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HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Republic of Liberia and welcome the constructive engagement of your Government during the 36th session of the UPR Working Group in November 2020.

As the final outcome report on the review of Liberia has been recently adopted by the Human Rights Council at its 46th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Liberia – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 79 delegations and the presentation made and responses provided by the delegation of Liberia. I have also considered the actions taken by the Government of Liberia to implement the 147 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I am pleased to note that Liberia accepted the recommendations relating to the abolition of the death penalty and welcome some measures taken to strengthen its human rights framework, such as the passing into law, in 2019, of the Domestic Violence Act and the Press Freedom Act decriminalizing defamation of the President, sedition and malevolence. I also appreciate the prioritisation at highest political level of the fight against sexual and gender based violence.

I take note that during the adoption of its UPR report, Liberia expressed its intention to continue raising awareness on the harmful effects of female genital mutilation, paving thus the way for a related law reform. I encourage Liberia to continue its efforts in this regard, and undertake the steps needed in view of the elimination of female genital mutilation in law and practice.

Liberia also indicated that it remained engaged on the protection of the rights of lesbian, gay, bisexual, and transsexual persons. I encourage your Government to continue the efforts to equally guarantee their human rights, particularly to be protected from discrimination.

I note with interest that Liberia intends to remain engaged, at national and regional level, to reach a consensus on a transitional justice mechanism. I invite Liberia to seek the technical assistance needed, including from the UN system, to advance in this regard.

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H. E. Mr. Dee-Maxwell Saah KEMAYAH
Minister for Foreign Affairs
Republic of Liberia

I welcome the adoption of the National Human Rights Action Plan (2019-2024) and encourage Liberia to continue implementing it effectively in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I also encourage Liberia to make further efforts to strengthen its national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at: http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Liberia to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2023.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Liberia in relation to the areas identified in this letter and its annex.

Please, accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc: H. E. Cllr. Frank Musah DEAN, Jr.
Minister of Justice and Attorney General
Republic of Liberia

Mr. Niels SCOTT
United Nations Resident Coordinator
Republic of Liberia

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the international human rights instruments to which Liberia is not yet a party, including the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocols to the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, and the International Convention for the Protection of All Persons from Enforced Disappearance.

- Taking the necessary measures, including seeking technical assistance, to operationalize the National Mechanism for Reporting and Follow-up.

National human rights framework

- Strengthening the resources allocated to the Independent National Commission on Human Rights, thereby enabling it to discharge its functions efficiently, fully in conformity with the Paris Principles.

- Establishing a National Preventive Mechanism in line with the Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Adopting comprehensive legislation against discrimination that includes a definition of all forms of discrimination and providing for effective remedies in case of violations, and carrying out broad education and awareness-raising campaigns that promote equality, tolerance and respect for diversity.

B. Civil and political rights

Right to life, liberty and security of person

- Establishing a moratorium on the death penalty with immediate effect as a first step towards the official abolition of the death penalty, and commuting all death sentences that are pending into prison sentences.

- Undertaking concrete legislative actions to repeal the death penalty from national law in conformity with the obligations under the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

- Ensuring that all instances of arbitrary detention and arrest and the excessive use of force by police are investigated, those responsible are brought to justice and victims are provided with effective remedies.

- Ensuring that domestic legislation and policies are in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, intensifying the provision of training on the use of force to law enforcement personnel, and raising awareness among judges, prosecutors and lawyers.

- Promoting alternatives to detention, ensuring that pre-trial detention is used solely as an exceptional measure, and ensuring that detention conditions in all facilities for persons deprived of liberty met the standards set out in the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

Administration of justice, including impunity, and the rule of law

- Strengthening financial resources allocated to the judiciary, increasing the availability of trained judges, prosecutors and public defenders; taking measures to curb incidents of corruption within the judiciary; expediting the revision of the provisions of the Constitution that adversely affect the independence of the judiciary; and ensuring that the appointment, promotion and removal of judges are compatible with the independence of the judiciary and free from executive interference.

- Establishing a process of accountability for past gross human rights violations and war crimes that conform to international standards; taking all measures necessary to implement the recommendations of the Truth and Reconciliation Commission; developing and implement a comprehensive reparations scheme for all victims of gross human rights violations and war crimes; and redoubling its efforts aimed at fostering reconciliation and sustaining peace.

Fundamental freedoms and the right to participate in public and political life

- Ensuring that any restriction on media activities is in strict compliance with international law, accelerating the enactment of the bill decriminalizing defamation and libel, and protecting journalists and the media against any form of undue interference, harassment or attack.

- Expediting the establishment of an independent broadcasting regulator.

- Strengthening electoral laws and further enhancing the democratic participation of all citizens.

- Removing undue restrictions on standing for public office and adopting procedures to ensure that the right to vote could be exercised without discrimination.

Prohibition of all forms of slavery

- Increasing the resources necessary for the effective implementation of the National Action Plan against Trafficking for the period 2014–2019.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Ensuring that recovery plans specifically address the persisting gender inequalities in the employment sector and setting up efforts to promote the entry of women into the formal economy through, among other things, the provision of vocational and technical training.

- Conducting regular labour inspections and enforcing compliance with labour laws by private employers, in particular with regard to domestic work.

Right to an adequate standard of living

- Improving infrastructure on sanitation, potable water and electricity in rural areas and seeking international assistance and cooperation, where appropriate, to that end.

- Expanding access for women to microfinance and microcredit at low interest rates in order to enable them to engage in income-generating activities and to start their own businesses.

Right to health

- Improving the provision of health care; addressing the barriers to access for women to health-care services; strengthening the training of midwives and nurses; and strengthening the programme for the reduction of maternal, new-born and child mortality rates, and ensuring its full implementation with wider geographical coverage.

- Promoting comprehensive, rights-based and age-appropriate education on sexual and reproductive health and rights; increasing access to contraceptives for women and men of all ages; stepping up the implementation of strategies to combat HIV/AIDS, and continuing the provision of free antiretroviral treatment to all who were living with HIV.

Right to education

- Strengthening the quality of education, notably by adopting standards applicable to all educational institutions and ensuring that teachers are adequately supervised, trained and paid; increasing government spending in education as recommended in the Education 2030 Framework for Action, and ensuring access to all levels of education; and taking measures to ensure high-quality education for all, including through the implementation of policies, such as free and compulsory basic education.

- Introducing programmes that encourage the enrolment and retention of girls in school and monitoring mechanisms to address the recruitment of girls into the Sande secret society; and promoting non-discrimination of pregnant girls in access to education and re-entry into school for girls after they had given birth.

D. Rights of specific persons or groups

Women

- Enhancing the national protection system to prevent and respond to human rights violations arising from harmful practices; ensuring that all allegations and indications that such practices had been committed, including by secret societies, are effectively investigated and that the alleged perpetrators are prosecuted and, if convicted, punished with adequate sanctions; and conducting large-scale sensitization of traditional actors on human rights issues arising from some of those practices.

- Strengthening awareness-raising and education programmes on the discriminatory and long-term harmful effects of female genital mutilation, and taking effective measures to facilitate

access to justice for victims and to protect them and their defenders from repercussions or reprisals.

- Raising public awareness about discriminatory gender stereotypes that persist at all levels of society, with a view to eliminating them, and expanding related programmes, in particular in rural areas, targeting traditional leaders.

- Accelerating the full and equal participation of women in elected and appointed bodies, including in Parliament, in senior leadership positions in the civil service and at the ministerial level; and ensuring the full participation of women in strategies and programmes, policies and decision-making, including monitoring and evaluation.

Children

- Increasing efforts to effectively implement the National Action Plan for Child Welfare and Protection for the period 2018–2022.

- Harmonizing the legal age of marriage at 18 years of age for girls and boys, and prohibiting and eliminating child and/or forced marriages.

- Effectively implementing the national action plan to combat the worst forms of child labour and enforcing the provisions on forced labour enshrined in the Penal Code and the provisions on mandatory primary education enshrined in the Children's Law.

Stateless persons

- Ensuring access to free registration throughout the country and strengthening access in rural areas, including by using mobile registration units.