

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review: 3rd Cycle, 36th Session

LIBERIA

I. BACKGROUND INFORMATION

Liberia acceded to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* in 1964 and 1980 respectively. Liberia acceded to the *1954 Convention relating to the Status of Stateless Persons* in 1964. Liberia became a Party to the *1961 Convention on the Reduction of Statelessness* in 2004. Liberia is also party to key regional instruments. The Liberian Government ratified the *1969 Convention Governing the Specific Aspects of Refugee Problems in Africa* in 1971; and the *2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)* in 2014. No reservations were made by Liberia.

Liberia is a democratic country bordered by Guinea, Sierra Leone and Cote d'Ivoire. Liberia has a population of 4.732 million (2017). The population falling under UNHCR's mandate is of 8,746 persons as of end of June 2019, namely 8,623 Ivorian refugees, 46 asylum-seekers and 77 persons of various nationalities. 99 per cent of the populations of concern in Liberia come from Cote d'Ivoire. The protection environment is favourable and since 2017 the Government has agreed to integrate those refugees who may choose not to repatriate. Of the 8,623 Ivoirians, 4,224 representing 49 per cent are female while 4,399 representing 51 per cent are male. The largest population groups are aged between 0 – 17 years and form 55 per cent of the entire population with the elderly (60+) forming 4 per cent. The remaining 41 per cent are at their most productive ages of 18 – 59 where the population of males outnumbers the females 51 per cent to 49 per cent.

Regarding stateless persons or persons at risk of statelessness, no concrete data is currently available. No statelessness determination procedure has been yet established in the country.

The administration of President George M. Weah registered its first year in office in January 2019 without major security challenges posed to the new government. The resource constraints continue to remain a challenge in building Liberia's national security system. During the latter part of its first year in office, the Weah administration finalized and launched an ambitious Pro-Poor Agenda for Prosperity and Development (PAPD). The economy is expanding at 0.4 per cent in 2019 under current policies, down from an earlier estimate of 4.7 per cent. Inflation reached an all-time high of 28.5 per cent by end December 2018, fuelled by significant depreciation of the Liberian dollar against the US dollar (20.3 per cent y-o-y) and monetary expansion.

The rise in the cost of living due to inflationary pressures and limited employment opportunities continue to undermine the welfare of Liberians and refugees. Human rights issues include reported harsh and life-threatening prison conditions; official corruption; lack

of accountability in cases of violence against women due to government inaction in some instances, including rape, domestic violence, and female genital mutilation/cutting (FGM/C); trafficking in persons; and child labour. Corruption at all levels of government continues to undermine public trust in state institutions.

II. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 2nd cycle UPR recommendations

Issue 1: The right to a nationality

Linked to 2nd cycle UPR recommendation no. 100.59 supported by the Government: “Guarantee women the same right as men to transmit their nationality to their children, in particular by deleting Section 20.1 (b) of Part III of the “Law on Immigration and Nationality” (Switzerland)

The right to Liberian nationality is governed by Article 28 of the 1986 *Liberian Constitution* and the *Aliens and Nationality Law of Liberia*. Several aspects of *Section 20.1 (b)* (Chapter 20. Nationality at Birth) of this law raise human rights concerns as they prescribe that individuals born abroad of a non-Liberian father are at risk of losing their right to a Liberian nationality as they are requested to go through naturalization processes to become Liberian nationals.

Firstly, *Section 20.1 (b)* discriminates against Liberian women who have children with foreign nationals or have children abroad, from passing on their nationality automatically to their children in the same terms that their male citizens. These provisions contravene the *Liberian Constitution*, the *Statelessness Conventions* to which Liberia is a Party as well as international human rights treaties.

Gender inequality in nationality laws can create statelessness where children cannot acquire nationality from their fathers. This can occur (i) where the father is stateless; (ii) where the laws of the father’s country do not permit conferral of nationality in certain circumstances, such as when the child is born abroad; (iii) where a father has been unable to fulfil administrative steps to confer his nationality or acquire proof of nationality for his children because, for example, he has died, has been forcibly separated from his family, or cannot fulfil onerous documentation or other requirements.¹

Secondly, the *Alien and Nationality Law* and the *Liberian Constitution* discriminate against persons born in Liberia who are not Negro or of Negro descent, by preventing them from acquiring the Liberian nationality at birth. Likewise, non-Negro spouses cannot naturalise as Liberians. Furthermore, *Section 21.1.1* of the same law prescribing eligibility criteria for naturalization excludes persons who are not Negro or of Negro descent from naturalization. Discrimination on grounds of race in nationality laws also increases the risk of creating stateless populations, especially among minority communities perceived not to originate from that country.

UNHCR has worked with various stakeholders including the Liberia Refugee Repatriations and Resettlement Commission (LRRRC) and Liberian Immigration Service (LIS) since late 2015 to build-capacity, debate on and amend *Section 20.1 (b)* of the *Alien and Nationality Law*. In addition, Liberia supported the adoption of the *Abidjan Declaration on the eradication of statelessness in West Africa*. The UN Secretary General, Antonio Guterres,

¹ UN High Commissioner for Refugees (UNHCR), Background Note on Gender Equality, Nationality Laws and Statelessness 2019, 8 March 2019, available at: <https://www.refworld.org/docid/5c8120847.html>.

congratulated Liberia on its commitment to address statelessness and ensure all women and children are able to enjoy their right to a nationality.

Recommendations:

UNHCR recommends the Government of Liberia:

- a) To consider taking further steps expeditiously to amend the *Alien and Nationality Law* (ANL) with a view to remove all provisions that discriminate on the basis of gender and race with regard to the right to nationality and naturalization; and
- b) To continue supporting regional and global initiatives to end statelessness.

Additional protection challenges

Issue 3: Lack of an applicable legal framework for stateless persons

The *1954 Convention relating to the Status of Stateless Persons* establishes a standard of treatment which can only be applied by a State party if it knows who the recipients of this treatment should be.² On a procedural level, Liberia has not yet introduced a statelessness determination procedure (SDP) allowing stateless persons to regulate their status and enjoy the rights they are entitled to. No facilitated avenue for naturalization exists for stateless persons. The domestication of the *1954 Convention*, and thus, the protection of the population at risk of statelessness remains a challenge in Liberia.

A key distinction that shall be stressed is the different approaches required for *in situ* stateless populations and for stateless persons in migratory contexts. It is well understood that SDPs are generally only appropriate where statelessness arises from migrations and that as much as possible, *in situ* stateless populations should directly acquire a nationality through measures such as nationality confirmation campaigns.

Recommendations:

UNHCR recommends that the Government of Liberia:

- a) Consider reviewing and prioritizing the passage into law of the *Amended 1993 Refugee Act*, providing the establishment of a statelessness determination procedure and issuance of statelessness status to concerned persons; and
- b) Adopt regulations for facilitated acquisition of citizenship by naturalization for refugees and stateless persons;

Issue 4: Ensure respect for the principle of non-refoulement

The *1993 Refugee Act* outlines the policy, procedures and standards for granting refugee status. It provides rights and privileges to those recognized as refugees and safeguards, including respect for the principles of “non-refoulement”, as contained in the *1951 Convention* and its *1967 Protocol* as well as in the *1969 OAU Convention*. However, in practice, 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 Refugee Act* are specifically denied by the *Alien and Nationality Law*. For instance, the *1993 Refugee Act* gives access to the Liberian territory and the right to cross the Liberian border to seek asylum and protection inside the Republic of Liberia against refoulement by immigration officers or police officers once an individual wish to claim asylum is known. *Section 5.1 of the Alien and Nationality Law* states that aliens can be refused entry into Liberia for a variety of reasons with no reference to exceptions for asylum-seekers. For the purposes of this law, “any person not a citizen of Liberia” represents an alien.

² UN High Commissioner for Refugees (UNHCR), *Statelessness Determination Procedures and the Status of Stateless Persons* (“Geneva Conclusions”), December 2010, available at: <https://www.refworld.org/docid/4d9022762.html>.

Recommendations:

UNHCR recommends that the Government of Liberia:

- a) Consider amending the *Alien and Nationality Law* in order to effectively ensure the right to seek asylum without restrictions and respect for the principle of non-refoulement.

UNHCR

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