LEGAL

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Shadow Report

**On the Situation of Lesbian, Gay, Bisexual, Trans and Intersex**

**Persons in Liberia**

*Submitted in relation to the initial report of Liberia*

*122ndsession of the Human Rights Committee*

*(12 March – 6 April 2018)*

***Introduction:***

***The Lesbian and Gay Association of Liberia (LEGAL)*** which came into being on the 26th January 2012, seeks to voice out issues affecting Lesbians, Gays, Transgender, Bi-sexual, Intersex (LGBTIQ) community, people living with disabilities, HIV, sex workers and female injecting drugs users, in terms of access to social freedom, social justice, social economic empowerment, health, education, equality, freedom of expression, and access to other basic rights services as the fundamental rights of all Liberians under the Constitution of Liberia and the International Treaties.

LEGAL as a Human Rights Based Organization is dedicated to advocating for the wellbeing and protection of the LGBTIQ community and other discriminated groups in Liberia, for progressive social change, which is aimed at addressing the issues of oppression, discrimination, stigma, abuse, hate crime and limited access to other basic rights services, based on their sexual orientation, gender identity, or expression. LEGAL is committed to advancing, gender justice and safe environment for its target groups in Liberia. LEGAL endeavors to promote, provide, foster and enhance access to health, education, social justice, economic empowerment, political participation, and protection for its target groups in Liberia.

**Explanatory Note**

LEGAL has submitted its first shadow report[[1]](#footnote-1) to the Human Rights Committee (hereinafter – “the Committee”) for its consideration during the 120th Session of the Committee.

As a result of the 120th Session, the Committee produced its **List of Issues (CCPR/C/LBR/Q/1)** that addresses the situation of lesbian, gay, bisexual, trans and intersex persons (hereinafter – “LGBTI persons”) in Liberia.

Particularly, the Committee asked the Government of Liberia to:

* “indicate the extent to which domestic law prohibits all forms of discrimination on the basis of sexual orientation and gender identity”;
* “explain all measures being taken to combat hate speech and violence against lesbian, gay, bisexual, transgender and intersex persons, including defenders and activists”;
* “respond to widespread allegations that the police and justice system discriminate against those persons, including through lengthy detention without trial, failure to investigate complaints and reprisals against victims of violence”;
* “provide information on the number of complaints received relating to violence against lesbian, gay, bisexual, transgender and intersex persons, including by police officers, the investigations conducted, prosecutions pursued, the penalties imposed and any reparation provided to victims”; and
* “provide information on the penalties for “deviate sexual intercourse” under article 14 (74) of the Penal Code, on any enforcement of this law and any plans to repeal it.” *(CCPR/C/LBR/Q/1, para 7).*

Reiterating all the concerns that we have already explained in our shadow report submitted for the 120th Session of the Committee, namely, criminalisation of same-sex conduct, as well as violence and discrimination against LGBTI persons and lack of any effective response to such violence and discrimination from the State, we would like to provide the honorable Committee members with information on some new cases occurred or documented after we submitted our previous report, as well as further elaborated suggested questions and recommendations for the Government of Liberia.

**New cases of violence against LGBTI persons**

* *In early October, 2017, W., a trans person (24 y.o.), was attacked and beating in his community in New kru Town, Bushrod Island, Monrovia, as the result of his sexuality.*
* *In late June 2017, Mary, as she prefers to be called, was attacked by her neighbor on the Du-port Road that led to the cut of her finger. The case was taken to the police and later the case was sent to the court. Few days later, Mary was told that the mother of the accuser went to the court and raised the issues that Mary is a lesbian. Other (homophobic) lawyers participating in the court proceedings went on to free the accuser (O.W.) and she was released without Mary’s consent. Mary seen it as an act against her fundamental rights as a human being.*
* *In 2017, T., a trans person (16 y.o.) was put out of his parent’s home in the new Georgia community as the result of his sexual orientation and gender identity and still being left vulnerable. T. is now sheltering at a community member home in Monrovia.*
* *According to Red Rose, another trans person, she was put out of her parent’s home by her mother who told her that she regretted having her as a child. On another occasion, she was beaten by some community youths as the result of her gender identity, when they saw her having conversation with a heterosexual youth of her age, without knowing nature of the conversation.*
* *In 2017, in Grand Bassa County, a trans person was gang rape in Number Two Compound, Grand Bassa County.*
* *In 2017, 8 members of the LBGTIQ Community were alleged of sodomy and rape. Following court proceedings, they were sent to a prison at the Monrovia, Central prison. They are still in this prison, without any Defend Counsel.*
* *In early January 2017, P.L., a community member, was blackmailed, beaten around the ELWA beach, and all his belonging was stolen away. Others came around to help him out, but the attackers told the few guys that P.L. was a gay and he came to harass them. As a result, P.L. was so afraid and did not report the case to the police for fear of being arrested and put in jail.*
* *In 2017, during the electoral process, some political aspirants were accused of being gay, and some members of the past government were also accused. The media and the social media picked it up and it went wide. This situation also puts the LGBTIQ community in the state of vulnerability. The LGBTI Community members participated in the electoral process in their various communities as Liberians and some communities which they, some said that they were insulted. Majority of the LGBTIQ, Sex workers and female drugs users voted for the present government.*

**Proposed Questions to the Government of Liberia:**

* How does the government of Liberia intend to address the issues of religious fundamentalism, as well as cultural and racial discrimination that are breeding hate crimes, violence, abuse and attacks against the LGBTI persons in Liberia?
* Following all the challenges that the LGBTIQ Community is faced with, in relations to the law, the penal code or the two bills that are before the house of parliament, what mechanism the Government of Liberia intend to use to decriminalize these laws or proposed bills?
* In terms of access to health care services, protection and other basic rights services for the LGBTIQ Community, what the Government of Liberia is doing about this?
* There are members of the LGBTI Community who are been placed in prison since 2010-2018 for alleged sodomy. What the government of Liberia intend to do about this, so as to provide fair justice and protection for these people who are part of the Country’s Population?
* When it comes to the rectification and domestication of international treaties and conventions, why the government of Liberia is finding it difficult to implement those international treaties and conventions which they are signatory to?

**Suggested Recommendations for the Government of Liberia:**

* + repeal the **Penal Code** section 14.73,74,75 and 14.79, and all other laws that are discriminatory to LGBTI people in Liberia, should stop the passage of the two bills that are pending before the house of parliament that intend to criminalize same-sex act, should stop imprison LGBTI people under the above-mentioned Penal Code provisions, and should replace it into policy or laws that will protect the rights and well-being of the LGBTIQ Community in Liberia;
  + be more proactive in addressing LGBTI rights and protection issues;
  + establish a special desk within the justice system that will handle LGBTI related cases without any form of gender discrimination, stigma, abuse or hate;
  + institute a policy that will reduce hate crimes and violence against LGBTI community in Liberia;
  + domesticate Resolution 275 and other International Treaties so as to address human rights issues in Liberia properly;
  + fully work, through Government line ministries and entities, with human rights Institutions to strengthen and conduct human rights advocacy training heads of community based organization and community leaders at the community level and engage key Duty Bearers and Community Leaders in the fifteen counties of Liberia so as to create a clear picture and platform on LGBTI issues as human rights issues;
  + institute a policy that will allow free and safe access to health care services and other rights services for LGBTI persons in Liberia, without any form of gender discrimination, stigma, hate, or abuse;
  + enforce the domestication of all International Protocols, declaration or treaties which it has affixed its signatures on, so as to enhance the rights and protection of all Liberian, regardless of their sexual orientation or gender identity;
  + conduct a monthly documentation of Human Rights abuse cases at the local and national levels for redress;
  + work along with the LEGAL and other LGBTI Networks to conduct community needs assessment in the 15 counties to identity other issues affecting the LGBTI Community and identify priorities needs and intervention;
  + conduct speedy trail of alleged sodomy cases at the court level within the 15 Counties of Liberia; and
  + protect all rights as it is indivisible to ensure equality for all under the Constitution.
  + publicly affirm universal human rights and categorically condemn discrimination, including on the basis of sexual orientation and gender identity;
  + Announce that you will veto any legislation that is discriminatory on the basis of sexual orientation or gender identity, and veto any such laws that come to you for signing;

1. Available at: <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fLBR%2f27149&Lang=en>. [↑](#footnote-ref-1)