

Liberia

Mid-term

Implementation

Assessment



*Promoting and strengthening
the Universal Periodic Review*
<http://www.upr-info.org>

Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 19 May 2013



Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/liberia>

We invite the reader to consult that webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

8 stakeholders' reports were submitted for the UPR. 7 NGOs were contacted. No UN agency was contacted. The Permanent Mission to the UN was contacted. No National Human Rights Institution (NHRI) could be contacted.

4 NGOs responded to our enquiry. The State under Review did not respond to our enquiry.

The following stakeholders took part in the report:

1. **NGOs:** (1) Human Concern Inc. + Liberia Coalition of Human Rights Defenders (HUCON) (2) West Africa Human Rights Defenders Network (WAHRDN) (3) World Coalition Against the Death Penalty (WCADP)

IRI: 8 recommendations are not implemented, 5 recommendations are partially implemented, and 0 recommendation was fully implemented. No answer was received for 101 out of 114 recommendations and voluntary pledges.



2. Feedbacks on recommendations

CP Rights

Recommendation n°13: *Encourage the structural strengthening of civil society organizations that advocate the promotion and protection of human rights (Recommended by Cote d'Ivoire)*

IRI: *partially implemented*

Human Concern Inc. + Liberia Coalition of Human Rights Defenders (HUCON) response:

The culture of human rights is practised in Liberia at the inception of the Ellen Johnson-Sirleaf-led administration. There has been no one arrested or detained based on he/her expressed thought. Human Rights institutions are visible all over the country. This however, does not mean government agrees with what CSOs are doing and saying.

Justice

Recommendation n°79: *Repeal the July 2008 law that allows the death penalty, in line with Liberia's obligations under the Second Optional Protocol to the ICCPR (Recommended by Australia)*

IRI: *not implemented*

+

Recommendation n°81: *Bring its legislation into line with its international obligations, notably those arising from the Second Optional Protocols to the ICCPR (Recommended by Czech Republic)*

IRI: *not implemented*

World Coalition Against the Death Penalty (WCADP) response:

The World Coalition against the Death Penalty sent letters and organised a lobbying mission in 2011 and 2012 to ask the government to implement this recommendation and abolish the death penalty for all crimes in law, but received no answer.

Recommendation n°82: *Review the national law adopted in June 2008 re-establishing the death penalty for the crimes consisted in making armed robbery, terrorism and hijacking (Recommended by Czech Republic)*

IRI: *not implemented*

+



Recommendation n°87: *Envisage abolishing the law of July 2008 reintroducing the death penalty, so as to respect its international obligations as per the Second Optional Protocol* (Recommended by France)

IRI: *not implemented*

WCADP response:

Not implemented

Recommendation n°88: *Abolish the death penalty and create, in the meantime, a moratorium* (Recommended by Germany)

IRI: *not implemented*

+

Recommendation n°89: *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* (Recommended by Sweden)

IRI: *partially implemented*

WCADP response:

There is no official moratorium in Liberia, but no executions have taken place since 2000

Recommendation n°91: *Abolish the death penalty* (Recommended by Norway)

IRI: *not implemented*

WCADP response:

not implemented

Women & Children

Recommendation n°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* (Recommended by Australia)

IRI: *partially implemented*

HUCON response:

Liberia has ratified the rape law. The penalty for the rape law include incarceration of alleged rapist without legal counsel and there is no bill immediately the allegation is established. However, most of the court lawyers has described the ratification as "very harsh and intended to dehumanize the male counterparts" in 2002 the act came in to force.

Recommendation n°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* (Recommended by Egypt)

IRI: *partially implemented*



HUCON response:

The Liberian government has set up the National Human Rights Plan of Action for Liberia (NHRAP) and is in collaboration with other Civil Society organizations that meet at least once in a month or at such time necessary. Presently the two institutions, with technical and financial supports from [United Nations Mission in Liberia (UNMIL)] are carrying out series of activities in the country. some of these activities include public awareness, data collection, etc.

Other

Recommendation n°12: *Finalize the establishment of the Independent National Commission of Human Rights with wide civil society involvement regarding nominations* (Recommended by Hungary)

IRI: *partially implemented*

HUCON response:

The government of Liberia in 2010 following many consultations and under the CPA established the Independent National Commission on Human Rights or INCHR. However, except the first batch of commissioners that considered civil society's consultation, the present commissioners were appointed exclusive of the CSOs. The latest appointment met huge public condemnation and call on the president who has the appointment power to revise the decision but to no avail. Currently CSOs see the composition of the commissioners as not in the provision of the CPA .

Recommendation n°15: *Continue to strengthen the National Human Rights Commission* (Recommended by Bangladesh)

IRI: *not implemented*

+

Recommendation n°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* (Recommended by Morocco)

IRI: *not implemented*

HUCON response:

The national human rights commission strength is totally weaken by the fact the president does not want to effect any change/s at the commission despite the persistence call by the public to do so because of weakening of the commissioners.



Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI, and sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing recommendations and voluntary pledges

Stakeholders we contact are encouraged to use an Excel sheet we provide which includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.



UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

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