



EXECUTIVE ORDER NUMBER 92 ON DOMESTIC VIOLENCE

WHEREAS, domestic violence is abusive conduct perpetrated against women, men and children, and has the tendency to leave victims traumatized and vulnerable in society;

WHEREAS, the frequency of reported cases of domestic violence, which takes on various forms or acts committed in a wide range of domestic and other relationships, is increasing at an alarming rate;

WHEREAS, some perpetrators of domestic violence have done so with impunity and a dire need exists to bring perpetrators to justice, and simultaneously more robustly address the problem and protect the victims;

WHEREAS, remedies currently available to the survivors/victims of domestic violence have proven ineffective;

WHEREAS, the Constitution of the Republic of Liberia provides equal rights and security, including security of person for every person, and Liberia as a member of the United Nations has an obligation to defend and end violence against women and children as its international commitment and obligation under the United Nations Conventions on the Elimination of all Forms of Discrimination Against Women and the Rights of the Child;

WHEREAS, pursuant to the National Gender Policy 2009 adopted by the Government of the Republic of Liberia, the Government should promote enactment and implementation of laws against domestic violence; create a wide range of remedies to discourage domestic violence and programs including raising public awareness and public education on the subject; expand the ability of law enforcement officers to assist victims, and to enforce the law effectively in cases of domestic violence; train judges, prosecutors and traditional leaders to be aware of issues relating to survivors/victims in cases of domestic violence; provide for the training of counselors to support victims of domestic violence and to rehabilitate perpetrators of domestic violence and generally establish comprehensive support services including emergency services for survivors/victims of abuse and their families;



WHEREAS, it is necessary to provide protection and relief for victims of domestic violence; provide punishment and/or rehabilitation for perpetrators of domestic violence; provide procedures and guidelines to be followed to protect and compensate victims

WHEREAS, certain measures have to be taken in the absence of a lengthy legislative process;

NOW THEREFORE, I, Ellen Johnson Sirleaf, President of the Republic of Liberia, by the power and authority vested in me by the Constitution of Liberia, hereby issues Executive Order 92 on Domestic Violence as follow:

SECTION 1. PURPOSE

For purposes of this Executive Order, the following terms shall have the following meanings:

"child" means:

- (a) A person under the age of eighteen (18);
- (b) A child of both parties of a marriage;
- (c) A child whether or not a child of either party to a marriage, who is or has been living in the household as a member of the family;
- (d) A child of a man and a woman who, although not married to each other, are living or have lived together in the same household;
- (e) A child whether or not a child of the man and woman referred to in paragraph (d) or either of them;
 - (i) Who is or has been a member of their household; or
 - (ii) Who resides in that household on a regular basis; or
 - (iii) Is a child of whom either the man or woman is a guardian;
 - (iv) Who does not reside in the same household but on the regular basis visits his/her parent/guardians;

"deadly weapon" means any firearm or other weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner used or intended to be used, is known to be capable of producing death or serious bodily injury as defined in Section 1.7 of the Penal Law;



"domestic relationship" means a family relationship, or a relationship in a domestic situation that exists or has existed between a man and a woman (complainant and a perpetrator) and includes a relationship where the complainant;

- (a) Is or has been married to the defendant including a marriage in accordance with any law, custom or religion;
- (b) Lives with the defendant in a relationship in the nature of a marriage notwithstanding that they are not, were not married to each other or could not or cannot be married to each other;
- (c) Is engaged to the defendant, courting the defendant as a boyfriend or girlfriend living apart or together, or in an actual romantic, intimate or cordial relationship not necessarily a sexual relationship with the defendant;
- (d) And the defendant are parents of a child, are expecting a child together or are foster parents or adoptive parents to a child;
- (e) And defendant contributes genes for artificial insemination, in Vitro fertilization or similar fertilization techniques, but have no other relationship;
- (f) And the defendant share or shared the same residence or are co-tenants, or is or was financially dependent on the other;
- (g) Is a parent, an elderly blood relative, or is an elderly person who is by law a relative of the defendant;
- (h) Is a parent, an elderly blood relative or is an elderly person who is by law a relative of the defendant;
- (i) Is a house-help whether or not living in the household of the defendant;
- (j) Lives in or attends a public or private care institution including schools and is under the care and control of the defendant;
- (k) Is in a relationship determined by the court to be a domestic relationship.

"Domestic violence" means in general any act of violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, men, or children, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life between parties in an existing or former domestic relationship.

The forms of domestic violence include, but not limited to:

- (a) "physical abuse"; which means any act or threatened act of physical violence to a person, physical violence being any behavior that violates a person's bodily integrity or health; and



- (b) "emotional, verbal and psychological abuse" meaning a pattern or one time occurrence of degrading or humiliating conduct towards a person including any behavior that causes emotional damage and reduction of self-esteem, or that harms and disturbs full development, or that aims at degrading or controlling a person's actions, behavior, beliefs and decisions, by means of reduction of self-esteem, threat, embarrassment, humiliation, manipulation, isolation, constant surveillance, constant pursuit, insult, intimidations, blackmail, ridiculing, exploitation and limitation of the rights to come and go, repeated exhibition of obsessive possessiveness or jealousy, which is such as to constitute a serious invasion of a person's privacy, liberty, integrity, or security, or any other acts that cause damage to the person's psychological health and self-determination, or any series of acts which collectively cause a person to fear for his or her safety and life;
- (c) "economic abuse", which means the unreasonable deprivation of economic or financial resources to which a spouse is entitled under the law, including household necessities for a spouse including food, payment of rent in respect of shared residence, destroying or damaging household or property owned by a spouse within a domestic relationship or personal belongings, payment of school fees in case of a minor;
- (d) Any action or behavior of domestic violence as defined in this Executive Order committed in the presence of a minor member of the family and which is likely considered as an abuse against the minor member or any form of injury as defined herein.

"Dowry" under the Inheritance Rights Law of Liberia, is a gift of money or property given by a man to or for his bride.

"Dowry-related violence" is defined as harassment or any act of violence or harassment associated with giving or receiving of dowry at any time before, during or after the marriage.

"Family relationship" means related or connected by blood, marriage or adoption.

"Female genital mutilation (FGM), also known as female genital cutting and female circumcision", is the ritual removal of some or all of the external female genitalia/clitoris or any alteration consent of the person who is mutilated and is done to the female genital organs except for medical purposes.



"Guardian" means a person who has custody or control of a child whether by operation of law, or tradition.

"Harassment", means engaging in a pattern of conduct that includes the fear of harm to a person including:

- (a) Repeatedly watching, or loitering outside or near the building or place where a person resides, works, carries on business or studies;
- (b) Repeatedly making telephone calls to or inducing another person to make telephone calls to a person whether or not conversation ensues;
- (c) Repeatedly using the internet or other electronic means to make unwanted or malice communication to a person whether or not conversation ensues.

"Intimidation" means uttering or conveying a threat, or causing a person to receive a threat, which induces fear.

"Marriage" means all marriages according to the Domestic Relations laws of Liberia, custom, or religion.

"Perpetrator" means a person who is alleged to have committed an act of domestic violence or threatens an act of domestic violence.

"Relative" in relation to a person, means:

- (a) The father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson, granddaughter, of that person or of that person's spouse or former spouse, or
- (b) The brother, sister, uncle, aunt, niece or nephew (whether of the full blood or of the half blood or by affinity) of that person or of that person's spouse or former spouse, and includes, in relation to a person who is living or has lived with another person as husband and wife, any person who would fall within paragraph (a) or (b) if the parties were married to each other.

"Serious bodily injury" means bodily injury which creates a substantial risk of death or which causes permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ.



"Sexual abuse" means any conduct that abuses, humiliates, degrades or otherwise violates the sexual integrity of the person; including any act or threatened act of sexual violence comprising any behavior that constitutes sexual assault under Sub Section 14.77 of the Penal Law, irrespective of the nature of the relationship between the defendant and the survivor/victim, such as forcing a person to witness, maintain or participate in unwanted sexual intercourse by means of intimidation, threat, coercion or the use of force that causes the person to commercialize or to use in any way, his or her sexuality, or that forces a person to marry, to become pregnant, to have an abortion or to engage in prostitution through coercion, blackmail, bribe, manipulation, intimidation or other illegal means, and confining or detaining a person against their will.

"Stalking" means criminal activity consisting of repeatedly following, pursuing, or accosting a person.

"Survivor/victim" means a person who copes with a bad situation or affliction and who gets through, or a person who manages to live through a situation that often causes death.

SECTION 2. OFFENSE

A person in a domestic relationship who engages in an act or omission which amounts to Domestic Violence as defined by this Executive Order commits an offense of domestic violence, and shall be guilty of the crime of domestic violence. The mens rea and/or actus rea of domestic violence shall constitute the following within a domestic relationship if:

- (a) There are threats to commit or committing acts of physical or sexual violence;
- (b) There are patterns causing emotional, verbal, or psychological abuse;
- (c) There are threats to commit or committing acts constituting economic abuse;
- (d) The person is deliberately prevented from engaging in any legitimate profession occupation, business or activity;
- (e) The person is deprived of the right to the use and enjoyment of conjugal property or property owned in common;
- (f) There are threats to deprive or depriving a person of a legal right;
- (g) Causing or attempting to cause a person to engage in any sexual activity which does not constitute rape by force, threat or intimidation;
- (h) Attempting to unlawfully restricting a person's freedom of movement or conduct;
- (i) Stalking or repeatedly following, pursuing, or accosting a person;



- (j) Harassment
- (k) Dowry-relate violence
- (l) Female genital mutilation performed on a person under the age of eighteen (18) or a person eighteen (18) years old or over without their consent; or
- (m) All other controlling or abusive behavior towards a person, where the conduct harms, or may cause imminent harm to the safety, health or wellbeing of the person in a domestic relationship including harmful traditional practices such as being forced to joined a secret society prohibited or not prohibited by Government, or early or forced marriage, or being subjected to certain forms of cultural torture, prohibited "sassy wood" as defined in local government rules and regulations, other trial by ordeal.

SECTION 3. NUMBER OF ACTS AMOUNTING TO VIOLATION

A single act herein may amount to domestic violence against a person or a number of acts that form a pattern of behavior may amount to domestic violence.

SECTION 4. GRADING

1. The offense of domestic violence shall constitute a felony of the second degree where one or more of the following aggravating circumstances are present:
 - (a) The defendant inflicted bodily injury on the survivor/victim;
 - (b) The defendant used or brandished a deadly weapon; or
 - (c) The defendant has a prior conviction under this section.
2. Except as provided in subsection 1 hereof, the offense of domestic violence shall constitute a misdemeanor of the first degree.

SECTION 5. PUNISHMENT, REHABILITATION, FINES AND CONSENT

1. Punishment
 - (a) A person in a domestic relationship who engages in domestic violence commits a misdemeanor of the first degree and is liable on conviction of a fine as provided for under Section 50.9(c) of the Penal Law and or imprisonment not exceeding 1 year.
 - (b) The court may in addition to imposing a fine or imprisonment, order the defendants to pay compensation to the survivor/victim of an amount determined by the court.



2. Rehabilitation and Fines.

Where a defendant has been convicted of domestic violence, the court may;

- (a) Require that the defendant attend a domestic counseling or rehabilitation program.
- (b) Impose a fine pursuant to section 50.9 of the Penal Law of which twenty-five (25) percent shall go to the Domestic Violence Survivor/Victim's Fund; or
- (c) Order compensation as provided in the Penal Law.

SECTION 6. DEFENSE PRECLUDED

Being under the influence of alcohol, any illicit drug, or any other mind-altering substance shall not be a defense under this Executive Order. The consent of the survivor/victim shall not be a defense to a charge of domestic violence under this Executive Order.

SECTION 7. CRIMINAL CHARGES AND PROTECTION

The institution of a criminal charge arising from acts of domestic violence shall be in addition to and shall not affect the rights of a complainant to seek a Protective Order or other civil remedies.

Duties of a Practitioner (School Authorities or/ and Medical Practitioner)

- (a) A practitioner who reasonably suspects that a person under his/her care is a survivor/victim of domestic violence shall assist the survivor/victim in the following manner:
 - (i) Offer medical assistance to the survivor/ victim
 - (ii) Inform the police immediately
 - (iii) Accurately document the medical visit/s of the survivor/victim
 - (iv) Inform the survivor/victim of the option available within the judicial system
 - (v) Make him or herself available to testify in court regarding the case where necessary.
 - (vi) Offer procedural and any assistance as maybe necessary to ensure the wellbeing of the survivor/victim's representative and other witnesses;
 - (vii) Record the statement of the survivor/victim or the survivor/victim's representation on the nature of the domestic violence;



- viii. Where a survivor/victim or survivor victim's representative desires, the statement on the nature of domestic violence shall be taken by a police officer of the same sex as that of the survivor/victim. However, if an officer of the same sex is not available any assigned officer at the time may take the statement in the interest of preserving evidence.

SECTION 8 Duties of Institution

Duties of Police officers

In the event the complaint is carried to a police officer/police station, the officer/station shall do the following:

- a) Assist the survivor/victim including giving assistance or advice in obtaining shelter and or medical assistance;
- b) Record the medical reference
- c) Where signs of physical or sexual abuse are evident, ensure that the survivor/victim undergoes a medical examination and receives medical treatment
- d) Advise the survivor/victim of the right to apply for relief under this Executive Order and options available within the judicial system.

SECTION 9 MISCELLANEOUS

The Ministry of Gender, Children and Social Protection or designate shall work with the relevant authorities and branches of government to develop appropriate tracing or training modules for those actors responsible to implement this Executive Order.

This Executive Order shall take immediate effect on the date as specified below.

GIVEN UNDER MY HAND AND SEAL OF
THE REPUBLIC OF LIBERIA, THIS 19th DAY
OF JANUARY A.D. 2018

A handwritten signature in green ink, reading "Ellen Johnson Sirleaf".

ELLEN JOHNSON SIRLEAF
PRESIDENT, REPUBLIC OF LIBERIA