



REPUBLIC OF LIBERIA

Legal System	Constitution	Bill of Rights	Country Structure	Form of Government
Statutory Law	Written	Yes	Single State	Republic

1. INTRODUCTION

1.1. Republic of Liberia and Modern Slavery (Human Trafficking)

Liberia is a unitary sovereign state. The form of government is republican with three separate coordinated branches: the legislature, the executive, and judiciary. The country is divided into counties for administrative purposes.¹

The current Constitution of Liberia 1986 is the supreme and fundamental law of Liberia. It provides for fundamental rights and freedoms. No person shall be held in slavery or forced labour within Liberia.² All Liberian citizens are to have equal opportunity for work and employment.³ Every person has the right to privacy of person, family, home, and correspondence; interference with privacy requires a court order.⁴

Domestic legislation, including An Act to Ban Trafficking in Persons within the Republic of Liberia 2005 (**2005 Law**),⁵ the Decent Work Act 2015,⁶ and other supporting laws enforce these constitutional rights.

According to the 2021 U.S. State Department Trafficking in Persons Report (**2021 TIP Report**), Liberia is ranked as Tier 2 Watch List:

The Liberian Government does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to meet those standards. However, the Government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic, on its anti-trafficking capacity; therefore, the TIP Report downgraded Liberia to Tier 2 Watch List from its 2020 Tier 2 ranking.

The Government's efforts included opening a new shelter for child trafficking victims, initiating an investigation into a high-profile labour trafficking case in cooperation with foreign governments, and allocating funding to NGOs to conduct awareness-raising campaigns. But the government identified fewer victims, initiated fewer investigations, prosecuted fewer defendants, and convicted no traffickers. Law enforcement officials continued to lack adequate resources and understanding of trafficking to effectively investigate and prosecute

¹ Constitution of Liberia, article 3, available at: https://www.constituteproject.org/constitution/Liberia_1986.pdf?lang=en.

² *Id.*, article 12.

³ *Id.*, article 18.

⁴ *Id.*, article 16.

⁵ An Act to Ban Trafficking in Persons within the Republic of Liberia 2005, available at: <https://www.warnathgroup.com/wp-content/uploads/2015/03/Liberia-TIP-Law-2005.pdf>.

⁶ Decent Work Act 2015, available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100329&p_country=LBR&p_count=53.

trafficking crimes. Shelter services for victims remained insufficient, and the Government did not support NGOs providing care to victims.⁷

The 2021 TIP Report also says that “human traffickers exploit domestic and foreign victims in Liberia, and traffickers exploit victims from Liberia abroad. Trafficking within the country is more prevalent than transnational trafficking ... Traffickers [also] exploited a small number of Liberian men, women, and children in other West African countries.”⁸

The 2021 TIP Report also identified the types of persons harmed by trafficking in Liberia:

- The majority of victims are children.⁹ Victims are recruited for “domestic servitude, forced begging, sex trafficking, or forced labour to work in street vending, at gold and alluvial diamond mines, and on small-scale rubber plantations.”¹⁰ Children are allegedly compelled to sell illicit drugs.¹¹
- “Some parents encourage their daughters’ exploitation in commercial sex to supplement family income.”¹²
- Traffickers are commonly family members, “who promise poorer relatives a better life for their children or promise young women a better life for themselves, take the children or women to urban areas, and subsequently exploit them in forced labour in street vending, domestic service, or sex trafficking. Traffickers are also often well respected community members who exploit the “foster care” system common across West Africa.”¹³
- Traffickers also exploit orphaned children in street vending and child sex trafficking.¹⁴
- The Cuban government may have forced Cuban medical professionals, and Chinese-owned enterprises may have forced Chinese nationals, to work in Liberia.¹⁵

Agencies monitoring and reporting human trafficking in Liberia include:

- The Independent National Commission on Human Rights of Liberia — an “A” Status National Human Rights Institution of Liberia established in 2005 by an Act of Legislature in conformity with the UN Paris Principles of 1993.¹⁶

⁷ U.S. Dep’t of State, Trafficking in Persons Report 356-357 (2021), available at: <https://www.hsd.org/?abstract&did=855864>. The U.S. Department of State rankings are based on the minimum standards specified in the U.S. Trafficking Victims Protection Act of 2000, “which are generally consistent with the [UN] Palermo Protocol.” *Id.* at 51.

⁸ *Id.*, at 358–359.

⁹ *Id.*, at 358.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Chart of the Status of National Institutions*, United Nations Human Rights Officer of the High Commissioner, p. 4, available at: <https://www.ohchr.org/Documents/Countries/NHRI/StatusAccreditationChartNHRI.pdf>; An Act to Repeal the Act of 1997 Creating the Liberia Commission on Human Rights and to Create the Independent National Commission on Human Rights of Liberia 2005, available at: <http://ilo.org/dyn/natlex/docs/ELECTRONIC/85442/95669/F2108574259/LBR85442.pdf>; *Principles*

- The National Human Trafficking Taskforce — an inter-agency task force established pursuant to the 2005 Law to develop and implement a National Plan for the Prevention of all aspects of trafficking in persons.¹⁷ The current five-year National Plan runs to June 2024.¹⁸
- The National Commission on Child Labour — responsible for enforcing child labour laws and policies.
- The Ministry of Gender, Children, and Social Protection — responsible for promoting the development, empowerment, and protection of women, children, and other vulnerable persons.
- The Ministry of Labour and its Labour Inspectors — responsible for the administration and enforcement of the Decent Work Act 2015, including its forced labour prohibition and requirements for working conditions.¹⁹
- The Women and Children Protection Section of the Liberian National Police — has primary responsibility for investigating trafficking cases.
- The Liberian Immigration Service and Transnational Crimes Unit — responsible for investigating transnational trafficking.

1.2. Liberia’s Policy and Legal Position

Liberia’s Constitution is the supreme and fundamental law of Liberia, and its provisions have binding force and effect on all authorities and persons throughout the country.²⁰ Chapter III provides for fundamental rights and freedoms,²¹ and Article 26 allows every person to ask the courts to prevent or remedy any violation of those rights and freedoms.²² Domestic laws and, in the case of trafficking in persons, the 2005 Law banning trafficking in persons supplement these constitutional rights and remedies.

A five-year national action plan from July 2019 to June 2024 focuses on prevention through raising awareness, punishment for traffickers, development of statistical capacity, multi-sectoral cooperation, and coordination of anti-trafficking efforts.²³

Liberia is a party to UN and other conventions addressing fundamental human rights. The treaties and conventions concluded by the President become part of the law of Liberia on concurrence of a majority of

relating to the Status of National Institutions, United Nations Human Rights Officer of the High Commissioner, available at: <https://www.ohchr.org/en/professionalinterest/pages/statusofnationalinstitutions.aspx>.

¹⁷ An Act to Ban Trafficking in Persons within the Republic of Liberia 2005, article II, section 1, available at: <https://www.warnathgroup.com/wp-content/uploads/2015/03/Liberia-TIP-Law-2005.pdf>.

¹⁸ *Liberia kicks off 5-year Action Plan to combat Human Trafficking*, Public Trust Media Group Inc. (PTMG), available at: <https://newspublictrust.com/liberia-kicks-off-5-year-action-plan-to-combat-human-trafficking/>.

¹⁹ Decent Work Act 2015, section 8.2, available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100329&p_country=LBR&p_count=53.

²⁰ Constitution of Liberia, article 2, available at: https://www.constituteproject.org/constitution/Liberia_1986.pdf?lang=en.

²¹ *Id.*, chapter III.

²² *Id.*, article 26.

²³ *Liberia kicks off 5-year Action Plan to combat Human Trafficking*, Public Trust Media Group Inc. (PTMG), available at: <https://newspublictrust.com/liberia-kicks-off-5-year-action-plan-to-combat-human-trafficking/>.

the House of Representatives and the Senate, provided that their provisions are consistent with the Constitution.²⁴ Any inconsistent provision is void.²⁵

2. OVERVIEW OF LIBERIA’S LEGAL APPROACH TO COMBATING MODERN SLAVERY AND HUMAN TRAFFICKING

2.1. Liberia’s Regional and International Law Obligations

2.1.1. Fundamental human rights

Liberia is a party to the United Nations conventions dealing with fundamental human rights. It has ratified the International Covenant on Civil and Political Rights (2004);²⁶ the International Covenant on Economic, Social and Cultural Rights (2004);²⁷ the Convention on the Elimination of All Forms of Discrimination against Women (1984);²⁸ and the Convention on the Rights of the Child (1993).²⁹ Liberia signed, but the legislature has not ratified, the optional protocols related to the Convention on the Rights of the Child.³⁰ It is also involved in human rights initiatives through a number of voluntary pledges and commitments, including its participation in the African Charter on Human and Peoples’ Rights³¹ and the African Charter on the Rights and Welfare of the Child.³²

Liberia has also ratified the International Labour Organization Worst Forms of Child Labour Convention (No. 182).³³

²⁴ Constitution of Liberia, article 57, available at: https://www.constituteproject.org/constitution/Liberia_1986.pdf?lang=en.

²⁵ *Id.*, article 2(2).

²⁶ International Covenant on Civil and Political Rights: Signatories, United Nations Treaty Collection, available at: https://treaties.un.org/pages/ViewDetails.aspx?src=treaty&mtdsg_no=iv-4&chapter=4&clang=en.

²⁷ International Covenant on Economic, Social and Cultural Rights: Signatories, United Nations Treaty Collection, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4.

²⁸ Convention on the Elimination of All Forms of Discrimination against Women: Signatories, United Nations Treaty Collection, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4.

²⁹ United Nations Convention on the Rights of the Child: Signatories, United Nations Treaty Collection, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4.

³⁰ Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict: Signatories, United Nations Treaty Collection, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&clang=en.

³¹ African Charter on Human and Peoples’ Rights, available at: https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf.

³² African Charter on the Rights and Welfare of the Child, available at: https://au.int/sites/default/files/treaties/36804-treaty-african_charter_on_rights_welfare_of_the_child.pdf.

³³ C182 — Worst Forms of Child Labour Convention, 1999 (No. 182), available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182.

As a UN Member State, Liberia has endorsed the United Nations Protect Respect and Fulfil Framework 2008³⁴ and the UN Guiding Principles on Business and Human Rights 2011 endorsed by the UN Human Rights Council.³⁵

2.1.2. *Slavery and trafficking*

Liberia has acceded to the Convention against Transnational Organized Crime (2000);³⁶ the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;³⁷ and the Protocol Against the Smuggling of Migrants by Land, Sea and Air³⁸ — all in September 2004.

2.1.3. *Effect under Liberia’s law*

All treaties and other international agreements in force before the 1986 Constitution continue to be valid and binding on the country, unless abrogated, cancelled, or inconsistent with the Constitution.³⁹

Article 57 of the Constitution empowers the President to conclude treaties, conventions, and similar agreements with the concurrence of a majority of each of the House of Representatives and the Senate.⁴⁰

However, Article 2(2) provides that any treaties found to be inconsistent with the Constitution shall, to the extent of the inconsistency, be void and of no legal effect.⁴¹ The Supreme Court has the power to declare any inconsistent laws unconstitutional.⁴²

2.2. Human Rights Protections Under Liberia’s Law

The 1986 Constitution as the supreme law of the land establishes fundamental rights and freedoms and provides mechanisms for enforcement of those rights and freedoms.

Article 11(b) states that all persons, irrespective of ethnic background, race, sex, creed, place of origin, or political opinion, are entitled to the fundamental rights and freedoms of the individual, subject to those qualifications set forth in the Constitution.⁴³

³⁴ *Protect, Respect and Remedy: a Framework for Business and Human Rights*, United Nations Human Rights Council, available at: <https://media.business-humanrights.org/media/documents/files/reports-and-materials/Ruggie-report-7-Apr-2008.pdf>.

³⁵ *Guiding Principles on Business and Human Rights*, United Nations Human Rights Office of the High Commissioner, available at: https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf.

³⁶ United Nations Convention against Transnational Organized Crime: Signatories, United Nations Treaty Collection, available at: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&clang=en.

³⁷ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: Signatories, United Nations Treaty Collection, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18.

³⁸ Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, United Nations Treaty Collection, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-b&chapter=18.

³⁹ Constitution of Liberia, article 95(b), available at: https://www.constituteproject.org/constitution/Liberia_1986.pdf?lang=en.

⁴⁰ *Id.*, article 57.

⁴¹ *Id.*, article 2(2).

⁴² *Id.*, article 26.

⁴³ *Id.*, article 11(b).

Article 12 provides that no person shall be held in slavery or forced labour within the Republic, nor shall any citizen or resident of Liberia deal in slaves or subject any other person to forced labour, debt bondage, or peonage.⁴⁴

Article 16 safeguards privacy of person, family, home, or correspondence, except by court order.⁴⁵

The Liberian legal framework with respect to human rights is thus derived from its Constitution and supplemented by specific domestic legislation. Refer to Section 3.

2.3. Criminalization of Modern Slavery

The 2005 Law makes trafficking in persons unlawful and punishable.⁴⁶

2.4. Supply Chain Reporting

Liberia has endorsed the UN Guiding Principles on Business and Human Rights, but does not have any government policies or legislation on supply chain reporting regarding trafficking-related matters.⁴⁷

2.5. Investigation, Prosecution, and Enforcement

2.5.1. Investigation and prosecution of criminal offenses

Prosecuting attorneys with assistance from peace officers investigate and enforce criminal offences related to trafficking in persons and other crimes pursuant to general powers for all crimes conferred by the Criminal Procedure Law 1969.⁴⁸

The Labour Inspectors appointed under the Decent Work Act 2015 are required to: (a) enforce that Act, including any regulations made under it, minimum wage orders, the terms of employees' contracts of employment, and collective agreements; (b) supply technical information and advice to employers and workers concerning the most effective means of complying with the Act's requirements; and (c) investigate workers' complaints received by the Ministry and referred for further investigation.⁴⁹

Criminal Procedure Law

Investigatory and prosecutorial functions with respect to the crime of trafficking in persons are the same as those for other crimes. There are no special rules for the trafficking in persons crime. Crimes are investigated and prosecuted pursuant to Criminal Procedure Law.

⁴⁴ *Id.*, article 12.

⁴⁵ *Id.*, article 16.

⁴⁶ An Act to Ban Trafficking in Persons within the Republic of Liberia 2005, section 2, available at: <https://www.warnathgroup.com/wp-content/uploads/2015/03/Liberia-TIP-Law-2005.pdf>.

⁴⁷ *Guiding Principles on Business and Human Rights*, United Nations Human Rights Office of the High Commissioner, available at: https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf.

⁴⁸ Criminal Procedure Law 1969, available at: <https://www.refworld.org/docid/3ae6b5410.html>.

⁴⁹ Decent Work Act 2015, section 8.2, available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100329&p_country=LBR&p_count=53.

Prosecuting attorneys initiate and prosecute criminal proceedings. They investigate the commission of criminal offences with assistance from peace officers. After investigation, they also may commence criminal proceedings by indictment for the offence.

The prosecuting attorneys have search and seizure powers and the power to require persons to attend examinations and to produce all required documents based on warrants issued by a magistrate or justice of the peace.⁵⁰

A national referral mechanism is in operation.⁵¹

Decent Work Act claims by workers — Chapters 9 and 10

A worker or a person representing a worker may make a complaint concerning a violation of the worker's rights under the Decent Work Act 2015 to the Ministry of Labour.⁵² A complaint may concern an alleged violation of the Act, including any regulations made under it, a minimum wage order, a contract of employment, or a collective agreement.⁵³ A complainant must file a complaint within three years after the date of the violation.

The Labour Solicitor appointed under the Act has the duty to represent and conduct proceedings before the Ministry and the courts on behalf of employees who have declared under oath their financial inability to retain counsel.⁵⁴

If the Ministry considers that the complaint shows that a violation of the law has occurred or may be occurring, it shall hold a hearing.⁵⁵ "At the conclusion of the hearing, the Ministry shall state its findings of fact."⁵⁶ "The Ministry may dismiss a complaint if it finds that the respondent has not engaged in the violation that is the subject of the notice."⁵⁷ "If the Ministry finds that a respondent has committed or is committing a violation of any provision of this Act, it:

(i) shall issue and cause to be served on the respondent an order requiring it to

(1) cease and desist from continuing the violation, and

(2) to take such affirmative and remedial action as is specified in the law or as, in the judgment of the Ministry, will effectuate the purposes of th[e] Act;

(ii) may order the respondent to pay a fine not exceeding \$500."⁵⁸

⁵⁰ Criminal Procedure Law 1969, Chapters 11 and 12, available at: <https://www.refworld.org/docid/3ae6b5410.html>.

⁵¹ *Id.*, Chapter 25.3.

⁵² Decent Work Act 2015, section 9.2(a), available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100329&p_country=LBR&p_count=53.

⁵³ *Id.*, section 9.2(b).

⁵⁴ *Id.*, Chapter 6.

⁵⁵ *Id.*, section 9.3.

⁵⁶ *Id.*, section 9.5(a).

⁵⁷ *Id.*, section 9.5(b).

⁵⁸ *Id.*, section 9.5(c).

Additional compensation may be available under § 14.10 of the Decent Work Act 2015.⁵⁹

A person aggrieved by the Ministry’s decision not to take action concerning a complaint may appeal against that order within 30 days after receiving notice of the Ministry’s decision.⁶⁰ A party aggrieved by an order of the Ministry may appeal against that order within 30 days after service of the order on the parties.⁶¹ The appeal is made to the Labour Court or the Circuit Court, as applicable.⁶²

The findings of the Ministry as to the facts are conclusive if supported by sufficient evidence on the record, considered as a whole.⁶³ The judgment and order of the Labour or Circuit Court shall be final, subject only to review by the Supreme Court.⁶⁴

2.5.2. *Mutual assistance/international cooperation*

Liberia participates in the Regional Strategy for Combating Trafficking in Persons and Smuggling of Migrants managed by the Regional Office for West and Central Africa of the United Nations Office of Drugs and Crime.⁶⁵

Liberia has signed the United Nations Sustainable Development Cooperation Framework 2020–2024 for Liberia.⁶⁶ The Government of Liberia and the United Nations in Liberia have committed to engage in a strategic partnership to improve the lives of people in Liberia, especially those most marginalized. They have agreed to work closely with all stakeholders to achieve a development plan, including the government’s Pro-Poor Agenda for Prosperity and Development.⁶⁷ The goal is to mitigate the poverty that drives families to force children and women into trafficking and forced labour.

The Liberian government, partnering with the Internet Watch Foundation (**IWF**), Liberia’s Defence for Children International, and Global System for Mobile Communications (**GSM**) service provider Orange Liberia, has launched the IWF Reporting Portal.⁶⁸ It allows any person in Liberia who sees any suspected images of child sexual abuse online to send the URL (web address) anonymously to the IWF in Cambridge, England, where the images will be assessed and may be removed. The Fund to End Violence Against Children provides funding for this Portal. This work is part of the WePROTECT Model National Response

⁵⁹ *Id.*, section 9.5(d).

⁶⁰ *Id.*, section 10.1(a).

⁶¹ *Id.*, section 10.1(b).

⁶² *Id.*, section 10.2.

⁶³ *Id.*, section 11.3(f).

⁶⁴ *Id.*, section 11.3(g).

⁶⁵ *Regional Strategy for Combating Trafficking in Persons and Smuggling of Migrants*, United Nations Office on Drugs and Crime, available at: https://www.unodc.org/documents/westandcentralafrica/UNODC_Regional_Strategy_for_Combating_TIP_SOM_West_and_Central_Africa_2015-2020.pdf.

⁶⁶ *United Nations Sustainable Development Cooperation Framework (2020–2024) (Liberia)*, United Nations Liberia available at: <https://liberia.un.org/sites/default/files/2020-10/UNCDF%20Liberia-Digital%20Version.pdf>.

⁶⁷ *Pro-Poor Agenda for Prosperity and Development: A Five-Year National Development Plan Towards Accelerated, Inclusive, and Sustainable Development*, Government of the Republic of Liberia, available at: <http://liberianconsulatega.com/wp-content/uploads/2017/07/PAPD-Pro-Poor-Agenda-for-Prosperity-and-Development.pdf>.

⁶⁸ *IWF Liberia Reporting Portal*, Internet Watch Foundation, available at: <https://report.iwf.org.uk/lr>.

under which countries committed to establish and deliver a coordinated national response to online child sexual exploitation.⁶⁹

3. LIBERIA’S FEDERAL CRIMINAL OFFENSES RELATING TO SLAVERY, SLAVERY-LIKE CONDITIONS, AND HUMAN TRAFFICKING

3.1. Overview of Criminal Offenses

The 2005 Law is the main domestic law in Liberia addressing trafficking in persons. The 2005 Law creates a very broad offence that includes trafficking in persons, slavery, slavery-like practices, forced labour, and sexual exploitation.⁷⁰ Refer to Section 3.2.1.



3.2. Slavery Offenses Under the Criminal Code

3.2.1. General

Constitution

Article 12 of the Constitution provides that no person shall be held in slavery within Liberia, nor shall any citizen or resident of Liberia deal in slaves or subject any other person to forced labour, debt bondage, or peonage.⁷¹

2005 Law

The 2005 Law’s definition of “exploitation” includes slavery.⁷²

⁶⁹ *Preventing and Tackling Child Sexual Exploitation and Abuse (CSEA): A Model National Response*, WePROTECT, available at: <https://www.weprotect.org/wp-content/uploads/WePROTECT-Model-National-Response.pdf>.

⁷⁰ An Act to Ban Trafficking in Persons within the Republic of Liberia 2005, section 2, available at: <https://www.warnathgroup.com/wp-content/uploads/2015/03/Liberia-TIP-Law-2005.pdf>.

⁷¹ Constitution of Liberia, article 12, available at: https://www.constituteproject.org/constitution/Liberia_1986.pdf?lang=en.

⁷² An Act to Ban Trafficking in Persons within the Republic of Liberia 2005, article 1, available at: <https://www.warnathgroup.com/wp-content/uploads/2015/03/Liberia-TIP-Law-2005.pdf>.

Section 2 provides that recruitment, transportation, transfer, harbouring, or receipt of a person by means of a threat or use of force or other means of coercion or by abduction, fraud, deception, abuse of power or a person’s vulnerability, or by giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation (trafficking in persons) is a criminal offense.⁷³

Section 5 provides that whoever engages in or conspires to engage in, or attempts to engage in, or assists another person to engage in, or organizes or directs other persons to engage in “trafficking in persons” shall be sentenced as defined in Section 7.⁷⁴

Article 1 contains several important definitions:

“Exploitation” means: (a) keeping a person in a state of slavery; (b) subjecting a person to practices similar to slavery; (c) compelling or causing a person to provide forced labour or services; (d) keeping a person in a state of servitude, including sexual servitude; (e) exploiting the prostitution of another; (f) engaging in any other form of commercial sexual exploitation, including but not limited to pimping, pandering, procuring, profiting from prostitution, maintaining a brothel, or child pornography; and (g) illegally removing human organs.

“Slavery” means exercising the right of ownership over another person.

“Practices similar to slavery” are defined in the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery and include, in general, debt bondage, serfdom, forced or servile marriages, and delivery of children for exploitation.

“Forced labour” means labour or services obtained or maintained through force, threat of force, or other means of coercion or physical restraint.

“Servitude” is a condition of dependency in which the labour or services of a person are provided or obtained by threats or serious harm to that person or another person, or through any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labour or services, that person or another person would suffer serious harm.

“Illicit removal of organs” refers to unlawful conduct, and not to legitimate medical procedures for which proper consent has been obtained.

“Abuse of a position of vulnerability” means such abuse that the person believes they have no reasonable alternative but to submit to the labour or service demanded of the person. It includes but is not limited to taking advantage of the vulnerabilities resulting from entering a country illegally or without proper documentation, pregnancy, any physical or mental disease or disability including addiction to the use of any substance, or a child’s reduced capacity to form judgments.

“Coercion” includes violent as well as some forms of non-violent or psychological coercion, including: (a) threats of serious harm to or physical restraint against any person; (b) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; and (c) the abuse or threatened abuse of the legal process.

“Debt bondage” means the status or condition of a debtor arising from the debtor’s pledge of their personal service or those of a person under their control as a security for debt, if the value of those

⁷³ *Id.*, section 2.

⁷⁴ *Id.*, sections 5 and 7.

services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not limited and defined.⁷⁵

Section 7 provides that a court shall sentence a person convicted of the crime of trafficking in persons to imprisonment for a minimum of one year if:

- (a) the convicted person used, threatened to use, or caused another to use or threaten to use a dangerous weapon, the court shall add two years to the minimum sentence;
- (b) a trafficked person suffers a serious bodily injury, or if the convicted person commits a sexual assault against a trafficked person, the court shall add five years to the minimum sentence;
- (c) the trafficked person is not 18 years old, the court shall add five years to the minimum sentence;
- (d) in the course of trafficking or subsequent exploitation, the convicted person recklessly caused a trafficked person to be exposed to a life-threatening illness or if the convicted person intentionally caused a trafficked person to become addicted to any drug or medication, the court shall add five years to the minimum sentence;
- (e) a trafficked person suffers a permanent or life-threatening injury, the court shall add 10 years to the minimum sentence;
- (f) a trafficked person dies as a result of the trafficking, the sentence shall be between 20 years and life imprisonment;
- (g) the trafficking was part of the activity of an organized criminal group, the court shall add three years to the minimum sentence;
- (h) the trafficking was part of the activity of an organized criminal group, and the convicted person organized the group or directed its activities, the court shall add five years; and
- (i) the trafficking occurred as a result of abuse of power or position of authority, including but not limited to a parent or guardian, teacher, children’s club leader, or any other person who has been entrusted with the care or supervision of the child, the court shall add three or five years to the minimum sentence.⁷⁶

Section 6 provides that persons convicted of the crime of transporting a person for the purpose of prostitution shall be punished in accordance with Section 7, but several aggravating factors can permit a longer sentence up to a maximum of 20 years: (a) transporting two or more persons at the same time; (b) permanent or life-threatening bodily injury to a person transported; (c) transporting one or more children; and (d) transporting as part of the activity of an organized criminal group.⁷⁷

Section 8 provides that the age of consent to sex, legal age of marriage, or other discretionary age is not a defence to trafficking. Consent or past sexual behaviour history of the victim is irrelevant and inadmissible for the purpose of proving that the victim engaged in other sexual behaviour, or to prove the victim’s sexual predisposition.⁷⁸

⁷⁵ *Id.*, article 1.

⁷⁶ *Id.*, article 7.

⁷⁷ *Id.*, article 6.

⁷⁸ *Id.*, article 8.

3.2.2. Extraterritorial application

The 2005 Law does not have any extraterritorial provision. However, according to section 1.5 of the Penal Law, the Penal Law’s extraterritorial provisions apply to the offences created by the 2005 Law.⁷⁹ Extraterritorial jurisdiction over an offense exists when (a) the accused participates outside Liberia in an offense against the laws of Liberia committed in whole or in part within Liberia or the offense constitutes an attempt, solicitation, or conspiracy to commit an offense within Liberia; (b) the offense involves entry of a person or property into Liberia; (c) a public officer or employee who is outside the territory of Liberia because of official duties or a member of the public officer’s or employee’s household residing abroad commits the offence; or (d) a treaty confers jurisdiction upon Liberia.⁸⁰

A person is subject to prosecution in Liberia for an offense committed partly within Liberia.⁸¹ An offense is committed partly in Liberia if either the conduct that is an element of the offense or the result occurs within Liberia.⁸²

3.3. Slavery-Like Offenses in Liberia’s Legal Order

3.3.1. Servitude

Servitude falls within the definition of “exploitation” under the 2005 Law.⁸³ It is a criminal offence under section 2 of the 2005 Law and punishable accordingly.⁸⁴ Refer to Section 3.2.1.

3.3.2. Forced labor

Constitution

Article 12 provides that no person shall be held in slavery or forced labour within the country, nor shall any citizen or resident of Liberia deal in slaves or subject any other person to forced labour, debt bondage, or peonage; but labour reasonably required because of a court sentence or order conforming to acceptable labour standards, military service, normal civil obligations, or an emergency or calamity threatening the life or well-being of the community is not forced labour.⁸⁵

2005 Law

Forced Labour (defined as labour or services obtained or maintained through force, threat of force, or other means of coercion or physical restraint) falls within the definition of “exploitation” under the 2005 Law.⁸⁶ It is punishable as a criminal offence under section 2 of the 2005 Law.⁸⁷ Refer to Section 3.2.1.

⁷⁹ The Penal Law of 1976, sections 1.4(1) and 1.5, available at: <http://www.liberlii.org/lr/legis/codes/plr26lcolr367/>.

⁸⁰ *Id.*, section 1.4(1).

⁸¹ *Id.*, section 1.4(2).

⁸² *Id.*

⁸³ An Act to Ban Trafficking in Persons within the Republic of Liberia 2005, article 1, available at: <https://www.warnathgroup.com/wp-content/uploads/2015/03/Liberia-TIP-Law-2005.pdf>.

⁸⁴ *Id.*, article 2.

⁸⁵ *Id.*, article 12.

⁸⁶ *Id.*, article 1.

⁸⁷ *Id.*, article 2.

Decent Work Act 2015

Section 2.2 provides that no person in Liberia shall be subjected to forced or compulsory labour (defined in section 1.4 as all work or service that is exacted from any person under the menace of any penalty, and that a person did not voluntarily offer to do) provided, however, that this does not prohibit work or service:

- (i) that is purely military in character and demanded because of general, compulsory military service laws;
- (ii) that is part of citizens' normal civic obligations;
- (iii) that is required because of a conviction in a court of law, provided that: (a) it is carried out under the supervision and control of a public authority; and (b) no person is hired by or placed at the disposal of private individuals, companies, or associations;
- (iv) that is required in cases of emergency, such as war, a calamity, or threatened calamity, including fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect, or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of all or part of the population; or
- (v) that consists of minor communal services of a kind which members of the community perform in the direct interest of the community and therefore are normal civic obligations, provided that the members of the community or their direct representatives have the right to be consulted in regard to the need for such services.⁸⁸

A person shall not directly or indirectly cause, permit, or require any person to perform forced labour.⁸⁹

A "child" is defined as a person under the age of 18 years in section 1.4.⁹⁰

Section 2.3 provides:

- (a) Except as elsewhere provided in this Act, no person shall employ or cause a child to be employed.
- (b) Without limiting the scope of the preceding provision, several forms of work by children are absolutely prohibited: (i) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage, serfdom, and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (ii) the use, procuring, or offering of a child for prostitution, for the production of pornography, or for pornographic performances; (iii) the use, procuring, or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and (iv) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or welfare of children.
- (c) The Minister may make regulations to identify work prohibited under paragraph b–iv and other forms of work for children that shall be absolutely prohibited.

⁸⁸ Decent Work Act 2015, sections 1.4 and 2.2, available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100329&p_country=LBR&p_count=53.

⁸⁹ *Id.*, section 2.2(b).

⁹⁰ *Id.*, section 1.4.

(d) A person shall not directly or indirectly cause, permit, or require a child to participate in work that this section absolutely prohibits.⁹¹

Section 9.5(c) provides that, “[i]f the Ministry finds that an employer has committed or is committing a violation of any provision of this Act, it (i) shall issue and cause to be served on the employer an order requiring the employer to: (1) cease and desist from continuing the violation; and (2) take such affirmative and remedial action as is specified in the law or as, in the judgment of the Ministry, will effectuate the purposes of the Act; and (ii) may order the employer to pay a fine not exceeding \$500.”⁹²

Penal Law

Section 16.15 of the Penal Law (added by the Children’s Law 2011)⁹³ provides that a person commits a second-degree felony by exposing the child to harmful or hazardous work or engaging in a practice that violates or endangers the bodily integrity, life, health, dignity, education, welfare, or holistic development of the child.⁹⁴ The penalty for this offence is imprisonment for up to five years.

Children’s Law 2011

Section 20.1 Article III provides that every child shall have the right to be protected from work and other practices that may threaten the child’s health, educational, spiritual, physical, and moral development.⁹⁵

Section 9.1 of Article VII provides that no person shall employ a child in work that is inappropriate for the child’s age or that may be hazardous to the child’s health, educational, emotional, or physical development.⁹⁶ This prohibition applies to all work undertaken by children, regardless of whether the work is under a contractual relationship, and regardless of whether the work is for payment or other reward. Section 9.2 states that the Ministry of Labour shall issue regulations to further specify terms and conditions applicable to specific categories of work, including, as appropriate, the establishment of minimum working ages for different categories of work.⁹⁷

Section 21.1 Article III provides that every child shall have the right to be protected from sexual abuse and exploitation including prostitution and pornography.⁹⁸ Section 21.2 states that the Penal Law and other legislation intended to protect the child from sexual exploitation shall be construed with the child’s best interests as the primary consideration.⁹⁹

Section 4, Article VI provides that no one shall give over a child to work to satisfy obligations on the part of the parent regardless of whether or not the work is harmful, hazardous, or indecent; or engage in any unnecessary or uncultured practice that may inflict physical, psychosocial, or emotional pain on a child or

⁹¹ *Id.*, section 2.3.

⁹² *Id.*, section 9.5(c).

⁹³ An Act to Establish the Children’s Law of Liberia 2001, available at: <http://extwprlegs1.fao.org/docs/pdf/lbr199328.pdf>.

⁹⁴ The Penal Law of 1976, section 16.15, available at: <http://www.liberlii.org/lr/legis/codes/plr26lcolr367/>.

⁹⁵ An Act to Establish the Children’s Law of Liberia 2001, article III, section 20.1, available at: <http://extwprlegs1.fao.org/docs/pdf/lbr199328.pdf>.

⁹⁶ *Id.*, article VII, section 9.1.

⁹⁷ *Id.*, article VII, section 9.2.

⁹⁸ *Id.*, article III, section 21.1.

⁹⁹ *Id.*, article III, section 21.2.

otherwise violate or endanger the child’s bodily integrity, life, health, dignity, education, welfare, or holistic development.¹⁰⁰

3.3.3. Deceptive recruiting for labor or services

Section 2 of the 2005 Law makes deceptive recruitment a punishable criminal offence.¹⁰¹ Refer to Section 3.2.1.

3.3.4. Early and forced marriage

Early or forced marriage falls within the definition of “exploitation” under the 2005 Law.¹⁰² It is a punishable criminal offence under section 2 of the 2005 Law.¹⁰³ Refer to Section 3.2.1.

Section 16.15 of the Penal Law (added by the Children’s Law 2011) provides that a person commits a second-degree felony by: (a) facilitating a child’s marriage to any person when the child is still under the age of 18; (b) forcing a child to marry another person; or (c) betrothing a child into marriage or a promise for marriage.¹⁰⁴ Penalty is imprisonment for up to five years.

Section 4, Article VI of the Children’s Law provides that no one may force a child to marry any person when the child is still under the age of 18 or betroth a child into marriage or a promise for marriage.¹⁰⁵

Forced and early marriage remain common in parts of Liberia despite these laws.

3.3.5. Debt bondage

Debt bondage falls within the definition of “exploitation” under the 2005 Law and, therefore, is a punishable criminal offence.¹⁰⁶ Refer to Section 3.2.1.

3.3.6. Any other relevant offenses

Liberia has no other relevant slavery-like offences.

3.3.7. Extraterritorial application of the offenses

Refer to Section 3.2.2.

¹⁰⁰ *Id.*, article VI, section 4.

¹⁰¹ An Act to Ban Trafficking in Persons within the Republic of Liberia 2005, section 2, available at: <https://www.warnathgroup.com/wp-content/uploads/2015/03/Liberia-TIP-Law-2005.pdf>.

¹⁰² *Id.*, article 1.

¹⁰³ *Id.*, section 2.

¹⁰⁴ The Penal Law of 1976, section 16.15, available at: <http://www.liberlii.org/lr/legis/codes/pl26lcolr367/>.

¹⁰⁵ An Act to Establish the Children’s Law of Liberia 2001, article VI, section 4, available at: <http://extwprlegs1.fao.org/docs/pdf/lbr199328.pdf>.

¹⁰⁶ An Act to Ban Trafficking in Persons within the Republic of Liberia 2005, article 1 and section 2, available at: <https://www.warnathgroup.com/wp-content/uploads/2015/03/Liberia-TIP-Law-2005.pdf>.

3.4. Human Trafficking/Smuggling-Related Criminal Offenses

3.4.1. *International and domestic trafficking/smuggling of people*

The 2005 Law makes criminal both trafficking in persons and smuggling people for exploitation.¹⁰⁷ Refer to Section 3.2.1.

3.4.2. *International and domestic trafficking in children*

The trafficking in persons offence in the 2005 Law includes trafficking of children, which carries a higher sentence than adult trafficking.¹⁰⁸ Refer to Section 3.2.1.

3.4.3. *Victim harboring*

Section 2 of the 2005 Law makes it a crime to harbour trafficked persons.¹⁰⁹ Refer to Section 3.2.1.

3.4.4. *Extraterritorial application of human trafficking and smuggling offenses*

Refer to Section 3.2.2.

3.5. Online Exploitation of Children Offenses

Section 2.3 of the Decent Work Act and the trafficking in persons offence in the 2005 Law cover online exploitation of children.¹¹⁰ Refer to Sections 3.3.2. and 3.2.1.

3.6. Child Sex Tourism Offenses

Section 2.3 of the Decent Work Act and the trafficking in persons offence in the 2005 Law also cover child sex tourism.¹¹¹ Refer to Sections 3.3.2. and 3.2.1.

4. LIBERIA'S SUPPLY CHAIN REPORTING LEGISLATION

While Liberia has endorsed the United Nations Guiding Principles on Business and Human Rights, Liberia has no government policies or legislation on supply chain reporting regarding trafficking-related matters.¹¹²

¹⁰⁷ *Id.*, section 2.

¹⁰⁸ *Id.*, article 1 and sections 2 and 6.

¹⁰⁹ *Id.*, section 2.

¹¹⁰ *Id.*, section 2; Decent Work Act 2015, section 2.3, available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100329&p_country=LBR&p_count=53.

¹¹¹ *Id.*

¹¹² *Guiding Principles on Business and Human Rights*, United Nations Human Rights Office of the High Commissioner, available at: https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf.

5. FORCED LABOR: OVERVIEW OF LIBERIA’S APPLICABLE EMPLOYMENT AND MIGRATION LAWS

5.1. Employment Law Rights for Victims of Human Trafficking and Forced Labor

The Decent Work Act 2015 (**DW Act**) applies to all work performed within the country’s jurisdiction, including (i) work performed by both women and men, (ii) whether or not the person performing the work is a citizen of Liberia; (iii) work performed in both the formal and the informal economy; and (iv) work performed by children.¹¹³ However, civil service work and work on a vessel are excluded.¹¹⁴

For the purposes of the DW Act, a person who works or provides services for any other person is presumed, until the contrary is proved, to be *an employee*, regardless of the form of the contract, if any one or more of these factors are present: (i) another person controls or directs the manner in which the person works or the hours of work; (ii) in the case of a person who works for an organization, the person is a part of that organization; (iii) the person has worked for that other person for an average of at least 40 hours per month over the past three months; (iv) the person is economically dependent on the other person for whom that person works or provides services; (v) another person provides the person with tools of the trade or work equipment; or (vi) the person works for or provides services only to one person.¹¹⁵

Every employee is entitled to a minimum wage and the benefit of other conditions.¹¹⁶ The definition of an employee appears to include a victim of forced labour or trafficking, because payment of money is not part of the definition.¹¹⁷ Consequently, a victim can submit a claim under the DW Act for unpaid wages.

5.2. Applicability of Employment Legislation in the Context of Forced Labor or Trafficking

If victims of forced labour or trafficking meet at least one of the factors in the definition of employee in 1.5(b), they will be regarded as employees or workers under the DW Act.¹¹⁸ Victims can submit a claim for minimum wages to which workers are entitled and the benefit of other conditions.

5.3. Statutory Rights

5.3.1. *Rights to minimum wages, entitlements, and other applicable minimum standards*

Section 16.1A of the DW Act provides that (i) every worker or employee in a formal sector (*e.g.*, concession, industry, company, or business) “is entitled to be paid a minimum wage of United States Sixty-Eight Cents (US\$0.68) per hour or United States Five Dollars and Fifty Cents (US\$5.50) per day” and (ii) every domestic or casual worker/employee “is entitled to be paid a minimum wage of United States Forty-Three Cents (US\$0.43) per hour or United States Three Dollars and Fifty Cents (US\$3.50) per day ...”¹¹⁹ Section 16.1B

¹¹³ Decent Work Act 2015, section 1.5(b), available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100329&p_country=LBR&p_count=53.

¹¹⁴ *Id.*, section 1.5(c).

¹¹⁵ *Id.*, section 1.5(e).

¹¹⁶ *Id.*, section 16.1.

¹¹⁷ *Id.*, section 1.5(e).

¹¹⁸ *Id.*, section 1.5(b).

¹¹⁹ *Id.*, section 16.1A.

states that “[a]ny provision in a contract of employment for wages at less than the rate fixed in a minimum wage order shall be null and void.”¹²⁰ Minimum wage orders can be made to change these amounts.¹²¹

Other minimum entitlements under Chapters 17 to 20 of the DW Act for workers include:

- (a) minimum paid annual leave of: (i) the number of working days in one week during the first 12 months of continuous service, (ii) the number of working days in two weeks during the first 24 months of continuous service; (iii) the number of working days in three weeks for continuous service of 36 months; and (iv) the number of working days in four weeks for continuous service with the same employer for 60 months.¹²² Leave can accumulate for three years;¹²³
- (b) ten days sick leave for every year of continuous service;¹²⁴
- (c) five days paid leave during each year of continuous service to provide care or support to immediate family;¹²⁵
- (d) paid leave of up to five days in the event a member of the immediate family dies;¹²⁶
- (e) maternity leave for a pregnant woman of 14 weeks with a right to extend for another month in case of a duly certified complication with no payment.¹²⁷ A nursing break for breastfeeding — two breaks of 30 minutes in each working day or reduction of 60 minutes from her daily hours of work — until child reaches six months of age;¹²⁸
- (f) leave without pay for an employed father of a child up to five days in the first month after the child’s birth;¹²⁹
- (g) paid leave for public holidays;¹³⁰
- (h) overtime work to be paid at 50% above normal rate;¹³¹
- (i) a daily rest period of at least 12 consecutive hours between ending and recommencing work, and a weekly rest period of at least 36 consecutive hours that shall include Sunday unless otherwise agreed;¹³²

¹²⁰ *Id.*, section 16.1B.

¹²¹ *Id.*

¹²² *Id.*, section 18.1(a).

¹²³ *Id.*, section 18.1(b).

¹²⁴ *Id.*, section 19.2(a).

¹²⁵ *Id.*, section 19.4(a).

¹²⁶ *Id.*, section 19.5(b).

¹²⁷ *Id.*, section 20.1.

¹²⁸ *Id.*, section 20.6.

¹²⁹ *Id.*, section 20.3(a).

¹³⁰ *Id.*, section 17.12(a).

¹³¹ *Id.*, section 17.5(a)(ii).

¹³² *Id.*, sections 17.9 and 17.10.

(j) severance pay on redundancy on economic grounds of four weeks for each completed year of service.¹³³

5.3.2. Claims available in relation to misrepresentations and “sham” arrangements

Liberia has no applicable laws.

5.3.3. Claims available in relation to unlawful deductions, loans, and debt bondage

Section 16.5 of the DW Act restricts deductions to lawful purposes:

(a) Subject to this section, an employer shall pay the full amount of remuneration due to an employee, without deduction, whenever it becomes payable to the employee.

(b) An employer may deduct sums from remuneration due to an employee: (i) for any lawful purpose; and (ii) with the written agreement of the employee, provided that an employee may revoke or vary a written request once in every pay period.

(c) Deductions from an employee’s remuneration by agreement with the employee: (i) shall not total more than one-third of the employee’s remuneration; and (ii) may only be made in payment of rent for accommodations supplied by the employer, goods sold by the employer, a loan advanced by the employer, or trade union dues.¹³⁴

Section 16.6 provides that an employer shall not: (a) fine an employee unless statute or a collective agreement authorizes the fine; (b) require an employee: (i) to buy goods from a shop owned by the employer or run on its behalf; (ii) to use the services rendered by the employer for reward; or (iii) to pay for any goods supplied by the employer at a price exceeding an amount equal to the price paid by the employer plus any reasonable costs incurred by the employer in acquiring the goods; or (c) require or permit an employee: (i) to repay any remuneration duly paid to an employee; or (ii) to acknowledge receipt of an amount greater than the remuneration actually received.¹³⁵

5.3.4. Remedies

If a victim of trafficking is classified as an employee under the DW Act, then that Act is available to make claims for minimum wages and other entitlements.¹³⁶ Those claims are made to the Ministry of Labour in the first instance with the assistance of the Labour Solicitor and to the courts thereafter on appeal.¹³⁷

5.4. Rights to a Safe Workplace and Compensation Associated With Injuries or Illness

The DW Act applies to those victims of forced labour and trafficking who fall within the Act’s definition of employee.¹³⁸

¹³³ *Id.*, section 14.5(b)–(c).

¹³⁴ *Id.*, section 16.5.

¹³⁵ *Id.*, section 16.6.

¹³⁶ *Id.*, section 1.5(b).

¹³⁷ *Id.*, sections 9.2(a) and 10.2.

¹³⁸ *Id.*, section 1.5(b).

Health and safety duty

Chapter 25 of the DW Act provides that the employer shall ensure so far as is reasonably practicable the safety and health at work of all workers.¹³⁹

Every employer or self-employed person has “the duty to develop, as appropriate in consultation with the employer’s workers and with such other persons as the employer considers necessary, a policy relating to occupational safety and health. The policy shall enable effective cooperation between the employer and its workers in promoting and developing measures to ensure the workers’ safety and health, and it shall explain the organization and arrangements in place to carry out that policy. The policy shall provide adequate mechanisms for reviewing the effectiveness of the measures or redesigning of the policy, whenever appropriate.”¹⁴⁰

Every employer or self-employed person shall ensure so far as is reasonably practicable that persons other than workers whom they have engaged are not exposed to workplace risks to their safety or health.¹⁴¹

The employer has a duty to provide and ensure use of personal protective equipment and to provide first-aid and welfare facilities.¹⁴²

Workers’ Compensation

Chapter 30 of the DW Act covers employee injury compensation, but this compensation applies only to the extent that an employee injury scheme administered by the National Social Security and Welfare Corporation under the National Social Security and Welfare Law (as amended) does not cover employees.¹⁴³

Section 30.2(b) requires the employer to promptly provide any injured employee with reasonable medical, surgical, or other attention or treatment, as well as nurse and hospital service, medicine, crutches, and apparatus for such time as the injury and the process of recovery may require.¹⁴⁴

Section 31.1 provides:

(a) Every employer must pay, compensate, or secure compensation for each employee (or to the employee’s dependents) for the employee’s disability or death caused by an injury arising out of and in the course of employment, without regard to fault, except as provided in paragraph (b).

(b) An employer is not liable for compensation under the chapter when the cause of the employee’s injury or death was:

- (i) solely the intoxication of the injured employee while on duty; or
- (ii) the inexcusable misconduct of the injured employee; or

¹³⁹ *Id.*, section 25.

¹⁴⁰ *Id.*, section 25.2.

¹⁴¹ *Id.*, section 25.3.

¹⁴² *Id.*, section 25.6(c).

¹⁴³ *Id.*, section 30.

¹⁴⁴ *Id.*, section 30.2(b).

(iii) the wilful intention of the injured employee to bring about the injury or death of the employee or another person.¹⁴⁵

For the purpose of the chapter, an accident resulting in incapacity or death of an employee is deemed to arise out of and in the course of employment, notwithstanding that the employee, at the time of the accident, was violating a statutory or other rule or the employer's orders or was acting without the employer's instructions, so long as the employee acted for the purposes of and in connection with the employer's trade or business.¹⁴⁶

When an accident happens to an employee during any temporary interruption of work for a meal, rest, or refreshment, the accident shall be deemed to arise out of and in the course of employment if the accident would have been deemed to have arisen out of the employee's employment had it happened at the place of employment and if: (1) the accident happens upon premises occupied by the employer; or (2) the accident happens upon premises to which the employee has the right to access because of the employee's employment during that temporary interruption of work; or (3) the accident happens upon premises to which the worker is permitted by the employer's express or implied authorization to access during that temporary interruption of work.¹⁴⁷

Section 32.1 provides:

(a) Every employer must pay, compensate, or secure compensation for each employee (or the employee's dependents) for the employee's disability or death caused by any occupational disease as if the disease were a personal injury by accident arising out of and in the course of that employment, subject to the limitations in paragraphs (c) and (d).

(b) An occupational disease is one which is due to causes and conditions which are characteristic of and peculiar to a particular trade, occupation, process, or employment, to which employees are not ordinarily subjected or exposed outside of or away from their employment.

(c) Liability for compensation under this section is limited to disability that commences or death that occurs (if it is not preceded by incapacity) within two years after the end of the employee's employment that allegedly caused the disability or death, or five years after the end of the employment if the disability or death is allegedly due to exposure to radium, ionized particles, other radioactive substances, other forms of radiant energy, or X-rays (Roentgen rays).

(d) The employer is not liable for compensation under this section unless the employee has worked long enough, in the opinion of experts, for the employee to have contracted the occupational disease from their employment.¹⁴⁸

Section 33.1 requires the employee to give the employer or its agent timely written notice of the injury or disease.¹⁴⁹ Timely notice means within 60 days of the occurrence that caused the disability or death, unless

¹⁴⁵ *Id.*, section 31.1.

¹⁴⁶ *Id.*, section 31.1(b)(iv).

¹⁴⁷ *Id.*, section 31.1(b)(v).

¹⁴⁸ *Id.*, section 32.1.

¹⁴⁹ *Id.*, section 33.1(b).

the Ministry finds that a longer period was justified under the circumstances.¹⁵⁰ Giving notice to any supervisory official of the employer satisfies this requirement.¹⁵¹

Chapters 31 and 32 prescribe compensation for death, permanent total disability, permanent partial disability, and temporary incapacity and liability for medical treatment.¹⁵²

Chapter 33 sets out the procedure for recovering compensation.¹⁵³ Section 33.14(a) provides that compensation due under the provisions of the chapter shall be a lien against the employer's assets (and the employer's insurance carriers, if any) without limit as to amount, though subordinate to claims for unpaid wages and to prior recorded liens.¹⁵⁴ If an employer fails to pay the Ministry of Labour's award (affirmed by the Labour or Circuit Court, if appealed), the employee is entitled to bring an action of debt for the amount due and to obtain summary judgment.¹⁵⁵ The employer is not permitted to attack the award collaterally in such an action of debt.¹⁵⁶

5.5. Access to Justice and Practical Issues Associated With Enforcing Social Legislation

Certain barriers impede victims' access to justice. Enforcing legislation through prosecutions has progressed slowly. Additional resources and funding for the enforcement effort could benefit victims.

One barrier arises from victims' unawareness of their rights, remedies, and protection available. Victims also lack funding and assistance to make claims and seek protection. The Anti-Trafficking Taskforce through the Ministry of Gender, Children, and Social Protection is responsible for assisting victims. Various NGOs also assist. The National Referral Mechanism identifies and refers victims to that Ministry for care.

There have not been many prosecutions. Consequently, prosecution is not a major deterrence.

5.6. Interaction Between Employment Law and Migration

5.6.1. *Employment rights affected where employment is unlawful under migration law*

Immigration status or breach of migration law (the Aliens and Nationality Law 1973)¹⁵⁷ does not disqualify victims who meet the definition of "employee" from bringing claims for violations of the DW Act.¹⁵⁸

¹⁵⁰ *Id.*, section 33.1(a).

¹⁵¹ *Id.*

¹⁵² *Id.*, chapters 31 and 32.

¹⁵³ *Id.*, section 33.

¹⁵⁴ *Id.*, section 33.14(a).

¹⁵⁵ *Id.*, section 33.14(b).

¹⁵⁶ *Id.*

¹⁵⁷ Alien and Nationality Law 1973, available at: <http://pul.org.lr/doc/Liberia%20Alien%20Law.pdf>.

¹⁵⁸ Decent Work Act 2015, section 2.4(b)(ii), available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100329&p_country=LBR&p_count=53.

Section 9 of the 2005 Law provides that a victim of trafficking (which includes forced labour) is not held criminally liable for any immigration-related offense, prostitution, or other criminal offense that was a direct result of being trafficked.¹⁵⁹

5.6.2. *Rights/remedies available under applicable migration law and regulations*

Liberia has no applicable laws.

5.7. Employment Laws and Child Labor

Refer to Section 3.3.2.

6. GOVERNMENT PROCUREMENT RULES

The Amendment and Restatement of the Public Procurement and Concessions Act 2005 (**PP Act**) governs government procurement in Liberia.¹⁶⁰ This Act applies to the procurement of goods, works, and services financed in whole or in part from public funds, including the disposal of government stores, plant and equipment, and all concessions.¹⁶¹

The Act establishes the Public Procurement and Concessions Commission, which has oversight responsibility for all public procurement and concessions.¹⁶² The Commission is to ensure the economic and efficient use of public funds in public procurement and a fair, transparent, and non-discriminatory process. The Commission has a Complaints, Appeals and Review Panel, which decides complaints made for violations of the Act.

Each procuring entity has a procurement committee and a procurement unit. The procurement committee is the panel to evaluate bids.

To participate in procurement proceedings, a bidder must qualify by meeting the procuring entity's criteria. Those normally include evidence of: (a) professional and technical qualifications; (b) equipment availability, where applicable; (c) past performance; (d) after-sales service, where applicable; (e) spare parts availability; (f) legal capacity; (g) financial resources and condition; and (h) verification by the internal revenue authority of payment of taxes and social security contributions when due.¹⁶³

A person shall be debarred from participation in procurement only on certain specified grounds, which include conviction of a criminal offence relating to obtaining or attempting to obtain a contract or subcontract; non-settlement of tax obligations after assessment by the National Revenue Authority or the evasion of tax by any means; or conviction of a crime related to business or professional activities.¹⁶⁴ This last ground would include conviction of the crimes of trafficking in persons or forced labour.

¹⁵⁹ An Act to Ban Trafficking in Persons within the Republic of Liberia 2005, section 9, available at: <https://www.warnathgroup.com/wp-content/uploads/2015/03/Liberia-TIP-Law-2005.pdf>.

¹⁶⁰ Amendment and Restatement of the Public Procurement and Concessions Act 2005, available at: <http://extwprlegs1.fao.org/docs/pdf/lbr180718.pdf>.

¹⁶¹ *Id.*, section 1(1).

¹⁶² *Id.*, Part II.

¹⁶³ *Id.*, section 32(1).

¹⁶⁴ *Id.*, section 44(2).

Public procurement must be done through advertised open competitive bid proceedings, providing equal access to all eligible and qualified bidders without discrimination.¹⁶⁵ Other methods of procurement, such as restricted bidding, request for proposal, request for quotation, two-stage bidding, and sole sourcing, are available in certain circumstances.¹⁶⁶

The procuring entity must award the contract to the qualified bidder that submitted the lowest, evaluated, responsive bid meeting the specified evaluation criteria.¹⁶⁷

There is also a specific procedure for the award of concessions.¹⁶⁸

No specific provision requires any bidder to covenant that their business does not use trafficked workers, does not use goods made by trafficked workers, or does not otherwise violate human trafficking laws. A person is disbarred from bidding only on conviction of a crime.¹⁶⁹

7. RESTITUTION AND VICTIM COMPENSATION

Section 3 of the 2005 Law instructs the court to order a defendant who is convicted of trafficking in persons to pay restitution to the victim for:

- (a) Costs of medical and psychological treatment;
- (b) Costs of physical and occupational therapy and rehabilitation;
- (c) Costs of necessary transportation and temporary housing;
- (d) Lost income;
- (e) Attorney's fees and other costs, such as victim advocate fees;
- (f) Compensation for emotional distress, pain, and suffering;
- (g) Any other loss suffered by the victim.¹⁷⁰

Section 4 of the 2005 Law provides that the proceeds from forfeited property shall be used to pay restitution to the victim promptly upon the defendant's conviction.¹⁷¹ The victim's return to the victim's home country or other absence does not affect the victim's right to receive restitution.

¹⁶⁵ *Id.*, section 46(1).

¹⁶⁶ *Id.*, sections 55 and 66.

¹⁶⁷ *Id.*, section 65(1).

¹⁶⁸ *Id.*, Part, VI, Sup-Part 3.

¹⁶⁹ *Id.*, section 44(2)(f).

¹⁷⁰ An Act to Ban Trafficking in Persons within the Republic of Liberia 2005, section 3, available at: <https://www.warnathgroup.com/wp-content/uploads/2015/03/Liberia-TIP-Law-2005.pdf>.

¹⁷¹ *Id.*, section 4.

Section 10(d) of the 2005 Law requires any transportation company that knowingly transports victims of trafficking into the country to pay the costs for the accommodations and meals provided to the victim and any accompanying dependent for the duration of their stay in designated facilities.¹⁷²

There is no specific fund to pay for the rehabilitation of victims of trafficking in persons, their material support and training, construction of victim shelters, or payment of court-ordered damages.

The five-year national action plan in place until July 2024 includes co-ordination of anti-trafficking efforts, including support for and reintegration of victims.¹⁷³

A National Referral Mechanism refers victims to the Ministry of Gender, Children, and Social Protection. This Mechanism seeks to provide assistance and shelters to victims, but it relies on funding and support from charities and NGOs.

NGOs have established and administer a number of shelters for trafficking victims in Liberia.

8. LIBERIA'S MULTIDISCIPLINARY/INTERAGENCY COOPERATION APPROACH

8.1. Overview

Various government agencies deal with human trafficking, though they would benefit from additional funding.

8.2. The Responsible Agencies

In 2005, the Legislature established the Independent National Commission on Human Rights of Liberia in conformity with the UN Paris Principles of 1993 for National Human Rights Institutions.¹⁷⁴ It received an “A” status accreditation from the Global Alliance of National Human Rights Institutions in 2017.¹⁷⁵ Its mandate includes ensuring the implementation of the Truth and Reconciliation Recommendations. Special attention is given to women, children, and other vulnerable or marginalized groups to ensure their voices are heard. The Commission serves as an observer on the National Human Rights Action Plan Steering Committee. It is a full member of the Network of African National Human Rights Institutions.

The National Human Trafficking Taskforce is an inter-agency task force established pursuant to the 2005 Law to develop and implement a National Plan for the Prevention of all aspects of trafficking in persons.¹⁷⁶ The President appoints the Taskforce members, who include the Ministers of Justice, Foreign Affairs, Labour,

¹⁷² *Id.*, section 10(d).

¹⁷³ *Liberia kicks off 5-year Action Plan to combat Human Trafficking*, Public Trust Media Group Inc. (PTMG), available at: <https://newspublictrust.com/liberia-kicks-off-5-year-action-plan-to-combat-human-trafficking/>.

¹⁷⁴ An Act to Repeal the Act of 1997 Creating the Liberia Commission on Human Rights and to Create the Independent National Commission on Human Rights of Liberia 2005, available at: <http://ilo.org/dyn/natlex/docs/ELECTRONIC/85442/95669/F2108574259/LBR85442.pdf>; *Principles relating to the Status of National Institutions*, United Nations Human Rights Officer of the High Commissioner, available at: <https://www.ohchr.org/en/professionalinterest/pages/statusofnationalinstitutions.aspx>.

¹⁷⁵ *Chart of the Status of National Institutions*, United Nations Human Rights Officer of the High Commissioner, p. 4, available at: <https://www.ohchr.org/Documents/Countries/NHRI/StatusAccreditationChartNHRIs.pdf>.

¹⁷⁶ An Act to Ban Trafficking in Persons within the Republic of Liberia 2005, article II, section 1, available at: <https://www.warnathgroup.com/wp-content/uploads/2015/03/Liberia-TIP-Law-2005.pdf>.

and Interior, and two other persons learned in law enforcement. The Minister of Labour is the head of the Taskforce. The Taskforce has several responsibilities: (1) develop the National Plan for the Prevention of Trafficking in Persons; (2) coordinate the Plan's implementation; (3) coordinate the collection and sharing of trafficking data among government agencies; (4) coordinate the sharing of information between agencies; (5) identify and engage in efforts to facilitate cooperation with foreign countries, particularly those which are a significant source of victims, transit location, or destination of victims; and (6) establish policies to enable the government to work with non-governmental organizations and other social service organizations to prevent trafficking and provide assistance to victims.

The National Commission on Child Labour is responsible for enforcing child labour laws and policies. The government has charged the National Steering Committee for the Elimination of the Worst Forms of Child Labour with investigating and referring to prosecution allegations of child labour. The Committee consists of the Ministry of Labour's Child Labour Secretariat; the Ministry of Justice's Human Rights Protection Unit; the Human Rights Division of the Ministry of Gender, Children, and Social Protection; and the National Police's Women and Children's Protection Section.

The Ministry of Gender, Children, and Social Protection is responsible for promoting the development, empowerment, and protection of women, children, and other vulnerable persons.

The Ministry of Labour and its Labour Inspectors are responsible for the administration and enforcement of the Decent Work Act, including the prohibition of forced labour and the requirements for safe and healthy working conditions.¹⁷⁷

The Women and Children Protection Section of the National Police has primary responsibility for investigating trafficking cases, while the Immigration Service and the Transnational Crimes Unit are responsible for investigating transnational trafficking.

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¹⁷⁷ Decent Work Act 2015, sections 8.2 and Chapter 9, available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100329&p_country=LBR&p_count=53.