



**International Covenant on  
Civil and Political Rights**

Distr.: General  
9 December 2016

Original: English  
English, French and Spanish only

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**Human Rights Committee**

**Consideration of reports submitted by States  
parties under article 40 of the Covenant**

**Initial reports of States parties due in 2005**

**Liberia\***

[Date received: 2 November 2016]

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\* The present document is being issued without formal editing.

GE.16-21800(E)



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## **Introduction**

1. This report is prepared by the Government of Liberia, in compliance with Article 40 of the International Covenant on Civil and Political Rights-ICCPR and as the initial and final report of the Republic of Liberia, highlighting measures taken to facilitate the implementation of the rights guaranteed in the ICCPR.

2. The initial draft of the report was done by the National Human Rights Action Plan Steering Committee, consisting of representatives of government ministries, the Independent National Commission on Human Rights (INCHR) and civil society. The Steering Committee has continued to make meaningful strides in pursuing its human rights agenda in a concerted form and manner, which is gradually yielding results, since its actions are guided by Liberia's first human rights action plan. The Steering Committee meets regularly at the Ministry of Justice to discuss progress in the implementation of activities in the human rights action plan, which deals with five key pillars: Protection of Civil and Political Rights; Enjoyment of Economic Social and Cultural Rights; Fulfilment of International Treaty Reporting Obligations; Protection of the Rights of Vulnerable Groups; and Human Rights Awareness, which remains a major priority of the Steering Committee, as most citizens and residents in our borders do not know what human rights are.

## **Article 1: Right to Self-Determination**

### **Right to Self-determination**

3. The State of Liberia is the oldest independent Republic on the African continent and the first democratic Republic in African history. Liberia has been a free, independent, and sovereign State since July 26, 1847. This was in pursuit and in quest for liberty, as sung in the Liberian National Anthem: "this glorious land of Liberty shall long be ours." The concept, "this glorious land of liberty," birthed the exercise of the right to self-determination, strengthened by self-rule and self-governance, including the right to representation in both houses of parliament, the Senate and House of Representatives.

4. In the Preamble of the Liberian Constitution, self-determination remained the relied-upon framework in "exercising our natural, inherent and inalienable rights to establish a framework of government for the purpose of promoting unity, liberty, peace, stability, equality, justice and human rights under the rule of law, with opportunities for political, social, moral, spiritual and cultural advancement of our society, for ourselves and for our posterity."

5. Article 3 of the Constitution of the Republic of Liberia guarantees a unitary sovereign state, and as such to its citizens, a Republican form of government. The Preamble to the 1986 Constitution provides, inter-alia, that "all of our people, irrespective of history, tradition, creed or ethnic back ground are of one common body politic."

6. General elections, in which universal suffrage was first enjoyed, were held in Liberia on 1 May 1951, as previously only males of Americo-Liberian descent had been allowed to vote. Universal suffrage came into force in Liberia as a result of a national referendum held in 1955; changes to the Constitution granted women in the provinces the right to vote (women of Americo-Liberian descent had previously been granted the right to vote in a 1946 referendum). The May 3, 1955 referendum further granted the right to all women to be elected into parliament.

## Natural Resource Rights

7. Article 7 of the Constitution of Liberia ensures the national economy, including natural resources, are managed “in such manner as shall ensure the maximum feasible participation of Liberian citizens under conditions of equality as to advance the general welfare of the Liberian people and the economic development of Liberia.” Under the current Constitution, mineral resources are considered the property of the State: “Private property rights ... shall not extend to any mineral resources on or beneath any land ...”

8. The Constitution Review Committee (CRC), established by President Johnson-Sirleaf in 2012, has made recommendations to alter Article 7 of the Constitution as stated above. The CRC recommended, based upon national and international consultations, that (1) private property ownership should include mineral resources, and (2) private property owners on whose land mineral or natural resources are found should share with the Government in the benefits of these resources. These two recommendations were among those approved by the National Constitution Conference, which convened national, Diaspora, and county delegates in Gbarnga City, Bong County, from March 29 to April 2, 2015, to review the twenty-five (25) proposals that resulted from the Committee’s initial general consultations. All twenty-five (25) recommendations of the Committee will be voted upon in a national referendum, at a date to be determined (for further information about the CRC, reference is made to paragraph 85 of Liberia’s Common Core Document).

9. Land disputes and resource rights were among the primary sources of conflict in Liberia’s 14-year-long civil war. Land conflict is still a major issue in post-conflict Liberia and has been listed as one of the indicators of internal threat to national security by the National Security Strategy of the Republic of Liberia (NSSRL/2008). The Government has therefore prioritized land rights reform in its post-conflict development and reform agenda.

10. The Liberia Land Commission, established in 2009, was created with the vision of promoting equitable access to land, security of land tenure, and effective land administration in Liberia. The Land Commission produced Liberia’s first ever Land Rights Policy in 2013, which provides policy recommendations for crafting comprehensive land sector reform. These recommendations include defining four categories of land: Public, Government, Customary and Private. The Policy also provides for Protected Areas, which may fall under any of the four categories of lands, but are required to be conserved for the benefit of all Liberians.

11. In February 2012, the Liberia Land Commission instituted a Land Administration Task Force, composed of the Ministry of Lands, Mines and Energy (MoLME); the Center for National Documents and Records Agency (CNDRA); the Forestry Development Authority (FDA); the Environmental Protection Agency (EPA); and the Ministry of Public Works, Planning, and Economic Affairs. Under the direction of the President, the Task Force developed a bill to delegate the function of lands administration to an autonomous agency. As a result, after extensive consultations with relevant Government institutions, the Draft Liberia Land Authority Act was submitted to the President for review in July 2015, and was approved by the Senate in April 2016. Upon approval by the House of Representatives, the Liberia Land Authority Act will come into force, with a broad mandate covering land administration and management, paving the way forward on land reform. The Land Rights Act defines and delineates the four different categories of land ownership and rights: private, government, public and customary/community land recognized in Liberia. It further prescribes the means by which each of the categories may be acquired, used, transferred and otherwise managed.

### **Transparency and accountability in natural resources rights**

12. The Liberia Extractive Industries Transparency Initiative (LEITI) was launched on 10 July 2007 by President Ellen Johnson-Sirleaf with a ceremony at Monrovia City Hall, making Liberia the 14th African State to join the Extractive Industries Transparency Initiative (EITI). LEITI is a global coalition promoting accountability in the management of natural resource revenues, particularly in the oil, gas, and mining sectors. At its launch, Liberia was unique among EITI members in that it incorporates the forestry sector, in addition to oil, gas, and mining.

13. In 2009, Liberia became the first EITI compliant African State, and has produced seven (7) annual EITI reports since 2007. These reports provide transparent information in the following areas, amongst others: total revenue in extractive industries sectors; production figures; allocation of contracts to companies; and relevant legal frameworks. Liberia continues to submit reports in compliance with EITI requirements, contributing to an environment of transparency surrounding natural resource management.

### **Article 2: Implementation of the Covenant at the National Level**

14. Covenant rights are protected by the Constitution of Liberia and its laws and policies. Liberia has implemented several legal provisions, which incorporate key Covenant rights into domestic law (reference is made to paragraphs 152-153 of Liberia's Common Core Document). Each of the subsequent sections of this report will elaborate upon the legal provisions incorporating each of the Covenant rights into the domestic legal framework.

15. The Independent National Commission on Human Rights (INCHR) is the primary national institution responsible for handling complaints of human rights violations (reference is made to paragraph 154 of Liberia's Common Core Document). Established in October 2010, the INCHR is composed of seven (7) commissioners including a chairperson.

16. Article III of the INCHR Act (2005) entitled "Powers of the Commission" states the INCHR has the general and special qualification to protect, promote and monitor human rights in the Republic of Liberia, monitor Liberia's compliance and commitment to the international conventions and protocols, write reports and make recommendations to the Government of Liberia.

17. Within the framework of its operational method, the Commission has the mandate to freely consider any questions falling within its competence, whether they are submitted by Government or taken up by the Commission without referral from a higher authority, or submitted in the form of a complaint by any individual or group; to hear any person; and to obtain any information and any document necessary.

18. The key source of funding of the Commission is the Government of Liberia, which is responsible for providing adequate funding for the operation and functions of the INCHR. Article XIX of the Act establishing the Commission allows for the Government of Liberia, in order to enhance the INCHR's operational efficiencies and its independence, and to adequately fund the institution, to consult with the National Legislature and the Director General of the Bureau of Budget to ensure the Commission obtains adequate resources. The Act stipulates that the INCHR must have financial allocations, autonomy, and that its budget should not in any way be connected to or placed within the budget of any other agency, ministry or institution of Government.

19. The Commission reported in 2014 and 2015 that it was underfunded by the Government of Liberia, but noted that it was not insensitive to the competing priorities of the Government, coupled with limited financial resources and at times budget shortfalls.

The report however noted that the Commission had acquired the minimum budgetary allocation to get it fully operational.

20. To date, the Commission can boast of the following achievements: deployed Human Rights Monitors in each of the fifteen (15) political sub-divisions; received and investigated seventeen (17) complaints of human rights violations; investigated the Paynesville Motorcyclist Riot and made recommendations thereof to the Government of Liberia; investigated the Butaw Youth Riot perpetrated on the premises of Golden Veroleum Liberia (GVL), Sinoe County; inspected seventy-seven (77) detention facilities throughout the country; developed the Palava Hut Methodology and operational guidelines; and conducted ethnographic studies for the four (4) linguistic groupings of Liberia.

21. Other authorities competent to oversee the enforcement of Covenant rights include: the Human Rights Protection Division; the Women and Children Protection Section of the Liberia National Police, the Sexual and Gender-Based Violence Crime Unit, Child Justice Section, and Alternative Dispute Resolution Section of the Ministry of Justice; the Sexual and Gender-Based Violence Unit of the Ministry of Gender, Children, and Social Protection; the Ministry of Labor which chairs the Anti-Human Trafficking National Taskforce and hosts the TIP (Trafficking in Persons) National Action Plan concerning child labor, and other harmful labor-related practices; the Senate Committee on the Judiciary, Human Rights, Claims, and Petitions; and the House of Representatives Committee on Human and Civil Rights (reference is made to paragraphs 154-158 of Liberia's Common Core Document).

22. Article 26 of the Constitution of Liberia provides effective remedy for violation of rights or freedoms protected by the laws of Liberia. This article guarantees to persons and associations the right to seek vindication in court for violation of rights protected by the Constitution, laws, or directives of the State. It also guarantees that a party injured by such violation by the Government or persons acting with government's authority may bring suit for redress of this injury, "whether in property, contract, tort or otherwise." Such suits against the Government are required by Article 26 to be brought in Claims Court, and appeals from such decisions will be taken directly to the Supreme Court.

23. Awareness raising surrounding ICCPR and dissemination of information about the Covenant rights have been prioritized and they remain ongoing. This includes incorporating human rights in training manuals and codes of conduct of members of the security apparatus, to include the armed forces, the police, corrections officers, personnel of the National Bureau of Immigration, guard forces, etc.

24. The Public Awareness Sub-committee of the SCNHRAP has already initiated public awareness in the counties at the community level, through community radio, town hall meetings, etc. Infact, a series of national consultations were held during the drafting process of the NHRAP, which brought to the fore issues of concern to civil society and community dwellers. Moreover, the local radio stations, including the United Nations Missions in Liberia (UNMIL) Radio, continue to disseminate information on the Covenant rights for public consumption.

### **Article 3: Equal Rights of Men and Women**

25. Gender equality is enshrined in the Constitution under Article 11, which guarantees the right to life, liberty, security, and equality before the law, irrespective of sex. Article 18 of the Constitution also prohibits discrimination in employment, and guarantees equal pay for equal work. The Equal Rights of the Customary Marriage Law of 1998 guarantees rights for women in customary or traditional marriages equal to those of women in statutory marriages, as regards marriage and inheritance rights.

26. In 2006, Liberia elected Ellen Johnson Sirleaf as President, the first female head of state in Africa. Under her leadership, in Liberia's post-war reconstruction and development, gender mainstreaming has been highly prioritized. As stated in the Liberia Poverty Reduction Strategy Paper, the Government of Liberia is "committed to gender equality as a means of maintaining peace, reducing poverty, enhancing justice and promoting development in the country. To assure equal opportunities and participation in management and decision-making at all levels of society, women's and men's different experiences, needs, concerns, vulnerabilities, capacities, visions and contributions must be systematically taken into account in the reconstruction of Liberia."

27. The Gender and Development Act of 2001 established the Ministry of Gender, Children and Social Protection and outlined its mandate, which is the promotion of gender equality, women's advancement, and children's welfare. The MoGCSP coordinates gender mainstreaming to ensure women's perspectives are incorporated into all planning, policy, legislation, and resource allocation.

28. Liberia has made particularly great strides in the incorporation of gender equality into its domestic legal framework since the cessation of conflict in 2003. The Rape Law of 2005 outlaws rape and gang rape, and provides for life sentences for perpetrators of first-degree rape. The Anti-Human Trafficking Act, passed into law in 2005, prohibits trafficking in persons and provides for sentencing of up to twenty (20) years in prison for violations of its provisions. Policies enacted to address gender equality include the National Gender-Based Violence Plan of Action (2006) and the Policy on Girl Child Education (2006).

29. While Liberian women remain marginalized in all sectors, Liberia has implemented and continues to implement laws, policies, and programs to address these disparities. In order to combat systemic discrimination against women in Liberia, the Government adopted a National Gender Policy (NGP) in 2009. The NGP emerged from inclusive consultations with Government, civil society, religious and cultural leaders, and media. It provides a context for mainstreaming gender into all Government policies and programs in all sectors, including into the national development agenda.

30. A Domestic Violence Bill was introduced to the House of Representatives in January 2016, has been passed by the Lower House, and is currently awaiting concurrence from the upper House (the Senate). If passed into law, this Act would criminalize acts of violence, including physical, sexual, economic, emotional and psychological abuse; spousal violence between husbands and wives; and violence between other forms of intimate partners.

31. The Government is firmly committed to eradicating traditional practices that are harmful to women and girls. These practices include trial by ordeal, accusations of witchcraft, and Female Genital Mutilation (FGM). While Liberia remains one of the three West African nations that have not yet criminalized FGM, there has been strong movement toward limiting or prohibiting the practice in recent years. The Domestic Violence Bill proposed in January 2016 included a provision banning the practice of performing FGM on minors without their parents' consent, or on adults without consent. This provision was removed by the legislature in April 2016, and this has spurned movement within Government to propose a stand-alone anti-FGM bill, under the leadership of the Ministry of Justice. The SCNHRAP Working Group on the Abolition of FGM has drafted and submitted a proposed bill and accompanying resolution to the Steering Committee of the National Human Rights Action Plan (SCNHRAP) for consideration and forwarding to the national legislature.

## Article 4: Non-derogation of Rights

### State of Emergency

32. Under Chapter IX (Articles 85 to 88) of the Constitution of the Republic of Liberia, only the President may declare a State of Emergency, in consultation with the Speaker of the House of Representatives and the President Pro Tempore of the Senate. The President is constitutionally required within seven (7) days of the declaration of emergency to present the Legislature with a description of the circumstances leading to such declaration. Within seventy-two (72) hours of the President's provision of such information, the Legislature is required to issue a joint resolution, voted by two-thirds (2/3) majority of both Houses, approving or disapproving of the issuance of a State of Emergency, and declaring whether measures taken under the State of Emergency are appropriate. If a two-thirds (2/3) majority is not obtained in both the House and the Senate, the State of Emergency shall be automatically revoked.

33. Pursuant to a declaration of State of Emergency, the President may "suspend or affect certain rights, freedoms and guarantees contained in the Constitution and exercise such other emergency powers as may be necessary and appropriate to take care of the emergency." In a State of Emergency, the President may not, however, "suspend or abrogate the Constitution, dissolve the Legislature, or suspend or dismiss the Judiciary. "As the Commander-in-Chief of the Armed Forces of Liberia (AFL), the President may exercise military power either before or after declaration of a State of Emergency, as may be necessary." It is also not permissible to promulgate any constitutional amendment during a State of Emergency. The Legislature, where not in session, must be convened upon issuance of State of Emergency, and must remain in session throughout the State of Emergency.

34. Under Executive Law Section 3.3, the President is empowered in an internal emergency to requisition materials and property (providing just compensation); to summon able-bodied males over sixteen (16) years of age to perform emergency services (in exchange for just compensation); to declare curfews, quarantines, or other law enforcement measures; and to disperse persons aggravating the emergency, with the provision that the armed forces may be directed to assist in handling such situation if orders to disperse by the President are not obeyed.

35. A State of Emergency was declared in Liberia in August 2014 due to the outbreak of Ebola Virus Disease (EVD). The State of Emergency suspended several constitutional rights; instituted a curfew within Monrovia city limits; and quarantined particular areas, including parts of Margibi County as well as the impoverished community of West Point. The West Point quarantine was lifted after ten (10) days; however, in this short time there was significant unrest. Community members organized a protest, which resulted in confrontation between protesters and Government security forces on 20 August 2014. One person was killed, and two were injured.

36. The Independent National Commission on Human Rights (INCHR) was requested by the President to investigate this incident, and its report found Government security forces to be responsible. The Armed Forces of Liberia (AFL) Disciplinary Board concurred with this finding. As a result, the President ordered that the five (5) soldiers found at fault should be subject to disciplinary action. In October of 2014, the President made a public statement indicating that she regretted several severe measures taken in the early stages of the EVD outbreak, including the quarantine measures. The State of Emergency was officially lifted in November 2014.

37. Due to the extenuating circumstances of the EVD state of emergency, and Liberia's limitations in technical capacity, the Government failed to inform the States Parties to the

ICCPR of the provisions from which it derogated and the reasons for which these derogations occurred. The Government of Liberia is striving to comply with its treaty reporting obligations, considering its technical and capacity limitations, and its endeavours to take this experience under advisement for future situations of emergency.

### **Terrorism**

38. The State Party of Liberia has undertaken great strides in supporting the global fight against terrorism by accession/ratification of several international anti-terrorist conventions and instruments, including but not limited to the following universal instruments against terrorism: the Convention on offenses and certain other acts committed on board aircraft (1963); Convention for the Suppression of Unlawful Seizure of Aircraft (1970); the Convention for the suppression of unlawful acts against the safety of civic aviation (1971); Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973); the International Convention against the Taking of Hostages (1979); the Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation (1988); Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (1988); the Convention for the suppression of unlawful acts against the safety of maritime navigation (1988); the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988); the International Convention for the Suppression of Terrorist Bombings (1997); and the International Convention for the Suppression of the Financing of Terrorism (1999).

39. Terrorism is defined in Section 14.54 of Liberia's Penal Law as a felony of the first degree and a capital offense, consisting of "unlawfully, deliberately or intentionally attempt[ing] to discharge, or discharge[ing] fire-arm, grenades, bombs, time-bombs, missiles, explosives, or other lethal devices which are likely to cause bodily injury, or plac[ing] 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 another."

40. Liberia has endeavored over the years to ensure that its anti-terrorism legislation and laws are compatible with the rights guaranteed by the Covenant. In 1995, Liberia enacted a law in order to amend the 1976 Penal Code, introducing four new offences into Liberian criminal law, including those of 'terrorism' and of 'hijacking' (see An Act Amendatory to an Act to Amend Chapters 14 and Subchapter (c), Title 26 of the Liberian Code of Laws, known as the New Penal Law of 1976).

41. Hijacking is defined in the Penal Law, Section 15.33 as an act committed by "[a]ny person or group of person [sic] who threatens, or attempts to threaten any person or group of persons or any operator of an aircraft, train, automobile or other vehicles with a deadly weapon, whether or not such aircraft, train, automobile or vehicle is stationary or in locomotion, or who diverts the normal course of such aircraft, train, automobile, or other vehicles, or holds such person or group of persons as hostage for reward, hope of reward, or makes unlawful demand, have committed the capital offence of highjacking [sic], a felony of the first degree."

42. A further law amending the 1976 Penal Code was adopted in 2002 with the aim of strengthening the legal regime applicable to money laundering (the Prevention of Money Laundering Law, 2002). The Act seeks to facilitate the identification and seizure of capital or resources obtained as a result of the commission of criminal activity and establishes the applicable penalties for money laundering.

43. At the regional level, Liberia is a member of GIABA (Groupe Intergouvernemental d'Action contre le Blanchiment d'Argent en Afrique de l'Ouest), whose

objective is to combat money laundering and the financing of terrorism. Liberia has agreed to implement GIABA decisions.

44. In the case that terrorism is committed by Liberian nationals or otherwise involving Liberia, the Criminal Procedure Law allows Liberian courts to exercise extraterritorial jurisdiction over a limited number of offences under a narrow set of pre-determined conditions set out in Section 1.4 of the Penal Law of Liberia. Under this Section of the Penal Law, extraterritorial jurisdiction may be exercised over persons who commit an offence outside of Liberia, which is against the laws of Liberia, including terrorism. Extraterritorial jurisdiction may be exercised for treason, espionage, and sabotage when committed by a Liberian national. It may also be exercised where forgery of Government of Liberia official documentation and currency is involved.

45. Applicable extradition and mutual legal assistance mechanisms on extradition and surrender that Liberia has concluded include the following: Treaty of Extradition between the United States of America and the Republic of Liberia (1937); Treaty between Great Britain and Liberia for the Mutual Surrender of Fugitive Criminals (1894); Extradition Treaty between France and Liberia (1897); Exchange of Notes between the Government of the United Kingdom of Great Britain and Northern Ireland (and on behalf of Australia, New Zealand and South Africa) and the Government of Liberia extending to Certain Mandated Territories the Treaty for the Mutual Surrender of Fugitive Criminals (16 December 1892; 1928).

## **Article 6: Right to Life**

### **The Right to Life**

46. The Constitution of the Republic of Liberia guarantees the right to life. To that end, Article 11 of the Constitution guarantees that all persons are born free and independent, with natural, inherent and inalienable rights, including the right to life, liberty, security, and property. Article 20 also specifies that no person may be deprived of life (or any other right) without a judgment in accordance with constitutional due process. Therefore, the Constitution explicitly prohibits the arbitrary deprivation of the right to life.

47. The Criminal Procedure Law of the Republic of Liberia Section 36.1 permits the imposition of the death penalty, except for children below 18 years (Penal Code §51.3), when a warrant is signed and issued by the President. Under the Penal Code, the crimes punishable by the death penalty include False Imprisonment (§14.52); Armed Robbery (§15.32); Hijacking (§15.33); Mercenarism (§11.3); and Murder (§14.1). Under the Criminal Procedure Law, all applications for pardons, reprieves, or commutations of criminal convictions must be made in writing to the President, with a copy to the Minister of Justice. The President has the sole power to grant such relief or sanction the execution. However, in practice there is a *de facto* moratorium on the death penalty; since assuming office in 2006, the President has not signed any official orders for the execution of any convicted persons. The 2011 Children's Law guarantees the right to life to all children, and declares invalid any law which requires the execution or any other form of killing of a minor.

48. Additionally, the Liberian delegation headed by the Minister of Justice, at the 30th Regular Session of the Human Rights Council, held in Geneva on the 25 September 2014, stated Liberia's position on the death penalty as quoted: "Liberia welcomes recommendations made with regard to the abolition of the death penalty advanced by Congo, Spain & Costa Rica amongst others. Indeed, the Government is not opposed to the abolition of the death penalty in principle as evident by the fact that it has not carried out a single execution since the reintroduction of the death penalty in 2005. However,

Government remains inclined to maintain its position of ‘abolition by practice’ so as to serve as a deterrent for conduct which poses a threat to the consolidation of peace and security in Liberia. Liberia, therefore, accepts the recommendations that propose maintaining our *de facto moratorium* with the view to a consideration of *de jure abolition*. Therefore we have decided to note most of the recommendations on this subject at this time.” The decision taken at that conference has been incorporated into the National Human Rights Action Plan (NHRAP) and discussions are underway to pursue the implementation thereof. Liberia’s National Human Rights Action Plan therefore recognizes that Liberia is obligated to abolish the death penalty, as per its accession to the Second Optional Protocol to the ICCPR.

#### **The use of force by law enforcement officers**

49. The Penal Law Section 5.6 provides that use of force is justifiable when a person is conducting or assisting in the conduct of an arrest, and the person “believes that such force is immediately necessary” in order to conduct the arrest. The person conducting the arrest must inform the arrestee of the reason for the arrest, and if there is a warrant, the warrant must be valid or believed to be valid by the person conducting the arrest. The same standards apply in the use of force in preventing the escape of a person from custody.

50. There are very specific circumstances outlined in Section 5.6 of the Penal Law under which deadly force is permissible in conducting an arrest. These conditions are that (1) the crime is a felony; (2) the crime is believed to involve the use or threat of deadly force, or there is great risk that the person being arrested will cause death or serious bodily injury to another person if not apprehended; (3) the arrest is conducted by an authorized person; and (4) the risk to innocent bystanders is not perceived to be great.

51. The New Liberia National Police (LNP) and Bureau of Immigration & Naturalization (BIN) Acts provide for the establishment of relevant policy regulations and administrative instructions to guide the operationalization of those new legal frameworks in their respective sectors. To date, several regulations have already been established by the Ministry of Justice, derived from both of the Acts, with substantial support and assistance from UNMIL; these include those on Rights and Conditions of Service; the Policy Management Board; the Civilian Complaints Review Board; and the Disciplinary Regulation Board. These sets of regulations have already been officially submitted to the Minister of Justice for onward transmission to the President.

52. Establishment of the rest of the regulations in order of priority are ongoing, and should be finished in time as part of preparation of the LNP and BIN services for the 2017 General and Presidential elections. These include the Use of Force Regulation, which will adequately address all policy directives surrounding the use of force by state security forces; others include the Uniforms and Ranks Regulation and Organizational Structure and Decentralization Regulation.

53. There have been a number of incidents, which constitute challenges to the right to life in the context of use of force by law enforcement. In March 2011, there were clashes between student protesters and the Liberia National Police (LNP), resulting in injuries of several students. In response, the President established an investigatory committee, which confirmed that excessive force was used. Following these findings, the President suspended the Deputy Director of Operations of the LNP for one month. In November 2011, there were clashes between law enforcement officers and Congress for Democratic Change (CDC) political party members, protesting the presidential run-off. One person was killed and several others were injured. Following this incident, the President established a special independent commission of inquiry and, as per the commission’s findings and recommendations; the Inspector General of the LNP was dismissed.

54. Challenges to the protection of the right to life include harmful traditional practices and vigilante justice. As a recovering post-conflict state, Liberia has witnessed a high crime rate since the cessation of hostilities in 2003. Due to remaining challenges in the security and rule of law sectors, in many instances communities have resorted to mob violence to resolve small criminal matters. In response to this phenomenon, the Ministry of Justice and the Ministry of Information partnered with the United Nations to implement the “Stop Mob Violence” campaign in 2014, consisting of multimedia awareness messaging, community workshops, and flash teams spreading anti-mob violence messaging.

55. Traditional justice practices in local communities also present a challenge to the protection of the right to life in Liberia. The practice of trial by ordeal, a traditional form of tribunal, involves the infliction of a physical test upon the accused, which may result in death. Ritualistic killing is also practiced in some local communities, due to the belief that this will confer political or physical strength upon the individual. The Liberian Government is concerned about the continuation of practices that violate the right to life of individuals in local communities, and is committed to reform to end these harmful practices. To this end, the Ministry of Internal Affairs (MIA) has issued guidelines to curtail abusive practices and has conducted workshops with partner institutions to enforce these guidelines. In 2013, the Advisory Council on Cultures, Traditions, and Customs was established under the MIA to oversee reform in all areas surrounding culture, tradition, and customs, including harmful practices.

### **Maternal Mortality**

56. The 2003 LDHS (Liberia Demographic and Health Survey) asked women about deaths of their sisters to determine the maternal mortality rate. The maternal mortality ratio (MMR) for Liberia is 1,072 deaths per 100,000 live births. The confidence interval for the 2013 MMR ranges from 776 to 1,368 deaths per 100,000 live births. The 2013 LDHS MMR is not significantly different from the 2007 LDHS MMR of 994 deaths per 100,000 live births.

### **Article 7: Freedom from Torture**

57. Freedom from torture and freedom from inhumane treatment constitute fundamental rights guaranteed under the Constitution of Liberia (reference is made to paragraph 147 of Liberia’s Common Core Document). Under Article 21(e) of the Constitution, this right applies to persons “charged, arrested, restricted, detained or otherwise held in confinement.” Article 21 also forbids the seizure and confinement in prison of persons not criminally convicted by a competent tribunal. While Liberia has not explicitly defined torture under the Penal Code, there is a draft anti-torture bill, “An Act to Prohibit and Prevent Torture and Ill-Treatment in Liberia,” pending in the legislature.

58. The Penal Law of Liberia explicitly criminalizes excessive use of force under Section 5.1. More specifically, Penal Law Section 5.6 curtails ill-treatment by law enforcement, expressly addressing permissible use of force in effecting arrest or in preventing escape of a prisoner from custody. Under this provision, an officer of the State is permitted to use only the amount of force that is absolutely required to effectively detain a person, and this force may only be used where the officer has informed the person of the purpose of the arrest. Where an arrest is being made pursuant to a warrant, force may only be used where the warrant is valid, or believed by the arresting officer to be valid.

59. The Children’s Law of 2011 outlines the duties and rights of the guardians of children in Liberia, including prohibitions against a range of forms of ill-treatment. Duties of guardians include the obligation to refrain from any disciplinary measures which would violate the child’s dignity or negatively affect the child’s psychosocial or physical well-

being. The Children's Law also outlines the Standards for Child Protection Practitioners and Organizations; included in these guidelines is the requirement that child protection officers or workers not tolerate any form of child abuse, and not engage in physical punishment of any child under their care. A child protection officer is required by the Children's Law to immediately report any allegations of child abuse.

60. Regarding the juvenile justice system, the Children's Law guarantees children the right to be free from punishment that would constitute torture, including corporal punishment, solitary confinement, "or any other punishment that may compromise the physical or mental health or well-being of the child concerned." The Children's Law prohibits the use of an unreasonable amount of restraint or force on a child, except in the case that the child is a threat to himself or herself, or other persons.

61. Liberia is moving toward prohibition of female genital mutilation (reference is made to the Section of this report covering Article 3 of the Covenant, *infra*, paragraph 31).

### **Article 8: Prohibition of Forced Labor**

62. Article 12 of the Constitution of Liberia explicitly forbids slavery, forced labor, debt bondage, or peonage in the Republic. A person who enslaves another may be prosecuted under the Penal Law under the provisions prohibiting Kidnapping (§14.50), Felonious Restraint (§14.51), and False Imprisonment (§14.52). Exceptions to the prohibition against forced labor or slavery are made for labor required in the context of military duty, or civil obligations in situations of emergency. In addition, under Chapter 33 of the Criminal Procedure Law, a judge may suspend a sentence and place a convicted person under the supervision of a probation officer; the convicted person goes through rehabilitation, and community service forms part of the sentence. The Constitution also provides for persons in detention to be assigned other extra-curricular activities, which may involve certain chores in the context of our social-economic realities. For example, inmates who show good behaviour may be assigned to help with fetching water, while others may help with cleaning the cells. Other forms of labor permitted for those in detention include the participation of inmates in agricultural programs generating products for mass consumption.

63. Trafficking was criminalized in Liberia by the 2005 "Act to Ban Trafficking in Persons Within the Republic of Liberia," which was passed by the Transitional Legislative Assembly of the National Transitional Government. Trafficking is defined as "the recruitment, transportation, transfer, harboring or receipt of a person by means of the threat or use of force or other means of coercion, or by abduction, fraud, deception, abuse of power or of a position of vulnerability, or by the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation." The Anti-Trafficking Act prohibits not only engaging in trafficking directly, but also conspiring or attempting to engage in trafficking, or assisting or directing another to engage in trafficking.

64. Under the Anti-Trafficking Act, the crime of trafficking is punishable by a prison sentence of up to twenty (20) years, and restitution for victims may be ordered at the discretion of the court. The first case resulting in a conviction under the Anti-Trafficking Act, *Republic of Liberia v. Kassabli*, was prosecuted in 2014 and resulted in a seven-year prison sentence for the primary defendant, who was charged with directly engaging in trafficking, and a one-year prison sentence for the secondary defendant, who was charged with facilitation of trafficking.

65. Measures taken to combat trafficking include the creation of the National Task Force for Prevention of Trafficking, which was established in 2005, as per the Anti-Trafficking Act. The task force is headed by the Ministry of Labor and co-chaired by the

Ministry of Justice. The task force's mandate includes coordinating inter-ministerial and inter-governmental information sharing to combat trafficking; establishing coordinated anti-trafficking policies; disseminating trafficking data; and developing and coordinating the implementation of a National Action Plan. In 2014, the President officially launched Liberia's five-year National Action Plan in the Fight Against the Trafficking of Human Beings.

66. The Government of Liberia zero tolerance Five-Year Action Plan comprises four pillar programs. The first pillar, the Program on Prevention, focuses on public education with special emphasis on targeted training for security services, judicial personnel, rural dwellers and local governmental officials. With support from the International Organization for Migration (IOM) and the United Nations Office on Drugs and Crimes (UNODC), a series of trainer-of-trainers workshops were conducted between 2013 and 2016 for TIP National Taskforce personnel as well as local populations on various TIP topics. Massive public awareness on the manifestations of TIP undertaken by the TIP National Taskforce has significantly contributed to the campaign in the fight against human trafficking in Liberia. The apex of the campaign has been the establishment of the 199 hotline, which gathers reports of any and all suspected TIP activities in the country. The hotline was established in July 2016 with the assistance of a local anti-trafficking NGO, World Hope International, which is sponsored by the United States Embassy in Monrovia. The lack of adequate budget support, however, hampers TIP programs on prevention. World Hope International, with support from the US Government, helped support the Government of Liberia in drafting a referral pathway for victims and a program framework designed to ensure easy identification and profiling, and to provide other forms of assistance to victims of TIP in Liberia.

67. The second pillar of the Government of Liberia zero tolerance Five-Year Action Plan is the Protection Pillar. The protection program primarily focuses attention on victims of TIP practices. Protection includes care for victims in the following areas: medical, psychosocial, transit shelters, sanitized kits, feeding, witness protection and other vital needs. These diversified categories of care are simultaneously provided to victims, primarily during periods of prosecution of their perpetrators. The Ministries of Gender Children and Social Protection, Health, and Justice are the key actors in the Protection Program. From 2013 to 2016, Liberia has prosecuted two landmark TIP cases involving six (6) Moroccan women and fifteen (15) Liberian women who were repatriated from Lebanon, on the grounds that they were sexually exploited in the context of TIP-driven motives and actions. The two cases involved Lebanese perpetrators. The IOM provided assistance to the Government of Liberia specifically in the areas of repatriation benefits, including transportation. Care for victims proves to be the greatest challenge in the fight against human trafficking, not only in terms of financial resources, but in the protection of the identities of victims as well as provision of emotional care and support.

68. The third pillar of the Government of Liberia zero tolerance Five-Year Action Plan is the Program on Prosecution. Prosecution of perpetrators has been a major challenge in the fight against TIP, as is the case in many other countries. Judges are not fully aware of modalities of trafficking and its manifestations, and gathering sufficient evidence to prove a case beyond a reasonable doubt proves challenging due to issues with evidence tampering and lack of proper preservation of evidence. Many victims are reticent to serve as state witnesses due to the psychological and emotional impact of testifying. The crime of trafficking is capital intensive, and as a rule, state prosecutors must be vigilant against possible corruption of judges and jurors during prosecution. Of the two landmark trafficking cases, the State lost one case and prevailed in the other. The instance in which the State lost the case was not necessarily due to lack of proof, but because of the combination of the foregoing challenges associated with prosecutorial processes. Providing

witness protection to victims as state witnesses has proven to be a major challenge for prosecution.

69. The fourth pillar of the Government of Liberia zero tolerance Five-Year Action Plan is the Program on Promotion. This program focuses on cooperation, collaboration and coordination between the Government of Liberia (the National Taskforce), regional, international and bilateral partners. The US Government, ECOWAS, UNODC, and the IOM have been the prime international partners of the Government of Liberia in the fight against TIP.

70. A local child rights organization, the National Concern Youth of Liberia (NCYOL), in partnership with the Ministry of Justice Human Rights Protection Division, removes children who are victims of child trafficking and child labor from the streets and reunites them with their parents. The NYCOL also forms a part of the Anti-Child Trafficking Taskforce co-chaired by the Ministry of Gender, Children and Social Protection and the Ministry of Labor. The primary work of the task force is to track trafficking in children in Liberia. More statistical information will be provided in the updated version of Liberian Common Core Document.

## **Article 9: Right to Liberty and Security of Persons**

71. The Constitution of Liberia secures the right to enjoy and defend life, and the right to pursue and maintain security of the person, amongst the fundamental, inherent, and inalienable rights guaranteed to all. The Constitution guarantees that no person shall be deprived of liberty or security (or any other right) except in accordance with the judgment of a competent court, and in accordance with due process of law.

72. The rights of detained persons are among the fundamental rights guaranteed under the Constitution (reference is made to paragraph 147 of Liberia's Common Core Document). Any person accused of a crime in Liberia must be informed immediately upon arrest of the charges against him or her, of the right to remain silent, and of the fact that any statement he or she makes may be used against him or her in court. All persons have the right to be formally charged and presented before a competent tribunal within forty-eight hours of arrest or detention, and the Constitution guarantees the right to writ of habeas corpus for any person arrested or detained more than forty-eight hours before being presented to court.

73. Liberia Criminal Procedure Law Title II, Section 2.3 guarantees that no officer of the Republic of Liberia shall "interrogate, interview, examine, or otherwise make inquiries of a person accused or suspected of an offense, or request any statement from him, including a confession of guilt, without first informing him of the following:" the nature of his or her offense; his or her right to legal counsel during questioning; his or her right to silence; and that statements made may be presented as evidence in a criminal prosecution.

74. Under the Constitution, the right to counsel is inviolable. Any person arrested or detained has the right to counsel at all stages of investigation and is entitled to decline questioning by law enforcement in the absence of an attorney. In all criminal proceedings, the accused has the right to counsel of his or her choice and in the case that he or she cannot secure representation, the accused has the right to legal aid services provided by the Government.

75. All persons have the right to speedy trial. In the interest of securing this right in the face of challenges, including prison overcrowding and extended pre-trial detention, the Government has instituted the Magistrate Sitting Program in Montserrado County. This functions as a fast-track mechanism to review cases of minor offenses, and has had a significant impact on controlling the pre-trial detention population. Outside of Montserrado

County, a similar program, “jail delivery,” has also effectively lowered the rate of pre-trial detention by employing County Attorneys in monitoring and assessing cases.

76. The Constitution and the Criminal Procedure Law guarantee the right to bail for persons charged with non-capital offenses, both pending conviction and pending appeal. Persons in custody for capital offenses are entitled to bail before conviction, unless “the proof is evident or the presumption great” that he or she is guilty. The burden to show the latter is on the State. In practice, however, persons charged with capital offenses are generally considered non-bailable. There is an illness exception, which guarantees that a person whose life or health would be severely endangered by continued confinement in prison may be confined elsewhere or admitted to bail, upon the discretion of the judge.

77. There are challenges in fulfilling many of the legal rights guaranteed under Liberian law, due to resource and capacity gaps. For example, a formal legal aid system has not yet been officially established, although there has recently been progress in this area. In February 2016, the Ministry of Justice hosted a three-day Legal Aid Policy consultative workshop, in partnership with UNMIL and the Carter Center, which invited traditional leaders and key stakeholders from all counties to cooperate in fulfilling the needs of the indigent. Among other challenges, the Public Defender’s Office is severely understaffed (reference is made to Article 10).

### **Article 10: Humane Treatment of Persons Deprived of Liberty**

78. The Constitution of Liberia guarantees the right to enjoyment and defense of one’s liberty, and the right to pursuit and maintenance of one’s security. The Constitution ensures that no person may be deprived of the right to liberty or security, or any other right, without a hearing consistent with due process of law.

79. The rights of all persons held in confinement are enshrined in the Constitution of the Republic of Liberia, which guarantees humane treatment for those who have been charged, arrested, detained or otherwise confined. The Minister of Justice is officially tasked under the Executive Law with supervising the correctional system, with particular attention to the treatment of incarcerated persons.

80. Under the Criminal Procedure Law, the Division of Correction under the Ministry of Justice is charged with the responsibility of administering all correctional institutions, and ensuring the safekeeping of persons detained in those facilities.

81. Liberia faces a major challenge in terms of prison overcrowding, and the vast majority of persons in Liberian prisons are pre-trial detainees. As such, the primary factor causing prison overcrowding is the lack of efficiency in court’ processing of cases and overburdened Circuit Court dockets. In order to address this issue, and to ensure an increased number of cases processed, the Government of Liberia has expanded the jurisdiction of the magistrate courts. Magistrates are now permitted to handle juvenile cases, and their jurisdiction was expanded to include first, second and third degree misdemeanors. The maximum amount of money at issue in a case that magistrates may handle has been significantly increased; previously magistrates could only handle petty larceny cases involving 50 Liberian Dollars or below, whereas now they can handle cases involving up to 15,000 Liberian Dollars.

82. Under the expanded jurisdiction of magistrate courts as part of the reform initiatives for improvement of access to justice provided by the justice sector of the Government of Liberia, an initial batch of sixty (60) Professional Magistrates were trained by the Judicial Training Institute from 2014 to 2015. These magistrates were then deployed to the fifteen (15) counties by the Judiciary as Associate Magistrates.

83. Additionally, the 2015 reports of the Judiciary outlined that specialized training was provided and assigned judicial personnel were deployed in the context of the expanded jurisdiction of magistrate courts. This training included the existing twenty-eight (28) Public Defenders.

84. Moreover, in order to further the processing of cases efficiently, an additional three (3) Public Defenders were added to the Gbarnga Regional Justice and Security Hub (covering Bong, Lofa and Nimba Counties). Five additional Public Defenders have also been posted to Regional Justice and Security Hubs 2 (covering Grand Gedeh and Sinoe Counties) and 3 (covering Maryland, River Gee, and Grand Kru Counties). This brings the total number of Public Defenders deployed to the various Circuits to a total of twenty-nine (29). All deployed remain at their various posts. These are all measures being employed by Government to strengthen the justice sector so as to mitigate the inhumane treatment of persons deprived of their liberty and to ensure trial in a reasonable time.

85. There are also current capacity gaps in the magistrate courts, which the Government endeavors to address. Of the one hundred and fifty-two (152) Stipendiary Magistrates required to man the existing one hundred and fifty-two (152) Magistrate Courts, only ninety (90) positions are filled leaving a vacancy of sixty-two (62) Stipendiary Magistrates' positions to be filled. Additionally, of the required number of three hundred and four (304) Associate Magistrates, only two hundred and thirteen (213) positions are filled with a vacancy of ninety-one (91) positions. In view of the existing capacity gap within the Magistrate Courts, the Judiciary prioritizes the recruitment, training and deployment of a second batch of sixty (60) Professional Magistrates for deployment in support of the new law regarding the expanded jurisdiction of the magisterial courts.

86. The Human Rights Protection Division of the Ministry of Justice conducts regular monitoring exercises of places of detention including prison facilities as well as police zones and depots to ensure that the authorities comply with international minimum standards and make recommendations for improvement of conditions at these facilities when necessary.

87. The INCHR, under its broad human rights protection, promotion, and monitoring mandate, is also tasked with conducting regular monitoring of prison facilities. INCHR field monitors conduct monitoring in all fifteen counties of Liberia, and in its 2014 Annual Report, the INCHR reported its findings on the status of prisons.

### **Protection of Juveniles**

88. The Child Justice Section of the Ministry of Justice also conducts monitoring exercises of places of detention to deal with issues relating to juveniles coming into conflict with the law. With support from UNICEF, the Section has assigned social workers in ten (10) of the fifteen (15) Counties. The social workers are to liaise with the Women and Children Protection Sections of police zones and depots; they also follow up at the level of the court, advocating for the application of the Juvenile Procedural Code. In the last two years, the Section has conducted training of members of the Liberia National Police (LNP) to increase awareness on the need to continue to adhere to the Juvenile Procedural Code. Moreover, the Child Justice section has distributed motorbikes and other office equipment to include digital cameras, printers and stationery to enhance the effectiveness of the Women and Children Protection Sections (WACPS) of the Liberia National Police (LNP).

### **Rule of Law Institutions**

89. In the context of Liberia's post-war reconstruction and development, reformation of the corrections system has been emphasized within the broader rebuilding of rule of law and security components. Under the Comprehensive Peace Agreement of 2003, a broad

restructuring and capacity building effort was undertaken to train and reinvigorate rule of law institutions, including the corrections system. Liberia's Poverty Reduction Strategy of 2008 included a focus on rebuilding management and accountability systems within the security sector, including the Bureau of Corrections and Rehabilitation, and emphasized rehabilitation programs within the justice system.

90. The Bureau of Corrections and Rehabilitation (BCR) has significantly improved in its effort to build the capacity of prisons nationwide. Its achievements are placed in the following capacity building categories: Personnel Recruitment; Training and Deployment; Prison Infrastructural Development (renovation and construction of prison facilities); and The Cheesemanburg Project. The Cheesemanburg Project involves the construction of large new prison facility in Cheesemanburg, Bomi County. Specifically, in an effort to reduce overcrowding at MCP, BCR undertook the construction of a one thousand two hundred (1,200) bed prison facility in Cheesemanburg. This construction initiative has come to a standstill due to lack of funding; meanwhile, the BCR is currently engaged in a ten (10)-acre agriculture project at the facility.

91. The BCR's overall numerical target for its manpower capacity, by the end of 2016, is seven hundred (700) trained Corrections Officers. As it stands, BCR has successfully recruited, trained, and deployed two hundred and thirty (230) Officers, leaving a gap of two hundred and four (204) Corrections Officers to be trained. In addition, BCR has also completed the training of trainers exercise to enhance the capacity of its team of National Trainers. Meanwhile, the BCR trained a select number of personnel for its Intelligence and Investigation Units, both of which were recently established to improve prison security.

92. Among the BCR's recently completed prison renovation and construction projects are the following: construction of a rehabilitation center for females and juveniles at the Monrovia Central Prison (MCP); renovation of the Chapel at MCP; ongoing renovation of six (6) security towers at MCP; completed phase one of the Robertsport Detention Center construction project; constructed a new well with hand pump and built a new septic tank at the Fishtown Detention Center.

93. The Bureau of Corrections has named the following as challenges standing in the way of raising the standard they envision: (1) sourcing resources to construct sufficient infrastructure to absorb the influx of detainees as a result of the growing population and meet international human rights standards; (2) lack of funding to sustain rehabilitation programs for inmates; (3) difficulty with sustaining health centers at these facilities; (4) the acquisition of needed logistics such as vehicles.

94. The Ministry of Justice is currently partnering with the United Nations Missions in Liberia (UNMIL) to assess the needs of the BCR so as to source funding to help solve some of these problems. This will be done through joint visitation by the Ministry of Justice and UNMIL to prisons in Liberia, where video recording will be utilized to show to interested partners the actual situation on the ground that must be addressed.

95. The Bureau of Probation & Parole and the Board of Parole were established through legislation passed in 2010 and 2012, and the Parole Board began its outreach services to prisoners at Monrovia Central Prison in the fall of 2012.

96. A major challenge to the protection of the rights of imprisoned persons in Liberia is prolonged pre-trial detention, which exacerbates prison overcrowding. The Government of Liberia has taken steps in recent years to seriously address this issue, with the institution of the Magistrates Sitting Program (also known as the "fast-track court) and the pre-trial detention task force (reference is made to paragraph 126 of Liberia's Common Core Document).

**Article 11: No imprisonment for not fulfilling contractual obligation**

97. Liberian laws are in consonance with Article 11 of the ICCPR, bringing to bear the Liberian Codes of Laws revised Chapter 2 concerning the rights of defendants. As stipulated therein, all are presumed innocent until proven guilty, and reasonable doubt is required for an acquittal. Moreover, Criminal Procedure Law 2:2.22.2 provides for adequate legal representation of accused persons. In our criminal prosecutions, the accused enjoys the right to be represented by legal counsel at all stages of the proceeding starting from the time of arrest or if no arrest, from the first appearance before the jurisdiction of the court. Therefore, it is reasonable to agree that Liberian laws are in compliance with this article, since the law provides that all persons who are accused have the rights and privileges under the law.

**Article 12: the right to move freely**

98. All persons residing in Liberia, including aliens, enjoy the right to freedom of movement under our Constitution. Under Chapter III, Article 13(a) of the Constitution, “[e]very person lawfully within the Republic shall have the right to move freely throughout Liberia, to reside in any part thereof and to leave therefrom subject however to the safeguarding of public security, public order, public health or morals or the rights and freedoms of others.” Article 13(b) of the Constitution grants citizens the right to leave or enter the country at any time. However, there are particular regulations, which must be followed in order to ensure safety and security in permitting freedom of movement, such as the issuance of residence permit.

99. Liberia is also a party to the protocols of the Economic Community of West African States (ECOWAS) regarding free movement, including the Protocol on Free Movement of Persons, Right of Residence and Establishment (1979) and the ECOWAS Common Approach on Migration adopted at the 33rd ordinary Session of the Heads of States and Government, Ouagadougou, January 2008.

**Derogation to freedom of movement**

100. In 2014, Liberia, along with Guinea and Sierra Leone, experienced the most severe outbreak of the Ebola Virus Disease (EVD) ever recorded. In September 2014, in a highly unusual move, the UN Security Council unanimously declared the crisis a threat to international peace and security.

101. The crisis prompted the Liberian Government to impose a State of Emergency in August, announcing that some freedoms would have to be curtailed to fight the virus. The Ebola epidemic was used as a rationale for placing new restrictions on journalists, closing all schools and land borders, and postponing of senatorial elections scheduled for October 2014. The Government also imposed a nationwide night time curfew and quarantined several Ebola-stricken areas, including the West Point Community in Monrovia. The latter move was widely criticized and led to clashes between West Point residents and police. The quarantine was lifted after ten (10) days.

102. President Ellen Johnson Sirleaf initially defended her Administration’s effort to contain EVD, blaming its spread on public ignorance and refusal to heed Government’s and health workers’ warnings. In October 2014, however, she expressed public regret for measures taken early in the crisis, including the quarantines. In November 2014, she lifted the State of Emergency, citing progress in combating the epidemic. According to Freedom House, Liberia experienced a downward trend in its freedom index due to the Government’s quarantines that restricted freedom of movement and employment in some of

the country's most destitute communities as well as several new or revived restrictions on freedom of press and assembly.

## **Article 13: Rights of an alien**

### **Requirements of admission of non-citizens**

103. Ordinarily, the legal points of entry remain open to all well meaning aliens who wish to visit or stay in Liberia. Generally, aliens wanting to enter Liberia are issued permit visas, issued by a Liberian Consular Officer to that alien or group of aliens. In addition to the processing of one's passport or laissez passer, an alien is also expected to have a valid international health certificate to be admitted into Liberia.

104. Upon expiry of the sixty-day visiting period, the alien will have to reapply for residence and this requires a minimum fee which varies according to regional citizen status, including ECOWAS citizens, non-ECOWAS citizens and non-Africans.

105. Non-citizens who live near the border are allowed entry into Liberia after acquiring a border pass ("border crosser pass"); this enables community dwellers to interact with people in Liberia, usually for cross-border trade, and the pass provides for interaction not exceeding thirty (30) miles from the border.

### **Laws and practices concerning the mandated departure of non-citizens**

106. The new Alien and Nationality Law provides for an appeals process in which the Ministry of Justice exercises complete control over the initial application and subsequent appeal processes. Initial decisions are taken by immigration officers, with appeals being heard by the Liberian Board of Immigration Appeals. Final administrative appeals are heard by the Attorney General; however, a subsequent right of judicial appeal does exist from the Attorney General's final decision to the Circuit Court sitting in Civil Assizes.

### **Situation of internally displaced persons**

107. The Liberian Refugees Repatriation and Resettlement Commission (LRRRC) is an agency established solely for the purpose of monitoring and evaluation of IDPs for possible resettlement. In line with the principle of confidentiality, all reports on IDPs are channeled directly to the President of Liberia through the Executive Director of the LRRRC. With the requisite funding and support from both the Government and international partners, the actions of the LRRRC placed Liberia amongst the first African nations to repatriate over 500,000 IDPs within the space of one year. On 8 November 2004, Liberia adopted the Guiding Principles on Internal Displacement to serve as a source of ongoing guidance and reference for the protection, dignity and rights of IDPs.

108. The most recent data available on IDPs in Liberia stands at an estimated one thousand eight hundred (1,800). In April 2006, the IDP return process in Liberia was officially declared completed, with more than three hundred and fourteen thousand (314,000) IDPs returned to their areas of origin in eighteen (18) months and a total of thirty-five (35) IDP camps closed. This formally marked the end of a 17-year era during which much of Liberia's 3 million people had at some time been internally displaced.

109. Recent challenges causing internal displacement range from small incidences of residential dwellings being destroyed by fire, or disaster caused by flooding, wind storms or sea erosion for people residing in the coastal areas. These incidences leave families homeless and in need of basic necessities such as food, clothing and temporary shelter. To handle the humanitarian crisis associated with these incidences, the LRRRC, in

collaboration with the Ministry of Internal Affairs, UNHCR and other partners, has established a tracking system to monitor and respond to the humanitarian needs of victims.

110. Most recently, 130 families of the West Point community, who were internally displaced as a result of sea erosion, were relocated into several low-cost housing units constructed by the Government of Liberia in the VOA Community in Brewersville, outside of Monrovia. The Government also provided them food (staple foods such as rice, beans, and oil) and non-food items (such as clothing, bedding, etc.).

111. In addition to that, residents of several communities in Margibi County, including Caul Field Community along the Roberts Field highway, were victims of flooding. The response has been inadequate due to lack of budget; however, several well-meaning private and government institutions including the Liberian National Red Cross (LNRC), the Ministry of Gender, Children and Social Protection (MOGCSP) and the United Nations Children's Fund (UNICEF) have made donations of food and non-food items. The Vice President's office has also made a donation of food items.

112. The major challenge faced by the LRRRC remains inadequate budgetary allotment in the face of budget shortfalls, especially during the point in time in which Liberia has been experiencing natural disasters calling for allocation of funds for rapid humanitarian response. There is also a need for coordination amongst response actors.

113. The Constitution of Liberia, Chapter III, 13b, allows for non-Liberian residents to be extradited to foreign countries for prosecution for a criminal offense in accordance with the provisions of an extradition treaty or other reciprocal international agreement in force. Non-Liberian residents may be expelled from the Republic of Liberia for cause.

#### **Article 14: Right to due process and fair trial**

114. The People of Liberia willfully affirm in the Preamble of the Constitution the right to exercise "our natural, inherent and inalienable rights to establish a framework of government for the purpose of promoting unity, liberty, peace, stability, equality, justice and human rights under the rule of law, with opportunities for political, social, moral, spiritual and cultural advancement of our society, for ourselves and for our posterity." This affirmation confirms that the right to fair and equal treatment before the law is backed by the Constitution. The Constitution further promotes equality before the law as stated in Chapter III Article 11(c), which states "All persons are equal before the law and are therefore entitled to the equal protection of the law."

115. Chapter III of our constitution provides for the promotion and protection of fundamental fair trial and due process rights including the right to trial by jury and reasonable bail, right to access to justice, and right to legal aid services for indigent citizens.

116. The independence of the Liberian Judicial System is backed by the Constitution, with the judiciary forming the third branch of government, one of three equal and coordinated bodies distinctly ensuring the separation of power, which together form the Government of Liberia.

117. Currently, the Supreme Court is comprised of one Chief Justice and four Associate Justices, three (3) of which are males and two (2) females. Justices are nominated by the President and appointed with the consent of the Senate. They may be removed through impeachment or mandatory retirement (age 70) and are entitled to civil and criminal immunity for opinions and statements made in the course of their work as justices.

118. Lower court judges are appointed by the President with the advice and consent of the Senate. All judges retain their position on condition of "good behavior." Under Article 71 of the Constitution of the Republic of Liberia, judges may be removed following

impeachment and conviction by the Legislature on the grounds of “proven misconduct, gross breach of duty, inability to perform the functions of their office, or conviction in a court of law for treason, bribery, or other infamous crimes.”

119. The Legislature may also establish other courts from time to time, the most recent example being the establishment of Criminal Court “E” for the prosecution of crimes of sexual and gender-based violence.

### **Article 15: Right against ex post facto law**

120. The Principle of non-retroactivity is contained in the Constitution of Liberia, with provisions found in Chapter III, Article 21(a), specifically indicating that “No person shall be made subject to any law or punishment which was not in effect at the time of commission of an offense, nor shall the Legislature enact any bill of attainder or ex post facto law.”

### **Article 16: Equality before the law**

121. The Constitution of Liberia, Chapter III, Article 11(c), provides that “All persons are equal before the law and are therefore entitled to the equal protection of the law.”

#### **Birth Registration**

122. Historically, Liberia had a low level of birth registrations. In 2007, birth registration rates were estimated at four (4) or five (5) percent. A field survey by the Ministry of Health and Social Welfare in 2008 indicated that there was not a properly working birth registration system in Liberia. The Government of Liberia identified the development of an improved birth registration system, the Universal Birth Registration Plan, as a national priority in the Liberia Poverty Reduction Strategy, and by 2013, birth registration drives had increased the rates in Liberia to twenty-five (25) percent.

123. During the Ebola outbreak in 2014 and 2015, Liberia birth registrations dropped sharply. In 2014 many health facilities closed or had reduced services in response to the Ebola crisis, and there was a thirty-nine (39) per cent decrease in births registered over the previous year. In 2013, before the beginning of the Ebola epidemic, the births of 79,000 children were registered, while in 2014 the number of registrations dropped to 48,000. Only seven hundred (700) children in Liberia had their births registered between January and May 2015. UNICEF is supporting a drive to implement registration systems throughout the country, and will assist with training and outreach for a nationwide campaign to register the children missed in 2014 and 2015.

### **Article 17: Right to privacy**

124. The Constitution of the Republic of Liberia is clear on interferences with private life and circumstances under which such interferences may be permitted. Under Article 21(b) thereof, “No person shall be subject to search or seizure of his person or property, whether on a criminal charge or for any other purpose, unless upon warrant lawfully issued upon probable cause supported by a solemn oath or affirmation, specifically identifying the person or place to be searched and stating the object of the search; provided, however, that a search or seizure shall be permissible without a search warrant where the arresting authorities act during the commission of a crime or in hot pursuit of a person who has committed a crime.” It is logical that this is applicable to surveillance, electronic or

otherwise, and the interception of telephonic, telegraphic or other forms of communication, wire-tapping and the recording of conversations.

125. The Constitution of the Republic of Liberia also guarantees all rights under the Covenant. Rights duty bearers are required by the Constitution of Liberia to abstain from arbitrary and unlawful interferences and attacks against their enjoyment with exceptions (reference is made to paragraph 148 of Liberia's Common Core Document, which cites derogation provisions and emergency powers under Chapter IX of the Constitution of Liberia, and paragraph 149 also of Liberia's Common Core Document; or, Chapter IX and Article 87(b) of the Liberian Constitution on rights that are non-derogable).

126. In addition to the constitutional guarantee, specific aspects of the right to privacy are protected by specific laws such as Chapter 11 of the Criminal Procedure Law, which covers procedures and practices surrounding the practice of Search and Seizure by law enforcement and judicial personnel. Chapter 11 provides that a warrant shall be issued only on sufficient grounds as deemed by the magistrate, justice of the peace, or other judicial officer who may be empowered with issuance of the warrant in that instance. A warrant shall contain therein the grounds on which it is being issued and the identities of the persons who have provided evidence in support of such issuance.

127. The Criminal Procedure Law dictates that, before any officer entreats to search any person or premises as provided under search warrant, the officer in question must inform the person to be searched of his or her authority as well as the purpose of the search warrant being executed. If the person under search, or any person attending to the property to be searched, requests to view the search warrant in question, it shall be provided forthwith.

128. In order to protect the privacy of persons subject to a search warrant, the Criminal Procedure Law Section 11.8 guarantees that "a search warrant shall be issued with all practicable secrecy and the complaint, affidavits, or testimony upon which it is based shall not be made public in any way until the warrant is executed." The punishment for disclosure of the processing of a search warrant is the levying of the charge of criminal contempt of court.

129. Section 11.10 provides for the right of a person subject to unlawful search to make a motion in order to request the return of his or her property, and to motion to suppress any evidence gathered on the base of an unlawful search. Such a motion should be made before trial; any such motion made at trial may be entertained at the discretion of the court. The bases for making a motion on unlawful search and seizure, under Section 11.10(1) of the Criminal Procedure Law, include: "(a) [t]he warrant is insufficient on its face; or (b) [t]he property seized is not that described in the warrant; or (c) [t]he purported grounds set forth in the application for the warrant do not exist; or (d) [t]here was not probable cause for believing the existence of the grounds on which the warrant was issued; or (e) [t]he warrant was illegally executed; or (f) [t]he property, if seized upon an arrest, was illegally seized; or (g) [t]he property was seized without a search warrant having been issued therefor except when the property was lawfully seized in connection with a lawful arrest."

### **Article 18: Freedom of thought and conscience**

130. The Constitution of the Republic of Liberia, Chapter III Article 14, supports this Covenant right as it states therein that, "All persons shall be entitled to freedom of thought, conscience and religion and no person shall be hindered in the enjoyment thereof except as may be required by law to protect public safety, order, health or morals or in the fundamental rights and freedoms of others. All persons who, in the practice of their religion, conduct themselves peaceably, not obstructing others and conforming to the standards set out herein, shall be entitled to the protection of the law. No religious denomination or sect

shall have any exclusive privilege or preference over any other, but all shall be treated alike; and no religious tests shall be required for any civil or military office or for the exercise of any civil right. Consistent with the principle of separation of religion and state, the Republic shall establish no state religion.”

131. There exist several different religions and denominations within the State Party’s jurisdiction, including Christianity with its various denominations such as Episcopal or Anglican, Catholic, Seventh Day Adventist, Baptist, Presbyterian, Pentecostal, etc., and Islam also with various denominations including Amadiya, Repentant Muslims, etc. These various religions remain tolerant of one another without confrontation. In fact, the umbrella group entitled the Inter Faith Council encompasses all religious groups, and its members played leading roles in the resolution of the fourteen-year civil war through prayers for the nation, brokering of peace accords between warring factions, distribution of relief to internally displaced persons and refugees, provision of scholarships, and so forth. There are many volumes of publications of religious literature and continuous circulation of same among their membership and those they make efforts to recruit into their respective religions. Would-be offences against the exercise of religious rights have appropriate remedies at bar. The issue of state religion is prohibited by the Constitution of Liberia, as mentioned above.

132. The necessary legal documentation for the purpose of recognition of a religious entity as a non-profit organization is outlined under the Freedom of Association Act of 1976. Filing of articles of incorporation with the Ministry of Foreign Affairs is the primary recognition and authorization process, as is the case with any ordinary business registration; following this, practical application ensues. There has been no incidence of record regarding recognition refusal during the reporting period.

133. Both the dominant religion (Christianity) and those belonging to religious minorities enjoy the same rights and protections in regard to protection of and access to places of worship. No subsidies are provided to any one religion whether dominant or minority.

### **Article 19: Freedom of expression and right to hold opinion**

134. Public authorities of the Republic of Liberia are not permitted to use a person’s expression or views, including those of a political nature, to discriminate or as grounds to restrict a person’s freedom or rights to opinions generally. This is specifically a matter of constitutional right. The Constitution of the Republic of Liberia, Chapter III, Article 11(b) states that “All persons, irrespective of ethnic background, race, sex, creed, place of origin or political opinion, are entitled to the fundamental rights and freedoms of the individual, subject to such qualifications as provided for in this Constitution.” Furthermore, the Constitution of the Republic of Liberia provides in Chapter III, Article 15 that every person in the Republic of Liberia is guaranteed the right to freedom of expression. Article 15(a) provides that the right to expression may not be restricted by government, unless during an emergency situation. Article 15(b) further provides thus: “The right [to freedom of expression] encompasses the right to hold opinions without interference and the right to knowledge. It includes freedom of speech and of the press, academic freedom to receive and impart knowledge and information and the right of libraries to make such knowledge available. It includes non interference with the use of the mail, telephone and telegraph. It likewise includes the right to remain silent.”

135. Furthermore, the freedom of expression article of the Constitution stipulates that this right includes the right to be informed about the functions of government. The Constitution mandates that this right may be curtailed only in the case of judicial proceedings on the basis of charges of defamation or invasion of the right to privacy, or in commercial settings in the case of deception, false advertising, or copyright infringement.

136. In Liberia today, the opinions of citizens are expressed through many mediums, including telephone, internet, radio (talk shows), newspapers, television, magazines, newsletters, posters, flyers, bill boards, bumper stickers, congregations, releases, meetings, conferences, consultations, peaceful demonstrations, petitions, etc.

137. The legal regime that regulates the ownership and licensing of the press, broadcasting media and the existence of non-State controlled media includes the Ministry of Information, Culture and Tourism (MICAT), Liberia Telecommunications Authority (LTA), Ministry of Post and Telecommunications, and Press Union of Liberia (PUL).

138. The Government recognizes the right to freedom of expression and promotes freedom of the press. Firstly, Liberia's continued progress in preserving free speech cannot be ignored. Since 2006, the media landscape of Liberia has exploded with more than 30 newspapers and online services, 19 radio stations and 45 community radio stations which operate across the rural areas. All of these are independently owned and operated. Together with the implementation of the freedom of information law, the Independent Freedom of Information Commissioner has ruled in favor of private petitioner's right to information against a government functionary, as well as a robust engagement with the civil society on issues of transparency and accountability within the framework of the Open Governance Partnership (OGP), Liberia continues to take steps to uphold and preserve access to information and free speech.

139. Additionally, being the second only country on the Continent to accede to the Table Mountain Declaration, having now enlisted the inputs of stakeholders including the Press Union of Liberia, the Umbrella organization of journalists in the country, we are in the advanced stages of legislating the decriminalization of media related offenses from our statutes, a process we hope to conclude by the next sitting of the Legislature which begins in January, 2017. All of these has improved the environment and expanded the space for voices, at home and abroad which were previously silenced, to be heard on national challenges and public policy issues.

140. Locally, the press is allowed to follow cases of interest to the public, to the extent, there is a judiciary press bureau comprising of journalists from independent media houses as well as free lance journalists who are allowed to cover stories in the judiciary on a regular basis, except in the case where publicity could prejudice the interest of justice, juveniles or national security. There have been incidents where media practitioners abused this freedom and the matter had to be resolved in the court; some Citizens and human rights advocates interpreted government's action as clampdown on the press. Most recently, two media institutions Voice FM and Radio Lib 24 were shut down by the court for operating without registration.

141. Further to that, to provide update information on the day to day workings of government to the public, the government of Liberia, through its Ministry of Information, Cultural and Tourism (MICAT), holds a weekly press briefing where cabinet members are given the time to explain to the public, what they are doing at their respective ministries/agencies.

142. Violence or threats of violence against journalists occurred within the reporting period but were negligible and sometimes were resolved through mediation and inter-agency collaboration. In rare instances, suit was pursued in court for libel. On rare occasions, journalists were sent to prison, due to libelous publication against the president.

143. Up to the time of reporting, cases of persons arrested or detained because of the expression of opposing political views were not recorded.

144. Media institution are guaranteed the granting of licensing as provided by the Constitution of the Republic of Liberia, as indicated in previous citations of the

Constitution relating to press freedom. Refusal of media licenses and controls imposed upon the press by public authorities have not been significant in the reporting period. However, two radio stations have been shut down, allegedly for not complying fully with registration requirements according to authorities.

145. Foreign journalists are able to access information after satisfying accreditation requirements. The importation and circulation of foreign newspapers and periodicals occurs as provided by normal business regulations, mainly by the Ministry of Information, Culture and Tourism and the Ministry of Commerce and Industry. Circulation may not be restricted or prohibited except where such circulation fails to meet or adhere to standard authorization and normal business procedures followed for such circulation.

146. While the laws of the Republic of Liberia guarantee freedom of expression, it equally provides responsibility for abuse thereof. Chapter 11 of the Penal Law outlines improper exercises of freedom of expression, which constitute criminal offenses, including Advocating Armed Insurrection, Mishandling Sensitive Information, Criminal Libel Against the President, and Sedition, and Criminal Malevolence. As per these offenses, if any expression contains elements of propaganda for war, potential to defame and tarnish the image and reputation of others, undermine public safety, public order, public health, state security and stability, these expressions shall justify the imposition of legal penalties imposed by a competent court of jurisdiction and other remedies at bar.

### **Article 20: Prohibition against war propaganda**

147. Reference Liberia's Common Core Document, paragraph 149, sub-paragraph 4, citing the Constitution of Liberia; Article 15 thereof, provides guarantees for the freedom of expression that may not be curtailed, restricted or enjoined even in emergency, but may be limited by judicial action on grounds of defamation or invasion of privacy of others, and being fully responsible for abuse of such freedom, etc. This is applicable to incitement expression as propaganda to cause violence or war, which may amount to an act to topple government, a treasonable offence. Efforts to ward off propaganda of war and to promote consolidation of peace across Liberia after fourteen years of civil conflict have been necessary to guarantee peace; therefore there is strong prohibition against any and all forms of propaganda for war.

### **Article 21: Right to peaceful assembly**

148. The Constitution of the Republic of Liberia under Article 17 guarantees the right to peacefully assemble. This Article protects the people of Liberia in their right to gather to "consult upon the common good, to instruct their representatives, [and] to petition the Government or other functionaries." Liberia is also party to international instruments guaranteeing this right, including the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights. Liberia's accession to these instruments demonstrates its commitment to establish effective democratic governance by guaranteeing fundamental rights such as the right to free association.

149. Anyone organizing a gathering in Liberia must request a permit from the Ministry of Justice. The request must indicate the place of the demonstration, time, and date. The purpose of this registration process is so that the government can provide security to ensure the safety of demonstrators.

150. It is important to note that the crises that have occurred in Liberia in recent years have undermined the freedom to peaceably assemble. For example, during the outbreak of Ebola Virus Disease (EVD), a State of Emergency was declared in August 2014 which

restricted several constitutional rights, including imposing a quarantine, which constitutes a restriction on assembly. However, this restriction was justified by the extreme conditions resulting from the disease outbreak and ensuing State of Emergency.

## **Article 22: Freedom of association**

151. The Constitution of the Republic of Liberia and the Liberian Code of Laws Revised 1976 provide for the organization, regulation and existence of associations, trade unions, political parties, etc. Article 78 of the Constitution indicates, “As used in this Chapter, unless the context otherwise requires, an ‘association’ means a body of persons, corporate or other, which acts together for a common purpose, and includes a group of people organized for any ethnic, social, cultural, occupational or religious objectives; a ‘political party’ shall be an association with a membership of not less than five hundred qualified voters in each of at least six counties, whose activities include canvassing for votes on any public issue.”

152. The Common Core Document of Liberia, paragraph 124, notes the existence of the National Civil Society Council of Liberia (NCSCCL) as an umbrella organization with a membership of one thousand four hundred and fifty-two (1,452) registered members from a census of civil society organizations conducted nationwide in 2012.

153. Paragraph 125 of the Liberian Common Core Document furthered describes the processes required for non-governmental organizations to gain recognition, including registration with the Liberia Business Registry under the auspices of the Ministries of Commerce, Foreign Affairs, and Finance and Development Planning.

154. The Constitution of the Republic makes it clear in Article 79 the conditions for registering as a political party in Liberia. This includes registration with the Elections Commission, having met minimum requirements set thereby. Any association that is denied registration may apply to challenge such denial in Supreme Court. All associations must open their membership to all citizens of the Republic without discrimination, and the organization’s name, mission, and emblem may not include any religious reference or implications to ethnic divisiveness. All associations must provide for democratic elections of their officers and ensure diverse ethnic and regional representation amongst their elected officers.

## **Article 23: Right to found a family**

155. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

156. Liberia recognizes the family as a fundamental group unit of society and provides protection for the family. The right of men and women of marriageable age to marry and found a family is also recognized and enjoyed to a greater extent. Weddings are a weekly event, and wedding convoys are usually allowed to use the emergency privilege given to ambulances, VIP escorts, etc. In Liberia, there are two types of marriages that are given credence: the statutory marriage and the traditional marriage. Statutory marriage in Liberia is done at the level of the court. One must apply for a marriage certificate at the judiciary, and this certificate is signed either in court or in the church, wherever the wedding ceremony takes place. For traditional marriages, one must apply to the Ministry of Internal Affairs for a traditional marriage certificate. In the context of traditional marriage, a man can take up to four wives, according to traditions and customs. Liberian law does not permit a person to marry under statutory and traditional marriage at the same time.

157. Further, Liberia has domesticated aspects of the Convention on the Elimination of Discrimination against Women (CEDAW), which prohibits early child marriage; today, because of concerted efforts in the campaigns for gender equality, the idea of marriage without the free and full consent of the intending spouses is negligible or not practiced at all, depending upon the area of the country.

158. The Ministry of Gender, Children and Social Protection was established exclusively to deal with gender issues, especially the protection of women and children, considering their vulnerability. The Association of Female Lawyers of Liberia (AFELL), was also established to ensure that the rights of women and children are protected through the provision of legal aid to indigent spouses in the case of dissolution of marriage and persistent non-support. The Human Rights Protection Division, Ministry of Justice conducts mediation for spousal separation or abandonment, and protects the best interests of the child when handling such cases.

### **Article 24: Right of the child**

159. Liberia has a division of the vital statistics registry under the Ministry of Health where children are registered upon birth.

160. Article 28 of the Constitution provides for the right of both Liberian women and men to transmit their nationality to their children. Children may take their parent's Liberian nationality upon the condition that, upon reaching the age of eighteen (18), they renounce any additional citizenship(s) that they may hold.

161. There has been some misunderstanding of the enjoyment of this right misapplied in the Alien and Nationality Law. To deal with this misconception, the Liberian Bureau of Immigration and Naturalization (BIN) has embarked on the drafting of a new Alien and Nationality Law consistent with the 1886 Constitution and obligations undertaken to reform the nationality laws to prevent statelessness.

### **Article 25: Right to take part in the conduct of public affairs**

#### **Participation in public affairs and elections**

162. Under Article 27 of the Constitution of Liberia, all persons who were citizens at the time the Constitution came into force in 1984 will remain citizens of the Republic. This article also specifies that, henceforth, in order to preserve Liberian culture and values, only persons of Negro descent may qualify for citizenship in Liberia, by either birth or naturalization. There have been several campaigns since the passage of the new Constitution to remove the "Negro clause," and President Johnson-Sirleaf has made public statements supporting the repeal of the clause. However, the Constitution Review Committee, among its proposed twenty-five (25) recommendations, included maintaining this requirement for citizenship, despite disagreement from the Executive.

163. Any person who, at the time of his or her birth, had at least one Liberian parent, will be considered a citizen of the Republic of Liberia. However, dual citizenship is not permitted in Liberia. Therefore, a person seeking citizenship through his or her parents must renounce any other citizenship upon reaching the age of maturity in order to acquire his or her Liberian citizenship. There is also a serious debate currently on dual citizenship, in view of the fact that the Liberian Civil War forced many Liberians into the Diaspora, many of whom lost their Liberian citizenship by taking on the citizenship of another country based on the legal framework of those countries. Many of those Liberians who claim heritage to Liberia, are now part of a national campaign for dual citizenship. No

person may be denied the right to change citizenship, and no one may be denied the right to citizenship except as provided under the law.

### **History of universal suffrage in Liberia**

164. Initially there were challenges in the enjoyment of this right; for example, the 1847 Constitution, Article 1 (on fundamental rights) limited the full unhindered exercise of the right to universal suffrage in that it placed a condition on age and ownership of real property: “all elections shall be by ballot and every citizen, male or female of 21 years of age, possessing real estate, shall have the right to suffrage.” Secondly, even though this right was provided in the Constitution, women were not allowed to enjoy the right to vote.

165. The 1986 Constitution specifically dealt with past challenges thereby removing hindrances to the full enjoyment of universal suffrage, in line with international standards. Article 77(b) of the Constitution states: “*All elections shall be by secret ballot as may be determined by the Elections Commission, and every Liberian citizen not less than 18 years of age, shall have the right to be registered as a voter and to vote in public elections and referenda under this Constitution. The Legislature shall enact laws indicating the category of Liberians who shall not form or become members of political parties.*”

166. Today Liberia’s ethnic and religious minority groups enjoy full voting rights and are free to participate in public affairs. Today, factors that impede citizens’ ability to vote include illiteracy, poverty, and inaccessible roads in the hinterland, serving as barriers to free movement.

### **The National Elections Commission**

167. The National Elections Commission (NEC) is the independent electoral authority, which exercises the primary responsibilities of administering and enforcing elections law. The NEC is established under constitutional mandate, and is an autonomous public commission with five (5) members, appointed by the President with the consent of the Senate. Members of the NEC must be over the age of thirty-five (35) years, of good moral character, and no two members may hail from the same county. Commissioners serve a term of seven (7) years, and are removable upon proof of misconduct. During their tenure, members of the Elections Commission must not be affiliated with any political party or campaign on behalf of any candidate.

168. The NEC is responsible for, amongst other duties, accrediting and registering all political parties and candidates; formulating and enforcing elections rules and regulations; appointing elections officers; conducting elections and declaring results thereof; maintaining a voter registration database; and auditing political parties and candidates.

### **Elections**

169. The Liberian legislature consists of two houses: the Senate and the House of Representatives. The Senate contains thirty (30) seats, and the House contains seventy-three (73). Senators serve for a term of nine (9) years, while Representatives serve for six (6). Candidates for the Senate and the House of Representatives are required to have been domiciled in their constituency for at least one year prior to the election. Candidates for the legislature must be taxpayers and must meet the constitutional age requirements. Senatorial candidates must be at least thirty (30) years of age, and candidates for the lower house must be at least twenty-five (25) years of age. Elected Senators and Representatives must take a solemn oath or affirmation upon their election to office.

170. In order to stand in the election, candidates must pay application and registration fees to the National Elections Commission in the following amounts: seven hundred and fifty U.S. Dollars (\$750) for candidates for Senate, and five hundred U.S. Dollars (\$500)

for candidates for the House of Representatives. Candidates contesting elections are subject to campaign finance limitations. Under Section 7.3 of the Elections Law, candidates for Senator may not spend more than six hundred thousand U.S. Dollars (\$600,000) per election cycle, and candidates for Representative are limited to spending four hundred thousand U.S. Dollars (\$400,000).

171. Parliamentary elections were last held in October 2011. The Unity Party, to which the President belongs, won a plurality of seats, securing twenty-four (24) seats in the House and four (4) of the fifteen (15) open senatorial seats. The opposition party, the Congress for Democratic Change (CDC), won eleven (11) House seats and two (2) Senate seats. In the presidential election, the incumbent President Johnson-Sirleaf won 43.9 per cent of the vote, the CDC candidate Winston Tubman captured 32.7 per cent, and Prince Johnson of the National Union for Democratic Progress took 11.6 per cent. President Johnson-Sirleaf took the presidency in the runoff with over 90 per cent of the vote. Both local and international observers found the election to be free and fair, with only a few isolated incidences of violence.

172. Senatorial elections in 2014 were moved from October to December due to concerns surrounding the EVD epidemic. Turnout was low due to fears of contracting Ebola, despite the implementation of strict regulations to ensure the health of voters.

## **Article 27**

173. Minorities enjoy the same rights as members of other communities in Liberia. They are allowed to practice their culture and profess their religion without hindrance and to use their own language in public spaces. For example, in political and other social settings, Muslim minorities who ascend to high political positions in Government are permitted to kiss the Koran when taking their solemn oath. Moreover, in the light of the level of human rights awareness in the country in respect of religious tolerance, the best practice has been in the case of mixed social activities where people of diverse religious backgrounds meet, a period of silence is observed so that each reflect on his or her own religious belief.

174. The Inter-Religious Council of Liberia (IRCL) promotes dialogue amongst various religious communities. It has an office in Lofa County that continues to work specifically on inter-religious and inter-ethnic issues.

175. There have been some challenges in light of religious tensions in the country in recent years. For example, in 2010 the Vice President, in collaboration with governmental and non-governmental organizations, organized a dispute resolution workshop for traditional leaders in Lofa County to mitigate tensions between Muslim and Christian communities in that area. The Government of Liberia continues to work to protect the rights of all its citizens including religious minorities.

### **Political rights of minorities: Mandingoes**

176. Ethnic and religious minority groups generally enjoy full political rights and electoral opportunities, though some minorities, especially the Mandingo and Fula peoples, continue to be stigmatized as outsiders. The Local Government Administration of Liberia recognizes sixteen (16) tribes including Mandingoes; moreover, the Government has not supported or promoted any form of stigmatization or discrimination against any of these tribes. In fact, there are several examples of Mandingos in positions of power in Liberia: in Lofa County, the Chiefdom Quanighoni is solely occupied by Mandingoes; Justice KabinehJanneh, one of the four (4) Associate Justices of the Supreme Court Bench, is of the Mandingo ethnic group; the former Minister of Finance, Amara Konneh, as well as several other previous Finance Ministers, have been of the Mandingo ethnic background;

and there are a number of Mandingoes represented in the House of Representatives, the Armed Forces, the Liberia National Police, Immigration and other key government offices.

#### **Political rights of minorities: Fulas**

177. Another minority group are the Fulas; they are also protected by the constitutional provision, which calls for equal protection under the law. This protection is enjoyed by all citizens and residents residing in the territorial confines of the State. Additionally, there is a significant presence of Fulas constituting major Fula communities in Liberia who are economically thriving by their engagement in trade. These communities are headed by Fula Governors. There are also a significant number of Fulas who have become citizens by naturalization via the Liberian Immigration and Nationality Law, in that their offspring have the right to citizenship.

#### **Persons living with albinism**

178. The protection of the rights of Persons living with Albinism (PWAs) is a concern of the government. The Liberian Albino Society (LAS), a local NGO, receives subsidies from the government and international partners. They run a resource center for PWAs that has a clinic to cater to the health needs of persons living with Albinism. In the past, there have been incidents of targeting of PWAs for discrimination, including ritualistic killing. During the reporting period, there have been no records of cases of PWAs being targeted for ritualistic killing in Liberia.

179. Family abandonment and neglect are issues with which PWAs grapple, while in other cases, communities marginalize and discriminate against PWAs. Additionally, there are reports of minor attacks against PWAs in some communities, but these are relatively rare. Some of these cases can be linked to domestic violence, about which there is a law pending in the House of Representatives, thereby leading to most albinos refraining or shying away from school. The family mostly deny PWA's the right to education, fair and equal treatment amongst the children. This violates their right to education. Expulsion is not prevalent. Mrs. Patricial Logan the head of Liberia Albino Society (LAS) stated that human rights awareness being carried out by both government and civil society organizations including hers, has mitigated some of the worst forms of discrimination against PWAs.

180. Generally, the government has been supportive of PWAs; Government has employed PWAs in various Ministries/agencies including three (3) persons in the Bureau of Immigration (BIN), Ministry of Agriculture Fisheries (MOA) and Principal for a government school in one of the Rural Communities.

181. With support from the Government of Liberia and its Partners, the LAS completed a quick impact project in Bendor city, on the 13th of June, 2016 in commemoration of World Albinism Day, to buttress the health sector in Bendor City. Some PWAs under this project, are also attending the Medical School studying to become nurses, while others are graduating from other universities and doing other professional disciplines. They have about 30 students on scholarship in different schools of their choices.

#### **LGBT**

182. The equal protection of all under the law is a constitutional right in Liberia, including the right to be free from discrimination based on race, creed, religion or sex. Persons of the LGBT community in Liberia are stigmatized and sometimes come under attack by other citizens who believe that their sexual orientation is contrary to the general cultural and religious belief. The government continues to protect every one under the law from mob violence and stigmatization as was indicated in the rescue of LGBT activist, by

the Liberian National Police after he aired his support for the protection of Gay rights in Liberia.

183. In September of 2015, the government took a position on LGBT rights at the 30th regular session of the Human Rights Council (HRC) held in Geneva, Switzerland, when Liberia presented its second cycle report to the Human Rights Council (HRC) under the Universal Periodic Review (UPR) process. The then Minister of Justice, Cllr. Benedict Sannoh, heading the Liberian delegation, informed the Council “that Liberia notes recommendations on the subject of LGBT persons. Noting that while it was true that the /constitution of Liberia prohibits discrimination, and protects the fundamental rights and freedom of all persons within its borders without distinction on the basis of sexual orientation, the Government would like to tread cautiously in this area until there has been adequate public discourse, sensitization and awareness on the need to protect these rights.

184. The Human Rights Protection Division and the Liberian National Police of the Ministry of Justice are members of the Liberians Initiative for the Promotion of Rights, Identity, Diversity and equality (LIPRIDE) Coalition. The coalition is comprised of seventeen (17) different organizations whose work is to voice out human rights and protection issues of sexual minority women, girls, trans-gender and other key population including sex workers and drugs users.

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