



STATEMENT

By

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MINISTER OF JUSTICE AND ATTORNEY GENERAL
REPUBLIC OF LIBERIA**

**AT
THE 30TH REGULAR SESSION OF
HUMAN RIGHTS COUNCIL UNDER THE
UNIVERSAL PERIODIC REVIEW (UPR)
PROCESS**

**ON THE OUTCOME AND ADOPTION OF THE REPORT OF
LIBERIA'**

FRIDAY, 25 SEPTEMBER 2015
GENEVA, SWITZERLAND

Mr. President
Members of the Council,
Representatives of Members states
OHCHR
UN Agencies
National Institutions,
NGOs,
Distinguished Ladies and Gentlemen

I bring you warm greetings from the President of the Republic of Liberia, Her Excellency, Madam Ellen Johnson Sirleaf, the Government and people of Liberia as we meet this afternoon to consider Liberia's response to the recommendations advanced by the Universal Periodic Review (UPR) and for the adoption of our Report submitted to this Council.

Mr. President, when the people of Liberia, decided to solemnly associate and constitute themselves a Free, Sovereign and Independent State by the name of the "Republic of Liberia", they adopted a Constitution with a Declaration of rights, which provided that "*All men are born equally free and independent and have certain natural inherent and inalienable rights, among which are the rights of enjoying and defending life and liberty.*" The 1847 Constitution also provided, for a range of rights including among others, equality before the law, equal protection of the law, freedom of worship; freedom of the Press; freedom of assembly.

That was 1847, nearly one hundred years before the UN Charter was adopted in 1945. Liberia was one of the 28 signatories to the UN Charter and was one of the original 48 Member States to vote in support of the Universal Declaration of Human Rights. **Liberia has therefore, been in the vanguard of the promotion and protection of human rights for over 168 years.**

That is why I am here, as Minister of Justice and Attorney General, not only to submit the response of Liberia to the recommendations advanced, but to reconfirm the commitment of the Government and people of Liberia to the UPR process under the umbrella of this Council. This process as we understand it, provides an opportunity not only for peer review by Member states but also for providing a platform for experience sharing on international best practices. For Liberia, it is also an opportunity to demonstrate to this council and the community of nations that notwithstanding difficulties faced, Liberia remains unwavering in the commitment assumed under international human rights treaties.

Mr. President, this Council will vividly recall that Liberia appeared and submitted to the UPR process in 2010. Growing out of that process, the government of Liberia accepted a number of the recommendations advanced by this Council. Over the past five years, Liberia has fully implemented many of those recommendations while on some, it has made significant progress.

Mr. President, Liberia has just come through its greatest crisis since the end of its fourteen-year civil conflict in 2003. In early 2014, Liberia was engulfed in a fight against the deadly Ebola virus, to which over four thousand Liberians and foreign residents succumbed, including some of its finest medical doctors and health care practitioners. The crisis consumed a great deal of the nation's resources and devastated the economy, thus posing a challenge to the speedy implementation of our human rights agenda.

Through the strong leadership of our President, the resilience of the people of Liberia, and the support of the UN and our international partners, Liberia is now Ebola free. However, Liberia still remains at risk as long as Ebola remains in the neighboring countries of Guinea and Sierra Leone due to the porosity of our borders and the free movement of people.

Despite the aforesaid challenges, Liberia has remained steadfast in its determination to participate in the UPR process. Our ability to prepare the National Report was frustrated by the ban on public gatherings and meetings during the Ebola crisis. When the report finally got prepared, the Liberian delegation also faced difficulties in traveling to Geneva to participate in the UPR process due to visa restrictions. In light of the aforesaid, the Government decided that it would be preferable to defer making any responses to the UPR recommendations until September, in order to hold wider consultations, and to foster a greater sense of ownership of the responses among Liberians.

Accordingly, Mr. President, following the receipt of the recommendations from the Council, the Government of Liberia, in July 2015, held a two-day consultative workshop, which brought together more than 50 representatives from government ministries and agencies, the Independent National Commission on Human Rights, and civil society organizations. Based on the views expressed during this workshop, and taking into consideration the feasibility of implementation given Liberia's political, economic, social and cultural climate, I am pleased to confirm that out of **186** recommendations advanced by the Council during the second cycle of the UPR, **146** enjoy the support of the Republic of Liberia. The Government wishes to inform the Council that it takes "note" of the remaining **40** recommendations. A matrix of the recommendations "accepted" and "noted" have been submitted to the Council.

It is important to clarify, however, that even where Liberia "notes" a recommendation, this does not mean that such recommendation does not enjoy any support; it means, rather, that the Government of Liberia is not able, at this point in time, to commit to the practical implementation of such a recommendation. Nonetheless, all recommendations received during the UPR process have been incorporated in Liberia's National Human Rights Action Plan

with "noted" recommendations included as aspirational provisions of the Action Plan.

Mr. President, permit me now to give a summary of those recommendations that the Government of Liberia accepted or noted.

Firstly, Liberia accepts, by and large, the recommendations related to the scope of its international treaty obligations, including domestication, harmonization, and treaty reporting advanced by Chad, Cote d'Ivoire, DRC, Philippines and Sierra Leone among others. It is important to clarify however, that Liberia is signatory to the major human rights treaties including the International Bill of Human Rights, the Convention against Torture(CAT), the Convention on the Rights of the Child(CRC), the Rome Statute, and the Convention on the Eradication of all forms of discrimination against Women (CEDAW) among others. Liberia favorably considers the ratification of additional human rights instruments. However, because ratification represents not only significant financial undertaking, but also political, social and cultural implications, Liberia gives notice that it will move cautiously in this regard with priority given to ratifying only those outstanding human rights treaties that will facilitate the consolidation of peace and stability in the country and not to frustrate or unravel it.

Mr. President, the government will continue efforts toward harmonizing its laws at both the constitutional and statutory levels with the treaties it has ratified; and where law reform is time consuming, it will proceed to do so by way of executive orders, regulations, and policies as appropriate, to facilitate the speedy implementation of its human rights obligations.

Subsequent to the submission of the National Report in May, and while the recommendations advanced by the UPR were under consideration, the

Constitution Review Committee, established by the President to review the 1986 Constitution with the view to recommending amendments that could help improve the governance of the country and protect human rights, submitted to the President for her consideration, 25 proposals for amendment of the Constitution. The Committee recommends, for instance, (i) that Liberian citizenship should be open to persons of non-negro race, thereby removing the historical limitation of citizenship in the Constitution only to persons of Negro descent. Many people, including Liberians, consider this provision to be racist, discriminatory, anachronistic, and outdated in light of global developments. The proposal of the Committee is consistent with obligations undertaken by Liberia under the ICCPR to respect and to ensure to all individuals within its borders, the rights recognized in the treaty without discrimination of any kind such as race. It also addresses the recommendation advanced by several countries.

Regarding equality, the Constitution Review Committee proposes that respect and recognition for persons with disabilities should be enshrined in the Constitution and that education and job opportunities be accorded them.

Regarding women rights, the Committee advanced three proposals: (i) that the Constitution should ensure women's participation in governance and national affairs; (ii) that Women should have access to equal economic and social opportunities and (iii) that the Constitution should guarantee inheritance rights for traditional women. These recommendation will be submitted to referendum along with the 2017 general elections.

Liberia has also finalized a National Strategy on Treaty Obligations as well as a draft Common Core Document, which will allow Liberia to make significant progress in addressing its treaty reporting obligations consistent with the recommendation advanced by Sierra Leone and Togo.

The Government of Liberia recognizes the critical role that Special Procedures Mandate Holders of the Human Right Council can play in enhancing the engagement between member states and the Council in furtherance of human rights. Accordingly, I bring to this Council today a Standing Invitation from the Government of Liberia to the Special Procedures, in fulfillment of recommendations received and accepted by Liberia during the first and second UPR cycles. The Government of Liberia looks forward to constructive engagement with all the Special Procedures Mandate Holders to enhance the promotion and protection of human rights in Liberia.

Liberia also accepts ^{All}~~most~~ of the recommendations related to the rights of women and children; sexual and gender-based violence advanced by Australia, Germany, and Nepal amongst others. As noted in our National Report, Liberia remains committed to promoting and protecting women rights, to the eradication of discrimination, and to the realization of the right to equality and to equal protection of the laws as enshrined in our Constitution. In addition to the proposals for constitutional amendment, the Government will strengthen prosecutorial services for SGBV in the three regional Hubs and give favorable consideration to establishing SGBV courts in all 15 judicial circuits as provided for under the statute creating Criminal Court E for SGBV.

A number of countries including Madagascar, Uruguay, Australia, Sweden, Italy, Netherlands, and Finland have recommended that Liberia adopts a law explicitly prohibiting Female genital mutilation and harmful traditional practices. Liberia reiterates its position that it is opposed to harmful traditional practices including female genital mutilation (FGM), early marriages, and trial by ordeal. Hence we accept all the recommendations on this subject. The Government is taking steps to address these challenges. In August, 2015, while the UPR recommendations

were under consideration, the Government submitted to the Legislature a draft Domestic Violence Act, which partially criminalizes FGM and other harmful practices. If adopted in its present form, this Act would prohibit FGM performed on children under the age of 18, and on women 18 and older who do not consent to the practice. Liberia will continue to strengthen efforts on combating sexual and gender violence through further comprehensive legislation bill to prohibit and criminalize FGM and all harmful traditional practices, and strengthening of institutional capacities. Liberia will also strengthen alternative measures of diminishing FGM and traditional harmful practices such as sensitization on the harmful effects of such practices, especially on the future of the girl child, and provision of alternative livelihoods for traditional practitioners.

Liberia also accepts the recommendations made in the area of administration of justice and the rule of law by Finland, Netherlands, and Uruguay amongst others. The Government recognizes that no foundation for peace and stability can be laid in Liberia if it is not grounded on the respect for the rule of law. In December 2014, the UN Security Council resolved that the Government of Liberia should assume fully by 30 June 2016, responsibility over the security architecture of Liberia from the UN Mission (UNMIL) which has been stationed in the Country since the end of the civil conflict in 2003. In this regard, the Government has developed a plan for UNMIL Transition, with a human rights based approach integrated therein, which is now being implemented in close collaboration with the UN and our international partners. The Government of Liberia, through the Transition Plan, will strengthen capacity in the justice and security sector, expand the scope and breadth of existing services, especially in the area of pre-trial detentions and gender based violence, and address outstanding challenges that pose threat to the effective administration of justice.

Mr. President and distinguished members of this Council, the Government has chosen to "note" however, some few recommendations that present significant

political, economic, social and cultural challenges and thus not feasible to implement in the short term. Though we may not "accept" such recommendations at present, we may nonetheless take measures to support them as appropriate.

For instance, Liberia welcomes recommendations made with regard to the abolition of the death penalty advanced by Congo, Spain & Costa Rica amongst others. Indeed, the Government is not opposed to the abolition of the death penalty in principle as evident by the fact that it has not carried out a single execution since the reintroduction of the death penalty in 2005. However, Government remains inclined to maintain its position of "**abolitionist by practice**" so as to serve as a deterrent for conduct which pose threat to the consolidation of peace and security in Liberia. Liberia, therefore, accepts the recommendations advanced by [*] that propose maintaining our **de facto** moratorium with the view to a consideration of **de jure** abolition. Therefore, we have decided to "note" most of the recommendations on this subject at this time.

The Government notes the recommendations made by [*] on the subject of the rights of LGBT persons. While it is true that the Constitution of Liberia prohibits discrimination, and protects the fundamental rights and freedoms of all persons within its borders without distinction on the basis of sexual orientation, the Government would like to tread cautiously in this area until there has been adequate public discourse, sensitization and awareness on the need to protect these rights.

We accept the recommendations regarding the revision of the immigration and nationality law, advanced by [*] but with some clarifications. Article 28 of the 1986 Constitution already provides for the right of Liberian women to transmit their nationality to their children on an equal basis with Liberian men. The Bureau of

Immigration and Naturalization has embarked on the drafting a New Alien and Nationality law consistent with the 1986 Constitution and obligations undertaken to reform the nationality laws to prevent statelessness in Liberia.

In closing, let me express my thanks and appreciation to you Mr. President and the Human Rights Council, the Troika and OHCHR for the opportunity to share best practices and to receive recommendations on ways to improve the protection and promotion of human rights in our nation. As noted, Liberia has long supported human rights, and remains committed to integrating a human rights-based approach as a foundational measure for sustaining peace, democracy, and the rule of law.

Let me also thank those member States who advanced recommendations, and the NGOs who made comments. I would be remiss if I do not recognize the support and technical advice to the Government by the Human Rights Section of the United Nations Mission in Liberia (UNMIL), and to UN Agencies and our international partners for all their support over the years.

Recommendations made during the UPR have a significant influence, as they inform our national strategies and priorities. The Government of Liberia looks forward to implementing those recommendations we have accepted, and to working closely with the Human Rights Council, the Special Procedures mandate holders for technical support, and our partners going forward as we strive to enhance our compliance with our international human rights obligations.

I THANK YOU