

**Joint NGO Submission by the  
Liberia Coalition of Human Rights Defenders (LICHRD)**

**Related to Liberia for the  
22<sup>nd</sup> Universal Periodic Review Session  
Scheduled for April/May 2015**

**GENERAL HUMAN RIGHTS SITUATION AND ISSUES IN LIBERIA  
*Submitted September 2014***

**Brief Description of Organization behind this report**

*The Liberia Coalition of Human Rights Defenders (LICHRD)* is a network/coalition of over 30 national NGOs and civil society groups in Liberia dedicated to and active in the field of human and fundamental rights. LICHRD was established in 2002 and later rejuvenated 2007 as solidarity among human rights defenders to respond to the mounting repression of human rights defenders during the era to the former dictator, Charles Taylor. Up to present, LICHRD continues to provide solidarity among defenders in Liberia. LICHRD partners, collaborates and gets technical support from the International Service for Human Rights, Geneva and Amnesty International, London. LICHRD has network membership with the West Africa Human Rights Defenders Network (WAHRDN), the Pan-Africa Human Rights Defenders Network (PAHRDN), and African Court Coalition (ACC).

This is LICHRD's 3<sup>rd</sup> NGO submissions to international and regional mechanisms. The first was to Liberia's UPR in 2010; second, to the African Commission on Human and Peoples' Rights (ACHPR) during the Liberia review, and this.

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## **INTRODUCTION**

Four (4) years ago in November 2010, Liberia was reviewed by the Universal Periodic Review Working Group at its 16<sup>th</sup> session of the first cycle of the Human Rights Council. Several states on the Human Rights Council expressed concerns and suggested recommendations gear towards the promotion, protection and respect of human rights in Liberia. 39 states suggested a total of 113 recommendations. Of those recommendations, Liberia accepted 73 and no comment to 40.

As our social responsibilities to social justice, LICHRD engages with national, regional and international mechanisms to protect human rights in Liberia. These mechanisms include the Independent National Commission on Human Rights (INCHR), UN UPR, ACHPR and various treaty bodies. This report is one of the engagements with human rights mechanisms. This report to the United Nations Universal Periodic Review of Liberia addresses many human rights issues and is structured as:

- Overview of General Human Rights Situation in Liberia
- Implementation Status of UPR Recommendations from First Review
- Priority Issues not Included in the First UPR Recommendations

## **OVERVIEW OF GENERAL HUMAN RIGHTS SITUATION IN LIBERIA**

The human rights situation is still volatile in Liberia. The most serious human rights abuses were those tied to a lack of justice: judicial inefficiency and corruption; lengthy pretrial detention; denial of due process; and harsh prison conditions.<sup>i</sup> Violence against women and children, including rape and domestic violence, and child labor remain prevalent.

Other important human rights abuses included police abuse, harassment, and intimidation of detainees and others; arbitrary arrest and detention; official corruption; human trafficking; racial and ethnic discrimination; discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons; unlawful deprivation of life under customary law; mob killings; and ritualistic killings.<sup>ii</sup>

Prisoners are reportedly being subjected to life-threatening conditions, prisoners are raped by other prisoners. Food, sanitation, ventilation, lighting and potable water remain inadequate. Citizens continued to be arbitrarily arrested, assaulted, and jailed. Mob violence was also common.

The justice system continued to be inefficient. Access to prisons was restricted and discrimination continued against women and LGBTI people.<sup>iii</sup> Over 3 dozens of people were extradited to Côte d'Ivoire without due process. Most of the 2009 recommendations of the Liberian Truth and Reconciliation Commission (TRC) are yet to be implemented.

Despite acceding, in 2005, to the Second Optional Protocol to the ICCPR, which commits the country to work towards abolition of the death penalty, death sentences continued to be handed down, although no executions has taken place since 2000. The death penalty was retained for armed robbery, terrorism and hijacking offences resulting in death. The justice system remained

corrupt and under-funded. Trial processes are slow, keeping detainees in lengthy pre-trial detention. At least 80% of the prison inmates are pre-trial detainees.

#### **IMPLEMENTATION STATUS OF UPR RECOMMENDATIONS FROM FIRST REVIEW**

The 73 accepted recommendations were classified into themes, including **Interacting and Strengthening Human Rights Mechanisms; Women and Children's Rights; Access to Justice; Economic, Social and Cultural Rights and Poverty Reduction; and Other Human Rights Issues**. Under each theme, recommendations with status of non-implementation are highlighted. However, not all recommendations not mentioned were implemented. Some were intentionally left out due to limited space. In so doing, we were unable to address all recommendations while some were amalgamated given their repetition and similarities in focused.

**Theme:** **Interacting and Strengthening Human Rights Mechanisms**

**Focused Issues:** Harmonizing National Laws with International Laws

**Suggested Recommendation:**

A - 77.2. Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (France);

A - 77.4. Complete the process of examining regional and international human rights instruments to which the country is party, so as to revise national legislation and better fulfill its regional and international obligations imposed by such instruments (Algeria);

A - 77.10. Pursue efforts to harmonize its national legislation with its international obligations (Senegal);

**Status quo of Implementation:**

There is no effort on the part of Government to sign and/or ratify laws and further harmonize instruments signed. The International Convention for the Protection of All Persons from Enforced Disappearance remains unattended and never spoken of by the Government.

**Recommendation:**

Further empower and mandate the Law Reform Commission to ensure the harmonization of Liberia domestic laws with international instruments, including the advocacy to sign and ratify regional and international instruments.

**Focused Issues:** Coordinating Human Rights Protection

**Suggested Recommendation:**

A - 77.11. Consider establishing the post of an ombudsman to coordinate and monitor the performance of its institutions, assess the outcome and impact of various initiatives, and provide periodic reports (Finland);

A - 77.13. Encourage the structural strengthening of civil society organizations that advocate the promotion and protection of human rights (Côte d'Ivoire);

A - 77.14. Continue to strengthen the technical capacity and expertise of Ministries and other governmental organs and other institutions with competence in the field of human rights (Chile);

A - 77.15. Continue to strengthen the National Human Rights Commission (Bangladesh);

A - 77.20. Strengthen efforts to improve the protection of human rights across the country, capacity building of local authorities and empowerment of communities, in particular women and girls, ensuring the involvement of the civil society, both urban and rural and across the country, in the follow-up to the review report (Norway);

**Status quo of Implementation:**

The Government is showing very little effort to maintain a functioning of the only Human Rights Division of the Government at the Ministry of Justice. The Division lacks the broad technical capacities and financial support and is not allowed to function freely and effectively. It has no legal bases for its set up.

**Recommendation:**

- Reinforce the Independent National Commission on Human Rights (INCHR) thru strengthening of its mandates by returning to it its subpoena powers and supported financially adequately; and
- Enact the Anti-Torture bill, establish and empower Liberia National Preventive Mechanism (NPM) to take oversight over torture and Cruel, Inhumane and Degrading treatments in Liberia.

**Focused Issues:**                      Judiciary Reform

**Suggested Recommendation:**

A - 77.40. Take several measures in the area of the administration of justice to accelerate the reform of the judicial system, to fight against abuses of preventive detention, and to draft and transmit the report expected since 2005 by the Committee against Torture (France);

A - 77.41. Intensify efforts to strengthen the criminal justice system and reform the juvenile justice system (Ghana);

A - 77.42. Continue to prioritize the allocation of resources to the key institutions in the criminal justice system and provide extensive training for judges, prosecutors, defence counsel and investigators to ensure safe prosecutions and respect for due process (South Africa);

A - 77.47. Ensure the strengthening of institutional and operational capacities of the Judiciary (Côte d'Ivoire);

A - 77.48. Take steps to tackle corruption in the judiciary and the police, including by increasing access to relevant training, increasing oversight of both organizations and taking action when inappropriate behaviour is discovered (United Kingdom);

A - 77.49. Address the issues affecting the lack of public trust in the Judiciary and the law enforcement system, as reflected in paragraph 102 of the national report, and strengthen the independence of the Judiciary (Azerbaijan);

A - 77.50. Encourage Liberia to strengthen its judicial system, especially in view of promoting accountability, in order to bring to justice those committing violence against women and children (Thailand);

**Status quo of Implementation:**

Despite the many calls by CSOs for the preparation and submission of the UNCAT initial report, the Government is yet to submit the report to the CAT. Moreover, the Government has failed to respond to the UNSPT initial comments on its December 2010 visit to Liberia. The UNSPT Concluding Observations are yet to be made public and taking less of implementation.

Little is being done to reform the judiciary. Defense Counsels program were established, but with limited support resulting to their frequent absence at the assigned posts and still have justice on sale.

**Recommendation:**

Government should institute reforms in the Judiciary by investigating and prosecuting corrupt courts officials/workers.

**Theme:** **Women and Children' Rights**

**Focused Issues:** Human Rights Education

**Suggested Recommendation:**

A - 77.31. Develop and implement education campaigns aimed at preventing sexual violence and addressing the attitudes and stereotypes which perpetuate such violence (Canada);

A - 77.33. Address the high level of female genital mutilation and early marriage through more concerted efforts, involving local levels (Norway);

A - 77.34. Increase public awareness campaigns against female genital mutilation (FGM) (United States of America);

**Status quo of Implementation:**

Government has made no effort in initiating women and children rights education and awareness at the grassroots (in schools, street corners, markets, etc). However, rights education is being done by civil society organizations, which are far-reaching to the grassroots.

**Recommendation:**

That human rights education form part of the national schools' curriculum.

**Focused Issues:** Prosecution of SGBV Cases

**Suggested Recommendation:**

A - 77.32. Take all necessary measures to ensure the full enjoyment of human rights by women and girls, including by way of properly and promptly investigating and prosecuting cases of gender-based and sexual violence (Sweden);

A - 77.35. Take measures to guarantee effective access to justice and protection for women victims of gender-based violence (Brazil);

**Status quo of Implementation:**

Protection of SGBV cases are being politicized, especially when it involves relatives of politicians. Limited cases are conclusively prosecuted, while others cannot go on due to the lack of evidences as the result of limited capacities to investigate cases.

**Recommendation:**

- Engage Government on the implementation of monitoring issues of the fast track cases; and
- Strengthen the women and children Protection Units with the needed capacities to fully gather evidences and investigate SGBV cases

**Focused Issues:** Social Protection

**Suggested Recommendation:**

A - 77.54. Prioritize action to address the concerns raised by the United Nations human rights treaty bodies regarding the situation of women, particularly in the informal sector, and the lack of rights and social benefits, including maternal protections available to them (Ghana);

A - 77.38. Encourage Liberia to strengthen its policies to combat against child trafficking (Thailand);

A - 77.39. Reinforce actions for the protection of child victims of trafficking and sexual exploitation (Bangladesh)

**Status quo of Implementation:**

Little is done in this direction.

**Recommendation:**

Enact a practical and strong social protection law

**Theme:**                                **Access to Justice**

**Focused Issues:**                        Internal Discipline

**Suggested Recommendation:**

A - 77.24. Strengthen law enforcement by ensuring that clear instructions are given to police forces to always act in compliance with international human rights law (Canada);

A - 77.25. Strengthen its Professional Standard Division within the Liberian National Police to investigate and prosecute all allegations of professional misconduct in accordance with international standards, and implement extensive human rights education and training programmes for law enforcement personnel (Slovakia);

**Status quo of Implementation:**

Law-enforcement officers often have one training, usually the one during recruitment. There are no regular refresher training. During the recruitment training for officers, human rights are taught. Officers do just the opposite in the performance of their duties, while the authorities fail to exercise control and discipline. Cases of professional misconducts are not handled with speed, thereby having complainants get fatigued in the repeated postponements of hearings.

**Recommendation:**

Government needs to institutionalize professionalism at all levels of the law-enforcement sector in and around the country.

**Focused Issues:**                        Prison Conditions and Speedy Trials

**Suggested Recommendation:**

A - 77.26. Improve prison conditions and hold accountable all those who are responsible for torture and discrimination in penitentiary facilities (Hungary);

A - 77.27. Intensify its efforts to humanize its penitentiary system, including the identification and closure of all unauthorized prisons and detention centres (Slovakia);

Speedy Trial

A - 77.43. Develop the capacity of the justice sector to ensure that court cases are brought to trial in a reasonable time (Canada);

**Status quo of Implementation:**

No significant efforts are seen or felt in improving detention facilities in the country. Pro-long and pre-trial detainees make over 90% of prisons inmates across the country.

**Recommendation:**

- Enact the proposed Prison Reform bill;
- Decongest the prisons by establishing Community Justice Mechanisms to handle cases of lesser criminal natures; and
- Reinforce the statutory laws on cases be handled within 15 days in the Magisterial Courts and 3 terms of court in the Circuit/Criminal courts by enacting laws making it a direct human rights violations by court and prosecutors.

**Theme:** **Economic, Social and Rights and Poverty**

**Focused Issues:** Right to Education

**Suggested Recommendation:**

A - 77.16. Continue to reinforce its national programmes in the area of education and to seek the necessary technical and financial assistance to accompany it in its integration of human rights education and training into its programmes (Morocco);

A - 77.66. Make accessible to the general public and teach human rights in school and university establishments, as well as in the professional sector (Congo);

**Status quo of Implementation:**

There is a complete neglect of this sector. No intention is seen in the Government to have human rights taught in Liberian schools.

**Recommendation:**

Make human rights education a part of the Liberian schools' curriculum.

**Focused Issues:** Poverty Reduction

**Suggested Recommendation:**

A - 77.55. Continue to apply the strategies and socio-economic development plans designed to reduce poverty (Cuba);

A - 77.56. Take effective measures to reduce poverty and unemployment in the country (Azerbaijan);

A - 77.57. Pursue the effort to increase the standard of living of all Liberians with specific programmes in the areas of accommodation, health, education and other basic social services (Algeria);

A - 77.60. Take appropriate steps, with the help of the international community, to ensure for the Liberian people an adequate standard of living, and the rights to food, health and education (Egypt);

A - 77.63. Continue the implementation of programmes and plans for the enhancement of education in Liberia at all levels, as well as earmarking more financial resources for this purpose (Libyan Arab Jamahiriya);

**Status quo of Implementation:**

The living conditions of Liberians continue to decline due to neglect by the Government. Health system is poor; food is inadequate; education system is below minimum standards; housing is absent.

**Recommendation:**

Re-distribute the country's wealth of the natural resources, have residents/citizens to participate in the decision-making of the resource usage.

**Theme:** **Other Human Rights Issues**

**Focused Issues:** Truth and Reconciliation Commission Recommendations

**Suggested Recommendation:**

A - 77.51. Continue implementing the recommendations emanating from the Truth and Reconciliation Commission (South Africa);

A - 77.52. Take essential steps to implement the issues raised and recommendations made by the Truth and Reconciliation Commission (Czech Republic);

**Status quo of Implementation:**

The Government is window-dressing the implementation of TRC recommendations, taking the non-impact bearing recommendation, like the "Palava Hut" aspect.

**Recommendation:**

Government should seek international support to establish a War-crimes' Court for Liberia to prosecute persons responsible for the highest crimes in the Liberian 14 years civil war as recommended by the Liberia Truth and Reconciliation Commission.

**RE-EVOKED RECOMMENDATIONS**

In view of the above, we would like to re-evoke the following recommendations, which especially received "NO COMMENT", during the review:

**Harmonizing National Law with International Law and Death Penalty**

N/C - 78.5. Incorporate into domestic law already ratified international human rights conventions (Norway);

N/C - 78.6. Repeal the aforementioned law [2008 bill making armed robbery, terrorism and hijacking capital offences where they result in death] and bring its legislation in line with its international obligations (Sweden);

N/C - 78.15. Abolish the death penalty and create, in the meantime, a moratorium (Germany);

N/C - 78.11. Review and change national and local legislation with a view to reducing social, economic and ethnic divides within Liberian society (United Kingdom);

### **Prohibit FGM**

N/C - 78.24. Adopt legislative provisions in order to prohibit, sanction and effectively prevent the practice of female genital mutilation (Argentina);

### **Prohibit Torture**

N/C - 78.34. Take appropriate measures to enforce the law criminalizing trials by ordeal (Canada);

N/C - 78.35. Repeal regulations permitting trials by ordeal and amend the Penal Code to criminalize the organization of such trials (Republic of Korea);

### **Implement the TRC Recommendations**

N/C - 78.37. Address fully the recommendations of the Truth and Reconciliation Commission and to do so to at a published timetable (United Kingdom);

N/C - 78.38. Support the work of the Truth and Reconciliation Commission, in particular to achieve the enjoyment of women and child rights and the implementation of its recommendations (Sudan);

## **PRIORITY ISSUES NOT INCLUDED IN THE FIRST UPR RECOMMENDATIONS**

There are other human rights issues that stand out as priority since the last Liberia UPR in 2010. These are important to be addressed and included in the attainment of the respect for human rights in Liberia. Those issues include Lesbian, Gay, Bi-gender, Trans-gender and Intersex (LGBTI), Human Rights Defenders, Business and Human Rights (Concessions and Land Rights), among others.

- **Lesbian, Gay, Bi-gender, Trans-gender and Intersex (LGBTI)**

When Ellen Johnson Sirleaf, Liberian President and Nobel Peace Prize Laureate, recently expressed in an interview opposition for LGBT rights—especially decriminalization—and was vague about support for increased criminal penalties for LGBT people, a shockwave was felt around the world. LGBT Liberians everywhere and all who have great respect for Sirleaf—a former political prisoner herself—were appalled and saddened. Such a narrow and discriminatory view from a revered and world-honored leader is unfathomable.<sup>iv</sup>

Currently, the practice with sexual orientation in Liberia is criminalized under Liberian penal law as “voluntary sodomy”, which is a first-degree misdemeanor. The Liberian Parliament has and is debating two proposed bills on further criminalizing sexual orientation. The safety, security of

Liberian LGBT activist is elusive. Their protection is not forthcoming from the Government, while they remain at the mercy of the local communities.

Liberia is a signatory to a number of world treaties including the International Covenant on Civil and Political Rights, which guarantees the right to privacy and freedom from discrimination based on sexual orientation and gender identity. Liberia must stand by her commitment to these principles and protect all Liberians from human rights violations.<sup>v</sup>

- **Human Rights Defenders (HRDs)**

This issue is being addressed in an NGO Submission by our partner, the International Service for Human Rights (ISHR) based in Geneva, Switzerland.

Appendix

### Participating Organizations in the Liberia Coalition of Human Rights Defenders (LICHRD)

1. Association of Disable Female International (ADFI)
2. Center for Democratic empowerment (CEDE)
3. Center for Transparency & Natural Resource Governance (CETNARG)
4. Civic Initiative
5. Community Development Foundation (CDF)
6. Forum For Advocacy of Civic Education (FACE)
7. Foundation for Democracy In Liberia (FDL)
8. Foundation Grass Roots (FORGE)
9. Human Concern Inc.
10. Human Rights Network Foundation
11. Institute for Peace Education and Democracy (IPEAD)
12. Liberia Civil & Human Rights Alliance
13. Liberia Research and Development Agency (LIRDA)
14. Media Against Arm Violence (MAAV)
15. Movement for Indigenous Women of Liberia (MOIWORL)
16. National Concern Youth of Liberia (NACYOL)
17. National Institute for Public Opinion (NIPO)
18. New Generation for Legal Response and Development (NEGLERD)
19. New Liberia Foundation
20. Parental Care Liberia (PCL)
21. People Empowerment Program (PEP-Liberia)
22. RADIO
23. Rescue Alternatives Liberia (RAL)
24. Research and Documentation Center on Human Rights
25. Rural and Development Organization (RADO) INC
26. United Women in Action For Development (UNIWAD)
27. Voice Against Violence
28. Women Solidarity
29. Women Recovery Initiatives (WORI)
30. Women's Rights and Democracy (WORD Center)

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<sup>i</sup> US State Department 2013 Human Rights Report

<sup>ii</sup> US State Department 2013 Human Rights Report

<sup>iii</sup> Amnesty International 2013 - Liberia

<sup>iv</sup> <http://lgbtqliberia.blogspot.com/2012/03/coalition-of-lgbti-liberians-and-allies.html>

<sup>v</sup> <http://lgbtqliberia.blogspot.com/2012/03/coalition-of-lgbti-liberians-and-allies.html>