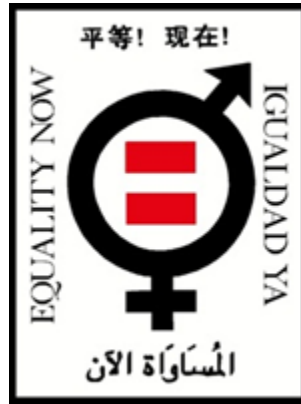


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EQUALITY NOW



Liberia

Submission to the UN Universal Periodic Review

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Submitted by:

Equality Now
Africa Regional Office
1st Fl., Bishops Garden Towers
Bishops Road
P.O. Box 2018 – 00202
Nairobi, Kenya
Phone: +254-20-271-9913/9832
Fax: +254-20-271-9868
Email: equalitynownairobi@equalitynow.org
www.equalitynow.org

Introduction and Summary

1. 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.
2. In this submission, Equality Now provides information as stipulated in the *Information and Guidelines for Relevant Stakeholders' Written Submissions*. Equality Now in consultation with partner organizations Women of Liberia Peace Network and Women NGO Secretariat Liberia (WONGOSOL) highlights its concerns about (1) female genital mutilation (FGM), and (2) sex discrimination under the Aliens and Nationality Law in Liberia. Equality Now makes several recommendations for action by the government of Liberia to further address these areas of concern. We note that during the first Universal Periodic Review (UPR) of Liberia during the sixteenth session of the UPR Working Group of the Human Rights Council held 1-12 November 2010, several States made recommendations for Liberia to address FGM, including by enacting legislation to ban and criminalize FGM. Further efforts by the Government are needed to properly address FGM in Liberia.

Promotion and Protection of Human Rights on the Ground

Female Genital Mutilation (FGM) in Liberia

3. The Liberian Constitution guarantees the rights of life, liberty and security of person to all Liberians. Liberia is also a party to a number of international and regional human rights treaties that mandate the protection of women and girls from the practice of FGM. FGM violates various human rights including women's and girls' rights to equality, life, security of the person, dignity, as well as freedom from discrimination and torture, cruel, inhuman or degrading treatment. Although 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 which would send a strong message that FGM is a crime and must be dealt with in a comprehensive way.
4. Over 58.2% of Liberian women have undergone FGM as an initiation rite into womanhood by different ethnic groups. Even though FGM in Liberia is generally carried out on girls between the ages of 8 and 18 years old, in some cases girls as young as 3 years old are subjected to the practice. 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.
5. FGM poses serious physical and mental health risks for women and girls. The immediate complications include severe pain, haemorrhage and shock, wound infection, septicemia and tetanus. Long term health consequences include keloids and cysts formation, possible chronic infections, decreased sexual enjoyment and psychological trauma. 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. Some girls die from FGM, usually as a result of bleeding or infection.

6. Although culturally entrenched, the practice in Liberia is propagated by a politically influential female secret society known as the *Sande*, in which young girls that attend 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, following which the girls are considered members of the women's secret society, meaning that they are "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 girls sometimes resort to running away and hiding due to the lack of laws to protect them from the practice. In some cases, women and girls from non-practicing communities are forced to undergo FGM by the *Sande* society.
7. Equality Now has been monitoring cases of FGM around the world including in Liberia. Equality Now issued actions (petitions) 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): *Liberia: Enact a law banning FGM as a matter of urgency*.²
8. The case of Ruth Berry Peal provides a candid perspective on the problem of FGM in Liberia. Ms. Peal is a wife, a mother and a member of the Kru Tribe ethnic group - a community which does not practice FGM - who was forced to undergo FGM by the *Sande* society. In January 2010, Ms. Peal had an argument with two women from the Gola ethnic group and was summoned by the Gola Chief who ruled that she be genitally mutilated despite her belonging to an ethnic group that does not practice FGM. 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.
9. Ms. Peal filed a lawsuit against the women who forcibly mutilated her, Rose Kerkula and Maima Kanneh. But because she exposed their practice, 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 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.

¹ Available at www.equalitynow.org/take_action/fgm_action371.

² Available at www.equalitynow.org/take_action/fgm_action372.

10. Although Ms. Peal has finally gotten justice for being forcibly mutilated, we are gravely concerned that over 18 months later the government has still failed to arrest and jail the perpetrators in order for them to serve their three year sentence, and that effective measures have not been taken to protect Ms. Peal and her family. The perpetrators remain at large while 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. In the absence of protective measures provided by the government, for a while Ms. Peal had to relocate away from her home and family in Bomi to Monrovia for safety reasons. 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.

11. 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 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* and 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.

12. Despite the alleged ban on *Sande* activities, according to our partners, *Sande* activities including FGM continue to be carried out. Women in practicing communities have little choice but to adhere to tradition if they are to be considered full members of the community. Women from non-practicing communities such as Ruth Berry Peal may also be forced to undergo this practice. Rather than honor its international obligations to ban the practice, the Liberian government condones and supports this practice, thereby undermining efforts towards the elimination of FGM.

Sex Discrimination under the Aliens and Nationality Law

13. Although the Liberian Constitution provides that either parent can pass nationality to their children, the nationality law restricts this. 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: "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 at home and abroad.

14. 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.
15. Such distinctions in the transmission of citizenship violate the right to equality before the law and equal protection of the law, and constitute discrimination on the basis of sex. In accordance with the principles of equality and non-discrimination set forth in treaties ratified by Liberia, Liberia should guarantee its citizens the equal right to confer citizenship on their children born abroad.
16. We respectfully urge the Human Rights Council to call on the Liberian government to amend the sex discriminatory and any other discriminatory provision(s) in the law relating to nationality.

Recommendations for Action by the Government of Liberia

Female Genital Mutilation

17. Equality Now respectfully urges the Human Rights Council to call on the government of Liberia to address female genital mutilation by:
 - a. Enacting and enforcing a law prohibiting FGM.
 - b. Instituting protective mechanisms that will guarantee protection to all women and girls in Liberia from undergoing FGM.
 - c. Ensure the government's suspension of *Sande* FGM activities is enforced.
 - d. Support awareness raising and educational outreach to relevant communities and local chiefs on the harms of FGM.
 - e. Arresting the defendants, Rose Kerkula and Maima Kanneh, who forced Ruth Berry Peal to undergo FGM and ensuring they serve their sentence.
 - f. Ensuring Ruth Berry Peal receives justice and protection, through the intervention of the Ministry of Internal Affairs and National Council of Chiefs if necessary.

Sex Discrimination in the Law

18. Equality Now respectfully urges the Human Rights Council to call on the government of Liberia to address discrimination against women in the law by amending 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. Please also call on the government to include a provision in the new Constitution which grants equal rights to men and women to transfer their nationality to their children and spouses.
19. Please call on the government of Liberia to continue to be inclusive of rural women in the drafting of the new Constitution and include a specific provision on gender equality.