



NGO: EUROPEAN CENTRE FOR LAW AND JUSTICE

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HUMAN RIGHTS VIOLATIONS IN LIBERIA

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ holds Special Consultative Status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights violations in the Republic of Liberia for the 2020 Universal Periodic Review (UPR).

Background

2. In its data and analysis report on human trafficking at the global level, the United Nations noted that “analyzing the data by geographical areas shows that child trafficking is far more commonly detected in West Africa [of which Liberia is a part] than in the rest of sub-Saharan Africa”¹. Moreover, in its 2015 National Report on Liberia for the 2015 UPR cycle, the U.N. General Assembly noted that “[s]ex trafficking of women and girls is also a significant problem”². The report also stated that “Liberia has undertaken measures to address the sexual abuse and exploitation of women and children resulting from human trafficking The Government recently launched the Five-Year-National Action Plan in the Fight Against Trafficking of Human Beings”³.

3. This was in addition to its 2005 Act to Ban Trafficking in Persons Within the Republic of Liberia⁴. However, despite the 2005 law and launching of its five-year plan, “[t]he Government of Liberia [has not fully met] the minimum standards for the elimination of trafficking”⁵, and, as such, in its 2019 Trafficking in Persons Report, the U.S. Government ranked Liberia as a Tier 2 country on its Watch List. According to the report, Tier 2 countries are one whose “governments do not fully meet the TVPA’s (Trafficking Victims Protection Act) minimum standards but are making significant efforts to bring themselves into compliance with those standards”⁶.

¹ *Global Report on Trafficking in Persons 2018*, United Nations Office on Drugs and Crime 80 (2018), available at https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP_2018_BOOK_web_small.pdf.

² National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21 Liberia, Human Rights Council, Working Group on the Universal Periodic Review A/HRC/WG.6/22/LBR/1 at 11 (18 Feb. 2015), https://www.upr-info.org/sites/default/files/document/liberia/session_22_-_mai_2015/a_hrc_wg.6_22_lbr_1_e.pdf.

³ *Id.* at 12 para. 51.

⁴ Liberia: An Act to Ban Trafficking in Persons Within the Republic of Liberia (5 July 2005), available at <https://www.warnathgroup.com/wp-content/uploads/2015/03/Liberia-TIP-Law-2005.pdf>.

⁵ 2019 Trafficking in Persons Report: Liberia, U.S. Department of State (20 June 2019), <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/liberia/>.

⁶ Trafficking in Persons Report 2019, Department of State United States of America 56 (2019), available at <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>.

4. As indicated by reports, “over the past five years, human traffickers exploit domestic and foreign victims in Liberia, and traffickers exploit victims from Liberia abroad”⁷. In July 2019, U.S. Ambassador to Liberia, Christine Elder, stated “the most common form of trafficking in Liberia does not involve foreign traffickers, or movement to another country, but involved kids who end up forced to work. . . . Recently an American diplomat joined two social workers as they did a routine assessment of child labor near ELWA junction. They simply walked along the street and spoke with kids selling food, t-shirts, and water. In two hours, they spoke with 15 kids. Of those, 13 had been transported to Monrovia by an ‘auntie’ or ‘uncle’ who had no blood relationship with the child, and who had promised the child an education. *None* of them were going to school”⁸.

5. While Liberian law mandates free primary school,

[m]any schools, however, continue to charge fees or impose mandatory requirements, like uniforms and supplies, limiting access to education for some children. Barriers to education that may prevent children from attending school and increase their risk of engaging in the worst forms of child labor include limited or overcrowded schools and sexual abuse of girls by male teachers in schools. . . . Children who are not enrolled in school are more vulnerable to the worst forms of child labor⁹.

Legal Framework and Protections

6. In passing its 2005 Act to Ban Trafficking in Persons Within the Republic of Liberia, Liberia put in place strong legal grounds for combatting human trafficking.

7. Article 1 defines trafficking in persons as “the recruitment, transportation, transfer, harboring or receipt of a person by means of a threat or use of force or by other means of coercion, or by abductions, fraud, deception, abuse of power or of a position of vulnerability, or by the giving or receiving or payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”¹⁰.

8. In addition, Liberia has signed and ratified the International Covenant on Civil and Political Rights (ICCPR). Articles 7, 8, and 24 of the ICCPR address trafficking in persons, as well as forced and child labour:

⁷ 2019 Trafficking in Persons Report: Liberia, U.S. Department of State (20 June 2019), <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/liberia/>.

⁸ Ambassador Elder Speaks About Human Trafficking to AME University Graduate School, U.S. Embassy in Liberia, <https://lr.usembassy.gov/ambassador-elder-speaks-about-human-trafficking-to-ame-university-graduate-school/> (last visited 27 Sept. 2019).

⁹ ICCPR Implementation in Liberia: Report of Civil Society Organizations in Reply to the List of Issues, with support from Centre for Civil and Political Rights 26 (Mar. 2018), https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/LBR/INT_CCPR_CSS_LBR_30532_E.pdf.

¹⁰ Liberia: An Act to Ban Trafficking in Persons Within the Republic of Liberia (5 July 2005), *available at* <https://www.warnathgroup.com/wp-content/uploads/2015/03/Liberia-TIP-Law-2005.pdf>.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation¹¹.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3.(a) No one shall be required to perform forced or compulsory labour¹².

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State¹³.

9. Nonetheless, in a 2018 Human Rights Committee (HRC) report on an examination of Liberia's implementation of the provisions of the ICCPR in the country, the HRC noted that "[t]he legal framework to deal with trafficking in persons was in place, but the problem was in its implementation"¹⁴.

Instances of Trafficking

10. As was indicated by Ambassador Elder, a common form of human trafficking that exists within Liberia is that of child trafficking for domestic servitude or street vending. In fact, the trafficking of children in Liberia leads many children to "engage in the worst forms of child labor, including in forced domestic work. Children also perform dangerous tasks in the production of rubber, and mining gold and diamonds"¹⁵. Despite its anti-trafficking law, "[m]any officials continued to view internal trafficking, especially child domestic servitude, as a community practice rather than a crime and therefore did not often investigate or prosecute these cases"¹⁶.

11. According to another 2018 report on Liberia's implementation of the ICCPR, "[t]he government has not convicted any traffickers in three consecutive years and has never convicted

¹¹ International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, art. 7.

¹² *Id.* art. 8.

¹³ *Id.* art. 24.

¹⁴ Human Rights Committee Examines Liberia's Initial Report, Human Rights Committee (10 July 2019), <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23354&LangID=E>.

¹⁵ Child Labor and Forced Labor Reports: Liberia, Bureau of International Labor Affairs, U.S. Dep't of Labor, <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/liberia> (last visited 27 Sept. 2019).

¹⁶ 2019 Trafficking in Persons Report: Liberia, U.S. Department of State (20 June 2019), <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/liberia/>.

a Liberian trafficker under the 2005 law, despite the prevalence of internal trafficking. The government maintained minimal anti-trafficking law enforcement efforts”¹⁷.

12. The ECLJ recognizes that poverty and a lack of education are factors that put families, and consequently children, at risk for falling prey to traffickers who promise economic and educational opportunities. The family is the foundational unit of a society, and as such, a country can only be as stable as its foundation. By providing economic and educational opportunities for families and children, the Liberian government would be greatly reducing the factors that make children vulnerable to trafficking and forced labor.

13. Children who have truly free education available to them have more incentive to attend school. Children and families who have economic opportunities at home have less incentive to seek the promise of economic opportunities through child labor in different cities or towns. By helping family units stay together and grow in economic and educational opportunities, the Liberian government would be making greater strides in stabilizing its society and country.

Conclusion

14. The ECLJ is pleased with the progress that Liberia has made, understanding its history and the difficulties that it has faced as a country. The ECLJ encourages the Liberian government to continue its efforts in working with the NGOs and humanitarian organisations to combat child trafficking, and sexual and labor exploitation. The ECLJ further encourages the Liberian government to increase its efforts in training judges, law officers, and communities to understand the problems that family instability and a lack of education create. Child labor and trafficking is not just a societal norm that is inevitable. It is a foundational problem that affects the nation as a whole.

¹⁷ ICCPR Implementation in Liberia: Report of Civil Society Organizations in Reply to the List of Issues, with support from Centre for Civil and Political Rights 23 (Mar. 2018), https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/LBR/INT_CCPR_CSS_LBR_30532_E.pdf.