in line with the 2010 Universal Periodic Review recommendations
2. Undertake measures to identify and prosecute acts of violence, forced abductions and ritualistic killings by secret societies
3. Embark on national awareness raising on the rights of women and the gender roles to combat discrimination against women
4. Amendment of the Liberia's Domestic Violence Law to include FGM because the executive order No. 92 is only enforceable for one year

Issue 11:

In the light of the widespread sexual violence against women and girls, please provide detailed information on efforts to ensure the effective enforcement of the Rape Law of 2005 and address impunity for sexual violence in all parts of the country, including any measures to (a) encourage victims of sexual violence to report such crimes, (b) strengthen law enforcement and prosecutorial capacity to respond appropriately to complaints of sexual violence, and (c) provide support to victims of sexual violence, including by expanding access to one-stop centres. Please address the activities and impact of Criminal Court "E" and the sufficiency of its mandate, budget and human resources, and any measures taken to strengthen and replicate this Court. Please indicate the number of complaints of rape and other acts of sexual violence received in the last five years, investigations effectively carried out, prosecutions and convictions secured, the nature of the sentences imposed and the reparations granted to victims, including with respect to acts committed during the conflict. Please address measures taken to implement the recommendations of the Committee on the Elimination of Discrimination against Women (see CEDAW/C/LBR/CO/7-8) regarding violence against women.

Comments:

No information available from the NGOs.

Issue 12:

In view of the prevalence of domestic violence against women in Liberia, please provide further information on the content and status of the Domestic Violence Bill introduced to the House of Representatives in January 2016. Please indicate what other measures have been pursued to combat domestic violence, including marital rape, and what training has been provided for law enforcement officials and health-care and judicial personnel. Please address support mechanisms for victims of domestic violence.

Comment:

The Domestic Violence Bill was passed by members of Parliament in 2017 but was not signed by the former President Sirleaf. Thus, the former President was prompted to issue an Executive Order on Domestic Violence prior to her departure from office. The Executive Order on Domestic Violence (E.O. No. 92), section one, (Jan. 19, 2018), adopts a broad definition of what amounts to domestic violence. It is “in general any act that results in, or is likely to result in, physical, sexual or psychological harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life between parties in an existing or former domestic relationship.” According to the Ministry of Gender, Children and Social Protection 2015 and 2016 reports, incidences of rape, ritualistic killing were on the raise.

In relation to training of law enforcement officers and judicial personnel on domestic violence, the rape law and the rule of law, the Association of Female Lawyers in Liberia (AFELL) and the Rural Human Rights Activist Program (RHRAP) in partnership with the Judicial Institute has provided training to law enforcers in Lofa, Bong, and Nimba counties under the European Union sponsored access to justice project. However, there is still a gap in ensuring that other law enforcers in other parts of the country are trained.

11. Voluntary termination of pregnancy (arts. 3, 6, 7, 17 and 26)

Issue 13:

Please provide information on the annual level of teenage pregnancy, the rate of maternal mortality resulting from unsafe abortions and measures taken to address these phenomena. In the light of article 16 (3) of the Penal Code, please provide information regarding the number of official abortions and estimated clandestine abortions performed annually in Liberia. Please elaborate on the requirement that two physicians must authorize a voluntary termination of pregnancy and indicate whether a denial can be effectively challenged. Please report on awareness-raising efforts regarding reproductive health, including to combat the stigmatization of the voluntary termination of pregnancy, and steps taken to ensure that men, women, boys and girls in all regions of the country have access to contraceptives and sexual and reproductive health education and services.

Comments:

Young girls in Liberia are exposed to sex by age 9, and about 3 out of 10 Liberian girls get pregnant before the age of 18. The Liberian Penal Law was amended to incorporate new abortion provisions. Under Section 16.3 of the Law, the performance of abortions is prohibited except when a licensed physician believes that there is a substantial risk that continuation of the pregnancy would gravely impair the physical or mental health of the mother, or that the child would be born with a grave physical or mental defect, or that the pregnancy resulted from rape, incest, or other felonious intercourse. Intercourse with a girl under 16 years of age is forbidden and deemed felonious for the purpose of the law.

As a result of this law, many girls cannot legally use abortion because their pregnancies are often due to poverty or lack of information about appropriate sexual behavior. In view of the high rate of abortions among girls, the Government of Liberia has established a program called Family Planning Services within the Ministry of Health, Social Welfare and the Family Planning Association of Liberia to provide contraception for adolescents regardless of marital status. The Government's target is to provide contraceptives to all couples and individuals desiring to use them.

Recommendations:

The State Party should:

1. Undertake nationwide awareness on sexual and reproductive health rights (including legal abortion) in order to forestall the commission of illegal and clandestine abortion
2. Develop national action plan on Sexual and Reproductive Health Services and upscale services for young people

12. Right to life, liberty and security of persons (arts. 6, 7, 9 and 11)

Issue 14:

Please comment on how the reintroduction of the death penalty in the Criminal Procedure Law is compatible with the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and article 6 of the Covenant. Please indicate (a) the crimes for which the death penalty may be imposed under domestic law, (b) whether the death penalty can be imposed on juveniles and pregnant women, (c) the number of death sentences handed down since 2008 and for what crimes, and (d) the number of persons currently under sentence of death. Please explain any plans to reinstitute de jure abolition of the death penalty.

Comments:

Murder is punishable by death under the 1976 Penal Law but was not reintroduced as a capital offense under the 2008 criminal law amendment. The status of capital provisions under the 1976 law is ambiguous. However, in practice, the courts continue to treat murder as punishable by death. In 2009 and 2010, Liberian courts handed down death sentences for crimes of murder, and in 2013 sentenced a man to death for murder and rape. Under Liberian law, causing the death of a person while committing, attempting to commit or fleeing after committing certain felonies or a felony "involving force or danger to human life" leads to a presumption that the death was caused "under circumstances manifesting extreme indifference to the value of human life." If this presumption is not rebutted, this indifference meets the level of intent required for murder.

Armed robbery resulting in death of a victim is subject to the death penalty by hanging. Armed robbery resulting in death was punishable by death under the 1976 Penal Code. The 2008 amendment, which reintroduced capital punishment, made only minor changes to its definition (expanding the definition of force to the use of harmful chemical or biological substances).

Liberian law defines the crime of "mercenaryism" as supporting or participating in armed forces intending on invading the territory of another state or opposing its process of self-determination solely for material gain. Mercenaryism was punishable by death under the 1976 Penal Law when it results in the death of a non-mercenary, but it was not reintroduced as a capital offense under the 2008 criminal law amendment. The status of capital provisions under the 1976 law is ambiguous. It is possible that, in practice, mercenaryism resulting in death is a capital offense in Liberia.

Terrorism and hijacking resulting in death are also death-eligible even in the absence of intent to cause loss of life. Discharging or attempting to discharge a firearm, explosive or lethal device likely to cause bodily injury is punishable by death “if a death occurs during the commission of the crime.” Hijacking, defined as commandeering a vehicle or airplane at gunpoint or by threatening life by any other means is also punishable by death if a death occurs during the commission of the offense. Both offenses may also result in a sentence of life imprisonment without the possibility of parole.

Both terrorism and hijacking were punished by death under the 1976 Penal Law. The status of capital provisions under the 1976 law is ambiguous. Terrorism and hijacking were both reintroduced as capital offenses in 2008 with amended definitions. Under the 1976 law, the law used mandatory language to impose capital punishment, did not provide alternative sentences, and mandated that the hanging would be carried out in public. Moreover, hijacking was punished by death regardless of whether death, personal injury or property damage ensued.

Treason resulting in death was punishable by death under the 1976 Penal Law, but was not reintroduced as a capital offense under the 2008 criminal law amendment. The status of capital provisions under the 1976 law is ambiguous. It is possible that, in practice, treason resulting in death is a capital offense in Liberia. Treason consists of war, rebellion, or mutiny against the state, assisting an enemy, and crimes abrogating or undermining the Constitution.

A treasonable act of espionage resulting in death was punishable by death under the 1976 Penal Law but was not reintroduced as a capital offense under the 2008 criminal law amendment. The status of capital provisions under the 1976 law is ambiguous. It is possible that, in practice, espionage resulting in death is a capital offense in Liberia.

Liberia reintroduced the death penalty in 2008. Since then, courts have handed down at least 20 death sentences, but some may have been overturned on appeal or benefitted from a pardon. In February 2015, Liberia stated to the UN Human Rights Council that there were 9 people on death row. A coalition of NGOs working on death penalty issues, however, reported that there were 16 people under sentence of death around the same time.

Recommendations:

The State Party should:

1. Ratify the Second Optional Protocol on the Covenant
2. Institute measures to commute all persons on death roll to life imprisonment

Issue 15:

Please address the extent to which article 5 (6) of the Penal Code limits the use of force by law enforcement officials to the amount strictly necessary for responding to the threat, as required by the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and explain the steps taken to ensure these standards in practice. Please provide updated information on the status of the Use of Force Regulation mentioned in the State party’s report (CCPR/C/LBR/1, para. 52). Please elaborate on the existing training, oversight and accountability mechanisms to ensure that police forces comply with the provisions of the Covenant, including in addressing mob violence. Please also provide information on efforts to address the detention of citizens by police officers or magistrates for debt, corruption in the police forces and citizen’s alleged lack of trust towards the Liberia National Police. Please address reports of excessive use of force, arbitrary arrests and detentions by police officers, and provide information on any prompt investigations of such incidents that have been conducted and any prosecutions, convictions or penalties imposed. In particular, please provide further information regarding reports of excessive use of force at, inter alia, the Butaw riots of May 2015 and the 2013 protests at the Equatorial Palm Oil plantation. Please also provide information on the estimated number of victims of arbitrary arrests and detentions and

excessive use of force by the police, and indicate whether prompt investigations were conducted and the results, including any sanctions imposed on the police officers responsible and any changes to police practices.

Comments:

The Liberian government partners with UN and other agencies to improve the conditions of prisoners and detainees⁴⁵. Monrovia Central Prison that suffers from the lack of sanitation is one of the key targets. The government and its partners put up a 10 year national plan that aims to improve the conditions of prisoners⁴⁶. They have made efforts to put up new detention facilities. For example, the Sanniquellie Central Prison was constructed in 2010⁴⁷. Under the Statement Mutual Commitment (SMC) Programme the government and its developing partners set up the Magistrate Sitting Programme at Monrovia Central Prison and later expanded it to all magistrate courts in Montserrado, Bong, and Minbaand and Lofa⁴⁸. The Montserrado programme disposed of about 565 cases in 5 months from August to December 2013.⁴⁹ This decreased the number of pre-trial detainees.

In 2011, the Government of Liberia concluded with the UN and other partners the removal or expansion of the Monrovia Central Prison to Cheesmanburg, Montserrado County. Prior to the spread of the Ebola Pandemic in Liberia, in 2014 the administrative block of the new MCP was completed while the first cellblock was under construction. The new MCP was intended to sit on 30 acres of land but unfortunately has come to a halt due to funding⁵⁰. As of September 2015, the Bureau of Correction and Rehabilitation released a report on the categories of prison staff⁵¹. This included an existing list of 234 trained staffs and 119 untrained correctional officers working nationwide⁵². Out of the total of 234 corrections officers working, 44 were females⁵³. 41 of the 234 had attended management training while 22 had attended the “training of trainers’ workshop”⁵⁴. 14 had attended the advanced training of trainers’ workshop and 9 had completed the Certified Training of Trainers⁵⁵.

As of August 2016, prisons records across Liberia show a total number of 2,354 (1,960 in prisons and 394 in detention facilities) – the majority (1,297 or 55%) of them being pre-trial detainees⁵⁶. The Liberia Prison administration has a total of 15 establishments by 2015 with the largest being Monrovia Central Prison.⁵⁷ The total prison population in Liberia is 2,023 as of September 2016. This includes pre-trial detainees / remand prisoners.⁵⁸

⁴⁵ INCHR.2015. Report On Prisons and Prisoners. Accessed on 12 January. Retrieved from: <http://inchriliberia.com/index.php/our-reports/report-on-prisons-and-prisoners>

⁴⁶ Ibid

⁴⁷ Ibid

⁴⁸ Ibid

⁴⁹ Ibid

⁵⁰ Ibid

⁵¹ INCHR.2015. Report On Prisons And Prisoners. Accessed on 12 January. Retrieved from: <http://inchriliberia.com/index.php/our-reports/report-on-prisons-and-prisoners>

⁵² Ibid

⁵³ Ibid

⁵⁴ Ibid

⁵⁵ Ibid

⁵⁶ World Prison Brief. Accessed on 12 January. Retrieved from:

<http://www.google.com.gh/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwjE6vnSztnYAhXjBcAKHRFmCu8QFggoMAA&url=http%3A%2F%2Fwww.prisonstudies.org%2Fcountry%2FLiberia&usg=AOvVaw3jupQkevrQX1ln8PSAIZ-4>

⁵⁷ World Prison Brief. Accessed on 12 January. Retrieved from:

<http://www.google.com.gh/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwjE6vnSztnYAhXjBcAKH>

Pre-trial detainees and remand prisoners are about 63.0% of prison population. Female prisoners are 1.3 % of prison population. Juveniles or minors (under 18) are 1% of prison population. Foreign prisoners are 2.0% of pre-trial detainees. Official capacity of the prison system was 1,270 in December 2015⁵⁹. Occupancy level (based on official capacity) was 165.7% in December 2015⁶⁰.

Prison Population Trend

Year	Prison Population Total	Prison Population Rate
2007	1,022	29
2009	1,420	37
2011	1,601	39
2013	1,827	43
2015	2,203	49
2016	Total in take – 7,655	55%
2017	Total in take- 7,638	53%

Source: World Prison Brief Data (2015-2017)

Recommendations:

The State Party should:

1. Provide appropriate measures to decongest the prison facilities and places of detention, including adopting policies that reduce the detention of persons on remand
2. Establish an independent mechanism to investigate complaints of use of force by law enforcement agencies, especially in regards to the Butaw riot
3. Provide legal remedies and reparation for victims who report abuse by law enforcement agencies during the Butaw riot

13. Trafficking in persons, forced and child labour (arts. 7, 8 and 24)

Issue 16:

Please provide further information about any efforts to effectively detect, prevent and investigate cases of trafficking and punish the perpetrators, particularly with respect to internal trafficking,

<http://www.prisonstudies.org/country/Liberia>

⁵⁸ Ibid

⁵⁹ Ibid

⁶⁰ Ibid

including of children. Please provide the Committee with the specific data from the last five years on the number of complaints of human trafficking received, the investigations and prosecutions pursued, the convictions secured, the nature of the sentences imposed and the reparation and protection afforded to victims, disaggregated by internal and international trafficking. Please provide further concrete information on the progress of the zero-tolerance five-year action plan, including the impact of the national referral mechanism and the 199 anti-trafficking hotline, and the status of efforts to ensure easy identification and profiling of trafficking victims. Please address concrete measures taken to (a) train judges and prosecutors and otherwise increase effective investigations and prosecutions of trafficking offences, including by Liberian nationals and government officials, (b) combat corruption in this area, and (c) provide witnesses with effective support and protection. Please elaborate on the specific measures available to victims under the second pillar of the action plan, including access to medical and psychosocial assistance and transit shelters.

Comments:

The government has not convicted any traffickers in three consecutive years and has never convicted a Liberian trafficker under the 2005 law, despite the prevalence of internal trafficking. The government maintained minimal anti-trafficking law enforcement efforts. The 2005 Act to Ban Trafficking in Persons prohibits all forms of trafficking and prescribes a minimum sentence of one year's imprisonment for the trafficking of adults and six years of imprisonment for the trafficking of children, but does not include a maximum sentence for the trafficking of adults. The prescribed penalties for child sex and labor trafficking are sufficiently stringent, but those prescribed for trafficking of adults are not. The penalties for adult and child sex trafficking are not commensurate with those for other serious crimes, such as rape. The government reported four investigations, two prosecutions, and no convictions during the reporting period, compared with two investigations, two prosecutions, and no convictions the previous reporting period. It initiated two potential trafficking investigations and continued two investigations and prosecutions initiated during previous reporting periods. One prosecution involved a foreigner residing in Liberia allegedly responsible for the exploitation of 16 Liberian women in Lebanon.

The first trial began in September 2015 and resulted in a hung jury in January 2016; the second trial began in March 2016 and the judge acquitted the defendant of all charges in September 2016. The alleged middleman in the case remained at large. The second prosecution involving four defendants, including two Liberians, charged with migrant smuggling and human trafficking for attempting to sell a Sierra Leonean girl was ongoing at the end of 2016 reporting period. Despite the identification of four trafficking victims through a joint government-NGO hotline, the absence of collaboration between government entities and some victims' reluctance to press charges against alleged traffickers resulted in law enforcement not investigating any traffickers in connection with the cases.

The Women and Children Protection Section (WACPS) of the Liberian National Police (LNP) was responsible for investigating trafficking cases. LNP did not receive any dedicated anti-trafficking funding or support, and therefore lacked the basic resources and investigative equipment to fully respond to and investigate allegations of trafficking, especially outside the capital. The government did not provide or support anti-trafficking training for officials, and labor inspectors, police, prosecutors, and judges lacked the skills and knowledge necessary to identify, investigate, and prosecute trafficking offenses. Unlike in previous years, LNP section heads did not receive training on reporting suspected trafficking cases to the WACPS. Anti-trafficking training was a component of the WACPS mandatory orientation for new officers, but it was unclear how many WACPS officers received this training during the reporting period. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, serious complicity allegations and judicial corruption remained, inhibiting anti-trafficking law enforcement action during the reporting period. NGOs and officials alleged some government employees had child domestic servants and exploited children in street hawking.

The Government maintained minimal efforts to prevent trafficking in persons. The anti-trafficking taskforce, which was responsible for coordinating anti-trafficking efforts across the government, did not hold regular meetings or have an operational budget to fund activities, which severely hampered inter-ministerial coordination and the government's overall ability to combat trafficking. Due to a continued lack of funding and poor logistical coordination, the taskforce did not implement any activities in the 2014-2019 anti-trafficking national action plan. The government did not allocate any funding specifically for anti-trafficking activities. During the reporting period, the government and an NGO established a hotline to report trafficking cases, and the government trained and paid the salaries of six Ministry of Labor employees to run the hotline 24 hours a day; in practice, however, only two of the six employees staffed the hotline during the day, and no employees staffed the hotline during the evenings or at night. Through reports to the hotline, the government and an NGO identified and referred for assistance, four trafficking victims; due to a lack of communication between entities, however, officials did not investigate any alleged traffickers in connection with those victims.

The National Legislature passed the National Migration Policy, which aims to manage and mitigate the risk of transnational crimes, including trafficking, and proposes expanding rehabilitation and reintegration services for trafficking victims and implementing a referral system for trafficking victims to legal services; authorities launched the policy in January 2017. LNP, with funding from and in collaboration with an international organization, conducted human trafficking awareness classes for students in the capital. The government provided anti-trafficking training for its diplomatic personnel. Cornell participated in a training program for Liberian judges and lawyers. The training, led by Lawyers Without Borders, focused on criminal prosecution of trafficking-in-persons offenses. The Cornell Law School team developed and delivered the international law component of the program. The program's international faculty also included four U.S. federal judges and attorneys from law firms. The aim of this program was to improve the capacity of the Liberian justice system to effectively prosecute traffickers. The training was made possible by a sub-grant to Lawyers Without Borders by World Hope International under a grant from the Office to Monitor and Combat Trafficking of the U.S. Department of State.

The government and NGOs identified five potential trafficking victims, compared with two identified the previous reporting period, and provided assistance to 25 suspected trafficking victims repatriated from Guinea. The taskforce, in coordination with the Ministry of Gender, Children and Social Protection (MOGCSP), is responsible for coordinating victim care. However, the Ministry did not receive a budget for victim protection, so it either referred victims to NGOs or requested emergency funds from MOGCSP to care for specific trafficking victims.

MOGCSP provided emergency funding to shelter 25 potential Liberian child trafficking victims after their repatriation from Guinea in 2016. The Government had one shelter for victims of sexual and gender based violence run by MOGCSP that could also accommodate trafficking victims. It could not provide trafficking-specific services or accommodate long-term stays, however, so authorities referred most victims to NGO shelters or private facilities for abused women and girls. NGO shelters and MOGCSP facilities could also care for male victims, although none reported having a male trafficking victim requiring care. The Ministry of Health provided some medical and psycho-social support to the 25 potential trafficking victims. In part due to a lack of communication between the government and NGOs, the government did not report providing services to the five potential trafficking victims identified during the reporting period. An NGO referred four potential trafficking victims to an NGO shelter and one potential victim to a community member for temporary shelter because the NGO and government shelters were full. The government relied on one NGO shelter for sexual and gender-based violence victims to provide all other trafficking victim care, including shelter, legal representation, food, vocational training, and family reunification. The NGO shelter could care for both foreign and domestic trafficking victims, among other victims of crime.

Shelters are limited, so victims often stay up to three months. Shelter and services for males and services specifically for victims with disabilities, were extremely limited or unavailable in most part

of the country. Adult victims were sometimes allowed to leave the shelters at will; in some cases, however, shelter workers restricted victims from leaving, citing concerns reportedly for their safety and/or to protect the integrity of the testimony at trial. The Government did not provide any financial assistance to trafficking victims.

The draft National Referral Mechanism to direct victims towards services, developed by the Taskforce in the previous reporting period in 2016, did not receive approval by the Ministries of Labor and Justice for the second year. As a result, the Government remained without a formal referral process. Agencies responsible for referring victims to services rarely coordinated such efforts, which may have resulted in delayed care for victims. Authorities reported that the majority of law enforcement, immigration, and social services personnel lacked training on victim identification and interim referral procedures, which they cited as one of the greatest challenges to successfully investigating and prosecuting cases and ensuring victims received care. Despite this shortcoming, the Government did not provide or support training on such measures during the reporting period. The Government did not systematically encourage victims to participate in investigations and prosecutions of their traffickers, but it sometimes provided victims with shelter, transportation, and food allocations to offset the costs of participating in a trial. Thus, trafficked victims received this assistance during the reporting period. The anti-trafficking law provides for restitution and victims could file civil suits against their traffickers, although no victims filed such suits during the reporting period. While the government did not have a formal policy that provides alternatives to removal to countries in which victims would face retribution or hardship, it could offer alternatives, including temporary residency, on a case-by-case basis. There are no reports that the Government detained, fined, or jailed victims for unlawful acts committed as a direct result of being subjected to trafficking. However, due to a lack of training on victim identification and the absence of measures to screen for trafficking among vulnerable populations, such as people in prostitution, it was possible that victims remained unidentified in the system.

Recommendations:

The State Party should:

1. Develop a systematic response to identifying, tracking and reporting on trafficking cases
2. Build the capacity of, and adequately resource judges and prosecutors to improve investigations and prosecution of cases of trafficking
3. Adopt a policy on remedies and reparation for victims of trafficking, including measures on rescuing child victims and provision of protection for witnesses of trafficking

Issue 17:

Please respond to reports of incidents of forced labour and the worst forms of child labour, particularly involving women and children working as street vendors, domestic servants or beggars and in the rubber, rock quarry, and gold and diamond mining sectors. Please provide information on the incidence of forced labour and the worst forms of child labour in the State party and on the investigations and enforcement actions taken. Please also provide information on concrete measures taken to raise awareness and prevent incidents of forced labour and hazardous child labour, and to ensure that such practices are reported, investigated and the perpetrators punished with appropriate penalties and that victims are afforded protection and rehabilitation.

Comments:

On the elimination of the worst forms of child labor, the Government launched an awareness project to reduce the use of children for street vending in urban cities, developed a draft National Action Plan to combat the worst forms of child labor, and published data on its law enforcement efforts to address child labor. However, children in Liberia perform dangerous tasks in the production of rubber, and mining gold and diamonds. They also engage in the worst forms of child labor, including in forced

domestic work. The Liberia National Police' Women and Children Protection Section and the National Commission on Child Labor continue to lack sufficient resources to conduct investigations and enforce child labor laws. A key gap in the legal framework is that the compulsory education age is lower than the minimum age for work by one year.

Children trafficked within Liberia are sometimes victims of commercial sexual exploitation, domestic work, forced begging, and forced labor in street vending, alluvial diamond mines, and on rubber plantations. Children are also trafficked from Liberia to Côte d'Ivoire, Guinea, Nigeria, and Sierra Leone. There is also a contrast in child labor activities in rural versus urban communities. Children in rural communities, like Margibi County, engage in rubber tapping and coal burning activities to a greater degree, whereas children in urban cities and surrounding communities, particularly Monrovia and the communities in Montserrado County, crush rocks near deposits. The Government has yet to collect comprehensive data on child labor activities in farming and construction to inform policies and social programs.

Section 9 of the Children's Law mandates free primary education. Many schools, however, continue to charge fees or impose mandatory requirements, like uniforms and supplies, limiting access to education for some children. Barriers to education that may prevent children from attending school and increase their risk of engaging in the worst forms of child labor include limited or overcrowded schools and sexual abuse of girls by male teachers in schools. Liberian parents are required by law to register their infants within 14 days of birth. Birth registration is technically required in order for parents to enroll their children in school. However, fewer than 5 per cent of births are registered. Children who are not enrolled in school are more vulnerable to the worst forms of child labor.

Recommendations:

The State Party should:

1. Comply with the Anti-trafficking law on the provision of restitution and remedies for victims of trafficking including the provision of shelters and reintegration of victims
2. Set up community-response structures to assist families regarding access to information on where to report cases of trafficking
3. Implement the National Action Plan to Combat the worst forms of Child Labour, including the provision of a mechanism for identification and reporting of cases on child labour
4. Finalize and adopt the National Referral Mechanism on Anti-Trafficking to aid in victim identification and tracking by law enforcement
5. Undertake nationwide training of law enforcement agencies, judiciary and other Anti-trafficking agencies on the law on trafficking and on the National Mechanism on Anti-Trafficking

14. Treatment of persons deprived of their liberty (arts. 6, 7, 10 and 24)

Issue 18:

Please provide current data on overcrowding in prisons, indicating the number of prisoners and official capacity, disaggregated by facility. Please indicate any additional measures taken to tackle this problem, including any plans to resume construction of the Cheesemanburg facility. Given the high rates and lengthy periods of pretrial detention, please provide information on (a) the development and implementation of non-custodial alternatives, including bail or release on parole, (b) the annual budget devoted to the Ministry of Justice for detention centres, (c) all measures taken to address inhumane and degrading prison conditions, and (d) whether the law for compassionate release of prisoners has been implemented. Please provide information on the annual number of deaths of persons in detention in the last five years, disaggregated by place of detention and cause of death, and indicate

what investigations were conducted and their results. Please indicate what measures have been taken to ensure that minors are held in pre-trial detention only as a last resort and are not detained with adults. Please provide information on the mechanisms for monitoring places of detention and indicate whether the results of any monitoring or investigations into abuse are made public. Given the high rates and lengthy periods of pre-trial detention, please provide information on (a) the development and implementation of non-custodial alternatives, including bail or release on parole, (b) the annual budget devoted to the Ministry of Justice for detention centres, (c) all measures taken to address inhumane and degrading prison conditions, and (d) whether the law for compassionate release of prisoners has been implemented.

Comments:

The very poor conditions of prisons and detention facilities across Liberia, and the inhuman treatment of prisoners, continue to be of grave concerns. Despite some notable efforts on the side of the Government of Liberia with support from the UN and other partners especially over the last six years, violations of the rights of persons detained or incarcerated continue unabridged. Since 2011, there has been a systematic increase in the number of prisoners. As of August 2017, prisons records across Liberia show a total number of 2,354 (1,960 in prisons and 394 in detention facilities) – the majority 1,297 (about 55%) of them being pre-trial detainees. Unfortunately, not much is being achieved to address the high prevalence of pre-trial detainees and the poor conditions of prisoners and prisons.

There have been calls by the Supreme Court urging magistrates to avoid illegal detention which has been contributing to the massive overcrowding of the Monrovia Central Prison. Sanniquellie Central Prison in Sanniquellie City, Nimba County for example, faces serious congestion as the 70 capacity prison now accommodates nearly 200 inmates. The Magistrate Sitting Program was designed to fast-track cases that involve pre-trial detainees but conditions have not improved as the prison, built for a little over 300 prisoners now has an estimated 2,203 prisoners. Besides the overcrowding issue, prisoners are also enduring food shortages, lack of sanitary facilities, inadequate medical care, inadequate space, bedding and the lack of mosquito nets.

The Constitution of the Republic of Liberia forbids torture or other cruel, inhumane or degrading treatment or punishment against any citizen. In spite of all this, Police Officers and other Security Officials allegedly abused, harassed, and intimidate persons in Police custody to extort money, out of personal animosity, or for other reasons, according to the U.S. State Department report. According to Criminal Procedure Law Chapter 13.5, a magistrate or judge should use his/her discretion to allow for a lawyer or prominent individual in the community to sign for a defendant when the need arises. However, innocent Liberians are occupying the notorious prisons simply because their case has not come up on the docket or because someone with money filed a complaint for petty and misdemeanour crimes.

The Liberian Government, in conjunction with UN and other development partners, has taken some positive steps such as improving sanitation in Monrovia Central Prison and including prison health services in a 10-year national health and policy plan. There have been efforts to construct additional and modern prisons facilities as in the case of the Sanniquellie Prison constructed in 2010 with funding from the UNPBF and to renovate and expand existing prisons as in the case of the Gbarnga, Voinjama and Harper Central Prisons also with support from the UNPBF and the Justice and Security Trust Fund (JSTF). Some of these efforts include recruitment, training and deployment of additional Corrections Officers to the counties as well as setting up of efficient record keeping system at the Prisons to keep records of each prisoner.

In 2011, the Government of Liberia concluded with the UN and other partners in either the removal or expansion of the Monrovia Central Prison (MCP) to Cheesmanburg, Montserrado County. Prior to the spread of the Ebola Pandemic in Liberia, in 2014 the administrative block of the new Monrovia Central

Prison was completed while the first cell block was under construction. The new MCP was intended to sit on 30 acres of land but unfortunately has come to a halt due to funding.

The Prison Fellowship of Liberia (PFL) and its Pro-Bono Attorneys have been involved in the decongestion of the over-crowded prisons, especially the Monrovia Central Prison since 2009. Similar pro bono legal aid services are also been provided by the Rural Human Rights Activist Program (RHRAP) and the Association of Female Lawyers in Liberia (AFELL) in Bong, Lofa and Nimba counties, which host some of Liberia's largest detention facilities apart from Monrovia. Intervention in that respect has taken the form of defending pre-trial detainees and follow-up of inmate cases in the community.

Recommendations:

The State party should:

1. Repeal the Criminal Procedure Law Chapter 13.5 that gives powers to a magistrate or judge to use his/her discretion to permit specifically a lawyer or prominent individual in the community to sign bails on behalf of defendants
2. Provide legal remedies for pre-trial detainees to seek redress via appeal through existing Legal Aid Schemes.
3. Develop and adopt a policy on non-custodial alternatives for detainees
4. Improve the conditions of prisons and places of detention by regularly providing sanitary, bedding and health facilities for detainees
5. Enforce the law on illegal detentions and provide legal remedies for detainees to adequately appeal illegal sentences
6. Construct and renovate prison facilities as well as the provision of rehabilitation services for inmates in all prison facilities
7. Provide improved medical care for inmates, and special attention to female and juvenile inmates
8. Improve the separation of prison categories
9. Strictly adhere to the 48 hours statutory period by police officers
10. Construct, renovate and improve sanitation of police withholding cells

15. Rights to due process and a fair trial (arts. 2, 9, 14 and 15)

Issue 19:

Please describe concrete measures taken to ensure that the procedural rights of persons in the justice system are effectively respected in practice, including the rights of detained persons to (a) be brought promptly before a court, (b) have a meaningful opportunity to challenge the lawfulness of their detention, (c) have prompt access to counsel, and (d) be brought to trial in a reasonable time. Please provide further information on the steps taken to ensure access to the courts for those who cannot afford legal counsel or court fees.

Comments:

Hundreds of prisoners were held in extended pre-trial detention in overcrowding jail and centres that lack sanitation and health care. In 2009 only about 10% of the 800 detained in Liberia prison had been

convicted of a crime⁶¹. But in June 2009 the President Sirleaf took a step to improve the situation by replacing the Ministers of Justice and National Security, the Solicitor-General, and the Director of the Liberia National Police, among others⁶². President Sirleaf also ordered a pre-trial of detainees in Monrovia's central prison⁶³. Consequently, hundreds of detainees serving minor sentences or having served enough time were released.

The Government with support from its partners, set up and implemented the Magistrates Sitting Program at the Monrovia Central Prison and later expanded the program to all magistrate courts in Montserrado, as well as the three capital cities in Bong, Nimba, and Lofa counties. The program, operating out of eight magistrates' courts in Montserrado County, disposed a total of 568 cases in five months from August to December 2013. When the program was adequately running, the number of pretrial detainees decreased significantly, an impact worthy to note. Jail delivery, which is a version of the program in other counties, and the involvement of county attorneys who visit and assess pre-trial detention at corrections facilities, had a positive impact on pre-trial detention in Buchanan, Kakata, Sanniquellie, Tubmanburg and Voinjama prisons. As a result, the lower average admission rate recorded in November 2013 contributed to the constant population experienced part of 2014⁶⁴.

Recommendations:

The State party should:

1. Upscale the work of the Magistrate Sitting Program to all prisons and places of detention to speed up trials of pre-trial detainees
2. Provide adequate resources for prosecutors and judicial officers to undertake effective prosecution, case management and adhere to criminal procedures
3. Strengthen National Legal Aid Scheme
4. Speedy hearing of cases by the courts; and ensure the use of probation and parole services
5. That the Supreme Court mandate or ensure the introduction of Fast Track Hearing at Prison Facilities in other counties.
6. Legalization of the Alternative Dispute Resolution (ADR) in the court's system to work towards addressing overcrowding in Prison Facilities.
7. Deployment of more public defenders in the counties by the Judiciary

Issue 20:

Please provide information on measures taken to ensure the independence of the judiciary, including the meaning of "good behaviour" under article 71 of the Constitution, and on measures to root out corruption in the judicial system, including among judges, prosecutors and jurors. Please provide further information on any impunity clauses in the Constitution, particularly article 97 of the Constitution and its compatibility with the provisions of the Covenant.

Comments:

There is an apparent weakness in the Liberian judicial system, which is attributed to insufficient judicial personnel, including prosecutors and public defenders, limited court infrastructure and logistics, obsolete rules of procedure, and poor case management. Unprofessional, corrupt, and, in a few

⁶¹ Ibid

⁶² Ibid

⁶³ Ibid

⁶⁴ The Third Outcome Review of Progress in the implementation of the SMC on peace building in Liberia - PBC/8/LBR/1 – April 16, 2014.]

cases, criminal practices by judicial staff continue to lead to abuses. The Constitution under Article 71 prohibits any Court to challenge an executive, legislative, judicial or administrative action taken by Government or for the Courts to provide remedies for victims of the consequences of such action—thereby Constitutionally averting the mandate and undermining the authority and independence of the judiciary in light to any decision or action Government deems appropriate. No actions have been taken by Government inconsideration of a revision of this constitutional provision.

Recommendations:

The State Party should:

1. Adopt an explanation of the meaning of “good behaviour” under Article 71 of the Constitution that is required for the retention of Chief Justice and Associate Justices of the Supreme Court in office
2. Review the inhibition placed on any Court in Liberia to challenge an executive, legislative, judicial or administrative action taken by Government or for the Courts to provide remedies for victims of the consequences of such action

16. Rights of refugees and asylum seekers (arts. 6, 7, 10 and 13)

Issue 21:

Please describe the legal and institutional frameworks for refugee status determination and protection, and for ensuring respect for the principle of non-refoulement. Please respond to allegations of removals of Ivorian refugees in 2014 contrary to the principle of non-refoulement, and indicate any measures taken to prevent such removals in the future.

Comments:

The Refugee Act of 1993 provides for the granting of asylum or refugee status. The government has an established system for providing protection to refugees and grants refugee status and asylum. In terms of temporary protection, the government provided temporary protection to individuals who may not qualify as refugees. The government, with UNHCR and other implementing partners, continued to provide protection to Ivoirian refugees who entered the country after November 2010. As of the end of October, approximately 15,000 Ivoirian refugees remained in the country.

Refugees in Liberia are protected by Refugee Act of 1993⁶⁵. The Act provides for refugee application, extension of refugee status, illegal refugees, families of recognized refugees and rights and duties of refugees. In section 3 subsections 1 to 4 of the Refugee Act, 1993 a refugee is a person who satisfies one more of the following conditions;

- (1) Subject to the provisions of this section, a person shall be a refugee for the purposes of this Act if
 - a. owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, he is outside the country of

⁶⁵ Liberia: Refugee Act, 1993, 19 January 1994, available at: <http://www.refworld.org/docid/3ae6b4f31c.html> [accessed 12 January 2018]

- his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or⁶⁶
- b. not having a nationality and being outside the country of his former habitual residence, he is unable or, owing to well-founded fear of being persecuted for reasons of race, religion, membership of a particular social group or political opinion, is unwilling to return to it; or⁶⁷
 - c. owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, he is compelled to leave his place of habitual residence in order to seek refuge in another Place outside his country of origin or nationality; or⁶⁸
 - d. he has been considered a refugee under the Arrangements of the 12th May, 1926, and the 30th June, 1928, or under the Conventions of the 28th October, 1933, and the 10th February, 1938, the Protocol of the 14th September, 1939, or the Constitution of the International Refugee Organization; or⁶⁹
 - e. he is a member of a class of persons declared in terms of subsection (2) to be refugees.⁷⁰
- (2) Subject to the provisions of subsection (3), if the Executive Director as defined in this Act considers that any class of persons are refugees as defined in Paragraph (a), (b), (c) or (d) of subsection, (1), he may after consulting, and obtaining the written concurrence of the Representative of the United Nations High Commissioner for Refugees declare such class of persons to be refugees, and may again subject to the written concurrence of the Representative of the United Nations High Commissioner for refugees, at any time amend or revoke such declaration.⁷¹

Provided that no such amendment or revocation shall affect the right of any person:

- (1) who is a member of the class of persons concerned and who entered Liberia before the date of such amendment or revocation, to continue to be regarded as a refugee for the purposes of this Act; or⁷²
- (2) who is a person such as is referred to in paragraph (a), (b), (c) or (d) of subsection (1), to be recognized as a refugee for the purposes of this Act⁷³.

The Liberian Refugee Repatriation and Resettlement Commission was established to coordinate, monitor and supervise all humanitarian activities in Liberia⁷⁴. The Commission focuses on inter agency coordination, mobilization of relief assistance to the vulnerable and protection of refugees⁷⁵. The Liberian Refugee Repatriation and Resettlement Commission also facilitate four pillars of the Poverty Reduction Strategy of the Liberian Government⁷⁶. The Commission was established by Section 4 of the Liberian Refugee Act. The Secretariat of this Commission is mandated to work with UNHCR in

⁶⁶ Ibid

⁶⁷ Ibid

⁶⁸ Ibid

⁶⁹ Ibid

⁷⁰ Ibid

⁷¹ Ibid

⁷² Ibid

⁷³ Ibid

⁷⁴ UN Volunteers. Liberia Refugee Repatriation and Resettlement Commission. Accessed on 16 January 2018.

Retrieved from: <https://www.onlinevolunteering.org/en/node/388154>.

⁷⁵ Ibid

⁷⁶ Ibid

finding durable solutions for refugees, including voluntary repatriation, local integration and resettlement where applicable and to perform other related functions⁷⁷.

The Liberian Government with the help of UNHCR, closed Solo refugee camp located in the South-East of the Country as the number of Ivorians' returning home picked up pace in the first months of this year⁷⁸. Solo Refugee Camp came to being in April 2011 and at its peak it hosted about 6,000 Ivorian Refugees⁷⁹. The Camp was one of the six camps established during the Ivorian post- election crisis in 2010. The Liberian Refugee Repatriation and Resettlement Commission decided to close down the camp because most of the Ivorian refugees in Liberia had returned home with the help of UNHCR⁸⁰. Also the camp was closed down to cut down costs and to provide better protection for the 46,000 remaining refugees in Liberia⁸¹. According to UNHCR, the closure of the Solo Camp by Liberia government and UNHCR was to 'consolidate refugee camps and provide targeted interventions especially in an environment where resources are scarce'⁸². The camp's assets which included buildings that once housed a primary school, a clinic, offices, a police station and barracks, a warehouse and distribution halls will be used by the local population after the refugees have been cleared out⁸³. It must be noted that about half of the refugees in the camp voluntarily returned to Ivory Coast, while others went to the PTP Refugee Camp⁸⁴.

Recommendation

The State Party should provide concrete information on the specific processes it followed to repatriate Ivorian refugees in 2014

17. Freedom of expression and association (arts. 19, 21 and 22)

Issue 22:

Please provide information regarding the legal prohibitions on libel and defamation, including any criminal penalties imposed, and respond to allegations that journalists and newspapers often face such charges for criticizing political figures and government actions. Please provide annual information from the last five years regarding the number of journalists and media outlets charged with defamation or libel, the reason for the charge, the number of criminal prosecutions and convictions, and any sentences imposed. Please address measures to prevent and respond to allegations of intimidation and harassment of journalists and any closures or suspension of opposition and independent media,

⁷⁷ Liberia: Refugee Act, 1993, 9 January 1994, available at: <http://www.refworld.org/docid/3ae6b4f31c.html> [accessed 12 January 2018]

⁷⁸ United Nations High Commissioner for Refugees. (2014, March 25). Refugee camp closed in Liberia as return to Côte d'Ivoire gathers momentum. Retrieved January 12, 2018, from UNHCR: <http://www.unhcr.org/afr/news/latest/2014/3/53314ea49/refugee-camp-closed-liberia-return-cote-divoire-gathers-momentum.htm>

⁷⁹ Ibid

⁸⁰ Ibid

⁸¹ Ibid

⁸² Ibid

⁸³ Ibid

⁸⁴ United Nations High Commissioner for Refugees. (2014, March 25). *Refugee camp closed in Liberia as return to Côte d'Ivoire gathers momentum*. Retrieved January 12, 2018, from UNHCR: <http://www.unhcr.org/afr/news/latest/2014/3/53314ea49/refugee-camp-closed-liberia-return-cote-divoire-gathers-momentum.html>

purportedly for hate speech or for failing to comply with tax and licence regulations. Please comment on allegations that non-governmental organizations have been denied registration as legal entities, and elaborate on whether any independent regulatory agency exists or is planned to ensure that any action taken against the press is compatible with the Covenant.

Comments:

As part of ongoing efforts to inform the public, international partners and other consumers of media products about the state of the Liberian media, the Press Union of Liberia Media Alert Office records attacks and threats against journalists in the country. This initiative commenced in 2017 and has recorded the following cases:

The Alert Office reported that one journalist, Kanney Ziammo of Radio Gompa who also reports for the Liberia News Agency (LINA), was brutalized by a member of the opposition Alternative National Congress, Metri Gono, along with other supporters of the ANC. The ANC executive had accused Ziammo's ethnic group, (Gio) of being under-miners. The allegation was reportedly made during conversation between the two. Ziammo however, out rightly rejected such claims against members of the Gio ethnic group⁸⁵.

A reporter of Prime FM in Monrovia, James Karimu, was also attacked in October 2017. The reporter offered political analysis in an argument on the electoral process at a location in Monrovia, which turned hostile. Karimu told the Media Alert Officer that those who attacked him are from the opposition Coalition for Democratic Change (CDC).

On Wednesday, October 18, 2017, Smith Tobey, a Manager at Okay FM was another victim of attacks. Tobey is also a talk show presenter on Okay FM in Monrovia. The Liberian journalist's house on the Robertsfield Highway was attacked by unknown individuals during the morning hours. The Press Union of Liberia condemned the attack on Tobey's residence. The Liberia National Police opened investigations into the matter, with several persons being held up as suspects.

A political commentator, Henry Costa also was attacked by a group believed to be members and sympathizers of the Coalition for Democratic Change (CDC) on Tuesday, October 24, 2017 in Monrovia. Although not a professional journalist, Costa runs a talk show on Shatta FM as a member of All Liberian Party of Benoni Urey after the closure of his Voice FM station. Costa was attacked following a commentary on Senator George Weah's Coalition for Democratic Change⁸⁶.

There were also threats against the Lofa County Correspondent of the National Broadcaster, Liberia Broadcasting System. Mr. Tokpa Tarnue was also reported by the Liberian Press Union (LPU). Mr. Tarnue wrote to formally complain of the threat against his home. In his letter, Tarnue stated that the Police Chief in Lofa, J. Titoe Lolin informed him of rumors to burn his home in Voinjama, Lofa County. The threat occurred in the aftermath of the tour of Lofa by the opposition Coalition for Democratic Change (CDC) of Montserrado County Senator George M. Weah (now President of Liberian).

⁸⁵ The Heritage Newspaper, in its Thursday, October 5, 2017 Edition 3447 Volume 19

⁸⁶ Heritage, Wednesday, October 25, 2017 Edition 20 Number 34490 and The People's News Paper, in its Wednesday, October 25, 2017 Edition 5 Volume 93

The Press Union of Liberia wrote to the Liberia National Police about the threat requesting for investigations into the threats. Mr. Tarnue later informed the Liberian Press Union but subsequently hesitated to pursue the case.

In Tubmanburg, Bomi County, Meloshi Roberts narrowly escaped a stone-throwing crowd. Roberts is a Bomi County correspondent of the Liberia Broadcasting System. Those who attempted stoning and attacking him with machete, were believed to be party members of the Coalition for Democratic Change. As a resident of Tubmanburg, Mr. Roberts had gone to take part in random discussions on the 2017 electoral process in Liberia at an entertainment center in Tubmanburg.

Mr. Brooks, a journalist, had carried a story on a construction company owned by one Praise Glory Lawal. Documents in possession of the Press Union of Liberia, subsequently turned over to the Media Alert Office suggested that the journalist's publication was based on a communication from the Liberia Anti-Corruption Commission, calling for a halt to all further payments to the Praise Glory Lawal Construction Company, of which Mr. Lawal is the CEO. The publication revealed that millions of United States Dollars were allegedly paid to the Praise Glory Lawal for the construction of the Brewerville/Bopolu Road which was yet to be completed.

A staff member of Radio Bushrod D 98.1 FM, Abraham Gui-Johnson, was allegedly assaulted by five officers of the Armed Forces of Liberia. The group was allegedly headed by one S.S Blamo of the Coast Guard base. The management of Radio D 15 has formally sent a letter to the leadership of the Press Union of Liberia. The incident, which took place on December 28, 2017, was reported to the Media Alert Office for further probing.

Mr. Joe K.S. Fineboy, a freelance journalist, was attacked by persons believed to be members of the Liberty Party while at the Party's Headquarters in Congo Town on Tuesday, April 13, 2017 while he was seeking information about the 'fleet of vehicles' paraded by the Liberty Party during the election period. Subsequently, a complaint was filed against an executive of one of Liberty Party suspected to be involved in the attacks. Mr. Fineboy told the Press Union of Liberia that his mobile phone and recorder were smashed when he was attacked. The case was reported to Liberia's first multi-stakeholders' National Media Council for redress. Upon the receipt of the complaint, the National Media Council invited both parties for hearing in October 2017. During the hearing, Mr. Fineboy requested the Council to halt the hearings and instead, mediate between him and the accused, Mr. Dillon.

The Press Union of Liberia, through the National Media Council, on Tuesday, August 29, 2017 came out with its formal findings on a complaint filed against the Liberty Party and initially placed on file by the Media Alert Office as an attack on the media. The National Media Council, on Tuesday, August 29, came out with its formal findings on a complaint filed against the Liberty Party on June 9, 2017 by Mr. Franklin Doloquee, a journalist with the Liberia Broadcasting System and New Dawn Newspaper. Mr. Doloquee, who is the Nimba County correspondent for the Liberia Broadcasting System alleged that he was manhandled and his recorder taken away by a security guard of the Liberty Party during its candidate nomination program in Ganta City, Nimba County in 2017.

The complaint was received, filed and subsequently investigated by the National Media Council (NMC). The Media Alert Office of the Press Union of Liberia, charged with the responsibility of tracking, collating and analyzing issues of content and violations against journalists' rights and free speech also filed the complaint and forwarded it to the National Media Council for immediate redress.

Following the investigations, Mr. Doloquee and members of the Liberty Party were invited for questioning. However, the National Media Council did not find any evidence in Mr. Doloquee's allegations against the Liberty Party. Besides, the National Media Council also noticed contradictions in journalist Duoloquee's comments and noted further that Journalist Doloquee exaggerated his

comments. The National Media Commission subsequently, dismissed the allegations against Liberty Party.

Radio Joy Africa was abruptly shut down after it was taken off a power-grid owned by Lone Star GSM Company. The action was carried out by the Margibi County Chairman of the All Liberian Party, Mr. Alfred Jerbo upon orders from Mr. Benoni W. Urey of All Liberian Party. Radio Joy Africa was subsequently attacked and burnt down.

The Director of the Executive Protection Force (EPS) Mr. Charles B. Coffey was asked to escort the President of the Press Union of Liberia, Mr. Omasco Giago and the Acting Managing Editor of the Nation Times, Mr. Octavian Williams, to the office of the EPS Director, Mr. Sam Gaye, on Monday, July 24, 2017 for questioning and self-explanations into allegations of security threats against former President Ellen Johnson-Sirleaf⁸⁷. This action was considered by the Press Union of Liberia as an act of intimidation against the Liberian Press.

Mr. Abraham Morris of the In Profile Daily Newspaper received life threatening messages following a allegations by a civil society advocate, Martin K. Kollie that an alleged surrogate of the East International Group Incorporated wanted to bribe Mr. Kollie with \$6,000 United States Dollars to stop his criticism against East International Group Incorporated alleged dubious activities⁸⁸.

Recommendations:

The State Party should:

1. Provide an independent complaint and remedial mechanisms for journalists and persons in media who are victims of violations
2. Enforce the Constitutional safeguards on freedom of expression for journalists and persons in media to protect them from indiscriminate accusations of libel and defamation

18. Rights of the Child (arts. 7 and 24)

Issue 23:

Please report on measures taken to further increase the birth registration rate, particularly for children born during the Ebola crisis, and the resulting progress. Please explain the application of article 5 (8) (1) of the Penal Code and address any plans to prohibit corporal punishment in all contexts, including the administration of traditional justice.

Comments:

The Ministry of Health embarked on nationwide sensitization on birth registration of children. The application of Article 5 (8)(1) prohibits any person or parent to subject children to any form of corporal punishment as a form of proper discipline for children.

Recommendations:

The State Party should:

⁸⁷ Nation Times, Thursday, July 20, Volume 12 Edition 14,

⁸⁸ In Profile, "Lawsuit"- East International Threatens In Profile's Reporter" Monday, July 31, 2017, Volume 9 Edition 169

1. Upscale national awareness raising campaigns on birth registration
2. Increase and decentralize birth registration facilities nationwide
3. Enforce the Article 5(8)(5) to prohibit all forms of corporal punishment children and define the proper form of discipline for children in schools

19. Participation in public affairs and freedom of assembly (arts. 2, 21, 25, 26 and 27)

Issue 24:

Please indicate all measures taken to ensure the conduct of free and genuine elections in the most recent elections. Please respond to allegations that minorities, including Muslim women and members of the Mandingo community, have been denied permission to register to vote, and indicate what measures have been introduced to redress such concerns. Please elaborate on measures taken to remove all barriers from a citizen's ability to vote, particularly measures to: (a) allow enfranchisement of citizens who turn 18 between the end of the vote registration process and the day of the election, (b) ensure that pre-trial detainees can vote, and (c) ensure access for persons with disabilities. Please indicate all measures taken to ensure respect for the right to freedom of assembly for all citizens and political parties, regardless of political affiliation, and respond to allegations of such restrictions during the 2011 elections. Please indicate all steps being taken to ensure the National Election Commission's independence to effectively discharge its mandate, including its financial resources, impartiality and ability to adjudicate election-related disputes. Please comment on allegations of misuse of State resources for campaigning purposes.

Comments:

The election law was amended in 2016 by the legislature to enable to conduct free and genuine elections. According to a local daily newspaper some Mandingoes were denied because they were screened and found without proper registration requirements. The government has introduced biometric citizen identification cards as a means of removing all barriers for the registration of citizens to vote.

It is unclear whether allowing pre-trial detainees to vote is lawful since Article 21 Section K of the Constitution infers that the civil and political rights of any person accused of crimes will be reinstated upon having fulfilled his sentence. However, this does not explicitly indicate whether a person accused of crimes automatically loses his civil and political rights and therefore does not have the right to vote.

Although the National Elections Commission regulation has a clear provision on giving persons with disabilities access to vote, the Commission did not make available any disability friendly voting centers. The NEC also made provision for persons who are visually impaired to vote by using the tactile ballot as guides.

As a way of ensuring free elections, political parties signed two Declarations, the Farmington and the Ganta Declarations, to accept the outcome of the elections and to not resort to violence following the declaration of results. However, a controversial Code of Conduct was approved to guide the process but its implementation was hampered by a Supreme Court interpretation of the Code of Conduct. Political parties also adhered to the ECOWAS electoral regulations to remain peaceful after the general elections.

Recommendations:

The State Party should:

1. Provide clear provisions on the right of detainees to vote and implement such a provision during national and county elections
2. Provide adequate resources for the National Election Commission to independently conduct fair and elections
3. Provide disability friendly centres and materials to enable persons with disabilities to vote
4. Enforce the Constitutional provision on the right of persons to freedom of assembly including the right to form political parties and hold membership to the parties without threats

Issue 25:

Please provide information on any steps taken to strengthen government efforts to seek civil society input on reform processes and on the measures taken to tackle corruption in law and in practice. In particular, please describe the legal and institutional framework for addressing corruption and any plans for improving its effectiveness. Please provide information on investigations, prosecutions, convictions and penalties imposed against government officials at all levels for acts of corruption, including current information on the result of the criminal proceedings brought against Varney Sherman and Alex Tyler.

Comment:

The government and civil society signed a Memorandum of Understanding in a joint collaboration in 2015 as part of an effort by both parties to remain engaged but on independent lines in addressing issues of corruption. A national reporting structure exists to investigate and prosecute corrupt cases, but has not been effective.

Recommendations:

The State Party should:

1. Strengthen the national reporting and investigation structures on corruption in various sectors
2. Undertake systematic tracking and reporting on corruption and its impact on Covenant rights
3. Provide a national mechanism for identifying victims of corruption
4. Adopt a policy to provide effective remedies for victims of corruption

20. Customary lands (arts. 2, 26 and 27)

Issue 26:

Please explain the legal status of “customary lands”, occupied and used by communities in accordance with traditional land uses. Please describe the measures taken to (a) ensure that development projects affecting such lands are not undertaken against the wishes of the relevant communities and (b) protect women and other vulnerable groups against discrimination in owning and using customary lands.

Comments:

Liberia has a Land Rights Policy on four main categorizations of land: Public Land, Government Land, Customary Land, and Private Land⁸⁹. The main reason behind the policy is to secure land rights,

⁸⁹ Ibid.

economic growth, equitable benefits, equal access, equal protection, environmental protection, clarity and participation. Customary land ownership in the policy meant ownership by the community as a collective landowner and rights of groups, families, and individuals within the community⁹⁰. Thus, it encompasses a 'set of rules and norms that govern community allocation, use, access, and transfer of land and other natural resources'⁹¹. Hence, 'traditional' means right to land and natural resources. Customary land tenure security in Liberia depends on *inter alia*, ancestral ties to the land, deeds used as evidence of land ownership by acquiring a Tribal Certificates (TCs) which under some customary tenure systems, are viewed as legitimate evidence of primary rights to land and little competition for resources due to an abundance of land.

Governance over land and natural resources are thus, derived from both customary and statutory authorities. Customary leaders govern through customary rules and they include elders, chairmen, chairladies, Family Heads, and Quarter Chiefs⁹². Customary land is owned and administered by indigenous communities based on customary practices and norms and ownership is restricted to citizens. Foreigners can only lease land.

In addition, families farm together with certain activities primarily assigned to women and others mainly to men⁹³. Whereas men are often the primary sellers of tree products, women are the main sellers of vegetables and other produce⁹⁴. Nonetheless, both men and women have equal rights and means of rights to land⁹⁵. This can be through inheritance and gifts from natal families, planting of trees and borrowing. However, the basic means by which women acquire land, is through marriage. Daughters and sons farm with their parents when they are not married. The Liberia Land Commission protects the rights of women by expressing interest in property rights of women. Thus, in collaboration with USAID, the Women's Land Rights Task Force was established to tackle issues of female property rights and to assist to get information for the commission⁷. But it must be noted that women in Liberia have unequal chances to realize their rights like their male counterparts. Besides, there is high illiteracy rate among women and girls in both rural and urban areas coupled with limited access to justice.⁹⁶

The Liberia Land Authority, which is an autonomous body, was established by an Act of the Legislature in August 2009 to propose, advocate and coordinate reforms of land policy, laws and programs in Liberia⁹⁷. Its key responsibilities are to promote equitable and productive access to the nation's land, both public and private; promote security of tenure in land and the rule of law with respect to landholding and dealings in land; promote effective land administration and management and promote investment in and development of the nation's land resources. The Commission has developed a policy called The Land Right Policy that guarantees land rights to all Liberians including women. The new Land Right Bill has outlined and defined various land concerns in specific context.

⁹⁰ Ibid

⁹¹ USAID. (2018, January 11). Customary and Community Tenure | LandLinks. Retrieved January 11, 2018, from LandLinks: <https://www.land-links.org/what-is-land-tenure/customary-community-tenure/>

⁹² USAID. (2018, January 11). Customary and Community Tenure | LandLinks. Retrieved January 11, 2018, from: <https://www.land-links.org/what-is-land-tenure/customary-community-tenure/>

⁹³ Focus on Land. (2018, January 11). Retrieved January 11, 2018, from Focus on Land: <http://www.focusonland.com/countries/liberia/>.

⁹⁴ Ibid

⁹⁵ Namubiru-Mwaura, E.L. 2012, April. Women and Customary Land Tenure in Liberia [PowerPoint Slides]. Conference Speech. Annual World Bank Conference on Land Policy and Administration. Washington. Retrieved from:

⁹⁶ Pambazuka. (2015, June 23). Retrieved January 11, 2017, from Pambazuka News: <https://www.pambazuka.org/global-south/land-grabs-liberia-people-rise>

⁹⁷ Ibid

Especially in regards to the operations of some companies in concession areas where many companies made commitments with the government to develop adjoining communities and improve the life of citizens, have failed to do so. Consequently, this has resulted in conflicts between companies and communities expected to benefit from development initiatives by Companies' own concession lands. A Land Right Working Group of civil society and other partners advocating to ensure the passage of the Land Right Bill, will give right to land owners, institutions and help resolve conflict issues on land matters.

Recommendations:

The State Party should:

1. Pass the Land Rights Bill into Law to provide legal safeguards for local communities against forced seizure of lands
2. Implement agreements between the Government of Liberia and Companies on the development of concession lands in local communities
3. Resource the Liberia Land Authority to effectively coordinate land reforms and implementation of land policies
4. Undertake measures to enforce women's rights to land including strengthening the Women's Land Rights Task Force to advocate for women's access to land and private property