Liberia’s Compliance with the International Covenant on Civil & Political Rights: Harmful Practices and Violence against Women

Submitted by
The Advocates for Human Rights,
a non-governmental organization in special consultative status with ECOSOC since 1996

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The Advocates for Human Rights (“The Advocates”) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates has a long history of assisting the Liberian diaspora community in the United States. From 2006 to 2009, The Advocates worked with the Truth & Reconciliation Commission of Liberia to give the Liberian diaspora a voice in the process of investigating human rights abuses during the country’s long period of civil conflict and making recommendations to promote peace and reconciliation. This work resulted in the publication of a book-length report by The Advocates entitled A House With Two Rooms. Since then, The Advocates has continued its close connections to Liberia, including site visits, advocacy at the United Nations, work with the Liberian diaspora and representation of numerous Liberian refugees seeking asylum. Since 2011, a growing number of individuals fleeing harmful traditional practices and violence against women have requested legal assistance from The Advocates in applying for asylum in the United States.
EXECUTIVE SUMMARY

1. This report discusses Liberia’s obligations and compliance with the International Covenant on Civil and Political Rights (the “Covenant”). This report describes violence against women and harmful practices, including female genital mutilation (“FGM”) in Liberia and the state’s response to these violations.

2. FGM and domestic violence is a basis for many women and children to seek refuge in the United States. The Advocates has represented or arranged for the representation of hundreds of Liberian refugees seeking asylum in the United States, and The Advocates continues regularly to interview such refugees to evaluate their asylum claims. These interviews include numerous cases in which clients were subjected to human rights violations at the instigation of traditional practices by the Sande female secret society, which remains a powerful force in Liberian culture and politics. The case information presented in this submission is compiled from intake and other interviews conducted by The Advocates for Human Rights with asylum seekers from Liberia between January 2011 and January 2018 (hereinafter referred to as “Interviews conducted by The Advocates (2011-2018). Details have been removed to maintain confidentiality and to protect the identities of clients and their families.

Liberia fails to uphold its obligations under the ICCPR related to harmful traditional practices such as FGM and other forms of violence against women.

I. Constitutional and legal framework within which the Covenant is implemented (List of Issues Paragraphs 1-2)

3. In its List of Issues the Human Rights Committee (“Committee”) requests the Government of Liberia provide information on the status of the ICCPR in relation to domestic law, including statutes and customary law. The Committee also requests information on how customary law may conflict with the ICCPR.\(^1\) In its State Party report to the Committee, the Government of Liberia described relevant authorities, including the Women and Children Protection Section of the Liberia National Police, the Sexual and Gender-Based Violence Crime Unit, and the Gender-Based Violence Unit of the Ministry of Gender, Children, and Social Protection, and laws, including the 2005 Rape Law that outlaws rape and gang rape and imposes a life sentence for first-degree rape.\(^2\) It also describes how the Constitution of Liberia provides for an effective remedy.\(^3\) The State Party report also discusses its commitment to ending traditional practices that are harmful to women and girls, including FGM.\(^4\)

4. Some efforts have been made to address FGM and violence against women since Liberia’s last periodic review. There is currently no law prohibiting FGM in Liberia, but

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recent legislative and executive efforts have sought to curb or prohibit this practice and domestic violence. In January 2016, a Domestic Violence Bill was introduced that would criminalize acts of violence including: physical, sexual, economic; emotional and psychological abuse; spousal violence; and violence between other forms of intimate partners. The bill originally included a provision banning FGM on minors without parental consent and on adults without their consent. This provision was removed by the National Legislature, with parliamentarians suggesting that FGM was “cultural” matter not appropriate for legislation. The modified bill was passed by the lower house of Liberia’s legislature but did not pass the upper house.

5. A 2018 Executive Order focused on domestic violence temporarily bans FGM. On January 22, 2018, George Weah took power as Liberia’s president. As one of her last official acts, on January 20, 2018, outgoing president Ellen Johnson Sirleaf issued an executive order on domestic violence that bans FGM. Former President Sirleaf took this initiative after the attempt to pass the Domestic Violence Bill failed. According to a 1974 Liberian Supreme Court ruling, executive orders are binding law, but can only be enforced for a period of one year. The executive order broadly defines “domestic violence” as “any act that results in, or is likely to result in, physical, sexual or psychological harm or suffering . . . , including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life between parties in an existing or former domestic relationship.” The order broadens the prohibition on FGM by removing the loophole of parental consent. It specifically criminalizes performing FGM on a person below the age of 18 under any circumstances, or on an adult without consent.

6. The Rape Law was recently amended to allow bail. In 2005, Liberia passed a Rape Law wherein statutory rape and sexual intercourse with minors constituted non-bailable offenses. In 2017, Liberia amended this law to allow accused persons to post bail, because it was determined by the Judiciary Committee within the Liberian Senate that not allowing bail was unconstitutional.

II. Gender Equality (List of Issues Paragraphs 8-9)

7. In the List of Issues the Human Rights Committee (“Committee”) requests the Government of Liberia provide information on “customary marriage” and “statutory marriage,” as well as measures undertaken to ensure equal rights of women in all marriages in law and practice, as

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well as measures taken to address polygamy. In its response, the Government of Liberia cited the Equal Rights of Customary Marriage Law of 1998, that guarantees “rights for women in customary or traditional marriages equal to those of women in statutory marriages, as regards marriage and inheritance rights.” The State Party report also defines both types of marriages and acknowledges that traditional marriage permits a man to take up to four wives. It clarifies that Liberia law does not permit marriages under both statutory and traditional marriages at the same time.

8. Other harmful practices, including polygamy and bride price, are also practiced in Liberia. Formal Liberian statutory law only allows a man to have one wife, but the government also recognizes marriage by traditional law, under which a man may have up to four wives. One client’s parents insisted when she was twenty-three that she marry a much older man who was a very high government official in Liberia. She later learned he already had a wife.

III. Violence Against Women (List of Issues Paragraphs 10-12)

Female Genital Mutilation

9. In the List of Issues the Human Rights Committee (“Committee”) requests the Government of Liberia provide information on measures taken to end violations perpetrated by secret societies, including FGM and what measures are taken to enforce existing criminal laws, protect victims and their families who seek legal remedies from retaliation, and restrict the influence of secret societies and combat stereotypes. In its State Party report, the Government of Liberia acknowledged it is one of three West African states that has not criminalized FGM, but that efforts have been taken to address FGM, including the proposed domestic violence bill. Although the FGM provision was omitted from the provision in 2016, a working group on the abolition of FGM proposed another bill to the Steering Committee of the National Human Rights Action Plan to consider forwarding to the legislature.

10. FGM is prevalent in Liberia as an initiation ritual used by Sande, a secret society for women that operates predominantly in the bush (i.e. rural areas). Despite significant efforts and improved awareness towards FGM, the harmful practice persists. It was estimated in 2013 that nearly half (49.8%) of girls and women in Liberia aged 15-49 had been subject to FGM. FGM is more prevalent in the countryside, with an estimated 64.8% of female residents being subject to FGM by 2013 (compared to an estimated 31.9% of urban Monrovia residents and 53.8% of residents in other urban areas). A more recent report from

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2017 estimates that 200 million girls and women alive today (both within and outside of Liberia) have undergone some form of FGM, and girls age 14 years and younger represent some 44 million of this population.\textsuperscript{17} Securing more accurate estimates of FGM is challenging given that outright discussion of it is seen as taboo. Client experiences also confirm the prevalence of FGM. A client who lives in the United States with her infant daughter was forced to leave her other children behind in Liberia. She fears that, if she returns to Liberia, her daughter will be subjected to FGM. The client herself was subjected to FGM at the age of one. She left another daughter with a neighbor in Liberia, who subsequently forced the girl to undergo FGM at the age of three.\textsuperscript{18}

11. **FGM in Liberia is generally motivated by misperceptions about what constitutes appropriate sexual behavior, and some communities believe that FGM is necessary to preserve virginity, marital faithfulness, and to prevent promiscuity or prostitution.**\textsuperscript{19} Women who have not been “initiated” through FGM face stigmatization and are labeled “Kpolo wa,” which translates as “sinner.” A client’s uncle told her she must be undergo FGM because she was unclean. He also said leaders who bring many initiates to the secret societies command respect from others.\textsuperscript{20}

12. **Torture often accompanies or precedes the ritual of FGM.** When the client later had a baby girl of her own, men in traditional costume from her grandmother’s village came to take the baby so she could be “cleaned.” The client and her baby fled to the United States. When another client was 13, an aunt took her to the bush, where elders tied her to a tree and subjected her to FGM. She was left tied to the tree for days, bleeding profusely. A cut on her leg left a large scar and she still suffers complications from the FGM.\textsuperscript{21}

13. **Women and girls suffer long-term health effects from FGM.** A client’s older sister was forced into Sande against her parents’ wishes. She suffered from complications from FGM for many years.\textsuperscript{22} Another client learned that her sister, who had also been kidnapped and survived FGM, was told by a doctor that she could not have children because of her injuries.\textsuperscript{23} As described in Section IV, women and girls often die as a result of FGM.

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\textsuperscript{18} Interviews conducted by the Advocates (2011-2018).


\textsuperscript{20} Interviews conducted by the Advocates (2011-2018).

\textsuperscript{21} Interviews conducted by the Advocates (2011-2018).

\textsuperscript{22} Interviews conducted by the Advocates (2011-2018).

\textsuperscript{23} Interviews conducted by the Advocates (2011-2018).
14. **Widespread secrecy and reprisals reduce transparency and hamper efforts at prevention.** One client, who was forced to undergo FGM, became a nursing assistant and counseled about FGM. Villagers came to her house, threatening to take her to the bush and train her better to keep her mouth shut. She quit her job and opened a shop in Monrovia, but a group from her tribe learned where she was, came to her house and beat her. She fled to the United States, fearing they will make her daughter undergo FGM.24 One client who survived FGM was warned that revealing what happened in Sande would lead to her death, the client warned other girls about what takes place in Sande. After her mother died, the client began receiving death threats. Once she found snakes in her house. Another time she was forced to take a drink that reduced her capacity to resist. She was led into the bush, where elders threatened to kill her if she did not stop talking about what happened in Sande. Later, she was taken into the bush again and the elders, holding a knife to her throat, burned her leg and foot with a hot iron. They told her this was her last warning. The client fled to Guinea, then the United States.25 As described below in Freedom of Association and Expression, this is not an isolated case, and activists who openly challenge FGM face threats and reprisals.

15. **Widespread perceptions of police and government support for secret societies hinder people from reporting FGM.** A client’s husband was told by his family that his daughter must enter Sande, or they would ostracize him and subject him to voodoo. When the family came for the daughter, the client hid her. In response, an aunt beat the client. The husband received a letter from the village elders purporting to fine him and saying both the client and her daughter would be taken and forced into Sande. The client never told the police in Liberia because she believes at least some police support Poro and Sande, and she feared the police would tell her husband’s village that she had reported to law enforcement.26

**Domestic Violence and Rape**

16. **In the List of Issues the Human Rights Committee (‘Committee’) requests the Government of Liberia provide information on the implementation of the Rape Law of 2005 and the status of the Domestic Violence Bill that was introduced in January 2016.**27 In its State Party Report, the Government of Liberia described attempts to pass a domestic violence Bill which, at the time of submission, was before the upper house (Senate). Such a bill would criminalize forms of domestic violence.28

17. **Domestic violence and rape remain prevalent in Liberia.** Liberia’s Ministry of Gender Children and Social Protection list a total of 892 sexual and gender-based violence against women cases reported between January and September of 2017. 506 of these were rape cases

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24 Interviews conducted by the Advocates (2011-2018).
26 Interviews conducted by the Advocates (2011-2018).
and 475 involved children.\textsuperscript{29} Additionally, rape is the second-most commonly reported serious crime in Liberia according to statistics compiled in 2014.\textsuperscript{30}

18. Few rape cases are actually prosecuted. Between 2014 and 2015, there were 1,511 reported cases of rape, of which only 836 were even registered by the police, and of those, only 259 were sent to court.\textsuperscript{31} Several cultural and institutional factors have been identified as the cause of the wide disparity between reported and prosecuted rape cases, such as the shame of accusing a community or family member of a serious crime, poor and corrupt investigation and prosecution of crimes, and the hesitancy of survivors to view themselves as victims due to prevailing social norms surrounding woman and sexuality.\textsuperscript{32}

19. Police in Liberia fail to respond effectively to domestic violence to protect the victim and hold the offender responsible. Another woman demanded a divorce after she learned the man had been a fighter in the war and had another wife, but in response he beat her, shot her in the leg and confined her to the house. He beat her at least weekly and raped her frequently. After he discovered she tried to call a lawyer, he beat her again and confined her to just one room of the house. She escaped to a church, but the husband’s bodyguards brought her back to him. After a neighbor reported the abuse to the police, police officers came to the home, but left without doing anything. Once when she ran away, her husband beat her in public. After four years of marriage to her abuser, she was finally able to secure a visa and come to the United States.\textsuperscript{33}

Violations of the Right to Life, Liberty and Security of Person

20. Neither the List of Issues nor the State Party report addresses FGM as a violation of the right to life, liberty and security of persons. As this report describes below, FGM violates these rights through abductions and confinement of women and girls subjected to FGM. It also violates the right to life because of the deaths that ensue during and as a result of FGM. FGM violates the rights of the child, as described above. FGM violates children’s right to life, liberty and security of person and in and of itself is a form of torture.

21. Women and girls who undergo FGM often die during the practice or as a result of the long-term effects. Another client had a sister and a niece who died during Sande as a result of FGM.\textsuperscript{34} Another client described how she watched her cousin, also in her group of initiates, bleed to death after FGM.\textsuperscript{35}

\textsuperscript{29} UN Women, \textit{Reversing the tide of rising violence against women in Liberia}, The Huffington Post, Dec. 14, 2017, https://www.huffingtonpost.com/entry/reversing-the-tide-of-rising-violence-against-women_us_5a329a1ce4b00caf3d59eae0


\textsuperscript{33} Interviews conducted by the Advocates (2011-2018).

\textsuperscript{34} Interviews conducted by the Advocates (2011-2018).

\textsuperscript{35} Interviews conducted by the Advocates (2011-2018).
22. **Abductions are commonly used to force girls and women to undergo FGM.** A client’s father came from a family that practiced the Poro/Sande traditions, but the client’s mother did not. When the client visited her grandmother's village at the age of nine, her aunts tried to take her into Sande, but she escaped. The aunts came by her home numerous times afterward to look for her. The client, who is now in the United States, is frightened of Sande, especially of FGM, and is fearful of being forced into these practices if she returns to Liberia. After another client graduated from high school, members of Sande broke into her house at night to take her away. She and her siblings escaped into the bush. Additional attempts were made to kidnap her for Sande. A client’s mother, who was a respected person in her village, opposed Sande and FGM. Nevertheless, when the client was 17, her aunt led her into the bush and a group of women blindfolded her and took her to Sande, where she was subjected to FGM.

23. As the example above demonstrates, abductions often entail force. A client’s father opposed FGM, but was under pressure from his family to place his daughter into Sande. Most pressure came from the client’s uncle, a prominent man in the village. When her grandmother died, her uncle told her as the eldest grandchild she had to go to the funeral. At the funeral, her urged her to undergo FGM. Men grabbed her and tried to sedate her, with her trying to protect her baby. Her husband returned and threatened to get a gun, allowing the client and her family escaped.

24. These abductions and threats to security compel women and girls to flee and go into hiding. One client and her sister went to visit her grandmother’s village for the first time when the client was twenty-four. During the night, a group of older village women took the two from their grandmother's house and separated them. One of the women, who spoke a little English, told the client she would be cut, to be made clean. The client escaped spent two nights in the bush, and when she reached home she was admitted to a clinic for bruises and lacerations. People in traditional costumes came to the clinic to get her, but she escaped to a friend's house. A neighbor told her that people in traditional costumes then burned down her house. The client came to America.

**Threats and Reprisals Against Human Rights Defenders Advocating Against FGM**

25. Neither the List of Issues nor the State Party report addresses the right to freedom of expression and association in the context of human rights defenders who advocate against FGM. As this report describes below, many human rights defenders face threats and reprisals when they openly oppose FGM. Widespread perception of police support for secret societies inhibits many from reporting such violence.

26. **Human rights defenders who work to end female genital mutilation face reprisals and threats of harm.** A male client, who was a human rights advocate in Liberia, traveled to the rural areas to advocate against FGM. Ten men attacked, beat, confined him and threatened

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36 Interviews conducted by the Advocates (2011-2018).
37 Interviews conducted by the Advocates (2011-2018).
38 Interviews conducted by the Advocates (2011-2018).
39 Interviews conducted by the Advocates (2011-2018).
40 Interviews conducted by the Advocates (2011-2018).
him with death for speaking against traditional practices.\textsuperscript{41} Another client who was a human rights advocate and outspoken opponent of FGM in Liberia was kidnapped along with one of his colleagues by a group of men. They attacked them, beat them and threatened their lives. The client was forced into hiding because of the fear of traditional mob retaliation against his activism.\textsuperscript{42} These clients’ experiences were not isolated incidents, and the media has reported on another Liberian journalist who received death threats after publishing an exposé about FGM and Sande.\textsuperscript{43}

27. \textbf{Threats of death and harm compel people to flee the country.} One client became an activist against FGM after a friend confided in her, despite the taboo against talking about Sande, that she had been forced to have FGM and was the only one in her initiates’ group to survive the experience. The client started an anti-FGM society with a Facebook page received publicity. When the Vice President of Liberia, Joseph Bokai, spoke favorably of traditional practices, the client gave a press conference to condemn that statement. She received many death threats and was forced to flee Liberia.\textsuperscript{44}

28. \textbf{The police response to protecting those who speak against FGM is perceived as ineffective, as distrust of the police hinders many people from reporting such violence or seeking help.} As described above, such distrust of police is a barrier to reporting FGM and associated violations.

IV. \textbf{Suggested Recommendations}

29. The Government of Liberia should work towards outright and permanent prohibition of FGM and domestic violence, and it should provide funding and training necessary to effectively implement such laws. \textbf{The Advocates suggests the following recommendations:}

a. The Government of Liberia should review and reform other laws that prevent the equality of women and girls. The Government of Liberia should specifically review conflicting customary and religious laws or situations of dual legal systems where civil law operates adjacent to customary or religious laws which often govern family relations and property rights and may discriminate against women. Specifically, it should develop uniform civil laws relating to family and property law that have clear supremacy to conflicting customary laws, including on polygamy.

b. Adopt, without delay and in consultation with women and girls’ human rights civil society organizations, a law criminalizing FGM and banning its use on minors regardless of parental consent and on adults regardless of their consent. In addition, the law on FGM should:

\begin{itemize}
  \item [\ding{55}] Criminalize the aiding and abetting of FGM;
  \item [\ding{55}] Impose a mandatory duty to report on persons who know that FGM has or will imminently take place;
\end{itemize}

\begin{itemize}
  \item [\ding{55}] Lodge criminal complaints and initiate police investigations against those who engage in FGM;
  \item [\ding{55}] Protect whistle-blowers.
\end{itemize}

\textsuperscript{41} Interviews conducted by the Advocates (2011-2018).
\textsuperscript{42} Interviews conducted by the Advocates (2011-2018).
\textsuperscript{43} Mae Azongo, \textit{A Fierce Champion for Women Bravest Death Threats and Job Loss}, Internews, https://women.internews.org/profile-mae-azango/.
\textsuperscript{44} Interviews conducted by the Advocates (2011-2018).
Provide a comprehensive order for protection to potential victims and survivors of FGM;

Ensure that such legislation is translated into local languages and educational materials create for non-literate populations;

Ensure that adequate funding is provided to ensure effective implementation of the law on FGM and to conduct outreach on the law and victims’ legal rights and services to the public, with a specific focus on rural communities.

c. Adopt, without delay and in consultation with women’s human rights civil society organizations, a domestic violence law. The law should:

Criminalize domestic violence and impose penalties that are commensurate with or more severe than other violent crimes;

Provides victims with a comprehensive civil order for protection that includes both emergency and long-term protection;

Mandate training for police on dynamics of domestic violence, women’s human rights, and effective responses to domestic violence.

d. Undertake, in consultation with or led by women and girls’ human rights civil society organizations, public education campaigns on women and girls’ human rights, equal rights of women and men in marriage, harms of FGM, polygamy, and bride price, and legal rights for victims and survivors.

e. Provide and support free-of-charge services to those at-risk of and survivors of FGM, including legal aid, health care, psychological counseling, shelters and crisis centers, and helplines.

f. Provide mandatory training to police, in consultation with or led by women’s human rights organizations, on women and girls’ human rights, the harms of FGM, best practices to responding to FGM to protect victim safety, and violence against women.

g. Provide mandatory training to prosecutors, in consultation with or led by women’s human rights organizations, on women and girls’ human rights, on the sexual violence and rape and best practice standards on prosecuting these crimes.

h. Exercise due diligence to ensure that attacks and threats against human rights defenders are investigated, prosecuted, and punished to the full extent of the law.