

# REPUBLIC OF LIBERIA

## NATIONAL POLICY TO PROTECT HUMAN RIGHTS DEFENDERS (HRDS)

February 2022

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### National Human Rights Defenders Policy

AFELL	Association of Female Lawyers of Liberia
BHRN	Business and Human Rights Network
CSO-HRAPL	Civil Society Human Right Advocacy Platform of Liberia
EU	European Union - Liberia
GOL	Government of Liberia
HWAL	Health Workers Association of Liberia
HRD	Human Rights Defenders Policy
INCHR	Independent National Commission on Human Rights
LNBA	Liberia National Bar Association
LNP	Liberia National Police
LINEA	Liberia National Law Enforcement
LLU	Liberia Labor Union
MOJ	Ministry of Justice
MFDP	Ministry of Finance and Development
MIA	Ministry of Internal Affairs
MGCSP	Ministry of Gender Children Social Protection
NCSCoL	National Civil Society Council of Liberia
NTCCE	National Traditional Council of Chiefs & Elders
<b>LICHRD</b>	Liberia Coalition of Human Rights Defenders
OHCHR	Office of the High Commission for Human Rights

UN	United Nations
UNW	UN Women
UNMIL	United Nations Mission in Liberia
PAPD	Pro Poor Agenda for Prosperity and Development (- 2018-23)
TRC	Truth and Reconciliation Commission (2009)
WHRD	Women Human Rights Defenders

## **ACKNOWLEDGEMENT**

We acknowledge with deep gratitude the work of all human rights defenders in Liberia, including women human rights defenders, human rights defenders for the vulnerable groups and various stakeholders, state and non-state actors, throughout the development of the national policy to protect human rights defenders in Liberia. Their time, sacrifices, efforts and contributions have culminated to the drafting of this national policy which is a great achievement for all human rights activist in the history of Liberia especially as Liberia is at the verge of consolidating its democratic processes to ensure Human rights is respected at all levels since the government of Liberia is a signatory to most International Human Rights instrument and so it behooves on the government of Liberia to protect, fulfil and respect human rights.

Finally, special thanks go to our regional and international partners, the EU, Sweden and the United Nations office of the High Commissioner for Human Rights (OHCHR) for their guidance, technical and financial support for the various stakeholder consultations/engagements that was carried out in some of the counties and the processes that led to the preparation of this policy.

**Foreword from the Minister of Justice:**

The government of Liberia is obligated to international and regional human rights instruments and through its National Human Rights Action Plan to advance the promotion and protection of human rights and the work of human rights defenders. Measures to protect individuals and groups working on human rights is the foremost obligation of the government by re-establishing protection of fundamental freedoms ascribed to in UN Declaration on Human Rights Defenders. As set forth in the UN Declaration on Human Rights Defenders that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels,” the government of Liberia defines human rights defenders as individuals, working alone or in groups, who non-violently advocate for the promotion and protection of universally recognized human rights and fundamental freedoms. It’s highlighted that, defenders can be of any ethnicity, gender, sexual orientation, religious denomination, or age.

The national policy for the protection of human rights defenders (HRD) is built on the foundation of the constitution of Liberia, the government Pro-poor Agenda for Prosperity and Development (PAPD), “Pillar III” which focuses on sustainable peace. The key outcomes of this pillar highlight ending of fragility and the root causes of conflict, improving the justice system and human rights protection, and enhancing national defense and security.

The HRD policy outlines the role and responsibility of the government in keeping with international standards to protect human rights defenders and to create a safe space to safeguard their work. The policy further defines human rights defenders, their role and responsibility in the promotion and protection of human rights in society.

Howbeit, the Government of Liberia, through the Ministry of Justice, remains committed to working with our international and local partners to ensure the full protection of all human rights defenders and provide safe space to enhance their work layout in this national policy consistent with best standards.

It is important that we stand beside the protection framework from a human rights based approach to ensure safe space for all human rights defenders in the discharge of the duty, while we remain committed to global standards on human rights, the protection of one defender is the protection of all, it’s with preform gratitude that we extend thanks and appreciation to civil society, the human rights community, United Nations office of the high commission on human rights, EU and development partners for their support in the development of a human rights Defenders Policy HRD for Liberia.

I want to thank the EU Spotlight/Sweden Initiative through the United Nations Office of the high Commission for human rights (OHCHR) Liberia office, the human rights defenders (HRD) drafting team headed by Adama K. Dempster as lead facilitator, Miatta Gray, co-facilitator and civil society at large for consolidating and presenting to the Government of Liberia, through the MOJ and partners, this Policy Document. I greatly appreciate this Body’s diligent review of the National Policy to protect Human Rights Defenders (HRD) in Liberia, and look forward to similar efforts and support from all of our national and international partners.

Cllr. Frank Musah Dean Jr.

Minister of Justice and Attorney General, RL  
June....., 2022

### **Purpose and Scope**

Liberia human rights community understands “Human Rights Defenders” (HRDs) as people who individually or with others, act peacefully to promote or protect human rights. HRDs include individuals or organizations working on civil, political, economic, social and cultural rights. HRDs work promote or protect access to justice, freedom of expression, land rights, environmental rights, indigenous community, women's rights and LGBTI rights ; unionists and Labour rights, anti-corruption advocates among others. HRDs may further include individual, local and indigenous communities, non-governmental organizations, intergovernmental organizations, government, legal professionals, journalists, academics, student, women and youth groups, researchers and persons in the private sector in as much as such person or persons work promote or protect human rights.

Some HRDs may face additional and heightened risks based on their identity, gender, religion, their areas of work and ethnicity which would vary depending on the contexts in which they operate (e.g., women, indigenous peoples, ethnic minority human rights defenders, etc.). The human rights community recognize that the rule of law and civic freedoms, such as: freedom of speech, freedom of association and freedom to organize are enabling factors for HRDs to deliver on its human rights commitments.

Liberia human rights community (LHRC) acknowledges the crucial contribution of HRDs to a healthy civic space in the country's HRDs work and therefore; support the protection of HRDs

acting in good faith to exercise and defend fundamental human rights. This policy outlines Liberian state and non-state actors' commitment to respect the rights of HRDs, as well as prevent and mitigate associated human rights risk that would adversely pose negative impact to the promotion and protection of human rights in Liberia.

### **Justification of the Policy framework**

Liberia's history is marred by decades of civil strife, characterized by gross human rights violations and impunity. The aftermath of the civil war left deep scars on the nation's social fabric, with a legacy of violence, corruption, and weak institutions. In this context, the emergence of human rights defenders played a pivotal role in advocating for justice, promoting accountability, and fostering a culture of human rights consciousness. However, these defenders often face intimidation, harassment, and violence from state and non-state actors, hindering their vital work.

Human rights defenders play a crucial role in protecting and promoting fundamental rights enshrined in Liberia's constitution and international human rights instruments. They advocate for the rights of vulnerable groups, including women, children, ethnic minorities, and LGBTQ+ individuals. A policy framework dedicated to their protection ensures the preservation of these rights including protection of fundamental rights, promotion of democracy and the rule of law, enhancement of CSOs space and fostering sustainable development with a more inclusive and equitable society. Adopting a HRD policy framework aligns with Liberia's obligations under these instruments, demonstrating its commitment to upholding universal human rights standards and fulfilling its international obligations.

### **Definition**

Human Rights defender means: -

- a. any person who, individually or in association with others, acts or seeks to act to promote, protect or strive for the protection and realization of human rights and fundamental freedoms, at the local, national, regional and international levels on a full-time or part-time basis, on a paid or voluntary basis and can act as part of their profession/occupation but need not do so.
- b. any organization, association, or institution which acts or seeks to act to promote, protect or strive for the protection and realization of human rights and fundamental freedoms, at the local, national, regional and international levels in accordance with its mission or mandate.

### **Rights and Responsibilities**

#### **OBLIGATIONS OF GOVERNMENT AND PUBLIC AUTHORITIES**

1. Obligation to respect, promote, protect and fulfil the rights of human rights defenders

The State has a duty to protect and promote human rights and fundamental freedoms to ensure their effectiveness. Government shall therefore take all necessary measures to ensure that:

- a. Human rights and fundamental freedoms of human rights defenders in this policy are effectively guaranteed and ensured;

- b. All laws, policies and programs are consistent with the rights in this policy; and
- c. Human rights defenders are able to undertake their activities and work in a safe and enabling environment, free from restriction.
- d. The government should provide sanctions for non-compliance to Human Rights Defenders Policy.

## 2. Obligation to facilitate the activities and work of human rights defenders

Government shall take all necessary measures to facilitate and protect the exercise to facilitate the activities of human rights defenders for the respect, promotion and protection of human rights in particular, by:

- a. Permitting and facilitating access of human rights defenders to places of detention in accordance with the laws;
- b. Permitting and facilitating access to the information necessary for their activities in accordance with the laws.
- c. To develop and implement policies and measures to promote, support and enhance the capacity of human rights defenders to promote and protect human rights and fundamental freedoms; and
- d. To promote and publicly acknowledge the roles, functions, activities and work of human rights defenders as legitimate and important.

## 3. **Obligation not to disclose confidential sources**

Government and public authorities shall not disclose or require disclosure of the identity of sources used by human rights defenders.

Government and public authorities may disclose the identity of sources used by human rights defenders if both the relevant source and the relevant human rights defender give informed consent in writing to such disclosure or if so required by an independent and impartial tribunal in accordance with international standards.

## 4. **Obligation to prevent and to ensure protection against intimidation or reprisal**

Government shall ensure the protection of human rights defenders and members of their families in the event of risks or dangers in the pursuit of their activities.

Government shall take all necessary measures to ensure the prevention and protection against, any intimidation or reprisal by any other public or private actor.

Government shall ensure that violations committed against human rights defenders punishable in accordance with the laws.

## 5. **Obligation to implement protection and urgent protection measures**

Government and Public authorities shall take all necessary measures to fully and effectively implement protection and urgent protection measures determined in this policy.

## **6. Obligation to conduct investigation**

Whenever there is reasonable ground to believe that a human rights defender has been killed, disappeared, tortured, ill-treated, arbitrarily detained, threatened or subject to a violation of any nature contrary of the rights in this policy, whether by a public authority or private actor within the territory or subject to the jurisdiction, including the power or effective control of Liberia, the Government through the Office of the Attorney-General and Minister of Justice must ensure that a prompt, thorough, effective, independent and impartial investigation is conducted with due diligence and is prosecuted as appropriate. An investigation in accordance with this policy shall take into account:

- a. Whether a motive for the violation of the rights of the human rights defender included his or her status, activity or work as a human rights defender;
- b. Whether there have been previous violations of the rights of the human rights defenders or systematic violations of the rights of similarly situated human rights defenders; and
- c. Whether the violation was perpetrated, aided, abetted or supported by multiple actors.
- d. During an investigation in accordance with this policy, the Attorney General and Minister of Justice; shall consult with the Mechanism established in this policy and keep the victim, or his or her family, relatives or associates, informed of the status of the investigation.
- e. Government shall request such assistance from relevant international or regional human rights bodies or mechanisms as is necessary to conduct an investigation in conformity with this policy.
- f. Where the Attorney-General and Minister of Justice is unable or unwilling to conduct an investigation in accordance with this policy, Government shall request assistance to conduct such an investigation from relevant international or regional human rights bodies or mechanisms.

### **Obligation to ensure effective remedy and full reparation**

Government shall take all necessary measures to ensure that an effective remedy and full reparation are available and provided for violations of the rights in this policy and for breach of the obligations in this policy.

## **7. Assistance to human rights defenders abroad**

Public authorities shall take all necessary steps within their power in conformity with national, regional and international obligations and standards to provide assistance to a Liberian human rights defender abroad who has been or may be subject to intimidation or reprisal on the grounds of or in association with his or her status, activities or work as a human rights defender. The assistance referred to in this policy may include, as required by the nature of the intimidation or reprisal and nationality of the human rights defender concerned:



- a. Receiving the human rights defender in the diplomatic mission in that country or visiting the human rights defender at his or her home or places of work, or places where a person is deprived of liberty;
- b. Making official representations, whether public or confidential, in relation to the human rights defender;
- c. Attending or observing trials or legal proceedings involving the human rights defender;
- d. Monitoring and producing reports on the situation of the human rights defender;
- e. Issuing emergency or replacement travel documents;
- f. Obtaining medical care;
- g. Providing details of local lawyers;
- h. Providing details of local interpreters;
- i. Contacting the family members of the human rights defender;
- j. Arranging for someone to accompany the human rights defender to a safe location or providing other relocation assistance; and
- k. Providing financial assistance;
- l. Providing emergency loans to enable the human rights defender to travel to a safe location.

### **Situational Analysis**

HRDs work in Liberia remain a huge challenge in the absence of laws or policy to protect them in fostering their work. HRDs continue to operate in harsh environment ranging from urban and rural communities in Liberia. Furthermore; there is no define national mechanism in response to the protection of HRDs at risk. At different times of their work, directly or indirectly members of the human rights community to include: women rights defenders, land rights defenders, unionist journalists, LGBTI, campaigners and whistleblower expressed reprisal and or attacked in the field of their works. Though the constitution of Liberia provides protection for all, Charter III: Fundamental Rights layout its human rights obligation highlighted in national, regional and international instruments.

The absence of a framework to address the protection of HRDs exposed them to further risk, attacked and create vulnerability in an unsafe environment. The United Nations created several instruments that are essential for the work of human rights defenders. Amongst these, the Universal Declaration of Human Rights, of which articles 19, 20 and 28 referred to freedom of opinion and speech, the right of peaceful assembly and association. The African Commission on Human and People's Rights also adopted its first Resolution on the Protection of African Human Rights Defenders and appointed a Special Rapporteur for Human Rights Defenders in Africa, to enhance the protection of HRDs and highlight the challenges face by them in their work.

Despite the fact that Liberia has made commitment through the ratification of international human rights treaties, there still an absence of legal or policy framework that protect human rights defenders. HRDs continue to face challenges and sometimes finds it difficult to monitor certain rights issues and speak out against them with fear of reprisal. The presence of HRDs support good governance and pushed for respect for the rule of law and the promotion and

protection of human rights of all people in the Country. Promulgating HRDs policy has a far-reaching dividend to enhancing support and protection of those who work on human rights issues in Liberia.

## **RIGHTS OF HUMAN RIGHTS DEFENDERS AND RESPONSIBILITY TO DEFEND HUMAN RIGHTS**

### **8. Right to Freedom of Assembly and Association**

- a. Human Rights Defenders shall freely undertake activities to promote and to strive for the protection and realisation of every human right and fundamental freedoms, at the local, national, regional and international levels.
- b. Human Rights Defenders have the right to meet or assemble peacefully as well as to participate in peaceful activities for the promotion and protection of human rights and fundamental freedoms, free from arbitrary or unlawful interferences by public authorities and private actors at the local, national, regional or international levels.
- c. Human Right Defenders individually or in association with others, have the right to solicit, receive and utilize resources from both domestic and international sources, including governmental, intergovernmental, philanthropic and private sources, for the express purpose of promoting and striving for the protection and realisation of human rights and fundamental freedoms.
- d. Human Rights Defenders have the rights to freely form and join non-governmental organisations, groups or associations.

### **9. Access to Information and Freedom to communicate with and cooperate with the international and regional human rights bodies and mechanisms**

Human Rights Defenders have the right to seek, receive and disseminate information which includes:

- a. To know, seek, access, obtain, receive and hold information about all human rights and fundamental freedoms, including; information regarding how those rights and freedoms are given effect in the legislative, judicial and administrative systems of Liberia;
- b. To know, seek access, obtain, receive and hold such information from business enterprises as may be necessary for exercising or protecting, or assisting to exercise or protect human rights and fundamental freedoms in Liberia;
- c. To freely publish, impact or disseminate to other views, information and knowledge on all human rights and fundamental freedoms in Liberia;
- d. To study, discuss, form and hold opinions on the observance, both in law and in practice of all human rights and fundamental freedoms through these and other means by drawing public attention to those matters.
- e. Human rights defenders have the right to submit without restrictions; communications relating human rights issues to international bodies who are competent to receive and consider such matters in accordance with the applicable international procedures and instruments.

### **10. Right to Freedom of Expression**

- a. International human rights laws guarantee the freedom of opinion and expression for all individuals, allowing them to hold opinions without interference . In alignment with this, the

Constitution of Liberia explicitly states that every individual has the right to freedom of expression. This encompasses not only the right to hold opinions without interference but also the right to access knowledge. It is emphasized that access to state-owned media should not be denied based on disagreement or dislike of expressed ideas. However, this freedom may be restricted through judicial action in cases related to defamation, invasion of privacy and publicity rights, as well as in commercial aspects like deception, false advertising, and copyright infringement

b. Human rights defenders have the right to freely express constructive criticism of the impediments to the promotion, protection and realization of human rights and fundamental freedoms. Such criticism can be submitted to institutions, organizations and other organs of the state.

c. Human rights defenders shall not be investigated, arrested, detained or prosecuted, on the basis of opinions expressed in reports published in the course of their activities/work in the defence of human rights.

#### **11. Right to Privacy of Life, Communication and Home**

Every person, individually or in association with others, has the right to privacy including human rights defenders. They can protect this right through encryption, and be free from intrusion and interference that is arbitrary and unlawful in their family, home, and places of work, possessions and correspondence of any form, both online and offline.

#### **Freedom from harassment and intimidation**

(1) No person shall subject a human rights defender to any form of defamation, stigmatization, or other harassment, whether offline or online, in association with his or her status, activities or work as a human rights defender.

(2) Any person who contravenes subsection (1) above shall commit an offence and shall be, upon conviction by a court of law, liable to a period of imprisonment or fine or both.

#### **Right to effective remedies**

(1) Every person, individually or in association with others, has the right to an effective remedy and full reparation in the event of a violation of the rights in this policy document and other statutes and international human rights laws.

The ICCPR explicitly declares that individuals have the right to be free from arbitrary interference in their privacy, family life, home, or correspondence. Additionally, it safeguards against attacks on their honor and reputation. Moreover, it guarantees everyone the right to legal protection against such interferences or attacks.

#### **12. Women Human Rights Defenders**

Women human rights defenders have the right to be protected from all kinds of threats, violence including physical violence and harmful practices or any form of discrimination related to their status as women human rights defenders, in accordance with national and international legal instruments on the protection of women.

### **OBLIGATIONS OF HUMAN RIGHTS DEFENDERS**

In carrying out their activities, human rights defenders have a duty to respect the constitution, international obligations and all laws and regulations in force except where such laws are not in conformity with international laws.

**13. Limitations on the rights of human rights defenders**

a. In exercising their rights in this policy, human rights defenders individually or in association with others, shall be subjected only to limitations that are prescribed by laws in accordance with international human rights obligations and standards that are reasonable, necessary and proportionate, that are solely for the purpose of securing due recognition and respect of the human rights and fundamental freedoms of others, meeting the requirements of public order and general welfare in a democratic society.

b. Human rights defenders are required to undertake their activities and exercise their rights and freedoms impartially, while respecting the rights of others, public security and the general interest.

c. Human rights defenders are required to report regularly on their activities at national and international level.

**MECHANISM FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS**

**14. Establishment and Structure of Mechanism**

The Government of Liberia shall establish a Mechanism for the Protection of Human Rights Defenders, hereinafter; called the Human Rights Defenders Steering Committee (HRDSC) which shall have responsibility for coordinating the protection of human rights defenders. The Human Rights Defenders Steering Committee shall be located within the Independent National Commission of Human Rights and shall comprise of a representative of the INCHR, Human Rights Civil Society Organizations, National Human Rights Defenders Network, Liberia Coalition of Human Rights Defenders (LICHDRD) Press Union of Liberia, MOJ, LNP, Etc. INCHR and a representative nominated by the human rights Civil Society Organizations shall co-chair the HRDSC.

The terms of reference of this committee are to, among other things, guarantee and supervise the effective protection of HRDs, take appropriate measures for the elimination of all threats, interruptions or issues that limits the rights of HRDs, disburse Defenders Fund according to guideline as well as monitor the implementation of protection measures. The committee will consist of five members, they will meet three times per year or more if needed.

**15. Establishment of Defenders Fund**

a. A 'Defenders Fund' shall be established. It should be managed by the HRDSC. The fund should be properly funded with contribution from by Government of Liberia, Development partners, international organizations, private entities and others that may be interested to donate to the fund.

b. The HRDSC should develop guidelines which should be approved by stakeholders on modalities of disbursing the fund.

**Strategic Policy Framework**

a. Policy Vision and Mission

The core of this National HRD Policy is its strategic outlook enshrined in the policy vision and mission. The vision presents the Government of Liberia human rights obligation under international law and standards, while the mission sets out the necessary action to be regularly carried out.

b. Policy Vision

The policy vision is “to ensure protection and support for all human rights defenders in Liberia.”

c. Policy Mission

The policy mission is “to seek national endorsement and legislate laws to protect HRD as a core human rights obligation by the state.”

d. Policy Statement

The Government of Liberia forthwith declares that the role play by the human rights community through the work of human rights defenders is essential for the advancement of human rights, democracy and the rule of law, and therefore adopts the following policy that will protect and support HRD in Liberia. And further state that human rights defenders are also instrumental in defending victims/survivors of human rights violations and abuses, thus; ensuring their access to redress and remedy.

**RELATED Human Rights Instruments for the Protection of HRDs**

There are various laws and regulations regarding the protection of human rights defenders. In some cases, these laws were adopted as a result of the work done by national/local institutions (civil society) and others, due to work by the state, regional or international structures.

International and regional human rights instrument for the protection of defenders are herein cited and articulated as a basis for the formulation of the National Human Rights Defenders Policy. These instruments provide state obligation to protect human rights defenders and their work as follow:

16. **UN Declaration on Human Rights Defenders**

The Declaration on human rights defenders was adopted by consensus by the General Assembly in 1998, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, after 14 year of negotiations. (See General Assembly Resolution A/RES/53/144 adopting the Declaration on human rights defenders). A collective effort by a number of human rights non-governmental organizations and some State delegations helped to ensure a strong, useful and pragmatic final text.

Whereas the Declaration is not a legally binding instrument, it contains principles and rights that are based on human rights standards enshrined in other legally binding international instruments that are legally binding. Moreover; the adoption of the Declaration by the General Assembly by consensus represents a very strong commitment by States to its implementation.

**The declaration:**

- Identifies human rights defenders as individuals or groups who act to promote, protect or strive for the protection and realization of human rights and fundamental freedoms through peaceful means.
- Recognizes the key role of human rights defenders in the realization of the human rights enshrined in the Universal Declaration of Human Rights and legally binding treaties and in the international human rights system.

- Represents a paradigm shift: it is addressed not just to States and to human rights defenders, but to everyone. It emphasizes that there is a global human rights movement that involves us all and that we all have a role to fulfil in making human rights a reality for all. The Declaration's full name is the "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms". However, it is often abbreviated to "The Declaration on human rights defenders".

### **1. The Declaration's provisions**

The Declaration outlines some specific duties of States and the responsibilities of everyone with regard to defending human rights, in addition to explaining its relationship with national laws. Most of the Declaration's provisions are summarized in the following paragraphs. It is important to reiterate that human rights defenders have an obligation under the Declaration to conduct peaceful activities.

#### **(a) Rights and protections accorded to human rights defenders**

Articles 1, 5, 6, 7, 8, 9, 11, 12 and 13 of the Declaration provide specific protections to human rights defenders, including the rights:

- To seek the protection and realization of human rights at the national and international levels;
- To conduct human rights work individually and in association with others;
- To form associations and non-governmental organizations;
- To meet or assemble peacefully;
- To seek, obtain, receive and hold information relating to human rights;
- To develop and discuss new human rights ideas and principles and to advocate their acceptance;
- To submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may impede the realization of human rights;
- To make complaints about official policies and acts relating to human rights and to have such complaints reviewed;
- To offer and provide professionally qualified legal assistance or other advice and assistance in defense of human rights;
- To attend public hearings, proceedings and trials in order to assess their compliance with national law and international human rights obligations;
- To unhindered access to and communication with non-governmental and intergovernmental organizations;
- To benefit from an effective remedy;
- To the lawful exercise of the occupation or profession of human rights defender;
- To effective protection under national law in reacting against or opposing, through peaceful means, acts or omissions attributable to the State that result in violations of human rights;
- To solicit, receive and utilize resources for the purpose of protecting human rights (including the receipt of funds from abroad).

#### **(b) The duties of states**

States have a responsibility to implement and respect all the provisions of the Declaration. However, articles 2, 9, 12, 14 and 15 make particular reference to the role of States and indicate that each State has a responsibility and duty:

- To protect, promote and implement all human rights;
- To ensure that all persons under its jurisdiction are able to enjoy all social, economic, political and other rights and freedoms in practice;
- To adopt such legislative, administrative and other steps as may be necessary to ensure effective implementation of rights and freedoms;
- To provide an effective remedy for persons who claim to have been victims of a human rights violation;
- To conduct prompt and impartial investigations of alleged violations of human rights;
- To take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration;
- To promote public understanding of civil, political, economic, social and cultural rights;
- To ensure and support the creation and development of independent national institutions for the promotion and protection of human rights, such as ombudsmen or human rights commissions;
- To promote and facilitate the teaching of human rights at all levels of formal education and professional training.

(c) The responsibilities of the Independent National Commission on Human Rights (INCHR)

The Independent National Commission on Human Rights (INCHR) should commit to establishing and enhancing partnerships and collaborations with HRDs in the discharge of their work. The envisaged partnerships can be done at two levels- with individual HRDs or at the organizational level.

(d) The responsibilities of everyone

The Declaration emphasizes that everyone has duties towards and within the community and encourages us all to be human rights defenders. Articles 10, 11 and 18 outline responsibilities for everyone to promote human rights, to safeguard democracy and its institutions and not to violate the human rights of others. Article 11 makes a special reference to the responsibilities of persons exercising professions that can affect the human rights of others, and is especially relevant for police officers, lawyers, judges, etc.

(e) The role of national law

Articles 3 and 4 outline the relationship of the Declaration to national and international law with a view to assuring the application of the highest possible legal standards of human rights.

## 17. The Marrakesh Declaration

The legal framework of the Marrakesh Declaration, crafted by Sheikh Abdullah bin Bayyah, draws especially from the Charter of Medina, a document forged by Prophet Muhammad in 622 CE as a social contract to govern relations and responsibilities in the multicultural society of Medina—the first establishment of the Muslim community, or ummah. According to a census drawn by the Prophet, the Jewish and other non-Muslim Arab communities in Medina at that time vastly outnumbered the Muslim population. Hence, the Charter of Medina sought to ensure certain rights, including religious freedom, for all living under the rule of the Prophet in Medina. According to historical sources, the Prophet was summoned to Medina to serve as a neutral arbiter and end communal fighting, and this charter created the roadmap for establishing

peaceful coexistence, rights and responsibilities and internal autonomy for different tribes and religions, and a process for the nonviolent resolution of disputes with the Prophet as supreme arbiter .

#### 18 . Universal Declaration on Human Rights (UDHR)

Article 19, Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinion without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

#### 19. International Covenant on Civil and Political Rights ICCPR

Article 19,

1. Everyone shall have the right to hold opinion without interference.
2. Everyone shall have the right to freedom of expression; this shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

#### 20. African Commission on Human's and People's Rights

The African Commission on Human and People's Rights in June 2004, at its 35th Ordinary Session recognized the crucial contribution of the work of human rights defenders in promoting human rights, democracy and the rule of law in Africa. The outcome of the session saw the adoption of 69 Resolution on the Protection of Human Rights Defenders in Africa. In addition, the Universal Declaration of Human Rights (UDHR) (1948) and the African Charter on Human and Peoples' Rights (1981), several significant regional and international frameworks have been adopted to safeguard the rights of HRDs over the past 40 years.

### Related National Legislation and Documents

#### 21. The Constitution

The Liberian Constitution of 1986 is the supreme law and overarching legal instrument for the determination of all subordinate laws of the land, including public policy interventions required to drive national development. Specifically, Chapter III, "Fundamental Rights" of this Constitution, outlines fundamental rights ascribed to all citizens and aliens, alike residing within the Republic. Article 11, Section (c) of the Constitution mentioned that, "All persons are equal before the law and are therefore entitled to the equal protection of the law", including the right to affordable, unhindered access to justice at all times as a people. As such, the Constitution provides protection for all person from a human rights based approach.

#### Programs

- a. Pro-Poor Agenda for Prosperity and Development

Pillar Three —Sustaining the Peace.

Sustainable peace is essential to the achievement of all other objectives of the PAPD. The key outcomes of this pillar highlight ending of fragility and the root causes of conflict, improving the justice system and human rights protection, and enhancing national defense and security.

- b. National Human Rights Action Plan

The Liberian National Human Rights Action Plan is a policy document created to help realize the advancement of human rights in Liberia. In the process of developing the NHRAP,



government ministries and institutions, and civil society organizations, including those from the private sector, identified and agreed on areas in need of protection and promotion. Working together they form the agents of change that can improve the human rights situation in Liberia. The NHRAP guides this process in the next five years by offering concrete and practical measures with the aim of establishing and entrenching a culture of human rights for the enjoyment of all .

## **22. Policy Implementation Framework**

### **a. National HRD Action Plan**

Effective implementation of the National HRD Policy is closely associated with a clear understanding of the purpose and scope, obligations, strategies, approaches and methods. This entails detailing the goal, objectives, and activities required for implementation. The HRD National Action Plan generally shall provide the policy implementation guidance and directions, thus serving as a road map to run HRD in Liberia. The Action Plan will layout clearly defined and formulated strategies, approaches and methods with goal, objectives, and activities, including capacity building, operational and implementation frameworks for quality delivery of HRD measures. The plan will spell out the resource mobilization strategies, both local, regional and international, to support HRDs in Liberia. This process will take advantage of local opportunities, and at the same time, explore avenues for both regional and international cooperation. The HRD National Action Plan shall detail the framework for periodic review.

### **b. HRD Legislation**

A draft HRD legislation shall be developed and enacted into law by the National Legislature to legitimize and ensure protection for HRD in Liberia. The enactment of the law will address the challenges of lack of legislative framework to protect and support HRD work. The HRD legislation process shall be principally guided by the National HRD Policy and other pertinent local, regional and international human rights standards and best practices. The Act will ensure that all pertinent protection issues and /or challenges, and gaps that might impede an effective HRD paradigm in Liberia are addressed.

### **c. HRD Communication Strategy**

A HRD communication strategy to convey the rationale behind policy and resource allocation decisions, and to take the Policy to the people and the public at large in clear and understandable ways. The awareness raising and sensitization of the stakeholders and the general public on the role of HRDs will change the perception towards HRD's and will enable the public to protect and support HRD'S, thus allow an enabling and conducive working environment for HRDs. The Communication Strategy shall layout the appropriate communication plan that sets out all that is required to market the strategic goals and objectives as envisaged by the Plan.

### **d. Monitoring and Review**

A framework for periodic reviews of the National HRD Policy, including the review and updating National Action to determine implementation status will be derived. This framework will be used to monitor and evaluate the HRD National Policy and HRD National Action Plan to regularly

determine effectiveness and possible challenges to create rooms for improvement. The first review shall be conducted after a period agreed in a years of the National HRD Policy coming into force or full implementation of the policy.

#### Appendix: Human Rights Defender Referral Pathway