

1. Discrimination in the family

a) Overarching legal framework for marriage

Liberia is a party to several international conventions that address equality in marriage and family relations, prohibit child marriage, and require 18 years as the minimum age for marriage for both girls and boys. These include the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962) as well as the Convention on the Elimination of All Forms of Discrimination against Women (1984), and the Convention on the Rights of the Child (1990).

At the national level, the overarching legal framework for marriage is defined under both civil and customary law, specifically in the Domestic Relations Law (1973) and the Equal Rights of Customary Marriage Law (1998). As such, the law fully recognizes civil, customary and religious marriages, yet excludes informal or de-facto partnerships. Consequently, women who are in informal unions are provided no legal protection should these unions end, and often face challenges with regard to ownership of property and custody of children (CEDAW, 2015).

There are some additional protections provided to women with respect to forced marriages imparted on children and widows. Namely, it is prohibited “for any parent to choose a husband for his/her daughter, or compel the daughter or other female relative to marry a man not her choice” (Equal Rights of Customary Marriage Law § 2.10, 1998). Moreover, the law also prohibits the compulsory marriage of widows to the deceased husband’s next of kin, considering it a felony in the first degree (Equal Rights of Customary Marriage Law, § 3.3-3.4, 1998).

b) Child marriage

Marriage of any child under the age of 16 is prohibited both under civil and customary law (Children’s Law, Section 4, 2011; Domestic Relations Law, Ch.2, 1973; Equal rights of Customary Marriage, Section 29.-2.10, 1998). The legal age of marriage for women is 18 years, while the legal age for men is 21 years (Domestic Relations Law, 1973). For those under the minimum legal ages, but over the age of 16 years, the consent of a parent, guardian or judge is required for marriage.

In customary law, child marriage is prohibited assigning those in violation as committing a felony of the first degree with fines from \$500 to \$1,000 Liberian Dollars (Equal Rights of Customary Marriage Law, § 2.9, 1998). Similarly, in civil law, the marriage of persons under the age of 18 years, the betrothing of a child (under 18 years of age) into marriage, or the promise of a child for marriage are all prohibited (Act to Establish the Children’s Law of Liberia §4.0, 2011).

There are also other mechanisms in place to deter against child marriage, including initiatives to increase enrolment in early education and awareness raising programmes promoting child rights. Despite these efforts, child marriage is still apparent among girls under the age of 18 in Liberia (UNICEF, 2012; Demographic and Health Survey, 2013). Moreover, it is allowed to occur with impunity owing to cultural and traditional practices that disregard the legal age provisions under civil law (Shadow Report, 2015)

c) Household responsibilities

There is no evidence that prohibits women to be recognised as the head of household, moreover, it has been documented that women headed households is a common and accepted practice for women, especially in urban areas, but also in rural areas (Immigration and Refugee Board of Canada, 2013.) Traditionally, however, the role of caregiving was designated to the women (Shadow Report, 2015)

With regard to guardianship of children, women are guaranteed the same rights and responsibilities as men, but only if they are legally married. If the mother and father are separated or exist in informal unions, the father is granted sole guardianship (Domestic Relations Law, 1973).

d) Divorce

While the state provides women and men the same rights to file for divorce (Domestic Relations Law, 1973), the civil court has no jurisdiction on customary marriages (Women NGO Secretariat of Liberia, 2015). The grounds to file divorce range from adultery and desertion to cruel or inhuman treatment, but there are no grounds for a “no fault” divorce. For wives, who file for divorce and are successful in obtaining judgement in their favour, a portion of their husband’s personal property may be awarded to them as recompense.

Yet, it should also be noted that there are also particular provisions in the law that may work against women who initiate the divorce, rather than protect them. For example, there are specific defences barring divorce, including “connivance” (which is defined as passive permission or consent of one part to the offending acts) or “condonation” (which is defined as the voluntary cohabitation of the parties with the full knowledge of the offenses) (Domestic Relations Law, 1973). In such instances, for example, women who are financially dependent on their husbands may be particularly vulnerable if they are unable leave their husbands and households for financial reasons.

With regard to children, women and men do not enjoy the same rights to legal guardianship of children. Specifically, the father is paramount in such proceedings (Domestic Relations Law, Art. 41, 1973).

e) Inheritance

Under Liberian civil law, daughters and sons have the same rights to inherit land and non-land assets (The Descendants Estates Law, 1973). This however does not take precedence over customary law, which does not have clear statutes on inheritance.

In practice, daughters tend to receive a smaller share than their male siblings, and often do not have full control over the land that they receive. In large part, this is a result of the belief that once a daughter is married off, she then loses all ties to her birth family. While male siblings are able to retain both their family name as well as any inherited property or land (FAO, 2017; Women NGO Secretariat of Liberia, 2015).

In the event of a death of a spouse, female surviving spouses have the same rights to inherit land and non-land assets as male surviving spouses under civil law in Liberia (The Descendants Estates Law, 1973). However, in practice, female widows face particular challenges to the full inheritance of their

spouse's estate, including the partition of the estate amongst several wives (in the case of a polygynous marriage) or the possible accusation of practicing witchcraft, which is often the case when the husband is wealthy and the widow is not (Immigration and Refugee Board of Canada, 2013).

Further, there are some protective measures for surviving spouses pertaining to disinheritance and property grabbing. Specifically, the Decedents Estates Act outlines widow rights (1973, Art. 4.3) which includes prohibiting disinheritance, and the Liberia Land Rights Policy that bans adverse possession of land (2013, Art. 7.9).

More

According to NGO reports, Liberian culture is strongly opposed to homosexuality and this has translated into discriminatory practices as well as pieces of legislation (LIPRIDE, 2015). For example, the law prohibits consensual same-sex sexual activity, where "voluntary sodomy" is a misdemeanour with a penalty of up to one year's imprisonment. Moreover, same-sex couples are prohibited from adopting children, regardless of their citizenship (LIPRIDE, 2015). While same sex marriage is not explicitly referenced in the legal frameworks for marriage, the civil code defines marriage as "a personal relationship arising out of a civil contract between a male and a female to mutually assume marital rights" (Domestic Relations Law of Liberia § 2.1, 1998), categorically excluding marriages of those of the same sex.

In Liberian civil law, polygamy is a felony in the third degree; however, it does not take precedent over customary law where it is permissible (Liberian Penal Code Revised Volume 4, Title 26, § 16.1, 1978; Demographic and Health Survey, 2013; Women NGO Secretariat of Liberia, 2015).

2. Restricted Physical integrity

a) Violence against women

While Liberia has ratified regional conventions that address violence against women, namely, the Maputo Protocol (ratified in 2007), the government has yet to domesticate such conventions into its national legislation.

To date, there is no legislation that addresses all forms of violence against women; however, there are some national mechanisms in place to address different forms of violence against women. These include the Rape Law of 2005, a National Plan of Action for the Prevention and Management of Gender Based Violence 2006, the Act of 2008 amending Title 17 of the Judiciary Law 197231 (which provides the establishment of a special court that has exclusive jurisdiction over sexual offenses), the provision for the protection of children from sexual violence in Children's Law of 2011, and a draft Domestic Violence Bill 2016 that is currently under consideration by the national legislature (UNMIL/UNHCR, 2016; CEDAW, 2015).

Despite these measures, survivors of gender based violence face distinct challenges when seeking justice in Liberia due to a variety of factors including issues of legal literacy, weak law enforcement, poorly resourced judicial system, or the influence of traditional actors and prevailing customary norms that encourage informal pathways to "justice" (UNMIL/UNHCR, 2016).

b) Domestic violence

To date, there is no specific legislation directly addressing domestic violence. Rather, domestic violence has been addressed more broadly under the National Plan of Action for the Prevention and Management of Gender Based Violence in Liberia of 2006. Under the plan, emergency shelters were created, health services were provided and a hotline for victims was established (National Plan of Action for the Prevention and Management of Gender Based Violence, 2015). Since then, there has not been an updated action plan. As of July 2017, a draft Domestic Violence Bill 2016 is currently under consideration by the national legislature (UNMIL/UNHCR, 2016; CEDAW, 2015). In consequence, domestic violence is still a main concern (Joint Civil Society Library, 2015).

c) Rape

There have been several laws criminalising rape and other forms of sexual violence, including the Rape Law (2005) and the Rape Amendment Act (2006). Notably, the language used in Rape Law (2005) is gender-neutral, allowing women or men to be the survivors or the perpetrators. The laws however do not protect against marital or spousal rape (rape between a husband and wife).

To reinforce these laws, the National Plan of Action for the Prevention and Management of Gender Based Violence in Liberia outlines specific activities to support the implementation of the legislation on sexual violence, including providing guidelines and training for professionals who may deal with rape, establishing a special court that specifically address sexual crimes, increasing access to medical services and legal support for rape survivors, and raising awareness on these issues.

d) Sexual harassment

The national legal framework does provide legal protection from sexual harassment, but in a very limited form. There exists an executive order which establishes protections from sexual harassment for the staff members of the Executive Branch of government, outlining both civil remedies and criminal penalties for sexual harassment. Aside from this order, there is no evidence of any other legal frameworks that address sexual harassment of workers.

e) Female genital mutilation

To date, there is no criminal law addressing female genital mutilation (FGM) as a harmful practice in Liberia. It is reported that around half of Liberia's 17 ethnic groups practice FGM, primarily in the regions where the *Sande* (a secret female society that performs traditional practices, including FGM) are present (OHCHR, 2015; Immigration and Refugee Board of Canada, 2017). It is reported that the *Sande* is mainly active in rural areas, in particular in the north and western parts of the country.

f) Abortion

Broadly speaking, abortions are prohibited in Liberia with a few exceptions. According to the Liberian Penal Law, abortions would only be permissible in the event a licensed physician concludes that: (a) the pregnancy would gravely impair the physical or mental health of the mother, (b) the child would be born with a grave physical or mental defect, or (c) the pregnancy resulted from rape, incest, or other felonious intercourse.

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

According to the Liberian Constitution, “every person shall have the right to own property alone as well as in association with others”. This law ensures that women have the same rights as men to individually own, manage and use both land and non-land assets (Liberian Constitution, 1987).

These privileges are also extended to married women and men, allowing married persons “powers as though unmarried” to hold property individually or jointly (Domestic Relations Law, 1973; Descendants Estates Law, 1973). In this, the law allows for joint land titling (Civil Code, Article 1722^o, 1997). There is however a gap in the law that leaves women in consensual informal or de-facto unions unprotected. In these cases, property (even if jointly acquired), is assumed to belong to the man in these unions because property rights are most often deeded under the man’s name.

In customary law, unmarried women are granted the right to use land by virtue of affiliation with a customary group. Unlike civil law, women in customary marriages are allowed to individually own, manage and use property (that was acquired before or during their marriage) provided they have the full knowledge and consent by their husbands (Descendants Estates Law, 1973).

b) Secure access to formal financial resources

While women and men are afforded the same rights to open a bank account and obtain credit, equal access among them to formal financial resources is debatable. Several factors limit women’s access to credit including: low levels of financial literacy, lack of collateral, the perception by some financial institutions that women pose a higher risk, or corruption that at times comes in the form of sexual assault or exploitation when women apply for a loan (IFC, 2014). As such, women have relied on informal lines of credit such as credit or loan clubs, otherwise known as *susus* (IFC, 2014).

c) Workplace rights

In line with its ratification of the international convention concerning discrimination with respect to employment and occupation (ILO, 1960), Liberia adopted the Decent Work Act 2015 which promotes the fundamental rights of workers and prohibits the discrimination of all forms within the workplace. This includes discrimination in the selection, recruitment, hiring, remuneration, promotions, and training, to name a few. The law also mandates fourteen weeks of paid maternity leave as well as other protections to ensure the employment security of pregnant women or those on maternity leave. Maternity leave is for the most part financially covered by the government (90% of income), and the remaining amount is paid by the employer. In a more limited form, the law also provides paternity leave for men (one week).

While comprehensive in scope, the law is still nascent in its implementation, allowing customary practices that require women to take on household duties (rather than entering the labour force) to continue (Liberia Institute of Statistics and Geo-Information Services, 2011).

4. Restricted Civil liberties

a) Citizenship rights

Under the Alien and Nationality Law, women are provided the same rights as men to acquire, change, or retain their nationality, whether single or married. Women and men have equal rights to apply for identity cards and passports and may travel outside of the country independently of each other. While women are also afforded the same rights as men to confer their nationality to their spouse, women cannot confer their nationality to their children (Alien and Nationality Law, 1973). Rather, the alien father needs to become naturalized in order for their children to obtain citizenship (Alien and Nationality Law, 1973). It should be noted that Liberia confers nationality on the basis of race, meaning only persons of black African origins may obtain citizenship. Although, it does allow persons of other races to hold permanent residency status (Alien and Nationality Law, 1973). In addition, women and men have the equal right and responsibility of registering the birth of their children (Public Health Law, Section 51, 1971).

b) Voting

In Liberia, women of Americo-Liberian descent were granted the right to vote in a 1946 referendum. Universal suffrage followed a decade later in 1955, where changes to the Constitution granted women residing in the provinces the right to vote (Human Rights Committee, 2016). Most recently, the country's National Elections Commission set up Gender and Elections Coordinating Groups in each of the fifteen counties of Liberia to elicit women's participation both as the electorate and candidates for the upcoming 2017 Elections (National Elections Committee, 2017).

c) Political voice

Liberia has made some progress on increasing the political participation of women. In 2005, the country elected Ellen Johnson-Sirleaf as their president, making her the first female head of state in Liberia, and moreover, Africa at large (Abdennebi-Abderrahim, 2013). Additionally, Liberian women have held key government positions in the ministries of Finance, Foreign Affairs and Trade, which traditionally were occupied by men (Abdennebi-Abderrahim, 2013). Yet, despite these achievements, traditional attitudes about gender roles continue to persist, limiting women's participation in public office, particularly national assemblies and parliaments (Cole, 2011). In comparison to their male counterparts, the share of women parliamentarians in Liberia is still significantly small (IPU, 2017).

To help promote women's political participation, the government has put forth some initiatives, including the Amended Elections Law 2014, which mandates all political parties to ensure that there are no less than 30% of its members from each gender, and the introduction (still pending approval) of the Affirmative Action Bill 2016, which reserves seats for women in public office (LIPRIDE Coalition, 2016). Presently, there are not legislative quotas to promote women's political participation at the national or local level.

d) Access to justice

The civil code affords both women and men the same rights to access justice and benefit from justice systems in Liberia (Constitution, 1986). Moreover, the government has taken additional steps to

ensure that the courts take into account the specific interests of women and girls. These include special protections for survivors of rape through the option of trial by camera, the creation of a special court dedicated to sexual offense cases, and the establishment of a Sexual and Gender Based Violence Crimes Unit (SGBVCU) within the Ministry of Justice to prosecute sex crime cases as well as to provide survivors access to legal, medical, protection and psychosocial services and temporary shelter at safe homes (CEDAW, 2016; UNMIL, 2016).

In practice, however, the capacity of women to access justice is still limited due to a myriad of challenges, including their limited knowledge on their legal rights and the legal process, the lack of public defenders and legal aid available, the logistical and financial constraints to travel to police stations and courts (especially those living in rural areas), and the societal pressures to resolve situations in more traditional ways (e.g. through “compromise”) outside of formal courts (UNMIL, 2016).

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