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Access Now and Media Foundation for West Africa Joint Submission to the United Nations Human Rights Council, on the Universal Periodic Review 2020 Third Cycle for Liberia

About Access Now and The Media Foundation for West Africa

1. Access Now (www.accessnow.org) is an international organisation that works to defend and extend digital rights of users globally. Through representation in 14 countries around the world, including engagement with stakeholders and policymakers in Africa, Access Now provides thought leadership and policy recommendations to the public and private sectors to ensure the Internet's continued openness and the protection of fundamental rights. We engage with an action focused global community, and our Technology Arm operates a 24/7 digital security helpline that provides real time direct technical assistance to users around the world.
2. Media Foundation for West Africa (MFWA) is a regional, independent NGO based in Accra, Ghana. Established in 1997, the MFWA is the prominent media development and freedom of expression advocacy organisation in West Africa with national partner organisations in all 16 countries of the region. The MFWA aims to promote and defend the right to freedom of expression of all persons, particularly the media and human rights defenders in West Africa.

Introduction

3. The Universal Periodic Review (UPR) is an important United Nations (U.N.) process aimed at addressing human rights issues all across the globe. Access Now and Media Foundation for West Africa welcome this opportunity to contribute to Liberia's third review cycle. This submission examines freedom of expression and access to information particularly as they relate to the digital age.
4. Liberia was last reviewed in May 2015. In 2015, Liberia received 186 recommendations in the area of human rights, of which 147 recommendations were accepted and 39 noted.

International and domestic human rights obligations

5. Liberia has signed onto and ratified numerous international human rights treaties including: the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).¹
6. The Constitution of Liberia (the Constitution) provides for judicially enforceable fundamental rights. Chapter III of the Constitution specifically outlines such rights. Article

¹ Status of ratification available online <http://indicators.ohchr.org/> (accessed 13 September 2019)

11 establishes the right to life and liberty. Article 15 of the Constitution establishes a fundamental right to freedom of expression. Under the Constitution, freedom of expression encompasses the right to freedom of speech and the press, and the right to know (*i.e.* access information). Article 16 establishes the right to privacy.

7. In 2010, Liberia adopted a Right to Information Law.
8. Until recently, defamation and libel were also criminalised under the Liberian Penal Law of 1978. In May 2018, President George Weah introduced a Bill aimed at decriminalizing libel. On February 7, 2019, the Senate voted unanimously to scrap the repressive sections of Liberia's penal code. President Weah subsequently on February 28, 2019, signed into Law the Bill to amend sections 11.11, 11.12 and 11.14 of the Penal Law of 1978, which prescribed prison terms for a range of speech offenses. The Law amended chapter 11 of the Penal law of 1978 repealing Sections 11.11 on criminal libel against the President, sedition and criminal malevolence.²

The state of digital rights in Liberia

Access to Information and Freedom of Expression

9. The internet is fundamental in ensuring access to information while providing a platform for expression, innovation and wealth creation. Mere access to the internet is not enough. Internet infrastructure must be resilient enough to sustain against censorship, blocking, attacks and shutdowns.
10. In November 2016 reports claimed that the internet in Liberia was "taken down" by a botnet attack.³ Yet, shortly afterwards journalists and internet infrastructure companies cast doubt on whether the country-wide outage actually happened.⁴ Independent confirmation, from Access Now's civil society partners in the area, said that there was no effective decline in internet connectivity.⁵ In 2019 however, a British man admitted to attacking an African phone company, which inadvertently caused the crash in Liberia's internet from 2016.⁶
11. This experience highlighted the need for Liberia to increase its internet resilience to protect it from future attacks. A more resilient internet is an internet that will better safeguard free expression and human rights. A distributed network protects all users of the open internet, allowing them to embrace its promise, communicate, build businesses, create, and express themselves.
12. The United States government, through USAID, has been investing in Liberia's digital

² [MFWA Hails Repeal of Criminal Libel in Liberia](#) The Media Foundation for West Africa, 4 March 2019

³ [Massive cyber-attack grinds Liberia's internet to a halt](#), The Guardian, 2016

⁴ [Did the Mirai Botnet Really Take Liberia Offline?](#), KrebsOnSecurity, 2016

⁵ [No, Liberia wasn't forced offline. Yes, we still need a stronger internet](#), Access Now, 2016

⁶ [Briton who knocked Liberia offline with cyber attack jailed](#), BBC, 2019

infrastructure to expand connectivity, which will be complemented by additional investments in e-payments expansion and e-government and telecommunications policy support.⁷

13. In June 2019, following anti-government protests, Liberia blocked social media platforms including Facebook, Instagram, and WhatsApp through restrictions on internet providers Orange Liberia and internet service provider Lonestar.⁸ The internet shutdown harmed Liberia's economy.⁹

Recommendations

Liberia should improve its human rights record and treatment of digital rights in several areas. We accordingly recommend that the government of Liberia:

14. Engage with the United Nations and other global institutions like the World Bank and International Monetary Fund to build a more resilient, affordable, and ubiquitous internet;
15. Ensure robust civil society participation in internet policy-making through outreach to affected communities, extending digital literacy programs, and developing inclusive public consultation policies;
16. End its practice of blocking social media sites and reject the disproportionate tactic of slowing, blocking, or shutting down the internet and mobile communications services, particularly during elections or public assemblies.
17. The UPR is an important U.N. process aimed at addressing human rights issues all across the globe. It is a rare mechanism through which citizens around the world get to work with governments to improve human rights and hold them accountable to international law. Access Now and Media Foundation for West Africa are grateful to make this submission.
18. For additional information, please contact Access Now General Counsel Peter Micek (peter@accessnow.org).
19. For additional information, please contact Media Foundation for West Africa Programme Manager: Freedom of Expression, Vivian Affoah (vivian@mfwawa.org).

⁷ [Global Actions America](#), Global Actions Initiative, 2016

⁸ [Liberia blocks social media to quell Monrovia anti-corruption protests](#), Netblocks, 2019

⁹ [Liberia: Internet Shutdown On June 7, Cost Liberia Over U.S.\\$100 Million](#), AllAfrica, 2019