**The Government of Liberia**

***Response to***

**The List of Issues**

**From the Human Rights Committee**

**July 6, 2018**



Introduction:

The Government of the Republic of Liberia (hereinafter the “Government”), submitted its initial report on the implementation of the International Covenant on Civil and Political Rights (ICCPR) to the United Nations Human Rights Committee on 2nd November, 2016 consistent with its obligations relative to the ICCPR Treaty reporting. Following the review of the Government’s report, the Human Rights Committee advanced a list of issues drawn from the report for Government’s attention and response.

The Government welcomes the list of issues advanced by the Human Rights Committee and is pleased to submit its response.

This document was prepared in consultation with relevant Ministries, Agencies, human rights partners and other stakeholders. The issues were carefully considered and responses prepared as directed by the Human Rights Committee as follows:

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

1. Liberia has ratified the Covenant thus making it a part of national laws. The protection of civil and political rights, which is the epicenter of the Covenant, is paramount in Liberia’s legal framework. Chapter III (Fundamental Rights) of the 1986 Constitution of the Republic of Liberia comprises 26 Articles that addresses the issue of fundamental rights of all persons. The protections contained in the provisions of the Covenant are guaranteed to all persons by the Constitution of the Republic of Liberia. Further, Liberia has enacted statutes to conform to the provisions of the Constitution which also protects rights granted by the Covenant. Examples of these statutes include the Decent Work Act, amendments to the Penal Law, and the Election Law. The decisions of the Liberia courts often references the fundamental rights guaranteed by the Constitution and the Covenant. Where Liberian national law directly speaks to an issue, the courts are required to apply the provisions of national law. Because the rights protected by the Covenant are also guaranteed by the Constitution, the Courts apply the provisions of the Constitution in deciding cases.

The Constitution of Liberia is the organic law of the land upon which all statutes and laws must be in conformity with. If the Constitution and laws of Liberia, to whatever extent, is found to be at variance with other provisions of the covenant, efforts are made to bring about the needed changes through law reform, constitutional referendum, and/or repeal. The Republic of Liberia acknowledges the requirement to develop domestic laws that protect the rights guaranteed by the Covenant and to harmonize its Constitution and statutes with the rights protected under the Covenant. The Constitution of Liberia, which is grounded in the historical context of the founding of the Country, limits citizenship to persons of negro descent (Article 27), and limits ownership of real property to Liberians (Article 22). Additionally, the Alien and Nationality Law does not allow dual citizenship. Recognizing these restrictive provisions in the 1986 Constitution and the Alien and Nationality Law, which many people consider discriminatory, former President Ellen Johnson Sirleaf formed the Constitutional Review Committee (CRC) to lead and manage the process for reviewing the Constitution to improve the governance of the country and protect the rights of all persons. In 2014, the Constitutional Review Committee (CRC) submitted its final report, which included 25 proposed amendments to the Constitution. The propositions that impact civil and political rights for all persons included Proposition 6 (Dual Citizenship), Proposition 7 (Citizenship to persons of non-negro descent) and Proposition 24 (making Liberia a Christian State). Proposition 24 was not endorsed by the President of Liberia nor the National Legislature for reason that it had the potential to divide the people of Liberia. Liberia does not currently have any constitutional or statutory prohibition on freedom of religion. The Constitutional review efforts are still ongoing and President George Weah has expressed government’s support for removing the historical limitations placed on citizenship and property ownership that is currently in the Constitution.

Liberia acknowledges that there exists some discrepancy between statutory and customary law, however, there are continuing efforts by government entities in collaboration with civil society actors to educate traditional communities and propose statutory amendments while respecting traditional beliefs and customs. Liberia has taken a strong stance against certain traditional practices that violate the rights of women, including Female Genital Mutilation (FGM) and Trial by Ordeal. Executive Order 92, issued by former President Ellen Johnson Sirleaf, bans the practice for girls under the age of 18 and requires the consent of women over the age of 18. President Weah, during his address at the EU Development Day Summit on June 5, 2018 committed to extending Executive Order 92 while awaiting passage of the Domestic Violence Act. Trial by Ordeal violates Article 21 of the Constitution and under the Criminal Procedure Law, no evidence that is obtained by force and torture is admissible in Court. The Ministry of Justice, in collaboration with the INCHR conducted series of workshops in the counties, under the National Human Rights Action Plan, to create awareness on this harmful practice. The Ministry of Justice and INCHR held workshops with traditional leaders and complainants educating them that Trial by Ordeal is unlawful and a form of torture and forced extraction of confession violates the law. Liberia recognizes the discrepancy between the Revised Rules and Regulations Governing the Hinterland of Liberia and the protections granted by the Covenant. Specifically, under customary law, the age of marriage for a female is 16, while under the Penal Code, 16 is not an age of consent and a female of such age is considered a minor and anyone having sexual intercourse with her commits statutory rape. Through the Law Reform Commission, Liberia continues to review and move towards harmonization of is laws. However there have been measures taken to ensure the equal rights of women in customary marriages. According to Chapter 2 of the Act to Govern the Devolution of Estates and Establish Rights of Inheritance for Spouses (the “Inheritance Law”), wives under customary marriages are now afforded the same protections and dowers rights to one-third of all property (real and personal) as in statutory marriage.

Although Liberia has not ratified the Optional Protocol, the INCHR currently receives and addresses complaints from individuals claiming violation of rights under the Convention. Such complaints are also made to the Ministry of Justice Director of Human Rights. Consideration for ratification of the Optional Protocol requires dedicated resources to determine the impact of ratification on existing laws and implementing agencies as well as consultations with the branches of government. A National Mechanism for Reporting and Follow-Up (NMRF) was established in November 2017 with representatives and members of the Executive, Legislative and the Judiciary along with the INCHR as observers. Members of the NMRF continue to collaborate and coordinate Liberia’s implementation of treaty obligations. The NMRF does not have a dedicated budget, however, each member institution represented on the NMRF utilize its budgetary allocation to facilitate the work of the NMRF. The NMRF was not factored into the government budget 2018-2019 and needs additional technical and financial resources to improve collaboration and coordination in the implementation of Liberia’s treaty obligations.

1. The independence of the INCHR is assured by the Act creating the INCHR and the entity’s conformity to best international practices[[1]](#footnote-1). The Chairperson and Commissioners are vetted through rigorous process which includes Civil Society, the Judiciary, the Executive Branch and the National Legislature. The INCHR was also established in accordance with the Paris Principles of December 1993. The INCHR is independent and is not supervised by any branch of government and does not report to any one branch of government. The INCHR submits its quarterly and annual Human Rights Situation Report to the three branches of the Liberian government and to the Office of the High Commission on Human Rights. The budgetary allocation for the INCHR is included in the National Budget, and expenditures are determined by the INCHR. The 2009 Amendment to the INCHR Act requires that all funding from donors go through the national budgetary process consistent with the Public Finance Management Act (PFMA). However, determination of expenditure is made solely by the Commission. Liberia recognizes that the current budgetary allocation of the INCHR is inadequate, but this is due to limited resources.

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

1. The Truth and Reconciliation Commission (TRC) recommendations included the prosecution of selected individuals for war crimes, and their prohibition from participation in political activities. The Republic of Liberia has focused on peace building and national reconciliation since the TRC process. According to Article 18.7 of the TRC Report, the INCHR inherited the monitoring of the implementation of the TRC recommendations. Thus, the INCHR has the responsibility to monitor the implementation of the TRC Recommendations by the various responsible institutions and agencies of Government and to submit reports to the President of Liberia for onward report to the Legislature. The INCHR, through its reconciliation programs undertook the Palava Hut discussions and constructed the first Memorial on the Duport road massacre site in honor of victims of the Civil war. With funding from the Government, The INCHR is presently constructing another memorial at the Maher River massacre Site in Bomi County to honor those who were massacred in Bomi County. The INCHR has prepared two major reports on the implementation of the TRC and submitted same to the President Madam Ellen Johnson, who reported to the National Legislature. Additionally, The INCHR carried out the following activities in preparation for the conduct of the Palava Hut Forums
* Conducted four ethnographic forums in Bomi, Grand Gedeh, Bong, and Montserrado Counties with 92 participants in two-day consultations to develop Palava Hut guidelines
* Tracked and recorded and 8,500 early warning;
* Conducted awareness forums in five (5) of the fifteen (15) political subdivisions (Lofa, Bong, Margibi, Grand Bassa, and Montserrado) Counties on the mandate of the INCHR and TRC report[[2]](#footnote-2)

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

1. Pursuant to Article 86 of the Constitution of the Republic of Liberia, in response to the Ebola Virus Disease public health emergency, Her Excellency President Ellen Johnson Sirleaf declared a 90-day state of emergency beginning August 6, 2014.[[3]](#footnote-3) The President announced the end of the State of Emergency in November 2014.
	1. The legal process for declaring a state of emergency are stated in Article 86 through 88 of the Constitution. The President is required to consult with the Speaker of the House of Representatives, the Pro Tempore of the Liberian Senate, following which the President may declare a state of emergency. Pursuant to Article 88, the National Legislature held an extraordinary session to decide that the proclamation of the State of emergency was justified.[[4]](#footnote-4) A state of emergency is only allowed in the limited circumstances stated in Article 86(b) of the Constitution, which are limited to the threat or outbreak of war, where there is civil unrest affecting the existence, security, or when the well-being of the Republic amount to a clear and present danger. Upon declaring a state of emergency in 2014, the President immediately notified the National Legislature, as required by Article 88 of the Constitution, to inform them of the facts and circumstances leading to the declaration of the state of emergency. During this period, the INCHR closely monitored measures put into place by the Government to ensure that rights are not violated during period of emergency. The Ebola Virus pandemic posed a clear and present danger to the security and well-being of the Republic.
	2. During the state of emergency declared to protect the public health and stem the rapid spread of the disease, schools were closed, a 9pm curfew was instituted and some communities were quarantined, curtailing freedom of movement consistent with Article 12(3) of the Covenant. The right to assemble remained in place, but awareness was raised by government and partners on the need to refrain from gathering to avoid the spreading of the virus. All efforts on the part of the government were made to protect Liberians and foreign residents alike.

* 1. The state of emergency complied with Article 4 of the Covenant as all measures instituted during the state of emergency were non-discriminatory and done with the sole purpose of protecting public health. During the State of Emergency, efforts were imployed in upholding rights granted under Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 of the Covenant.
	2. During the State of Emergency, all reported cases of violations were investigated and appropriate actions were taken. The INCHR deployed Human Rights monitors in the counties to document potential violations and advised the Government on appropriate actions necessary to protect against human rights abuses.
	3. After the August 20, 2014 protest in West Point, the Chief of Staff of the Armed Forces of Liberia (AFL) tasked the Provost Marshall (PM) to conduct an investigation into the alleged violation of the Uniform Code of Military Justice and the Law of Armed Conflict. At the end of the investigation, five personnel of the AFL (one officer and four enlisted men were found guilty of violating various UCMJ Articles) and the following measures were instituted:
1. The PM Report was submitted to the office of the Judge Advocate General (JAG) for Legal review. At the end of review, the COS approved the JAG recommendation from the Armed Forces of Liberia Disciplinary Board (AFLDB). Currently, in the absence of a Court-Martial`, the AFLDB is the highest form of Justice System in the AFL. The five personnel appeared before the board with their legal representatives and were found guilty of the charges and sentences were imposed ranging from detention to loss of pay.
2. The AFL has subsequently put the following corrective measures in place to prevent future incidents:
3. Consistently conducting training for units under command on the Law of Armed Conflict (IHL/LOAC)
4. Holds monthly coordination meeting with the LNP to ensure proper coordination and information sharing.
5. Established Liaison with the LNP.
6. Ensure that Rules of Engagement and Code of Conduct is issued to all personnel deploy for operation and training provided.
7. Conduct joint training with all security agencies.
8. The New National Defense Act of 2008 specifically provides for the protection of human rights.[[5]](#footnote-5) The Armed Forces of Liberia operationalized Section 8.5 of the Act[[6]](#footnote-6) and has established Human Right Section that was sponsored by UNMIL. Part of its function is to report on human right violations across the various units. There are check-lists that have been developed to assist Officers to identify human right violations. The Human Rights Section reports to the Office of the Judge Advocate General. AFL personnel have been trained in human right reporting. As part of their duties, the AFL personnel also conduct training in various units in accordance with Annual Training Program (ATP) and when AFL unit is being prepared for deployment. The INCHR also conducted an investigation[[7]](#footnote-7) into the quarantine of West point, a slum community on the outskirt of Monrovia, which culminated to the shooting that left one person dead and another person seriously wounded on August 20, 2014. The Commission conducted an independent investigation into the complaint and came up with their findings which implicated members of the Armed forces in the shooting. The report recommended amongst others that those found culpable should be prosecuted and penalized in line with the law. The recommendation was implemented by the Government of Liberia.
9. The INHCR and the AFL need additional technical support to improve capacity related to the implementation of the Covenant. The INHCR requires technical assistance to develop systems for investigating human rights abuses and protection of such rights. The AFL requires additional support for the Human Rights Section to continue its efforts as UNMIL has left Liberia.
10. The Penal Law of Liberia Section 14.54 (Terrorism) states that a person has committed a felony of the first degree, a capital offense, if he unlawfully, deliberately or intentionally attempts to discharge, or discharges fire-arm, grenades, bombs, time-bombs, missiles, explosives or other lethal devices which are likely to cause bodily injury, or place such person or group of persons in a building, outdoors or in an open space, or in a vehicle, whether or not such explosive causes bodily injury or death to another.
11. This definition has two critical elements: 1) the person so convicted must have unlawfully, deliberately or intentionally attempted to discharge or discharged fire-arm, grenades, bombs, time-bombs, missiles, explosives or other lethal devices which are likely to cause bodily injury and 2) whether or not those devices as herein above named cause the intended injury or death. While other jurisdictions may attach purpose for the person or group committing the act such as social, political, religious, ethnic, racial or other reasons as their justification, Section 14.54 of the Penal Law of Liberia does not. Additionally, penalty for convict(s) under Section 14.54 is provided for in Section 15.34 of the same Penal Law and states that such person(s) shall be sentenced to a term of imprisonment for a period of not less than ten (10) calendar years, nor more than fifteen (15) calendar years, where no property or personal injury ensures from the act of the offender or offenders. On the other hand, if death ensues, the penalty is death by hanging in a public place or life imprisonment. However, while death by hanging is still in our Penal Law, it is no longer instituted mainly because; Liberia has signed and ratified the International Covenant on Civil and Political Rights (ICCPR) and acceded to the Second Optional Protocol of the ICCPR.

With respect to information regarding cases brought on charges of terrorism and their outcome, there is no record of any as yet for many years now.

1. Concerning legal safeguards in place for persons suspected of, or charged with, committing an act of terrorism or terrorism-related crime, same can be found in Sections 17.9 and 17.10 of the Penal Law, which provides for due process. Additionally, an Act, titled, Anti Money Laundering and Terrorist Financing Act was passed by the Fifty- Third National Legislature of Liberia on April 29, 2013, while another Act, titled, An Act to Establish Procedures for the Distribution of United Nations List of Terrorists and Terrorist Groups was also passed by the same Legislature on April 30, 2013. These statutes all provide for due process and conviction only by a court of competent jurisdiction.

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

1. Liberia has enacted laws that prohibit discrimination in all forms. Foremost, the Constitution of the Republic of Liberia guarantees equal protection of all persons. To ensure the protections guaranteed by the Constitution, Liberia has enacted many statutes that provide further protections against discrimination including the Decent Work Act which guarantees equal protection for men and women (Section 2.4) and equal remuneration (Section 2.5); The Elections Law which seeks to ensure an inclusive political process by requiring at least thirty percent 30% representation of women in political parties. Additionally, Liberia has ratified treaties that protect the rights of the disabled, including the UN Convention on the Rights of Persons with Disabilities.
	1. AN ACT TO AMEND THE PUBLIC HEALTH LAW, TITLE 33, LIBERIAN CODE OF LAWS REVISED (1976). To create a new Chapter 18 providing for the "Control of Human Immunodeficiency Virus (HIV) and Acquired Immunodeficiency Syndrome (AIDS). Section 18.28 of the Act prohibits discrimination in the work place, at school, public facilities and services, and generally protects against discrimination of any person living with HIV or perceived to be living with HIV. Additionally, Sections 18.23 requires confidentiality of medical records. Section 18.9 requires the development of national strategies and policies that ensure equality of women and girls, sexual and reproductive rights of women and girls, and strategies for increasing educational, economic, employment and leadership opportunities for women.
	2. Liberia also enacted the Disabilities Act (2005) which established the National Commission on Disabilities with the mandate to ensure protection and opportunities for disabled persons and to allow their voices to be heard at the decision making level of Government. Additionally, in July 2012, Liberia finalized ratification of the UN Convention on the Rights of People with Disabilities. The Republic of Liberia has also amended Chapter 2 of the Public Health Law (Mental Health) to protect persons with mental disorders and/or persons with mental disabilities from discrimination, stigmatization, and marginalization on the basis of their mental or intellectual disability. Liberia has also developed the Inclusive Education Policy to ensure inclusion of children with disabilities within the education system of Liberia. The Ministry of Education in collaboration with partners is working to train teachers in educational techniques adapted to the needs of children with disabilities.
	3. In addition to the laws against discrimination, Government along with other partners continue to carry on public awareness, workshops and other programs to prohibit against discrimination against the elderly, Ebola survivors, their families and healthcare workers who worked in the Ebola treatment facilities and foreign nationals.
	4. There is no specific social protection for Persons with Albinism (PWA). However, Liberia has no discriminatory laws or state sponsored actions that discriminate against Albinos. There is no record of reported cases related to discriminatory practices specifically targeted at albinos. Government remains committed to protecting all of its citizens including Albinos in keeping with its constitutional obligations of equal protection for all persons under the law. Supportive measures taken by our government include the employment of a number of Persons With Albinisms in various Ministries/agencies including three (3) persons in the Liberia Immigration Services (LIS) Ministry of Agriculture (MOA) and Principal for a government school in one of the Rural Communities. With support from the Government of Liberia and its Partners, the Liberia Albino Society[[8]](#footnote-8) completed a quick impact project in Bentor city[[9]](#footnote-9), which was opened on the 13th of June, 2015, in commemoration of World Albinism Day, to buttress the health sector in Bentor City. Some PWAs under this project, are also attending the Medical School studying to become nurses, while others are graduates from other universities and following other professional disciplines. They have about 30 students on scholarship in different schools of their choices.
	5. As stated in more detail in answer number 1 above, the Government of Liberia is committed to ensuring the rights of all persons and there are ongoing efforts to continue the constitutional review process.
2. Although the Penal code has deviant sexual conduct as a crime, there has been no reported cases in the recent past brought for prosecution. The Government maintains its position that the Constitution of Liberia prohibits discrimination and protects the fundamental rights and freedoms of all person within its borders without distinction on the basis of sexual orientation. The Government acknowledges the general limitations existing in the criminal justice system for all pre-trial detainees, including prolonged pre-trial detention, which is prevalent in the system due to limited resources, the legal requirements for trial, and the challenges existing in the judicial system. On the specific issue of sexual orientation and gender identity, we are not aware of people being in pretrial detention for their gender identity. Notwithstanding, due to information from the INCHR and the Human Rights Protection Division, that LGBT people are being discriminated in the justice system, additional training and awareness is necessary as well as adequate public discourse, sensitization and awareness to ensure all persons feel protected under the law. Meanwhile, at least 100 police officers have been trained to identify challenges faced by LGBTI persons coming in conflict with the law in Liberia.

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

1. No laws limit participation of women and/or members of minorities in the political process; therefore women enjoy equal rights to self-determination and the right to participate in the political process. Notwithstanding, it is believed that traditional and cultural factors have limited women’s participation in politics compared with men. For example, Women participated at significantly lower levels than men as party leaders and as elected officials. The Election law, however, requires that political parties “endeavor to ensure 30 percent” female participation and there was a 16 percent increase in the number of female candidates certified for the 2017 legislative election. Preliminary reports from the NEC also indicated more women than men voted on October 10, 2017. Of the five Supreme Court Justices, two are women, which constitute 40% of the Supreme Court’s bench. Additionally, since 2003, women have held prominent positions in the Executive Branch of Government, including at the highest level where former President Ellen Johnson Sirleaf was the first democratically elected female president in Africa.
2. The Constitution of the Republic of Liberia, Article 28 states that “Any person, at least one of whose parents was a citizen of Liberia at the time of the person’s birth, shall be a citizen of Liberia; provided that any such person shall upon reaching maturity renounce any other citizenship acquired by virtue of one parent being a citizen of another country.”

The language of the Constitution of Liberia is thus clear that children born to one parent, whether it is the father or mother can acquire Liberian citizenship. In contrast, under the Alien and Nationality Law of Liberia, only when the father is Liberian can a child have Liberian citizenship. As the Constitution is the organic law of Liberia, Article 21 (b) of the Alien and Nationality Law of 1973, is superseded by the Constitution.

Over the years, there have been discussions and reviews of the provisions of the Alien and Nationality Law to harmonize these provisions. A draft act has been validated by the Liberia Immigration Service (LIS) along with stakeholders and other civil society organizations to amend Chapter 20 (a) and (b) to provide for citizenship when “*Either parent [at the time of birth] is a Liberian*”.

Regarding the concepts of “customary marriage” and “statutory marriage”, Liberian law recognizes both as legal. Under the Domestic Relations law, an individual cannot contract both marriages at the same time. Under the provisions governing statutory marriage, a man may only have one wife, whereas under laws governing customary marriages, a man may have multiple wives. Customary marriages are rooted in the traditional beliefs and practices of indigenous people and the legal recognition of customary marriages was necessary to allow the government to regulate how such marriages are contracted and also to provide legal protection to the wives in customary marriages. As explained previously, the new Inheritance Law provides protection for women in customary marriages.

Under customary law, the legal age for a customary marriage for a woman is 16 years. The Government has recognized the need to harmonize the age of marriage in line with the Convention on the Rights of the Child. The passage of the amendment to the rape law passed in 2006 seeks to also discourage child marriages because under that law, the age of consent is 18. Thus the MOJ is prosecuting cases where a person engages in sexual intercourse with a female under 18 even if that female is married under customary law.

Article 23 of the Constitution guarantees equal protection for spouses under both forms of marriages. In 2003 Liberia removed the dichotomy that existed between the two types of marriages by enacting the Inheritance Rights Law for traditional marriages, this law ensures that women married traditionally or through statutory procedure have equal rights to inheritance, which was not previously the case with women married traditionally.

Customary marriages allow polygamy and is part of the legal framework of Liberia. There are efforts both by Government through the Ministry of Gender and Social Protection and Civil Society actors to create awareness and sensitization on the sexual and reproductive rights of women. Civil Society actors continue to conduct awareness training for women on the inheritance law governing customary marriages and women reproductive and sexual health issues in polygamist marriages as well as protection against unequal distribution of inheritance.

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

1. Ritualistic killings are committed for the political or physical strength they are believed to confer on the perpetrator(s) or to feed a fetish object or deity. Under the practice known locally as Gboyo, there is a belief that human body parts extracted and eaten while the victim is still alive bestow power and affluence. Very few cases have ever been conclusively investigated and prosecuted due in part to inadequate police and forensic capacity. Evidence of suspected ritualistic killings include partial or total removal of body parts, which most often is the only *prima facie* evidence but the actual perpetrators usually abscond and are not apprehended to be made to face prosecution. With the recent donation of a DNA machine to the Government of Liberia by UNMIL, there will be improvements in criminals investigations and thus lead to identification of suspects and subsequent prosecution of these cases.
2. The SGBV sexual offence Crimes Unit was established in 2009 with the overall mandate to prosecute all sexual related offenses. In this vein, the Unit has been involved with the robust prosecution of sex offenders through collaboration with the police and other actors, including psycho-social counselors, medical practitioners, etc. The success of the unit has been further strengthened and enhanced by the creation of Criminal Court “E”, one of the Courts in the Criminal Assizes of Montserrado County, also replicated now in Sanniquellie, Nimba County which specifically deals with cases related to sexual and gender based violence.

During last five years, there were 117 pre-trial detainees from 60 cases reported by victims in Montserrado County. In the Gbarnga Region, there were 58 pretrial detainees held in prison at the Gbarnga Hub. In 2013, Liberia National Police also recorded 359 cases of sexual violence cases nationwide with rape accounting for the highest. In the year 2014, a total of two hundred 255 detainees for sexual offense cases were incarcerated in Monrovia Central Prison (MCP) and the Regional Hubs prison, 20 cases were tried resulting in guilty verdicts for 17 perpetrators with imprisonment terms ranging from 4 years to lifetime imprisonment. Due to insufficient evidence, 54 complaints were dismissed at the Gbarnga Regional Hub. In 2017, total of 190 new complaints were received and documented by the Crimes Unit. In 2017, upon appeal from the Steering Committee of the National Human Rights Action Plan for Liberia, the gathering of evidence to prosecute rape cases was boosted with the acquisition of a DNA machine, procured by the United Nations Missions in Liberia (UNMIL).

In 2015, the County Attorney of Montserrado County Attorney presented two hundred and two (202) indictments to the Grand Jury for determination. Of the 202 cases, the Grand Jury agreed that evidence was sufficient in 199 cases to proceed to trial. A total of 80 new complaints were received in Montserrado; 61 of these complaints were Statutory Rape while 2 were complaints of gang rape and 11 were complaints of rape. In Regional Hub 1, 14 sexual offense cases went to trial. The prosecution obtained 11 convictions, 1 hung verdict and lost 1 case. In Regional Hub 2, 10 cases went to trial, out of which 9 convictions were obtained. Hub 3 tried 5 cases out of which 2 convictions were obtained. In 2015, the SGBV Unit successfully obtained the highest number of indictments ever in the Unit’s history.

Also, in order to ensure the effective enforcement of the Rape Law of 2005 and to address impunity for sexual violence in all parts of the Country, the SGBV Crimes Unit with support from the Ministry of Justice and its partners have:

1. Established the sub-offices of the SGBV Crimes Unit at the Justice and Security Hubs 1, 2 & 3. Hub 1 comprises of Bong, Lofa & Nimba Counties, Hub 2 comprises of Maryland, River Gee and Grand Kru Counties while Hub 3 comprises of Grand Gedeh and Sinoe Counties. The Unit presently covers nine (9) of the fifteen (15) Counties in order for survivors to have access to justice regardless of their location in Liberia
2. Distributed mobile in camera screen to all the Circuit Courts in Liberia for the trial of sexual assault and abuse cases
3. Developed and distributed public educational materials during awareness programs or dialogue in communities, universities, schools at street corners, market places and air jingles about rape to enhance public trust in the rule of law.
4. Held several talk shows on the former UNMIL Radio and now ECOWAS Radio, thus affording the general public the opportunity to understand and appreciate the role and responsibility of the SGBV Crimes Unit in the fight against sexual offenses.

In order to promote and encourage reporting, the Unit has 24-hours hotlines to respond to complaints of SGBV and facilitate police and healthcare providers respond to ensure that victims have access to justice to benefit from appropriate services. The Unit in utilizing the SGBV referral path-way, demonstrates easy access to justice by specifying places where survivors should go or should be referred for help. It educates in its simplest terms victims and community members about the systematic approach involved in reporting cases and the responsibility of each service provider.

The Unit also conducted several trainings to enhance the capacity of prosecutors, law enforcement officers and nurse examiners to improve investigation, evidence gathering, preservation and prosecution thus resulting to the following outcomes:

1. Substantial compliance with the European Union benchmark for the trial of rape cases thus holding perpetrators accountable for human rights violation. In 2017, the Unit was required to prosecute 30 rape cases. However, 47 cases were tried, thus exceeding the expected benchmark.
2. Decrease in backlog of cases and increase in the number of cases indicted and prosecuted as a result of enhanced collaboration and coordination amongst SGBV actors as well as ongoing support from our partners.
3. Provide support to victims of sexual violence, including by expanding access to one-stop centers; the Unit continues to provide support to witnesses/survivors during investigation, indictment, trial preparation and trial.
4. On January 19, 2018, former President Ellen Johnson Sirleaf, issued Executive Order 92 when the Domestic Violence Act which was passed by the legislature was vetoed by the President because it didn’t include without the provision on female genital mutilation. Executive Order 92 criminalizes all acts of domestic violence including FGM on females younger than 18 and females above 18 years old, without their consent. According to a 1974[[10]](#footnote-10) ruling of the Liberia Supreme Court, presidential executive orders lapse after one year unless they are ratified by the legislature. The Court held that “[i]n the exercise of the executive power vested in him by the Constitution, the President may issue executive orders in the public interest, either to meet emergencies or to correct particular situations which cannot wait until the lengthy legislative process has run its course. However, he must refer each executive order to the Legislature as soon as possible for ratification. If the Legislature does not act up on the executive order after it has been referred to it, the order lapses a year after issuance. Until it lapses it has the effect of law, and all courts in Liberia are bound to take note of and give effect to it”. (Id.) President Weah has committed to extending Executive Order 92 until such time as the Domestic Violence Act is passed into law.

Any act or omission that amounts to domestic violence is an offense under the Order. This includes deliberately preventing a person “from engaging in any legitimate profession, occupation, business or activity, depriving a person of the “use and enjoyment of conjugal property or property owned in common,” or coercing or attempting to coerce “a person to engage in any sexual activity which does not constitute rape by force, threat or intimidation.” (Id. § 2.) Another offense is what is known as “dowry related violence”—that is, ”harassment or any act of violence or harassment associated with [the] giving or receiving of [a] dowry at any time before, during or after [a] marriage.” (Id. §§ 1 & 2.) Significantly, the Order criminalizes performing female genital mutilation (FGM) on a person below the age of eighteen under any circumstance or on an adult person without first securing the person’s consent. (Id. § 2.) In addition, the Order criminalizes forcing a person into marriage, including early marriage, or subjecting a person into cultural torture, such as “sassy wood” (a form of trial by ordeal) or other forms of trial by ordeal. (Id. § 2.)

The gravity of the offense and the resulting penalty varies depending on the circumstances. An offense of domestic violence is a first-degree misdemeanor and is, on conviction, punishable by a maximum of one year in prison and/or a fine. (Id. §§ 4 & 5.) In addition, the Court may also order the convict to pay restitution to the victim. (Id. § 5.) An offense of domestic violence constitutes a second-degree felony if, while committing the crime, the defendant inflicts bodily injury on the victim, uses or brandishes a deadly weapon, or is a recidivist. (Id. § 4.) The punishment[[11]](#footnote-11) for a second-degree felony is a prison term not exceeding five years. Under certain circumstances, courts may impose alternative sentences[[12]](#footnote-12).  The Court may order a person convicted on a domestic violence charge to attend a counseling or rehabilitation program. (Executive Order on Domestic Violence § 5.)

Being under the influence of mind-altering substances or having the consent of the victim is not an acceptable defense against a domestic violence charge. (Id. § 6.)

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

1. The amendment of Liberia’s penal law under Section 16.3 prohibits abortion, except in the case wherein a license physician believes that there is a substantial risk that continuation of the pregnancy would gravely impair the physical or mental health of the mother, or that the child would be born with grave physical or mental defects, or that the pregnancy resulted from incest or rape. The Ministry of Health, Social Welfare and the Family Planning Association of Liberia provide contraception for adolescents.

The rate of maternal mortality resulting from unsafe abortions according to the LDHS 2013 report is 31%. The official number of abortions and estimated clandestine abortions performed annually in Liberia are as follow: Bomi (44), Bong (159), Gbarpolu (36), Grand Bassa (104), Grand Cape Mount (87), Grand Gedeh (65), Grand Kru (79), Lofa (106), Margibi (211), Maryland (132), Montserrado (504), Nimba (583), River Gee(69), and Rivercess(71) in 2017 and Bomi (38), Bong (101), Gbarpolu (11), Grand Bassa (21), Grand Cape Mount (50), Grand Gedeh (22), Grand Kru (38), Lofa (90), Margibi (97), Maryland (51), Montserrado (248), Sinoe (34), Nimba (148), River Gee(39), and Rivercess(30) in 2018. Awareness-raising efforts by the government and partners regarding reproductive health to combat the stigmatization of voluntary termination include training in Emergency Maternal and Obstetric Care (EMOC) of skill service provider, training of both adolescents in school and those out of schools, the availability and accessibility of contraceptive/family planning commodities in health facilities including health education, as well as creating awareness in communities

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

1. The Republic of Liberia acknowledges its international obligations under the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty. Discussions are being held to repeal the death penalty law from our books. The Republic of Liberia welcomed recommendations from the HRC, made with regard to the abolition of the death penalty at its second cycle report to the Human Rights Council (HRC) under the Universal Periodic Review (UPR) on September 25, 2015. The head of delegation, then Attorney General of the Republic of Liberia, Cllr. Benedict F. Sannoh expressed Liberia’s inclination to maintain its position of “abolitionist by practice”, as a deterrence for conduct which pose threat to the consolidation of the peace and security of the State, thereby maintaining a de-facto moratorium, with the view to a consideration of de jure abolition.

The Supreme Court has up till now, not affirmed any death penalty sentence and has shown disinclination to enforce death penalties in recent cases by commuting capital punishment into life imprisonment. Furthermore, the current administration, headed by President George M. Weah, like his predecessor, has not signed any warrant to carry out the execution of a death sentence.

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.

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. This also applies to pregnant women.

1. The excessive use of force and corruption by Police Officers have been brought to the attention of Government and officers involved have been investigated by the Professional Standards and Crimes Services Divisions of the Liberian National Police (LNP), charged and forwarded to court for prosecution, the community policing forum, comprising police and civilians, has been instrumental in addressing complaints of lack of trust in the police by civilians.

Education and trainings are been conducted with officers of the LNP to distinguish the fine line between actions which are civil, or criminal in nature.

On the use of force, though section 5.6 of the Penal Code states that the use of force toward the person of another is justifiable when the actor is making or assisting in making an arrest and the actor believes that such force is immediately necessary to effect a lawful arrest, there are steps taken in making sure that the “actor believes” is not arbitrary but must conform to acceptable standard. The Liberia National Police Revised Duty Manual of 2010, 4.1: IMPROPER USE OF FIREARMS: states, “It shall be a serious violation for a member of the Liberia National Police (LNP) to discharge his or her firearms, or possess said firearm in a manner that is not consistent with the LNP use of force policy.

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

1. The legal and administrative frameworks of the fight against human trafficking in Liberia are all in place. In 2005 an act criminalizing trafficking in person was passed into law; that law provided for the creation of a National Human Trafficking Taskforce, led by the Ministry of Labor and co-chaired by the Ministry of Justice. This inter-agency and inter-ministerial body is also comprised of the Ministries of Health, Ministry of Gender, Children and Social Protection, Liberia National Police, Liberia Immigration Services, and other local and international partners.The National Taskforce has a National Secretariat that runs the day-to-day activities of the Taskforce. The Secretariat leads a regular monthly meeting of the Taskforce. Between March and May 2018, the TIP Taskforce has had three monthly meetings, and has had a major retreat of the Taskforce members in Buchan, Grand Bassa (in May 2018) to review the National Anti-Trafficking Action Plan of Liberia. Despite constraints of Government, between 2013 – 2017, the Government of Liberia undertook demonstrative actions in the fight against TIP in Liberia.

Besides putting in place the legal, policy and programmatic frameworks to direct the fight against trafficking in Liberia, the Government prosecuted cases involving Lebanese perpetrators and Moroccan, Tunisian and Liberian victims in which the victims were reasonably cared for both as witnesses of the State as well as in their capacity as victims. The Moroccan and Tunisian victims and witnesses were all resettled by the Government of Liberia with assistance from IOM. While Government may not have won all the cases, the trials in court of prominent Lebanese by the State demonstrates Liberia commitment to its obligation under the covenant.

Challenges remain, in terms of budgetary support for training and prosecution. Notwithstanding, the Prosecution Department of the MoJ conducts four quarterly training for prosecutors, judges and other judicial actors annually. The prosecution training curriculum includes aspects of TIP, and this has helped a lot. The Taskforce has also validated a TIP National Referral Pathway, which is to be submitted to the Cabinet for approval. The Pathway is a programmatic guide to trace, document and provide assistance to victims. There is a TIP hotline based at the Secretariat of the Taskforce to alert TIP early warning.

1. The Decent Work Act prohibits full-time employment for children under the age of 15. Children above age 13 but under age 15 may be employed to perform “light work” for a maximum of two hours per day and not more than 14 hours per week. “Light work” is defined as work that does not prejudice the child’s attendance at school and is not likely to be harmful to a child’s health or safety and moral or material welfare or development as defined by law; however, there is an exception to the law for artistic performances, where the law leaves the determination of work hours to the minister of labor. Under the act, children age 15 and over are not allowed to work more than seven hours a day or more than 42 hours in a week. There are mandatory rest periods of one hour, and the child may not work more than four hours consecutively. The law also prohibits the employment of children under age 16 during school hours, unless the employer keeps a registry of the child’s school certificate to illustrate the child attended school regularly and can demonstrate the child was able to read and write simple sentences. The law prohibits the employment of apprentices under age 16. The compulsory education requirement extends through grade nine or until age 15. The Ministry of Justice Human Rights Protection Division partners with a local based NGO, National Concern Youths of Liberia, which work vigorously to remove victims of child labor from the streets of Monrovia. They reported handling of twenty (20) cases of internal trafficking[[13]](#footnote-13) and two (2) cases of external trafficking in 2018.

Other programs under the Ministry of Justice to protect women and children against abuses include the Child Justice Section exit clearance scheme in which permits have to be acquired by either parents or guardians before any child leaves Liberia through the airport. Discussion on the need to extend this procedure at local border crossings is now being considered. The Sexual Gender Based Violence Crimes Unit (SGBVCU) is also a very useful mechanism for preventing and prosecuting perpetrators of abuse. For example, the 2016 Midterm Report of the Agenda for Transformation on Juvenile and SGBV of Pillar I, on Security, Justice, Peace and the Rule of Law, reported that a total of 196 staff were trained on fundamentals of child protection, in which all public defenders were trained on principles of Juvenile Justice; 30 peer educators were recruited; also, a set of services were provided to 1,613 SGBV victims; 6 workshops were conducted for victim support officers, social workers, prosecutors, LNP investigators during the period under review.

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

1. Human Rights Protection Division, Ministry of Justice in line with its mandate, conducted prison monitoring exercises from 2-11 April 2017 to provide the new Administration with information on the situation of prisons in Liberia, with the aim to make recommendation for administrative action by the Ministry of Justice. The exercise took into consideration human rights-based approach to ensure that other fundamental rights of persons deprived of their liberty are maintained. The report considered condition of prisons and prisoners, leadership of the Bureau of Correction and Rehabilitation-BCR personnel, gender parity of the BCR staff, categories of prisoners, their health conditions and risk facing inmates, Correction officers, rehabilitation programs and activities, water, sanitation, medical facilities, beds and beddings, exercises, food and nutrition etc.

Prisons populations are not fixed; rather, they fluctuate as individuals and or groups enter the formal criminal justice system or leave on a daily basis. Notwithstanding, as of the time of the report, the total number of inmates in our Correction system was 2,194. Out of that number 838 are convicts comprising 818 males, while 20 are females. Pre-trial detainees stand at 1,356. Of the 1,356 in pre-trial detention, 1,317 are males, while 39 are females.

Statistics/Data on overcrowding in prisons in Liberia:

Condition of prisons infrastructures[[14]](#footnote-14)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No | Prison |  imension of the cells |  Average. # of prisoner /cell | Status in term of overcrowding |
| 1 | Barclayville Central Prison | 6ft by 4ft | 8 | No overcrowding  |
| 2 | Bopolu Central prison | 10ft by 10ft | 8 | Overcrowding |
| 3 | Buchanan Central Prison | 10ft by 16ft | 10 | Overcrowding  |
| 4 | Cestos Central Prison | 10ft by 16ft  | 7 | No overcrowding |
| 5 | Fish Town Central Prison | 6ft by 10ft | 7 | Overcrowding |
| 6 | Gbarnga Central Prison | 12ft by 8 ft | 10 | Overcrowding  |
| 7 | Greenriville Central Prison | 12ft by 12ft  | 8 | Overcrowding |
| 8 | Harper Central Prison | 8ft by 12ft | 8 | Overcrowding  |
| 9 | Kakata Central Prison | 14ft by 20ft  | 42 | Overcrowding  |
| 10 | Monrovia Central Prison | 17ft by 20ft | 20 | Overcrowding  |
| 11 | Robertsport Central Prison | 18ft by 20ft  | 28 | Overcrowding  |
| 12 | Saniquelle Central Prison | 9ft by 12ft | 14 | Overcrowding  |
| 13 | Voijama Central Prison | 9ft by 10ft | 12 | Overcrowding |
| 14 | Tubmanburg Central Prison | 16ft by 16ft | 5 | Not overcrowding |
| 15 | Palace of Correction Zwedru | 10ft by 13ft | 11 | Not overcrowding |

Over the years, the government has taken several measures to deal with the issue of overcrowding. One effective measure has been the establishment of the magistrate sitting program, which conducts hearings at the Monrovia Central Prison to fast track cases of misdemeanor.

Compassionate leave is provided for in the criminal procedure laws[[15]](#footnote-15) of Liberia, but as of yet, no policy has been developed to implement the law. Recently, the Minister of Justice and Attorney General, Republic of Liberia committed to taking steps to reducing overcrowding of prison by twenty five percent (25%) and in this vein many inmates who had been in prison without trial have come to be released after review of their cases by the special taskforce set up by both the Judiciary and the Ministry of Justice. The Minister of Justice has also instructed that policy be drafted for compassionate leave in line with Chapter 34.20 of the Criminal Procedural Law.

The budgets for prisons under the Bureau of Rehabilitations and Corrections, Ministry of Justice in the last five years have been forthcoming, but due to the enormous challenges and the economic constraints, coupled with national budget shortfall, the amount allocated to the BCR budget has been inadequate to deal with these problems.

Over the last five years, the average number of deaths in Liberia’s penitentiary facilities has been about 5 per year.

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

1. With the establishment of the Public Defense Office, accessibility to legal defense counsels to indigents around the country has increased in our justice system. The Government recognizes the existing manpower gap cause by the limited number of Public Defenders spread across the country; however, disadvantaged defendants brought before the courts across the country have had the opportunity to be represented by these Public Defense Officers.

The Judicial Institute conducts quarterly and annual training for Public Defense Officers. These training are sponsored jointly by the Judiciary and donor partners, which provides the man-power for training and ensures that Public Defenders are present and participating fully.

Additionally, the Judiciary, through the Public Defense Office along with the Ministry of Justice, through the office of the Solicitor General, has established a Magisterial Sitting Program at the Major Prison (the Monrovia Central prison where 50% of the total prison population of the country is held) to afford Pre-trial detainees their right to be heard.

Other joint efforts on the part of the Judiciary, through the Public Defense Office and the Ministry of Justice, through the Solicitor General office has been the establishment of a joint taskforce to review the case files along with judges in three of the sixteen Circuits to enable the parties to de-congest the dockets. All of these measures are not without enormous challenges, but our government remains committed to protecting the rights of all, including those deprived of their liberty.

1. The Constitution of Liberia provides for the coordination of three (3) separate and equal branches of Government as a means of ensuring the separation of powers, thereby establishing the independence of the judiciary, which is the third branch of Government.

Further, the Chief Justice along with four Associate Justices of the Supreme Court, 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. This means that the Justices are protected from fear of reprisal emanating from any member of the other two branches of government, thereby confirming the level of independence the Judiciary enjoys. Members of the Judiciary can only be removed for cause.[[16]](#footnote-16) Moreover, the Judiciary financial autonomy also enhances its independence. Measures taken to minimize corruption in the judiciary include the reasonable increment in the salary and incentives of Justices, Judges and Magistrates, while similar steps have also been taken for prosecutors. In fact, salaries for prosecutors in various categories were increased. For the jurors, the government of Liberia amended the Judiciary law putting in place the office of Jury management for the purpose of having jurors to be randomly recruited from the Civil Service Agency, National Social Security and National Elections Commission data base as compared to the past method of individual selecting their jury. This measure is not free of challenges as compensation given to jurors are still inadequate.

The Law Reform Commission is reviewing various provisions of the Constitution, including Article 97, for the purpose of harmonizing the constitution through national referendum.

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

1. The government of Liberia is a signatory to international conventions and other Human Rights Instruments, and as such, must comply with provisions in these international instruments with the aim to protect and promote human rights. Since the signing of these instruments, the Government has over the years been in the vanguard of protecting the rights of persons coming to Liberia in need of international protection.

The Liberia Refugee Repatriation and Resettlement Commission (LRRRC), is a government of Liberia agency responsible to provide protection to those seeking asylum due to threats to their lives; thereby bringing relief to them. The LRRRC came into being through an act of the Interim Legislative Assembly, the (ILA) in 1993. The 1993 Liberia Refugee Act (LRA) gave the LRRRC the legal authority to conduct Refugee Status Determination (RSD).

The Protection Programming Department of the LRRRC has staffs that are trained as Case workers, Counselors and Protection Monitors; these staffs receive applications, conduct interviews, summarize and assess claims of applicants for subsequent submission to the 1st Instance Asylum Committee for decisions which could be denied.

The LRRRC is cognizant of the Principles of Non-refoulement; Art.33 of the 1951 Geneva Convention, its 1967 Protocol and Art. IV, section 2(A) of the Liberia Refugees Act (LRA), is under obligation to ensuring that this principle is observed and not violated. Notwithstanding, relative to the refoulement of the 14 Refugees, the government of Liberia received an extradition request from the Government of Ivory Coast; and in keeping with its treaty obligation, a petition was filed before the court and a hearing was conducted by the 7th Judicial Circuit Court. Thereafter, the court granted the extradition request and in accordance with the law, those fugitives were extradited to their country of origin. As a matter of fact, to demonstrate Liberia’s commitment to adhering to the principle of non-refoulement, eight (8) Ivorians who were arrested in August 2012, charged along with other Liberians for the Commission of the crime of mercenarism, were being severed from the Liberians defendants upon the receipt of an extradition request form the Ivory Coast. The office of the UNHCR and the LRRRC closely monitored the court proceeding on the extradition proceeding, which lasted up to July 4, 2018 when the petition was finally granted by the court. This means that the Court process ran for a period of five (5) years and the defendants were being represented by renowned Liberian lawyers.

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

1. The Government of Liberia took note of concern from media houses, that libel, slander, and defamation laws constrained the work of journalists and media outlets reporting on high-profile government or other public figures. In light of these concerns, the Press Union of Liberia (PUL) advocated for the decriminalizing of libel and slander laws since journalist expressed fear that the Government was stifling free speech under the guise of these laws which came with media practitioners being stifle with threat of huge prison terms and fines.

In response to these fears and as a means of removing obstacles in the way of freedom of the press, the President of Liberia, H.E. George Manneh Weah submitted a bill to the House of Representatives on May 31, 2018, seeking to amend Chapter 11 of the Penal law of 1978, repealing section 11.11 on criminal libel against the President, 11.12 on sedition decriminalizing criminal libel.

As to claims of denial of registration Liberia business registry was established with the statutory mandate to review all applications for registration by cooperate and non- cooperate entities, and failure to obtain registration is not necessarily a denial, but a failure on the part of applicants to meet the lawful requirements for registration. Meanwhile, a Bill has been proposed for the establishment of an Independent Broadcasting Regulator to regulate the activities of media institutions.

**Rights of the child (arts. 7 and 24)**

1. The Bureau of Vital Statistics has the responsibility to produce and issue birth certificates to persons born in Liberia regardless of their economic and social status. Liberia experienced low birth registration as a result of the over two decades of highly centralized birth registration system, and limited resources (Human, logistics, and financial) for birth registration. To achieve universal birth registration coverage, several measures have been instituted that include, routine registration of children at various public health facilities, regular birth registration campaigns, collaboration with other institutions, robust resources mobilization and awareness creation. The Cost of Birth Registration for adults is Five Hundred Liberian Dollars ($500ld or US $3.50) and free for babies.

In 2011, Plan International, in collaboration with the government of Liberia, UNICEF, the United Nations High Commissioner for Refugees (UNHCR) and Crisis Management Initiative, launched a decentralized, computerized birth registration and certification system – the first ever to be used in Liberia. The program is an important step toward achieving the fundamental right of every child to a name and nationality at birth. All of these measures were put in place before the Ebola outbreak. The principal issue around birth registration during the Ebola, was the inability of hospitals to focus on safe delivery and registration out of fear of contracting the virus. Eventually, with the increase in understanding of the virus, and the subsequent eradication of the epidemic, the exercise was resumed and continued to present.

The Government acknowledges the application of corporal punishment by parents, guardians and teachers, under the guise of “safeguarding or promoting the welfare and punishment of minors, the minors’ misconduct and the maintenance of proper discipline”. Government realizes that there have been instances, wherein the use of these measures by parents or guardians, have been at the detriment of children. Such persons have been charged with criminal offenses and forwarded to court for prosecution in keeping with law. Meanwhile, there have been discussions with all stakeholders including civil society organizations and debates at the level of the communities on the need to abolish corporal punishment in both the criminal justice system and traditional justice.

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

1. The National Elections Commission (NEC), the electoral body responsible for the conduct of election conducted nationwide educational awareness on the elections and its processes long before the conduct of the election. The election guidelines were put up in public places. All persons who did not meet up with eligibility requirements were not allowed to vote. No eligibility requirement was reported to be against any particular ethnic and/or tribal group including Muslim, women, and Mandingo communities. NEC carried on voter education, published registration guidelines etc. prior to the holding of elections. The NEC also recruited, trained and deployed queue controllers at polling centers around the country during the elections. There was also a strong coordination between various institutions of government, led by the NEC. These institutions included the Liberian National Police, the Judiciary, and Political Parties, the media, civil society organizations and voters themselves.

The legal framework for elections establishes that every citizen of Liberia, who is 18, or older, may vote, except those convicted of “infamous crimes” or those declared to be incompetent, or of unsound mind. During the elections, tactile ballots were produced by the NEC and distributed to the various polling centers. Additionally, NEC conducted training for the use of tactile ballot by polling workers. Disabled and elderly voters were also given special consideration during the elections.

Regarding the misuse of state resources, in line with the Code of Conduct, Former President Sirleaf pronounced that all appointed officials of government with desire to run for elected offices should resign three months prior to holding of election and also prohibited the use of government property for campaigning. These were measures put into place to curtail misuse of state resources.

1. The Government will continue to work with civil society organizations as they are very instrumental in the survival of our democracy particularly ensuring the respect of human rights. Civil Society Organizations (CSOs) are important partners and are encouraged to be a part of all reforms. As previously stated, the Human Rights Action Plan Steering Committee includes Government, COSs, and the INCHR. The National Civil Society Council and the Government of Liberia have entered into a Memorandum of Understanding to partner in the implementation of various policies of Government. Additionally, civil society has been represented on several committees set up by Government to investigate allegation of corruption, including the most recent Special Committee to Review the Global Witness Report on the National Oil Company of Liberia.

Liberia has established several anti-graft institutions, including the Liberia Anti- Corruption Commission, Internal Audit Agency, General Auditing Commission, and the Public Procurement and Concession Commission among others, which are used by Government to prevent and address issues of corruption involving officials of Government and government resources.

Officials of government who have been found culpable have been forwarded for prosecutions. There are currently at least four (4) high profile cases going through the court system. The Government has obtained conviction in one case involving the former FDA Managing Director which is currently before the Supreme Court on appeal. While those involving Alex Tyler, Varney Sherman, and others are currently in court.

**Customary lands (2, 26 and 27)**

1. Under the Constitution, all land ownership must be traceable to the Republic of Liberia. Liberia recognizes private land ownership and the rights of communities to own customary land. However, the legal status of customary land ownership has been granted through tribal certificates, which begin the process of privatizing customary land. Liberia also recognizes that there has been conflict between concessions and communities related to land use. Liberia has established community development committees and social development funds intended to benefit communities in which these concessions operate.

 In recognition of the complex history of land rights and tenure betweenindividuals, communities, and the government, Liberia has embarked on extensive land tenure reforms. To address these land related challenges, the Government created the Land Commission in 2009 to explore and analyze Liberia’s land tenure issues, and propose policy and legal reforms, including the development of a Land Rights Policy by the Land Commission in 2013 which recognized the rights of customary land ownership. Pursuant to the Land Rights Policy, in 2014 two bills were submitted to the National Legislature for ratification: the Land Authority Act and the Land Rights Act.

The Land Rights Act was developed through national consultation that included communities, civil societies, international development partners, and the government. The primary objective of the Act is the administration of a land tenure system and the recognition of equal protection for customary land rights. The draft Land Rights Act, as drafted, recognizes customary land ownership and provides for self-determination of community members and land use as approved by the communities. The draft Land Rights Act also provides for community participation in negotiation of concession agreements where community lands are leased to private entities. Additionally, the draft Lands Rights Act protects the rights of women to inherit family property from their father, which is a right not currently recognized. Under the Draft Land Rights Act, women are also members of community committees that make decisions regarding land use. The Land Rights Act is currently been reviewed by the National Legislature with the intent to ensure that when it is passed into law, it will protect the ownership rights of local communities to customary land which is critical to peace and stability.

1. The Paris Principles relate to the status and functioning of national institutions for the protection and promotion of human rights. [↑](#footnote-ref-1)
2. AfT Mid-Term Review Report of 2017 [↑](#footnote-ref-2)
3. Presidential Press Release. August 6, 2014. Retrieved from: <http://www.emansion.gov.lr/2press.php?news_id=3053&related=7&pg=sp> [↑](#footnote-ref-3)
4. See {legislative record); *See also* <https://www.liberianobserver.com/news/politics/senate-deliberates-on-state-of-emergency-today/> [↑](#footnote-ref-4)
5. New National Defense Act (2008). Retrieved from: <http://www.liberlii.org/cgi-bin/disp.pl/lr/legis/acts/dao200891/dao200891.html?stem=0&synonyms=0&query=%22human%20rights%22> [↑](#footnote-ref-5)
6. Id. Section 8.5 provides that “*All members of the AFL shall respect the human rights of all persons at all times. No members of the AFL shall engage in any form of torture, mistreatment, abuse or degrading behavior to other persons at all times*.” [↑](#footnote-ref-6)
7. See West Point Quarantine Report, “Dark Moment of the West Point Quarantine”, a report from the INCHR, submitted to the Government and People of Liberia, October 28, 2014 [↑](#footnote-ref-7)
8. a consortium of civil society organization for advocating for the rights of PWA, headed by Mrs. Patricia Logan [↑](#footnote-ref-8)
9. Capitol city of Montserrado County [↑](#footnote-ref-9)
10. Ayad v. Dennis 23 LLR 165, 171 (1974).) [↑](#footnote-ref-10)
11. ([Penal Law](http://www.liberlii.org/lr/legis/codes/plt26lcolr367/) § 50.5, tit. 26, 4 Liberian Code of Laws Revised (1976), Liberian Legal Information Institute (LIBERLII) website.) [↑](#footnote-ref-11)
12. (Id.; [Criminal Procedure Law](http://www.liberlii.org/cgi-bin/disp.pl/lr/legis/codes/cplt2lcolr491/cplt2lcolr491.html?stem=0&synonyms=0&query=criminal%20procedure%20law), §§ 31.1(3) & 33.1, tit. 2, Liberian Code of Laws Revised (1972), LIBERLII website.) [↑](#footnote-ref-12)
13. This occurs when relatives of victims take these children from their parents with the promise to bring them to the city for education; instead, they are used as bread winners [↑](#footnote-ref-13)
14. Please see copy of the full report [↑](#footnote-ref-14)
15. Chapter 34, Section 34.20 Criminal procedure law, 1LCLR [↑](#footnote-ref-15)
16. Cause herein refers Treason or other felonies- Art. 73 Liberian Constitution [↑](#footnote-ref-16)