THE SPACE FOR WOMEN HUMAN RIGHTS DEFENDERS AND LGBTQI ACTIVISTS IN LIBERIA

A STUDY ON THE SITUATION OF HUMAN RIGHTS DEFENDERS IN LIBERIA (MONTSERRADO & GRAND BASSA)

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INTRODUCTION

The world has seen an unfortunate development of shrinking civic and democratic space across the globe during the last decade. State and non-state actors use legal and administrative means but also violence and threats, to shrink the space for human rights defenders[1], attempting to hinder the work and silencing the voices of human rights defenders and civil society organisations. In the context of a shrinking civic and democratic space, beyond the implication this has for all human rights defenders, women human rights defenders (WHRDs) are affected differently simply because they are women. WHRDs are at greater risk when it comes to specific forms of violence and abuse.[2] Although there are limited studies looking at the situation for LGBTQI activists globally, it is enough to state that the same is also true for LGBTQI activists.[3]

Human rights defenders work within a very narrow space in most of the countries on the African continent. The CIVICUS Monitor currently rates 2 countries on the continent as open, 6 as narrow, 14 as obstructed, 21 as repressed and 6 as closed.[4] WHRDs and LGBTQI activists faces many challenges and are particularly vulnerable. Even though some progress has been made in recent years, with for example homosexuality being decriminalized in several African countries, LGBTQI activists still work within a very narrow space. Anti-LGBTQI sentiments, norms and values still permeate large sections of societies. Across the continent, sexual minorities have been forced into displacement by threats of violence, blackmail, unemployment and other forms of social exclusion. Furthermore, there are still many countries on the continent with laws that bar LGBTQI organizations from official registration.[5]

WHRDs, working on the continent, play a key role in the promotion and protection of human rights and have a special role in protecting the rights of marginalised and disadvantaged groups. The space which WHRDs work within is narrow and they are exposed to risks and threats due to the nature of their work – protecting women's rights.[6] WHRDs face the same type of risks and threats as those encountered by their male counterparts and in addition also specific gender based-risks. The trends of violations, threats, risks and constraints experienced by WHRDs include general violations and gender-specific violations. WHRDs are also exposed to slander and many times threats are directed towards their children and family as a way to silence them. One WHRD states in the African Commissions for Human and Peoples Rights report: "Many women are considered by their communities to be an extension of the community itself. If a WHRD is raped because of her human rights activities, (she) can be considered as bringing shame not only on her family members but the whole community. As a human rights defender, she has to bear the burden of the trauma of the rape and also of the fact that it was her human rights activities that brought shame on her family". It is thus possible to conclude that, even though the attacks against WHRDs can be similar to those carried out against male human rights defenders, the consequence of the attacks are very different for WHRDs. The reason for this is that the work of WHRDs do not conform to the norms, the cultural or the religious stereotypes, and therefore constitutes a threat to the interests of the state, religious or traditional actors.[7] In recent years there has been a notable rise in restrictions of fundamental civic freedoms and continuous hostility in the operating environment in which WHRDs in several African countries practice their activism.[8]

[1] The definition of "human rights defenders" draws upon paragraph 1 on the UN 1998 Declaration. Human rights defenders are those individuals, groups and organs of society that promote and protect universally recognized human rights and fundamental freedoms: not only civil and political rights but also economic, social and cultural rights.
[2] Kvinna till Kvinna (2018): *Suffocating the Movement – Shrinking space for Women's Rights.*
[3] Office of the United Nations High Commissioner for Human Rights in Liberia (2019): *Assessments of Protection Programs available to Human Rights Defenders in Liberia.* Monrovia.
[4] CIVICUS, *Civic space in numbers 2020,* https://monitor.civicus.org/quickfacts/ , retrieved 2020-12-21.
[5] Atlantic Council, *How should the US approach LGBT rights in Africa?,* https://www.atlanticcouncil.org/blogs/africasource/how-should-the-us-approach-lgbt-rights-in-africa/, retrieved 2020-12-07. Stonewall, *African Sexuality and the legacy of imported homophobia,* https://www.stonewall.org.uk/about-us/news/african-sexuality-and-legacy-imported-homophobia, retrieved 2020-12-07. United Nations (Africa Renewal), *Making waves: Malawi revives debate on gay rights,* https://www.un.org/africarenewal/web-features/making-waves-malawi-revives-debate-gay-rights, retrieved 2020-12-07.
[6] It should be noted that this also includes male WHRDs.
[7] African Commission on Human & Peoples' Rights (2015): *Report of the study on the situation of women human rights defenders in Africa.*
[8] Urgent Action Fund-Africa (2018): *Fight for Justice...Trends Shaping Feminist Resistance & Resilience in Africa.*

The general situation for human rights defenders in Liberia is difficult and the CIVICUS Monitor rates the country as obstructed.[9] There are today no specific studies looking at how gender and sexual identity dimensions affect the work of human right defenders in Liberia. Without proper documentation, human right defenders cannot engage constructively in lobbying and advocacy to draw attention to abuses (to bring greater local, national and international scrutiny). This is even more important for WHRDs and LGBTQI activists, as many of the threats and violence against them might be hidden behind the "normal" violence against women or hate crimes against LGBTQI persons. This short report is part of a larger project that seeks to contribute to WHRDs and LGBTQI activists being better protected and being able to claim rights and undertake effective participation in inclusive democratic governance in Liberia. The purpose of the report is to give a brief overview of the current situation for WHRDs and LGBTQI activists in two counties in Liberia (Montserrado and Grand Bassa). ■

METHODOLOGY

This is a summary of a more comprehensive internal report that Kvinna till Kvinna has written.

The report includes desk research, and since there were no specific studies looking at how gender affected the situation of human right defenders in Liberia, the desk review largely covered global research reports.

The report also includes a quantitative study based on a survey with 77 respondents. Of the respondents, 45 identified themselves as women, 31 as men and one as "other/do not want to disclose". With regards to sexual orientation, 88,3% identified themselves as heterosexual and 6,5% as lesbian, gay or bisexual and 5,2% as "other/do not want to disclose". The report furthermore includes 19 quantitative key informant interviews. The interviewees were 12 human right defenders[10] and 7 key stakeholders, including representatives from Embassies, European Union Delegation, UN agencies and International organisations.[11] ■

[9] CIVICUS, *Liberia – Obstructed*, https://monitor.civicus.org/updates/?country=125&status=3&date_0=&date_1 , re-trieved, 2020-12-21.
[10] 6 of the human rights defenders identified themselves as women, and 6 as men. From 12, 3 considered themselves LGBTQI activist, 4 WHRDs and the other 5 identified themselves as "mainstream" male human right defenders. The research team of the report believed it was important to also capture the perspective of "mainstream" male human right defenders to be able to make a comparative analysis.
[11] This included the United States Embassy to Liberia and USAID, the European Union Delegation, Embassy of Sweden to Liberia, American Jewish World Service, the Liberia Independent National Commission for Human Rights (INCHR) and the UN Office of the High Commissioner for Human Rights in Liberia (OHCHR).

THE ENVIRONMENT FOR WOMEN HUMAN RIGHTS DEFENDERS

Working for women's rights constitutes a risk for WHRDs. The risks faced by WHRDs are directly related to the defence of women's human rights and the activists' work on changing gender structures and redistributing power (with topics such as eliminating violence against women, or reproductive and sexual and reproductive health and rights – generally deemed "controversial" by state or religious actors). WHRDs advocating for abolition of harmful traditional practices, such as Female Genital Mutilation (FGM) and early marriage, are among the groups most at risk. This is also confirmed by the interviewees for this report. Campaigning against FGM continues to be one of the most sensitive and dangerous areas of human rights activism in Liberia. Some of the survey participants stated that they would avoid working in the areas of FGM and with the rights of persons in prostitution.

Furthermore, many also refer to reporting and dealing with sexual gender-based violence cases as a major source of risk. One of the male WHRD's interviewed stated:

> **Two days after I reported the (rape) case, my home was burglarised and looted by unknown men. (...). Up to today, I cannot walk the streets or be out in my community at night or even in the afternoon around 7pm. On many occasions, the warned me to stop identifying and reporting rape perpetrators or else my life will be ended."**

Fears and actual incidents that WHRDs experience

In the survey conducted by Kvinna till Kvinna, the HRDs were asked about the level of fear they experience daily (for themselves and their families) and the actual reprisals and incidents that they endure. The survey results were divided by gender of respondents which offered the opportunity to compare the differences in fear and incidents experienced by male and female human right defenders.

The survey results point out that the majority of the respondents experience fear on a regular basis. Compared to male human right defenders, women fear more general threats (71% vs. 58%), sexual abuse (31% vs. 16%), sexism and sexual harassment (58% vs. 26%) and seem to have higher degree of fear of murder (24% vs. 10%) than the male respondents.

In terms of incidents, WHRDs frequently report to be subjected to slander, stigmatisation, and abuses of sexual nature (which may include sexual harassment, rape, sexual violence and verbal abuse).[12] This is confirmed in the survey: 38% of women respondents report having experienced sexual abuse and rape (vs. 10% of men), and 51% of women have experienced sexism or sexual harassment (vs. 22% men).

Other major differences observed between female and male responses are:

• 38% of women reported having experienced repression in employment (bullying, loss of job, exclusion, etc.) compared to 13% of male respondents.

• 13% of women reported having received death threats more than 5 times, compared to 3% of male respondents.

• 16% of women reported having been displaced to another area in the country or in exile more than 5 times due to their work, compared to 0% of male respondents.

• 13% women reported having lost their positions (at work, places of worship, etc.) more than 5 times compared to 3% of men.

• 16% of women reported having been physically abused compared to 3% of men.

[12] Women Human Rights Defenders International Coalition (2015): *Gendering Documentation: A Manual For and About Women Human Rights Defenders.*

The questions were formulated to include only incidents strictly linked to human rights defenders' activism, however, it is possible that some respondents interpreted the questions more broadly. What is clear, though, is that WHRDs face the same violations as other human rights defenders but, in addition, face gender-specific violations. These risks and violations largely relate to the defence of women's human rights and their work on changing gender structures and redistributing power.

Moreover, 53% of the women respontents reported that they did not believe the incidents that they endure were specifically linked to the gendered aspects of being a WHRD. This is probably due to the normalisation of violence and threats towards women in everyday life. However the 47% who did believe so highlighted the link to gender norms in a very patriarchal society.

> **We live in a society that doesn't allow women to speak up for their rights."**

The actors behind the threats

For WHRDs, and for women in general, it is often non-state actors and community dwellers who are the actors behind the threats and abuses. Community members and traditional leaders are seen as major actors behind threats and incidents directed towards WHRDs, probably as they perceive certain women's rights to clash with religious and traditional values. One of the interviewees participants pointed out:

> **I was with my team in the field. The project seeks to engage and work with men in rural communities on issues of gender equality and how domestic works can also be done by men and boys (...) Men in the town said that the project wasn't okay for them because it's totally against their cultural upbringing (...), it has the propensity to turn their women against them.**

> **(...) The incident reached the entire town and it led to verbal attacks on our project team by community dwellers. Thehe situation got so tensed and terrifying that they had to escape to find a safe space for refuge immediately. (...)"**

Furthermore, one of the participating WHRDs explained during the interview:

> **I experience fears on many occasions because men usually say that our work is making their women disrespect them (...). Because these women speak out on the issue of gender-based violence, I have been threatened many times that they will burn my house and I fear personal attack."**

When it comes to activism around FGM, WHRDs feel threatened by traditional leaders (including traditional FGM practitioners and secret societies), linked to the "bush or country devils" and traditional practices. One of the interviewees stated: "Particularly those that are not part of local communities should be careful when they travel to the field and work on anti-FGM campaigning".

WHRDs are sometimes harassed by their own families, relatives, neighbours and friends. In some cases, family members and intimate partners view women's activism as something that brings shame to their families or communities.

One of the WHRDs interviewees also pointed out having encountered intimidation from some of her male human rights defender colleagues. She explained that she thought the tension came because men may feel that WHRDs occupy their space and thus oppose WHRDs reaching a certain position in their work. ▪

THE ENVIRONMENT FOR LGBTQI ACTIVISTS

There are no specific studies looking at LGBTQI activism in Liberia and as mentioned before, previous reports focus on the general LGBTQI population, not on activists. According to previous studies, almost all the interviewees reported having been verbally abused, ridiculed, or harassed at some point in their lives; and one-quarter of these reported being thrown out of their home, disowned, or abandoned financially by their family.[13] 53% of the LGBTQI population have been insulted or verbally harassed because of being LGBTQI; 68.3% have experienced stigma or discrimination; and 60% said that they have experienced violence or mob actions.[14]

The interviews and survey of this report seem to concur with that, because LGBTQI activists are more visible, they are possibly more at risk than LGBTQI persons that are not outspoken activists. By speaking out, LGBTQI activists' identity becomes public which puts them in futher danger. One of the interviewees described an incident that happened when collaborating with an international media outlet to bring to light the context and legislative challenges faced by the LGBTQI population in Liberia. Information published internationally, even if in a country far away from home, can put an activist at a high level of risk. Thanks to the internet, anybody can find the information, identify the human rights defenders, and publish the information in Liberia. Because of this type of situations, activists report having suffered cyber-harassment, looting and physical attacks, having to flee in fear for their lives.

Furthermore, interviewed LGBTQI activists who also identifies as LGBTQI, report facing daily incidents and attacks because of their sexual identity and that some key freedoms (such as freedom of assembly) are restricted for them as private citizens and as activists. Whereas other human rights defenders can gather and protest in the open without fearing attacks, LGBTQI activists face a much higher security risk. As one of the interviewed persons explains, "there have also been numerous attempts to further criminalise LGBTQI activists and those associated with them; through legislation, through actions".

LGBTQI rights constitutes a risky area of work

One of the groups of human rights defenders most at risk are those working for LGBTQI rights. This is confirmed by the respondents of this report which agreed that defence of LGBTQI rights constitutes the most dangerous or sensitive areas of human rights activism. Furthermore, the majority of the respondents stated that they avoid working with LGBTQI rights because it is too dangerous. They emphasise that working on the area of LGBTQI rights is perceived by community members and traditional leaders as being "un-African" and "against culture and tradition." Several survey respondents explained that the general population in Liberia assumes that, if you are an activist in this area, you identify yourself as LGBTQI, which automatically increases the level of risk for a human rights defender.

It is mostly organisations working on LGBTQI rights that have problems with registration of their organisation. On a broader level, regarding the LGBTQI population as a whole, currently Liberia's new Penal Code prohibits voluntary sodomy as a first-degree misdemeanour, with a penalty of up to one-year imprisonment. On top of this, in 2012, two separate anti-homosexuality laws were presented to the house of representatives. The two bills introduced by two different members of the Legislature would (a) expand the definition of criminal same-sex sexual conduct, (b) reclassify the offense as a felony rather than a misdemeanour, (c) increase the penalties for same-sex sexual conduct, and (d) explicitly criminalise same-sex marriage in Liberia. The bills failed to pass in the house of representatives and are "dormant", however they re-main in the upper house and could be revived in the future. The debate of such laws exacerbated an environment of hostility and stigmatisation towards the LGBTQI population.

[13] Human Rights Watch (2013): *It's Nature, Not a Crime, Discriminatory Laws and LGBT People in Liberia.*
[14] Lesbian and Gay Association of Liberia (LEGAL) (2018): *Mapping of Key Populations in Monteserrado, Margibi & G. Bassa, Liberia. Lesbian and Gay Association of Liberia (LEGAL) (2018): Mapping of Key Populations in Monteserrado, Margibi & G. Bassa, Liberia.*

Actors who pose a threat to LGBTQI activists

As for WHRDs it seems that community members and traditional leaders are the major actors behind the threats and incidents towards LGBTQI activists, as they perceive LGBTQI rights to clash with religious and traditional values. Furthermore, one of the interviewed persons for this report explained that the government and politicians are sometimes behind the community attacks and threats. He stated that:

> It's a subtle tactic (...), gouvernment officials would use "communities" to rise up against human right refenders, to demonise the issue, mobs to physically attack them, etc. particularly to LGBTQI activists."

One of the study interviewees described the following situation:

> there was a party with some of the members from the LGBTQI community (...) People who lived in the neighbourhood started spreading the news around. Within a short period of time, the entire area was surrounded by an angry crowd. They claimed that the practice of homosexuality is against their religion and culture and such, it won't be allowed in their community. The situation escalated as community dwellers launched and attacked wich led to severe injury and the loss of personal belongings by members of the LGBTQI community who attended the party."

STRUGGLING FOR RIGHTS IN A HOSTILE ENVIRONMENT

Several of the interviewed human rights defenders, openly mention depression and sadness as a constant in their work. One of the women interviewed stated:

> There are times that I shed tears and want to withdraw from the work as a human rights defender."

Another interviewee said: "Right now, I am somehow depressed and broken down. Recently I ev even had to seek psychosocial support from a friend (aabroad). I really have a lot of stress."

Guilt related to their commitment can also have powerful consequences. One WHRD said:

> The hope of the victim that I will be able to let them have justice, she and her relatives and friends get disappointed in me. I fear disappointing those on whose behalf I am a advocating and working. This makes my work difficult, but I continue to push forward."

Though activists come under a lot of stress and hardship as a result of their work, psychosocial wellbeing of human rights defenders is often overlooked, and rarely prioritised by themselves.

Those who have experienced very severe attacks describe feelings and emotions associated to post-traumatic stress disorder. One of the female respondents said: "As I imagine the angry crowd at the incident (...), it created fear in me during my course of work after I returned to Monrovia. I couldn't work effectively for a certain length of time at my organisation (...) The situation really broke me down emotionally until I couldn't be myself (not acting or thinking as normal) for about a week. Emotionally I was deeply disturbed. I kept having scaring flashes of past incidents of attacks."

The work of a human rights defender can also cause strain on relations with their families, change family relations' dynamics, and can ultimately have direct consequences for family members as well. One of the women interviewed said:

> **I fear attack on my person or my family because of the work I do as a human rights activist. One time, my daughter was attacked, beaten and wounded. Bacause they could no easily get to me, they attacked her instead."**

However, none of the interviewed human rights defenders, report having stopped their activism because of risks. At the end of the day, despite of the incidents, fears and frustrations, they continue their important work.

THE PROTECTION MECHANISMS FOR HUMAN RIGHTS DEFENDERS IN LIBERIA

As mentioned earlier human rights defenders overall, and perhaps WHRDs in particular, often do not prioritise security and safety for themselves and their organisations. The number of respondents that have established safety and security plans and conduct risk assessments and risk management, and those that conduct security trainings for staff, are considerably low. This is likely also linked to very limited funding and resources available for such work.

At the national level, there are multiple platforms and networks that gather human right defenders and civil society organisations. There are enough networks or platforms in-country that could offer some level of support to human rights defenders. They serve as key spaces for information sharing and coordination, and at times for joint advocacy. However, limited funding and resources negatively affect the functionality of these platforms and their capacity to provide tangible support to their mem-

bers. These platforms do not have the resources to provide emergency funds when a human rights defender is at risk, nor to facilitate legal redress to members in case they are arrested for their activism. Frequently, fellow human rights defenders fundraise and use money from their own pockets when cases arise. None of the human rights defenders interviewed was able to mention any of the available platforms or networks that provide support when it comes to security and safety, which points to lack of knowledge about available international emergency funding options.

None of the human rights defenders participating in this report have explicit agreements or connections with embassies or other actors on the protection of human rights defenders or proactive regular engagement in this area. They may however connections for advocacy or projects in other matters.

As mentioned before, lack of funding constitutes a reason to the protection challenges. Around one third of the respondents mentioned it as a problem with multiple dimensions. Several of the interviewees mentioned that limited resources for their actual programmatic work as human rights defenders is a very big source of stress for them. One of the WHRDs stated: "I do not have enough funding to support the work I do. I want to see results and many times I have to use my own personal money". As long as there are no earmarked funds for security and well-being for the human rights defenders themselves, not many will use the organisation's scarce resources on this, seeing that other needs are greater.

Liberia has also ratified various legal documents which makes the country obligated to respect, protect and fulfil human rights for all persons in Liberia including human rights defenders.[15] For instance, Liberia is signatory to the African Charter on Human and Peoples Rights (ACHPR) and the connected "Cotonou Declaration on strengthening and expanding the protection of all Human Rights Defenders in Africa" (2017) which draws attention to the numerous challenges faced by human rights defenders and provides specific recommendations to key stakeholders.[16]

Further, Liberia voted for the UN Declaration on Human Rights Defenders. This declaration emphasises that "the right of everyone to promote and strive for the protection and realisation of human rights and fundamental freedom without retaliation or fear thereof is an essential element in building and maintaining sustainable, open and democratic society".[17] The Declaration constitutes therefore one of the main instruments of protection for Human Rights Defenders. However, the UN Special Rapporteur emphasises that the implementation of the Declaration on Human Rights Defenders in Liberia is limited. One of the enforcement mechanisms foreseen by the declaration is the organisation of country visits of the UN Special Rapporteurs on the situation of human rights defenders. This has not yet been facilitated in Liberia.[18]

CONCLUSION & RECOMMENDATIONS

Information collected for this report shows that human rights defenders, specially WHRDs and LGBTQI activists in Liberia are exposed to various kinds of risks, which negatively impact their ability to perform human rights activism. Living under constant threat, whether the threats are real or perceived, has serious impact on the overall physical, mental and emotional health of a person. This shows that WHRDs and LGBTQI activists in Liberia has a narrow space to work within.

Recommendations to donors and international organisations:

• Funding: It is important to include costs for safety and security, staff well-being and networking opportunities. Allow for "contingency" or "emergency rapid response funds" (for travel & relocation, safe-housing, legal fees if appropriate, etc.)
• Support and facilitate safe spaces for different types of HRDs (including WHRDS and LGBTQI activists) to create more understanding within the movement. Also facilitate contacts with regional and international networks/organisations, particularly regarding safety and security including emergency support.

• Provide specific recognition to WHRDs and LGBTQI activists who face different threats compared to other human rights defenders; for instance, consider funding existing structures such as LiPride's pool Emergency Rapid Response mechanism, or the Women Human Rights' Defender network.

[15] For instance: the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and International Covenant on Economic, Social and Cultural Rights (ICESCR), the African Charter, The Maputo Protocol, the African Youth Charter, and The Common African Position (CAP).
[16] Including the African Commission on Human and Peoples' Rights, The African Union, the UN Human Rights Protection Mechanisms and UN Agencies, etc.
[17] Office of the United Nations High Commissioner for Human Rights in Liberia (2019): *Assessment of Protection Programs available to Human Rights Defenders in Liberia.* Monrovia.
[18] UN Special Rapporteur on the Situation of Human Rights Defenders (2018): *World Report on the Situation of HRD* - Liberia (pages 47-50).

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