

**Joint NGO Submission by the
Civil Society Organizations on Liberia UPR (CSO-UPR)**

**Led by
Rescue Alternatives Liberia (RAL)**

Liberia

**3rd Cycle, 36th Session of the
Universal Periodic Review**

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**GENERAL HUMAN RIGHTS SITUATION AND ISSUES IN LIBERIA
Submitted September 2019**

Brief Description of Organizations behind this report

This a Civil Society Organizations on Liberia UPR (CSO-UPR) interested in engaging with the UN Human Rights Mechanisms to improve and address the human rights situations and issues in the country. This is a collection of 31 national and grassroots NGOs and civil society actors and networks in Liberia collaborated with the unifying voice on human rights issues that each group is working on, dedicated to, and active in. The group began collaborating since 2015 following the second Liberia UPR process.

This is the first joint NGO submission to international and regional mechanisms by the Civil Society Organizations on Liberia UPR (CSO-UPR). However, individual groups have submitted reports and engaged the HRC-UPR and other regional and UN human rights mechanisms.

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INTRODUCTION

1. Liberia was reviewed during the second cycle in May 2015, by the Human Rights Council at its 22nd session of the Universal Periodic Review. Several states on the Human Rights Council expressed concerns and suggested recommendations gear towards the promotion, protection and respect for human rights in Liberia. In thematic areas, 186 recommendations were suggested; Liberia accepted 147 and noted 39. Some of those themes were International Norms, Cooperation with Treaty Bodies and Special Procedures, Constitutional and Legislative Framework, and Good Governance. Other areas were Death Penalty, Conditions of Detention, Gender Equality and Violence, Cooperation with Civil Society, and Non-discrimination, among others.
2. We, civil society actors, carry the objective and subjective social responsibilities to ensure social justice. Individual groups and in collaborations, we engage with local, national, regional and international mechanisms to promote and protect human rights in Liberia. The Liberia Independent National Commission on Human Rights (INCHR), UN UPR, ACHPR and various treaty bodies. This report is one of the engagements with human rights mechanisms that addresses human rights issues. The report is structured as follow:
 - I. Overview of General Human Rights Situation in Liberia
 - II. Implementation Status and Concerns of UPR Recommendations from second Review
 - III. Priority issues not Included in the Second UPR Recommendations

OVERVIEW OF GENERAL HUMAN RIGHTS SITUATION IN LIBERIA

3. There is not substantial improvement in the human rights landscape since Liberia's last review. Human rights in Liberia are not given the attention needed. There are limited or lack of justice; corruption and inefficiency has engulfed the judiciary; The harsh prison conditions play house to at least 85% of lengthy pretrial detainees with no access to legal practitioners; Violence against women and children, including rape and domestic violence remain uncontrolled. Child labor, trafficking and prostitution are on the rise. Other human rights issues of concern are police brutalities, harassment, and intimidation of residents, opposition actors, and detainees; official corruption in high government sectors; ethnic discrimination; unlawful deprivation of life under customary law; mob killings; and ritualistic killings; discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons.
4. The courts unnecessarily delay trials, leaving detainees spending over three terms of court (the statutory limit). Justice is given to the highest bidders. Courts remained under-staffed, supported, resourced. The prisons around the country are holding inmates two times their normal capacities (overcrowding). There is no lightning, ventilations and sanitary for human habitations. Inmates are subjected to life-threatening conditions, prisoners are raped, or sodomized by other inmates (especially older). Food, sanitation, ventilation, lighting and potable water remain

inadequate and sometimes not available. Over eighty-five percent of the prison population are pretrial detainees with lengthy periods (beyond the statutory nine-month period—three terms of court). Women continue to be subjected gender-based and domestic violence with little actions to curtail it. Women and children, as young as three months old are raped. Children, especially girls are mostly trafficked internally, made to labor and engage in prostitution, sometimes for survival. Security harassment, intimidation, and police brutalities are persistent toward detainees, opposition actors, and the general public. Opened corruption (extortion) is practiced in high public offices. The limited public services are traded for money, or favors.

5. The 2009 recommendations of the Liberian Truth and Reconciliation Commission (TRC) are not fully implemented. Despite Liberia's accession to the ICCPR Second Optional Protocol on the Death Penalty, death sentences continue to be handed down with no executions since 2000. The death penalty is retained for crimes of armed robbery, terrorism, and hijacking resulting in death.

STATUS OF UPR 2nd REVIEW RECOMMENDATIONS

6. For the easy reference in this report, the recommendations are grouped in themes. They include Acceptance of international norms, Cooperation with treaty bodies, Cooperation with special procedures, Constitutional & legislative framework, Institutions & policies, Political framework & good governance, Context, statistics, budget, cooperation with civil society, Conditions of detention, Freedom of opinion and expression, Administration of justice & fair trial, Right to an effective remedy, impunity, and Human rights defenders. Let it be noted, all the 187 recommendations are not mentioned in this report. Only selected themes and recommendations are mentioned.

7. **Theme: Acceptance of international norms**

8. **Suggested Recommendations:**

100.54. Swiftly establish a national preventive mechanism in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ratified in 2004 and speed up the process of incorporation of provisions of other ratified international human rights instruments into national legislation (Czech Republic); Source of position: A/HRC/30/4/Add.1 - Para. 54.

100.17. Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (France). Source of position: A/HRC/30/4/Add.1 - Para. 17.

100.5. Step up its efforts towards the ratification of other human rights conventions, particularly the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. (Philippines). Source of position: A/HRC/30/4/Add.1 - Para. 5.

100.14. Accelerate the ratification of the range of international human rights instruments accepted at the universal periodic review in 2010, particularly the optional protocols to the Convention on the Rights of the Child. (Cape Verde). Source of position: A/HRC/30/4/Add.1 - Para. 14.

9. **Status quo of Implementation:**

Nothing has been done up to present to prevent the practice of torture in the country as anti-torture bill that was submitted by a local human rights organization (Rescue Alternatives Liberia) in 2010 is still in the legislative committee room. Torture is still practice. The bill seeks to criminalize torture in the country.

There little or no effort on the government to ratify the already signed international conventions. The government is noted for signing and delay in ratifying. These conventions are before the legislature with no attention. There seems to be no political will to establish the NPM. A bill criminalizing torture and establishing the NPM lies in the legislature since 2011.

10. **Recommendation:**

That the National Legislature pass the bill in the country to put an end to torture as it is not a good thing to practice.

11. **Theme: Cooperation with treaty bodies**

12. **Suggested Recommendation:**

100.106. Submit the initial report to the Committee against Torture, as well as all due reports to other treaty bodies. (Togo). Source of position: A/HRC/30/4/Add.1 - Para. 106.

13. **Status quo of Implementation:**

The government has shown no interest in updating its obligation in reporting duties.

14. **Recommendation:**

Liberia must come to par with other nations to fully submit all outstanding reports.

15. **Theme: Cooperation with special procedures**

16. **Suggested Recommendation:**

100.108. Extend a standing invitation to the special procedures, as accepted during the first cycle of the universal periodic review of Liberia, as previously recommended. (Latvia). Source of position: A/HRC/30/4/Add.1 - Para. 108.

17. **Status quo of Implementation:**

This recommendation has been made since the first review and the government has no political will to issue the invitations.

18. **Recommendation:**

Liberia must extend the open invitation to all regional and international human rights mechanisms, procedures, committees.

19. **Theme: Constitutional & legislative framework**

20. **Suggested Recommendations:**

100.44. *Ensure that the revision of the Constitution is firmly based on human rights and complies with international human rights standards.* (Czech Republic). Source of position: A/HRC/30/4/Add.1 - Para. 44.

21. **Suggested Recommendation:**

100.138. *Continue to criminalize and ultimately eradicate sexual and gender-based violence such as female genital mutilation and harmful traditional practices, including trials by ordeal.* (Republic of Korea). Source of position: A/HRC/30/4/Add.1 - Para. 138.

22. **Status quo of Implementation:**

Little is being done on this recommendation, but more need to be done.

23. **Theme: Institutions & policies**

24. **Suggested Recommendations:**

100.179. *Intensify efforts to seek necessary funding to address economic and social rights, in the wake of the Ebola crisis.* (Sierra Leone). Source of position: A/HRC/30/4/Add.1 - Para. 179.

25. **Status quo of Implementation:**

Little of nothing is done to revive the economy. Increased and alarming corruption in the public sector is driving the limitation of access to basic social services. Prices of basic goods and services are financially inaccessible to the common people. Salaries for civil servants is low and not always on time.

26. **Recommendation:**

Government should revisit the policy on corruption and enforce the prosecution of culprits, increase the salaries and incentives of civil servants and reduce the high salaries for presidential appointees and legislators. Government should reduce customs duties, taxes and tariffs on basic goods and services and ensure it drive the reduction in the prices.

27. **Theme: Political framework & good governance**

28. **Suggested Recommendation:**

100.151. *Strengthen the judicial and law enforcement system and eliminate corruption.* (China). Source of position: A/HRC/30/4/Add.1 - Para. 151.

29. **Status quo of Implementation:**

There no political will to prosecute current corrupt officials. It is only after past alleged corrupt officials.

30. **Recommendation:**

Establish a strong economic crimes' court to prosecute present and past corrupt officials

31. **Theme: Context, statistics, budget, cooperation with civil society**

32. **Suggested Recommendation:**

100.103. *Develop Human Rights Indicators, an instrument that allows for a more precise and coherent evaluation of the human rights policies of a country.* (Portugal). Source of position: A/HRC/30/4/Add.1 - Para. 103.

33. **Status quo of Implementation:**

There is direction of this recommendation to implement. Not an attempt to implement this recommendation.

34. **Recommendation:**

Re-suggest this recommendation and ask the Government to seek technical support in carrying out this recommendation.

35. **Theme: Death penalty**

36. **Suggested Recommendations:**

100.33. *Remove the paragraph prescribing the death penalty as legal punishment by law.* (Norway). Source of position: A/HRC/30/4/Add.1 - Para. 33.

100.40. *Analyze the possibility of abolishing the death penalty.* (Argentina). Source of position: A/HRC/30/4/Add.1 - Para. 40.

37. **Status quo of Implementation:**

Legislation is yet to be passed for the abolition of death penalty in Liberia. Although moratorium is placed on death penalty, courts have the authorities under the law to sentence any convict to death. Legislators pay blind eyes to the anti-penalty bill before the law makers for passage. Moratorium placed on death penalty is not guaranteed as this is just a policy that can be changed by any administration.

38. **Recommendation:**

That the National Legislature pass the anti-death penalty bill in order to end death penalty as execution is also in violation of a person rights to life under the Constitution of Liberia.

39. **Theme: Conditions of detention**

40. **Suggested Recommendation:**

100.159. *Strengthen the judicial system in order to ensure respect for due process, and reform the system of pre-trial detention.* (Czech Republic). Source of position: A/HRC/30/4/Add.1 - Para. 159.

41. **Status quo of Implementation:**

The government is yet to reform the system of pre-trial detention. Pre-trial detainees in detention are facing harsh prison conditions in the country. Overcrowdings in prison is the order of the day as 85% of detainees are in pre-trial detention. Magisterial Courts are largely contributing to pre-trial detention, as most of the pre-trial detainees come from the magisterial courts.

42. **Recommendation:**

Magistrates should dispense justice justly and not allowed to be taken away by corruption and other vices. The National Legislature should pass the bill before them. The bill seeks to give autonomous status to the Bureau of Correction and Rehabilitation for the effective management of the prison sector.

43. **Theme: Administration of justice & fair trial**

44. **Suggested Recommendation:**

100.155. *Take all necessary measures to improve court proceedings to guarantee the right of detainees to a fair trial within a reasonable time.* (Slovakia). Source of position: A/HRC/30/4/Add.1 - Para. 155.

45. **Status quo of Implementation:**

Courts are overwhelmed with corruption. This makes it difficult for detainees to get fair trial. Public defenders demand money from defenders before representing them in court. Court clerks demand money from plaintiffs in order to locate their files to be placed on the court docket for hearing.

46. **Recommendation:**

That the Supreme Court monitor the lower courts in order to bring integrity to the courts and win the trust/confidence of the general public.

PRIORITY ISSUES NOT INCLUDED IN THE SECOND UPR RECOMMENDATIONS

47. There are renewal calls for war and economic crimes' court to discourage others from carrying atrocities as was in the 14-year civil war and corruption that has heavy negative impacts on the realization of the basic rights. In this direction, we will recommend that the government seek technical and financial support for the establishment of these courts.

48. October 29 – November 2, 2018, the UN Subcommittee on the Prevention of Torture (UNSPT) carried out its second visit to Liberia to explore what has been

done since the first visit in 2010. Following the visits as its rules, recommendations were made, but are yet to be made public. As civil society, we are interested in knowing the recommendations, therefore, we recommend that the Government of Liberia make these recommendations public.

Participating Civil Society Organizations on Liberia UPR (CSO-UPR) members

1. Better Future Foundation
2. Center for Democratic empowerment (CEDE)
3. Center for Transparency & Natural Resource Governance (CETNARG)
4. United Methodist Human Rights Monitor
5. Community Development Foundation (CDF)
6. Forum for Advocacy and Civic Education (FACE)
7. Foundation for Democracy in Liberia (FDL)
8. Foundation Grass Roots (FORGE)
9. Human Concern Inc.
10. Human Rights Network Foundation
11. Peaceful Youth for Transformation
12. Liberia Civil & Human Rights Alliance
13. Liberia Coalition of Human Rights Defenders (LICHRD)
14. Liberia Research and Development Agency (LIRDA)
15. Juvenile Children Education Networks (JCNE)
16. Organization for Women and Children (ORWC)
17. National Concern Youth of Liberia (NACYOL)
18. National Institute for Public Opinion (NIPO)
19. Kokoryah Citizen Union (KOCU)
20. Foundation for Human Rights and Democracy (FOHRD)
21. Parental Care Liberia (PCL)
22. People Empowerment Program (PEP-Liberia)
23. Positive Globalization Initiatives
24. Rescue Alternatives Liberia (RAL)
25. Research and Documentation Center on Human Rights
26. Rural and Development Organization (RADO) INC
27. United Women in Action for Development (UNIWAD)
28. Voice Against Violence
29. Women Solidarity
30. Women Recovery Initiatives (WORI)
31. Women's Rights and Democracy (WORD Center)