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## **Draft report of the Working Group on the Universal Periodic Review\***

### **Liberia**

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its ninth session from 1 to 12 November 2010. The review of Liberia was held at the 1<sup>st</sup> meeting, on 1 November 2010. The delegation of Liberia was headed by Counsellor Christiana Tah, Honorable Minister of Justice and Attorney General. At its 5<sup>th</sup> meeting, held on 3 November 2010, the Working Group adopted the report on Liberia.
2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Liberia: the Republic of Korea, Spain and the Libyan Arab Jamahiriya.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Liberia:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/9/LBR/1);
  - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/9/LBR/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/LBR/3).
4. A list of questions prepared in advance by the Czech Republic, Denmark, Germany, Latvia, the Netherlands, Norway, Slovenia, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Liberia through the troika. Those questions are available on the extranet of the universal periodic review.

## I. Summary of the proceedings of the review process

5. During the interactive dialogue, statements were made by 40 delegations. A number of delegations commended Liberia for its national report and presentation, noted the consultation process with stakeholders in the preparation of the national report, and thanked the country for its answers to questions raised. Recommendations made during the interactive dialogue are listed in Chapter II of the present report.

### A. Presentation by the State under review

6. The delegation stated that the Republic of Liberia appreciated the important roles played by the international community and civil society groups in peace-building. As a matter of national policy, the country was taking all possible measures to include civil society groups in all policy discussions, especially on issues with human rights implications. During the process of drafting its national report for the universal periodic review, Liberia had widely engaged a number of civil society groups.
7. The delegation outlined the historical facts that had created the persistent perception of social, political and economic gaps between the groups commonly referred to as “Americo-Liberian” (also known as “Congo people”) and “natives”. It asserted that, at present, allegations of discrimination based on those distinctions should be understood as a manifestation of socio-economic inequalities and not solely as discrimination based on ethnicity and/or religion.

8. Chapter III of the Constitution of Liberia, *inter alia*, provided for the promotion and protection of fundamental rights, which it enumerated. It further stated that the Government was divided into three branches, the Executive, the Legislative and the Judicial, and it described the functioning of each. The first female President on the continent of Africa, Madam Ellen Johnson Sirleaf, had been elected to lead the Republic of Liberia in 2005, and six female Cabinet Ministers held leading portfolios. This was a clear indication of the country's commitment to gender equality and the ability of the populace to value qualifications more than gender perceptions.

9. With regard to the establishment of the Independent National Human Rights Commission, the delegation stated that in August 2010, the President had nominated seven Commissioners from a shortlist of 14 provided by the Committee of Experts. In September 2010, all seven Commissioners – three women and four men – had been confirmed by the Senate, and on 28 October 2010 they had been formally inducted into office by the President.

10. The Truth and Reconciliation Commission had been established in May 2005 to investigate human rights violations committed during the civil conflict. The final report of the Commission, which contained a historical analysis identifying the root causes of the conflict in Liberia as well as 142 recommendations intended to redress human rights violations, had been published on 30 June 2009. A month ago, the President had expanded the task force established to review the legal and constitutional implications of the Commission's recommendations, in order to include the Liberian National Bar Association.

11. Liberia had signed or ratified/acceded to numerous regional and international human rights instruments as well as a number of International Labour Organization (ILO) conventions. Since 2005, a number of those international instruments had been integrated into domestic law through legislation. Liberia was considering adopting the Children's Rights Law and the New Prison Reform Act and becoming a signatory to the Hague Convention pertaining to inter-country adoption.

12. The delegation presented some of Liberia's achievements in the area of civil and political rights. On the right to liberty and security of persons, Liberia had strengthened the Professional Standard Division within the Liberian National Police, had incorporated human rights education into the training of law enforcement officers and military and prison personnel, and had undertaken a vetting process in the security sector to exclude past human rights abusers from public positions. It had also created human rights units in the Ministry of Justice and the Ministry of Gender and Development.

13. On the issue of justice and legal reform, the delegation stated that Liberia understood that its citizens could face problems in gaining access to justice because citizens were unaware of their rights and because justice institutions were remote, slow and unaffordable or biased and discriminatory. The delegation described the initiatives taken in that regard.

14. For the past couple of years, Liberia had struggled to address the persistent problem of pre-trial detention. In that regard, the country had highlighted the following achievements: establishing the "Magistrate Sitting Programme" and the Task Force on Pre-Trial Detention, taking a measure to implement existing Liberian laws on alternatives to incarceration, and establishing the Police-Prosecution Coordination Sub-Committee.

15. Moreover, in order to redress poor prison and detention centre conditions throughout the country, Liberia had taken a number of measures, including the allocation of additional financial resources for the renovation and improvement of detention centres and the initiation of literacy and vocational programmes and psycho-social counselling for detainees.

16. The delegation highlighted Liberia's many achievements in the area of economic, social and cultural rights. It stated that, while employment for a greater percentage of Liberian youths remained a great challenge, the country had taken measures, including the Liberian Employment Action Plan (LEAP), to address the problem that it had identified.

17. With regard to the right to education, Liberia had re-launched a free and compulsory primary education programme. With respect to women and education, the national policy on girls' education had been launched in April 2006. With a view to promoting basic education for all, the country was implementing an accelerated learning programme, which targeted individuals between the ages of 8 and 15. Additionally, Liberia had completed the non-formal education curriculum and improved the adult literacy programme targeting individuals between the ages of 15 and 35 who required literacy, numeracy, life skills and work readiness training. Furthermore, Liberia had incorporated a peace, human rights and citizenship education programme into the curriculums of elementary, junior and secondary schools and had trained teachers in methods for teaching the programme.

18. Concerning the issue of violence against women, Liberia, in view of the high incidence of rape against girls and women, had enacted legislation to amend the new Penal Code of 1976 (the Rape Law), had launched a National Gender-Based Violence Plan of Action, had created the Special Court for Rape and Other Forms of Violence, and had established the Sexual and Gender-Based Violence Unit. The Unit had helped to increase the number of sexual offences cases reported and prosecuted, had created wide public awareness regarding issues related to sexual and gender-based violence, and was working with the police and medical professionals to provide holistic care to victims.

19. The Anti-Human Trafficking Act had been adopted in 2005, and an inter-ministerial task force had been established.

20. Liberia, recognizing the devastating effects of the civil conflict on children, and following the recommendation of the Committee on the Rights of the Child, had taken measures aimed at the protection and promotion of the rights of children. Some of those measures had been mentioned.

21. Since its establishment in 2005, the Liberian National Commission on Disabilities had consistently carried out the task of protecting and promoting the rights of persons with disabilities, and a number of activities had been carried out in that regard. Liberia had ratified the Convention on the Rights of Persons with Disabilities in 2008. However, despite those achievements, persons with disabilities continued to face serious challenges in the country.

22. Other initiatives to improve the human rights situation included the establishment of the Governance Commission, the Liberian Anti-Corruption Commission and the Land Commission. Liberia was committed to continuing to work with national and international partners to strengthen national institutions protecting and promoting the human rights of citizens.

23. Liberia continued to face challenges and constraints, and it enumerated a number of these.

## **B. Interactive dialogue and responses by the State under review**

24. Algeria welcomed the fact that a woman candidate had been elected in 2005, and noted with satisfaction the progress achieved in resettling displaced persons and refugees, restoring the administration, the economy and infrastructure, and reinforcing the rule of law and respect for human rights. It noted that, unfortunately, the socio-economic situation

remained difficult and had had a certain impact on the enjoyment of economic and social rights. Algeria made recommendations.

25. India noted the constraints faced by Liberia in securing human rights as it continued to recover from the effects of two civil wars, and noted that the 2005 elections had been successful in securing peace and stability. India took note of a number of institutional and legislative initiatives taken since 2005. India considered it important that Liberia focus on its youth policy. India requested further information about the work of the Law Reform Commission and the Constitutional Review Task Force. India made a recommendation.

26. Morocco noted problems in resettling a large number of displaced persons and refugees, restoring the administration, the economy and infrastructure, and reinforcing the rule of law and respect for human rights. It congratulated Liberia on having elected the first woman President in Africa and praised her efforts to integrate gender into the work of the Truth and Reconciliation Commission and into other national programmes to fight violence against women. It welcomed the country's efforts related to the free and compulsory primary education programme of 2006. Morocco made recommendations.

27. France asked about remedies against police exactions, inquiring whether independent investigation mechanisms existed and whether the future national human rights action plan would remedy the problem. France also asked how many persons had been condemned to death since the 2008 bill and whether the death penalty had been or would be applied. France noted the important measures adopted on gender discrimination, asked about a monitoring mechanism, and inquired whether there was a programme to support non-governmental organizations working on legal assistance to victims. France made recommendations.

28. Finland noted the high number of pre-trial detainees and the lack of public trust in national legislation and the judiciary system with regard to mob justice. It acknowledged the Government's plans to develop the judiciary and strengthen the rule of law. Finland asked how to assess the effectiveness of the measures adopted over the past two years to protect the rights of women and children, and about the main challenges in the protection of women and children and how to overcome them. Finland made recommendations.

29. The Libyan Arab Jamahiriya commended Liberia for its comprehensive report and for the broad consultations undertaken in its preparation, which had included the participation of many non-governmental organizations, civil society organizations and international and national human rights organizations. It also expressed appreciation for the positive achievements and reforms accomplished despite the problems and civil strife seen in the country. It welcomed the efforts made in the field of education and the country's plan to grant men and women equal access to education at all levels by 2015. It made recommendations.

30. Mexico recognized the efforts made by the President, who was the first woman to lead a country in the region. It requested further information about the prospects for the implementation of the recommendations of the Truth and Reconciliation Commission. Mexico encouraged Liberia to increase its cooperation with international mechanisms and, in particular, to extend a standing invitation to the special procedures and to adhere to international instruments to which it was not yet party. It made recommendations.

31. In response, the delegation of Liberia stated that, with regard to the independence and effective functioning of the Independent National Human Rights Commission, it had provided an initial amount of \$700,000 for the Commission's budget and that the Commission would exercise control over the use of funds.

32. During Liberia's 15 years of civil war, official documents reflecting land ownership had been destroyed and land, including public land, had been illegally sold, which had

created overlapping rights and claims to land. As a starting point, the Land Commission had been reviewing titles and title claims relating to public land. In order to facilitate the mandate of the Land Commission, the Law Reform Commission had researched and analysed Supreme Court decisions and the country's statutory laws concerning land issues and had forwarded its findings to the Land Commission to facilitate its mandate. The Land Commission was also working to resolve private land dispute issues, which could disrupt peace and security and thus required immediate attention. In all cases in which alleged land disputes had led to social unrest, Liberia was encouraging social dialogue to resolve issues; was conducting widespread public awareness campaigns on land rights; and was addressing broader, unresolved underlying factors, such as authority and legitimacy, that had fuelled land and property disputes. In collaboration with international partners, several cases had been resolved.

33. Since there were many individuals in prison who had committed minor offences, the Government of Liberia was looking at introducing alternatives to incarceration, such as probation and parole. On 1 August 2010, Liberia had launched a 12-month training programme for probation officers. Liberia was also training more prosecutors to handle cases involving sexual offences. In addition, the Government had requested the judiciary to open second courts with a view to swifter progress on cases involving sexual offences and corruption. Another recently introduced programme was aimed at improving the case management system. Liberia believed that once such mechanisms were in place, the number of people in pre-trial detention would be reduced.

34. Regarding improving citizens' access to justice, Liberia outlined recent initiatives to better harmonize the formal and customary justice systems, through a national consultation and a three-day national conference, with the involvement of all stakeholders. A transcript of the conference would soon be published, together with an analysis. They would be considered at a further consultation, on the basis of which policy documents would be developed with a view to improving legislation relating to access to justice.

35. South Africa welcomed the establishment of the Independent National Commission on Human Rights following the Accra Comprehensive Agreement of 2003. It also expressed appreciation for recent efforts to revise discriminatory legislation and enact new laws, in particular the 2006 Rape Law and the Bill for the Equal Participation of Women in the Political Process. South Africa encouraged the international community to provide Liberia with the technical assistance necessary to overcome the challenges faced by the country. It made recommendations.

36. Canada welcomed Liberia's commitment to improving the situation of women. However, it remained concerned about the high incidence of rape, sexual violence and female genital mutilation. It noted that Liberia had become a full participant in the Kimberley Process Certification Scheme in 2007. It acknowledged that, despite efforts to improve institutional capacity in the criminal justice system, there remained serious challenges, such as the high number of prisoners held in extended pre-trial detention, and a general distrust of the justice system. Canada made recommendations.

37. Germany asked how the 142 recommendations contained in the report of the Truth and Reconciliation Commission would be implemented. Germany referred to concerns expressed by the Human Rights Committee regarding legislation adopted in 2008 envisaging the death penalty for a number of crimes and the Committee's recommendations in that regard, after recalling that Liberia was party to the Second Optional Protocol to the International Covenant on Civil and Political Rights. It asked how Liberia had followed up on these. It made recommendations.

38. Hungary noted the difficult social and economic situation in Liberia and expressed appreciation for its cooperation with international human rights mechanisms, in particular

its positive attitude towards visits by special procedures mandate holders. It also appreciated legal reforms, as well as the establishment of national bodies. However, Hungary expressed concern about the reintroduction of the death penalty, in violation of obligations under the Second Optional Protocol to the International Covenant on Civil and Political Rights, as well as increases in gender-based sexual violence, maternal mortality, violence against children and human trafficking. It made recommendations.

39. Cuba noted advances made in the sphere of human rights, such as the 2006 Emergency Employment Programme, the Employment Action Programme and the Free and Compulsory Primary Education Programme. It also noted measures and programmes to promote and protect the human rights of vulnerable groups, such as women, children, the disabled and elderly persons. Cuba made recommendations.

40. China expressed appreciation for efforts made to improve and promote the rights of women, children and persons with disabilities. It also welcomed efforts to continue to implement poverty reduction strategies, the adoption of anti-corruption measures and the expansion of the scope of health care. It noted the numerous challenges faced by the country after many years of turmoil. China called on the international community to continue to provide Liberia with the necessary assistance. China made a recommendation.

41. Slovakia expressed concern about the very low percentage of reported rape cases that had been fully prosecuted. It remained concerned about conditions in Liberia's prison and detention centres, the high level of reported misconduct by law enforcement officials and the fact that, in most cases, the alleged perpetrators were not held duly accountable. Slovakia made recommendations.

42. Brazil welcomed efforts by Liberia to rehabilitate the country's basic infrastructure. It encouraged Liberia to continue to prioritize the rehabilitation of its educational structure and highlighted the importance of policies to ensure school feeding. Brazil noted with concern the high incidence of gender-related crimes and underlined the importance of increased access to justice. Brazil also expressed appreciation for the adoption of policies aimed at the empowerment of women. It expressed concern at the enactment of legislation envisaging the death penalty. Brazil made recommendations.

43. Sweden asked Liberia to elaborate on the status of the death penalty in view of the 2008 Bill and the country's obligations under the Second Optional Protocol to the International Covenant on Civil and Political Rights. It noted the high incidence of gender-based and sexual violence, and asked about the measures taken to promptly address inequalities between men and women, in particular practices such as early marriage and female genital mutilation. It also asked about the status of the special court established to hear cases involving sexual and gender-based violence. Sweden made recommendations.

44. Norway commended efforts to promote recovery after years of conflict. However, it expressed concern at the disparity in living standards between urban and rural areas, gender-based violence and alarming rates of maternal mortality. Norway encouraged Liberia to increase its emphasis on securing the rights of women and girls and to enhance its efforts to strengthen the justice system. It also noted that the Independent National Human Rights Commission had been established and was ready to undertake its important tasks. Norway made recommendations.

45. Australia regretted the 2008 law allowing the death penalty in certain cases. It was concerned by the continued high rates of rape and other forms of sexual and gender-based violence, but noted efforts to prosecute such cases and thanked the Minister of Justice for her update on steps taken to improve court capacity. Australia was concerned about child trafficking and exploitation involving orphanages, but welcomed the new child protection regulations and encouraged Liberia to implement them. Australia was also concerned by ongoing reports of child labour. Australia made recommendations.



46. The United Kingdom of Great Britain and Northern Ireland welcomed progress in the establishment of an Independent National Commission for Human Rights and requested information about the timeline for its establishment. It expressed concern at reports of corruption in the judiciary. It expressed the hope that the recommendations of the Truth and Reconciliation Commission would be acted upon. It also encouraged Liberia to engage with donors and others before the next election, and to extend a standing invitation to the special procedures. It made recommendations.

47. Italy commended Liberia for participating in the World Programme for Human Rights Education, but noted that less than one third of children were attending schools and that more than 50 per cent of the population remained illiterate. Italy expressed concern about the 2008 legislation regarding the death penalty. Italy noted that female genital mutilation was still being practiced and had not been criminalized. It asked what measures had been taken to improve access to justice for victims of sexual violence and to effectively protect them. Italy made recommendations.

48. The delegation reported that, during the civil conflict, victims of rape, sexual slavery, forced marriage and pregnancy had been ostracized by their communities and families, while perpetrators had gone unpunished. Fearing such stigmatization, victims had often chosen not to report crimes of sexual and gender-based violence committed against them. Victims of such violence remained reluctant to report the crimes and, when they did so, often failed to pursue prosecution. The investigation and prosecution of crimes of sexual and gender-based violence also suffered from the inadequacies of the justice and law enforcement systems. It was against that backdrop, Liberia suggested, that accomplishments should be viewed. The Sexual Offences Court, since its establishment in 2008, had significantly increased the prosecution of sexual offences cases: from February 2009 to October 2010, the court had indicted 27 persons and tried 10 cases, compared with the fewer than five sexual offences cases brought to trial before the establishment of the special court. Those figures showed achievements. The Sexual and Gender-Based Violence Crimes Unit, within its 18 months of operation, had increased threefold the number of sexual offences cases brought to trial. Additionally, Liberia had set up an endowment fund to provide support to survivors, had drafted a civil service sexual harassment policy, and had joined a United Nations joint programme that took a holistic approach to preventing and addressing issues related to sexual and gender-based violence.

49. To facilitate the implementation of the recommendations of the Committee on the Elimination of Discrimination against Women, Liberia had established a working group that was divided into eight thematic committees. The legal thematic committee had collaborated with the Law Reform Commission to conduct research on and compile current laws, including customary laws that directly or indirectly discriminated against women, and to determine the right course of action for incorporating the principle of equality between women and men into the Constitution.

50. Liberia had continued to take measures to eliminate the practice of female genital mutilation, while respecting the cultural rights of citizens to engage in non-harmful, human-rights-conscious traditional and cultural practices. Appreciating the need to address the underlying economic motivation behind female genital mutilation, Liberia had provided training courses on alternative income-generating skills for more than 750 practitioners of female genital mutilation. To date, as a result, 350 practitioners had ceased performing female genital mutilation and had publicly denounced the practice. Liberia had established a committee to ensure the implementation of the CEDAW recommendations, including a recommendation that the Ministry of Internal Affairs desist from issuing permits to practitioners. Liberia was engaging all segments of society in inclusive and constructive nationwide dialogues to determine the extent and the forms of harmful traditional practices,

and those dialogues would form the basis for programme planning in the eradication of female genital mutilation.

51. In 2008, following a string of armed robberies that threatened to shatter the fragile peace in Liberia, the Armed Robbery Act, including a provision allowing for the death penalty, was adopted. Liberia had previously indicated that the Act would be revisited as soon as security concerns had been addressed. Liberia indicated that, despite other laws allowing for the death penalty, it had not carried out the penalty since 1980 and that, under the Constitution, the President had the authority and the prerogative to commute such sentences. The delegation strongly affirmed that, despite concerns regarding the Act, Liberia remained committed to honouring its regional and international human rights obligations. In that regard, it reaffirmed the importance of the work being done by the Law Reform Commission. Liberia needed to determine the full extent of its human rights obligations and to inform legislative staff, when drafting bills, about the observance of human rights and relevant international conventions and protocols.

52. Liberia indicated that the Truth and Reconciliation Commission task force was discussing the implementation of the Palava Hut mechanism, which was crucial to peace and reconciliation. The task force was developing the legal and structural frameworks for the mechanism, which would require mediation and alternative dispute resolution training.

53. Liberia remained committed to bringing to justice individuals who had committed egregious human rights violations; however, the issue of establishing an extraordinary criminal tribunal remained a challenge. Liberia stated that, owing to financial constraints, the final report of the Commission had yet to be broadly distributed and explained to the average citizen, and thus that any discussion regarding the establishment of an extraordinary criminal court might prove to be premature. Given the realities of the Liberian conflict and recent security challenges in various parts of the country, the immediate priorities of Liberia remained establishing lasting peace and security, addressing the immediate needs of citizens, and creating an environment conducive to a peaceful dialogue. From the reaction of Liberians to the Commission process, and lessons learned from the truth and reconciliation processes of other countries, it seemed apparent that the process would ultimately be driven by the Liberian people.

54. The Republic of Korea expressed appreciation for measures to advance the protection of the rights of women and children, who had been the main victims of the civil conflict. It also welcomed the adoption of the Rape Law and the establishment of a Special Court for Rape and Other Forms of Violence. It expressed concern at the weak judiciary and the low confidence in the criminal justice system, which had led complainants to seek the customary justice system, including trials by ordeal. It made recommendations.

55. The Czech Republic welcomed Liberia's willingness to tackle problematic issues. It encouraged the country to bring to justice those responsible for serious crimes against international law committed during the armed conflict. It expressed appreciation for the establishment of a Judicial Training Institute. The Czech Republic made recommendations.

56. The United States of America welcomed the adoption of Liberia's Freedom of Information Act, noting that it was the first West African nation to adopt such a law. It also welcomed the introduction of the "Decent Work Bill", aimed at improving the enjoyment of workers' rights. It expressed concern at the high levels of sexual violence. It also noted the prevalence of female genital mutilation, in particular in rural areas, as well as recommendations made by CEDAW, CRC and OHCHR in that regard. It made recommendations.

57. Azerbaijan noted that the Truth and Reconciliation Commission, in its 2009 final report, had recommended the establishment of an extraordinary criminal tribunal, and asked what measures had been taken to that end. It noted with appreciation the legal reform

process, including the work of the Law Reform Commission. It asked what measures had been taken to resettle the large number of refugees and internally displaced persons. It welcomed the National Gender-Based Violence Plan of Action and the Anti-Human Trafficking Act. Azerbaijan made recommendations.

58. Argentina welcomed the presentation of the report, which had permitted it to receive further information about measures adopted concerning human rights, particularly in connection with trafficking in persons, gender discrimination and violence against women and girls. It also expressed appreciation for information concerning measures to follow up on the recommendations of the Truth and Reconciliation Commission, and encouraged Liberia to continue with its endeavours in that regard. Argentina made recommendations.

59. Chile expressed its appreciation for efforts made by the presidency, in particular the adoption of concrete policies focusing on human rights. It stated that the publication of the final report of the Truth and Reconciliation Commission revealed a commitment to peace and the fight against impunity. It also expressed appreciation for the concern shown in relation to rape and sexual violence, which continued to be serious and common crimes. It asked if all members of the National Human Rights Commission had been appointed. Chile made recommendations.

60. Portugal asked Liberia what concrete steps it planned to take, in addition to the establishment of a specialized criminal court, to ensure the effective and impartial investigation and prosecution of cases involving sexual and domestic violence against women. It also asked whether Liberia was considering imposing a moratorium on the death penalty. It further asked what specific measures Liberia was planning to take to accelerate the reform of the justice sector. Portugal made recommendations.

61. Slovenia commented Liberia for its legislative and policy efforts to empower women and combat violence against them. However, it was gravely concerned that rape and sexual violence remained the most frequently committed serious crimes. It thanked Liberia for its answers regarding female genital mutilation. Slovenia asked what measures had been taken to address the needs of children who had suffered human rights violations during the conflict. Slovenia made recommendations.

62. Senegal highlighted with satisfaction the determination of Liberia in promoting the rights of vulnerable persons, including women, children and the disabled. It also highlighted efforts to promote economic, social and cultural rights and to cooperate with the special procedures mandate holders of the Council. It encouraged the international community to meet the need for aid expressed by Liberia. Senegal made recommendations.

63. Ireland acknowledged the problems faced by Liberia in rebuilding a judicial system, particularly the fact that many prisoners were held in extended pre-trial detention and in very poor conditions. Ireland asked how the work of the Pre-Trial Detention Task Force was progressing. Referring to reports about the critical situation in orphanages, Ireland asked about the position of such institutions, especially those without formal accreditation. Ireland regretted the high incidence of violence against women and the prevalence of female genital mutilation, and welcomed the steps taken to address gender-based violence. Ireland expressed concern at the 2008 legislation imposing capital punishment for certain offences, and urged the abolition of the death penalty. Ireland made recommendations.

64. Egypt noted that Liberia had recently passed through instability, turmoil and conflict, and welcomed the release of the 2009 report of the Truth and Reconciliation Commission, including its recommendations, and the establishment of the steering committee to develop a national human rights action plan for Liberia. Egypt also drew attention to the steps taken to combat and redress violence against women, including post-conflict sexual violence. It referred to the clear views expressed in the national report regarding challenges, national

priorities and areas in which international assistance and capacity-building were needed. Egypt made recommendations.

65. Angola welcomed various initiatives taken to improve the quality of the education system despite the difficulties experienced. It noted with satisfaction the adoption of a series of measures with a view to reducing the unemployment rate among young people, and asked about results. Aware of the socio-cultural and economic factors that limited the participation of women in all sectors, Angola congratulated Liberia on having elected a female President and on having taken measures to increase women's participation. Angola applauded Liberia's establishment of an open and constructive dialogue with United Nations mechanisms and encouraged the continuance of the dialogue. It made a recommendation.

66. Thailand welcomed many of the country's policies aimed at promoting and protecting the rights of vulnerable groups. It praised recent developments in addressing the immediate post-conflict needs of vulnerable groups, including the establishment of the Truth and Reconciliation Commission and the national plan to address violence against women. Thailand noted that many challenges remained and acknowledged Liberia's need, as highlighted in the national report, for training and technical cooperation to assist it in promoting and protecting human rights. Thailand proposed recommendations.

67. Ghana commended Liberia for efforts to transform its institutions into public bodies that enjoyed civic trust and for the creation of the Independent National Commission on Human Rights in 2005. It noted with appreciation the information that the Commissioners had been confirmed by the Senate. Ghana asked what Liberia considered to be the major challenges in the area of education in view of the effects of the civil conflict on children, and how those challenges were being addressed. It made recommendations.

68. Latvia thanked Liberia for its constructive engagement in the universal periodic review process. Latvia noted that a significant number of requests by special procedures mandate holders to visit Liberia had not yet been accepted. It made a recommendation.

69. Mauritania noted that the institutional framework in the country was democratic. Mauritania also noted efforts made at all levels by the Government to protect women and children, which was particularly significant in a country that had faced difficulties because of a civil war. In terms of education, Mauritania wished to know whether training and employment were linked in the relevant strategy.

70. Côte d'Ivoire recalled that the crisis in Liberia had resulted in huge human losses and material damage, and indicated that the return to normality should be supported by the international community, in particular the countries of the sub-region. It encouraged initiatives taken to review national laws aimed at the protection of human rights, including those relating to mass rape and the rights of disabled persons. It noted that the national report indicated that many obstacles remained and that Liberia would therefore need international aid. It made recommendations.

71. Bangladesh noted that Liberia faced numerous challenges, such as major reconstruction and development, establishing the rule of law and sustaining peace and social integration. Bangladesh appreciated Liberia's recognition of the situation of women, noting that, in the aftermath of the conflict, women continued to suffer its physical, psychological and economic effects. Bangladesh stated that there was an urgent need to devote special attention to children with disabilities and child victims of trafficking and sexual exploitation. It made recommendations.

72. The Congo praised the efforts of the first elected woman President of an African country, in particular the legislative reforms undertaken to restore a State that respected human dignity and accorded particular attention to the situation of women, children and

disabled persons, which merited the constant support of the international community. It also mentioned initiatives on human rights training, and the fight against all forms of violence committed against women and children. The Congo made recommendations.

73. The Sudan noted with appreciation the large number of regional and universal human rights instruments acceded to by Liberia. The Sudan asked which most important norms were needed for the management of orphanages and other institutions where there were vulnerable children, and what sanctions had been taken against persons who had breached those measures. The Sudan made recommendations.

74. Liberia expressed appreciation for all questions, comments and recommendations presented. It welcomed all constructive comments and looked forward to collaborating with national and international partners to create a progressive, developed and human-rights-conscious Liberia.

75. To conclude, Liberia listed a few of its expectations in terms of international assistance. These included training assistance to: enhance the capacity of law enforcement agencies, including in the use of advanced law enforcement techniques and equipment; enhance the human rights awareness of citizens and public officials; enhance knowledge about the working methods used by treaty bodies and in treaty body reporting; and enhance the capacity of the relevant institutions to design and implement human-rights-related policies and projects. It also called for assistance in developing and publishing a national human rights action plan, in advancing the process of law reform and in implementing the recommendations of the Truth and Reconciliation Commission.

76. Time constraints did not allow Liberia to address all questions presented today and in advance; however, it would be informing the international community about measures being taken to address concerns and questions raised. The delegation looked forward to working with all to implement the recommendations in order to protect and promote human rights in Liberia.

## II. Conclusions and/or recommendations

77. **The following recommendations formulated during the interactive dialogue and listed below have been examined by Liberia and enjoy its support:**

**77.1. Consider ratifying the CRPD, along with the two Optional Protocols to the CRC, to which it is a signatory (India);**

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

**77.3. Ratify the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance (Senegal);**

**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 fulfil its regional and international obligations imposed by such instruments (Algeria);**

**77.5. Continue to prioritize and implement policies and legislation to address violence against women and the protection of the human rights of children (South Africa);**

**77.6. Prioritize enforcement of its domestic legislation, including the Penal Law, the Rape Law and the National Gender-Based Violence Plan of Action,**

**empower its Special Court for Rape and Other Forms of Violence as well as the Sexual and Gender-Based Violence Unit under the Ministry of Justice, and implement appropriate national public awareness programmes to address violence against women (Slovakia);<sup>1</sup>**

**77.7. Implement legislation and policies aimed at eliminating sexual and gender-based violence, and increase the capacity of Liberian courts specializing in sexual violence to ensure the expedient processing of rape and other sexual assault cases (Australia);**

**77.8. Accelerate the process for the adoption of the national human rights action plan for Liberia and the adoption of the proposed children's act (Egypt);**

**77.9. Take further legislative and policy measures to protect the rights of children, including by ensuring that Liberia meets its obligations under the CRC and the Optional Protocol on the sale of children, child prostitution and child pornography (Australia);**

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

**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);**

**77.12. Finalize the establishment of the Independent National Commission of Human Rights with wide civil society involvement regarding nominations (Hungary);**

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

**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);**

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

**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);**

**77.17. Relaunch the work of the Steering Committee responsible for conceptualizing and adopting the National Human Rights Action Plan (Algeria);**

**77.18. Continue to pay particular attention to the rights of children and women, including through the development and enactment of national action plans (Egypt);**

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<sup>1</sup> The recommendation made during the interactive dialogue was "Prioritize enforcement of its domestic legislation, including the Penal Law, the Rape Law and the National Gender-Based Violence Plan of Action, empower its Special Court for Rape and Other Forms of Violence as well as the Sexual and Gender-Based Violence Unit under the Ministry of Justice, and implement appropriate national public awareness programmes to address this negative phenomenon" (Slovakia).

- 77.19. **Strengthen Government oversight of its rough diamond sector, as well as its engagement in collaborative initiatives to enhance the enforcement of the certification scheme in the West African region (Canada);**
- 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);**
- 77.21. **Consider issuing a standing invitation to the special procedures (Brazil);**
- 77.22. **Consider the possibility of issuing a standing invitation to the Special Rapporteurs as a way for the system to cooperate in defining the Government's policies for human rights (Chile);**
- 77.23. **Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);**
- 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);**
- 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);**
- 77.26. **Improve prison conditions and hold accountable all those who are responsible for torture and discrimination in penitentiary facilities (Hungary);**
- 77.27. **Intensify its efforts to humanize its penitentiary system, including the identification and closure of all unauthorized prisons and detention centres (Slovakia);**
- 77.28. **Give human rights groups full access to detention facilities (Ireland);**
- 77.29. **Continue to combat violence against women (Azerbaijan);**
- 77.30. **Take measures to promote and protect the human rights of women, namely, measures to prevent, to inform and to fight against discrimination and violence against them (France);**
- 77.31. **Develop and implement education campaigns aimed at preventing sexual violence and addressing the attitudes and stereotypes which perpetuate such violence (Canada);**
- 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);**
- 77.33. **Address the high level of female genital mutilation and early marriage through more concerted efforts, involving local levels (Norway);**

- 77.34. **Increase public awareness campaigns against female genital mutilation (FGM) (United States of America);<sup>2</sup>**
- 77.35. **Take measures to guarantee effective access to justice and protection for women victims of gender-based violence (Brazil);<sup>3</sup>**
- 77.36. **Consider the adoption of a legal framework to address violence against women (Bangladesh);**
- 77.37. **Move forward with efforts to expand the work of the Sexual and Gender-Based Violence (SGBV) Unit, under the Ministry of Justice, and to create permanent SGBV Units around the country (United States of America);**
- 77.38. **Encourage Liberia to strengthen its policies to combat against child trafficking (Thailand);**
- 77.39. **Reinforce actions for the protection of child victims of trafficking and sexual exploitation (Bangladesh);**
- 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);**
- 77.41. **Intensify efforts to strengthen the criminal justice system and reform the juvenile justice system (Ghana);**
- 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);**
- 77.43. **Develop the capacity of the justice sector to ensure that court cases are brought to trial in a reasonable time (Canada);**
- 77.44. **Strengthen further the criminal justice system (Germany);**
- 77.45. **Strengthen the judicial system in compliance with international standards, as planned, which would also lower the high percentage of pre-trial detainees and support the fight against impunity (Hungary);**
- 77.46. **Continue to adopt measures in order to strengthen the Judiciary and the penitentiary system (Argentina);**
- 77.47. **Ensure the strengthening of institutional and operational capacities of the Judiciary (Côte d'Ivoire);**
- 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);**

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<sup>2</sup> The recommendation as made during the interactive dialogue was “Increase public awareness campaigns against Female Genital Mutilation (FGM), and bring its legislation into conformity with its international human rights obligations by criminalizing the practice (United States of America)”.

<sup>3</sup> The recommendation as made during the interactive dialogue was “Take measures to guarantee effective access to justice, reparation and protection of women victims of gender-based violence (Brazil)”.



- 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);
- 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);
- 77.51. Continue implementing the recommendations emanating from the Truth and Reconciliation Commission (South Africa);
- 77.52. Take essential steps to implement the issues raised and recommendations made by the Truth and Reconciliation Commission (Czech Republic);
- 77.53. (Aware of the socio-cultural and economic factors which tend to limit the participation of women in all sectors of a country's life, Angola congratulated Liberia on having elected a female President and for having taken measures to increase women's participation. Noting this success Angola recommended that Liberia continue and strengthen the measures adopted.) Continue and strengthen measures adopted to increase the participation of and progress achieved by women in all sectors of the life of the country/political life (Angola);
- 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);
- 77.55. Continue to apply the strategies and socio-economic development plans designed to reduce poverty (Cuba);
- 77.56. Take effective measures to reduce poverty and unemployment in the country (Azerbaijan);
- 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);
- 77.58. Encourage stronger promotion of the rights of women and children by meeting their immediate post-conflict needs. These include, for example, the elimination of gender inequalities, the promotion of equal educational opportunities as well as equal opportunities for socio-economic and political participation, and the elimination of violence against women and children (Thailand);
- 77.59. Expand its School Feeding Programme and integrate it with local agricultural production (Brazil);
- 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);
- 77.61. Pay particular attention to efforts aimed at reducing maternal mortality, including through international assistance and seeking good practices (Egypt);
- 77.62. Increase its efforts to reduce its high maternal mortality rate (Azerbaijan);

- 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);
- 77.64. Promote and deploy further efforts to bridge the gap between boys and girls in completing the primary, secondary and university levels (Libyan Arab Jamahiriya);
- 77.65. Take steps to effectively guarantee the right to education (Italy);
- 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);
- 77.67. Reinforce the protection and promotion of the rights of vulnerable groups, namely, children, women, disabled and elderly persons (Algeria);
- 77.68. Sustain efforts to promote and protect the rights of groups and of the vulnerable population, such as children, women, disabled and elderly persons (Cuba);
- 77.69. Continue to reinforce efforts to promote the rights of vulnerable groups such as women and children, especially orphaned and disabled children and child victims of trafficking and sexual exploitation (Bangladesh);
- 77.70. Encourage Liberia, with the support of relevant United Nations agencies, particularly the UNHCR, to make greater efforts in finding durable solutions for refugees (Thailand);
- 77.71. Request the technical assistance of United Nations bodies in implementing ratified international instruments and for the effective functioning of structures which have been put in place (Côte d'Ivoire);
- 77.72. Request Liberia to seek technical and material assistance from the international community to overcome difficulties and impediments cited in its national report, and also to support the commendable new initiatives undertaken by the Government, such as the land commission, anti-corruption and good governance. (Sudan).
78. The following recommendations will be examined by Liberia, which will provide responses in due course, but no later than the 16<sup>th</sup> session of the Human Rights Council, in March 2011:
- 78.1. Ratify the Optional Protocol to ICESCR, first Optional Protocol to ICCPR, Optional Protocol to CEDAW and the two Optional Protocols to CRC (Slovakia);
- 78.2. Sign and ratify: the Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the Optional Protocol to CEDAW; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Optional Protocols to the Convention on the Rights of the Child; the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto; and the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);
- 78.3. Sign and ratify the Optional Protocol to the ICESCR, as soon as possible (Portugal);
- 78.4. Ratify both Optional Protocols to the CRC (Slovenia);

- 78.5. Incorporate into domestic law already ratified international human rights conventions (Norway);
- 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);
- 78.7. Repeal the July 2008 law that allows the death penalty, in line with Liberia's obligations under the Second Optional Protocol to the ICCPR (Australia);
- 78.8. Amend legislation that provides for the application of the death penalty, in light of the obligations undertaken under the Second Optional Protocol to the International Covenant on Civil and Political Rights (Argentina);
- 78.9. Bring its legislation into line with its international obligations, notably those arising from the Second Optional Protocols to the ICCPR, and review the national law adopted in June 2008 re-establishing the death penalty for the crimes consisted in making armed robbery, terrorism and hijacking (Czech Republic);
- 78.10. Carry out an in-depth review of the country's legal system so as to ensure that the Constitution and other national laws are compatible with international human rights obligations and standards. In this connection, amend and/or repeal all laws that have a discriminatory effect, including customary norms (Mexico);
- 78.11. Review and change national and local legislation with a view to reducing social, economic and ethnic divides within Liberian society (United Kingdom);
- 78.12. Incorporate the principle of equality between women and men into the Constitution (Ghana);
- 78.13. Implement international human rights instruments which it has already duly ratified (Congo);
- 78.14. Envisage abolishing the law of July 2008 reintroducing the death penalty, so as to respect its international obligations as per the Second Optional Protocol (France);
- 78.15. Abolish the death penalty and create, in the meantime, a moratorium (Germany);
- 78.16. Introduce a permanent de facto and de jure moratorium on death penalties with a view to adopting a law abolishing the death penalty, and commute without delay all death sentences to terms of imprisonment (Sweden);
- 78.17. Consider revising legislation with a view to abolishing the death penalty (Brazil);
- 78.18. Abolish the death penalty (Norway);
- 78.19. Review the legislation on armed robberies, terrorism and hijacking, in accordance with the Second Optional Protocol to the ICCPR, and to commute all death sentences to life imprisonment and maintain the moratorium on the death penalty in place since 1979, with a view to completely abolishing capital punishment (Italy);
- 78.20. Establish a moratorium with a view to abolishing the death penalty, in accordance with the above- mentioned General Assembly resolutions 62/149 and 63/168 (Portugal);

- 78.21. **Criminalize female genital mutilation (Canada);**
- 78.22. **Specifically prohibit the practice of female genital mutilation (Portugal);**
- 78.23. **Specifically prohibit the practice of female genital mutilation as a matter of urgency (Sweden);**
- 78.24. **Adopt legislative provisions in order to prohibit, sanction and effectively prevent the practice of female genital mutilation (Argentina);**
- 78.25. **Adopt a law to prohibit female genital mutilation (Senegal);**
- 78.26. **Legally prohibit female genital mutilation, in accordance with international standards and in line with the recommendations contained in paragraph 21 of the 2009 CEDAW report (Italy);**
- 78.27. **Bring its legislation into conformity with its international human rights obligations by criminalizing the practice of female genital mutilation (United States of America)<sup>4</sup>;**
- 78.28. **Take measures to guarantee effective access to reparation for women victims of gender-based violence (Brazil);<sup>5</sup>**
- 78.29. **Take all necessary measures to ensure the full protection of women from sexual and gender-based violence (Portugal);**
- 78.30. **Take all the necessary measures to eliminate sexual violence in the country, including the full prosecution of all reported cases of sexual violence (Slovenia);**
- 78.31. **Prepare a comprehensive road map to reform the judiciary sector with timelines and benchmarks and clear tasking for national agencies, and involve development partners in this process (Finland);**
- 78.32. **Provide substantial resources to the key institutions in the criminal justice system and extensive training for judges, prosecutors, defence counsels and investigators in order to ensure safe prosecutions and respect for due process (Republic of Korea);**
- 78.33. **Remove all obstacles that obstruct effective access to justice, considering the acknowledgement of alarming rates of violence against women, and adopt appropriate measures to increase women’s basic legal training and knowledge of their rights, including the right to obtain legal reparation through the courts (Mexico);**
- 78.34. **Take appropriate measures to enforce the law criminalizing trials by ordeal (Canada);**
- 78.35. **Repeal regulations permitting trials by ordeal and amend the Penal Code to criminalize the organization of such trials (Republic of Korea);**
- 78.36. **Bring to trial all defendants within a reasonable time, and that systems and procedures are put in place to ensure this (Ireland);**

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<sup>4</sup> The recommendation as made during the interactive dialogue was “Increase public awareness campaigns against Female Genital Mutilation (FGM), and bring its legislation into conformity with its international human rights obligations by criminalizing the practice (United States of America)”.

<sup>5</sup> The recommendation as made during the interactive dialogue was “Take measures to guarantee effective access to justice, reparation and protection of women victims of gender-based violence (Brazil)”.

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

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);

78.39. Strengthen further functioning of the State enforcement agencies with the aim of combating criminality in the country, and ensure full and unhampered access to justice for all members of society (Czech Republic);

78.40. Continue its efforts to promote the rights of workers and to reduce the rate of unemployment among Liberian young people, particularly through the revision of the draft proposed labour law called “Decent Work” (Sudan);

78.41. Continue to regard maintaining social stability as its first priority, and make efforts to improve the people’s living standards, providing necessary housing and medical care and increased educational opportunities, and improving electricity services, drinking water and the road network; and streamline the relationship between its domestic legislation and the international human rights instruments that it has signed by bringing its domestic legislation into line with the requirements of international law (China).

79. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

### Composition of the delegation

The delegation of Liberia was headed by Counsellor Christiana Tah, Honorable Minister of Justice and Attorney General, and was composed of the following members:

- Counsellor Tiawan Gongloe, Honorable Minister of Labour;
  - Ms. Patricia Kamara, Assistant Minister for Research and Technical Services, Ministry of Gender and Development;
  - Counsellor Deweh Gray, Commissioner and Head of International Codification Division, Law Reform Commission;
  - Counsellor Yvette Chesson-Wureh, Special Representative of Ministry of Foreign Affairs
  - Counsellor Viama J. Blama, Legal Counsel, Ministry of Education, Chairman of the Human Rights Reporting Subcommittee;
  - H.E.D. Mckinley Thomas, Ambassador and Permanent Delegate to the United Nations Office and Other International Organizations at Geneva;
  - Mr. Albert Amet, Chargé d’Affaires a.i., Permanent Mission of Liberia to International Organizations at Geneva;
  - Ms. Kabaye Liku, Legal Adviser, Ministry of Justice.
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