



**LIBERIA:
62nd Session of the Committee on the Elimination of
Discrimination Against Women
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**Written Statement dated 2 October 2015
Submitted by
The Advocates for Human Rights, an NGO in special consultative status,
and
Women's Solidarity, Inc. (WOSI)**

The Advocates for Human Rights is a volunteer-based non-governmental 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. In particular, The Advocates is committed to ensuring human rights protection for women around the world. The Advocates' Women's Human Rights Program has published 25 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 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.

Women Solidarity, Inc. (WOSI) is a women-focused group working to alleviate abuses and exploitation of women and girls as well as provide them with opportunities that enable them rebuild their lives and cater to their families and contribute to communities. WOSI was established on May 22, 2006 in Monrovia, Liberia, by a group of concerned women's rights activists. Women Solidarity Incorporated (WOSI) is a women-driven and mostly women-managed local non-governmental organization principally formed to mitigate abuses and exploitation of women and girls (a situation largely rooted in the limited knowledge of women's rights coupled with the scarcity of empowerment opportunities as been provided for by national and international protocols, laws and conventions on the rights of women) and to provide them with empowerment opportunities that will enable them rebuild their lives.

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1. This statement summarizes information about violence against women in Liberia, with particular attention to (a) the combined seventh and eighth periodic reports of Liberia to the Committee on the Elimination of Discrimination Against Women, distributed 10 April 2014, and (b) the list of issues and questions in relation to the combined seventh and eighth periodic reports of Liberia, distributed 16 March 2015.
2. Sexual violence has been and continues to be a widespread problem in Liberia.¹ According to a study conducted by the World Health Organization, 77 percent of women and girls had been the victim of sexual violence.² Although rape is legally defined as a crime, 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 accounted for less than half of the students in primary and secondary schools.⁴ In addition, in rural areas traditional laws often trump actual laws, thereby depriving women of the right to own and to inherit property.⁵
3. These acts of violence against women violate their human rights, as well as commitments Liberia has made to the international community. For example, on 17 July 1984 Liberia succeeded to the Convention on the Elimination of All Forms of Discrimination Against Women. And on 22 September 2004 Liberia succeeded to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This violence also violates Liberia's own internal laws.⁶
4. As indicated in The Advocates' submission for the Pre-Sessional Working Group, although Liberia 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, much work remains to be done. There remain several areas of improvement in the State party's response to discrimination against women. Specifically, **violence against women (VAW)** 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/limitations, thereby necessitating further revision, amendment and/or repeal.
5. Furthermore, many of the above-identified problems in Liberia were exacerbated during the recent Ebola virus disease (EVD) outbreak. As the following document describes, the EVD outbreak disproportionately affected women in a multitude of ways:
 - A. Women were more susceptible to infection and death from EVD due to their traditional caregiving roles, which required them to care for family members infected with EVD.⁷

B. Women were unable to access prenatal and postnatal care during the EVD outbreak, resulting in increased maternal mortality.⁸

C. The gender gap in education widened during the EVD outbreak, as a result of school closures that produced increased dropout rates attributable to teenage pregnancies and early marriages.⁹

6. The effects of the EVD outbreak will likely be felt for years to come by all Liberians, but especially by women. As documented in a World Bank report, as of May 2015 it was estimated that 8% of Liberia's health workers died during the EVD outbreak.¹⁰ Accordingly, the World Bank estimates that Liberia's material mortality rate could increase by 111% in the years ahead.¹¹ In addition, it is anticipated that women will take on increased caregiving duties, as the responsibility for caring for children orphaned by EVD will likely fall to women.¹² The United Nations Development Programme (UNDP) estimates that more than 30,000 children in Guinea, Liberia and Sierra Leone have been orphaned as a result of the EVD outbreak. And finally, customary law practices may prevent rural women from inheriting land and property in the wake of a husband's death due to EVD.
7. In light of the foregoing, Liberia should redouble its efforts to take a variety of specific steps to keep Liberian women safe from violence and discrimination, which are described in the final section of this statement.

I. LIBERIA'S UNDERLYING GENDER-BASED DISCRIMINATION HEIGHTENED THE IMPACT OF THE EVD OUTBREAK ON WOMEN

8. Early evidence from the EVD outbreak has shown that women were disproportionately affected.¹³ As stated by the African Women's Development Fund, "Women's livelihoods, security and lives came under direct assault as the epidemic waged its war."¹⁴

A. Cultural Norms Exposed Women to a Greater Risk of Contracting EVD.

9. Liberian women are the primary caregivers in the home. Thus, it is the social expectation in Liberia that women provide the healthcare when family members become ill¹⁵ During the EVD outbreak, their role as caregivers increases the risk of women contracting EVD because they are more exposed to bodily fluids, which serve as vectors for the disease.¹⁶
10. Liberia is fully aware that these gender-based expectations place women in danger. When explaining the disproportionate impact of EVD on women, Liberia's Minister for Gender and Development, Julia Duncan-Cassell observed that, "Women are the caregivers—if a kid is sick, they say, 'Go to your mom.'"¹⁷ Similarly, Marpue Speare, Executive Director of

Women NGOs Secretariat of Liberia, stated that “Even though the disease of course affects both men and women, women are at a disadvantage—period.”¹⁸ When asked to opine on why more Liberian women had been infected with EVD than Liberian men, 70% of those interviewed believed women are more naturally suited for the role of caregiving.¹⁹

B. Inadequate Health Care Infrastructure Resulted in Increased Maternal Mortality Rates and Will in the Foreseeable Future.

11. EVD has restricted women’s access to health care, increasing the risk of maternal mortality.²⁰ According to the UNDP, maternal deaths have increased as a result of EVD because maternal care (including antenatal and neonatal care) has decreased.²¹ In numerous reported instances, maternal care was denied altogether.²² In one case, a woman was denied entry to Liberia’s main general care facility, JFK Hospital, because it was closed at the time.²³ Although the woman received care from a medical clinic and a physician’s assistant, the woman and her child died from complications.²⁴ In another case, a woman was sent to the Ebola treatment center while in labor because she could not prove to hospital workers that she was free of Ebola.²⁵ No one came to the facility’s gate.²⁶ And in yet another case, a pregnant woman delivered twins near a trash-strewn gully, because the EVD outbreak had shuttered so many clinics and a private hospital wanted \$450 for the procedure.²⁷ Such occurrences are, apparently, not uncommon, as one NGO has reported that health workers are unwilling to touch patients, especially in rural areas, and that pregnant women have been left on their own to give birth wherever they can, including on the street.²⁸
12. The World Bank projects that maternal mortality rates will continue to rise in the years ahead. As of May 2015 8% of Liberia’s health workers had died during the EVD outbreak, compared to .11% of the general population.²⁹ As a result, Liberia’s stock of health care workers decreased from 1,844 to 1,712—a figure that includes just 46 doctors for the entire country.³⁰ Consequently, “even if [EVD] were eliminated today, the loss in doctors, nurses, and midwives that has occurred to date as a result of the epidemic could potentially lead to increases in maternal mortality of . . . 111% in Liberia, relative to pre-[EVD] rates.”³¹ Considering the current live birth rate and Liberia’s population, this suggests that an additional 1,094 women would die a year because of the lack of properly trained personnel.³²

C. Violence against women continued or increased during the EVD outbreak.

13. Incidences of violence against women continued throughout the EVD outbreak. Violence against women, including sexual violence, exploitation and abuse, continues to be highly prevalent even though likely underreported due to the closures of several One-Stop reporting facilities during the Ebola crisis.³³

14. This trend is echoed in various United Nations reports. A recent UNDP Africa Policy Note observes that psychological trauma, violence, early pregnancies, and early marriages have all increased among women and children because of the Ebola crisis.³⁴ The note goes on to cite a United Nations Population Fund report, finding that girls may be more vulnerable to sexual exploitation and violence because of the closure of schools and displacement of families, which can be seen in the large increase in teenage pregnancies. Poverty caused by EVD has increased child labor and violence and exploitation of women and children.³⁵ Indeed, as a Plan International report observes, risk factors for sexual exploitation including being away from carers, poverty, and lack of education are all exacerbated by EVD.³⁶

D. The EVD outbreak has worsened access to education for women and girls.

15. According to Julia Duncan-Cassell, Minister of Gender, Children and Social Protection for Liberia, the EVD epidemic had “a devastating impact on the lives and livelihoods of women, including by interrupting schooling and health care for girls.”³⁷ The EVD outbreak resulted in the closure of all schools, colleges, and other places of education in Liberia from July 2014 into 2015. As an initial matter, these closures mean that students will lose a half year or more of education, a circumstance that will likely impact their future livelihood.³⁸ But there is also a high risk that girls will not return to schools when they reopen. In houses where the main caregiver has died, older, predominantly girl children, may be expected to take over parenting roles.³⁹ It is also the case where dwindling family incomes and employment will mean that fewer families will be able to afford to send their children to school.⁴⁰ Impoverished girls in rural locations are less likely to attend secondary school⁴¹ Thus, the UNDP projects that “The [EVD] outbreak will increase the disparity [between girls’ and boys’ education], as delays in attendance, especially among teenage girls, will lead to untimely pregnancy and consequently increase the dropout rate among girls.”⁴² Furthermore, given prevailing notions regarding the roles of girls and boys within the family, it is reasonable to expect that girls will bear the primary burden of any curtailment in educational expenditures.

E. The EVD outbreak will worsen the impact of Liberia’s disregard for women’s property rights.

16. The EVD outbreak resulted in thousands of deaths in Liberia. Many of those who died were husbands who left behind wives and families. One report noted the problems that customary laws pose for rural women who have lost relatives.⁴³ For instance, a woman widowed by Ebola may be excluded from land owning, inheritance, and outcast by her extended family because of the stigmas associated with women and caretaking⁴⁴ Thus, Liberian women who have lost husbands, fathers, and other patriarchs due to the EVD outbreak may lose still more, due to a denial of their property rights.

II. LIBERIA FAILS TO UPHOLD ITS COMMITMENT TO PROTECT WOMEN FROM VIOLENCE AGAINST WOMEN

A. Violence against women is widespread in Liberia, and is a grave threat to women's human rights.

17. Rape is the most-commonly reported serious crime in Liberia.⁴⁵ As noted above, the WHO estimates that more than three-quarters of Liberian women and girls have been a victim sexual violence.⁴⁶ 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.⁴⁷ Of the reported cases in 2012, 55% were rape.⁴⁸ According to one report, anywhere between 46-85 percent of reported cases involve children under the age of 18.⁴⁹ According to another report, 68 percent of all reported cases involve children between the ages of 3 months and 14 years.⁵⁰ Despite these alarmingly high figures, it is widely believed that they underestimate the full extent of violence against women in Liberia,⁵¹ for a number of reasons:

A. Unduly Narrow Definition of Rape/Sexual Violence: Although the law criminalizes rape, it does not specifically criminalize spousal rape.⁵² In fact, respondents to one study implied that they did not include forced sex within a relationship in their definition of rape.⁵³ Thus, these instances of sexual violence likely go undetected and unpunished.

B. Social Stigmatism: Victims of rape are stigmatized in their communities.⁵⁴ As a result, there is great pressure by the family of the victim, or between the families of the victim and the perpetrator to not report the rape.⁵⁵

C. Preference for Customary Resolutions Over Formal Prosecution: As the result of familial pressure, those victims that do seek resolution often pursue customary, out-of-court settlements rather than formal prosecution.⁵⁶ Such settlements may involve a monetary payment, marriage, or some other action that will make the victim's family "whole".⁵⁷

B. Liberia's legal system does not effectively address sexual assault cases, or deter future sexual assaults.

18. Sexual violence continues to be prevalent in Liberia because the present legal infrastructure is ill-equipped to address the seriousness of the problem. As noted above, although Liberian law gives its formal judicial system exclusive jurisdiction over rape cases, many Liberians prefer customary remedies.⁵⁸ That is likely because the judicial system creates a number of significant obstacles to prosecuting accused rapists:

A. 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.⁵⁹ If the fees are not paid, the prosecution will not proceed, even in the most serious cases.⁶⁰

B. Victims Face Assault and Retribution from Authorities: If a victim seeks help from the police, there is a fear of backlash and bribery.⁶¹ In some cases, law-enforcement personnel may themselves be the perpetrators of sexual assault.⁶² In one reported case, an inspector at a local police station raped a female visitor.⁶³ These deterrents to accessing and utilizing the formal justice system make contacting the government for assistance a choice of “last resort” for many women.⁶⁴ Often times, victims who contact the government for assistance have no other viable options.⁶⁵ Thus, the number of incidents reported to the Ministry of Gender and Development far exceeds the number reported to the Liberian National Police: 1,687 vs. 369, respectively, for 2012.

C. The Law Is Not Effectively Enforced: Although there are indications of a political will to reduce VAW, there is limited evidence that polices and laws are being effectively implemented or that they are having the intended effect of reducing violence.⁶⁶ Even if a victim is able to cover the various fees, and chooses to accept the risk of backlash and/or assault in seeking government assistance, the government does not enforce the applicable laws effectively.⁶⁷ In addition, judges have the discretion to impose less than the maximum sentence, and there is a perception that the level of corruption is extraordinarily high throughout the government.⁶⁸

19. As a result of these impediments, the number of prosecutions and convictions is exceedingly low, given the high rate of offenses.⁶⁹ By one estimate, there have been just 10-15 convictions since the Rape Law was passed in 2005.⁷⁰ 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.⁷¹ 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.⁷² 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.

C. The establishment of and access to Safe Houses for victims of gender-based violence is intermittent.

20. According to a 2012 report, Liberia had established Safe Houses in just two of its seven counties.⁷³ According to this same report, the Ministry of Gender and Development had

assumed control of the Safe Houses from non-governmental organizations.⁷⁴ The report goes on to note that the Ministry of Gender and Development closed these Safe Houses, and that they had not been reopened as of end of 2012.⁷⁵ 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.⁷⁶ This report asserts that Liberia's Safe Houses had provided assistance to 91 survivors of gender-based violence.⁷⁷ Given these conflicting accounts, the extent to which the State Party has implemented its Safe House program is unclear.

III. LIBERIA FAILS TO REMOVE PERSISTENT BARRIERS THAT DEPRIVE WOMEN AND GIRLS OF EQUAL ACCESS TO EDUCATION

A. Young women and girls do not have acceptable access to education.

21. More than half of the women in Liberia have never had formal schooling, compared to just 39% of men.⁷⁸ Only a quarter of women have received even a primary level education.⁷⁹ 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.⁸⁰ Gender parity decreases progressively with each subsequent grade.⁸¹ Consequently, there is a large disparity in literacy rates, as Liberia has an overall literacy rate of 66% for males and 44% for females.⁸² Those figures increase to 69% for males, but drop to just 31% for females, when the age bracket is narrowed to 15 to 24 years.⁸³ These concerning statistics are due to a number of barriers to education:

A. 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 government does not cover.⁸⁴ These fees are necessary to cover items such as uniforms, books, pencils, and desks.⁸⁵ Many families cannot afford to pay these fees, or to absorb the opportunity costs of sending children to school.

B. Poor Infrastructure Keeps Girls at Home: Many women and girls in Liberia are forced to miss school in order to provide labor for their families.⁸⁶ Liberia is a country with very little infrastructure for providing potable water and reliable energy sources. As a result women and girls have to spend hours each day fetching water for drinking and household use, and firewood for cooking.⁸⁷ Often times these chores occur early in the morning, or late at night, and cut into study time or prevent children from attending school all together.⁸⁸

C. Concerns Regarding Safety: Girls are exposed to violence both in school and on the way to school.⁸⁹ As acknowledged in Liberia's Report to the Committee, girls may

be sexually assaulted or harassed by their teachers, a group where men far outnumber women.⁹⁰

IV. LIBERIA FAILS TO IMPLEMENT CUSTOMARY LAWS THAT DO NOT UNDERMINE WOMEN'S RIGHTS

A. Women continue to suffer from unequal property rights.

22. Liberian customs and law continue to discriminate against women in three significant ways with respect to property rights:

A. Women's Property Rights are Tied to Marriage: Under Liberian customary law women can only gain rights to land through a husband or a father.⁹¹ Under Liberian statutory law women can acquire property upon marriage or divorce.⁹² Thus, Liberian 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.⁹³ However, anecdotal evidence suggests that the majority of Liberian women are not married, but are in informal domestic partnerships.⁹⁴ Consequently, although the majority of women are believed to not be formally married, their property rights are not protected.⁹⁵

B. Official Documents Do Not Name Women: Many documents providing evidence of property rights, such as deeds, leases, and squatters certificates are written in the names of men.⁹⁶ This is likely attributable to the laws limiting a woman's ability to acquire property, *supra*, and the low literacy rates for women.

C. Inheritance Laws Disfavor Widows: Under Liberian customary law a deceased husband's widow(s) are entitled to just 1/3 of his estate, while the remainder passes to his children.⁹⁷ 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.⁹⁸

23. As a result of these laws and customs, women face significant barriers in obtaining property rights. In addition, the law does not treat all women equally, based on whether they are in a civil or customary marriage, and does not protect unmarried women at all.

V. RECOMMENDATIONS

24. Undertake measures, including adequate funding, to ensure Safe Houses are consistently open and accessible to victims of sexual violence in all 15 counties.
25. Amend the Rape Law to expressly criminalize spousal rape and rape within a domestic partnership.
26. Undertake public awareness campaigns to educate the public that rape between intimate partners is a crime.
27. Undertake measures, including public awareness campaigns, and work closely with civil society to eliminate the social stigma associated with victims of sexual violence.
28. Undertake measures to encourage victims of sexual assault to report the crime to law enforcement and end the use of traditional dispute resolution mechanisms as a means to address sexual assault.
29. Require traditional mediators of sexual violence, such as tribal chieftains, to refer all cases of sexual assault to the formal judicial system for resolution.
30. Adopt policies to eliminate the financial burdens imposed on victims of sexual violence who seek criminal prosecution of their assailants.
31. Take steps to eliminate bribery and corruption within the Liberian National Police to ensure that offenders of gender-based violence are held accountable.
32. Undertake measures to address the extremely low conviction rate for reported cases of sexual violence.
33. Provide police, judges, prosecutors, health care workers, and Ministry of Gender and Development staff with gender-sensitive training on dynamics of sexual violence.
34. Enforce policies to ensure that judges do not have the discretion to impose less than the statutorily required sentence when an offender is convicted.
35. 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.
36. Take steps to ensure and promote compulsory attendance for all children of primary school age, particularly girls.
37. Take steps to ensure that schools are adequately funded and do not assess “fees” needed to cover unfunded costs of education.

38. Undertake measures to change societal attitudes and infrastructure so that girls are not prevented from attending school by domestic tasks.
39. Promulgate, in consultation with women’s NGOs, an effective policy for addressing reported incidents of harassment and sexual assault in schools and ensure its implementation.
40. Undertake measures to promote literacy rates among women and girls.
41. Take steps to ensure all women can acquire and own property, separate and apart from any relationship to or with men.
42. Take steps to ensure women can enter contracts and business agreements, separate and apart from any relationship to or with men, or any approval by men.
43. Take steps to ensure recognition for property acquired in a domestic partnership, but outside a formally recognized marriage, as jointly held.
44. Ensure that documents pertaining to property acquired in a legally recognized marriage include the names of both individuals in the marriage.
45. Adopt appropriate and effective legislation to ensure that widows receive title to her deceased husband’s property, including real property, absent a will to the contrary.
46. 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.
47. Ensure that national development plans and policies, including those in EVD recovery efforts, include a gender focus to ensure responses are appropriate and specific to the needs of women.
48. Involve women and civil society in EVD responses to increase awareness and plan for prevention.
49. Strengthen health facility infrastructures, including improving access to maternal care and reproductive services.

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⁵ Ibid.

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- ¹⁷ Commission on the Status of Women, Fifty-ninth Session, 3rd & 4th Meetings (AM & PM) – Meetings Coverage (March 10, 2015).
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- ³⁵ Ibid.
- ³⁶ Young Lives on Lockdown: The Impact of Ebola on Children and Communities in Liberia, Plan International (2014).
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- ³⁸ Plan Int’l, *supra* note 36.
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- ⁴⁰ Ibid.
- ⁴¹ UNDP, *supra* note 7.
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- ⁴⁹ Norwegian Refugee Council, *supra* note 45; Amnesty Int’l, *supra* note 45.
- ⁵⁰ Women Count, *supra* note 47.
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- ⁶⁰ Compton, *supra* note 56.
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⁹² *Ibid.*

⁹³ *Ibid.*

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*