



Report on the human rights issues in the context of General Elections and Presidential run-off in Liberia, 10 October and 14 November 2023

Summary

General elections were held in Liberia on 10 October 2023 to elect the President, House of Representatives and half of the Senate. In the run-off election on 14 November, Joseh Boakai (of the Unity Party) defeated incumbent President George Weah (of the Coalition for Democratic Change) by just over one percentage point in the closest runoff in Liberia's history and Weah conceded the election peacefully. President Weah established a Joint Presidential Transitional Team on November 22 to manage the power transition, which concluded with the inauguration of President Boakai and Vice-President Jeremiah Koung on January 22, 2024. These elections, the first primarily organized by Liberia without significant international support, were praised internationally, setting an example for other African countries. The present OHCHR report provides an overview of human rights issues observed during the electoral period. It focuses on arbitrary arrests and detentions, violations of freedom of opinion and expression, hate speech and incitement to violence, violations of rights to peaceful assembly, and violations of the right to freedom of movement. It also examines the participation of women and persons with disabilities in Liberia's 2023 elections, highlighting challenges and initiatives for inclusion. The report also highlights the catalytic role OHCHR played within the United Nations Country Team to ensure that a human rights-based approach was applied throughout the electoral process. Recommendations are provided to the Liberian Government and the international community to strengthen electoral processes and ensure accountability for human rights violations.



Table of Contents

	Page
1. Introduction	3
2. Scope and methodology	4
3. OHCHR's mandate in Liberia	5
4. Legal Framework	5
5. Context	7
6. Human rights violations during the electoral period:	9
a. Arbitrary arrests and detentions	10
b. Violations of freedom of opinion and expression	11
c. Hate speech and incitement to violence	13
d. Violations of rights to peaceful assembly	13
e. Violations of the right to freedom of movement	14
f. Participation of Women and the 2023 elections	14
g. Participation of Persons with Disabilities (PWDs) in elections	16
7. Redress for violations of human rights during the 2023 elections	18
8. OHCHR's technical cooperation activities relating to the Liberia general elections	18
9. Conclusion and recommendations	19

1. Introduction

Liberia held presidential and legislative elections on 10 October 2023. Since no presidential candidate obtained simple majority¹, a runoff election was organized on 14 November 2023 between the two candidates that secured the most votes - former President George Manneh Weah of the Coalition for Democratic Change (CDC) and current President Joseph Nyuma Boakai of the Unity Party (UP). The latter won the second round of the elections. On 17 November, President Weah conceded and accepted the outcome of the run-off vote, even before the announcement of the official results by the National Elections Commission (NEC), and congratulated President-Elect Boakai². For the legislative elections, the result for the House of Representatives indicated that 8 women were elected among the 73 seats being contested, representing 11%. The previous house of representatives had 9 women. In the Senate, 15 seats were contested including that of the Senate Pre-Tempore³ out of the 30 senators. One women candidate was elected, and the current senate has 3 women representing 10%.

These elections were the first to be primarily organized and administered by Liberia without large-scale international support⁴. They took place against a stable but polarized political environment and several multidimensional threats that could undermine the stability and legitimacy of Liberia's electoral and democratic processes. Such challenges include political polarization, weak rule of law and endemic corruption. Besides, Liberia still struggles with ethnic, religious, gender-driven and class-based discrimination, often resulting in polarization that hampers social cohesion. These issues can find their root from the struggle for the establishment of multi-party democracy and the 14 years civil war that tore the fabric of the nation⁵.

On 22 November, President-Weah issued Executive Order 123 establishing a Joint Presidential Transitional Team to handle the transition of power. The peaceful conduct of the electoral process and transition culminated with the inauguration of President Boakai and Vice-President Jeremiah Kpan Koug on 22 January 2024.

¹ The National Election Commission announced the official elections results on 24 October. The incumbent president George Weah obtained 43.83% while former vice president Joseph Boakai obtained 43.44%.

² On 20 November, the NEC announced the results with President Joseph Boakai, and leader of the UP winning the elections with 50.19% while former President, George Weah obtained 49.36%.

³ Grand Bassa County Senator Madam Nyonblee Kanga-Lawrence was elected Senate Pro-Tempore (sort of Speaker of the Senate) in January 2024. According to the Liberian political system, the Vice president of the Republic is the President of the Honorable Liberian Senate.

⁴ The previous elections that took place following the end of the civil war two decades ago were supported by the international community with technical, political, financial, and logistical support of the then United Nations Mission in Liberia (UNMIL). UNMIL ended in 2018.

⁵ The first Liberian civil war lasted from 1989 and 1997 while the second Liberian civil war lasted from 1999 to 2003.

2. Scope and methodology

The aim of this report is to provide an overview of the human rights situation in the context of the 2023 elections in Liberia, including before, during and in the aftermath of the elections. The information presented in this report was gathered in accordance with internationally recognized human rights monitoring methodology⁶. This report presents findings from human rights monitoring activities conducted by OHCHR in Liberia between August and December 2023. When relevant, it also contains follow-up information for incidents or decisions that happened after this period and before the publication of the present report. OHCHR conducted direct interviews with primary sources including victims, victims' relatives, witnesses, and members of the security forces⁷. Secondary sources such as community leaders, religious leaders, CSOs members, journalists, National Elections Commissions (NEC) staff, political leaders, international NGOs reports, and various government officials were also consulted. Physical observation by OHCHR staff deployed in various hotspots, including in the capital Monrovia and in Nimba county, helped to shape the understanding of the context in which human rights violations occurred.

OHCHR reviewed material from secondary sources, including reports by CSOs and the Independent National Human Rights Commission of Liberia⁸ and that of the Sierra Leone Human Rights Commission⁹ as well as official documents including elections-related press releases¹⁰ from various Government entities. OHCHR also conducted directly and through support it offered to a CSO, a systematic monitoring of traditional and social media relevant during the 2023 elections.

The present report includes information only from sources that granted informed consent for OHCHR to use the information in its assessment and where disclosure would not lead to their identification or result in harm. Some verified public information is also included in the report. Incidents highlighted in the report are based on at least one credible source of firsthand information, corroborated by additional independent and credible sources including government officials, lawyers, and NGO actors.

OHCHR adopted a “reasonable grounds to believe” standard. This standard is met when *information has been collected that would satisfy an objective and ordinarily prudent observer that the incident has occurred as described with a reasonable degree of certainty*. Before the elections, OHCHR developed a

⁶ See, *OHCHR Manual on Human Rights Monitoring, Chapter 23: Monitoring Human Rights in the context of Elections (OHCHR, 2011)*.

⁷ In the context of this report, OHCHR conducted field missions to the counties of Margibi, Montserrado (including parts of the capital Monrovia), Nimba and Bong counties that were identified by the UN in Liberia as possible hotspots with potential high risk of elections related violence.

⁸ INCHR, INCHR 2023 Presidential and Legislative Elections Monitoring Report-Consolidated.

⁹ Human Rights Commission of Sierra Leone, Report on the Joint Monitoring of Polling Day for the Liberia Presidential and legislative elections – 10 October 2023.

¹⁰ Press Union of Liberia press release, Press Release by Liberia National Police

monitoring and reporting strategy that served as a compass for the office's work during the elections focusing on three key activities: monitoring and reporting, communication, advocacy and engagement.

This report was shared in writing with the Ministry of Justice on 29 July 2024 for government's factual comments. Comments from the Government were received on 2 August 2024 and have been included in the present report.

3. OHCHR's mandate in Liberia

The Office of the United Nations High Commissioner for Human Rights (OHCHR) in Liberia was established in April 2018 following the signing of a host country agreement between the United Nations and the Government of Liberia¹¹. The host country agreement provides for OHCHR to monitor the human rights situation in Liberia, establish and maintain contacts with the competent authorities, non-governmental and civil society organizations, as well as any other person or institution that could contribute to its mission and mandate. OHCHR is also mandated to cooperate with the Government with a view to promoting compliance with international human rights norms and particularly those contained in international human rights instruments ratified by the Government of the Republic of Liberia. To this end, OHCHR Liberia provides advisory services and technical assistance to support human rights activities and programs in Liberia and acts as a center for advice and dialogue in promoting a climate of trust amongst all actors involved in the promotion and protection of human rights. Within this framework, OHCHR conducted a series of activities, including training of security forces on human rights and elections, monitoring and reporting on the human rights violations committed in the context of the elections, advocating to prevent violations, and ensuring timely government responses when violations occur, especially in the so-called hotspots.

4. Legal Framework

The Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights (ACHPR) and the African Union Declaration on the Principles Governing Democratic Elections in Africa, as well as other international and regional instruments, establish the normative framework for the promotion and protection of human rights, including in the context of elections, and oblige the State to respect, protect and fulfil its human rights obligations¹². Liberia has ratified seven of the nine core human rights treaties including the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities

¹¹ Before this, UN human rights work was carried out in the context of the successive peacekeeping missions that had human rights division or section. The latest peacekeeping mission in Liberia, the United Nations Mission in Liberia (UNMIL) successfully completed its mandate on 30 March 2018.

¹² https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=98&Lang=EN

(CRPD)¹³. Domestic instruments such as the Constitution of Liberia and the various elections related laws also protect the right to take part in government, the right to vote and the right to be elected.

Liberia is party to the ICCPR and has an obligation to respect and protect provisions of this important treaty. The ICCPR, *inter alia*, provides that every citizen shall have the right to take part in the conduct of public affairs, directly or through freely chosen representatives; to vote and to be elected; and to have access to public service¹⁴. The ICCPR also notes that no distinctions are permitted between citizens in the enjoyment of these rights on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status¹⁵. The rights to freedom of opinion and expression, including access to information,¹⁶ peaceful assembly and association¹⁷, movement,¹⁸ as well as liberty and security of person¹⁹—recognized as pre-requisite rights to the right to participate in public affairs²⁰—are also safeguarded by provisions in the ICCPR.

The Constitution of Liberia also guarantees that every person shall have the right to freedom of expression, being fully responsible for the abuse thereof. This right shall not be curtailed, restricted or enjoined by government save during an emergency declared in accordance with this Constitution. The right encompasses the right to hold opinions without interference and the right to knowledge. It includes freedom of speech and of the press, academic freedom to receive and impart knowledge and information and the right of libraries to make such knowledge available. It includes non-interference with the use of the mail, telephone and telegraph. It likewise includes the right to remain silent.²¹ It further states that every lawful person has the right to move freely throughout Liberia, to reside in any part thereof and to leave therefrom subject however to the safeguarding of public security, public order, public health or morals or the rights and freedoms of others.²² Nor shall anyone be deprived of life, liberty, security of the person, property, privilege or any other right except as the outcome of a hearing judgment consistent with the provisions laid down in this Constitution and under the principle due process of law.²³

It is important to note that according to the Constitution of Liberia, every citizen not less than eighteen years of age shall have the right to be registered as a voter and to vote in public elections and referenda²⁴. In the same vein, the Elections Law affirms the age of eligibility of who may register to vote in elections

¹³ For more information on the ratification status for Liberia, please visit https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=98&Lang=en (accessed on 15 May 2024)

¹⁴ ICCPR, Article 25

¹⁵ ICCPR, Arts. 2, 25.

¹⁶ ICCPR, Art. 19

¹⁷ ICCPR, Arts. 21 & 22

¹⁸ ICCPR, Art. 12

¹⁹ ICCPR, Art. 9(1)

²⁰ OHCHR, Human Rights and Elections: A Handbook on International Human Rights Standards on Elections, para. 27

²¹ The Constitution of Liberia, Chapter III, Art. 15.

²² The Constitution of Liberia, Art. 13

²³ The Constitution, Art. 20.

²⁴ *Ibid*, Chapter VIII, Art. 77(b)

and other criteria²⁵. The Elections Law provides that anyone who engages in acts constituting elections malfeasance, and who is found guilty of an election offence, shall be punishable by a fine or days of imprisonment or both, depending on the gravity of the offence; however, the prosecutions, procedures and penalties should respect international human rights standards in the administration of justice²⁶.

The Liberian elections legal framework is complemented by various rules and regulations adopted by the NEC, as well as relevant opinions of the Supreme Court of Liberia relating to electoral matters²⁷. The National Code of Conduct for All Public Officials and Employees of the Government of Liberia (Code of Conduct Law) adopted in 2014 (amended in 2022) and the Presidential Executive Order No. 117 of March 2023, also complement the electoral legal framework.

5. Context

The United Nations has consistently provided electoral assistance to Liberian authorities. In 2023, the Liberian NEC took the lead in coordinating the whole electoral process with the United Nations Country Team (UNCT) and other international support. The UNCT developed a comprehensive strategy to support the elections and provided integrated technical assistance to strengthen electoral institutions and processes, as well as good offices, mainly by the Special Representative of the Secretary-General and Head of the United Nations Office for West Africa and the Sahel (UNOWAS)²⁸, to promote a conducive environment for peaceful, inclusive, and credible elections. The UNCT supported the NEC in electoral legislation development, voter registry, trainings and other capacity building activities, and inclusion of women as well as underrepresented or marginalized groups.

The United Nations Peace Building Fund (PBF) supported various projects in the context of the 2023 elections, including “Promoting Peaceful Electoral Environment and Community Security in Liberia”. The implementation of this joint project by United Nations Development Programme (UNDP), the international Organization for Migrations (IOM) and OHCHR started in October 2022²⁹. It included a specific focus on human rights monitoring and protection in the electoral context, violence prevention and dispute resolution, contributing to the overall peacebuilding and prevention efforts.

In preparation for the October 2023 elections, the NEC organized the Biometric Voter Registration (BVR) exercise from 20 March to 11 May. There were 1,015 registration centers operational across the 15 counties of Liberia for eligible voters to register. OHCHR monitoring showed that several registration centers did not have access ramps for persons with disabilities, deterring them and the older people from registering.

²⁵ The Elections Law, Chapter 3, Section 3.1

²⁶ Ibid, Chapter 10, Section 10.1

²⁷. See https://necliberia.org/page_info.php?&e49c7921cb156014099756961908d03f94e3584c=MTY1 (accessed on 11 June 2024)

²⁸ SRSG Simão conducted four missions to Liberia before and during the elections to ensure inclusive, peaceful, and democratic elections. In the framework of his good offices, he met with political leaders, traditional leaders, women and youth groups and the United Nations Country Team. He also facilitated the Stakeholder Forum with presidential candidates held on 15 August 2023.

²⁹ This project will end in September 2024.

On 17 March, the Collaborating Political Party (CPP)³⁰ filed a petition challenging NEC action to conduct biometric voter registration without prior boundary demarcation. The CPP contended that conducting voter registration exercises without first demarcating constituencies, based on a national census, was contrary to Article 80 (d and e) of the Constitution. On 12 April, the Supreme Court of Liberia held that it did not “*find reason to disturb the ongoing voters' registration exercise since the NEC is not in violation of the Constitution as regards Article 80(d)(e)*”. The court further opined that “*while the NEC has a duty under Article 80(e) to reapportion constituencies, the said duty is not self-executing. The duty to reapportion constituencies can only be executed based upon the preconditions that a national census report be concluded and submitted to the Legislature, and the Legislature creates the laws, and then the NEC performs its duty to reapportion the constituencies pursuant to Article 80(e)*.”

The provisional registration roll was exhibited from 12 to 17 June, both physically and through mobile phone text messages. According to the NEC, as of 17 July the preliminary figure of registered voters was 2,498,904 of which 27,192 duplicate records were identified, while 529 suspected underage registrants were flagged. The NEC announced that after concluding the exhibition, deduplication, and adjudication process of the 2023 BVR, the total number of voters eligible to vote in the presidential and legislative elections was 2,471,617, of which 1,237,257 were women.³¹ On 17 July, the NEC released the provisional lists of individuals who submitted nominations to contest under the presidential and legislative elections, respectively.

According to the NEC, there were 20 presidential candidates including two women, 102 senatorial aspirants, and 888 contestants for the house of representatives. The aspirants were drawn from 46 registered political parties with 199 independent candidates. They were vying for 73 seats in the House of Representatives, and 15 for the House of Senate. For the House of Representatives candidates, 152 were women. For the Senatorial candidates, 7 were women. Six female candidates were elected to the House of Representatives and 1 to the Senate³². The two women presidential candidates scored poorly getting 0,33% and 0,20% of the votes, respectively.

On 26 September, in the run up to the elections the main opposition party filed a writ of mandamus before the Supreme Court to declare as mandatory the issuance by the NEC of the Final Registration Role (FRR) in accordance with the 2023 NEC Voter Registration Regulations. The case was heard on 28 September and ruling was reserved, but the court ordered the NEC to produce copies of the FRR to the court by 29 September. Previously on 31 August, the Unity Party filed a writ before the court, and officially wrote a complaint to the NEC alleging violation of the New Elections Law of 2014 contending that 4.5 % of voting

³⁰ A Coalition of opposition political parties formed ahead of the 2023 elections and led by Alexander Cummings, one of the presidential candidates.

³¹ https://www.necliberia.org/page_info.php?&e49c7921cb156014099756961908d03f94e3584c=MjQz

³² The Liberian Senate is composed of 30 members, two from each of the 15 counties, who serve a nine-year term. 15 Senate seats stood for election in 2023.

precincts exceed the required number of registered voters of 3000 per precinct. Both cases were heard before the court. The Supreme Court held that NEC did not violate section 4.1 (2) of the New Elections Law as claimed by the Unity Party. Subsequently, NEC released the FRR and the application relating to this action became moot.

Liberia allowed international and national elections observers including the African Union (AU), European Union (EU), the Carter Center, the Electoral Institute for Sustainable Democracy in Africa (EISA), the Economic Community of West African States (ECOWAS), and the Mano River Union (MRU) among others. The Human Rights Commission of Sierra Leone deployed a 3-person team -including its chairperson - to observe the elections in Liberia. The international observers had unhindered access to polling sites across the country. Most observer groups including the AU, ECOWAS and the EU noted the transparency of the elections which were generally peaceful despite some isolated incidents.

In some areas, acts of violence led to the postponement of the legislative elections. On 10 October in Old Soloken Town, Maryland County, incidents of electoral violence were reported in polling places 1 and 2, Precinct Code #27020 of Electoral District #2, obstructing people from assembling and casting their votes. On 12 January, the Supreme Court ordered the National Elections Commission (NEC) to conduct a re-run of the elections at the specified site. The re-run was conducted and subsequently led to the release of new results. By-elections were also organized on 23 April 2024 in Nimba and Grand Gideh counties respectively, to replace former Senator Jeremiah Koung who was elected Vice president the Republic and a member of the house of Representatives who died during the electoral period. OHCHR monitored the human rights situation during the Nimba by-election which was peaceful with limited minor violence. However, the issue of accessibility to polling centers for the elderly and persons with disabilities remained impeding them from exercising their right to vote which led some registered voters to simply decide not to go to vote.

Cases of the so-called “voters trucking” were reported in various areas often causing violence leading to the intervention of the security forces. For instance, on 20 March 2023, OHCHR received a report concerning a group of individuals who were travelling to Gbarpolu County to partake in the biometric voter registration (BVR) process. Their trip was obstructed by aggrieved residents in Gaynimah Town, who alleged that these individuals were not bona fide residents of the county but were transported to register and cast their votes in favor of a specific candidate, a practice known as “voters trucking”. Similarly, on 28 March 2023 in Brewerville, Montserrado County, another incident unfolded when a public bus suspected of transporting approximately 100 voters to Bomi was targeted by a group of unknown men, with its windshield being vandalized. No injuries were reported, and no arrests were made in connection with this incident. In Gbehlaygeh, Nimba county, the residents of electoral district 4 accused the incumbent representative of “vote trucking”. They claim that individuals were brought into the district to take part in the Biometric Voter Registration (BVR) process.

6. Human rights violations during the electoral period

Human rights are central to electoral processes. For the right to vote and be elected to be exercised meaningfully, it is important that there is an environment in which human rights are respected and enjoyed by all individuals, in particular the rights to equality and non-discrimination, freedom of opinion and expression, including the right of access to information, freedom of peaceful assembly and association, freedom of movement, the right to liberty and security and the right to an effective remedy³³. Below are highlighted human rights violations that OHCHR teams monitored in the context of the October and November 2023 elections and aftermath. OHCHR also notes other incidents that raise human rights concerns even though the information available did not allow for a determination regarding a violation to be identified.

a. Arbitrary arrests and detentions

The ICCPR provides for the universal right to liberty and security of a person, explicitly prohibiting arbitrary arrest or detention, right to be informed of reasons for arrest and to be brought promptly before a judge.³⁴ The Liberian Constitution explicitly underscores the importance of safeguarding the rights of individuals suspected or accused of committing a crime. Upon arrest, it mandates that everyone is entitled to be promptly informed of the charges against them and their rights to remain silent and seek legal counsel. The constitution also mandates that every person detained or arrested be formally charged and presented before a court of competent jurisdiction within forty-eight hours. In case the court determines that it is a prima facie case against the accused, then a formal writ of arrest setting out the charge or charges is required. The court must also provide for a speedy trial and detainees have the right to the writ of habeas corpus³⁵.

During the electoral period, OHCHR received information about several instances where persons were reportedly arbitrarily arrested for electoral related violence by the police and other members of the security forces in the context of the elections. In most cases those persons were released the same day following family interventions or those of senior police and other security forces officers. Since investigations were not conducted in these instances, it was not possible for OHCHR to know the reasons why these persons were arrested.

For example, OHCHR monitored one significant incident of arrest and subsequent arbitrary detention. The incident involved the arrest of 28 persons including a woman who were arrested and detained by the police in Foya, Lofa county on accusation of involvement in incidents that led to the killing of two men affiliated to the Coalition for Democratic Change, the then ruling party, on 29 September 2023. The police in Gbarnga informed OHCHR that they decided to transfer the suspects to Gbarnga, Bong County following orders

³³ OHCHR, Human Rights and Elections: A Handbook on International Human Rights Standards on Elections, p.1

³⁴ ICCPR, Art. 9(1) (2) (3) (4)

³⁵ Article 21 (f)-(g) of the Liberia Constitution.

from their hierarchy, until the situation became stable and peaceful in Foya. OHCHR observed that these persons were held in prolonged detention, beyond the statutory legal period of 48 hours. Also, no formal charges were retained against them several days after their arrest. During a monitoring of the police detention facility in Gbarnga on 3 October, OHCHR observed some of the detained persons from Foya kept in a congested cell with no formal charges. OHCHR later learnt that the 9th Judicial Circuit granted a writ of *habeas corpus* that compelled the release of the detainees. OHCHR received information from various sources that on 27 May, the case was dismissed, and the defendants' rights and liberties restored³⁶.

b. Violations of freedom of expression

Article 19(2) of the ICCPR establishes the right to freedom of expression, which encompasses the “*freedom to seek, receive and impart information and ideas of all kinds*”. As a state party to the ICCPR, Liberia is under the obligation to ensure that freedom of expression is respected and protected³⁷, including within the context of electoral processes. The right to freedom of expression is critical in guaranteeing free and genuine elections and ensuring free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential³⁸. In conjunction with article 19 of the ICCPR, article 25 thereof secures the right of access to information, including the right of the media to access information on public affairs and the right of the public to receive media output³⁹.

OHCHR observed that journalists freely covered the elections. However, some elections observers noted that the State-owned broadcaster, the Liberia Broadcasting System, that operates national radio station Electronic Liberia Broadcasting Corporation (ELBC) and television channel, the Liberia National Television (LNTV), allocated most of its prime-time content to government messages and the ruling CDC⁴⁰. This is inconsistent with fair media access for all political candidates and parties for campaigning and advertising purposes⁴¹. Fair media access may be even more important in situations in which the major information media are controlled by the Government. Media regulations should provide for safeguards against political censorship, unfair government advantage and unequal/unequitable access during the campaign period⁴².

³⁶ See *Women Voices newspaper, Monday 10 June 2024, page 11*.

³⁷ In line with para. 7 of General Comment No. 34.

³⁸ Human Rights Committee in General Comment No. 25

³⁹ Human Rights & Elections Handbook, para. 41 and Human Rights Committee, general comment No. 34 (2011), para. 18.

⁴⁰ See EU Elections Observation Mission, Final Report, p 7,

<https://www.eeas.europa.eu/sites/default/files/documents/2024/EU%20EOM%20LIB%202023%20Final%20Report.pdf>
(accessed on 31 March 2024)

⁴¹ See A/HRC/26/30, para. 48; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, “Freedom of expression and elections in the digital age”, p. 4 and p. 5 (accessible on <https://www.ohchr.org/sites/default/files/Documents/Issues/Opinion/ElectionsReportDigitalAge.pdf>)

⁴² CCPR/C/TJK/CO/3, para. 55 (f); CCPR/C/GNQ/CO/1, paras. 58–59; and CCPR/C/KWT/CO/3, paras. 40–41.

OHCHR followed up on a report alleging that two reporters (from OK FM and Prime FM) accredited to cover presidential affairs and attached to the Executive Mansion (official office of the Liberian President), were barred from covering President George Weah's re-election campaign events on 24 August 2023. Reportedly, this followed a report aired by the two media outlets informing the public that the President had been booed at a rally in Bomi County. OHCHR followed-up with the two reporters and they confirmed that they both were delisted from the Executive Mansion reporters listing and never invited to cover any of President George Weah's activities following the incident. However, they both were re-listed after the inauguration of the current government and are now actively carrying out their respective functions of covering and reporting on activities of the office of the President via their individual media outlets, OK FM, and Prime FM. The Human Rights Committee has stated that the "a free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other rights . . . This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion" particularly in the context of elections (para. 13, general comment no. 34). Furthermore, the "penalization of a media outlet, publishers or journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression"⁴³.

On 16 November 2023, OHCHR followed up on a complaint of threats against a male member of a civil society organization made by the then ruling Party (CDC) supporters. The threats were levelled against the Executive Director of a local CSO credited for tracking and reporting on the performance of President Weah. Threats were also made against the head of the Election Coordinating Committee, and some staff members, accusing them of being supporters and collaborating with the opposition Unity Party, now in power. They were accused of being anti-government. The threats had been carried through press statements issued by a CDC youth wing group and aired on government-sponsored radio stations, and several negative social media posts reportedly. Reportedly, the police were informed but didn't take any concrete action.

On 12 September 2023, a local radio talk show host reported to the Liberia National Police an incident in which he was physically assaulted on his farm in Gbehla-Geh District, Nimba county. He alleged that 11 men, acting on the orders of a prominent CDC member, attacked him. The assault was reportedly provoked by his remarks about President George Weah's governance on his radio show⁴⁴. During the attack, one of the assailants reportedly pepper-sprayed him, threw him to the ground, and kicked him, allegedly causing severe injuries including damage to his eardrum. Following the report of the incident, the police arrested the perpetrator who was subsequently charged with simple assault and disorderly conduct.

c. Hate speech and incitement to hostility, violence and discrimination

Prevalence of hate speech, some of which may have amounted to incitement to violence, were observed during the electoral period. In one controversial incident, former warlord and now Senator of Nimba county

⁴³ para. 42, general comment no. 34

⁴⁴ It is important to recall that discussions of government policies and political debate should not be restricted (A/66/290, para. 42) nor should criticism of government/public figures (Human Rights Committee, General Comment No. 34, paras. 38, 42).

Prince Yormie Johnson warned against election-rigging during a press conference and reportedly said, “Before the October elections, Liberians are coming out under the banner ‘Don’t Try It’ – any attempt, the people’s power would be exercised like the Arab Spring. You’ll shoot your gun; or you’ll die. No more fear, Liberians don’t fear anymore.” This statement was seen by many as incitement to violence considering similar language was used just before the civil wars that erupted in the country. Following condemnation by many Liberians and members of the international community, Senator Johnson clarified his statement, emphasizing that the statement does not advocate for any armed rebellion or violence⁴⁵.

d. Violations of right to peaceful assembly

The right to peaceful assembly is enshrined in international human rights instruments such as the Universal Declaration of Human Rights (UDHR)⁴⁶ and the International Covenant on Civil and Political Rights (ICCPR)⁴⁷. At the regional level, the African Charter on Human and Peoples' Rights, the African Charter on Democracy, Elections, and Governance⁴⁸, and Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) also protect the right to peaceful assembly. The Liberian constitution also has equal provisions in this regard, under article its 17.

The leader of the opposition political party Liberia People’s Party and a presidential candidate for the October 2023 elections alleged that the government disrupted a peaceful demonstration against corruption that his party organized on 19 July. According to information received, the protest was peaceful until unknown people started throwing stones at the protesters when they gathered inside the compound of the Providence Baptist Church in Monrovia. Several people, all men, among the opposition leader’s supporters were reportedly injured. Reportedly, police officers who were around did not stop the perpetrators potentially failing to meet their obligations to protect the right to freedom of peaceful assembly. Following several complaints to the police authorities, a woman was eventually arrested by the police after being apprehended by members of the community. She was reportedly charged with public disruption of peace, on 24 July 2023.

On 8 October, OHCHR investigated the incident that occurred at the Japanese-Liberia Freeway in Monrovia, during a clash between supporters of the ruling party, CDC, and an opposition party named All Liberian Coalition Party (ALCOP) who were both conducting public demonstrations concluding the official campaign period. An OHCHR team noted various levels of injuries sustained by some of the alleged victims of the incident. Approximately 15 individuals, all men, identified as ALCOP supporters, were injured, with 8 of them, including a boy, aged 14, having received medical treatment in various health facilities across

⁴⁵ See inter alia <https://frontpageafricaonline.com/front-slider/joseph-boakai-if-they-steal-this-election-it-would-be-the-end-of-this-country/> (accessed on 23 May 2024); <https://thenewdawnliberia.com/joint-security-condemns-pyjs-threat/> (accessed on 23 May 2024); All Africa, West Africa: ECOWAS Condemns Inciting Statements, <https://allafrica.com/stories/202309220458.html> (accessed on 23 May 2024)

⁴⁶ Article 20 UDHR

⁴⁷ Article 21 of the ICCPR on Freedom of Assembly

⁴⁸ Article 11 of the African Charter

Monrovia. No arrests were made in connection with the violence despite complaints and public outcry. The police failed to take appropriate measures to separate the two political parties from using the same route to march in conclusion of their campaigns thereby failing to meet their obligations to protect the right to peaceful assembly.

The government in its factual response to this report received on 2 August 2024, noted that “the incidents during the 2023 elections in Liberia underscore the need for robust mechanisms to protect the right to peaceful assembly. Upholding this right is vital for maintaining democratic principles and ensuring that citizens can freely express their views and participate in the political process without fear of violence or repression.”

e. Violations of the right to freedom of movement

The Constitution of Liberia provides that every person residing lawfully within the Republic shall have the right to move freely throughout Liberia, to reside in any part thereof and to leave therefrom⁴⁹. This includes the right to leave and to enter Liberia at any time. However, the Constitution also lists exceptions to the right, which are for safeguarding public security, public order, public health or morals or the rights and freedoms of others. Freedom of movement is important in electoral processes to ensure that those who are entitled to vote can physically access polling stations to exercise that right. It is also indispensable for candidates to carry out their campaigns. This right also allows individuals to participate in electoral processes (e.g. to register to vote, to attend voter information activities etc.) without unlawful, discriminatory or unreasonable restrictions⁵⁰.

During the electoral period, media reported cases of persons who were stopped or briefly held with no valid reasons by the residents. In other instances, persons were also arrested by members of the security forces including the police when travelling to or from voter registration. OHCHR was not able to independently verify these incidents.

f. Participation of Women and the 2023 Elections

Liberia has committed itself to undertaking concrete measures to promote the free and equal participation of women in the public and political spheres and eradicate all forms of discrimination including gender-based discrimination against women. Liberia has ratified seven of the nine core international human rights treaties including the CEDAW. At the African level, Liberia has ratified the Maputo Protocol. The commitment extends beyond ensuring women's right to vote; it encompasses their entitlement to candidacy, active involvement in public policy formulation, and participation across all sectors on an equal footing with their male counterparts.

⁴⁹ Article 13 of the constitution

⁵⁰ Human Rights & Elections Handbook, para. 61.

Even though Liberia was the first country in Africa to elect a woman as a president of the Republic⁵¹, women's participation in national and local politics and leadership remains very limited. In a study conducted in 2023 by the NEC with support from various partners including the UN, deeply entrenched social norms and practices restricting women's role include household and family chores, unequal access to education, skills training, and finance are among the factors that inhibit women's full participation in elections. These contribute to socioeconomic inequalities, limited access to resources, stereotypes and expectations that give preference to male over female leaders, negatively impacting women's political participation and leadership in the country⁵².

During the 10 October 2023 elections, only 15% of the total number of candidates fielded by political parties were women, despite a voluntary pledge announced by political parties to ensure women get 30% of their candidate lists. Only 159 out of 1,025 legislative and presidential candidates were women which was even lower than the percentage observed in the previous elections in 2017⁵³. There were only two female presidential candidates and six vying for the vice presidency, highlighting the persistent gender disparities in political leadership positions.

The main barriers to women's political representation in Liberia include deep-seated cultural norms and gender stereotypes that view women as less competent leaders, and patriarchal political structures that limit their advancement within the political spheres. Economic disadvantages, such as lower incomes and limited access to financial resources, further hinder their ability to fund campaigns. Additionally, limited access to education and training reduces their competitiveness for political roles, while violence and intimidation create a hostile environment that deters many women from participating in politics. The lack of support networks, weak enforcement of gender equality laws, media bias, and the challenge of balancing multiple responsibilities also contribute to the significant underrepresentation of women in Liberia's political landscape.

Following a National Dialogue on human rights supported by OHCHR, organized in August 2023 in the context of the "Human Rights 75" initiative, Liberia pledged to, inter alia, ratify the Optional Protocol on the Convention on the Elimination of All Forms of Discrimination against Women. The country presented the Pledges during the High-Level Event organized in mid-December 2023 in Geneva. OHCHR is currently working with the Government to operationalize such pledges.

⁵¹ Ellen Jonson-Sirleaf was elected in 2005 as President of the Republic of Liberia. The current President Joseph Boakai, served as Vice -President during her tenure.

⁵² NEC, Public Perception of Elections and Women Political Participation in Liberia, p.20

⁵³ According to the INCHR, the 2005 elections seat for females in the House of Representatives were eight (8), and in the senate, there were five (5) constituting of 14%. The 2011 elections seat for female in the House of Representatives were seven (7) and for the Senate, "ONLY" one (1) constituting 11% which drop women participation the Legislature. The 2017 elections did not increase women's representation in the legislature. In the House, women's representation remained the same. Seven (7) females were elected as Representatives and one (1) female was elected as senator constituting 11% which drop women participation the Legislature; *INCHR 2023 Presidential and Legislative Elections Monitoring Report-Consolidated*, P.9.

The impact of targeted violence against women in politics extends beyond the immediate physical harm inflicted on individual candidates. It also undermines women's confidence in the electoral process and their ability to participate fully in democratic spaces. When women are deterred from running for office or engaging in political activities due to safety concerns, it diminishes their representation in decision-making bodies and hinders progress towards gender equality and inclusive governance. Verbal, and online attacks against women running for elections have been reported in the media and various meetings that OHCHR attended with women's groups and women candidates. In one instance, OHCHR followed up with the Liberia National Police in Buchanan, Grand Bassa County, concerning the alleged attack against a woman Representative candidate. According to the information received from her, weeks before the October 2023 elections, supporters of the incumbent Representative abused her, spying on her and taking pictures of her and that of her compound. Reportedly another supporter of the same Representative, attacked her in her office wielding a machete and using violent and abuse language against her. She reportedly filed a complaint with the police but did not receive any information on the outcomes of their investigations. The status of the case remains unclear.

Limited access of women candidates to public and private media outlets was one of the failures of the 2023 elections because of the exorbitant costs to access private media and lack of enough social and political influence to attract the attention of public media. Nondiscriminatory access to media should be guaranteed to all political parties and independent candidates in compliance with Article 2(1) of the ICCPR, which guarantees the rights “without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. Women and men candidates should receive equal visibility in the public media during election campaigns⁵⁴. In addition, any restrictions imposed on media access should also comply with the requirements of legality, necessity, and proportionality⁵⁵.

g. Participation of Persons with Disabilities (PWDs) in elections

Liberia ratified the Convention on the Rights of Persons with Disabilities (CRPD) on 26 July 2012⁵⁶. Article 29 of the CRPD states that “States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake: (a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by: (i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use; (ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand

⁵⁴ CEDAW/C/CHE/CO/3, paras. 33–34.

⁵⁵ ICCPR, Article 19(3)

⁵⁶ In 2020, Liberia submitted its initial Report due since 2014 to the Committee on the Rights of Persons with Disabilities, CRPD/C/LBR/1, 24 April 2020

for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate; (iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice.”

Liberia also has an active National Commission on Disabilities established under an Act of Parliament⁵⁷. Also, several NEC regulations stipulate that the voter registration centers, and polling places shall, to the extent reasonably and practicably possible, be accessible to PWDs. They also provide that the registration and polling staff should give preference to such voters and are obliged to keep the secrecy of their votes in cases they need assistance.

During the 2023 elections, persons with disabilities faced significant challenges. Accessibility to polling stations and centers was one of the major challenges for PWD voters faced considering that several centers were in schools with access only via stairways and some facilities had no ramps to facilitate access to physically challenged persons. Further, some polling centers were located far from the residences making it very difficult to access for persons with disabilities. Persons with visual impairment faced double challenge of accessing the polling center and being able to vote in confidence as appropriate facilities were not often provided for them. A prominent member of the civil society organizations in Bomi County informed OHCHR that he was not recruited for elections supervision in his area solely because of his physical handicap. He also informed that he faced serious challenges to cast vote as he had to wait for a family member to assist him casting his vote⁵⁸. Also, on 13 October, while visiting the Upper Nimba NEC office in Sanniquellie, an OHCHR team observed that accessibility for persons with disabilities was one of the most complaints made by the local population. For instance, the Chairperson of National Union of Organizations of Persons with Disabilities (NUOD), a Civil Society Organization observing the elections in the area, had difficulty accessing the several steps at the entrance of the NEC office and to the washrooms, and had to be carried upstairs in the back by bystanders at the center.

Many voting centers visited by OHCHR, including in the capital Monrovia were inaccessible for persons using a wheelchair. The lack of tactile ballots for persons with visual impairments limited the right to vote in secret. Persons with visual impairments had to be escorted by a relative to cast their votes, while persons using a wheelchair had to be supported by relatives and sometimes by bystanders. These barriers experienced by PWDs compromised the principle of secret balloting, required under the Liberia Constitution as well as international human rights law. During a workshop organized in June 2023, OHCHR held a discussion on the participation of women with disabilities in politics and most of them noted that a lack of access to resources hinders them from effectively contesting as candidates. OHCHR organised five radio talk shows on human rights in the context of the elections between September 2023 and November 2023. On 29 June, the talk-show on “Women’s political participation with emphasis on women and girls

⁵⁷ For more information the NCD, please visit <https://www.facebook.com/ncdliberia/> (accessed on 16 May 2024)

⁵⁸ Interview conducted in April 2024 in Tubmanburg, Bomi County.

with disabilities” hosted the Chairperson of the National Commission on Disabilities and President of the National Union of Organizations of the Disabled, both of whom urged political parties and policy makers to adopt affirmative action as a measure to promote inclusion of women with disabilities in political leadership.

OHCHR has discussed the issue of accessibility to polling stations with the NEC leadership, other UN agencies and members of the international community. NEC informed OHCHR that efforts would continue to be made to ensure all Liberian participate fully in elections with no discrimination.

7. Redress for violations of human rights during the 2023 elections

Providing redress for violations of human rights during elections is fundamental to the protection of the right to participate in public affairs and its pre-requisite rights and is thus essential both during and between election periods. Under the ICCPR, States are obliged to ensure that any person whose rights or freedoms are violated have an effective remedy. Additionally, claims of rights violations must be “determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State”⁵⁹ The Human Rights Committee emphasizes the need for administrative mechanisms such as law enforcement and the prosecution to “investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies”.⁶⁰ In the context of elections, harassment and violence against reporters or political candidates should be prohibited by law, and promptly investigated by the relevant authorities of the country.

OHCHR monitoring shows that at the end of June 2024, there was no public information from the police or the Ministry of Justice on the outcomes of most complaints made related to incidents documented in this report. OHCHR has been engaging with the police and the Ministry of Justice on the issue to ensure accountability for potential violations and justice to the victims.

Also, during a "Building the confidence of the presidential candidates in the workings of NEC" meeting on 2 August 2023 with the 20 presidential candidates, Gongloe Tiawan Sae, a presidential candidate, stated that he was a victim of stone throwing from an unknown mob a few days before and expressed concerns that neither the government nor the NEC condemned the incident. The Minister of Justice, who oversees most of the security institutions during the electoral period, stated that no formal complaint was received from the candidate – this was refuted by the candidate.

⁵⁹ Article 2(3) (a)-(b)

⁶⁰ Human Rights Committee, General Comment No. 31, para. 15.

8. OHCHR's technical cooperation activities relating to the 2023 elections.

Through the electoral period, as part of its overall human rights mandate and in line with the broader UNCT strategy, OHCHR held several engagements with strategic actors including government officials, members of the security forces, CSO leaders, the NEC, and members of the international community to ensure human rights remains at the heart of the electoral process. As part of the National Steering Committee on Elections (NSCE) ⁶¹, OHCHR advised the other members on the human rights-based approach and integration of human rights in decision making processes.

OHCHR organized various trainings and other capacity building activities for civil society organizations, community-based organizations and peace committee among others to impart knowledge on conflict-sensitive issues and the application of a human rights-based approach to elections in their work and/ or to monitor human rights violations in the context of elections. Under the PBF Elections Project the office held several trainings targeting the security forces, CSO peace structures, youth and women groups among others. Between July and October 2023, OHCHR trained 3000 members of the security forces including 741 women. Additionally, between December 2022 to May 2023, OHCHR and the Liberia Peacebuilding Office conducted regional trainings for community peace structures in four regions of the country with 183 people including 81 participating. Further in September 2023, OHCHR partnered with UNDP, ECOWAS, and the Liberia Peace Building Office in organizing a High-level National Conference on Electoral Integrity under the theme: "United for Credible, Peaceful Elections and a Prosperous Liberia. These interventions contributed to the creation of a peaceful electoral environment including by supporting security forces' role in conflict prevention and building their capacity to mitigate the widespread insecurity and human rights violations. OHCHR interventions also focused on the youth and their participation in the elections including as actors for violence prevention and adequate channels for the diffusion of human rights messages in their communities. OHCHR supported the National Youth Peace Actors Summit 2023 under the theme "Upholding Democracy and Promoting Peaceful Elections" for more than 500 youth from 12 of the 15 counties on the role of youth in promoting peace and human rights in communities, focusing on the electoral period.

⁶¹ The NSCE was co-chaired by the Minister of Justice, the UN RC, and the ECOWAS Representative in Liberia. In attendance were also the diplomatic corps, the Inspector General of the Police, the Chief of Defense Force, and the board of the NEC. This forum discussed the National Election Commission's preparedness, including communication strategies, monitoring of political parties' campaign activities, and support to the security sector.

9. Conclusion and Recommendations

The peaceful political transition in Liberia has been commended by many in the international community, who have noted that the country has set an example for many other African countries, including those planning their own elections in 2024 and beyond⁶². The objective of this report is to highlight human rights violations committed in the context of the elections and propose key recommendations to the government and various stakeholders. Other issues related to the elections process have been dealt with by various observation missions that were deployed across Liberia⁶³. This report aims at centering human rights - monitoring of human rights violations, capacity building of members of security forces and human rights advocacy – in the electoral context, highlighting that such focus can contribute to peaceful elections in the country. The report also highlights the catalytic role OHCHR played within the United Nations Country Team to ensure that a human rights-based approach was applied throughout the electoral process.

The deployment of OHCHR staff to key hotspots, combined with the trainings of security forces and continuing human rights advocacy, led to early identification of threats for prompt intervention and thus prevention of serious human rights violations. Nonetheless, OHCHR has observed limited accountability for the human rights violations and acts of violence that did take place – this remains of great concern. This can be linked to the lack of capacity or political will to conduct investigations during and in the aftermath of the elections. It is important that the new government, with the support from members of the international community, if needed, ensure there is no impunity for violations and acts of violence that were documented during the elections, and ensure justice is served to the victims. OHCHR makes the below recommendations for the continuous improvement of human rights in the electoral context in Liberia.

Recommendations to the Liberian Government

- Implement the recommendations made by the Human Rights Committee and the CEDAW committee towards achieving the goal of 50/50 gender parity in elected positions and in all branches and levels of Government, including through use of temporary special measures. Such measures could include the restoration of the previous mandatory requirement of 30% gender quota for all

⁶² On 27 March, the Country Representative shared OHCHR Liberia's experience on human rights and the 2023 elections with a group of 16 South-Sudanese nationals (15 women and 1 man), from the South Sudanese Parliament, CSOs, academia and judiciary, who were on a one-week South Sudan - Liberia Learning Mission in preparation for the December 2024 elections in South Sudan.

⁶³ See for instance the final report of the European Union Elections Observation Mission in Liberia, 2023, <https://www.eeas.europa.eu/sites/default/files/documents/2024/EU%20EOM%20LIB%202023%20Final%20Report.pdf> (accessed on 31 March 2024). According to the EU, international observation missions were deployed by the Electoral Institute for Sustainable Democracy in Africa (EISA) with long-term presence in the country, following all crucial phases of the electoral process (with 32 and 30 observers deployed for the first and second round respectively), the Economic Community of West African States (ECOWAS) with 135 observers for the first and over 90 observers for the second round, and a three-member expert team by the Carter Centre. The African Union deployed a short-term mission comprising 63 observers for the first round and a four-member expert team for the run-off.

registered political parties, and additional interim steps such as campaign funding for female candidates;

- Build the capacity of all State institutions, including parliaments and election bodies, to guarantee that women participate in public affairs in security, free from gender-based violence;
- Adequately equip the Liberia National Police with less-lethal crowd control equipment and appropriate training to strengthen their capacity to respond to electoral violence, in compliance with international human rights standards on the use of force;
- Ensure that all cases of electoral related violence and human rights violations and abuses are promptly investigated, and perpetrators held accountable;
- Consider amending the New Elections Law to remove vague provisions and provide definitions to key issues such as “voter trucking”;
- Allocate sufficient budgetary resources to institutions that are critical to protection and promotion of human rights in the electoral process - including the NEC, the INCHR and the judiciary - to enable them to effectively discharge their functions and speed up their processes including related to the right to access justice;
- Improve accessibility to polling stations and other election-related material and infrastructure for persons with disabilities;
- Put in place a strategy to combat discrimination and hate speech and always prohibit incitement and especially during the elections period.

Recommendations to members of the international community including the United Nations

- Continue to provide electoral assistance, including technical and financial support to the NEC, the INCHR and CSOs, to ensure that Liberians can fully enjoy their right to vote in upcoming elections including by-elections;
- Continue to support activities and programmes that promote the participation, representation and empowerment of women and marginalized groups including persons with disabilities in electoral processes and highlight the underlying causes preventing equal representation of women at all levels.