

Liberia

Followup Statement to the Universal Periodic Review

Dear President of the Human Rights Council, representatives of United Nations Member States and all other non-governmental organizations present here today. Good morning. As Head of the Liberian delegation, I would like to thank the Human Rights Council for giving this delegation an opportunity to be a part of the Council's plenary session to continue discussing the issues and recommendations that were raised during Liberia's UPR session in November, 2010.

Mr. President, before I commence my presentation, please allow me to introduce the Liberian delegation. I am Cllr. Christiana Tah, Minister of Justice and Attorney General of the Republic of Liberia; on my right is Cllr. Yvette Chesson-Wureh, Special Envoy of the Ministry of Foreign Affairs and head of the Angie Brooks International Center, a Center established to empower women economically, politically and legally; also, we have His Excellency, Mckinley Thomas, Ambassador and Permanent Delegate to the United Nations Office and Other International Organizations at Geneva.

I would now like to take a few minutes to present updates of activities and progress that took place in Liberia since the UPR review in November 2010, and Liberia's position on all deferred recommendations.

Information That Was Not Provided During Liberia's UPR Review Session

- Due to time constraints, Liberia was not able to respond to all of the questions raised by United Nations Member States during the November UPR session. This delegation would now like to take this opportunity to address a few questions that were repeatedly raised by a number of countries, which we

believe need to be addressed in order to show Liberia's continued commitment to the protection and promotion of human rights.

A. Scope of International and Regional Obligations & Cooperation with Human Rights Mechanisms

- A number of countries had inquired about Liberia's cooperation with human rights mechanisms and whether the country would, in the future, consider extending standing invitations to all special procedures of the Human Rights Council.
- In addition to advocating on behalf of the victims of human rights violation; the Republic of Liberia firmly believes that the function of the special procedures includes providing early warning to governments and advising them on measures that should be taken to improve human rights concerns in their respective countries. For these procedures to make the desired impact, Liberia believes it essential that the special procedures engage a country that is not only willing, but also fully aware of its international human rights obligations and the commitments that follow.
- After years of civil conflict, the Republic of Liberia, under the current Administration, has begun to take measures to fully understand its regional and international human rights obligations and analyze the roles and functions of the various United Nations human rights special procedures. As a starting point, the government, through the newly established Law Reform Commission, is engaged in researching and compiling all regional and international human rights instruments to which the country is a party with a view to proposing revisions to statutory laws to better comply with regional and international obligations. Further, the country is taking a number of measures to educate all government actors on human rights, including building knowledge on United Nations systems and procedures. For example, Liberia is regularly conducting human rights related workshops for members of the legislative staff on

observance of human rights and relevant conventions and protocols when drafting bills, ratifying concession agreements, etc.

- While the government of Liberia remains committed to improving the human rights of its citizens and would consider extending a standing invitation to all special procedures of the Human Rights Council in the future, it firmly believes that the first stage in this process remains building the capacity and knowledge of all relevant stakeholders in the country to fully benefit from these cooperative and participatory mechanisms.

2. Questions Regarding Allegations of The Continued Use of Torture

- During the November UPR session, through advanced questions and during the interactive dialogue, a number of countries have raised questions regarding allegations of the continued use of torture.
- In accordance with the country's Constitution, its penal code, its regional and international human rights obligations, Liberia continues to investigate and prosecute state actors accused of this practice. The country has also instituted human rights education and training to officers, as well as high level officials in the security and justice sectors, incorporating themes such as individual's rights to be free of torture, especially during interrogation and detention. Additionally, in an effort to bring its domestic law in line with its international obligations, Liberia is currently considering the adoption of an anti-torture bill. The draft bill, which was presented to the House of Representatives in August of 2010, was presented for discussion during the January 2011 session.
- Signifying the country's renewed commitment to cooperate with human rights mechanisms and in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT); on December 6, 2010, Liberia received the Sub-Committee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the "SPT"). During its 8 day stay in the country, Liberia provided the SPT delegation all required information and facilitated its visit to different detention centers around the country. On

December 13, 2010, the SPT delegation presented its preliminary findings to a number of high ranking government officials. Since then, the preliminary report of the SPT has been distributed to all relevant parties and the country is currently considering ways to incorporate the SPT's recommendations into ongoing programs to improve detention center conditions and protect citizens from torture and ill treatment.

2. **Ethnic Based Discrimination**

- Finally, this delegation would like to address questions that were raised regarding ethnic based discrimination. The Republic of Liberia is made up of numerous ethnicities. From time to time, such diversity has led to tensions and conflicts. Sadly, those seeking political power have used ethnicity in their quest for popular support and the larger society, being illiterate and uneducated, has fallen prey to their manipulation. Poverty also plays a major role, as society tends to blame others for their plight when they live in such dire straits. However, the government of Liberia continues to instill in all Liberians that we are all one and that we should see ourselves as Liberians first, rather than pledge our allegiance to an ethnic group. The government is cognizant of the need to handle ethnic based violence and dispute with a degree of cultural sensitivity while ensuring that all citizens receive equal treatment under the law. In court cases where the perpetration of a crime is allegedly based on ethnicity, the government has allowed a change of venue unopposed to ensure that the accused receives a fair trial. Quite recently, the Government transferred a celebrated ritualistic murder case from the County of Maryland to Montserrado County to reduce the ethnic tension in Maryland. The Ministry of Justice has been very visible and vocal in those communities about the rights of all citizens to the protection of the government regardless of ethnicity.
- Since the democratic election in 2005, it has been the commitment of the government of Liberia to protect and promote the human rights of all Liberians, to move away from any divisive ethnic rhetoric and unite citizens to build a progressive, peaceful, developed, human rights conscious Liberia.

Updates Since Liberia's UPR Session in November

- Since the November UPR session, Liberia has taken the following measures to implement the UPR recommendations and examine recommendations it has deferred until this plenary session:
- (1) Accelerating the process for drafting and adopting the national human rights action plan for Liberia, including finalizing the conceptualization of the national action plan; establishing working groups; consulting with NGOs and other interested groups and finalizing the workplan for nation wide consultation workshops;
- (2) Distributing the draft report of the Working Group on the UPR to all relevant government and non government institutions and identifying priorities and issues for special focus. These identified priorities and issues will be a part of the nation wide consultation described above and will be included in the national human rights action plan for Liberia;
- (3) Establishing linkages with other national planning activities and working groups to implement the recommendations of the UPR. For example, since the November UPR session, the Steering Committee of the national human rights action plan for Liberia has reached out to committees established to implement the CEDAW recommendations and the inter-ministerial network established to implement the CRC recommendations. Particularly, the country is looking for ways for the employment/cultural practices committee, the rural women committee, the education committee, the health committee (committees established to implement the CEDAW recommendations) to examine UPR recommendations that relate to female genital mutilation and gender based violence.
- (4) The Government in collaboration with the UN conducted a Retreat on the issue of Pre-trial Detention to determine what needs to be done to improve work of the Task Force on Pre-trial Detention and ensure that the Task Force accelerates its activities and become more results oriented.

Liberia Position on Deferred Recommendations

- During the November UPR session, out of one hundred and thirteen recommendations, the Liberian delegation accepted seventy two (72) of them. The deferred recommendations related to issues that required extensive national consultations and policy considerations.
- As mentioned above, since the UPR session, Liberia has taken measures to start the review of deferred recommendations. Nonetheless, at this point, the Republic of Liberia is not able to take a position on deferred recommendations in the following areas:

1. Recommendations Regarding the Ratification of Human Rights Instruments:

As previously mentioned, the Republic of Liberia is in the process of researching the full extent of its regional and international obligations and taking steps to submit overdue country reports under numerous human rights instruments. In the absence of a full understanding of its international obligations, the Republic of Liberia is currently unable to take a position on all deferred recommendations relating to the ratification and incorporation of international human rights conventions. However, as evidenced by accepted recommendations, the Republic of Liberia, going forward, will consider ratifying human rights instruments.

2. Recommendations Regarding Female Genital Mutilation and Trial by Ordeal:

As reported during the UPR session, the issue of female genital mutilation and the practice of trial by ordeal are deep-rooted traditional practices still shrouded in myth and secrecy. Often, discussions of both are strongly resisted and perceived as attempts to destroy the cultural and traditional heritage of the country. Notwithstanding the foregoing, practitioners of FGM and trial by ordeal who have caused harm to others have been held accountable for their acts under the existing penal laws of the country. Additionally, the Government is taking important yet cautious steps to engage the local communities and determine best ways to address these issues. The process is ongoing and while the country is always taking steps towards full compliance with its international human rights

obligations, it is currently unable to accept or reject all recommendations relating to female genital mutilation and trial by ordeal.

3. Regarding the TRC Recommendations: As a country emerging out of a conflict marked by a blatant disregard of the rule of law, the Republic of Liberia believes in formulating TRC recommendation implementing mechanisms that respect the Constitution of the country as well as the civil liberties and due process rights of all citizens. Two months ago, the Supreme Court of Liberia decided that the TRC recommendation banning certain Liberians from politics for 30 years was unconstitutional since the individuals listed had not been afforded due process of law. In the meantime, the Government has begun to implement other recommendation of the Report such as establishing and commissioning the Independent National Human Rights Commission that is, in turn, now activating the Palaver Hut concept so that citizens will begin to dialogue on contentious issues. The TRC taskforce has continued to review the TRC report and advise the President of Liberia of potential legal and constitutional implications of the recommendations. While the government has taken and continues to take concrete measures to implement a number of the TRC recommendations, Liberia is at this time unable to take a position on recommendations relating to the work of the TRC.

4. Regarding the 2008 Death Penalty

The Liberian Death Penalty Law has been addressed in numerous recommendations raised during the UPR session in November. The Republic of Liberia is cognizant of the concerns, expressed by international community, and its ensuing recommendations which emanate from Liberia's legal obligation under the Second Optional Protocol to the ICCPR, to which it acceded in 2005. Liberia would like to recall that high criminal rates demanded a reintroduction of the death penalty, which was considered to be a fitting deterrent measure for Liberian society at the time. Liberia stresses, however, that the current administration, headed by President Ellen Johnson-Sirleaf, has not signed any warrant to carry out the execution of a

death sentence and that the Supreme Court of Liberia has shown disinclination to enforce death penalties by commuting capital punishment into life imprisonment in recent cases before it.

Immediate abrogation of the law allowing for the death penalty to be imposed will need more time and understanding by the Liberian populace to which end Liberia already dedicatedly commenced consultations with the people of Liberia. For the reason stated here, Liberia is not able to take a position on recommendations appertaining to the death penalty.

5. Regarding Sexual Gender Based Violence

In recognition of the Government's commitment to prevent and respond effectively to cases of SGBV, concrete steps have been taken to adjudicate SGBV cases. An enabling legislation was enacted in 2008, creating a specialized criminal court, Criminal Court "E", as well as special divisions within circuit courts throughout the country. Already operational, Criminal Court "E" is fully functioning in Montserrado County and has the mandate to prosecute all sexual offences as provided for in the Penal Code.

To ensure due process, specialized trainings are held periodically with judges, prosecutors and investigators. Additionally, a special prosecution unit was established under the Ministry of Justice to complement the work of the Specialized Court. Also, the Ministry of Gender and Development has an SGBV unit with sub-offices in the various counties which liaise with the Ministry of Justice SGBV Crimes Unit in the reporting of cases. Furthermore, safe houses are being constructed by the Ministry of Gender and Development for survivors of sexual violence.¹ Psycho social counseling is being provided in the prisons for perpetrators to reduce the likelihood of future violence by the same individuals. Many victims have been placed in educational and vocational programs to build self-esteem and provide opportunity for financial independence.

Although many initiatives have been evolved in the field of SGBV, capacity and resource constraints still impede full implementation of the recommendations related to SGBV. Awareness is considered an important step to educate the victims on the importance to file reports and assist in the prosecution of SGBV crimes.

6. Regarding Pre-trial Detention

Pre-trial detention is a concern of the utmost priority for the Government. However, given the country's present circumstances, most notably, its limited resources, the Republic of Liberia is not able to take a position on this recommendation.

Notwithstanding the foregoing, the Government has implemented and continues to implement a number of initiatives in order to combat the problem, just a few examples of which include, (i) the creation of a special pre-trial detention taskforce (and attendant subcommittees) bringing to bear sustained and multi-sectoral focus on systemic deficiencies and priorities;² (ii) the implementation of a fast-track review mechanism for minor offenses known as the Magistrates Sitting Program, which has had a significant impact on controlling the detention problem;³ (iii) the creation, by the Ministry of Justice, of a public outreach strategy addressing pre-trial detention and sensitizing the population at the community and national levels; (iv) the implementation of projects to assess and enhance staff profiling and record keeping resources and practices within both the Judiciary and Ministry of Justice; (v) the successful training of officers and implementation of a probation program, and the ongoing work towards enhancing other alternatives to detention including, among other things, a juvenile diversion program; (vi) and ongoing review and work

towards law reform pertaining to jury law, criminal procedure and subject matter jurisdiction.

In conclusion, this delegation would like to reaffirm Liberia's commitment to the promotion and protection of the human rights of all Liberians. As always, Liberia is willing and eager to work with local, regional and international partners that are committed to assisting the country during this crucial, post-conflict, peace-building effort. This delegation would also like to restate its expectations in terms of international assistance, including training assistance to: enhance the capacity of law enforcement agencies; enhance the human rights awareness of citizens and public officials; enhance knowledge about the working methods of treaty bodies and treaty body reporting; enhance the capacity of relevant institutions to design and implement human-rights-related policies and projects; advance the process of law reform; etc.

On behalf of the Republic of Liberia, this delegation would like to thank all partners tirelessly working to create a democratic, stable and progressive Liberia looks forward to the international communities continued support. Thank you.