

THE  
CARTER CENTER



Liberia

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The Carter Center  
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This submission summarizes the findings of The Carter Center's election observation mission to the 2017 elections in Liberia in the context of the List of Issues. It is submitted for inclusion in the review of Liberia's state report by the U.N Human Rights Committee.

## Reporting Organization

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A not-for-profit, nongovernmental organization, The Carter Center has helped to improve life for people in more than 80 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; and improving mental health care. The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and former First Lady Rosalynn Carter, in partnership with Emory University, to advance peace and health worldwide.

The Carter Center's Democracy Program works globally to promote democratic elections and governance consistent with human rights. The Center has monitored 107 elections in 39 countries since 1989, forging many of the techniques now common in the field. The Democracy Program's Democratic Election Standards (DES) has developed practical tools, including the Election Obligations and Standards (EOS) database and Assessment Manual which make available common criteria for assessing elections based on public international law.

## The Carter Center in Liberia

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The Carter Center has a long history of engagement in Liberia having first opened a field office in 1992. Over the past 25 years, the Center has initiated programs in conflict resolution, support to civil society, human rights, access to information, access to justice, and mental health. The Carter Center observed elections in 1997, 2005, 2011, and 2017. The efficacy and integrity of these programs has established The Carter Center as a credible voice in Liberia on Liberia's human rights obligations. This report focuses on findings of the international election observation mission, and obligations relevant to the right to participate in public affairs.

Ahead of the 2017 general election, Carter Center experts conducted three pre-election assessment missions to engage with government officials, politicians, and members of civil society about the issues affecting the ongoing electoral process, and deployed an Electoral Expert in Jan. 2017. At the invitation of the Liberian National Election Commission (NEC), The Carter Center observed the voter registration period with a delegation, deployed from Feb. 20 to March 1, 2017, that visited 40 voter registration centers in 21 electoral districts across eight of Liberia's 15 counties.

In response to an invitation from the NEC, the Center organized an international observation mission for the 2017 legislative and presidential elections. The mission included a core team of experts, and a team of six Long-term Observers (LTOs), (deployed in Aug. 2017) to monitor electoral developments in the pre-election, election, and post-election periods. The Center deployed 50 observers from 17 countries for the first round of voting on Oct. 10, and 45 observers from 24 countries for the second round on Dec. 26 to all of Liberia's 15 counties. In the post-election period, Carter Center observers remained in Liberia to monitor the tabulation process following both rounds, as well as the electoral dispute resolution process that took place between the first and second rounds.

This submission is based on the data collected by The Carter Center's 2017 election observation mission to Liberia. It addresses gaps in the legal framework for elections in Liberia, as well as observed issues related to the 2017 election process. This submission offers an update on Liberia's adherence to the obligations of the ICCPR in regard to the 2017 electoral process, and also provides

key recommendations based on the List of Issues for Liberia adopted during the 120<sup>th</sup> session in August 2017.

## Equal Participation of Women (arts. 2,3,25, and 26)

Although Liberia was the first country in Africa to democratically elect a woman as the head of state in 2005, women continue to face distinct challenges when attempting to participate in political life. In previous elections, The Carter Center observed that women were underrepresented as voters, poll workers, party agents, and candidates, which was a trend that continued during the 2017 elections.

Despite Liberia's commitment to ensuring women have the opportunity to participate in political life on equal terms with men through its ratification of the CEDAW,<sup>1</sup> the legal framework for elections does not foresee the use of quotas or other positive measures that would guarantee the representation of women in elected office.<sup>2</sup>

Liberia has struggled to find a way to legally promote women's political participation within the country's first-past-the-post electoral system. During the Unity Party administration of President Sirleaf, more than a dozen bills have been considered by Liberia's legislature to promote the political participation of women. All have failed. The most recent attempt at legislation for the protection and promotion of women's political rights was an Equality Bill that underwent extensive consideration by the legislature, but ultimately was not passed and in force for the 2017 elections.<sup>3</sup>

Liberia's legal framework for elections is not conducive to gender parity among candidates. As part of the 2016 amendments to the election law, parties were asked to "endeavor to ensure" that

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<sup>1</sup> "States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure women, on equal terms with men, the right (...) to be eligible for election to all publicly elected bodies." Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), Art. 7.

<sup>2</sup> Such measures are encouraged under CEDAW, "Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved." UN, CEDAW, Art. 4.1.

<sup>3</sup> The Affirmative Action for Equitable Participation and Representation Act of 2016 (known as the Equality Bill). Previous attempts to pass legislation promoting women's political participation have failed, perhaps in part because male legislators are unwilling to vote for a quota that was seen as giving up male-held seats to women. In recognition of this, the Equality Bill took a different approach and proposed the addition of new, reserved seats in Liberia's House and Senate for women, youth and persons with disabilities. While the original version of the law passed in the Senate established 21 new seats, 15 of which were to be for women, the version subsequently passed in the House established only seven new seats, 5 of which would be for women. A special committee was convened by the legislature to reconcile the differences between the two bills. It was unable to do so and therefore the law was not in force for these elections. Although the bill gained some traction in the year before elections, the differences in the number of seats it would establish, along with questions about how it would be implemented, concerns about the cost of a larger legislature, the details of how elections would be held for the reserved seats, and what it would mean for overall representation, kept it from becoming law in advance of the 2017 elections.

the list of nominations they submitted for registration had no less than 30 percent representation of either gender.<sup>4</sup> The NEC struggled with questions about the legal implication of the clause, what would constitute evidence of “endeavors,” and whether the NEC would have legal grounds to reject a political party’s candidate list if it determined a party had not adequately “endeavored to ensure” that at least 30 percent of its candidates were women. Almost all of the final party lists fell short of the 30 percent provision, with only two of the 23 contesting parties, the Liberian Restoration Party (LRP) and the New Liberia Party (NLP),<sup>5</sup> reaching the 30 percent recommendation. More broadly, women made up just 15.8 percent of the candidates for the House of Representatives,<sup>6</sup> and only one woman ran for the presidency. Barely 12 percent of the outgoing House of Representatives and 10 percent of the Senators were women, and the 2017 elections did not increase women’s representation in the legislature. In the House, it remained the same, and in the Senate representation of women may decrease when newly elected Vice President Jewel Taylor’s seat is filled.

The financial prerequisites for registering as a candidate may also have a negative effect on the number of female candidates, as all aspirants to the House of Representative and the Senate must provide the NEC with proof of US\$2,500 in funds-in-hand, regardless of income. For the office of the presidency, the prerequisites of candidature are even more restrictive as only individuals owning more than US\$25,000 of property may register as a candidate.<sup>7</sup> In the context of Liberia, these requirements unfairly disadvantage female aspirants who are often less likely to have the necessary funds or own property. This problem is compounded by the NEC’s more stringent requirements for independent candidates<sup>8</sup>, which makes it even more difficult for women to register without the support of a political party.

While the Center observed that the National Election Commission (NEC) made specific efforts to reach out to women to register to vote, and that women as a portion of the electorate increased to 48 percent, women remained vastly underrepresented among poll workers, and party agents. For the first round of elections women made up 39 percent of polling staff at polling places observed by The Carter Center, and 22 percent of presiding officers. These percentages slightly increased in the second round, with 43 percent of polling staff being women and 25 percent of presiding officers being women. Political party agents were also predominantly men at polling places observed by the Center; observers noted that 31 percent of party and candidate agents were women in the first round and 26 percent in the second round.

The Carter Center suggests the Committee consider the following recommendations:

- ❖ The legislature should prioritize passage of legislation that will genuinely ensure equal political participation, and should weigh carefully the strengths and weaknesses of quota and reserved seat options. Other methods for increasing women’s participation could include waiving or significantly reducing fees for female candidates and ensuring special access for female candidates to state media.

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<sup>4</sup> New Elections Law, Art. 4.5(1) (c)

<sup>5</sup> Eleven out of the 37 LRP candidates for the House are women. In the case of the NLP, one of the three candidate fielded for the House of Representatives was a woman.

<sup>6</sup> 156 of 984 candidates

<sup>7</sup> Liberian Constitution (1986), Art. 52

<sup>8</sup> Independent aspirants must provide proof of funds in the amount of US\$5,000 and they must secure a US\$10,000 insurance policy prior to registering as a candidate.

- ❖ Liberia should continue to proactively collect data on gender and minority representation amongst NEC officials and promoting women in leadership positions.
- ❖ Limitations in Liberia’s constitution on the right to stand for elections based on property ownership is unduly restrictive and consideration should be given to removing this limitation. These limitations particularly impact women, as the legal framework does not guarantee spouses the right to joint property ownership. Consideration should be given to waiving the registration fee for female aspirants to promote gender balance.

## Rights to due process and a fair trial (arts. 2, 9, 14, and 16)

The legal framework for the effective resolution of election related disputes in Liberia is grounded in the Constitution and the elections law. The right to an effective remedy is fundamental to ensuring the fulfillment of all other human rights, and is applicable through the electoral process.<sup>9</sup> These guarantees require that citizens have equal opportunity to bring electoral complaints before the appropriate authorities and be given due process. However, during the 2017 electoral period, the incongruence of the election calendar with the timeline for hearing election complaints threatened to cause a constitutional crisis and forced the NEC to resort to extraordinary measures to prepare the second round of voting.

Following the first round of voting, a complaint filed by the Liberty Party (LP) and Unity Party (UP) alleged widespread and systematic fraud in the polling process and requested a rerun of the elections. The Liberian Constitution sets a strict timeline for the hearing of complaints that gives parties seven days to file a complaint following the announcement of results which can occur up to 15 days after election day. After receipt of the complaint, the election commission has 30 days to investigate and rule on the merits of the complaint. The party then has seven days to appeal the decision to the Supreme Court, which will then have an additional seven days to decide the case (summarized in Table 1). Given these legal limits, if the complainant and the relevant adjudicating bodies exhaust their available time, the dispute resolution process from the first round of voting would extend far beyond the last feasible election date that would allow for a similar complaints period prior to the constitutional mandated inauguration on the “third working Monday in January.”<sup>10</sup> While the opposition complaint was heard and denied by the Supreme Court on Dec. 7 in accordance with the legal timeline for electoral dispute resolution, the hearings resulted in a postponement of the second round from Nov. 7 to Dec 26.

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<sup>9</sup> Liberian Constitution (1986), Chapter III, Article 11 (c); State’s Report pg. 20; Liberian Constitution Article 26; State Report pg.5

<sup>10</sup> Liberian Constitution (1986), Art.58

Event	Timeline	Maximum Timeline	Cumulative
Announcement of Results	Up to 15 days after election day	E Day +15	
Deadline for Filing Complaints	7 days after the announcement of results	E Day + 22	
Investigation and Ruling by NEC	Within 30 days of the complaint being filed	E Day + 52	
Appeal of NEC decision to Supreme Court	Within 7 days after decision by NEC	E Day + 59	
Decision by Supreme Court	Within 7 days	E Day +65	

Table 1: Summary of Dispute Timeline

There were no complaints following the second round of voting. If a complaint had been filed regarding the results of the second round, the dispute resolution period would have potentially delayed the finalization of results to the point that there would not have been a president to inaugurate prior to the constitutionally mandated inauguration date.

Liberia should conduct a legal framework review that carefully considers the timeframes in the constitution and election act that guide the electoral dispute resolution process. These timeframes should be considered along with other components of the electoral calendar, the timing of the elections, and the constitutional timeframes for the swearing-in of government and the president. Providing timeframes for the filing, hearing, and decisions of disputes is important to ensuring that the right to an effective remedy is respected. These timeframes must be well-synched with other elements of the electoral process.

As another example of the need to consider the potential impacts of the various timelines and deadlines, it was suggested during the constitutional review process that elections be held in November to avoid the rainy season. While moving elections out of the rainy season would certainly be positive, pushing elections closer to the constitutional timeframes for the swearing in of government would further compress the dispute resolution timeframes, and increase the likelihood that Liberia could face a constitutional crisis during future electoral processes.

Liberia's Constitutional Review Committee also suggested the establishment of an Electoral Court. Currently, electoral disputes are heard by district-level NEC magistrates and a NEC Hearing Office based in Monrovia. Decisions from the Hearing Office can be appealed to the NEC's Board of Commissioners, and decisions from the Board of Commissioners can be appealed to the Supreme Court. This system has been in place since the 2005 elections, and has raised questions about the neutrality of the dispute resolution process - can the NEC effectively make decisions regarding complaints filed against itself? The system has also put a strain on the country's legal system where there are few trained lawyers, and has created a dependence on the international community to provide legal and dispute resolution training for NEC magistrates and officials who are tasked with electoral dispute resolution responsibilities.

While the establishment of an Electoral Court might resolve some of the independence and neutrality questions, it would require an equal if not greater investment in resources and training to ensure the Court's functionality. Consideration should be given to ways to strengthen electoral

dispute resolution in Liberia, possibly including steps to strengthen the current system, as well as further review of the potential opportunities and challenges of an Electoral Court system.

The Carter Center suggests the Committee consider the following recommendations:

- ❖ The constitutionally set dates for the election and inauguration should be reviewed along with the timeline for post-election disputes. In line with international good practice and to ensure that all participants in the election process have access to a timely and effective remedy, the period for complaints and appeals should be reviewed and the timeline adjusted so all complaints can be fully reviewed before the certification of the candidates for the run-off and the winning candidates.

### Right and Opportunity to be Elected and Participate in Public Affairs. (art. 25)

The State should ensure that citizens have the right and opportunity to stand for elective office, and that voters have a free choice of candidates.<sup>11</sup> International and regional treaties protect the right of every citizen to stand for election, subject only to reasonable restrictions. Liberia's legal framework for elections, including the constitution and election law, contain a number of restrictions on the right to stand that could be considered unreasonable, including restrictions based on party membership, property ownership, education, and inequitable fees.

As previously discussed in relation to women's participation in political life, the Liberian Constitution limits the right to stand for public office based on residency and the value of property ownership. To hold the office of president or vice-president, one must be the owner of property valued at no less than US\$25,000 and have resided in the country for the ten years prior to the election.<sup>12</sup> These limitations are unduly restrictive and inconsistent with international standards.<sup>13</sup> The constitutional review process recommended increasing these restrictions, as well as increasing age and education restrictions. Doing so would put Liberia in further conflict with international standards.

Although independent candidates are allowed to contest the presidency and legislative elections, the legal framework does not provide for the participation of independent candidates on an equal basis with party candidates.<sup>14</sup> While all aspirants were required to pay a fee in order to be registered as a candidate,<sup>15</sup> registration fees for independent candidates are more onerous without the support of a party. Independent presidential candidates are also required to maintain a minimum balance of US\$10,000 in a bank account, secure an insurance policy valued at US\$100,000, and collect 500 signatures in six different counties. These conditions are not required of those nominated by

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<sup>11</sup> UN, ICCPR, Art. 25 (a); UNHRC, General Comment 25, para. 15.

<sup>12</sup> Liberian Constitution (1986), Art. 52.

<sup>13</sup> UNHRC, General Comment 25, para. 15 states that "any restrictions on the right to stand for election [...] must be justifiable on objective and reasonable criteria. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation."

<sup>14</sup> UNHRC, General Comment 25, para 17: "The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties."

<sup>15</sup> For presidential candidates US\$2,500; for vice-presidential candidates, US\$1,500, for House of Representatives, US\$500.

a political party.<sup>16</sup> While likely aimed at reducing the strain on state resources from candidates with minimal support among the electorate, these additional requirements unduly disadvantage persons wishing to stand as independent candidates.

The 2014 National Code of Conduct put additional limitations on the right to stand for those currently serving as public officials, requiring those serving in a position appointed by the president to resign at least two years prior to an election in which they wished to run for elected office.

Although requirements placed on appointed public officials to step down from office two to three years prior to participating in an election may be intended to protect against the abuse of state resources in campaigns, aspects of these limitations – including the length of time in advance of elections that officials are required to step down from office– unreasonably restrict the right to stand for elections.<sup>17</sup>

In March 2017 and in advance of the candidate nomination period, the Supreme Court ruled on the constitutionality of the Code of Conduct, and in particular, the limitations on the right to stand for elections. Despite criticisms that the provisions are overly discriminatory, the majority of the court found the code’s requirement to resign to be in line with the Liberian constitution. The court was divided on the matter with two of the five justices dissenting.

The Carter Center suggests the Committee consider the following recommendations:

- ❖ Limitations on the right to stand based on property ownership and residency are unduly restrictive and consideration should be given to removing these limitations.
- ❖ Restrictions on the right to stand currently in the National Code of Conduct are overly restrictive, not in line with the ICCPR, and should be repealed or amended. In amending the National Code of Conduct the legislature should ensure the mechanisms for preventing the misuse of public resources and public office are enforceable. The executive should quickly establish the institutions with the authority to oversee compliance with the code and ensure that violations are promptly addressed.
- ❖ The onerous registration requirements for independent candidates should be lifted to allow independent candidates to run on equal footing with party candidates.

### Participation in public affairs and freedom of assembly (arts. 2, 21, 25, 26, and 27)

The right to participate in public affairs and to assemble peacefully is protected by the Liberian constitution. However, gaps in the legal framework protecting these rights lead to the marginalization and exclusion of groups who fall outside of the scope of the Constitution.

***Mandingo and Muslim Communities*** - Muslims in Liberia represent 12 or more percent of the population, but Muslims are underrepresented in politics, and Carter Center observers heard

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<sup>16</sup> Requirements for the House of Representatives independent candidates are less onerous requiring a minimum balance of US\$5,000 and an insurance policy of US\$10,000.

<sup>17</sup>UNHRC, General Comment 25, paras. 15–17: any conditions placed on political party and candidate registration processes should be “based on objective and reasonable criteria and incorporating fair procedures.”



consistent allegations of discrimination based on religion and ethnicity.<sup>18</sup> The National Muslim Council (NMC) reports that out of the 73 members of the House of Representatives, six are Muslims, while there are no Muslims in the Senate. There were several Muslim candidates for the House of Representatives, but only one Muslim among the 40 registered vice presidential candidates.<sup>19</sup> According to the NMC, the limited presence of Muslims as candidates stems from a long-term alienation from the country's political and social life. This limited participation could be further compromised if a proposition of the Constitutional Review Committee to officially declare Liberia a Christian nation materializes.<sup>20</sup>

During voter registration, Carter Center observers heard allegations that members of the Mandingo and Muslim communities experienced difficulty in accessing the voter registration process on the basis of their ethnicity and religious affiliation. Many of these allegations claimed that Mandingo citizens were discriminated against during registration due to the perception that they were not Liberian citizens and that their names and accents were used as a measure of their eligibility to vote. Further complaints also suggested that Muslim citizens were consistently asked to produce more documentation than non-Muslim citizens to register to vote. The Carter Center observation team was unable to independently verify specific allegations. However, the volume and consistent nature of the claims raises concerns about the ability of Mandingo and Muslim citizens of Liberia to freely participate in public affairs.

***Persons with Disabilities*** - During the voter registration period, the Carter Center also heard concerns from persons with disabilities about the accessibility of Voter Registration Centers (VRC) and polling places on election day. Of the VRCs observed during the exhibition of the voter's list, approximately half were accessible by wheelchair, and during both rounds of the general election, observers noted that the vast majority of polling places did not allow persons with disabilities to access them independently.

For those with visual impairments, the NEC reintroduced a tactile ballot guide which was last used in 2005. These guides allowed visually impaired voters to vote independently, but observers did not see widespread use of the tactile ballot guides and it did not appear that many visually impaired voters were aware of the option. While the NEC made an effort to ensure persons with physical disabilities were able to vote, the accommodations made by the NEC fall short of Liberia's international commitments to ensure persons with disabilities have the opportunity to exercise their political rights on an equal basis to others.<sup>21</sup>

***Citizenship and Voting Eligibility*** - The Liberian Constitution provides that every Liberian citizen of 18 years of age and over has the right to vote in public elections and referenda and to be

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<sup>18</sup> 2008 Population and Housing Census. Liberia Institute of Statistics and Geo-Information Services (LISGIS). Other sources estimate that Muslims in Liberia account for 20 percent of the population.

<sup>19</sup> William Knowlden, vice presidential candidate for the Movement for Progressive Change (MPC).

<sup>20</sup> In March 2015, the CRC approved 25 recommendations to set an agenda for amending the current 1986 Constitution. One of the recommendations was to include in the text a reference to make Liberia a Christian nation. President Johnson-Sirleaf expressed opposition to such an amendment.

<sup>21</sup> UN, CRPD, art. 9 states that states need to ensure "appropriate measures to ensure to persons with disabilities access, on an equal basis with others...to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas." Art. 29: states "shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others."

registered as a voter,<sup>22</sup> but the constitution restricts the right to citizenship to, “Only persons who are Negroes or of Negro descent shall qualify by birth or naturalization to be citizens of Liberia.”<sup>23</sup> This condition on obtaining citizenship is inconsistent with Liberia’s international obligations to respect human rights, and it limits the possibility of long-term residents that do not meet the race requirement to obtain citizenship and enjoy the same political rights as Liberian citizens. In addition to those not qualified for citizenship, persons who have been convicted of an infamous crime,<sup>24</sup> and those who have been declared legally incompetent or of unsound mind are also disenfranchised under Liberian law.

In addition to these restrictions, the current application of the election law and procedure clearly violates Liberia’s international obligations, as there was no process to register voters for the 2017 polls who would have turned 18 between the voter registration period and election day. Liberia’s voter registration process also did not provide franchise rights to persons in prison who had been accused of a crime but were not yet convicted.<sup>25</sup> International human rights law and the laws of Liberia support the enfranchisement of pre-trial detainees. However, providing the opportunity for these citizens to register to vote required cooperation between the NEC and Ministry of Justice that did not happen during the registration process.<sup>26</sup> Although it is difficult to verify the number and locations of pre-trial detainees across the country, The Carter Center heard reports that some may wait as many as three years for a trial. In January 2017, the legislature of Liberia conducted public hearings to consider this issue, but a solution has not yet been implemented.

**LGBTI Rights** - Liberia’s legal framework includes anti-gay legislation that promotes discrimination based on sexual orientation or gender identity and limits the meaningful political participation of some citizens, in part by contributing to a political atmosphere of discrimination and intolerance which may have a chilling effect on participation. Liberia’s legal framework criminalizes homosexuality,<sup>27</sup> and contradicts Liberia’s international human rights commitments.<sup>28</sup> During the campaign period, anti-gay discourse was prevalent, and most candidates promoted increased discrimination of Liberia’s LGBTI community.

Current legislation makes homosexual conduct a misdemeanor, though it can be punished by up to a year in prison. The existing criminal statute makes LGBTI individuals vulnerable to human rights violations, exploitation, and violence.

In recent years, attempts have been made to strengthen anti-gay legislation in Liberia. In 2012, then-Senator Jewel Howard-Taylor introduced a bill that would have made same-sex marriage a felony. The bill was passed by the Senate in July 2012, but did not fully pass the remainder of the

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<sup>22</sup> Liberian Constitution (1986), Art. 77(b)

<sup>23</sup> Liberian Constitution (1986), Art. 27(b)

<sup>24</sup> New Elections Law, Art. 3.1. A crime is considered an infamous crime when it constitutes treason or a felony, because it involves moral turpitude of a nature that creates a strong presumption that the one guilty is unworthy of belief in a court of law or involves a capital crime.

<sup>25</sup> While by law these persons are eligible to register and to vote, processes were not in place to enable pre-trial detainees to register to vote.

<sup>26</sup> The Carter Center International Election Observation in Liberia Statement on the Voter Registration Process. March 3, 2017.

<sup>27</sup> Penal Law, Liberian Codes Revised Volume IV, Title 26, Section 14.

<sup>28</sup> UNHRC, Toonen v Australia (1992), para. 8.7 – the Committee decided that “sex” as a prohibited ground for discrimination included sexual orientation.

legislative process. That same year Representative Clarence Massaquoi introduced a bill that would have criminalized “acts that arouse or tend to arouse another person of the same gender to have sexual intercourse.” Both bills failed to pass the House of Representatives, but according to Liberian human rights organizations “still remain in the upper house and could be revived in the future.”<sup>29</sup>

The Carter Center suggests the Committee consider the following recommendations:

- ❖ Efforts should be made to ensure that no ethnic or religious groups are excluded from political participation.
- ❖ In light of Liberia’s commitment under Article 18 of the International Covenant on Civil and Political Rights, the Liberian constitution should continue to protect religious freedom and should not identify a preferred faith.
- ❖ Take steps to facilitate independent voting by persons with disabilities, including temporary measures such as the use of ramps to facilitate access to polling places; increasing efforts to raise voter awareness of the tactile ballot; and training poll workers to proactively offer the tactile ballot to visually impaired voters
- ❖ Remove of the race-based citizenship requirements.
- ❖ Establish procedures to extend voter registration to those turning 18 between voter registration and election day, as well as for pre-trial detainees in order to prevent unlawful disenfranchisement of persons eligible to vote.

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<sup>29</sup> *Human Rights Violations Against Lesbian, Gay, Bisexual, and Transgender (LGBT) People in Liberia*, SAIL et al, April 2017, p3.