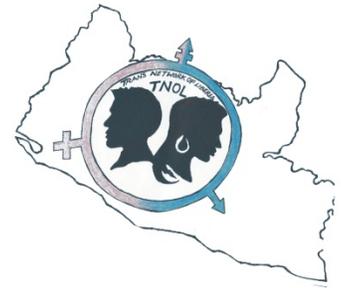




Stop AIDS in Liberia (SAIL)



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THE INITIATIVE  
FOR EQUAL RIGHTS



initiatives for  
human rights

Center for International Human Rights  
Northwestern  
PRITZKER SCHOOL OF LAW  
Bluhm Legal Clinic

## **Human Rights Violations Against Lesbian, Gay, Bisexual, and Transgender (LGBT) People in Liberia**

**Submitted for consideration at the 122<sup>nd</sup> Session of the Human Rights Committee**

**Submitted by:**

**Stop AIDS in Liberia (SAIL)**

**Transgender Network of Liberia (TNOL)**

**Lesbian and Gay Association of Liberia (LEGAL)**

**Liberian Initiative for the Promotion of Rights, Identity,  
Diversity and Equality (LIPRIDE)**

**Association of Liberian People Living with HIV and AIDS (ALL+)**

**ActionAid Liberia (AAL)**

**The Initiative for Equal Rights (TIERs)**

**Center for International Human Rights (CIHR),  
Northwestern Pritzker School of Law**

**Synergía - Initiatives for Human Rights**

**February 2018**

## **Human Rights Violations Against Lesbian, Gay, Bisexual, and Transgender (LGBT) People in Liberia**

This shadow report is submitted to the Human Rights Committee (“Committee”) by Stop AIDS in Liberia (SAIL),<sup>1</sup> the Transgender Network of Liberia (TNOL),<sup>2</sup> Lesbian and Gay Association of Liberia (LEGAL),<sup>3</sup> Liberian Initiative for the Promotion of Rights, Identity, Diversity and Equality (LIPRIDE),<sup>4</sup> the Association of Liberian People Living with HIV and AIDS (ALL+),<sup>5</sup> ActionAid Liberia (AAL),<sup>6</sup> The Initiative for Equal Rights (TIERs),<sup>7</sup> the Center for International Human Rights (CIHR)<sup>8</sup> of Northwestern Pritzker School of Law, and Synergía - Initiatives for Human Rights,<sup>9</sup> in anticipation of the Committee’s review at its 122<sup>nd</sup> Session of Liberia’s compliance with its obligations under the International Covenant on Civil and Political Rights (“Covenant”).<sup>10</sup>

The purpose of this report is to direct the Committee’s attention to Liberia’s serious and ongoing violations of the civil and political rights of lesbian, gay, bisexual, and transgender (“LGBT”) individuals. In particular, this report will focus on the following violations:

- Criminalization of adult, consensual same-sex sexual conduct, in violation of Articles 2(1), 17, 23 and 26 of the Covenant;

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<sup>1</sup> Stop AIDS in Liberia (SAIL) is a Liberian NGO that supports people living with HIV to advocate for access to HIV treatment and care. In Liberia, the HIV epidemic primarily affects key populations, particularly sex workers and men who have sex with men.

<sup>2</sup> The Transgender Network of Liberia (TNOL) is a Liberian NGO that advocates for equality, dignity, and non-sexism.

<sup>3</sup> The Lesbian and Gay Association of Liberia (LEGAL) is a Liberian rights-based NGO, founded in 2012, that works to improve the lives of LGBTI people, prevent discrimination, stigma and abuse based on sexual orientation, gender identity, and gender expression, and promote equal access to justice and a safe environment for all. LEGAL uses a feminist and woman-centric approach to its work and prioritizes the wellbeing of lesbian women and girls and transgender individuals.

<sup>4</sup> The Liberian Initiative for the Promotion of Rights, Identity, Diversity and Equality (LIPRIDE) is a national coalition of civil society organizations advocating for the rights of all Liberians, irrespective of their gender, health status, diverse background, sexual orientation, and gender identity. Present membership consists of 13 registered Liberian NGOs, including groups focused on women’s rights, people living with HIV, key affected populations, development, media, and human rights.

<sup>5</sup> The Association of Liberian People Living with HIV and AIDS (ALL+), a Liberian NGO, is a network of people in Liberia who are HIV positive.

<sup>6</sup> ActionAid Liberia is an NGO that works to end poverty in Liberia by promoting and advancing the rights of women, children, youth, and people living in poverty, using a human rights-based approach.

<sup>7</sup> The Initiative for Equal Rights (TIERs) is an African NGO that envisions a society where human rights are guaranteed regardless of sexual orientation, gender identity and expression. TIERs works to achieve this through education, empowerment and advocacy.

<sup>8</sup> The Center for International Human Rights (CIHR) of Northwestern Pritzker School of Law (Chicago, IL, U.S.) is dedicated to human rights education and legal and policy advocacy within the United States and worldwide. CIHR is in consultative status with the United Nations Economic and Social Council (ECOSOC).

<sup>9</sup> Synergía - Initiatives for Human Rights is a non-profit organization established in 2017, working to promote and protect human rights across several countries and regions in the world, with an emphasis on the human rights of marginalized groups, such as LGBTI people. Synergía focuses on institutional strengthening, security and protections, and rights and advocacy at domestic, regional and international levels.

<sup>10</sup> International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171 [hereinafter “Covenant”].

- Arbitrary detention and other police abuses of LGBTI individuals, in violation of Articles 2(1), 9, 17 and 26;
- Refusal to register the Transgender Network of Liberia (TNOL) as a legal entity, in violation of Articles 2(1), 19(2), 22 and 26;
- Violence, threats and harassment targeting LGBT individuals, including human rights defenders, in violation of Articles 2(1), 9(1), 17, 19, 22 and 26;
- Homophobic and transphobic statements by political and religious leaders and by members of the media, which fuel violence, discrimination, and a pervasive climate of homophobia and transphobia, in violation of Articles 2(1), 17 and 26;
- Widespread discrimination in all aspects of daily life, including healthcare, employment, education, housing, and access to other services, in violation of Articles 2(1) and 26.

This report will discuss these violations and will propose for the Committee’s consideration questions to be asked during the review and recommendations to be made to Liberia to address these violations.

## **I. Criminalization of adult, consensual same-sex sexual conduct**

The Penal Code of Liberia continues to criminalize adult, consensual sexual conduct by same-sex couples, in violation of Articles 2(1), 17, 23 and 26 of the Covenant. Under Section 14.74 of the Penal Code, entitled “Voluntary Sodomy,” it is a first degree misdemeanor to engage voluntarily in “deviate sexual intercourse.”<sup>11</sup> Section 14.79 of the Penal Code defines “deviate sexual intercourse” to mean “sexual contact between human beings who are not husband and wife or living together as man and wife though not legally married, consisting of contact between the penis and the anus, the mouth and the penis, or the mouth and the vulva.”<sup>12</sup>

The penalties for violating the prohibition of voluntary sodomy are specified in Chapter 50 of the Penal Code. Sections 50.7 and 50.9 provide that a person convicted of a misdemeanor of the first degree, such as voluntary sodomy, may be sentenced either “to a definite term of imprisonment to be fixed by the court at no more than one year,” or to a fine of up to LBR \$1,000.<sup>13</sup> Repeat offenders can be subjected to even more onerous penalties.<sup>14</sup>

An effort was initiated in 2012 to make the laws criminalizing same-sex sexual relations even more severe. Two bills introduced in 2012 by two different members of the Legislature would (a) expand the definition of criminal same-sex sexual conduct, (b) reclassify the offense as a felony rather than a misdemeanor, (c) increase the penalties for same-sex sexual conduct, and (d) explicitly criminalize same-sex marriage in Liberia. The bill proposed by then-Senator Jewel Howard-Taylor

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<sup>11</sup> Penal Law, Liberian Codes Revised Volume IV, Title 26, Section 14.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at Section 50.

<sup>14</sup> *Id.* at Section 50.8.

would have the effect of making the violation of the same-sex marriage prohibition a first-degree felony, punishable by a minimum of ten years in prison and a maximum penalty of death.<sup>15</sup> Additionally, Representative Clarence Massaquoi introduced a bill to the House of Representatives in 2012 which proposed to amend the Penal Code to include the prosecution of anyone who “purposefully engage[s] in acts that arouse or tend to arouse another person of the same gender to have sexual intercourse” or who “willfully and without disregard to societal moral dignity, seduces, encourages, and promotes another person of the same gender . . . to engage in sexual activities.”<sup>16</sup> Although these two bills subsequently failed to pass in the House of Representatives, they still remain in the upper house and could be revived in the future. In this regard, it is very concerning that one of the two sponsors of these bills, Jewel Howard-Taylor, has just been elected Vice President of Liberia.

Liberia’s criminalization of adult, consensual same-sex sexual relations violates Articles 17, 23, 2(1) and 26 of the Covenant. As this Committee recognized in its 1994 decision in *Toonen v. Australia*, “adult consensual sexual activity in private is covered by the concept of ‘privacy’” protected by Article 17 of the Covenant.<sup>17</sup> Accordingly, a State violates Article 17 when its penal code criminalizes same-sex sexual relations between consenting adults.<sup>18</sup> This is so even if the laws have not been enforced in recent times.<sup>19</sup> Liberia’s “Voluntary Sodomy” law also violates same-sex couples’ Article 23 right to form a family. The criminalization of adult, consensual same-sex sexual relations also violates the guarantee of equality and non-discrimination enshrined in Articles 2(1) and (26), as it targets a specific group of individuals based on their real or perceived sexual orientation.

Beyond leading to arrests, detentions and police abuse (as will be described below), Liberia’s sodomy law has the additional effect of perpetuating violence, discrimination, harassment and unequal treatment of LGBT persons. A climate of fear and discrimination persists against individuals based on their real or perceived sexual orientation, and this climate has led to LGBT persons being seen as criminals rather than human beings deserving rights and protection under the law. The existence of the sodomy law deprives LGBT individuals of the equal protection of the law, because it discourages them from reporting crimes against them to the police, for fear that they would themselves be jailed or prosecuted if their sexual orientation or gender identity is discovered by the police. It also leads to violations of the right to freedom of association. As will be discussed below, the Liberia Business Registry has refused to register the Transgender Network of Liberia (TNOL) as a legal entity, on the grounds that TNOL’s purpose is not legal under Liberian law.

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<sup>15</sup> Letter form Sen. Jewel Howard-Taylor to President Pro Tempore and Members of the Liberian Senate (Feb. 3, 2012).

<sup>16</sup> Human Rights Watch, *It’s Nature, Not a Crime: Discriminatory Laws and LGBT People in Liberia* (2013), pp. 23-24, available at [https://www.hrw.org/sites/default/files/reports/liberia1113\\_ForUpload.pdf](https://www.hrw.org/sites/default/files/reports/liberia1113_ForUpload.pdf) [hereinafter “HRW Liberia Report”].

<sup>17</sup> *Toonen v. Australia*, Communication No. 488/1992, Views of Human Rights Committee (Mar. 31, 1994) at ¶ 8.2.

<sup>18</sup> *Id.* at ¶ 9.

<sup>19</sup> *Id.* at ¶ 8.2.

## II. Arbitrary detention and other police abuses of LGBTI individuals

There continue to be instances of arbitrary arrest and detention of individuals suspected of engaging in same-sex sexual conduct in violation of Articles 2(1), 9, 17, and 26. Although there have been no reported cases of convictions under the Voluntary Sodomy provision of the Penal Code, the accused are often held in jail, without trial, for prolonged periods of time. The police have verbally and physically abused detainees and have confiscated their cell phones. The Penal Code criminalizes same-sex sexual conduct, which in practice makes state and non-state actors target not only people who are or are perceived to be lesbian, gay or bisexual, but also those who are or are perceived to be transgender. Police also exploit this provision of the Penal Code to harass and extort LGBT individuals, threatening to prosecute or to reveal the victims' sexual orientation or gender identity to their families and the public. Examples follow.<sup>20</sup>

When transgender individuals are arrested because of their gender identity, they are placed in crowded cells that house over a hundred inmates, some accused of violent crimes like rape and murder. The overcrowded conditions make them vulnerable both to rape and infection with HIV, and also, particularly for those who are HIV positive, to becoming ill from other infectious diseases. Consequently, these victims are left to deal with the lifetime consequences, mentally and physically.<sup>21</sup>

In late 2017, CG, a transgender female sex worker, was negotiating with a client when the client retaliated and accused her of wanting to sodomize him and “turn him gay.” Without any investigation or trial, CG was sent to prison. Although prison authorities claim she was later released, other prisoners who were with her in the prison reported to human rights defenders that she actually had died in the prison and that the police had secretly buried her body. These human rights defenders continue to try to investigate the whereabouts of her body, and they have even gone to the prison in person to request information about the victim. Prison authorities however refuse to provide information. Any proper investigation remains impossible since the police will not give the advocates any details about this tragedy.<sup>22</sup>

In November 2017, a victim of theft and intimate partner violence in a same-sex relationship was himself targeted by the police when he reported the crime. The victim reported the incident to the Zone 3 police station, but the crime was not investigated. Rather, police investigated the individual who reported the crime for committing crimes of sodomy and homosexual activity. A lawyer intervened in assisting this individual. Without this lawyer's assistance, the individual would likely have had to pay a bribe to the police.<sup>23</sup>

In October 2016, LS was arrested at his home and taken to the central police station in Monrovia to investigate charges under the voluntary sodomy provision in the Penal Code.<sup>24</sup> He was later transferred to Kakata Central Prison where, at least as of April 2017, he continued to be detained.

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<sup>20</sup> In these examples and all others throughout this report, the names and initials of the victims have been changed to protect their identity.

<sup>21</sup> Interview with MK, Jan. 29, 2018.

<sup>22</sup> Interview with MK, Jan. 29, 2018.

<sup>23</sup> Incident reported to SAIL.

<sup>24</sup> Incident reported to SAIL.

Another individual, TK, was also arrested in October 2016 for alleged sodomy and detained at the Monrovia Central Prison.<sup>25</sup>

In October 2016, FW went to the Kru Town police station to report that his phone had been stolen by a young man. When the thief was arrested and brought to the station, he “outed” FW as a gay man. FW was arrested and transferred to the central police station where he was detained for three days. After FW was released from the prison on bail, he was told to report to the police station every day.<sup>26</sup>

In a case recounted by the victim in September 2016, a gay man reported to the police that he had been receiving death threats. Investigations were initially carried out, but the case was thrown out on the grounds that the victim “was a homosexual man and homosexuality is against the law.”<sup>27</sup> The victim who had reported the death threats was himself arrested and had to spend the night in a cell.<sup>28</sup>

In another incident recounted in September 2016, police harassed and attacked a group of transgender individuals: “We were at a place where transgender people usually meet, we were sitting and having a conversation with friends. The place sells drugs, but we were not doing anything illegal. The Drugs Enforcement Agency (DEA) arrived, they put on the lights and asked what we were doing. We said we were not doing anything, then the DEA officers said we were the ones who are spoiling the country.”<sup>29</sup> The officers then beat them up, took away their phones and jewelry, and demanded money from them.<sup>30</sup>

In early 2016, a gay man who was beaten up reported the offense to the police. However, instead of investigating the victim’s complaint, the police arrested the victim because the alleged perpetrator told the police that the victim was homosexual.<sup>31</sup>

In 2013, G.S. was accused of violating the sodomy law and imprisoned in Monrovia Central Prison. He continues to this day to be held in prison, without ever having been brought to trial.<sup>32</sup> On April 12, 2013, the Liberian police arrested five young gay men in Logan Town’s Sayontown Bushrod Island community and asked them to pay bribes in order to be released. The police beat the five men, called them “faggots,” and mocked their “homosexual” demeanor, behavior, and dress.<sup>33</sup> On the same day, the police also conducted raids targeting the homes of LGBT individuals

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<sup>25</sup> Incident reported to SAIL.

<sup>26</sup> Incident reported to SAIL.

<sup>27</sup> The Fund for Global Human Rights, *Strategic Litigation Consultative Meeting Report*, Monrovia, Liberia (Mar. 31, 2017), p. 8 [hereinafter “Strategic Meeting Report”].

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*, at p.9.

<sup>30</sup> *Id.*

<sup>31</sup> United States Department of State, Bureau of Democracy, Human Rights and Labor, *Country Reports on Human Rights Practices for 2016: Liberia*, p. 26, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dldid=265270> [hereinafter “2016 Country Report: Liberia”].

<sup>32</sup> Incident reported to SAIL.

<sup>33</sup> Incident reported to SAIL.

living in low-income communities, arrested the inhabitants, and then asked them for money in exchange for their release.<sup>34</sup>

Police officers arrested a man after he was “outed” in the media as a homosexual. The man was kept in prison from 2010 to 2013 without a trial because of his sexual orientation.<sup>35</sup>

In 2010, MK was arrested with four other transgender women at a community location where TNOL does outreach work. MK’s and the others’ arrest occurred at noon, after a man had asked them to dance and they had refused, leading the man to tell police that MK and the four others were attempting to have sex with him. The police officer, whom MK knew to be transphobic, brought MK and the four transgender women to an all-male prison. They were put into an overcrowded cell with male inmates. The police ordered the inmates to have sex with MK and the other transgender women because “they wanted to be females.” Consequently, these men raped the transgender women, and did so without condoms or any other form of protection to prevent the spread of sexually transmitted diseases. Despite practicing safe sex, MK is now infected with HIV, which she believes she contracted during the prison rape.<sup>36</sup>

Instances such as these of arbitrary detention and other forms of police abuse are very serious violations of the rights to liberty and security of person protected under Article 9 of the Covenant. In its 2014 General Comment on Article 9, this Committee recognized that arrests and detentions for activities protected by the right to privacy, such as adult, consensual same-sex sex, are inherently arbitrary,<sup>37</sup> and it characterized “arrests for the purpose of extorting bribes” as an “[e]gregious example[] of arbitrary detention.”<sup>38</sup> Additionally, lengthy detention without violates the rights guaranteed by Article 9(3). In addition to violating Article 9, the incidents set out above violate Article 17’s right to privacy and the right to equal protection of the law and non-discrimination enshrined in Articles 2(1) and 26.

### **III. Refusal to register the Transgender Network of Liberia (TNOL) as a legal entity**

In November 2016, the Trans Network of Liberia (TNOL) sought registration as a legal entity with the Liberia Business Registry but was refused. Proof of registration is necessary in order for an NGO to obtain a lease for premises or to open a bank account on behalf of the organization. It is also crucial for fundraising, as donors request to see if the NGO is registered in the country of its operation before providing funding to the organization.

In rejecting TNOL’s application for registration, the Liberia Business Registry stated that the reason for the rejections was because TNOL’s “articles of incorporation includes activity which is not allowed in Liberia.”<sup>39</sup> The Registry added that “[t]he purpose of this entity’s line of business

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<sup>34</sup> Incident reported to SAIL.

<sup>35</sup> Strategic Meeting Report, *supra* note 27, p. 9.

<sup>36</sup> Interview with MK, Jan. 29, 2018.

<sup>37</sup> Human Rights Committee, General Comment No. 35: Article 9 (Liberty and security of the person), U.N. Doc. CCPR/C/GC/35 (2014), ¶ 17 and footnotes thereto [hereinafter “General Comment No. 35”].

<sup>38</sup> *Id.* at ¶ 16.

<sup>39</sup> Liberia Business Registry Rejection Letter to TNOL, Dossier Journal No: I16-020334, Nov. 2016.

is yet to be legalized under the laws of the Republic of Liberia.”<sup>40</sup> The LBR\$250 application fee paid to the Registry was not refunded to TNOL. Moreover, at the Registry, the activists applying for registration on behalf of TNOL were held back for three hours and were told that they could not leave. While the activists were detained, other individuals entered the detention area, took pictures, and made sarcastic and discriminatory remarks toward them. The detained activists were told that people of “their kind” should be “burned”, “killed”, and “placed in a cell to die” for not accepting the “body God has given them.”<sup>41</sup>

Without registration, TNOL can only run on small donations and cannot access essential funding for the organization to work properly. As a result of TNOL’s having been denied registration, funding sources that might otherwise have provided funding to TNOL have not been able to do so. TNOL has complained about the denial of registration to Liberia’s Independent National Human Rights Commission (INHRC), but as of February 12, 2018, TNOL has received no response from INHRC.<sup>42</sup>

Liberia’s refusal to register TNOL as a legal entity violates the right to freedom of association guaranteed both by Article 22 of the Covenant and by Article 17 of the Constitution of Liberia.<sup>43</sup> It violates, as well, the right to freedom of expression protected by Article 19(2) of the Covenant and Article 15 of the Liberian Constitution, because TNOL’s ability to “receive and impart information and ideas of all kinds”<sup>44</sup> is greatly limited by its inability to lease space, open a bank account, and obtain the donations needed to function effectively.

Additionally, refusing to register an organization because it advocates for the protection of human rights of LGBT persons discriminates against the LGBT community, in violation of the right to equal protection of the law and non-discrimination guaranteed by Articles 2(1) and 26. In view of the pervasive climate of homophobia and transphobia and the many acts of violence and discrimination against LGBT people, the rights to freedom of association and freedom of expression are particularly important for Liberia’s LGBT human rights defenders and the NGOs, such as TNOL, in which they work. Liberia’s refusal to register TNOL as a legal entity is thus a very grievous violation of the rights to freedom of association and expression.

#### **IV. Violence, threats and harassment targeting LGBT individuals, including human rights defenders**

LGBT individuals in Liberia, including human rights defenders, are frequently the victims of violent attacks, harassment and hate speech. Complaints to the police about these incidents have been ignored; in other cases, LGBT victims have been afraid to report the crimes to police for fear that they, the victims, will be jailed or abused because of their sexual orientation or gender identity.

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<sup>40</sup> *Id.*

<sup>41</sup> Interview with MK, Jan. 29, 2018.

<sup>42</sup> Information reported by TNOL.

<sup>43</sup> Constitution of the Republic of Liberia Jan. 6, 1986, Art. 17 *available at* [http://www.liberianlegal.com/constitution1986.htm#\\_Article\\_17](http://www.liberianlegal.com/constitution1986.htm#_Article_17) (last visited Feb. 11, 2018).

<sup>44</sup> Covenant, *supra* 10, Art. 19(2).

By failing to take adequate measures to protect LGBT individuals from such attacks, by failing to investigate, prosecute and punish reported crimes, and by failing to maintain an atmosphere in which LGBT crime victims feel safe to report crimes, Liberia is violating its positive obligations with respect to the right to personal security under Article 9(1) of the Covenant. Liberia's failures in this regard likewise violate the right under Articles 2(1) and 26 to equal protection of the law and non-discrimination, as well as the Article 17(2) right to the protection of the law against interference with privacy and attacks on honour and reputation. In cases in which the victims are human rights defenders, the rights to freedom of expression (Article 19) and freedom of association (Article 22) are also violated.

LGBT human rights defenders face a particularly high risk of violence and harassment. Examples include the following:

In 2017, MK, a transgender woman human rights defender, was the victim of a brutal attack. When a man made discriminatory remarks to her, she told him to stop. The perpetrator responded by beating MK. While MK has frequently been the victim of physical and verbal attacks, this particular incident was so severe that it required her to receive 18 stitches on her face. She complained to the police, but the police ignored her complaints.

In June 2016, a 27-year-old Outreach officer for LEGAL was attacked in the New Kru Town community. She was attacked with boiling water, causing injury to one side of her breast.<sup>45</sup>

On May 10, 2016, a leader of the Liberian transgender community was attacked following an event that she had helped host in central Monrovia. As the human rights defender (HRD) and other transgender women left the event, a crowd of men assembled across the street from them. When the HRD crossed the street to get a taxi, some of the men began to walk towards her. As she was about to enter the taxi, she was hit on the side of her head by an object and she blacked out. When she came to, she had a significant wound on the side of her head and her clothes were covered in blood.<sup>46</sup>

On February 23, 2012, mobs surrounded a radio station in Monrovia while it was airing a live interview with one of the two activists mentioned in the previous paragraph. The crowds shouted "let that dog come out here and he will know if his gay thing will hold in this country!" and threatened to "skin him raw."<sup>47</sup> A day later, SAIL's office was surrounded by angry mobs threatening violence against LGBT activists.<sup>48</sup>

On January 13, 2012, two Liberian LGBT activists were stoned by students on the University of Liberia campus while giving a speech advocating for equal rights for LGBT people.<sup>49</sup> On January 27, 2012, the home of the mother of one of these activists was burned to the ground by arsonists.<sup>50</sup>

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<sup>45</sup> Incident reported to LEGAL.

<sup>46</sup> Incident reported to Global Initiatives for Human Rights [hereinafter "GIHR"].

<sup>47</sup> Incident reported to SAIL.

<sup>48</sup> Information from SAIL.

<sup>49</sup> Incident reported to SAIL.

<sup>50</sup> Incident reported to SAIL. See also Jonathan Paye-Layleh, *Liberian Anger over Gay Rights Call*, BBC NEWS, March 18, 2012, available at <http://www.bbc.com/news/world-africa-17380950> (last visited Feb. 10, 2018).

While human rights defenders are particularly targeted, they are not the only victims of attacks and harassment based on the victim's real or perceived sexual orientation or gender identity. Many LGBT individuals have suffered such attacks and harassment. Examples follow.

On January 20, 2018, five members of the LGBT community were harassed and assaulted by a group of people in the West Point area of Monrovia. During the assault, their clothes were torn off their bodies and their personal belongings and money were stolen.<sup>51</sup>

In March 2017, THL reported that he was harassed because of his sexual orientation in the city of Paynesville by MT, an officer with Liberia's Bureau of Immigration. One evening, when THL had a friend visiting, MT broke down THL's window with a stick and accused THL and his visitor of engaging in homosexual activities. MT used a flashlight to illuminate THL's room, woke up the neighbors who were sleeping, and nailed the front porch door to prevent THL and his friend from leaving. MT also threatened to use physical force against THL and his guest in the morning.<sup>52</sup>

YS, a transgender woman who lives in Monrovia in a compound shared with another family, reported in early 2017 that she has been subjected to death threats and harassment by a neighbor for most of the preceding year. For example, while YS was in her home one day, the neighbor came to her window and began goading her to leave her house and to confront him. The neighbor brandished a stick at YS outside her window and eventually called his brother over. As he continued to harass YS through the window, the neighbor and his brother both threatened to kill her. Once they left the compound, YS went to the police to report the case, but the police failed to investigate the incident.<sup>53</sup>

A 2016 report noted that there have been reported instances of lesbians being raped to "correct" their sexual orientation, but women rarely report rapes to the police due to fear and social stigma surrounding both sexual orientation and rape.<sup>54</sup>

On 15 May, 2016, a transgender woman, XD, was attacked by a group of three men while she was walking home late one night in central Monrovia. XD had attended a gathering at a friend's home to mourn the loss of the friend's mother. XD left her friend's home at approximately 1:30 a.m. and began to walk home near the city center. While she was walking, XD noticed a group of three men behind her. It was dark and hard to see the men, but when they walked under a streetlight XD recognized the men as having been in attendance at her friend's house. XD recalled that the three men had been blatantly staring at her and speaking to each other about her while at XD's house. XD waited under a streetlight hoping that the men would pass. Instead, the men approached XD, yelled homophobic and transphobic slurs at her and then punched her in the face.<sup>55</sup>

On one occasion in 2014, two lesbians sought help from the police when the mother of one of them threatened to kill the other person involved because she was dating her daughter. The police officers refused to handle the case, and insisted that if the matter were reported to the police it

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<sup>51</sup> Incident reported to SAIL.

<sup>52</sup> Incident reported to SAIL.

<sup>53</sup> Incident reported to GIHR in 2017.

<sup>54</sup> 2016 Country Report: Liberia, *supra* note 31, p. 26.

<sup>55</sup> Incident reported to GIHR.

would become a public issue because of the sexual orientation of the victims. Thus, the police failed to investigate the complaint further.<sup>56</sup>

On July 26, 2014, on Du-port Road, a lesbian was attacked and held captive for nine hours. While she was held captive the attackers threatened to kill her because she was a lesbian.<sup>57</sup>

NS was assaulted on February 14, 2014, by eight men who accused him of being gay, chased him, and called him derogatory names. NS reported the attack at the national police station, but subsequently refrained from formally registering the case with the police for fear of retaliation by the attackers.<sup>58</sup>

In January 2014, while a group of LGBT Liberians were attending the wake of a fellow member of the LGBT community who had passed away, a group of five men attacked them for “being gay and acting like women” and threatened bloodshed if they did not leave the funeral.<sup>59</sup> One gay man suffered a significant injury. The victims of the attack did not press charges or report the crime for fear of retaliation from the police.<sup>60</sup>

In August 2013, in the SKD Blvd. Community in Congo Town, a mob of about 50 men broke into the home of TL and CF, two active members of the Monrovia LGBT community who would often host other LGBT people at their home. During this attack the mob announced their intention to kill TL and CF and any other homosexuals in the community. Although TL and CF were not home at the time of the attack, they learned of the threats from neighbors who had witnessed the break-in and heard the mob’s threats. In fear for their lives, TL and CF left their home and relocated to another neighborhood several miles away. As a result, TL had to drop out of his school and CF had to quit his job, as both the school and the workplace were located near their former home.<sup>61</sup> In November 2013, SAIL reported the case of TL and CF to the Ministry of Justice and the Independent National Human Rights Commission (INHRC). The Ministry of Justice had promised to follow up, but at least up to 2017, it still had done nothing to hold the perpetrators accountable. The Independent Human Rights Commission of Liberia, which had promised to carry out community awareness and sensitization measures, had likewise done nothing at least as of April 2017.<sup>62</sup>

On September 8, 2012, a mob attacked a group of gay men at their home, injuring three of the gay men.<sup>63</sup> During the attack, the mob stated that being gay is “evil,” that their community “hates gay people,” and that the gay men have no protection since the police would not protect gay people. SAIL assisted the victims in reporting these incidents to the Human Rights Section of the Ministry of Justice, which advised the victims to file a report at the local police depot. The local police launched an investigation and questioned the attackers. The attackers falsely claimed that the gay men had tried to have sex with them and that therefore the attack had been in self-defense. Without

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<sup>56</sup> Strategic Meeting Report, *supra* note 27, p. 9.

<sup>57</sup> Incident reported to LEGAL.

<sup>58</sup> Incident reported to SAIL.

<sup>59</sup> Incident reported to SAIL.

<sup>60</sup> Incident reported to SAIL.

<sup>61</sup> Incident reported to SAIL.

<sup>62</sup> Incident reported to SAIL.

<sup>63</sup> Incident reported to SAIL.

further inquiry, the police threw the victims in jail. The attackers later admitted that they had given false testimony, so the victims were released. However, no action was taken by the police or the Ministry of Justice to hold the perpetrators accountable.<sup>64</sup>

To date, some Liberians continue to “screen shot” and “repost” TNOL’s Facebook page in order to repost the page’s contents along with discriminatory remarks.<sup>65</sup>

These incidents document that LGBT individuals in Liberia, including human rights defenders, are frequently the victims of violent attacks, threats, and harassment. Liberia cannot evade responsibility on the grounds that non-state parties are responsible for many of the attacks, threats and incidents of harassment. As this Committee has noted,

“The right to personal security also obliges States parties to take appropriate measures . . . to protect individuals from foreseeable threats to life or bodily integrity proceeding from any governmental or private actors. States parties must take both measures to prevent future injury and retrospective measures, such as enforcement of criminal laws, in response to past injury. For example, States parties must respond appropriately to patterns of violence against categories of victims such as intimidation of human rights defenders [and] . . . violence against persons on the basis of their sexual orientation or gender identity...”<sup>66</sup>

Liberia is thus in violation of its obligations under Article 9, due to its failure to take measures to protect LGBT individuals, including human rights defenders, from such attacks, and its failure to promptly investigate, prosecute and punish the perpetrators of these crimes. Liberia’s failures in this regard likewise violate the right under Articles 2(1) and 26 to equal protection of the law and non-discrimination, as well as the Article 17(2) right to the protection of the law against interference with privacy and attacks on honour and reputation. In cases in which the victims are human rights defenders, the rights to freedom of expression (Article 19) and freedom of association (Article 22) are also violated.

Against this background, Liberia’s refusal to grant registration as a legal entity to NGOs that advocate for the human rights of LGBT people is particularly serious. For the reasons noted above, denial of registration severely impedes an NGO’s effectiveness. NGO’s that are unable to lease an office or raise funds to hire staff will not be able to adequately follow up with the authorities or lend support to the victims when they receive news of an attack. Nor will they be able to properly give voice to the situation of human rights defenders and other LGBT people who have been attacked by state or non-state actors.

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<sup>64</sup> Incident reported to SAIL.

<sup>65</sup> Interview with MK, January, 29, 2018

<sup>66</sup> General Comment No. 35, *supra* note 37, at ¶ 9 (footnotes omitted).

## V. **Homophobic and transphobic statements by political and religious leaders and by members of the media, which fuel violence, discrimination and a pervasive climate of homophobia and transphobia**

Liberian political and religious leaders and members of the media have used their positions of influence to make statements disparaging sexual minorities. These statements serve to further entrench the climate of homophobia and transphobia in Liberia and to “legitimize” acts of violence, harassment and discrimination against LGBT people.

In the political sector, politicians have made public statements against the LGBT community as a means to garner support, especially before important elections. For example, in announcing his bid for the presidency in September 2016, Senator Prince Johnson declared, “The government, under our watch, will never and ever accept gay rights. Liberia is not Sodom or Gomorrah! We will never accept that here, I want the west to take note of this and get me clearly.”<sup>67</sup> Senator Prince Johnson is reported to have said publicly that the act of sodomy should be punished with fourteen years of imprisonment with hard labor, that all LGBT people should be hanged to death, and that if he is elected President in the October 2017 election, he would go from house to house searching for LGBT persons, and kill them all.<sup>68</sup>

Other political figures have also made homophobic statements, characterizing homosexuality as “un-African” and contrary to traditional African values.<sup>69</sup> Jerome Verdier, former Chairman of Liberia’s Truth and Reconciliation Commission, wrote in an open letter dated January 12, 2012, that homosexuality is “anti-Liberian and anti-God” and is “condemnable as an abomination for the nation.” He described a “conspiracy for gay rights” that promotes “legalizing carnality and exemplifying moral corruption and bribery.”<sup>70</sup> Speaker of the House of Representatives Rep. Alex Tyler said in a January 2012 press conference, “I am a Methodist and traditionalist. I will never support a gay bill because it is damaging to the survival of the country.”<sup>71</sup>

During the 2017 Presidential elections, LGBT human rights defenders in Liberia were harassed on Facebook and other social media platforms. For example, Senator Protempore Armah Zolu Jallah made a speech to a graduating class over the weekend of August 5, 2017 stating, “homosexuals and lesbians are... ruin[ing] the sanity of young people...”<sup>72</sup> Additionally, a Liberian newspaper

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<sup>67</sup>Henry Karmo, ‘No Gay Rights’ - PYJ Avows to Resist Homosexuals at Presidential Bid Launch, FrontPageAfrica (Sept. 2016), available at <http://www.frontpageafricaonline.com/index.php/politics/1908-no-gay-rights-pyj-avows-to-resist-homosexuals-at-presidential-bid-launch> (last visited Feb. 12, 2018).

<sup>68</sup> Comments reported by SAIL.

<sup>69</sup> HRW Liberia Report, *supra* note 16, p. 32.

<sup>70</sup> Jerome Verdier, *Open Letter, Homosexuality is Anti-Liberia! Anti-God!* Jan. 12, 2012, available at <http://www.frontpageafricaonline.com/old/op-ed-editorial/73-letter-from-the-editor/2221-homosexuality-is-anti-liberia-anti-god-former-trc-chair-verdier-laments.pdf>.

<sup>71</sup> Tamba Jean-Matthew, “Gay rights activists looking for new recruits in Liberia,” *Africa Review*, Jan. 2012, available at

<http://www.africareview.com/news/Gay-rights-activists-looking-for-new--recruits-in-Liberia/979180-1311422-2pe2qnz/index.html> (last visited Feb. 12, 2018).

<sup>72</sup> The Liberian Senate Press Statement. For Immediate Release, Office of the President Pro-tempore of the Senate Capitol Building, Capital Hill – Monrovia, Aug. 7, 2017.

reported on December 8, 2017 that “Liberian gays, lesbians plan endorsement program.... But angry citizens vow to disrupt.”<sup>73</sup>

Religious leaders have made similar remarks. On the December 3, 2017 episode of the Liberian talk show “Society and Religion,” a LGBT human rights defender was verbally attacked by Pastor Saint Solomon Joah of the Liberia Council of Churches. Reverend Juah advocated for the mass incarceration of those identifying as part of the LGBT community in Liberia.<sup>74</sup>

In 2014, Catholic and Episcopal leaders in Liberia signed a resolution placing the blame for the Ebola outbreak on LGBT people.<sup>75</sup> Lewis Zeigler, Archbishop of the Catholic Church of Liberia, was joined by other church leaders in declaring that God was “punishing Liberia for being too gay.”<sup>76</sup> These incendiary remarks led to a wave of violence and threats against the LGBT community. Windows of cars belonging to LGBT people were smashed, and LGBT individuals reported having to go into hiding.<sup>77</sup>

Other religious leaders have made comparable comments. Reverend Jasper Stephen Ndaborlor, President of the Pentecostal Fellowship Union of Liberia and member of the Anti-Gay Rights Campaign Team declared in 2012 that “gay or lesbian right is not a human right.”<sup>78</sup> The executive director of the New Citizen Movement, Inc., Reverend Cleopatra J. Watson, stated that “our children are already going astray. Legal homosexual practices will be the worst thing to allow them to be engaged in.”<sup>79</sup>

Media voices also fuel the homophobic and transphobic climate through incendiary and misleading reporting and anti-gay editorials. In June 2016, a Liberian newspaper, *The Inquirer*, “published a cartoon and sponsored an essay contest on whether FGM/C [female genital mutilation] or homosexuality was worse for society.”<sup>80</sup>

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<sup>73</sup> TownCrier, page 2, published Dec. 8, 2017.

<sup>74</sup> “Society and Religion,” Facebook, Dec. 1, 2017

[https://www.facebook.com/permalink.php?story\\_fbid=936999119786468&id=729098663909849](https://www.facebook.com/permalink.php?story_fbid=936999119786468&id=729098663909849) (accessed Feb. 6, 2018).

<sup>75</sup> John Aravosis, *Catholic, Episcopal leaders in Liberia: Ebola is God’s punishment for “penetrating homosexuality.”* America Blog, September 2014, available at, <http://americablog.com/2014/08/catholic-episcopal-leaders-liberia-blame-gays-ebola.html> (last visited April 11, 2017); Misha Hussain and Maria Caspani, *Gay community under attack in Liberia over Ebola outbreak*, Reuters (Oct. 23 2014), available at <http://uk.reuters.com/article/us-foundation-ebola-liberia-gay-idUKKCN0IC1GV20141023> (last visited Feb. 10, 2018).

<sup>76</sup> John Aravosis, *Catholic, Episcopal leaders in Liberia: Ebola is God’s punishment for “penetrating homosexuality.”* America Blog, September 2014, available at, <http://americablog.com/2014/08/catholic-episcopal-leaders-liberia-blame-gays-ebola.html> (last visited April 11 2017); Misha Hussain and Maria Caspani, *Gay community under attack in Liberia over Ebola outbreak*, Reuters (Oct. 23 2014), available at <http://uk.reuters.com/article/us-foundation-ebola-liberia-gay-idUKKCN0IC1GV20141023> (last visited Feb. 10, 2018).

<sup>77</sup> Misha Hussain and Maria Caspani, *Gay community under attack in Liberia over Ebola outbreak*, Reuters (Oct. 23 2014), available at <http://uk.reuters.com/article/us-foundation-ebola-liberia-gay-idUKKCN0IC1GV20141023> (last visited Feb. 10, 2018).

<sup>78</sup> *Liberia: Christians Intensify Anti-Gay Campaign -Rally More Signatories to Press Govt Pass Felonious Law*, ALLAFRICA, Sept. 2 2012, <http://allafrica.com/stories/201209030769.html>.

<sup>79</sup> *Id.*

<sup>80</sup> HRW Liberia Report, *supra* note 16, p. 27.

Statements such as these, made by homophobic and transphobic Liberian politicians and religious leaders, significantly affect the protection of the rights and freedoms of LGBT individuals in Liberia. Such statements legitimize hatred of the LGBT community, which fosters an environment that excuses and perpetuates violence and discrimination against LGBT people. Such a climate violates the Covenant rights protected in Articles 2(1), 17 and 26.

The prevalence of such statements, and the damage they can cause, makes it imperative that the State take effective measures to counteract these poisonous messages. First and foremost, the State must decriminalize same-sex relations between consenting adults, since the very existence of the Voluntary Sodomy law serves to legitimate, in the minds of some, attitudes of homophobia and transphobia. Next, the State should support, rather than suppress, the ability of LGBT human rights defenders and the NGOs they form to advocate for equal rights, by allowing NGOs that support equal rights to register as legal entities. The State should enact legislation expressly prohibiting discrimination based on sexual orientation and gender identity, and it should develop and implement a public education campaign to teach tolerance and respect for all people, including LGBT people.

## **VI. Widespread discrimination in all aspects of daily life, including but not limited to, health care, employment, education, and access to other services**

Article 2(1) of the Covenant requires States parties “to respect and to ensure” Covenant rights to all individuals, “without distinction of any kind.”<sup>81</sup> The obligation to “respect” the right to equality prohibits any discrimination by State actors, while the obligation to “ensure” that right requires States parties to protect individuals from discrimination committed by non-state as well as state actors. “[T]he positive obligations on States Parties to ensure Covenant rights will only be fully discharged if individuals are protected by the State, not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities that would impair the enjoyment of Covenant rights.”<sup>82</sup>

Article 26 extends the right to equality and non-discrimination: “the law shall prohibit *any* discrimination and guarantee to all persons equal and effective protection against discrimination.”<sup>83</sup> Rather than merely reiterating the obligations set out in Article 2(1), it “provides in itself an autonomous right,” by “prohibit[ing] discrimination in law or in fact in any field regulated and protected by public authorities.”<sup>84</sup> Thus, as this Committee has recognized, “[i]n fields affecting basic aspects of ordinary life such as work or housing, individuals are to be protected from discrimination within the meaning of article 26.”<sup>85</sup>

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<sup>81</sup> Covenant, *supra* note 10, at Art. 2(1).

<sup>82</sup> Human Rights Committee, General Comment No. 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.1326 (Mar. 29, 2004), ¶ 8 [hereinafter “General Comment No. 31”].

<sup>83</sup> Covenant, *supra* note 10, at Art. 2(1) (emphasis added).

<sup>84</sup> General Comment No. 18: Non-discrimination (1989), ¶ 12 [hereinafter “General Comment No. 18”].

<sup>85</sup> General Comment No. 31, *supra* note 81, ¶ 8.

Liberia has violated these obligations. As the examples below illustrate, LGBT individuals have suffered discrimination at the hands of both state and non-state actors.

LGBT individuals do not have equal access to healthcare. For example, in May 2015 a transgender woman was turned away from a hospital although she was bleeding heavily after having been beaten nearly to death. The nurses at the hospital told her that “people of [her] kind should not pollute the hospital.” The victim was given no treatment at that hospital and had to be rushed to another hospital fifteen to twenty kilometers away. A police station was not far away and the police were contacted, but they failed to cooperate and did not investigate the case.<sup>86</sup>

LGBT individuals who do receive medical attention are often subjected to humiliating treatment; this, in turn, leads some to avoid seeking out needed medical services. For example, gay men neglect visiting hospitals because they are repeatedly asked how they sustained anal ruptures and they are met with an unfriendly environment when doctors find out their sexual orientation.<sup>87</sup>

LGBT individuals also face discrimination in employment. Employers in Liberia treat LGBT people with contempt and generally do not want to hire them because they are fearful that they would “influence” and pollute the workforce. LGBT employees are pressured to conceal their sexual orientation or gender identity for fear of abusive and discriminatory treatment by their co-workers and employers. They risk losing their jobs if their sexual orientation or gender identity is revealed to their employers. For example, in 2013 an employee of a leading Liberian bank was asked by his superiors to resign because of his sexual orientation.<sup>88</sup> Similarly, a woman who now works as a volunteer at LEGAL was terminated from her job because she is a lesbian; she now has no paid employment.<sup>89</sup> LGBT people who are suffering from AIDS are also discriminated against and stigmatized at work and often asked to resign.

LGBT people who do have jobs often suffer workplace harassment. For example, in October 2016, a gay man working for Liberia’s Ministry of Health was repeatedly ridiculed by a co-worker about his sexual orientation. That co-worker also “outed” him to other co-workers. The Ministry of Health failed to put a stop to the harassment or provide redress to the victim.<sup>90</sup>

Employment discrimination has also occurred with the Liberian National Police force, where lesbian police officers have experienced abuse and harassment. In December 2017, 35 lesbian officers in the Liberian National Police were subjected to threats and discrimination by higher-ranking officers due to the lesbian officers’ sexual orientation.<sup>91</sup>

LGBT students face discrimination in educational institutions. Schools have expelled LGBT students because of their sexual orientation or gender identity. LGBT students can be subjected to bullying and sometimes violence by their classmates once a student’s sexual orientation or gender

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<sup>86</sup> Interview with witness to the incident; incident also reported to TNOL.

<sup>87</sup> Information provided to SAIL.

<sup>88</sup> Incident reported to SAIL.

<sup>89</sup> Incident reported to LEGAL.

<sup>90</sup> HRW Liberia Report, *supra* note 16, p. 26. See also Liberian Initiative for the Promotion of Rights, Identity, Diversity and Equality (LIPRIDE) and American Jewish World Service (AJWS), *Liberia 2015/16 Final Report (2017)*, p. 2.

<sup>91</sup> Incident reported to SAIL.

identity is made known. In some instances, students have quit school due to bullying related to sexual orientation and gender identity.<sup>92</sup>

For example, in January 2014 a 19-year-old gay high school student was bullied by his classmates for being gay. On one occasion, two of his classmates attacked him physically, beating him and tearing his shirt. The school did not discipline the perpetrators and instead asked the victim's parents not to report the attack. Because the victim's parents could not financially afford to transfer him to another school, the student had to remain at his school where he continued to suffer humiliation because of his sexual orientation, which caused his academic performance to deteriorate.<sup>93</sup>

LGBT individuals also experience housing discrimination. They face difficulty in renting a place for themselves. If they do find housing, they risk eviction if their landlord finds out about their sexual orientation or gender identity.

Liberian government employees have also discriminated against LGBT individuals. For example, in April 2016 a transgender social worker was harassed and denied entry into the Ministry of Health because of her perceived sexual orientation.<sup>94</sup> The victim reported that security personnel asked her to leave because of “the look of [her] hair.”<sup>95</sup> When she asked what that meant she got a harsh response from the security personnel, who told her that “keeping [her] hair makes [her] look like a woman and as such men who does that are not allowed in the premises of the Ministry and so, [she] should leave from the gate entry.”<sup>96</sup> The security personnel also told her that the way she looked was “not normal” for a real man.<sup>97</sup>

In another incident, also in 2016, a transgender woman was mocked by an official of the Ministry of Justice and then barred from boarding a flight to South Africa. While the transgender woman was waiting in the boarding queue, the official came up and told her that she looked strange and funny. Shortly afterward, when the woman tried to board her flight, she was barred from doing so without any explanation. As a result, she was not able to travel to South Africa until the next available flight, which was not until two days later.<sup>98</sup>

LGBT individuals also face discrimination and abuse from their own families, who sometimes shun or disown them because of their sexual orientation or gender identity.<sup>99</sup> For example, in October 2016, a 19-year-old gay man was thrown out of his home by his mother once she found out about his sexual orientation. The mother told the young man to leave as soon as possible before he transferred “his habit” to his younger siblings. The boy lived in the streets for two days before SAIL intervened and was able to assist him.<sup>100</sup> A member of LEGAL was also thrown out of her

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<sup>92</sup> 2016 Country Report: Liberia, *supra* note 31, p. 26.

<sup>93</sup> Incident reported to SAIL.

<sup>94</sup> Incident reported to SAIL.

<sup>95</sup> Incident reported to SAIL.

<sup>96</sup> Incident reported to SAIL.

<sup>97</sup> Incident reported to SAIL.

<sup>98</sup> Interview with victim, March 2016.

<sup>99</sup> HRW Liberia Report, *supra* note 16, pp. 11, 28, 33-36.

<sup>100</sup> Incident reported to SAIL.

home due to her sexuality, as was a 17-year-old transgender youth.<sup>101</sup> Although the State is not directly responsible for incidents like these, it bears an indirect responsibility due to its perpetuation of the idea that those who engage in same-sex sex are criminals.

LGBT victims of transmitted diseases experience barriers to health as a result of their sexual orientation and gender classification.<sup>102</sup>

As these incidents illustrate, discrimination based on sexual orientation and gender identity is pervasive in Liberia. Notwithstanding its Covenant obligations under Articles 2(1) and 26, Liberia has not taken effective measures to protect LGBT individuals from such acts of discrimination. While Liberian law does prohibit employment discrimination based on sexual orientation and gender identity,<sup>103</sup> that law is not enforced. In other fields – such as education, healthcare, housing, and the provision of government services – there is no law that expressly prohibits discrimination based on sexual orientation or gender identity. Instead, Liberia’s pervasive climate of homophobia and transphobia are reinforced by the existence of the sodomy law and the homophobic and transphobic statements of political and religious leaders and members of the media, which go unchallenged by the State.

## **VII. Suggested questions to be asked during review session**

1. Will Liberia reconsider its prior negative decision and grant approve the application for registration as a legal entity to the Transgender Network of Liberia (TNOL)?
2. When will Liberia repeal its law criminalizing adult, consensual same-sex sexual relations? During the pendency of repeal proceedings, is the State willing to institute and publicize an immediate moratorium on the enforcement of the “Voluntary Sodomy” law?
3. What steps is Liberia taking to take to protect LGBT individuals from acts of violence and discrimination? How is the State ensuring that LGBT individuals can safely report crimes to the police without fear of retribution, and that the police and other law enforcement authorities will investigate, prosecute and punish these crimes?

## **VIII. Proposed recommendations for Liberia**

1. Promptly repeal Section 14.79 of the Penal Code, which makes “Voluntary Sodomy” a criminal offense. Institute and publicize a moratorium on enforcement of this law, to go into effect immediately and to remain in effect until repeal legislation can be enacted.

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<sup>101</sup> Incidents reported to LEGAL.

<sup>102</sup> Interview with MK, Jan. 29, 2018

<sup>103</sup> Decent Work Act (2015) (Liberia) at 2.4(b)(iii), *available at* <https://www.slideshare.net/ssolidarites/decent-work-act-of-liberia-passed-into-law> (last visited Feb. 12, 2018).

2. Direct the Liberia Business Registry to immediately register the Transgender Network of Liberia (TNOL) and, in the future, to register LGBTI NGOs on the same basis as all other NGOs.
3. Amend the Constitution to expressly ensure to LGBT individuals all the same rights, freedoms and protections that are enjoyed by civil society at large.
4. Enact and enforce a law prohibiting discrimination based on sexual orientation and gender identity in all aspects of life, including health care, education, housing and access to other services. In particular, create equal opportunity for LGBT youth in terms of education services.
5. Combat stigma, discrimination, and violence by enacting a law against hate crimes and violence towards LGBT persons. Implement policies to ensure that the LGBT community can report crimes and access justice without facing retribution, discrimination, or stigma. Ensure that law enforcement authorities will investigate, prosecute and punish hate crimes against LGBT individuals.
6. Develop and implement a public awareness campaign to condemn violence and discrimination against the LGBT community and to promote tolerance and respect throughout Liberian society.
7. Ensure that LGBT people can access health care services without facing discrimination and stigma. Create specific programs targeting key populations to reduce the HIV infection rate.
8. Encourage Liberia's Independent National Human Rights Commission (INHRC) to create a desk for addressing violations of the human rights of the LBGT population.
9. Implement all recommendations and respond to all questions with respect to the rights and protections of LGBT people, which were directed to Liberia during its most recent Universal Periodic Review.