SHADOW REPORT ON LIBERIA
October 2015

Submitted to: Committee on the Elimination of Discrimination Against Women

Submitted by: Liberia Initiative for the Promotion of Rights, Independence, Diversity, and Equality (LIPRIDE), with the technical assistance of ILGA – the International Lesbian Gay, Bisexual Trans and Intersex Association.

Representing: LIPRIDE Coalition

- Action Aid Liberia
- Stop AIDS In Liberia (SAIL)
- Liberia Women Empowerment Network (LIWEN)
- Association of Liberian People Living with HIV and AIDS (ALL+)
- National Association of Harmful Traditional Practices Affecting the Health of Women and Children (NATPAH)
- Lesbian and Gay Association Liberia (LEGAL)
- Liberian National Network of People Living with HIV and AIDS (LIBNEP+)
- United Sisters
- Leadership Institute for Women (LIW)
- Anti-AIDS Media Network
- Youth and Adolescents Living with HIV and AIDS (YAL+)
- Domafeign “The Future"
- Independent Human Rights Investigators (IHR)

This report was prepared in response to the Government of Liberia’s 2015 CEDAW report, the Ministry of Gender, Children and Social Protection common core document of 2014, the National Human Rights Action Plan, and the Government of Liberia’s UPR report and recommendations. The report highlights discrimination faced by women in four areas: impact of the Ebola virus disease on women; constitutional and institutional framework and access to justice; stereotypes and harmful practices; violence against women; and employment. It provides a brief overview of the context and suggested recommendations for the Government of Liberia.
1. **Impact of Ebola virus disease on women**

The 2014 Ebola outbreak exposed the inadequacies of the health system and the vulnerability of women, girls and other sexual minority women groups. According to an assessment done by ActionAid Liberia, women were highly susceptible to the Ebola disease given how it is transmitted. Traditionally and culturally, women are considered caregivers; therefore, during the outbreak, the burden to care was often left to women, leading to a high risk of infection. This is especially the case in rural areas where traditional roles of women reinforce their place as caregivers. According to situation reports shared during the outbreak, and by the Ministry of Gender and Development, 75% of the total number of deaths reported were women. For example all health facilities that provided antenatal services to pregnant women were shut down as a result of the Ebola crisis. To prevent the outbreak from further spreading, all government agencies, including health and justice were ordered to close or downsize to only essential staff, depleting the already limited number of staff. Moreover, reports of rape and other forms of sexual and gender based violence went unreported and cases were not addressed due to fear of disease or lack of access to health and or legal service providers.

There is a great need to ensure protection of female survivors to prevent stigma and discrimination not just in formal sector but also in the informal sector. In addition, women have taken on the role of caregiver of children orphaned by Ebola and have received limited support from the government, thereby reinforcing the low economic status of women in society.

**Recommendation**

1. The Government should integrate a gender perspective into its post Ebola health system strengthening programs and ensure that women provide leadership roles from the community to national levels. Protection of women rights should be mainstreamed into National Disaster Planning and emergency preparedness plans to ensure that rights’ violations (i.e. rape, abuse and other forms of sexual and gender based violence) are prevented during emergencies.

2. **Constitutional and institutional framework and access to justice**

The Liberian Constitution, Chapter III, Article 11 titled Fundamental Rights states:

“All persons are born equally free and independent and have certain natural, inherent and inalienable rights, among which are the right of enjoying and defending life and liberty, of pursuing and maintaining the security of the person and of acquiring, possessing and protecting property, subject to such qualifications as provided for in this Constitution. 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. All persons are equal before the law and are therefore entitled to the equal protection of the law."

The Government of Liberia (GoL) has an ongoing constitutional review of the 1986 Constitution. This process is an opportunity to influence change in this legal and institutional framework to promote gender equality. Civil society groups have engaged the process to highlight women’s rights violations and to promote gender equality from an institutional perspective. It is essential that any constitutional reform guarantee the prohibition of discrimination on the basis of sexual orientation, gender identity and bodily diversity.

Additionally, the Government has constituted several commissions, including the Law Reform Commission, Constitution Review Committee, Governance Commission, Land Commission and the Independent National Human Rights Commission to address governance, human rights and other areas that affect Liberia’s development and human rights landscape. Current laws affecting women economic rights, control over their bodies and participation in governance are being reviewed to ensure discriminatory elements of the laws that have an adverse effect on gender equality and the advancement of women are addressed. With respect to women’s participation in elected bodies, the New Elections Law of 2014 mandates that all political parties ensure that their party listing consist of not more than 70% or less than 30% of any one gender while a Devolution of Estates Law has also been passed, which provides protection for women married under customary law.

To address access to justice, a draft Domestic Violence Act has been submitted to the Cabinet for endorsement, after which it will be sent to the National Legislature to be passed into Law. The draft Domestic Violence Law is in response to the country’s commitment to the Convention for the Elimination of all forms of Discrimination Against Women (CEDAW), which calls on the Government of Liberia to develop and implement a comprehensive legal framework that will address violence against women and children. In addition, a new Rape Law which increases the penalty for rape has been passed. The Government has also established Criminal Court “E” to try Sexual Offense cases as well as a Sex Crimes Unit within the Ministry of Justice to prosecute sexual offense cases. In addition, the African Union Protocols on the Rights of Women and Children have been ratified, but are still awaiting domestication.

While these actions are laudable, there are significant shortcomings in the protection and promotion of human rights, a lack of equal access to the justice system, and limited public understanding of citizens’ rights under the law. Of particular concern is the disproportionate
correlation between the high number of cases and low number of convictions in relation to the new laws. Limited budgetary investment severely impedes effective implementation of the new laws. This is due to the lack of investigation facilities in the country to promote the quality of evidence sent to court and due processes. In 2014, budgetary support to the Ministry of Gender was an estimated 1.4% percent of the total national budget of $660,236,000. This situation of underfunding has compromised the quality of services provided by the ministry. Additionally, legal and judicial institutions continue to have a shortage of qualified personnel and limited capacity to provide equitable access to justice for women and girls. This is reflected in the increasing levels of sexual violence against women and children. Also, while the new laws (Devolution of Estate and Rape Law) will have positive impacts on advancing women’s status and access to justice, this will only occur where there is effective implementation.

Liberia has a dual justice system with both traditional/community practices and legal systems. This has reportedly affected the number of cases of rape being reported for legal redress as cases arising out of communities are often compromised by the traditional justice system and involvement of traditional leaders in the referral system for victims and family members. Criminal Court E, the specialized Court established purposely for speedy adjudication of cases of rape is overwhelmed and lacks capacity to handle the volume of rape cases currently before it. More importantly, the Court is only located in Monrovia, making it difficult for women, particularly in rural areas, to have easy and timely access to the court. The lack of adequate presence of police officers, especially female police officers, in the rural areas causes disadvantage for women suffering multiple violations. Finally, there is inadequate information on the role and responsibility of the newly established regional justice and security hub, as well as limited staffing and logistics for the effective operation/functioning of the hub.

**Recommendation**

1. **The ongoing constitutional review needs to ensure that the Constitution of Liberia provides protection for all women, including lesbian, bisexual and intersex women, as well as trans persons.**

2. **The Government of Liberia should increase the capacity of state institutions, including on the specific needs of women who are members of minorities or living in rural areas. In particular:**
   - Increase capacity and decentralized activities of Criminal Court E, and strengthen capacity of courts in rural areas;
b. Increase the number of police officers, especially female officers, in rural areas and provide special accommodation or incentives, including specialized training for female police officers assigned in rural areas;

c. Ensure full implementation of new laws focused on gender equality, and increase budgetary allocations to, and training and capacity-building of, legal and health institutions – as well as their employees – impacting on the lives of women (such as the Liberia National Police, County Health Systems, Independent National Human Rights Commission, Land Commissions, National Elections Commission, and regional justice and security hub). In particular, the Government should establish a national forensic investigation facility to support access to justice for women and girls. The body should create a link between regional security hubs and the formal justice systems in the counties;

d. Increase public information dissemination on judicial remedies and processes available to women for violations of their rights, especially amongst rural women.

3. Stereotypes and harmful practices

According to a GIZ report, the prevalence of female genital mutilation (FGM) in Liberia is at 58 percent, and 72 percent of women living in rural areas are members of the Sande society which practices FGM. The practice of FGM is lower in urban areas with prevalence at 39 percent, while in the north western region of the country prevalence is at 84 percent, and in the central northern region prevalence is 92 percent. FGM is rarely practiced in the south eastern region of Liberia.

Liberia is among the few African countries that have not enacted a policy to ban FGM. The Domestic Violence Act does not ban or criminalize FGM, but has a clause that sets the age of consent for the practice at 18 years. The Government, through the Ministry of Internal Affairs, had previously established a regulation for FGM to be practiced only during the time of school closures. This is inadequate, particularly as in practice FGM is performed throughout the year.

The enactment and implementation of the Domestic Violence Act will support institutionalised responses to high levels of domestic violence in Liberia, but will have limited impact on the protection of girls who are undergoing FGM on a daily basis in rural areas.

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2 Ibid.
3 Ibid.
communities. The current government regulation is not stopping the practice, but instead permits girls to undergo the practice at a particular time of the year to prevent it, theoretically, from interfering with their school attendance. It is also assuming that communities will allow girls to wait until the age of 18 to undergo cultural practices, a practice that is not normal.

**Recommendation**

1. The Government of Liberia should declare its commitment to the full elimination of FGM and criminalize acts of FGM to ensure the protection of women and girls. As part of its efforts to eliminate FGM, the Government should invest in sustainable outreach activities to support information sharing on FGM and women's rights, and should increase the budget of the Ministry of Gender.

**4. Violence against Women**

Rape is illegal in Liberia. First-degree rape, rape involving a minor, or rape that results in serious injury or disability or is committed with the use of a deadly weapon, is punishable by up to life. Yet, rape remains a serious and pervasive problem. Despite increased awareness on rape and domestic reporting, human rights groups claim that the prevalence of rape is higher, since many cases were still not reported. In addition, the law fails to specifically criminalize spousal rape.

According to the GoL and UN Joint Programme to Prevent and Respond to Sexual Gender Based Violence, SGBV is not only prevalent in Liberian society; it is unfortunately accepted as an integral part of gender relations. Many Liberian women and girls continue to experience appalling violence, which is closely interrelated with the low literacy rates, low school attendance, high fertility rates, high levels of maternal mortality, and high rates of adolescent pregnancy, forced marriage, poverty and HIV among women.5

Domestic violence and rape account for more than 70% of all SGBV reported cases in Liberia.6 According to the Small Arms Survey, the Ministry of Gender, Children and Social Protection (MOGCSP) stated that between January and October 2011, a total of 2,043 GBV cases were recorded. They included 376 cases of domestic violence, 82 cases of gang rape, 1,167 cases of

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statutory rape, 119 cases of sexual assault, and 5 cases of sexual abuse, among others. In 2012, 2,493 SGBV cases were reported by the MoGCSP, Montserrado County accounted for the highest number (1,493 or 60% of SGBV reported cases) and neighbouring Margibi County accounted for the second highest (180 or 7.2% cases).

In addition, due to Liberia’s dual justice system with both traditional and community practices and legal systems, fewer cases of rape are referred to the criminal justice system. Moreover, the specialized Court established purposely for speedy adjudication of cases of rape is both inaccessible to rural women and unable to handle the volume of cases before it. In addition, there is an insufficient number of police officers, in particular female officers.

In today’s Liberia, violence against women is not only seen in communities and among family members, but also in public places such as universities, streets, work places, market places, etc. The lack of adequate gender responsive public services in Liberia greatly contributes to women and girls’ vulnerability to sexual violence in public places.

Recommendation

1. The Government of Liberia must invest in state institutions to ensure that the high prevalence of sexual violence is addressed effectively within the health and justice systems. In particular, the Government should support the enactment and full implementation of the Domestic Violence Act through adequate budgetary allocation and support to institutional frameworks and structures (i.e. Gender Based Violence task force and Sexual Crimes Unit of Liberia National Police, including the regional security hubs).

5. Education

The impact of the lack of adequate gender responsive public services in exposing women and girls to risks of sexual violence is particularly challenging in institutions of higher learning in Liberia, both public and private.

According to baseline information collected in four Counties (Monterrando, Bong, Grand Gedeh and Gbarpolu), in universities, junior colleges and school campus, students have admitted to witnessing violence in and outside their campuses, including sexual harassment in surrounding communities. Female students also claimed they do not fully understand their rights, and have

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8 CEP/S/GWSI “Reversing the Trend of Rural Community-Based SGBV: Montserrado and Margibi counties”. 
difficulty accessing justice. There are also cases reported of instructors sexually harassing mainly female students and having sexual relationships with students.9

Policies in universities don’t address sexual harassment issues, therefore making it difficult for female students if sexually violated to have access to justice and other support services. Basic services such as lighting on and around campuses, access to transportation and limited sanitation facilities are often left unaddressed by school officials. For public institutions that rely on government budget, the situation is even more problematic.10

Recommendation

1. The Government of Liberia should invest in gender responsive Public Services, including by combating institutional sexism in police and other services and providing adequate gender responsive community safety and justice services in learning institutions and other public facilities. In addition, urban infrastructure should be improved, with the integration of a gender perspective into public services in municipal city planning.

2. The Government of Liberia should raise awareness in communities and with service-providers on sexual harassment and assault and build women’s capacity to advocate for their rights.

6. Violence, Discrimination and other human rights violations on the basis of sexual orientation and gender identity

Discrimination and violence against individuals based on their sexual orientation and gender identity is widely reported in communities and in public spaces in Liberia. The fundamental human rights of lesbian and bisexual women, as well as trans persons (LBT), sex workers and other most at risk populations, have not been promoted and protected against violations, including in the context of SGBV and sexual and reproductive health services and information. During a 2014 baseline assessment done by ActionAid in four counties (Bong, Grand Gedeh, Gbarpolu and Montserrado), human rights violations against women, sex workers, drug users, sexual minorities and persons living with HIV (PLHIV) were found in access to adequate healthcare, education, and, for sexual minorities in particular, personal security.11

Liberian law prohibits consensual same-sex sexual activity, and the culture is strongly opposed to homosexuality. “Voluntary sodomy” is a misdemeanor with a penalty of up to one year's

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10 Ibid.
11 Ibid.
imprisonment. The law also prohibits same-sex couples, regardless of citizenship, from adopting children. Of particular concern to civil society organizations, women human rights defenders, and other support groups working with sexual minorities, the proposed amendment to the Domestic Relations Law by Senator Jewel Howard Taylor and Representative Clarence Momolu - seeks to make same-sex marriage a second-degree felony – promotes homophobia and acts of violence, discrimination, and other human rights violations based on sexual orientation and gender identity.

As a result, civil society organizations report that LGBT persons are often cautious about revealing their sexual orientation or gender identity and, when they do reveal this information, they face discrimination, humiliation and rejection including by public entities. The widespread discrimination and the discourse of the Government prevents victims from reporting violence or discrimination based on sexual orientation or gender identity.

Recently the LIPRIDE Coalition documented the case of a group of lesbians who attempted to register an association to advocate for the rights of sexual minority women and girls. They were denied registration by an attendant at the Liberia Business Registry on the basis that the Constitution of Liberia does not support such relationships.

Very few civil society groups are involved in promoting the rights of LGBT individuals, and most maintain a very low profile due to fear of public backlash and reprimands. Press and civil society rarely report harassment of women perceived to be LBT, due to stigma and fear of official reprisal. Where such incidents are reported by the media, it is usually framed in homophobic and transphobic language.

**Recommendation**

1. **The Government should improve the legal protection of LBT women by extending the constitutional prohibition on discrimination to include sexual orientation and gender identity; by enacting legislation prohibiting hate crimes on the basis of sexual orientation and gender identity; and by ensuring that the freedom of association of organizations working to promote the rights of LBT women.**

7. **Social stigma and discrimination against women living with HIV**

Government ministries have developed, adopted, and implemented several strategic plans to combat social stigma and discrimination on the basis of HIV status. The Ministry of Labor was implementing a 2009 National HIV and AIDS Workplace Policy to promote in work environments supportive attitudes and environment for persons with HIV. Similarly, the Ministry of Education’s strategic plan for 2010-14 aimed to destigmatize and safeguard against
discrimination on the basis of HIV status in its recruitment, employment, admission, and termination processes. A 2010 amendment to the Public Health Law prohibits “discrimination and vilification on the basis of actual and perceived HIV status” in the workplace, school, and health facilities, with offenses punishable by a fine of no less than 1,000 Liberian dollars ($12).

However, as stated above, the law does not prohibit discrimination in the workplace on the basis of health status. In the most recent demographic and health survey (2007), 63.4% of women and 45.5% of men reported discriminatory attitudes toward those living with HIV.\(^{12}\) The People Living with HIV Stigma Index 2013 report on Liberia stated that, with respect to external stigma, 48% of 483 respondents in a study believed they were subject to gossip, 30% had been insulted, 21% had been physically assaulted, and 20% had been subjected to psychological pressure or manipulation. With regards to internal stigma, 67% felt ashamed, 55% experienced guilt, 41% had low self-esteem, 18% were isolated, 12% had suicidal thoughts, and 10% believed they deserved to be punished.\(^{13}\) Given that women represent a significantly higher proportion of persons living with HIV and the discrimination they face within society more broadly, women are disproportionately affected by the problems highlighted in the survey.

HIV-related social stigma and discrimination discourages persons from confirming their HIV status, thus limiting HIV prevention and treatment services. For example, in June 2014, neighbors reportedly isolated and ostracized a woman after a nurse inappropriately disclosed the woman’s’ HIV-positive status to community members.\(^{14}\)

**Recommendation**

1. The Government of Liberia should ensure full implementation of its programmes to combat discrimination against persons living with HIV, giving particular attention to the multiple discrimination suffered by women living with HIV.

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\(^{13}\) Ibid.

\(^{14}\) Ibid.