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**TECHNICAL ASSISTANCE AND CAPACITY-BUILDING**

**Report of the independent expert on technical cooperation  
and advisory services in Liberia, Charlotte Abaka**

## Summary

The present report contains the findings of a mission that the independent expert undertook to Liberia from 20 to 29 September 2007. Over the course of the 10-day mission, the independent expert met high-level representatives of the executive, legislative and the judiciary, government officials, civil society, United Nations agencies and funds, some traditional rulers and the diplomatic community. Information received served as valuable inputs for the independent expert's assessment of progress, as well as concerns, challenges and gaps with regard to the promotion and protection of human rights in Liberia.

Considerable progress has been made since the last report in improving security and implementing some aspects of civil, political, social, economic and cultural rights. The lifting of sanctions by the Security Council on diamond and timber has opened avenues of income for both the public and private sectors. Progress has been made in the work of the Truth and Reconciliation Commission. The secretariat has been established and an executive secretary recruited. County and district Truth and Reconciliation Commission committees have been set up. However, the Commission continues to face many challenges, which have resulted in delays in statement taking and holding of public hearings. These challenges include structural and budget shortfalls.

Serious concerns remain with regard to the rule of law and the judicial system. The discriminatory provisions of the hinterland regulations have not been repealed and some Liberians are still classified as civilized or uncivilized. The weak implementation of the Rape Law is a major concern, as is the persistence of harmful and discriminatory traditional practices, such as trial by ordeal. Female genital mutilation continues to be practised and has not been prohibited by law.

The challenges facing the Government and Liberian society as a whole are therefore enormous. While the Government has demonstrated the political will to transform society and has strongly supported poverty reduction schemes for vulnerable groups of the population, support must be forthcoming from the international community in a timely and effective manner to address capacity gaps within government structures.

The independent expert concludes the report with a set of recommendations for the Government of Liberia, the international community and the United Nations.

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## **I. OVERVIEW OF THE HUMAN DEVELOPMENT SITUATION**

1. According to basic indicators including life expectancy at birth, combined gross enrolment ratio for primary, secondary and tertiary schools, under-five mortality rates and population undernourishment, Liberia is currently one of the least developed countries in the world.
2. The country's total population is 3.2 million (2005).<sup>1</sup> It is largely composed of 18 major indigenous ethnic groups living alongside a small number of Americo-Liberians and Congo people. The history of Liberia has been marked by a concentration of political power, economic resources and social advantages in the hands of Americo-Liberians, who represent 3 per cent of the population.
3. The great majority of Liberians live in poverty: 76.2 per cent of the population live below the international poverty line of \$1 a day, and approximately half of the population is living in extreme poverty (less than \$0.50 a day).
4. At the national level, life expectancy at birth is 42.5 years, as measured during the period 2000-2005. The under-five mortality rate was 235 per 1,000 live births in 2004. For reasons such as the lack of education and awareness of family planning, the total fertility rate in rural areas (6.2 births) is considerably higher than the rate in urban areas (3.8 births). The population of the country is mainly concentrated in rural areas, which account for 68 per cent of the population.
5. The illiteracy rate is a staggering 63 per cent; 73 per cent of women are illiterate, compared to 50 per cent of men. There is also rural-urban disparity: only approximately 25 per cent of the rural population can read and write.

## **II. RECENT DEVELOPMENTS**

### **A. Security and political situation**

6. Considerable progress has been made in improving security and fulfilling some aspects of civil, political, social, economic and cultural rights. The lifting of sanctions by the Security Council on diamond and timber has reopened sources of income to the private sector and increased the tax base available to the Government. This should enhance its ability to progressively implement economic, social and cultural rights.
7. Divisions still exist among communities over issues concerning land, property and religion. The cleavages within Liberian society are considerable; they derive from perceptions of the lack of legitimacy of certain identities and religious faiths as authentically Liberian. The perception of Liberia as a Christian State persists, as does resistance to the acceptance of the Mandingo identity as legitimately Liberian. Ethnic-based discrimination has become more

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<sup>1</sup> All human development index data are taken from the Human Development Report 2006, United Nations Development Programme, ISBN 0-230-50058-7. Available from <http://hdr.undp.org/en/reports/global/hdr2006/>.

complex as a result of ethnic politicization during the war. The problem of land and property disputes, most acute in Nimba County, particular in Ganty City and Lofa County, give rise to confrontations between different ethnic groups.

### **B. Truth and Reconciliation Commission**

8. Since the last report of the independent expert on technical cooperation and advisory services in Liberia (A/HRC/4/6), some progress has been made in the implementation of the Act to Establish the Truth and Reconciliation Commission of Liberia. An important step was the establishment of a secretariat and the recruitment of an executive secretary for the Commission. County and district truth and reconciliation committees have also been set up. The Commission has adopted revised rules and procedures for its operation.

9. Activities undertaken by the Commission include the launching of a public awareness campaign in July and a workshop for traditional councils and religious leaders. The workshop had the objective of encouraging the involvement of traditional councils and religious leaders in the truth and reconciliation process. The independent expert took part in that workshop.

10. The work of the Commission is hampered by many factors, including structural issues, normally, a lack of clarity in its mission and weaknesses in the organization of its work. At the instigation of the International Contact Group for Liberia, a working group, co-chaired by the United Nations Mission in Liberia (UNMIL) and the Truth and Reconciliation Commission, was established in March as a result of serious concerns relating to the Commission's lack of preparation. The aim of the working group is to assist the Commission in addressing management and personnel issues as well as in the elaboration of a workplan. While full participation by all elements of Liberian society is needed if the work of the Commission is to be fully effective, awareness of it is still lacking in rural and isolated areas. Furthermore, the great need for psychosocial counsellors cannot be met, as it has proven difficult to find suitable numbers of qualified counsellors able to offer full-time services. Another major challenge faced by the Commission is budget shortfalls. Of the projected budget for the period from June 2006 to September 2008 of \$14 million, only \$2.2 million had been received as at September 2007.

11. A further delay in the nomination of members to the Independent Technical Advisory Committee, following the resignation of the former members in January 2007, could negatively influence the work of the Commission. The development of terms of reference and a service contract for such members must be a priority for the Commission.

12. It is very likely that the Commission will be unable to complete its mission by the end of its mandate in August 2008. Therefore, even at this stage, stakeholders may wish to consider an extension of its mandate, as provided for by the Act to Establish the Truth and Reconciliation Commission.

### **C. Independent National Human Rights Commission**

13. The establishment of the Independent National Human Rights Commission as mandated by the Comprehensive Peace Agreement of August 2003 has been delayed. To date, the Commissioners have not yet been appointed. Various interlocutors have expressed concern about

the extensive and unchecked power of the Commission. To resolve that issue, interlocutors suggested that the Commission sign an agreement with the judiciary branch. Under such an agreement, cases of human rights violation could be referred to a judge for review.

14. The Independent National Human Rights Commission is of particular significance ensuring the sustainable protection of human rights in Liberia because of the permanent nature of its mandate, as compared to that of the Truth and Reconciliation Commission. Consequently, the problems faced in its creation need to be carefully and urgently addressed, as an effective Human Rights Commission could play a crucial role in the reconciliation, transformation and reconstruction efforts being undertaken in Liberia, with a human rights perspective, using internationally accepted human rights instruments as a tool.

#### **D. Legislature**

15. In May, the Legislature passed the Financial Autonomy Act, which was to grant it financial autonomy from the Executive Branch. The President however vetoed the Act. The Speaker of the House of Representatives himself stated that the Liberian Legislature was currently neither strong enough in terms of structure nor responsible enough to administer its own finances.

### **III. LEGAL REFORM AND RULE OF LAW**

#### **A. Review of national legislation**

16. Although law reform is one of the President's priority areas, as documented in her 150-day plan of action, a law reform commission has not yet been established. The Speaker of the House of Representatives confirmed that the draft act on the establishment of the law reform commission had not yet been received by the Legislature.

#### **B. Liberian justice system**

17. Only 18 of the 52 judges serving in Liberia hold law degrees; 5 of these are on the Supreme Court. All other judges have only been trained "on the job", while none of the 135 magistrates is a law graduate. None of the 11 public prosecutors currently serving has a law degree. Furthermore, judges and lawyers have a common aversion to accepting postings outside Monrovia owing to the poor working and living conditions in other counties. The information received by the independent expert indicates that the Law School at the University of Liberia lacks the necessary resources to allow adequate numbers of qualified lawyers to graduate in the coming few years. The lack of qualified personnel results in many trials being conducted in violation of fair trial standards, including the right to legal counsel, the right to an interpreter, the right to have time to prepare one's defence, and many more.

18. While the law requires the creation of a juvenile court in the headquarters of each county superintendent, there is only one such court at the moment, based in Monrovia. No juvenile rehabilitation institutions or judicial personnel trained in their responsibilities towards juvenile suspects exist. Although prescribed by law, rehabilitation homes for juvenile delinquents are also not operational. Children are frequently remanded to pretrial detention in a manner that is inconsistent with prevailing juvenile law. The UNMIL Human Rights and Protection Section has

documented cases of children below the age of criminal responsibility (16) being detained in cells with adults. It has also monitored cases where complaints of rape, including cases involving children, are not investigated or prosecuted.

19. The situation in the judiciary system has not changed much since the previous report of the independent expert of February 2007. Throughout Liberia, 16 circuit courts were officially opened in February 2006. However, at least six circuit courts were not fully functional owing to the absence of key judicial personnel and lack of facilities. In some cases, the absence of judicial personnel appeared to be a result of poor communication between Monrovia and the counties, or of administrative difficulties. In May, in Sinoe and Grand Cape Mount Counties, trials could not be held owing to the absence of defence lawyers. In September, the circuit court in Grand Gedeh County started hearing its first trial for the August term.

20. The state of physical facilities of all courts in the country is poor. No court has or uses a computer, photocopier, camera, video equipment or mimeographing machine. Apart from the court in Montserrado, no other court in the country has electricity and communication resources. The key resources shared among all courts appear to be a manual typewriter, some stationery and supplies. This critical lack of basic resources has led to a situation in which no report has been sent to the Chief Justice on rape cases prosecuted by the courts.

21. Owing to the weakness or complete absence of the statutory legal system in poor and/or rural communities, Liberians have come to rely on customary justice. Widespread illiteracy, including legal illiteracy, in these communities has further deepened their reliance on customary law.

22. Discrimination and inequality in customary law are widespread. Decisions of town, clan and paramount chiefs working under the Ministry of Internal Affairs are often made by prejudice and result in excessive sanctions. These sanctions are not generally subject to independent review by the statutory courts. Illegal detention and forced labour practices result partly from the chiefs' ignorance of their proper judicial role. However, some chiefs abuse the dysfunctional statutory system to exploit people who lack an adequate awareness of their legal rights. In May, a five-year-old was allegedly killed in Bong Mines, Bong County, as retribution after his grandmother was denounced as a witch by a "medicine man". In July, a 65-year-old woman and her 70-year-old husband were beaten by a mob that accused the woman of using witchcraft, thereby allegedly causing the death of a 12-year-old child in River Cess County.

23. Notwithstanding the human rights violations caused by some aspects of the customary traditional system, it is very difficult to abolish formal recognition when Liberians have no access to the statutory courts for many reasons, including geographic and financial ones.

### **C. Ending impunity**

24. Some progress has been made in restructuring and strengthening the capacity of the Liberian National Police. As at September 2007, there were 203 female police officers in a force totalling 3,461. The Liberian National Police deployed 1,200 police officers in rural areas.



Currently the police payroll system is not incorporated into the national payroll system; police officers are therefore required to travel to police headquarters in Monrovia to obtain their pay cheque.

25. Though improving detention conditions in prisons is a security priority for the Ministry of Justice, conditions remain very poor, with complaints of lack of food and potable water being widespread in Saniquellie central prison. Detainees' relatives were forced to bribe guards to allow them to bring food to detainees.

26. Prison officers receive payment equal to that of members of the Liberian National Police. In many rural areas, separate cells have been established for female prisoners. There are 139 trained prison officers throughout the country; there is therefore a great need for additional corrections officers, especially female ones.

27. The UNMIL Human Rights and Protection Section has received frequent reports of misconduct by police officers in the execution of their duties. Such allegations range from mistreatment in detention to corrupt practices.

#### **IV. PROMOTION AND PROTECTION OF HUMAN RIGHTS**

##### **A. Human rights on rubber plantations**

28. On the Guthrie rubber plantation in Bomi County, there are two categories of salary: fixed salary for teachers, nurses, management and security staff, and production salary for rubber tappers, based on quantity of latex/cup lumps produced per month. A tapper gets \$160 per month if he or she produces a ton of rubber. No basic salary is offered; non-producing workers therefore receive no salary.

29. Labour unions for rubber plantation workers remain weak: on the Guthrie rubber plantation, since there is no workers union, workers channel their grievances and problems through their own grievance council.

30. The provision of medical services on the Guthrie rubber plantation is extremely poor: there is only one clinic, with 54 staff and one doctor catering for over 17,000 inhabitants. Sanitary conditions are also very poor. There are 28 hand pumps constructed throughout the plantation; latrines are present only in a few of the camps.

31. With regard to housing, only nursing and teaching staff are provided with reasonable housing units, while the rest of the employees, especially rubber tappers, live in dilapidated units. On the Cavalla rubber plantation, clean and safe drinking water is only available to about 10 per cent of the population; existing wells are not safe for drinking. Furthermore, environmental protection and occupational health and safety do not appear to be a part of the plantation's current management scheme.

32. At present, concession agreements do not systematically include the provision of minimum standards of basic services for workers. A pilot project to this effect is currently under way at the Firestone rubber plantation, the largest in Liberia.

## **B. Human rights of women and implementation of the Rape Law**

33. Many Liberian women and girls, regardless of age, marital status and ethnic affiliation, suffer various forms of violence and exploitation, including gang rape, sexual slavery, forced sex in exchange for food or survival, and forced or early marriage. According to a study conducted by the World Health Organization (WHO) on the situation of gender-based violence in Liberia, in 10 of Liberia's most populous counties, 90.8 per cent of the sample had been subjected to one or multiple acts of abuses and/or sexual violence; 75 per cent were raped - most of them gang raped. Sexual violence, domestic violence, sexual exploitation, incest, early and forced marriage, wife inheritance and female genital mutilation are the most prevalent forms of gender-based violence in the country. Furthermore, the level of poverty among women and children and the absence of social safety networks make women and children extremely vulnerable to sexual exploitation and abuse.

34. The prevalence of gender-based violence has serious repercussions, including exposure to HIV/AIDS and other sexually transmitted infections and unplanned or unwanted pregnancies. Needs assessments carried out in health facilities show that, despite their willingness to receive the victims of gender-based violence, health facilities are not sufficiently equipped and lack adequate drugs, medical supplies and health professionals trained in the clinical and psychological management of victims of gender-based violence. In addition, most health facilities are inaccessible to victims who seek comprehensive emergency care.

35. Though the amended Rape Law entered into force in January 2006, rape is still the most prevalent crime in the country, particularly in Lofa County. The weak judiciary system and the lack of awareness and understanding among the population of the legal system remains the main reason for the weak implementation of the Rape Law. There are no official data on prosecuted rape cases owing to the lack of record keeping by the courts.

36. In rape cases, police and prosecutors rely heavily on medical evidence, excluding other forms of both incriminating and exculpatory evidence that should be investigated. Owing to the culture of impunity that allows perpetrators of gender-based violence to go unpunished, victims of this type of violence are usually hesitant to seek assistance or to report the crimes. The stigmatization associated with victims of gender-based violence makes coming forward for assistance difficult and, at times, dangerous. These difficulties are compounded by economic challenges and gaps in legal, protection, health and psychosocial services that fail to ensure confidentiality and supportive services that victims need. This situation discourages victims of rape from reporting cases to the police.

37. Out-of-court settlement is still very widespread in cases of rape. In May, an alleged victim of rape in Grand Cape Mount County appeared to receive discriminatory treatment by the Liberian National Police and judiciary personnel because she was mentally disabled. The police charged the suspect only with the lesser offence of involuntary sodomy. The Robertsport Magistrate and City Solicitor ultimately convened a "conference" for the case, at which the suspect agreed to pay a financial settlement. In another case, in August, during the preliminary examination of a case in which a 13-year-old girl was allegedly raped, the Magistrate at Voinjama Magistrates Court, Lofa County, postponed the transfer of the case to the circuit court, stating that he wanted to give the defendant a chance to convince the victim's parents to settle the case outside court.

38. Despite the extraordinary prevalence of gender-based violence in Liberia, courts are ill-equipped to deal with the prosecution of this particular type of crime. In Monrovia, Court II, which has special jurisdiction over cases of armed robbery, will also be serving for the prosecution of rape cases. Under a project funded by the Government of Denmark, the Court will be provided with a camera and darkened glass to protect the victims when they give testimony. However, Court II, like many other courts in the country, is hamstrung by poor working conditions and insufficient capacities. In particular, courts in Liberia suffer from a lack of sufficient defence and prosecuting lawyers; adequately qualified internal and external support personnel; adequate logistics; and adequate resources for sentencing and imprisonment.

39. A task force has been established to implement the national gender-based violence plan of action, a joint Government-United Nations programme launched on 30 November 2006, and to coordinate activities to address the issue of gender-based violence in order to reduce the duplication of efforts and waste of resources and to increase impact on targeted groups. The budget allocated for the implementation of the plan of action is \$15,225,000 over a period of five years.

### **C. Human rights of children**

40. There has been a slight decrease in the infant mortality rate.

41. Despite the recommendations of the Child Protection Network Task Force on Orphanages to the Ministry of Health and Social Welfare that 63 of 111 orphanages be closed down, efforts to close illegal orphanages were undermined by the Government's decision to pay subsidies to all orphanages, including illegal ones.

42. Many unaccredited orphanages remain open, putting the children who live there - many of whom still have at least one living parent - at risk of neglect and exploitation. According to the Minister for Health and Social Welfare, the necessity to hear all parties involved in the process of closing orphanages has delayed the work of the task force.

### **D. Harmful traditional practices**

43. The traditional system endorses harmful and life-threatening practices, such as trial by ordeal, a process whereby the guilt or innocence of an accused is determined by whether they complete a difficult or painful task. These practices are in violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Liberia, as well as of the Constitution of Liberia itself. Nonetheless, due to the weakness of the statutory law system, the practice is increasing in many parts of the country, including Monrovia. In July, in Maryland County, four people were identified by a "witch finder" as being responsible for causing a man's leg to become swollen. The four, including the man's elderly father and a female returned refugee, reportedly confessed to witchcraft after being beaten with hands and sticks by community members.

44. The practice of trial by ordeal is, in fact, allowed by the rules and regulations of the hinterland, which provide for the use of trial by ordeal as a means of resolving complaints between "uncivilized persons". Being based on ethnic discrimination against Liberians living outside major cities, the rules and regulations contravene the Constitution of Liberia as well as

the international human rights treaties ratified by the country. Despite the statement of the Solicitor General that trial by ordeal was illegal, the Ministry of Internal Affairs does not acknowledge its illegality or the illegality of the revised rules and regulations governing the hinterland of Liberia.

## **V. ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **A. Linkage between poverty and human rights violations**

45. Poverty should be seen as multidimensional. It is often the cause and consequence of many human rights violations in Liberia. The poorest people have the fewest economic resources but also the lowest degree of social achievement and the least political power. The erosion of institutions resulting from 14 years of civil war has left the majority of people vulnerable to violation of the whole range of human rights - from the right to life to the right to food, the right to education and the right to fair trial.

46. The low level of economic development in the region has had a great impact on the capacities and livelihoods of citizens. Such inequalities have entrenched disaffection and grievances among various groups in the society.

### **B. Right to food**

47. The agricultural system in Liberia is characterized by a quite developed sector of produce for export, such as rubber, cocoa and palm oil, and very low levels of primary agriculture, such as rice and vegetables. Though Liberia is one of the greenest countries in the world, the levels of small-holder productivity are extremely low; the country imports cabbages, carrots and other primary foodstuffs from other countries at high prices. Given that 76.2 per cent of Liberians live in poverty and 50 per cent of the population lives in extreme poverty, it is easy to understand the direct impact that this situation has on the daily life of people in the country. Stunting affects 39 per cent of children under 5 years of age, 11 per cent of survey household are considered food insecure and 40 per cent highly vulnerable to food insecurity.<sup>2</sup> Seen from a human rights perspective, a large proportion of the population is unable to enjoy its right to food.

### **C. Right to work, fair remuneration and regular payment of wages**

48. The unemployment rate in Liberia remains very high, approaching 80 per cent for the country as a whole, affecting rural areas in particular. Children are the main victims of the lax enforcement of even minimum human rights standards, since child labour is indirectly encouraged by exploitative work practices and lack of access to education.

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<sup>2</sup> Republic of Liberia: Comprehensive Food Security and Nutrition Survey, October 2006. Available from [www.fao.org/SPFS/pdf/CFSNS\\_report\\_final.pdf](http://www.fao.org/SPFS/pdf/CFSNS_report_final.pdf).

49. Section 1508 (3) of the Labour Law of Liberia has been a root cause of many labour disputes. Workers believed that employers used this law over recent years to violate their rights, which requires only very short notice for dismissal. Under pressure from different circles of society, the House of Representatives passed a bill to amend this section of the law in April. This amendment is a significant step in guaranteeing the rights of workers.

#### **D. Right to physical and mental health**

50. Health services in Liberia have been severely disrupted by years of conflict. While revitalization of the health-care services has begun, it is still far from satisfactory and completed.

51. The infant mortality rate in Liberia is considerably higher than the average in the sub-Saharan region. The Ministry of Health and Social Welfare estimates access to health services to be 41 per cent. The health-care system is fragmented, uneven in its provision of services between regions and heavily dependent on donor-funded vertical programmes and international non-governmental organizations. In most cases, these organizations have replaced the Government in managing health services. This causes serious problems for the country in the recovery phase, since support service delivery focuses mainly on the most war-affected areas. Local non-governmental organizations, which were very active before the war, have witnessed their operations shrink considerably. In 2006, of 521 existing health facilities, 300 were assisted by international non-governmental organizations in a humanitarian context, 132 were non-functional and 89 facilities operated without any assistance from international non-governmental organizations.

52. Of the functioning facilities, 46 per cent have no water supply and 88 per cent have no vehicle for emergency evacuation. There are approximately 4,000 full-time and 1,000 part-time staff members. Among them, only 121 are medical doctors. However, many of these professionals lack the skills and experience necessary to manage the facilities and deliver services efficiently. In general, morale is very low among medical staff owing to poor pay and inadequate conditions to perform their duties efficiently. As international non-governmental organizations are switching from emergency relief to development, there is a real risk that service delivery in the health-care system will weaken in these areas as the Government is not ready to take over from humanitarian non-governmental organizations. In other words, the right to health care of many Liberians is in danger while the country is in transition from the post-conflict phase to the recovery, reconstruction and development phase.

53. With regard to antenatal care, 79 per cent of women reported having seen a health professional (a doctor, nurse or physician assistant) at least once for antenatal care for the most recent birth. Coverage for antenatal care is much higher in urban areas (94.4 per cent) than in rural areas (71.6 per cent). The proportion of mothers reporting that they had received antenatal care from a health professional is markedly lower in the north central region (63 per cent) than in the south central region (93 per cent) or Monrovia (96 per cent). Mothers who have a higher educational level visit health professionals for antenatal care more than mothers who have a lower educational level. Antenatal care coverage rises from 74.1 per cent among women with no education to 93.1 per cent among those with at least some secondary

education. While 32.2 per cent of births in the rural areas are delivered by a health professional and only 25.5 per cent in a health facility, in urban areas these rates are 78.8 per cent and 63.5 per cent respectively. Consequently, maternal mortality and morbidity have increased, including obstetric fistula.

54. The child mortality rate is a basic indicator of a country's social economic level and quality of life. In Liberia, the situation of vaccination of children is alarming; 12 per cent of children have received no vaccination at all. As a result, Liberia has one of the highest under-5 mortality rates in the world (235 children per 1,000 live births).

55. HIV/AIDS is a serious public health threat in Liberia, with a prevalence of 5.2 per cent. According to a survey by the Ministry of Health and Social Welfare, women are slightly more likely to be HIV positive than men (1.8 versus 1.2 per cent). HIV prevalence is about three times higher in urban areas than in rural areas (2.5 per cent and 0.8 per cent, respectively). Women with elementary education have the highest prevalence, at 6.6 per cent.

56. In spite of the dire need for adequate mental health facilities, particularly in the light of the traumas of the civil war, the entire country has only one mental health clinic.

### **E. Right to education**

57. The civil war has completely destroyed 20 per cent of schools, while many of those remaining are in urgent need of repair. Only 24 per cent of children enrolled in public primary schools have access to desks and chairs, and many classrooms do not have blackboards, desks or chairs for teachers. The quality of education is in a critical state, with the current pupil to textbook ratio in public primary and secondary schools at 27:1 and 9:1, respectively.

58. Thanks to the promotion of a free and compulsory primary school policy since 2006, the country has seen a great increase in enrolment, especially among girls. In public primary schools, the enrolment of girls increased by 24 per cent between 2006 and 2007 compared with 18 per cent for boys during the same period. The large increases in student enrolment have created, however, new strain on a critically under-resourced public primary school system. Compounding the serious problems in the sector, poorly paid teachers are now faced with large classes representing a broad range of ages.

59. Primary school enrolment of boys is 458,012 against 436,394 of girls (school year 2005-6). However, the geographic distribution of primary education enrolment is very uneven throughout the country. Two counties, Montserrado and Nimba, account for over half of enrolments. These two counties also have the greatest share of the population, but their share of enrolments is proportionally greater.

60. There is a significant disparity in access to secondary school: few female students attain the minimum qualification to gain access to higher levels of education, particularly in the Grand Kru, Lofa and River Cess Counties.

61. The number of pregnant school-age girls has been increasing in Liberia, partly due to rape and/or unwanted pregnancies. These girls often face difficulties in continuing their education. To address the issue, the Minister for Education has agreed to consider the possibility of opening schools for pregnant girls to ensure that they are given equal access to education.

#### **F. Distribution of resources and services**

62. The economy is characterized by its dualism; the export-oriented plantation and minerals sectors (rubber, palm oil, timber and diamonds) attract private and public investments, generating growth and wealth, while traditional agriculture has received little investment and remains stagnant. Economic and social infrastructure, such as roads, schools and hospitals, are geographically concentrated in urban and coastal zones, while rural areas are poorly served. The concentration of economic power and resources overlaps with the concentration of political power, which is in the hands of the Americo-Liberian elite. Since there is no middle class in post-conflict Liberia, there is a huge gap separating the upper class (Americo-Liberians) from the rest of Liberian society that constitutes the lower class. Because of the limited economic resources, there is competition among people for the distribution of national wealth and the geographical spread of national infrastructure; the most economically and politically powerful have access to and control of economic resources.

63. Indicators on access to health-care services, schools and infrastructures demonstrate a wide disparity between the rural and urban areas (see section V above).

### **VI. WORKSHOP TO PROMOTE AND PROTECT HUMAN RIGHTS**

64. A workshop was conducted by UNMIL and the Committee on the Independent National Commission on Human Rights on 27 September 2007. Discussion at the workshop focused on ways to promote and protect human rights in the context of persisting harmful traditional practices.

65. Though article 5 (b) of the Liberian Constitution states that “the Republic shall preserve, protect and promote positive Liberian culture, ensuring that traditional values which are compatible with public policy and national progress are adopted and developed as an integral part of the growing needs of the Liberian society”, many harmful traditional practices are still widespread in the country, such as trial by ordeal, early marriage of girls, female genital mutilation and compulsory dowries.

66. Workshop participants agreed that the Government’s decision to abolish harmful traditional practices should be coordinated with different stakeholders. In the meantime, it is necessary to organize campaigns to raise the awareness of the population on the impact of harmful practices on the implementation of human rights. Participants also concurred that the rules and regulations governing the hinterland of Liberia should be either abolished or revised to bring them into line with the international human rights treaties that the Government has ratified. To do that, the main responsibility will be in the hands of the Ministry of Internal Affairs. The establishment of the Independent National Human Rights Commission is vital to the monitoring

of human rights violations in the country. The Ministry of Foreign Affairs has the responsibility for effectively distributing all copies of relevant ratified instruments to the judiciary and all Liberians. Non-governmental organizations should challenge injustices, even those in the courts; they should start to see themselves as pressure groups challenging the status quo.

## **VII. GAPS AND CONCERNS**

67. Funds from donors seem to be disbursed unequally between different counties, mainly because of the lack of infrastructure. Counties in the south-east received less funds and interventions than other parts of the country. Furthermore, belated funding, such as in the case of the Truth and Reconciliation Commission, create serious problems for the implementation of planned activities.

68. The lack of coordination in addressing cross-cutting issues such as human rights is a serious concern. The collaboration between the Ministry of Foreign Affairs and the Ministry of Justice seems to be very poor when harmonizing Liberian domestic laws with the international treaties ratified by the Government as well as in distributing copies of international human rights treaties to judiciary staff.

69. Lack of capacity was widely recognized as one of the most serious problems of government officers and civil society organizations. In Governments, ministers are often highly qualified. However, the lack of capacity and professionalism of ministry staff impedes the implementation of government economic and social development policies. Civil society is generally committed to the implementation of human rights standards in Liberia but frequently lacks the technical knowledge of how that should be achieved. A major weakness of civil society groups in Liberia is that they are mostly based in Monrovia and have little or no presence in the hinterland. The media need to do more to draw attention to serious human rights concerns.

70. From an economic standpoint, the devastation caused by the war has created great reliance on foreign direct assistance that must be replaced by enhanced local capacities, creativity and initiative. The lack of infrastructure, such as roads, bridges and electricity, has also impeded the rebuilding of Liberian economic and social life. It has also hampered the efforts of many donors and non-governmental organizations to reach remote areas of the country, especially in the south-eastern part.

## **VIII. CONCLUSIONS**

71. Though Liberia faces serious challenges in rebuilding its economy and society, the Government has made noteworthy progress in improving the human rights situation of its citizens. Initiatives launched by the Government, including the promotion of law reform and support for poverty reduction schemes targeting vulnerable groups in the population, demonstrate a commitment to ensure that all Liberians have access to justice and are able to enjoy their basic human rights, including the right to life, the right to health and the right to education.

72. For this potential to be realized, however, a number of issues will have to be addressed. Gaps in capacities and resources threaten the ability of the health and education systems to provide essential services to the population as a whole and to certain vulnerable groups in



particular. As a result, social problems such as high rates of illiteracy, infant mortality and HIV/AIDS cannot be adequately addressed. Lack of capacity and poor organization have undermined the ability of the justice system to combat gender-based violence and other human rights violations. Delays in establishing the Independent Human Rights Commission and a law reform commission jeopardize the credibility of the Government in human rights protection and law reform as well as the progress it has made in these critical areas.

73. Owing to the close relationship between poverty in all its forms, human rights violations and conflict, the stakes in resolving the above-mentioned problems are high. The recent past of Liberia has clearly shown the tragic consequences that can result from neglecting political, civil, economic, social and cultural rights.

## **IX. RECOMMENDATIONS**

74. **To reinforce the progress made in Liberia in improving its human rights situation, the independent expert makes the recommendations as set out below.**

75. **The independent expert calls on the Government of Liberia:**

- **To urgently take steps to ensure that domestic laws are harmonized with the international human rights treaties it has ratified;**
- **To take action to establish an effective and accountable Independent National Commission on Human Rights;**
- **To act to remove any form of legal basis for harmful traditional practices, such as tried by ordeal, and take a strong and consistent stance against those practices;**
- **To issue regulations prohibiting courts from allowing out-of-court settlement in rape cases;**
- **To provide training on gender sensitivity for judges and judiciary staff;**
- **To work with the international community to ensure that shortfalls in the delivery of health services resulting from the gradual withdrawal of international humanitarian non-governmental organizations from certain areas can be bridged;**
- **To consider implementing a quota system to both secondary schools and universities to ensure that the wide disparities between the educational achievement of male and female students in certain regions can be reduced;**
- **To consider opening schools for pregnant girls to ensure that such girls have equal access to education;**
- **To consider extending the mandate of the Truth and Reconciliation Commission to allow it to complete its work.**

**76. The independent expert calls on the international community:**

- **To support the establishment of a functioning statutory legal system by promoting the development of local capacities;**
- **To cooperate with the Ministry of Planning and Economic Affairs and the Ministry of Finance to create a mechanism to ensure that all interventions and expenditure from donors for public sector projects are equitably distributed among all counties.**

**77. The independent expert invites donor countries:**

- **To respect their commitment to the Paris Declaration by aligning the provision of aid more closely to the priorities set by the Government, by assisting the Government to strengthen its capacities and by eliminating duplication of effort among each other;**
- **To provide firmer commitments on the amount and timing of aid.**

**78. Furthermore, the independent expert calls on the United Nations Mission in Liberia:**

- **To assist in developing the capacity of civil society in Liberia to provide constructive inputs into policymaking processes at the national and subnational levels;**
- **To assist the Government in evaluating the results of the pilot project to incorporate stronger human rights commitments into concession agreements with rubber plantations and extractive industries and to support the Government in developing model agreements based on that project.**

**79. The independent expert invites the United Nations country team to collaborate to create shelters for victims of gender-based violence.**

**80. The independent expert calls on the Office of the United Nations High Commissioner for Human Rights:**

- **To provide more training materials on human rights to the Human Rights Unit of the Ministry of Justice;**
- **Alongside the African Union, the Economic Community of West African States, the European Union, United Nations agencies and UNMIL, to collaborate with the Government and all stakeholders to provide training and possibilities for exchanging experience to police and judiciary staff to strengthen their work from a human rights perspective at the regional level.**

**Annexes\***

**I. LIST OF INTERLOCUTORS**

**Government officials**

Ellen Johnson Sirleaf	President of Liberia
George W. Wallace Jr.	Minister for Foreign Affairs
Johnie Lewis	Chief Justice
Kofi Woods	Minister for Labour
Joseph Korto	Minister for Education
Vabah Gayflor	Minister for Gender and Development
Walter Gweningale	Minister for Health and Social Welfare
Kruba B. Kollie	Deputy Minister and Legal Counsellor, Ministry of Foreign Affairs
Simeon M. Moribah	Deputy Minister for Economic Affairs and Policy, Ministry of Planning and Economic Affairs
Vivian J. Cherue	Deputy Minister for Health and Social Welfare, in charge of Administration
Joseph W. Greebo	Deputy Minister for Planning, Ministry of Health
Hawah Gall-Kutchi	Deputy Minister for Administration, Ministry of Education
Tiawan S. Gongloe	Solicitor General, Ministry of Justice
Maxwell L. Jones	Special assistant, Ministry of Foreign Affairs
J. Cole Bangalu	Assistant Minister for Trade Union, Ministry of Labour
Rosetta C. Nagbe-Jackollie	Assistant Minister for Labour Standards, Ministry of Labour
Nathaniel B. Vah	Special Assistant, Ministry of Gender and Development
David Z. Logan	Coordinator of Liberia Coordinating Mechanism, Ministry of Health and Social Welfare
Vera C. Swengbe	Research analyst, Ministry of Foreign Affairs

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\* Annexes are issued in the language of submission only.

Joseph Johnson	Chief Human Rights Unit, Ministry of Justice
Viaama J. Blama	Legal Counsel and National Coordinator for Peace, Human Rights and Citizenship Education, Ministry of Education
Olivia L. Marse	Director of School Health Division, Ministry of Education

### **Members of the Legislature**

Edwin Snowe	Speaker of the House of Representatives
Isaac Nyenbo	President Pro Tempore, Speaker of the Senate
Fredrick Cherue	Chair, Standing Committee of Human Rights (Senate)

### **Truth and Reconciliation Commission**

Jerome Verdier	Chairman
Bishop Arthur F. Kulag	Commissioner
Oumu Syllah	Commissioner
Pearl Brown Bull	Commissioner
Dede A-Dolopei	Commissioner
Sheikh Kafumba Konmeh	Commissioner
Gerald Coleman	Commissioner
Nathaniel Kwabo	Executive Secretary

### **Diplomatic community**

Amb. Ansumana Ceesay	Special Representative of the Executive Secretary of the Economic Community of West Africa
Amb. Noumou Diakite	Head of Office, African Union
Essesien Ntekim	Minister, Deputy Chief of mission, Embassy of Nigeria
Peter Edako	Second Secretary, Embassy of Nigeria

### **United Nations agencies and international organizations**

Marie-Threase Kaeting	UNDP, Deputy Resident Representative
Rozanne Chorlton	UNICEF, Country Representative
Renata Dubini	UNHCR, Representative

Rose Gabuka	UNFPA, Resident Representative
Masaneh S.K. Bayo	UNDP, Programme Manager of Human Rights and Gender Protection Programme
Chipo C. Nyambuya	UNDP, Governance Officer
Mohammed Fahnbulleh	UNDP, Programme Assistant
Raouf Mazou	UNHCR, Regional Repatriation Manager
Allen Lincoln	UNIFEM, Programme associate

#### **UNMIL**

Jordan Ryan	Deputy SRSG for Recovery and Governance
Eugene Nindorera	Chief, UNMIL Human Rights and Protection Section
Zainab Hawa Bangura	Chief, Civil Affairs
Kamudoni Nyasulu	Deputy Director, Legal and Judiciary System Support Division
Hiroko Mosko	Environmental Adviser
Andrea Tamagnini	Director, Reintegration, Recovery and Rehabilitation Unit
Marjo Callaghan	Chief of the Corrections Advisory Unit
Mohammed Alhassan	Police Adviser
Lorna Wilson Morgan	Police Officer
Joseph Gillespie	Human Rights Adviser, HRPS
Ireneo Namboka	Human Rights Adviser, HRPS
Raphael Abiem	Human Rights Adviser, HRPS
Kitty Ketevan Gagnidze	Human Rights Adviser, HRPS
Lucila Beato	Human Rights Adviser, HRPS
Kagwiria Mbogori	Human Rights Adviser, HRPS
Fiona Adolu	Human Rights Officer, HRPS

## II. LIST OF PARTICIPANTS IN THE WORKSHOP TO PROMOTE AND PROTECT HUMAN RIGHTS

### Government officials

Cyprus O. Seh	Ministry of Justice
Jerry Wonde	Ministry of Justice
William Togba	Ministry of Justice
Yussif Kaba	Judge
William Jallah	Ministry of Internal Affairs
Edward Gblee	Ministry of Health
Patrick Chorton	Ministry of Labour

### Civil society organizations

Augustine Toe	Peace Commission
Robert Clarke	Lowe FM
Admed Sheviff	Heritage
D. Melim Nyanway	Independent National Commission on Human Rights
Ernest Passade	Independent National Commission on Human Rights
Sallu Swaray	
Morris Kamara	MODHAR
Patrick Lobbo	Veritas
Rebecca Freeman	MICAT
Nindi Tarley	New Democrat
Sonnie Marion	Sky FM
Kingston Harmon	King's FM
Zeze Ballah	Public Agenda
Ellen Whyte	Independent National Commission on Human Rights
Bob Woods	National Chronicle

Augustine Octaves	King's FM
Timothy Opobo	AMPPLAM
Roosevelt Sackir	LINLEN
G. Wesseh	Independent National Commission on Human Rights
Caroline Bowah	FOHRD

**UNMIL**

Edwin Genowa	UNMIL radio
Micheal Sahr	UNMIL
Adama Dempster	UNMIL
Stephen Ricks	UNMIL
Ireneo Namboka	Human Rights Adviser, HRPS
Raphael Abiem	Human Rights Adviser, HRPS
Fiona Adolu	Human Rights Officer, HRPS

**United Nations agencies**

Edwin Dorbor	UNICEF
Mohammed Fahnbulled	UNAIDS

### **III. PARTICIPANTS IN MEETINGS WITH MEMBERS OF CIVIL SOCIETY**

Robert Williams	Liberia Democracy
Jagbai Nah	Movement for the Defence of Human Rights in Liberia
Yussif Kaba	Judge
Augustine Toe	Peace Commission



**IV. LIST OF PARTICIPANTS IN THE MEETING WITH PARAMOUNT CHIEFS  
OF GRAND CAPE MOUNT COUNTY**

Bai K. Bafalie	Paramount Chief
Vanney K. Fahnbulleh	Traditional operation
Bamba Vanjan	Traditional men's affairs
Sakou Balo	Traditional Da-zoe
Ma-yatta Fahnbulleh	Traditional women's affairs
Ma-siadia I. Bonnas	Traditional local zoe
Kula Kromah	Traditional chief
B. John Gray	Adult assistance
Robert B. Kiazahi	Youth secretary
Lasidu Pusah	Political affairs adviser

## V. MAP OF LIBERIA

