

Submission by the United Nations High Commissioner for Refugees (UNHCR)
For the Office of the High Commissioner for Human Rights' Compilation Report –
Universal Periodic Review:

LIBERIA

I. BACKGROUND INFORMATION AND CURRENT SITUATION

Liberia is a State party to the *1951 Convention Relating to the Status of Refugees* and its *1967 Protocol* (hereinafter jointly referred to as *1951 Convention*). Liberia is also a State party to the *1969 Convention Governing the Specific Aspects of Refugee Problems in Africa* (OAU Convention). Unlike many other international instruments and covenants Liberia brought the aforementioned conventions and protocols into its municipal law by the enactment of “An Act to make Provisions for Refugees and to establish the Liberia Refugee Repatriation and Resettlement Commission (LRRRC) on 1 November 1993 (The Refugee Act). The Refugee act, under Section 7, outlines the policy, procedures and standards which lead to the grant of refugee status. It provides safeguards, including respect for the principles of “non-refoulement”, as contained in the 1951 Convention relating to the Status of refugees, its 1967 protocol and the 1969 OAU Convention and gives rights and privileges to those recognized as refugees. However, many of the safeguards for those wishing to seek asylum in Liberia and the rights and privileges granted to persons afforded asylum in Liberia under the 1993 Act are specifically denied by the Alien and Nationality Law (ANL) of the Republic of Liberia, amended 09 May 1974. The 1993 Refugee Act is being amended to address gap identified with other key instruments including the Alien and Nationality Law, the Labour Law, etc. The amended act is presently with the Liberian National Legislature for passage.

Liberia signed the *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (Kampala Convention) in 2009 and has committed itself to the ratification of the document during a recent Stakeholders¹ meeting in Monrovia.²

¹ Workshop on law and policy making on internal displacement, 30 June - 2 July, 2014

² The Vice President of Liberia, Honourable Joseph N. Boakai, who coincidentally signed on behalf of Liberia the 2009 Convention in Kampala, pledged to do everything within his power to have the convention ratified by Liberia.

Liberia is party to the *1954 Convention Relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*. However these Conventions have not yet been domesticated and there is no framework for status determination or local remedy for its reduction or for protection.

UNHCR, in collaboration with the Government of the Republic of Liberia and other partners, endeavoured to provide international protection to and find durable solutions for 39,991 persons of concern in several categories including Ivorian refugees (37, 929), Sierra Leonean refugees (375), refugees of mixed nationalities (92), asylum-seekers (55) as of 31 August 2014. Majority of the refugees are Ivoirians residing in camps locations, while others reside in communities. The refugee population includes 587 urban refugees residing in Monrovia who are of mixed nationalities (Ivoirians, Sierra Leoneans, Sudanese, Togolese, Congolese, etc.). Persons of concern to UNHCR in Liberia are able to enjoy favourable protection environment including their rights to security of persons, freedom of movement, and equal protection of the law. In rural communities, Ivorian refugees resided with Liberian nationals without reports of major incidents. Urban refugees in Monrovia resided peacefully in communities with the nationals.

Statelessness is a wide-spread problem that affects Liberia and other countries in West Africa. Yet it is an issue that remains under documented and relatively unaddressed by state authorities. Moreover, partners and civil society organizations do not take statelessness into consideration in their advocacies and programmes. The main risk factors include gaps in the nationality legislation and administrative practice, and low birth registration rate. In the absence of policy to identify stateless persons, the size of this population is not known.

Liberian remains peaceful despite criticism faced by the government ranging from accusations of corruption to the Government's initial and continual handling of the Ebola crises which citizens decry as poorly managed to the extent where the disease outbreak has affected almost every facet of the Liberian society so much so that economic have dwindled and most social activities shut off. The humanitarian situation in Liberia has been and continues to be very challenging due to the EVD outbreak. With refugees residing within camps and communities in counties hosting mainly Ivorian Refugees, it has been difficult for agencies to deliver services most others including the Government have had to put hold on some aspect of their operations and subsequently have requested non-essential staff to stay at home.

The Government of Liberia and UNHCR explored mechanisms for supporting the local integration (as opted for) of Liberian Refugees with strong social and economic links in countries of asylum.³

³ It was jointly recognized that facilitating access to civil documentation, under an ECOWAS legal framework, would afford locally integrated ECOWAS refugees legal status as well as the right to reside and work in ECOWAS countries. Against this background, UNHCR supported the Government of Liberia to form a mobile team to undertake passport vetting missions for Liberian refugees opting for local integration in ECOWAS countries of asylum. A total of 7695 applicants were approved by the vetting missions, 131 refugees had existing passports and 6341 (84%) passports have been delivered to UNHCR Offices in the region.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

UNHCR commends the Government through the Liberia Refugee Repatriation & Resettlement Commission (LRRRC) for its cooperation and collaboration for the voluntary repatriation of 12,026 Ivorian Refugees in 2014. Whilst the process has been halted due to the EVD situation, 2,582 Ivorian refugees have signed up for voluntary repatriation pending resumption of the activity. It is also worth noting that Ivorian Refugees still enjoy recognition on a prima facie basis. UNHCR also commends the Government of Liberia for provision of 6,341 Liberian ECOWAS Biometric Passports to Liberian former refugees who opted for local integration in countries of asylum within the West African Region. UNHCR welcomes the proactive steps taken by the Government amendment for the 1993 Liberia Refugee Act (LRA) to be passed into law.

The Bureau of the Immigration, which is the custodian of the Alien and nationality law, is presently working with the Law Reform Commission to ensure that the Nationality Law is revised in line with the Liberian Constitution. The Assistant Minister for Legal Affairs at the Ministry of Foreign Affairs attended the 2014 summer statelessness training sponsored by the UNHCR at the Tilburg University in the Netherlands, which is an encouraging step.

Also, in June-July 2014, the Government of Liberia, UNHCR and the NRC's Internal Displacement Monitoring Centre (IDMC) held a workshop for all stakeholders including civil society for the ratification of the Kampala Convention. A communique was signed and has been presented to the Government.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Issue 1: Refugee status determination procedure

UNHCR acknowledges the continued commitment and dedication of the Liberian Government in the determination of refugee status and the efforts made by LRRRC to clear the asylum backlog of about 55 individuals in 2014. UNHCR has continued to support the asylum regime by funding its seating and providing training. In 2013, members of the panel also benefited from several international trainings. However, UNHCR remains concerned about the slow pace of the processing of claims at the first instance, with only 14 cases heard and adjudicated in 2014. Moreover, the asylum committee still has to review cases of Sierra Leonean Refugees who were granted exemption from cessation at the time of invocation of cessation clause for Sierra Leonean Refugees in 2008. This review is necessitated by the socio-economic and political improvements in Sierra Leone according to country of origin information (COI).

Recommendation:

UNCHR recommends that Liberia:

- Reinforce the capacity of the national body in charge of refugee status determination (LRRRC) by allocating sufficient resources.

Issue 2: Compliance with the principle of non-refoulement

In spite of the challenging security situation in the country, especially along the border with Cote d'Ivoire, the Government has continued to uphold the principle of non-refoulement as

enshrined in the 1951 Convention. However, in February of 2014, 14 Ivoirian refugees within a group of 23 Ivoirian nationals were forcibly returned to Cote d'Ivoire on allegations that they were engaged in mercenary activities to destabilize the Government of Cote d'Ivoire. With the interventions of UNHCR and partners, 6 of them were released and returned to the camp in Liberia. In related development, 9 Ivorian Refugees were arrested in 2012 and 2013 respectively on similar charges and are currently in prison in Monrovia pending the outcome of their extradition proceedings at the Supreme Court of Liberia. The Government of Liberia had filed a petition for their extradition but the petition was challenged by UNHCR hired lawyers on behalf of the refugees. It can be recalled that in June of 2011 about 40 were Ivoirians who fled to Liberia were forcibly returned to Cote d'Ivoire on allegations that they were engaged in mercenary activities to destabilize the Government of Cote d'Ivoire. To date, their whereabouts remain a mystery.

Recommendation:

UNCHR recommends that Liberia:

- Maintain fully open access to asylum procedures for persons in need of international protection and refrain from deporting persons them; and
- Reinforce the training of officers assigned at entry points (borders) on the rights of persons in need of international protection.

Issue 3: Legal and administrative reform for the domestication of the International Statelessness Conventions

Liberia acceded to 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, respectively in 1964 and 2004. However these Conventions have not yet been domesticated. As such, the nationality legislative framework does not include proper safeguards against statelessness, and there is no framework for status determination or local remedy for reduction of statelessness or for protection of stateless persons.

The legislation of Liberia contains some critical gaps that may lead to statelessness, in particular the 1986 Constitution and the 1973 Aliens and Naturalization Act governing citizenship in Liberia contains some limitations that create obstacles for the acquisition of nationality by children born in the territory and/or to a national, who otherwise would be stateless. In addition, the nationality law establishes race-based discriminatory criteria for acquisition of nationality, and it does not ensure equal treatment between men and women regarding transmission of nationality to children.

In this regards, it is worth noting that the Committee on the right of the Child has urged Liberia to “take urgent measures to amend its Constitution and citizenship laws to eliminate discrimination on the basis of color or racial origin.”

Furthermore, it is important to underline the contradicting provisions within the nationality legal framework. In particular, article 28 of the 1986 Constitution conflicts with Sub Section 20.1 (b) of the 1973 Aliens and Nationality Law as regards transmission of nationality by a Liberian mother to her child. Article 28 of the 1986 Constitution clearly indicates that: "Any person, at least one of whose parents was a citizen of Liberia at the time of the Person's birth, shall be a citizen of Liberia". In contradiction with the constitution, the 1973 Aliens and

Nationality Law grants nationality to a child born abroad only if the father is a Liberian national; "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 a child" is a citizen of Liberia (sub Section 20.1 (b)).

The acquisition of citizenship at birth by children born abroad to one Liberian parent is further limited in the last paragraph of Sub-section 20.1. Individuals eligible for nationality under this sub section have to take an oath of allegiance prior to attaining 23 years of age unless they reside in Liberia prior to the age of majority. It is important to note that from a procedural view point, sub-Section 21.6 of the same Law refers to individuals taking an Oath of Allegiance as persons who: "petition for naturalization".

Article 2 of the 1986 Constitution states that anytime there is a contradiction between a certain provision of the statute and the Constitution of Liberia, the Constitution which is the supreme organic law of the land will supersede.

In practice, the Constitution has not been granted supremacy over the Aliens and Nationality Law, and individuals born abroad to a Liberian mother and a non-Liberian father are requested to apply for Liberia nationality through a naturalisation process.

In a context where civil status records and data management system have been considerably damaged by several years of conflict, the process of confirmation of nationality, - a prerequisite in order to obtain ID documents and passports -, relies on informal and arbitrary methods including interviews, testimonies and other information gathering tools which are based on subjective criteria and open to discretion.

As an illustration, 910 individual registered by UNHCR as Liberian refugees within West Africa are at immediate risk of statelessness. Refugees whose situation fell under the scope of the cessation clause had the possibility to opt for local integration in the country of asylum. The government of Liberia agreed to issue Liberian passports on the basis of which former refugees could obtain a residence permit in the country of asylum. During this process, 910 individuals who had been registered as refugees for decades by UNHCR and mostly claimed birth in Liberia of parents also born there, had been rejected but on very unclear criteria.

On the basis of these factors, it is likely that statelessness is an issue that affects many Liberians within the country and abroad. Nonetheless, there is no mechanism in place to identify and count stateless persons, thus there is no data on the size of the population. Neither is there mechanism to afford protection in accordance with the 1954 convention,

As a result of the current gaps in the nationality legislative and administrative framework, the lack of statistical and qualitative information on statelessness and a general lack of awareness of the issue at governmental level, there is no solution, nor adequate protection mechanisms for any stateless persons in Liberia

UNHCR has commissioned a study in order to map groups of concern and identify the causes of statelessness. The outcome of this study and recommendations will be shared with the government of Liberia and stakeholders.

Recommendations:

UNCHR recommends that Liberia:

- Undertake a review of the nationality legislative framework in order to ensure that it includes all necessary safeguards against statelessness;
- Raise awareness on the issue of statelessness and take measures to develop a national action plan in accordance with UNHCR global strategy to end stateless in the next 10 years;
- Ensure that the cases of the 910 former Liberian refugees at risk of stateless be revisited, taking into account their fundamental right to a nationality and the grave humanitarian and human rights impact of their current lack of nationality status; and

Issue 4: Birth registration

Low birth registration remains a compounded factor of statelessness. The birth certificate is an essential tool to establish an individual's identity. The lack thereof is a severe obstacle to the establishment of one's nationality. The Government of Liberia has ensured that all refugee children born in Liberia and residing in the camps were registered and provided birth certificates in line with its international obligations. However, this exercise has not yet been extended to refugees living in communities. Failure to do so would continue to prevent persons living in those communities including refugees from possessing a document that could contribute to prevent numerous abuses, including from statelessness. This could be particularly useful to refugees as they may face numerous challenges upon return to their country of origin or place of habitual residence. The Committee on the Rights of the Child has encouraged Liberia to *"to further strengthen its efforts at increasing the rate of birth registration, including through the effective implementation of the targeted joint projects with local partners and UN agencies [...] launch extensive awareness raising programmes including campaigns on the importance of birth registration, on the process of registration, and on its benefits."*⁴

Birth registration helps to prevent statelessness by establishing a legal record of where a child was born and who his or her parents are. As such it serves as a key form of proof of whether a person has acquired nationality by birth or by descent. Failure to document a person's legal existence can prevent the effective enjoyment of a range of human rights, including access to education, civil liberties and health care, etc.

Recommendation:

- Extend the birth registration exercise to refugees living in within the communities, especially to Ivorian Refugees.

Issue 5: Develop a legal and policy Framework for the Protection of IDPs

Despite its participation in the process leading to the adoption of the Kampala Convention, its signature as well as its experience in handling internal displacement, Liberia has not yet ratified the Kampala Convention. During the 2011 Ministerial Intergovernmental Event on Refugees and stateless Persons held in Geneva in December 2011, Liberia pledged that *"the*

⁴ Opcit, para. 44

*Convention will be ratified in 2012.*⁵ Yet in September 2014, this ratification remains expected. In 2013, UNHCR and ECOWAS commissioned a study on the IDP situation in Liberia with relevant recommendations. Findings of the study were validated in Monrovia in December 2013 and have since been submitted to the ECOWAS Office in Nigeria. The findings recommended the ratification of the Kampala Convention which will lead to domestication and ownership of the Government. Currently, the convention is at the Liberian parliament for ratification and subsequent domestication. A task force has been established to follow the issue with the parliament.

Recommendation:

UNCHR recommends that Liberia:

- Ratify the *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa*.

**Human Rights Liaison Unit
Division of International Protection
UNHCR
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⁵ UN High Commissioner for Refugees (UNHCR), *Ministerial Intergovernmental Event on Refugees and Stateless Persons - Pledges 2011*, October 2012, page 91, available at: <http://www.refworld.org/docid/50aca6112.html> [accessed 15 September 2014]

Excerpts of Concluding Observations from UN Treaty Bodies

- Universal Periodic Review:

LIBERIA

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations relating to issues of interest and persons of concern to UNHCR with regards to Liberia.

Committee on the Rights of the Child

[Concluding observations \(2012\) CRC/C/LBR/CO/2-4, 61st Session](#)

13 December 2012

The Concluding Observations contain the following paragraphs with observations and recommendations of particular interest to UNHCR and our persons of concern:

Data collection

20. The Committee notes the State party's intention to create a central data collection system in areas concerning children together with the Child Protection Network. However, it reiterates its concern about the lack of information and the inability to access disaggregated data about children on most areas covered under the Convention (CRC/C/15/Add/236 para.19, 2004), in particular children in poverty, children subjected to violence, children with disabilities, children deprived of a family environment and children engaged in child labour.

21. The Committee encourages the State party to set up a comprehensive data collection system with the support of its partners and to analyse the data collected on children as a basis for assessing progress achieved in the realization of child rights and to help design appropriate policies and programmes to implement the Convention. The data collection should focus in particular on the aforementioned children. The data should also be disaggregated by age, sex, geographic location, ethnicity, nationality and socio-economic background to facilitate analysis on the situation of all children.

Non-discrimination

33. The Committee regrets that insufficient measures have been taken by the State party to implement its previous recommendations to eliminate all forms of discrimination, in particular against children in vulnerable situations (CRC/C/15/Add.236, para. 24, 2004). It is particularly concerned at the extent of gender-based discrimination in the State party, in particular against girls living in and coming from rural areas, who experience persistent discrimination in relation to access to education and social services, and their right to property and security. Statutory and customary laws which discriminate against women remain in force, in particular the Revised Rules and Regulations Governing the Hinterland of Liberia.

The Committee is also concerned about harassment and stigmatization of children with disabilities in the State party.

34. The Committee recommends that the State party take more active measures to end all forms of discrimination against children, with special attention to discrimination against girls, children belonging to ethnic groups in rural areas, and children with disabilities. In particular, it urges the State party to:

- (a) Ensure that all discriminatory laws, including customary laws are amended or repealed and brought into full compliance with the Convention including the Revised Rules and Regulations Governing the Hinterland of Liberia;**
- (b) Formulate a comprehensive strategy, including a clear definition of targets and the establishment of a monitoring mechanism to modify and eliminate negative attitudes and practices, and change deep-rooted stereotypes that discriminate against children in situations of vulnerability, in particular, girls, children living in and coming from rural areas, and children with disabilities;**
- (c) Sensitize professionals working with and for children and the public in general on the prohibition of gender discrimination as provided in the Constitution and Children's Law, and undertake educational programmes, including campaigns that promote equality;**
- (d) Cooperate with the widest range of stakeholders, including children, women's organizations, community and traditional leaders, and all sectors of society to promote social and cultural change and create an enabling environment that promotes equality among children; and**
- (e) Monitor such efforts and regularly assess progress made towards achieving the established goals, and include an assessment of the results achieved in its next report.**

Best interests of the child

35. While commending the incorporation of the principle of the best interests of the child in the Children's Law, the Committee is concerned that this principle is not systematically reflected in the State party's legislation and national policies. It is further concerned about the general societal perception in the State party that best interests of adults should prevail over those of the child.

36. The Committee urges the State party to strengthen its efforts to ensure that the principle of the best interests of the child is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects relevant to and with an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance for determining the best interests of the child in every area, and to disseminate them to the public or private social welfare institutions, courts of law, administrative authorities and legislative bodies. The legal reasoning of all judicial and administrative judgments and decisions should also be based on this principle. The Committee recommends the State party to launch awareness raising programmes including campaigns to alter the

prevailing societal perception that the best interests of the child are inferior to those of adults.

Name and nationality

41. The Committee regrets that despite its previous recommendation, the granting of citizenship to children born in the State party remains restricted on the basis of colour or racial origin according to the provisions contained in article 27 of the Constitution and the Alien and the Nationalization Law, which are contrary to article 2 of the Convention on the Rights of the Child.

42. The Committee reiterates its previous recommendation (CRC/C/15/Add.236, para 33, 2004) and calls upon the State party to take urgent measures to amend its Constitution and citizenship laws to eliminate discrimination on the basis of colour or racial origin.

Birth registration

43. While appreciating the efforts made by the State party to improve birth registration which culminated in almost doubling the registration rate in recent years as well as the pilot project in 7 counties aimed at universal birth registration with free birth certificates, the Committee remains concerned at the low rate of birth registration (7%) and at the regional and gender disparities in birth registration, as well as at the low level of awareness among parents on the importance of birth registration.

44. The Committee encourages the State party to further strengthen its efforts at increasing the rate of birth registration, including through the effective implementation of the targeted joint projects with local partners and UN agencies. It further recommends that the State party launch extensive awareness raising programmes including campaigns on the importance of birth registration, on the process of registration, and on its benefits. In doing so, the State party should pay particular attention to the communities in outlying counties; and it is further invited to consider the use of well-resourced mobile birth registration teams to cover remote and underserved areas and extending free-of-charge birth registration with free birth certificates to children of all ages.

Asylum-seeking and refugee children

74. While welcoming that the State party allows refugees to come into its territory, mainly from Côte d'Ivoire and has put health and education services at refugees' disposal, the Committee is concerned that there is no mechanism to provide protection and assistance to refugee children, in particular unaccompanied and separated children seeking asylum.

75. The Committee recommends that the State party strengthen its assistance to refugee children with particular attention to unaccompanied and separated children seeking asylum, and ensure that a specific mechanism is set up to protect and assist particularly separated and unaccompanied children, in compliance with the international refugee and human rights law.

Children in armed conflict

76. While noting that the Children's Law protects children from involvement in armed or any other violent conflict, and criminalizes the recruitment or conscription of children into military service, the Committee is concerned that armed actors along the borders continue to recruit children into their ranks and that the State party has not taken any actions to redress the situation.

77. The Committee recommends that the State party implement necessary measures to prevent the recruitment and use of children by armed actors operating in the border areas, conduct effective and systematic investigations in relation to those recruitments and provide necessary psychosocial support and recovery assistance to child victims.

Sale, trafficking and abduction

82. While welcoming the enactment of the Anti-Trafficking Act in 2005, adoption of an action plan and the creation of a task force against Human Trafficking, the Committee is seriously concerned at the increasing incidence of trafficking in children in the State party and at the fact that no perpetrator of human trafficking has been convicted or sentenced, which may be due to the high levels of corruption. It reiterates its concern at the widespread phenomenon of relocating children from rural areas to live in Monrovia for a variety of purposes, including street vending, begging and domestic servitude. It is moreover concerned at reports claiming that orphanages and adoption agencies are used as hubs for child trafficking in the State party.

83. The Committee recommends that the State party strictly implement the Anti Trafficking Act and allocate adequate resources to the task force against human trafficking to enable it to fulfil its role effectively. The State party is urged to double its efforts in combating and bringing to an end the phenomenon of child trafficking internally and internationally for the purposes of sexual exploitation, forced labour and domestic servitude. In this endeavour the State party should:

- (a) Pay particular attention to children in rural areas belonging to poor families and who are more vulnerable to falling victims of abduction and trafficking;**
- (b) Extend and strengthen the application of the cash-transfer scheme pilot to poor families in rural areas, and create more social protection programmes, with a view to preventing the practice of relocating children to Monrovia due to poverty reasons;**

- (c) Investigate effectively all cases of child trafficking, in particular those reported to be organized by orphanages and adoption agencies, and bring perpetrators to justice and punish them accordingly;**
- (d) Provide child victims of trafficking with adequate protection and specialized assistance for speedy psychosocial recovery and reintegration in their communities; and**
- (e) Ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, so as to offer maximum legal protection to children in the context of sale, trafficking and abduction.**