

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN 44TH SESSION LIBERIA, 1ST THROUGH 6TH REPORTS 31 JULY 2009

Key facts	1
Opening remarks by the delegation	1
Overview of key issues	2
Harmful cultural practices, violence against women	2
Trafficking	3
Education	4
Health	5
Family Relations	6
Other issues	6
Conclusions and next steps	6

Key facts¹

Ratified CEDAW	Reservations	Party to Optional Protocol?	Submission of State party report	Other core treaties ratified
1984	None	Yes, signed in 2004 but not yet ratified	Due: 16 Aug 1985 Submitted: 13 Oct 2008	ICCPR, ICESCR, CAT, CRC, CMW, CRPD

Opening remarks by the delegation

The delegation of Liberia was led by the Honourable Vabah K. Gayflor, Minister of Gender and Development. She was supported by a large delegation consisting of an ambassador, ministers, and representatives from the Ministry of Education, the Ministry of Gender for Research and Technical Services, the Ministry of Justice, the Ministry of Health and Social Welfare, and the Permanent Mission of Liberia to the United Nations.²

After an honest acknowledgment of the challenges and discrimination that still exist in Liberia for women due to years of civil unrest, Ms. Gayflor reassured the Committee on numerous occasions that the new government is “committed to women’s empowerment, has a strong political will to implement the Convention, and is working toward writing a new history for its women and girls.” Ms. Gayflor provided a succinct yet useful overview of the key initiatives instituted by the Liberian Government since the preparation of its report to the Committee, which included vocational training and credit financing for women entrepreneurs; an

¹ The information in this table is sourced from the Office of the High Commissioner for Human Rights (OHCHR), and is available at www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx.

² The list of members of Liberia’s delegation is available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws44.htm>.

association with the Nike Foundation to develop an economic empowerment program for adolescent girls; a partnership with the UN to promote education and the movement of women into the employment sector; and a collaboration with the Danish Government on farming subsidies for rural women and on a poverty reduction strategy. The delegation also sought to demonstrate the government's commitment to the advancement of women and the principles of the Convention by noting the establishment of a law reform commission in July 2009 to review and revise all existing discriminatory laws, including the introduction of a new land reform law intended to increase women's ability to own land.

Overview of key issues

The delegation engaged with Committee members in an open and constructive manner. Their responses to questions demonstrated their willingness to dialogue with the Committee members, as well as their receptiveness to the Committee's future recommendations. Committee members were appreciative of the responsive of the delegation to their inquiries and were impressed with the political will of the delegation and the Liberian Government to the issue of women's equality. Noting with great admiration the progress the country has made in overcoming conflict and working toward implementation of the Convention, Ms. Ameline (France) saluted the government for a "report that is frank, sincere and honest."

However, it was evident that Committee members remained concerned with the current suffering of women from the pervasiveness of sexual and physical violence and discriminatory practices. Ms. Chutikul (Thailand) was concerned with violence against women in the areas of human trafficking and prostitution and the report's lack of information about these victims. Several Committee members focused on the country's continuing practice of female genital mutilation, and were dissatisfied that the government had not put into place a legal action plan to prohibit this practice or an educational campaign to challenge the societal acceptance of this practice.³

Harmful cultural practices, violence against women

Concluding Observations:

21. The Committee urges the State party to enact without further delay and as a matter of priority legislation prohibiting female genital mutilation and to ensure that offenders are prosecuted and punished in accordance with the severity of the violation. The Committee also calls on the State party to immediately stop issuing permits to practitioners as currently being done by the Ministry of Internal Affairs. It encourages the State party to extend and accelerate implementation of programmes designed to sensitize and provide alternate sources of income for those who perform female genital mutilation as a means of livelihood. It urges the State party to strengthen its awareness-raising and educational efforts, targeted at both women and men, including government officials at all levels, chiefs and other traditional and community leaders, and zoes, to eliminate the practice of female genital mutilation and its underlying cultural justifications.

25. The Committee calls upon the State party to continue efforts to train the judiciary, law enforcement officials, legal professionals, social workers and health care providers on violence against women so as to ensure that the perpetrators of violence against women are effectively prosecuted and punished with the required seriousness and speed, and that effective and gender-sensitive support is provided to victims. The Committee requests the State party to remove impediments women face in gaining access to justice at all levels, in all areas of the country. It also calls on the State party to establish support measures for victims of violence, including shelters and legal, medical and psychological support, in particular for those women and girls affected by violence during the conflict, and to continue efforts for their rehabilitation and reintegration. The Committee requests the State party to provide information in its next report on the laws, policies and programmes in place to deal with all forms of violence against women.

³ Ms. Gabr (Egypt), Ms. Rasekh (Afghanistan), Ms. Begum (Bangladesh), and Ms. Coker-Appiah (Ghana).

Committee members were gravely concerned with reports that female genital mutilation (FGM) is still widely practiced in society and that more importantly, it is condoned by the Minister of the Interior as a “cultural practice that should be respected.”

Chairwoman Ms Gabr (Egypt), Ms. Dominguez (Cuba) and Ms. Begum (Bangladesh) inquired why a law did not exist prohibiting FGM and what measures were being taken to educate community, religious and health officials about the consequences of this practice. More critical was Ms. Rasekh (Afghanistan), who felt that the efforts by the State party to address FGM were “weak,” and “serious efforts” needed to be launched in terms of legislation, punishment, and education “starting at the level of the officials.” Ms. Coker-Appiah (Ghana) reminded the delegation that “cultural practices may be dynamic, but not static,” and that while FGM may have served a purpose at some time, the adverse health consequences that it inflicted must be the primary motivation for change. Responding to the delegation’s reply that it would take some time to pass legislation prohibiting FGM, Ms. Simonovic (Croatia) stated that it would be unacceptable to the Committee to wait another four years before a law was passed and that this practice should be viewed as violence against women.

It was apparent that the delegation took the issue of FGM seriously, bravely noting that the Minister of the Interior’s comments were the “challenge that we face.” While Ms. Gayflor honestly acknowledged that it would take time to overcome societal acceptance of this practice, she reaffirmed the government’s commitment to changing attitudes, intensifying education and not being “sidelined because this is a sensitive issue.”

Similarly, Committee members were troubled by the high statistics of women who have reported that they have been victims of physical violence at some point in their lives. Ms. Begum was disappointed that there was no law on violence against women or domestic violence and inquired about the government’s plan to address all forms of violence against women. Ms. Halperin-Kaddari (Israel) expressed concern over reports of a backlog of rape cases in the Liberian justice system, the lack of prosecution against perpetrators of gender-based and sexually-based violence against women, and obstacles to a woman’s accessibility to the court system.

The Committee seemed unimpressed by the government initiatives to address violence against women that Ms. Gayflor cited in her response to the Committee’s concerns. While the delegation acknowledged that Liberia did not have any formal law on domestic violence, it attempted to convince the delegation of the government’s commitment to this issue by noting it had recently sent fifteen law graduates into fifteen counties to offer expertise to local judges and to assist in the backlog of rape prosecutions, and that the government utilised court clerks throughout the country to gather information about occurrences of violence against women.

Trafficking

Concluding Observation:

27. The Committee requests the State party to accelerate its efforts aimed at the effective implementation and full enforcement of the 2005 Anti-Human Trafficking Act. Such efforts should in particular include the effective prosecution and punishment of traffickers. It also recommends that the State party increase the provision of assistance and support to women victims, as well as prevention efforts, by addressing the root causes of trafficking and improving the economic situation of women so as to eliminate their vulnerability to exploitation and traffickers. It also invites the State party to enhance its collaboration with countries in the region to prevent and combat trafficking in women and girls as well as undertake studies on the prevalence of trafficking in the country.

Ms. Chutikul led the questioning on the issue of human trafficking, expressing disappointment at the lack of information on this issue in the country’s report. Following-up on an acknowledgment in the State party

report that the law against human trafficking was “not strong and not widely disseminated among government officials,” Ms. Chutikul inquired whether a national action plan had been developed, whether the two related ministries would work toward greater prosecution of perpetrators, what the rate of prostitution was nationally, in rural areas and amongst adolescents, and how prostitution was punished. Ms. Rasekh noted that Liberia was a country of “origin, destination and transit,” of human trafficking and inquired about the current existence of “impunity for perpetrators and lack of services and shelters for victims.”

The Deputy Minister of Justice, Ms. Morgan, offered certain signs of progress in this area by noting the establishment of a co-trafficking task force by the Labour and Justice Ministries, the initiation of bilateral talks with Liberia’s neighbours on this issue, and the establishment of an ad hoc central adoption authority established by the President of Liberia to address the issue of trafficking of children. However, Ms. Morgan provided some insight into the government’s current limits and lack of resources to combat trafficking with her admission that it was a “big issue” post-conflict, that there was “weak law enforcement,” and that the government relied heavily on its partnerships with NGOs, Nike, and the United Nations Development Programme to provide shelters and services for victims.

Education

Concluding Observation:

33. *The Committee recommends that the State party take steps to improve the educational infrastructure, especially in rural areas, and to raise awareness of the importance of education as a human right and a basis for the empowerment of women. It recommends that the State party implement measures to ensure equal access for girls and women to all levels of education and retention of girls in school, including through temporary special measures in accordance with article 4(1) of the Convention and the Committee’s general recommendation 25. It also calls on the State party to ensure that sexual abuse and harassment in schools is addressed and punished appropriately, and to remove all barriers to school attendance for pregnant girls and young mothers. It encourages the State party to take steps to overcome traditional attitudes that constitute obstacles to girls’ and women’s education, and to develop non-stereotyped educational curricula that address structural causes of discrimination against women. The Committee calls on the State party to make strong efforts to improve the literacy level of girls and women through the adoption of comprehensive programmes at the formal and non-formal levels, and through adult education and training.*

While Committee members commended the government for developing a national girls education policy, they remained troubled by the gender gap in higher education, the treatment of girls in schools, the literacy of adolescent and adult women, and the training of teachers. Ms. Bailey (Jamaica) noted with “grave concern” the practice of allowing perpetrators of sexual harassment to remain in the public schools and the failure to treat these offences as criminal. Ms. Bailey also noted her confusion regarding the exclusion of eight counties from the country’s report on the issue of adult literacy. Ms. Pimentel (Brazil) asked for clarification regarding the government’s plan to better train teachers and to address the gender inequality in Liberia’s schools, especially in secondary education. She also expressed concern over the country’s practice of expelling pregnant girls from its schools. Ms. Begum focused her questions on the government’s efforts to provide education for rural women.

The delegation’s responses spoke to the government commitment to girls’ and women’s education. The Minister of Education, Mr. Korto, noted several initiatives aimed at enhancing women’s education: (i) construction of new schools to accommodate increased enrolment of girls; (ii) construction of hostels near areas predominately occupied by senior high school girls to aid in the completion of their education; (iii) scholarships for girls to attend college in Liberia and overseas; and (iv) adult literacy programmes aimed at rural women, and the provision of micro-credits to women who successfully completed the course. On the issue of the expulsion of pregnant girls from secondary schools, the Committee did not seem pleased by Mr.

Korto's explanation that the government provided "special" schools for the girls to attend while pregnant so they would not provide the "wrong lesson" to the other girls that pregnancy was acceptable.

Health

Concluding Observation:

37. The Committee encourages the State party to continue its collaboration with civil society and the international community in the area of health care, including the development of physical infrastructure and human resources, with a view to strengthening its own capacity to deliver basic health care and services, including mental health, and increasing the access of women and girls to those services on an equal and equitable basis. The Committee encourages systematic use of its general recommendation 24, on women and health in this regard. It urges the State party to make every effort to raise awareness of and increase women's access to health-care facilities, medical assistance by trained personnel, particularly in the areas of birth attendance and post-natal care, especially in rural areas. The Committee recommends that the State party step up its efforts to reduce the incidence of maternal mortality and teenage pregnancy, and recommends the continued implementation of awareness-raising initiatives on sexual and reproductive health and rights, including those which target adolescent girls, with special attention paid to the prevention and control of sexually transmitted diseases and HIV/AIDS. It suggests that the State party assess the actual causes of maternal mortality and HIV/AIDS, and set targets and benchmarks within a time frame for their reduction.

Echoing concerns raised in NGO presentations,⁴ Committee members focused their queries on the high rate of maternal mortality, illegal abortions, access to reproductive health, and the adverse health consequences of traditional practices.

Ms. Xiaoqiao (China) referred to the acknowledgement in the State party report that NGOs provided 80 percent of healthcare services in Liberia, and questioned how the government would ensure ongoing healthcare for women if these NGOs were to withdraw. She also inquired about the current legal situation concerning abortion, and what the government was doing to reduce high rates of maternal mortality amongst minority women and those in rural areas. Ms. Rasekh also focused on rural women and their inability to properly access reproductive healthcare services due to poor roads and expensive medications. She was disturbed by the health consequences for women associated with traditional practices, such as the societal preference for male offspring, nutritional taboos, early marriage, beautification of the body leading to HIV transmission, and FGM. Ms. Pimentel (Brazil) noted that sex education and the right to receive contraceptives was "so important," and "insisted" the delegation enhance its efforts toward sex education of adolescents.

In an honest but troubling response, the Deputy Minister of Health and Social Welfare, Ms. Dahn, noted that while the government was in the process of developing strategies to take over the healthcare related services of NGOs, it would be 10 to 15 years before all healthcare was provided by government. While the government had established a roadmap to meet the benchmarks set by Millennium Development Goals 4 and 5, maternal mortality still remained an issue in Liberia due to a lack of education, the performance of illegal abortions (contributing to 35% of maternal deaths), and the preference of some women to give birth in traditional settings. On more positive notes, Ms. Dahn commented that the government was in the process of developing a mental health strategy, and that sex education and family planning services were free and in the process of being expanded.

⁴ Liberian NGOs that delivered oral statements to the Committee included the following: Voice of the Voiceless International; Bassa Women Development Association, Inc. (Bawoda); and Aiding Disadvantaged Women & Girls (ADWANGA). These NGOs focused on Liberia's (i) high rate of HIV due to lack of education and access to affordable healthcare; and (ii) the traditional practice of early marriage that subjects girls to difficult pregnancies, rape, and abandonment.

Family Relations

Concluding Observation:

41. The Committee urges the State party, in accordance with articles 15 and 16 of the Convention and in line with its general recommendation 21, to eliminate all discriminatory provisions in customary law and statutory law, so that women can enjoy the same legal rights in marriage with men. The Committee further urges the State party that traditional courts' procedures are in conformity with human rights norms and standards, so as to guarantee women equal access with men to the courts. The Committee calls on the State party to include information on widows and divorce in their next report.

Committee members raised several questions regarding de facto and de jure discrimination present in marriage. Ms. Hayashi (Japan) was concerned by underage forced marriages and their link to maternal mortality, as well as by the content of the government's new rape law. Ms. Coker-Appiah and Ms. Kaddari focused on women's rights within the marriage, including the distribution of property upon dissolution of the marriage, a women's right to initiate a divorce, and women's and children's inheritance rights in both customary and formal marriages.

Deputy Minister Morgan acknowledged the country's need to better harmonise its customary laws with the national legal system. However, she noted that women in customary and formal marriages were both permitted to redress through the court system, able to seek divorce on the same grounds, entitled to one-third of property upon dissolution of marriage, and both entitled to property under the new inheritance law. Sensing the Committee's repeated concerns in relation to FGM, Ms. Gayflor commented on the government's need to conduct a study on the causal link between FGM and early marriage.

Other issues

The Committee also engaged the delegation in discussion on the following matters that were not addressed in the concluding observations: the use of special temporary measures (Article 4); Liberia's new land law and the property inheritance rights of women (Article 13); whether perpetrators who committed crimes against women during the conflict would be brought before the International Criminal Court; rehabilitation of courts and prisons taking into consideration women's rights; sexual harassment of women in the workplace (Article 11); and women with disabilities and internally displaced women in the workplace (Article 11).

Conclusions and next steps

Ms. Gayflor concluded by thanking the Committee for the "frank and positive engagement," and for its support through numerous visits to Liberia. She reiterated the political will and commitment of the Liberian Government to the implementation of the Convention, and encouraged Committee members to provide Liberia with guidance on how best to achieve gender equality.

The Chair of the Committee thanked the government of Liberia for its high-level, integrated delegation and its political commitment to women's rights. While acknowledging Liberia's obstacles to gender equality as a result of decades of civil unrest, the Chair remained confident that the new government would achieve greater equality. She concluded by reassuring the delegation of the Committee's continued support of its efforts, and summarised the key areas of concern to the Committee: gender stereotypes and their influence on the practice of female genital mutilation; the use of education and media to improve literacy; and the improvement of education and access in the area of female reproductive health.

The Committee invited the State party to submit its combined seventh and eighth periodic reports in 2013.

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