



**Liberia's Compliance with the Convention on the Elimination of All Forms of
Discrimination against Women
Report for the Pre-Sessional Working Group of the Committee on the Elimination of
Discrimination against Women**

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

**62nd Session of the Committee on the Elimination of Discrimination against Women, Pre-
Sessional Working Group, Geneva
9–13 March 2015**

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 is committed to ensuring human rights protection for women around the world. The Advocates' Women's Human Rights Program has published 23 reports on violence against women as a human rights issue, frequently provides consultation and commentary on drafting laws on domestic violence, and trains lawyers, police, prosecutors, and judges to effectively implement new and existing laws on domestic violence. The Women's Human Rights Program also created training modules on access to justice and drafting legislation on violence against women in all its forms for UN Women's Virtual Knowledge Centre. The Advocates has worked on human rights and transitional justice issues in Liberia since 2006. This report was prepared with the assistance of Zorzor District Women Care (ZODWOCA), a Liberian nongovernmental organization.

EXECUTIVE SUMMARY

1. Sexual violence has been and continues to be a widespread problem in Liberia.¹ The World Health Organization reports that 77% of women and girls in Liberia had been victims of sexual violence.² Liberian law defines rape as a crime, but the government does not always enforce the law effectively.³ Other forms of discrimination against women include access to education and property rights, including inheritance rights. Liberian law provides for tuition-free and compulsory education for grades 1-9, but girls account for less than half of the students in primary and secondary schools.⁴ In addition, in rural areas traditional laws often trump statutory laws, depriving women of their legal right to own and to inherit property.⁵
2. The State Party has taken steps toward upholding its obligations under the Convention on the Elimination of All Forms of Discrimination against Women, and toward reducing discrimination against women, but much work remains to be done. Specifically, **gender-based violence** continues to occur in Liberia at unacceptable rates. Furthermore, **access to education** remains a problem, as numerous barriers prevent girls and young women from taking advantage of the free education that the State party is legally bound to provide. And finally, **women's property rights and inheritance rights** remain subject to discriminatory provisions and limitations.

Liberia fails to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination against Women

A. Gender-based violence is widespread, and the Liberian Government fails to protect victims and hold perpetrators accountable.

3. In 2009, the Committee on the Elimination of Discrimination against Women expressed grave concern over “the extent, intensity and prevalence of violence against women in Liberia, especially sexual violence.”⁶ The Committee recommended that Liberia adopt and implement “a comprehensive legal framework to address all forms of violence against women, including domestic violence, and to accelerate the implementation of existing measures.”⁷ The Committee also expressed concern that the “measures designed to combat and eradicate violence against women are not enforced in practice, lack coordination, and remain concentrated in urban areas.”⁸ Hence, the Committee urged the State Party to “continue efforts to train the judiciary, law enforcement officials, legal professionals, social workers and health-care providers on violence against women so as to ensure that the perpetrators of violence against women are effectively prosecuted and

¹ Country Summary: Liberia, Human Rights Watch (2014).

² Country Reports on Human Rights Practices: Liberia, U.S. Dep't of State (2013).

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Concluding observations of the Committee on the Elimination of Discrimination against Women: Liberia, Aug. 7, 2009.

⁷ Ibid.

⁸ Ibid.

punished with the required seriousness and speed, and that effective and gender-sensitive support is provided to the victims.”⁹

4. **Liberia has taken steps toward addressing the Committee’s concerns, and toward fulfilling its obligations under CEDAW.** Importantly, Liberia has developed a Gender Based Violence Action plan for preventing and responding to Gender-Based Violence cases.¹⁰ The Liberian Government reports that the plan includes the establishment of “Safe Homes” in seven counties.¹¹ The Safe Homes “provide temporary protective shelters for abused women and children as well as psychological counseling, recreation and follow-up treatment for survivors of rape.” The Liberian Government has also collaborated with international and non-governmental organizations to provide services to survivors of sexual violence, including safe homes protection as well as legal, medical, and psychological support.¹²
5. **Liberia has developed a domestic violence law.** The State party reports that it has drafted a Domestic Violence Law with the participation of individuals from urban and rural Liberia.¹³
6. **Gender-based violence is widespread in Liberia, and is a grave threat to women’s human rights.** Rape is the most-commonly reported serious crime in Liberia.¹⁴ The World Health Organization estimates that more than three-quarters of Liberian women and girls have been a victim sexual violence.¹⁵ The Liberian Ministry of Gender and Development’s statistics indicate that in 2011 there were 2,383 reported incidents of sexual violence, and in 2012 there were 1,687 reported incidents of sexual violence.¹⁶ Of the reported cases in 2012, 55% were rape.¹⁷ Independent reports show that between 46% and 85% of reported cases involve children under the age of 18.¹⁸ Other independent observers report that 68% of all reported cases involve children between the ages of 3 months and 14 years.¹⁹ These alarmingly high figures likely underestimate the full extent of gender-based violence in Liberia,²⁰ for a number of reasons:
 - **Unduly Narrow Definition of Rape/Sexual Violence:** The law criminalizes rape, but it does not expressly criminalize spousal rape.²¹ In fact, respondents to one study suggested that they did not include forced sex within a relationship in their

⁹ Ibid.

¹⁰ Seventh and Eighth Periodic Reports of States Parties Due in 2013: Liberia (Unedited Version), Mar. 17, 2014.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Violence Against Women and Housing, Land and Property in Monrovia, Norwegian Refugee Council (2013); Annual Report: Liberia, Amnesty Int’l (2012).

¹⁵ U.S. Dep’t of State, *supra* note 2.

¹⁶ Women Count – Security Council Resolution 1325: Civil Society Monitoring Report 2013, Global Network of Women Peacebuilders (2013).

¹⁷ Ibid.

¹⁸ Norwegian Refugee Council, *supra* note 14; Amnesty Int’l, *supra* note 14.

¹⁹ Women Count, *supra* note 16.

²⁰ U.S. Dep’t of State, *supra* note 2; Norwegian Refugee Council, *supra* note 14; Women Count, *supra* note 16.

²¹ U.S. Dep’t of State, *supra* note 2.

understanding of rape.²² These instances of sexual violence therefore go largely undetected.

- **Social Stigma:** Victims of rape are stigmatized in their communities.²³ As a result, the victim's family—as well as the family of the perpetrator—often pressure the victim not to report the rape.²⁴
- **Pressure to Pursue Customary Resolutions Rather than Criminal Prosecution:** As the result of familial pressure, victims who do seek resolution often pursue customary, out-of-court settlements rather than formal prosecution.²⁵ Such settlements may involve a monetary payment, marriage, or some other action that will make the victim's family “whole,”²⁶ while disregarding victim safety and the importance of holding perpetrators accountable.

7. **Liberia's legal system does not effectively address sexual assault cases or deter future sexual assaults.** Sexual violence continues to be prevalent in Liberia because the legal infrastructure is ill-equipped to address the seriousness of the problem. Liberian law gives its formal judicial system exclusive jurisdiction over rape cases, but many Liberian victims are pressured into accepting customary remedies rather than reporting sexual assault to law enforcement.²⁷ Moreover, the judicial system creates a number of significant obstacles to prosecuting accused rapists:

- **Victims Must Pay to Prosecute Their Assailants:** Victims must pay a number of “fees,” including police transportation costs, the accused's prison food, and various administrative expenses.²⁸ If the fees are not paid, the prosecution will not proceed, even in the most serious cases.²⁹
- **Victims Face Assault and Retribution from Authorities:** Victims who seek help from the police fear backlash and demands for bribes.³⁰ In addition, some evidence suggests that law-enforcement personnel are, themselves, perpetrators of sexual assault.³¹ In one reported case, an inspector at a local police station raped a female visitor.³² These risks deter victims from accessing and using the formal justice system, and turning to law enforcement often becomes an option of “last resort.”³³ Victims who contact the government for assistance often have no other viable options.³⁴ The number of incidents reported to the Ministry of Gender and Development far exceeds the number reported to the Liberian National Police:

²² Norwegian Refugee Council, *supra* note 14

²³ *Ibid.*

²⁴ Interview with Liberia-based NGO working on women's rights, Jan. 23, 2013 (memorandum on file with The Advocates for Human Rights); Women Count, *supra* note 16.

²⁵ U.S. Dep't of State, *supra* note 2; Norwegian Refugee Council, *supra* note 14; Amnesty Int'l, *supra* note 14; Compton, J., *The Peril of Imposing the Rule of Law: Lessons from Liberia*, 23 *Minn. J. Int'l L.* 47 (2014); Women Count, *supra* note 16.

²⁶ Compton, *supra* note 25.

²⁷ *Ibid.*

²⁸ Norwegian Refugee Council, *supra* note 14; Compton, *supra* note 25.

²⁹ Compton, *supra* note 25.

³⁰ Norwegian Refugee Council, *supra* note 14.

³¹ U.S. Dep't of State, *supra* note 2; Compton, *supra* note 25.

³² U.S. Dep't of State, *supra* note 2.

³³ Norwegian Refugee Council, *supra* note 14.

³⁴ *Ibid.*

1,687 vs. 369, respectively, for 2012. This evidence demonstrates that victims are unable or unwilling to make reports to the police.

- **The Law Is Not Effectively Enforced:** Even if a victim is able to cover the various fees, and chooses to accept the risk of retribution in seeking government assistance, the government does not enforce the applicable laws effectively.³⁵ In addition, judges have the discretion to impose lenient sentences, and there is a perception that the level of corruption is extraordinarily high throughout the legal system.³⁶

As a result of these impediments, the number of prosecutions and convictions is exceedingly low, given the high rate of offenses.³⁷ By one estimate, there have been just 10-15 convictions since the Rape Law was passed in 2005.³⁸ According to the Women's and Children's Protection Section of the Liberian National Police, approximately 280 rape cases were reported to the unit, of which 83 were forwarded to Liberia's special court for rape and 37 were forwarded to a general criminal court. Only four of the reported cases were actually prosecuted, resulting in 1 conviction, 1 acquittal, and two results pending.³⁹ Similarly, another report indicates that of the 369 cases of sexual violence reported to the Liberian National Police in 2012, 125 were forwarded to court, and only 6 were prosecuted, resulting in just 5 convictions.⁴⁰ Given these low conviction rates, and the burdens that the judicial system imposes on survivors of sexual violence, Liberia's legal and judicial infrastructure does little to prevent and deter sexual violence against women or hold perpetrators accountable.

- 8. The establishment of and access to Safe Houses for victims of gender-based violence is intermittent.** As of 2012, Liberia had established Safe Houses in just two of its fifteen counties.⁴¹ Moreover, the Ministry of Gender and Development had assumed control of the Safe Houses from non-governmental organizations.⁴² According to one report, the Ministry of Gender and Development closed these Safe Houses, and that they had not been reopened as of the end of 2012.⁴³ It should be noted, however, that another report states that as of 2012, Liberia, with the assistance of international organizations and NGOs, had opened Safe Houses in six counties.⁴⁴ This report asserts that Liberia's Safe Houses had provided assistance to 91 survivors of gender-based violence.⁴⁵ Given these conflicting accounts, the extent to which the State Party has implemented its Safe House program is unclear.

³⁵ U.S. Dep't of State, *supra* note 2.

³⁶ *Ibid.*; Interview with U.S. Dep't of State Contractor, Jan. 24, 2013 (memorandum on file with The Advocates for Human Rights); Country Summary: Liberia, Human Rights Watch (2014).

³⁷ Human Rights Watch, *supra* note 36.

³⁸ Interview with Liberia-based NGO working on women's rights, Jan. 23, 2013 (memorandum on file with The Advocates for Human Rights).

³⁹ U.S. Dep't of State, *supra* note 2.

⁴⁰ Women Count, *supra* note 16.

⁴¹ Amnesty Int'l, *supra* note 14.

⁴² *Ibid.*

⁴³ *Ibid.*

⁴⁴ Women Count, *supra* note 16.

⁴⁵ *Ibid.*

Suggested Questions

- What steps will the State Party take to ensure that Safe Houses are consistently open and accessible to all victims of sexual violence in Liberia, in all fifteen counties?
- Will the State Party revise its Rape Law to expressly criminalize spousal rape and rape within a domestic partnership? What steps is the State Party taking to educate the public that rape between intimate partners is a crime?
- What steps is the State Party taking to eliminate the social stigma associated with victims of sexual violence?
- What steps will the State Party take to ensure that victims of sexual assault are encouraged to report the crime to law enforcement and to ensure that traditional dispute resolution mechanisms are not used to address sexual assault?
- How will the State Party ensure that traditional mediators of sexual violence, such as tribal chieftains, refer all cases of sexual assault to the formal judicial system for resolution?
- What steps does the State Party take to eliminate the financial burdens imposed on victims of sexual violence who seek criminal prosecution of their assailants?
- What measures is the State Party taking to eliminate bribery and corruption within the Liberian National Police to ensure that offenders of gender-based violence are held accountable?
- What steps is the State Party taking to address the extremely low conviction rate for reported cases of sexual violence?
- What steps is the State Party taking to ensure that all police, judges, prosecutors, health care workers, and Ministry of Gender and Development employees receive gender-sensitive training on dynamics of sexual violence? How does the State Party include in such training NGOs that serve sexual violence victims? How does the State Party ensure that this training is grounded in international human rights standards that prioritize victim safety and offender accountability?
- What steps will the State Party take to ensure that judges do not have the discretion to impose less than the statutorily required sentence when an offender is convicted?
- What steps is the State Party taking to enact a domestic violence law that protects victims and holds offenders accountable? What steps is the State Party taking to ensure that all police, judges, prosecutors, and healthcare workers receive adequate training to implement the law effectively?
- What measures is the State Party taking to ensure that girls are protected from sexual assault and to ensure that girls who are victims of sexual assault receive age-appropriate support and treatment?

B. Women and girls face persistent barriers to access to education

9. In 2009, the CEDAW Committee noted its concern regarding “the persistence of structural and other barriers to quality education which constitute particular obstacles to the education of girls and young women . . . and the persistence of sexual abuse and harassment of girls in schools.”⁴⁶ The Committee therefore recommended that the

⁴⁶ Concluding observations of the Committee on the Elimination of Discrimination against Women: Liberia, Aug. 7, 2009.

Liberian Government “take steps to improve the educational infrastructure, especially in rural areas, and to raise awareness of the importance of education as a human right and a basis for the empowerment of women.” The Committee also recommended that the Liberian Government “ensure that sexual abuse and harassment in schools are addressed and punished appropriately.”⁴⁷

10. **Liberia has passed laws aimed at improving women’s access to education.** In August 2011, the Liberian Government passed the Education Reform Act of 2011. The Liberian Education Administration and Management Policies outlined in that law address: (1) ensuring free and compulsory education for all students of primary school age nationally; (2) recruiting and training more female teachers; (3) providing in-school counselling for girls who may be at risk of sexual assault or other forms of gender-based violence; (4) ensuring and effecting appropriate sanctions against teachers who commit sexual abuse and assault of students; (5) offering life skills at school to raise the self-esteem of girls so they can say no to sexual abuse; and (6) increasing the availability of school scholarships for girls.⁴⁸
11. **Liberia has revised its national policy on educating girls.** In 2013 the Liberian Government revised the Policy on Girls’ Education to align with the new Education Reform Act.⁴⁹ The revised policy addresses a number of issues, including eliminating social and cultural barriers to girls’ education, protecting girls from gender-based violence, prosecuting offenders who commit acts of gender-based violence, and lowering dropout rates.⁵⁰
12. **Young women and girls do not have sufficient access to education.** More than half of the women in Liberia have never had formal schooling, compared to 39% of men.⁵¹ Only a quarter of women have received even a primary level education.⁵² Also, girls account for less than half of all students in primary and secondary schools, a fact acknowledged in Liberia’s Report to the Committee, despite representing nearly half of the population.⁵³ Gender parity decreases progressively with each subsequent grade.⁵⁴ Consequently, there is a large disparity in literacy rates; Liberia has an overall literacy rate of 66% for males and 44% for females.⁵⁵ Focusing on people between 15 and 24 years of age, literacy is 69% for males, but just 31% for females.⁵⁶ These concerning statistics are due to a number of barriers to education:
 - **The Cost of Education is Too High:** Although the law holds that education is tuition-free for grades 1-9, many schools charge fees to cover costs that the

⁴⁷ Ibid.

⁴⁸ Seventh and Eighth Periodic Reports of States Parties Due in 2013: Liberia (Unedited Version), Mar. 17, 2014.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Norwegian Refugee Council, *supra* note 14.

⁵² Ibid.

⁵³ U.S. Dep’t of State, *supra* note 2; Seventh and Eighth Periodic Reports of States Parties Due in 2013: Liberia (Unedited Version), Mar. 17, 2014.

⁵⁴ U.S. Dep’t of State, *supra* note 2.

⁵⁵ Seventh and Eighth Periodic Reports of States Parties Due in 2013: Liberia (Unedited Version), Mar. 17, 2014.

⁵⁶ Ibid.

government does not cover.⁵⁷ These fees cover items such as uniforms, books, pencils, and desks.⁵⁸ Many families cannot afford to pay these fees, or to absorb the opportunity costs of sending children to school.

- Poor Infrastructure Keeps Girls at Home: Liberia is a country with very little infrastructure for providing potable water and reliable energy sources. As a result, women and girls in many areas spend hours each day fetching water for drinking and household use, and firewood for cooking.⁵⁹ These chores typically occur early in the morning or late at night, and they cut into study time or prevent children from attending school altogether.⁶⁰
- Concerns Regarding Safety: Girls are exposed to violence both in school and on the way to school.⁶¹ As acknowledged in Liberia's Report to the Committee, girls are also sexually assaulted and harassed by their teachers.⁶²
- Pregnant Young Women and Girls Face Additional Barriers: Pregnant girls and young women are not allowed to attend regular school.⁶³ Instead, they attend segregated night schools,⁶⁴ as noted in the State Party's report.⁶⁵ Yet the report acknowledges that there are "challenges of electricity" in some counties, impeding the establishment of night schools throughout the country.⁶⁶ If pregnant girls and young women were allowed to attend regular school with other students, or if their segregated classes were held in the daytime, they would not face these additional electricity-related barriers to advancing their education.

Suggested Questions

- What steps is the State Party taking to ensure compulsory attendance for all children of primary school age, particularly girls?
- What steps is the State Party taking to ensure that schools are adequately funded and do not assess "fees" needed to cover unfunded costs of education?
- What steps is the State Party taking to change societal attitudes and infrastructure so that girls are not prevented from attending school by domestic tasks such as gathering potable water and firewood?
- What is the State Party's policy for addressing reported incidents of harassment and sexual assault in schools? How is that policy enforced?
- What steps is the State Party taking to improve literacy rates among women and girls?

⁵⁷ U.S. Dep't of State, *supra* note 2.

⁵⁸ *Ibid.*

⁵⁹ Boley, T., *Liberia's Education Crisis: Sanitation Issues Drive Children from Classrooms*, Pulitzer Center on Crisis Reporting, Mar. 25, 2013; Israelson, D., *Liberia's Female President Keeps Pushing for Change*, *Globe and Mail*, Sep. 16, 2013.

⁶⁰ Boley, *supra* note 59; Israelson, *supra* note 59.

⁶¹ Williams, S.H., *Democracy, Gender Equality, and Customary Law: Constitutionalizing Internal Cultural Disruption*, 18 *Ind. J. Global Legal Stud.* 65 (2011).

⁶² Seventh and Eighth Periodic Reports of States Parties Due in 2013: Liberia (Unedited Version), Mar. 17, 2014.

⁶³ Interview with Liberian attorney, Jan. 22, 2015.

⁶⁴ *Ibid.*

⁶⁵ Seventh and Eighth Periodic Reports of States Parties Due in 2013: Liberia (Unedited Version), Mar. 17, 2014, at 23.

⁶⁶ *Ibid.* at 23–24.

- How effective have the State Party’s measures been to reduce the gender disparity among teachers in primary and secondary schools?
- What steps is the State Party taking to ensure that access to education for pregnant girls and young women is not dependent on the availability of electricity?

C. Customary law in rural areas undermines women’s rights

13. The CEDAW Committee’s 2009 concluding observations expressed deep concern regarding “rural women’s access to justice and the enforcement of their rights under the convention, in view of discriminatory customary laws contained in the Revised Rules and Regulations Governing the Hinterland of Liberia, which govern rural women.”⁶⁷ The Committee also expressed concern that women’s rights to property remain restricted.⁶⁸ Thus, the Committee called on the State Party to “ensure that all discriminatory customary law is repealed or amended and brought into full compliance with the Convention and the Committee’s general recommendations.”⁶⁹

14. **Liberia has amended some laws to remove *de jure* discrimination between urban and rural women regarding property issues.** The Liberian Government reports that in 2009, it amended its Inheritance Law to remove the dual legal systems for women in urban and rural areas. The Liberian Government represents that, as a result of these changes, both urban and rural women have rights to land ownership and equal rights as husband and wife inclusive of the rights to acquisition, management, administration, enjoyment, and disposition of properties. Women are free to acquire and own property exclusive of their husbands, regardless of whether it was acquired before or during the marriage, and women may also conduct lawful business in their own names.

15. **Women continue to suffer from unequal property rights.** Liberian customs and law continue to discriminate against women in three significant ways with respect to property rights:

- Women’s Property Rights are Tied to Marriage: Under Liberian customary law women can gain rights to land only through a husband or a father.⁷⁰ Under Liberian statutory law women can acquire property upon marriage or divorce.⁷¹ Thus, Liberian statutory law protecting a woman’s right to own marital and separately held property applies only to those women who are married in a civil or customary ceremony.⁷² Anecdotal evidence suggests that many Liberian women live in informal domestic partnerships.⁷³ Consequently, these women’s property rights are not protected.⁷⁴

⁶⁷ Concluding observations of the Committee on the Elimination of Discrimination against Women: Liberia, Aug. 7, 2009.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Norwegian Refugee Council, *supra* note 14.

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Ibid.

- Official Documents Do Not Name Women: Many documents providing evidence of property rights, such as deeds, leases, and squatters' certificates, are issued under the names of men.⁷⁵ This phenomenon is likely attributable to the laws limiting a woman's ability to acquire property as well as the low literacy rates for women.
- Inheritance Laws Disfavor Widows: Under Liberian customary law a deceased husband's widow is entitled to just one third of his estate, while the remainder passes to his children.⁷⁶ Under Liberian statutory law, a deceased husband's widow is entitled to a portion of his property, and a court may order that she receive between 1/3 and 1/5 of his real property for life.⁷⁷

As a result of these laws and customs, women face significant barriers in exercising property rights. In addition, the law does not treat all women equally and provides little protection to unmarried women.

Suggested Questions

- What steps is the State Party taking to ensure that all women can acquire and own property, separate and apart from any relationship to or with men?
- What steps is the State Party taking to ensure that women can enter contracts and business agreements, separate and apart from any relationship to or with men, or any approval by men?
- What steps is the State Party taking to ensure recognition for property acquired in a domestic partnership, but outside a formally recognized marriage, as jointly held?
- What steps is the State Party taking to require that documents pertaining to property acquired in a legally recognized marriage include the names of both individuals in the marriage?
- What measures is the State Party taking to ensure that a widow will receive title to her deceased husband's property, including real property, absent a will to the contrary?
- Will the State Party implement laws establishing that individuals within a marriage cannot transfer any rights in jointly held property, through a will, a contract, or any other means?

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Ibid.