



EQUALITY NOW

Nairobi: PO Box 2018 - 00202, Nairobi, Kenya • Tel:+254 20-2719-832 • Fax:+254 20-2719-868 • Email: equalitynownairobi@equalitynow.org
London: 6 Buckingham Street, London WC2N 6BU, UK • Tel:+44 (0) 20-7839-5456 • Fax:+44 (0) 20-7839-4012 • Email: ukinfo@equalitynow.org
New York: 250 West 57 Street, #1527, New York, NY 10107, USA • Tel:+1 212-586-0906 • Fax:+1 212-586-1611 • Email: info@equalitynow.org

CEDAW Secretariat
Office of the High Commissioner for Human Rights (OHCHR)
Palais Wilson
52 rue des Pâquis
CH-1201 Geneva 10
Switzerland
By Post and E-mail: cedaw@ohchr.org

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Re: Information on Liberia for Consideration by the Committee on the Elimination of Discrimination against Women at its 62nd Session (26 October – 20 November 2015)

Distinguished Committee Members,

We respectfully submit this letter in advance of the Committee on the Elimination of Discrimination against Women's (the Committee's) discussion of Liberia at its 62nd Session (26 October - 20 November 2015). Equality Now is an international human rights organization with ECOSOC status working to protect and promote the rights of women and girls worldwide since 1992, including through our membership network comprised of individuals and organizations in over 190 countries.

This letter, based on consultation with Equality Now's partners in Liberia, including Women's NGO Secretariat of Liberia (WONGOSOL) and Women of Liberia Peace Network (WOLPNET), will focus on continued violations against women and girls, including female genital mutilation in Liberia in violation of Article 2(f) (legislation required to abolish discriminatory customs and practices) of the Convention of the Elimination of All Forms of Discrimination against Women ("the Convention"), as well as Article 2 (equality) and Article 3 (non-discrimination) generally and discrimination under the nationality law which directly violates Article 9 on nationality rights. We take note of the continuing effects of Ebola in Liberia and extend our sympathies to all those who have suffered loss. However, we remain concerned at several ongoing breaches of the Convention and would like to encourage the government to continue its efforts to address them without delay.

As noted in our submission for the Committee's pre-sessional working group, the Liberian Constitution guarantees the rights of life, liberty and security of person to all Liberians. Section 38 of the Children's Act (2011) bans "all forms of harmful cultural practices." Despite its international, regional and national obligations, Liberia does not enforce this provision and does not have a law specifically banning FGM. In addition, although the current Constitution provides that either parent can pass nationality to their children, Section 20.1(b) of the Aliens and Nationality Law: Part III, Nationality and Naturalization 1973-1974 discriminates on the basis of sex. This is in direct violation of Article 9 of the Convention.

Female Genital Mutilation (FGM)

Over 58.2 percent of Liberian women and girls, some as young as three years old, have undergone FGM as an initiation rite into womanhood in different ethnic groups. The forms of FGM practiced in

Liberia are Type II – where the clitoris and labia minora (smaller lips) are removed leaving the labia majora (larger lips) intact; and Type I or clitoridectomy – the partial or total removal of the clitoris. FGM poses serious physical and mental health risks for women and girls. A 2006 World Health Organization multi-country study found that complications during delivery are more likely to occur among women who have undergone FGM and the rate of prenatal deaths is 1-2 percent higher for the babies of such women.

FGM in Liberia is propagated by a politically influential female secret society known as the Sande, in which young girls attending traditional Sande schools go through the process of indoctrination of social and traditional training and graduate to womanhood. FGM is a key element of this indoctrination and allows their membership into the society, considering them "clean" and eligible for marriage, capable of child-bearing, and eventually able to hold important societal roles and offices. Until December 2011, the Liberian Ministry of Internal Affairs issued permits to the women, known as Zoes, who run these schools and who carry out FGM on the girls in attendance. Mrs. Marpue Speare, director of WONGOSOL, has stated that social and cultural circumstances in Liberia do not allow girls and women to oppose FGM or to escape, though some girls resort to running away due to lack of protection under the law. In some cases, like in the case of Ruth Berry Peal detailed below, women and girls from non-practicing communities are forced to undergo FGM by the Sande society.

Equality Now has been monitoring cases of FGM around the world including in Liberia, demonstrating the need for laws against FGM and their enforcement. Equality Now issued actions (petitions) with our partners regarding FGM in Liberia in 2010 and 2012. See Action 37.1 (April 2010, updated 8 July 2011): *Liberia: Ensure justice in the case of Ruth Berry Peal who was forcibly subjected to FGM*,¹ and Action 37.2 (26 June 2012, updated 12 March 2013 and 25 March 2015): *Liberia: Enact a law banning FGM as a matter of urgency*.²

As described in our submission to the pre-session Working Group, in January 2010 Ms. Ruth Berry Peal, a wife, mother, and a member of the Kru Tribe, a community that does not practice FGM, had an argument with two women from the Gola ethnic group and was summoned by the Gola Chief who ruled that she undergo FGM by the Sande society. The following day, Ms. Peal was forcibly taken from her home to the "bush" where she was genitally mutilated in an initiation ritual, was forced to take an oath of secrecy and was threatened with death if she broke the oath. She was kept in the "bush" for one month and developed health complications, which required three months of treatment following her release.

Ms. Peal filed a lawsuit against the women who forcibly mutilated her, Rose Kerkula and Maima Kanneh. However, because she exposed their practice, Ms. Peal along with her husband and children received threats from the Gola community and the Zoes of the Sande. In July 2011, the two women were found guilty of kidnapping, felonious restraint, and theft of property and were sentenced to three years imprisonment. However, the defendants appealed the judgment and were released on bail. On 24 January 2013, the First Judicial Circuit Criminal Court dismissed their appeal on the grounds that "the defendants did not file an approved bill of exceptions or did not secure the approval of the trial judge on the purported bill of exceptions." On 26 February 2013, the Court issued a letter commanding the Sheriff of Montserrado to arrest the defendants.

Equality Now is gravely concerned that it has been almost three years and the government has still failed to arrest and jail the perpetrators, and that effective measures have not been taken to protect Ms. Peal and her family. Ms. Peal continues to be threatened by members of the Sande society and supporting traditional leaders in response to bringing her case before a court. Ms. Peal was forced to relocate from her home and family in Bomi to Monrovia for safety measures. Even though she is back in Bomi with her family, she continues to face stigma and abuse from members of the community including the convicted women who accuse her of destroying their tradition.

In June 2011, Equality Now met with the Liberian Minister of Internal Affairs regarding Ms. Peal's case and ending FGM in Liberia. During the meeting he indicated that he would stop the issuance of FGM permits to Zoes and would work with the Ministry of Justice to draft a law banning FGM. In November 2011, the Government took steps towards ending FGM by persuading Sande leaders to suspend all Sande activities and condemned all forms of forcible initiation into the Sande. A ceremony to mark the event took place in the presence of the Liberian President Ellen Johnson Sirleaf. Subsequently in January 2013, the Ministry of Internal Affairs issued a notice to all counties directing that all Sande activities be shut down and underlined that violators would be held liable. This action was further reinforced by a second General Circular released in June 2014, which suspended all Sande and Poro (another secret society) activities for ninety days while their licenses and registration were under review and reaffirms the General Secular No. 12 of January 15, 2013 prohibiting the induction of any person into a "cultural practice or traditional ritual" without supervision by the Ministry of Internal Affairs. Despite the alleged ban on Sande activities, according to our partners, Sande activities including FGM continue to be carried out with impunity, thereby undermining efforts towards the total elimination of FGM.

In March 2015, her Excellency Ellen Johnson Sirleaf stated that, "Too many of our countries have yet to muster the courage to ban the irreparable harm inflicted by genital mutilation on young girls in traditional societies."³ In the same month, the Gender Minister of Liberia reiterated her President's remarks stating that, "Sirleaf maintains zero tolerance for all forms of violence, including FGM."⁴ The Minister however failed to indicate how Liberia intends to implement a Zero Tolerance policy towards FGM given that two previous temporary bans (2012 and September 2014) have not been effective. We note that on 27 September 2015, at the '*Global Leaders' Meeting on Gender Equality and Women's Empowerment – A Commitment to Action*' at the UN, her Excellency Ellen Johnson Sirleaf committed to "submit[ing] laws... to ensure the abolition, the enforcement of the ban on female genital mutilation."⁵ This is welcome news and we encourage implementation of this commitment as a matter of urgency.

We welcome the Committee's List of Issues which asked Liberia to provide updated information on the effective implementation of provisions such as "Circular 12 issued by the Ministry of Internal Affairs in January 2013 [which] prohibits any form of 'tribal ritual or traditional practice'." (CEDAW/C/LBR/Q/7-8, ¶9). The Committee also asked whether Liberia intends to "adopt an explicit criminalization of FGM to ensure that offenders are adequately prosecuted and punished," (CEDAW/C/LBR/Q/7-8, ¶9), and in its reply Liberia mentions a section prohibiting FGM in the pending Domestic Violence Bill. (CEDAW/C/LBR/Q/7-8/Add.1, ¶15). However, it would only be applied against family members of the victim, rather than community members perpetrating FGM as in Ms. Peal's case, and possibly require proof of lack of consent without regard even to age. This is problematic given strong societal pressures, particularly in the context of the secret societies. We urge the Committee to encourage the State to criminalise FGM by taking strong, comprehensive legislative action without delay to combat this severe form of sexual, physical and gendered violence.

Discriminatory Nationality Law

Although the Liberian Constitution provides that either parent can pass nationality to their children, the nationality law itself restricts this, which Liberia acknowledges in its Seventh and Eighth Periodic Reports to the Committee. Section 20.1(b) of the Aliens and Nationality Law: Part III, Nationality and Naturalization 1973-1974 discriminates on the basis of sex. The provision states: "The following shall be citizens of Liberia at birth: ... A person born outside Liberia whose father (i) was born a citizen of Liberia; (ii) was a citizen of Liberia at the time of the birth of such child, and (iii) had resided in Liberia prior to the birth of such child." In effect, Liberian women cannot pass on their Liberian citizenship to their children who are born abroad, regardless of whether their children are born in or out of wedlock. Fathers, however, can pass on their Liberian citizenship to children born both in Liberia and abroad.⁶

This distinction discriminates against women. This not only denies equality to women and men, but can also result in severe consequences for children such as statelessness, risk of deportation, and lack of access to publicly funded education, health and social benefits and economic opportunities. According the government of Liberia, “Efforts have been made through the Constitution Review Process to address all disparities, particularly as they relate to children born to Liberian mothers with foreign fathers outside of Liberia. This is to harmonize the nationality law with the constitution for all children born of one foreign parent, irrespective of the sex.” (CEDAW/C/LBR/7-8, Apr. 2014).

In the Committee’s List of Issues, the Committee requested that Liberia clarify “how those contradictory provisions [Art. 28 of the 1986 Constitution and Art. 20.1(b) of the Aliens and Nationality Law] are enforced in practice,” (CEDAW/C/LBR/Q/7-8, ¶14) to which Liberia replied that, “Although the general rule is, constitutional provisions prevail over any and all statutes, because the nationality laws tend to be more specific and practice-oriented and administrative authorities refer more easily to older provision of these laws, it is important to officially repeal the older version of the law.” The Committee also asked that Liberia clarify “if children born to Liberian women and foreign fathers from African States can acquire nationality based on the principle of *jus soli* (sect. 20.1 of the [Aliens and Nationality] Law)” (CEDAW/C/LBR/Q/7-8, ¶14) to which the government replied that children born in Liberia acquire citizenship but are excluded from citizenship if born abroad to Liberian mothers and that in 2011 Liberia “pledged to amend the relevant provisions of the Aliens and Nationality Law to bring them into line with the Constitution.” (CEDAW/C/LBR/Q/7-8/Add.1 ¶23). It has yet to do so. While we appreciate these responses, we urge the Committee to encourage Liberia to ensure that the Aliens and Nationality Law is effectively repealed or amended without delay, that the right of Liberian women to transfer their citizenship to their children is upheld in the new proposed Constitution slated for national referendum in 2017, and that the current non-discriminatory provisions of the Constitution are respected and enforced by the relevant administrative authorities.

Suggested Questions for Liberia

We respectfully urge the Committee to raise the following questions with the Liberian government regarding violations of the Convention addressed in this letter:

- What are the government’s plans and within which timeframe for enacting and enforcing a comprehensive law prohibiting FGM, guaranteeing the protection of women and girls at risk of undergoing FGM and ensuring that the suspension of Sande FGM activities is enforced?
- What policies are in place that will support awareness-raising and educational outreach to practicing communities and local traditional leaders (*Zoes*), in particular, on the harms of FGM?
- What are the government’s plans for ensuring that all women and girls who are forcibly mutilated receive justice and protection?⁷
- What are the government’s plans and within which timeframe to amend Section 20.1(b) in Part III of the Aliens and Nationality Law so that women can transfer their nationality on an equal basis with men? Could the government confirm the new draft Constitution contains the same provision as the current Constitution granting equal rights to women and men to transfer their nationality to their children and that it will give its full support to ensure such provision is not weakened?

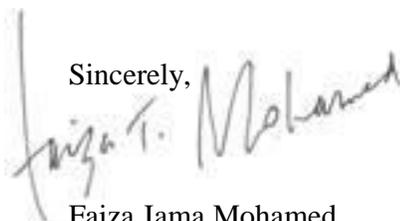
Suggested Recommendations

We also respectfully urge the Committee to make the following proposed recommendation to the Liberian government regarding violations of the Convention addressed in this letter:

- Enact and enforce a comprehensive law prohibiting FGM as soon as possible, guarantee the protection of women and girls at risk of undergoing FGM, and ensure that the suspension of Sande FGM activities is enforced in the meantime
- Develop policies supporting awareness raising and educational outreach to practicing communities and local traditional leaders (Zoes), in particular, on the harms of FGM
- Ensure that all women and girls who are forcibly mutilated receive justice and protection
- Include provisions in the new Constitution granting equal rights to men and women to transfer their nationality to their children, repeal or amend Sections 20.1(b) in Part III of the Aliens and Nationality Law so that women can transfer their nationality on an equal basis with men, and ensure that non-discriminatory provisions of the current Constitution are upheld by administrative authorities.

Thank you very much for your kind attention, and please do not hesitate to contact us if we can provide further information.

Sincerely,



Faiza Jama Mohamed
Director, Equality Now Africa Office

¹ Equality Now, Action 37.1 (April 2010, updated 8 July 2011): *Liberia: Ensure justice in the case of Ruth Berry Peal who was forcibly subjected to FGM*, available at www.equalitynow.org/take_action/fgm_action371.

² Equality Now, Action 37.2 (26 June 2012, updated 12 March 2013 and 25 March 2015): *Liberia: Enact a law banning FGM as a matter of urgency*, available at www.equalitynow.org/take_action/fgm_action372.

³ No Ceilings - Not There Yet: A Data Driven Analysis of Gender Equality, available at <http://livestream.com/clintonfoundationus/noceilingsnotthereyet>

⁴ The New Dawn: Truly Independent, March 2015: Gender Minister wants collective action against rape, available at <http://www.thenewdawnliberia.com/news/6961-gender-minister-wants-collective-action-against-rape>

⁵ <http://webtv.un.org/watch/part-1-gender-equality-and-womens-empowerment-a-commitment-to-action/4513884127001>

⁶ See Equality Now's *Ending Sex Discrimination in Nationality and Citizenship laws*, available at www.equalitynow.org/take_action/discrimination_in_law_action471. Equality Now is also a member of the Global Campaign for Equal Nationality Rights, which aims to eliminate gender discrimination in nationality laws. See www.equalnationalityrights.org.

⁷ See Equality Now, note 2, *supra*.