



**General Assembly**

Distr.  
GENERAL

A/HRC/9/15  
15 August 2008

Original: ENGLISH

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HUMAN RIGHTS COUNCIL  
Ninth session  
Agenda item 10

**TECHNICAL ASSISTANCE AND CAPACITY-BUILDING**

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

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\* Late submission. The annexes are circulated in the language of submission only.

## Summary

The present report sets out the findings of a mission that the independent expert undertook to Liberia from 6 to 20 July 2008. Over the course of this mission, the independent expert met high-level representatives of the executive and legislature, government officials, civil society, United Nations agencies and funds, some traditional rulers and the diplomatic community. The information received served as valuable inputs for the independent expert's assessment of progress, concerns, challenges and gaps with regard to the promotion and protection of human rights in Liberia.

This report is submitted pursuant to Human Rights Council resolution 6/31 in which the Council invited the independent expert to submit a final report at the ninth session.

For the first time in the history of Liberia, the Government led by President Johnson Sirleaf, has actually brought governance to the people by periodically holding cabinet meetings in the counties. Many ministries are effectively planning programmes taking into account the need for greater control at county level. The Truth and Reconciliation Commission is nearing completion of its core activities, with public hearings coming to a close, and an extension of its mandate to December 2008 has been agreed. Furthermore the launching of a judicial training centre, and the possible introduction of paralegals in the very near future, are positive developments in the move to strengthen a weak judiciary.

The installation of a new democratically elected Government which took office in January 2006 has led to accelerated progress on a number of human rights and development issues including economic and social rights. Rehabilitation of some schools and hospitals and construction of new premises, the adoption and launching of the Poverty Reduction Strategy Paper following a consultative process were all much needed achievements.

Serious concerns remain however. One of the key defining elements of an effective national human rights protection system is the existence of an effective national independent human rights commission. While acknowledging the progress that has been made since the last report, the independent expert urges the Government to speedily establish this body which should be mandated by the enabling legislation to function in full compliance with the Paris Principles.

There is an urgent need for far-reaching reforms in the policing, judiciary and correction sectors. In addition, action needs to be taken to ensure that protective and punitive measures are enforced in relation to the ongoing scourge of sexual violence. The lack of protection for children who represent the future of this nation must be addressed immediately. The persistence of harmful traditional practices which include the inflicting of trials by ordeal on suspected witches and other alleged offenders of local communities, and the practice of female genital mutilation, is a major concern.

The primary responsibility for the protection of its citizens lies with the Government and clear policy choices must be made. However, support should also be forthcoming from the international community in a timely and effective manner to address capacity gaps within Government structures. In particular the necessary resources for the implementation of the key Poverty Reduction Strategy must be found.

The independent expert concludes the report with a set of recommendations for the Government of Liberia, the international community and the United Nations. The Government of Liberia needs the support of all actors in its efforts to re-establish the rule of law and the administration of justice, but it must demonstrate a willingness to discharge its obligations under international law and protect its citizens.

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## **I. HIGHLIGHTS OF THE PREVIOUS REPORT**

1. The last report of the independent expert on technical cooperation and advisory services in Liberia (A/HRC/7/67) noted that the Independent National Commission on Human Rights had not been established, despite the enabling legislation dating back to 2005, and no commissioners had been appointed. The Truth and Reconciliation Commission (TRC) had established a secretariat and the recruitment of an executive secretary was completed, together with the adoption of revised rules and regulations. The TRC had commenced public hearings and concern was expressed that new members of the International Technical Advisory Committee, who could provide legal capacity, were not in place. The enabling legislation for the law reform commission, which had been a stated priority under the Government's 150-day programme, had not been drafted. Serious concerns were also expressed about the persistence of discriminatory and harmful traditional practices such as female genital mutilation and trial by ordeal. The lack of adequate protection for the most vulnerable and marginalized groups such as children, women and the disabled was particularly noted. The need for respect for the rule of law and specifically the need to address the weak and dysfunctional judiciary, were identified as key components of an effective promotion and protection of human rights.

## **II. RECENT DEVELOPMENTS**

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

2. The increase in armed robbery constitutes a significant internal security threat. The Liberian National Police (LNP) launched Operation Thunderbolt in an effort to curb this phenomenon but a long-term and sustainable strategy which takes into account the extreme poverty and the high unemployment rate in Liberia needs to be developed.

3. There are a number of other internal situations which may pose a security threat if not dealt with. The resort to violence to resolve land and property disputes, as recently witnessed in Margibi County with the killing of 14 casual labourers and further disputes in Maryland, Bong and River Cess counties, is a worrisome trend. This is a conflict resolution area deserving of attention. There is also the need for greater attention to the corrections sector. An overcrowded Monrovia Central Prison and lack of respect for the judicial guarantees of detainees are giving rise to tensions which must be addressed.

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

4. At the time of writing public hearings have been conducted by the TRC in all counties and in the diaspora, and hearings are due to be held in Monrovia in the coming month, where witnesses who have not voluntarily provided evidence are to be subpoenaed. Furthermore an information management system has been put in place by the TRC and the statements collected, during the earlier statement-taking activities, are being analysed to determine patterns of violations.

5. Concern has been expressed about the inadequate witness and victim protection system. The independent expert has received information in relation to cases of harassment and intimidation and while an ad hoc protection system has been set up it may prove to be ineffective in the long term. Measures to provide protection need to be put in place.

6. The TRC has functioned without the members of the International Technical Advisory Committee (ITAC). The Office of the United Nations High Commissioner for Human Rights (OHCHR) has in fact nominated a member but he is not yet in place. The Economic Community Of West African States (ECOWAS) which is due to nominate the other two members of this three-member committee, has not yet made any nominations.

7. The extension of the mandate for three months to December 2008 is welcomed by the independent expert and it is hoped that the Commission will produce a comprehensive report which will include specific follow-up measures to ensure the timely and effective implementation of its recommendations. These recommendations should include provisions on reparation programmes and suggestions for reforms to prevent abuses in the future. This final report should serve as the Commission's most enduring legacy. It is imperative that a workplan with identified benchmarks be developed so that this process can be concluded in an organized and timely manner.

8. It should be remembered however that the TRC is only one element of what should be a comprehensive transitional justice strategy. The Government must also take steps to put in place effective mechanisms and programmes to provide reparation, in all its forms, to citizens. This is primarily the responsibility of the State and steps should be taken even before the recommendations of the TRC are issued in its final report. The many victims, including those of rape and sexual violence, are living with the consequences of the abuses suffered in that period. Victims of rape in particular are now facing multiple discrimination. National reconciliation must be vigorously pursued.

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

9. The amendments to the enabling legislation which was first adopted in 2005 are presently before the legislature. It is critical that any amendments do not compromise the independence of the Commission and that the enabling legislation provide for a body that is in full compliance with the Paris Principles as endorsed by the General Assembly in 1993.<sup>1</sup> The independent expert is encouraged by the engagement of civil society in this process and met with representatives of civil society to discuss suggested changes to the proposed legislation amending the enabling act, such as the power of the Commission to seek enforcement of its decisions where necessary, and the establishment of criteria for the Commissioners.

10. The Commission will have several important functions including advising the Government on the human rights situation and making recommendations. In particular the Commission will reinforce the rule of law by enhancing an area that is often overlooked in the justice sector. This relates to complaints in connection with the behaviour of Government officials that may not rise to the level of crime but infringes on human rights and amounts to administrative misconduct. It is important that the Government show commitment to addressing this area

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<sup>1</sup> Resolution 48/134.

in order to promote good governance and enhance public confidence in State institutions. In addition, the Independent National Commission on Human Rights will also be the primary mechanism for the implementation of any recommendations arising out of the final report of the Truth and Reconciliation Commission pursuant to the enabling legislation for the TRC.

11. It is imperative that any further delays which might arise in the creation of this national human rights commission be urgently addressed, particularly in light of the fact that the TRC is due to complete its mandate shortly. Ensuring implementation of any recommendations made by the TRC will need this mechanism to be in place.

#### **D. Legislature**

12. The independent expert in her meetings with the legislature stressed the importance of parliamentarians as essential actors in the promotion and protection of human rights. In addition to adopting laws their functions include adopting the budget and supervising the executive to ensure that the laws are respected. In this connection, parliament was commended for recently passing positive bills, including the enabling legislation for the anti-corruption commission and the freedom of information bill, and undertaking public hearings on key human rights bills.

13. However the adoption of the bill to amend the New Penal Law of 1976 on 15 July 2008 provides for the death penalty. The bill was introduced in reaction to public outcry following the upsurge in armed robberies in Monrovia. Liberia acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights in 2005 and thus has a legal obligation to abolish the death penalty. The independent expert reminded the Government of its obligation under this instrument and of General Assembly resolution 62/149 calling for a moratorium on the death penalty.

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

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

14. In July 2008 the draft enabling legislation for the establishment of the law reform commission was with the lower house of parliament. This is a positive development and the operationalization of this commission must be a priority for the Government as it will be responsible for constitutional review, reviewing the compatibility of domestic legislation with international human rights standards, and ensuring that current and future international and regional human rights treaties are domesticated.

#### **B. Rule of law**

15. Liberia needs to move more quickly to effectively establish the rule of law and the administration of justice throughout the country. While there are many institutions involved in the rule of law, and promoting transparency and accountability in the overall public administration is critical, the key institutions of the judiciary, the police and the corrections



service deserve particular attention. A lack of public confidence in the State authorities together with a lack of resources may create a dangerous dynamic if not addressed, and seen to be addressed, in a decisive manner. Failing to address the existing lack of confidence within the population could have a devastating impact on reform efforts.

16. The justice sector should receive immediate attention as reform in this area is central to peace, security, development and respect for human rights. The independent expert welcomes recent developments to address the lack of qualified personnel within the judiciary. Notably the launching of the Judicial Training Institute will provide training to personnel at all levels of the judiciary, and will include orientation programmes for new judicial staff as well as continuing legal education for current members of the judiciary. In addition, the future use of paralegals in the Liberian legal system who will not function as qualified lawyers but will be in a position to offer legal advice, thereby increasing people's access to justice, is to be welcomed.

17. However, at present the weak and dysfunctional judiciary is resulting in many trials being conducted in violation of fair trial standards, trials are repeatedly postponed and courts remain inoperational. In River Cess County the circuit court has remained inoperational since the opening of the May Term of court hearings and in Lofa County the court closed its May term early. Furthermore Justices of the Peace (JPs) have continued to hear cases even though their commissions have expired. They have no legal authority to exercise judicial functions but in Bong County for example the JP is still operating and has the use of a detention cell. In River Gee County a JP is operating on the basis of a letter of authority from the county attorney, while the law clearly provides that only the President has the power to appoint and commission JPs.

18. It is clear that there is need for assistance to the judiciary in a variety of ways including improving the management and administration of the courts, training of all judicial personnel, and provision of the material resources necessary to run a judicial system. Training and support must also be provided to both prosecutors and defence lawyers, to assist with the smooth running of the sector.

19. Much work has been done in the area of police reform and the United Nations Mission in Liberia (UNMIL) has assisted with the training of 3,700 new members of the Liberian National Police (LNP). However all this training will do little to enhance respect for human rights and the rule of law if the police are not managed properly, are not provided with vehicles, communication equipment or sufficient fuel and if an effective oversight body is not in place to ensure accountability of the police to the community it serves. It is vital that gaps in institutional capacity be addressed. Reform of the LNP is a multifaceted effort and the independent expert was encouraged to hear of ongoing plans, such as the research being carried out by UNMIL and the police service into options for a better accountability system.

20. The corrections sector is sometimes referred to as the anchor of the criminal justice system and is in need of urgent attention. Monrovia Central Prison is overcrowded which places a big strain on the utilities and facilities in the prison. It currently holds over 960 detainees with only 38 staff. Separate blocks for female and juvenile detainees were recently constructed with donor funding. However 95 per cent of the detainees held in the prison are pretrial detainees some of whom have been held without trial for over two years. This is as a result of a weak and dysfunctional judicial system, inadequate investigation of cases, alleged corruption which results in prisoners' cases not being brought to court without payment of a fee, absence of legal aid for

poor prisoners who cannot afford the services of defence counsel, lack of sufficient courts to handle cases and a shortage of prosecutors. The common call from detainees during the visit of the independent expert was simply that they wanted to go to court. Failure to observe the legal and procedural guarantees for pretrial detainees is a serious challenge to respect for human rights in prisons.

21. The independent expert was deeply concerned at the degree to which the norms for the protection of persons accused of crime, and deprived of liberty by the authorities, have not been respected. In particular access to medical and mental health care was woefully inadequate. Failure to respect and protect basic rights leads to tension within the prison population and given the high ratio of prison staff to detainees (1:22) this is effectively also a security issue.

22. A holistic approach, which seeks to address all components of the criminal justice system, must be taken if the situation in the corrections sector in Liberia is to be effectively tackled. Such an approach would demand training for prosecutors who, some interlocutors felt, were too slow in prosecuting cases but were also guilty of proceeding with charges where insufficient evidence existed. Thus, individuals who should not be deprived of their liberty are entering the criminal justice system. Such individuals are remanded and then unnecessarily held in pretrial detention. Their cases are not being processed through the court system in a timely manner.

23. Unless the deficiencies in the rule of law are addressed, including those identified above, impunity will not be successfully tackled. This is currently one of the greatest challenges facing Liberia today.

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

##### **A. Human rights of women**

24. Rape and sexual violence remain the most frequently committed serious crimes in Liberia. In addition most health facilities are inaccessible to victims who seek comprehensive emergency care and available 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. There has been no significant improvement in the weak implementation of the revised provisions of the criminal code related to rape, which came into effect in January 2006, as reported in earlier reports.<sup>2</sup>

25. However a lot of good work is being done by the Government of Liberia, together with UNMIL, in this area. The awareness campaign launched jointly by the Government of Liberia and UNMIL in December 2007 has led to an increase in the reported incidents of rape and this effort is likely to be further strengthened by the planned dissemination of the relevant provisions of the penal code on rape and sexual violence. Furthermore the national action plan on gender-based violence is to be supported by a four-year joint United Nations/Government programme. Assistance for the establishment of a special unit within the Ministry of Justice to prosecute gender and sexual violence cases, accompanied by appropriate capacity-building

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<sup>2</sup> A/HRC/4/6 and A/HRC/7/67.

measures, will be part of this programme. The decision in May 2008 to dedicate a court to hearing cases of gender and sexual violence cases in Monrovia, the establishment of which has been advocated for two years by the Association of Female Lawyers of Liberia, is yet another positive development.

26. The new safe house, which is being run by the local non-governmental organization (NGO) Touching Humanity in Need of Kindness (THINK) and supported by the United Nations Children's Fund (UNICEF), is a critical support measure and should allow for support to be given to women outside of Monrovia. 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 in seeking assistance or reporting 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 the confidentiality and support services that victims need. This situation discourages victims of rape from reporting cases to the police.

27. The independent expert was alarmed to find that there has been no change in the rate of maternal mortality. While acknowledging the policies and programmes that the Ministry of Health and Social Welfare has formulated to address the causes of maternal mortality the independent expert urged that this matter be given greater priority. There should be no discrimination against women because of their reproductive function.

28. The Government is to be commended for efforts undertaken in July 2008 to secure ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Article 4 calls for the elimination of violence against women in public and in private. In order to effectively implement the Protocol and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), including general recommendation No. 19 (1992) on violence against women of the Committee on the Elimination of Discrimination against Women, the independent expert urged the Government to begin the process of drafting a comprehensive domestic violence bill. Civil society should play a key role in this process.

## **B. Human rights of children**

29. The recommendations of the Child Protection Network Task Force on Orphanages in 2006 were not implemented, which further highlights the lack of protection of these vulnerable members of society. Illegal orphanages remain open. A second task force concluded its report and made recommendations in 2008. This report has not been made public. In addition the standard minimum rules for the upkeep of orphanages, which were also adopted by the Ministry in 2006, set out a maximum occupancy rate of 50 in each orphanage. This is not respected and is undermining the decision to close illegal orphanages. Effectively the Government's decision to pay subsidies to all orphanages, including illegal ones, for each child even where the numbers exceed the recommended maximum of 50, is perpetuating the injustice and lack of protection.

30. In relation to international adoptions, the existing legislation is outdated, and although information was received that draft legislation which seeks to incorporate international standards is being considered, it is important that a moratorium on adoptions be maintained until revised legislation and guidelines which conform to international standards are in force.

31. Another aspect of the lack of protection for children relates to the protection of school girls. There is no provision on sexual abuse in the Education Law of Liberia and recent cases of approximately 30 teenage pregnancies in one school highlight the need to address this aspect of child protection as a matter of urgency.

### **C. Harmful traditional practices**

32. Harmful and discriminatory traditional and customary practices such as trial by ordeal, female genital mutilation, and early child marriage continue to exist. The recent initiative of the Ministry of Internal Affairs to hold consultations with traditional leaders of the 15 counties on the challenges of eliminating harmful traditional practices and to seek to harmonize the beliefs and values of the traditional system with international and regional human rights framework is welcome. There is a great need for continual awareness raising and particularly to emphasize the negative health implications for women and girls, and the community as a whole.

### **D. Civil society**

33. The independent expert was encouraged by the role of civil society in initiating the freedom of information bill which was passed by Parliament in July 2008. An active civil society is a vital element in an effective human rights protection system. No reforms will be successful and lead to real change without the support and input of this sector.

34. The independent expert was encouraged to see the coordinated manner in which the amendments to the enabling legislation for the independent national human rights institution were examined and commented upon by civil society, representatives of which then attended the committee hearings at the Senate to make their views known and advocate for change. This should be replicated in all areas relating to strengthening promotion and protection of human rights and significant capacity-building is needed. The international community has an important role to play and to truly build participation by groups working on human rights, justice, women's rights, children's rights, the rights of the disabled and of the mentally ill, means that they must be involved in planning, research, and developing strategies and budgets.

35. It is essential and critical to the sustainability of projects and programmes that civil society organizations also be involved in mechanisms for the evaluation of reforms and in seeking accountability in cases of non-performance or misbehaviour. Labour law reform and advocating for improvement in workers' conditions are issues on which these groups could have a strong impact.

36. It is encouraging to hear of the work being done by many NGOs, together with the international community, with children of school age through human rights clubs so that future leaders and parents of this country will be familiar with human rights values from a young age. Fighting discrimination is a long-term goal and civil society must be empowered to take the lead on this issue, and especially in relation to the rampant discrimination against women evidenced by the high level of violence against them.

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

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

37. Poverty should be seen as multidimensional and the Poverty Reduction Strategy Paper (PRSP), which was drafted following an extensive consultation process and which was enthusiastically welcomed at the Berlin Conference in June 2008,<sup>3</sup> recognizes this fact. The Poverty Reduction Strategy seeks to build a foundation for rapid, inclusive and sustainable economic growth and also to ensure the rehabilitation of infrastructure and the delivery of basic social services. It is important that the fundamental human rights principles of accountability and non-discrimination - particularly geographic and ethnic - be respected throughout the implementation process.

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

38. Many people in Liberia do not enjoy the right to food. Currently 40-45 per cent of the population is moderately to highly food insecure, and the need for both short-term and long-term strategies to deal with this situation is pressing. The current situation is being exacerbated by the global food security crisis and the rise in fuel prices. In order to mitigate its effects on the population the Government has made priority interventions to try and ensure access to affordable food, particularly to vulnerable households. Such measures include the removal of consumer tax on rice and negotiating with partners to ensure availability. A comprehensive action plan to increase food production is also being put in place by the Ministry of Agriculture. The school feeding programme has received a boost following recent commitments by the World Food Programme, so the nutritional requirements of schoolchildren are met.

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

39. The fact that studies on labour law reform are now finalized by the Ministry, and an issues paper has been produced, is a welcome development. The archaic laws, some of which are over 20 years old, are in need of radical review to bring them in line with international standards. The establishment of a national tripartite committee on which employers, workers and Government are represented is an important step to promoting social dialogue.

40. However the high rate of unemployment and vulnerable employment is cause for concern and underlines the need for independent and effective trade unions. In both the public and private

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<sup>3</sup> 2008 Liberia Poverty Reduction Forum toward Rapid, Inclusive, and Sustainable Development.

sectors workers are obliged to face substandard and often dangerous conditions. In particular the situation for workers on rubber plantations has not significantly improved, despite previous recommendations.

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

41. Revitalization of the health-care sector has begun and projects for the rehabilitation of the JFK Hospital in Monrovia are ongoing. However the current system is not adequately funded and equipped. The impending withdrawal of non-governmental organizations working in this sector, now that Liberia is moving from the emergency to the development phase, will place additional pressure on the national health system particularly at a time when more Liberian refugees are returning.

42. The Ministry of Health and Social Welfare has an ambitious five-year health plan and during the visit of the independent expert a conference to review the first year of implementation took place. The provision of a basic package of health services to each community is central to this plan and is welcomed by the independent expert.

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

43. Given that education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty, the critical state of the education system is of major concern. The Ministry of Education has an ambitious five-year programme, scheduled to start in September 2008. Five counties in the south-east, River Cess, River Gee, Grand Kru, Sinoe and Maryland counties, have been identified as particularly deprived and are to be targeted first. In an effort to address the inequitable distribution of educational facilities throughout the country, schools are to be rehabilitated or constructed and textbooks distributed so as to reduce the current pupil to textbook ratio in primary schools. Most importantly creative teacher training opportunities are to be provided.

44. The education of the girl child is to be the subject of a specific programme at the Ministry, which includes affirmative action. In this regard, it is important to encourage parents to ensure their daughters complete their primary education and progress to secondary level and beyond.

### **VI. PROGRESS IN IMPLEMENTATION OF PREVIOUS RECOMMENDATIONS MADE BY THE INDEPENDENT EXPERT**

45. The establishment of the Judicial Training Institute should allow for implementation of the recommendation made in the previous report in relation to the necessity for gender sensitivity training for judges and judicial staff.

46. The independent expert notes with satisfaction that the Ministry of Health and Social Welfare is working with its partners to mitigate the negative impact caused by the gradual withdrawal of the non-governmental organizations which had assisted in the critical health sector.

47. The extension of the mandate of the TRC to December 2008 is welcomed. The independent expert is further encouraged by the commitments made in the PRSP and other programmes to ensure equitable distribution of funds and services. Progress has been made towards the establishment of the Independent National Commission on Human Rights and the law reform commission.

## **VII. GAPS AND CONCERNS**

48. The Government and its partners should take all measures to ensure that discrimination and marginalization in political and economic terms, as well as access to effective justice, are addressed so that the mistakes of the past, which had such tragic consequences, are not repeated. The Government has drafted and is in the course of implementing programmes in the area of economic and social rights and this implementation needs to be constantly monitored and evaluated so that any needed adjustments can be made promptly. There is a great need to move forward with a national conference on the rule of law with the assistance of UNMIL so that a national policy and framework can be put in place.

49. The domestication of international human rights instruments, many of which were acceded to in 2005, is crucial to an effective national human rights protection system so that citizens can enjoy these rights at the national level. The political will required to move this process must be demonstrated and civil society can play a pivotal advocacy role in this context.

## **VIII. CONCLUSIONS**

50. The Government of Liberia faces serious challenges in rebuilding its economy and society and in meeting its obligations to respect, protect and fulfil human rights guarantees. Some progress has been made, notably with the elaboration of the Poverty Reduction Strategy, and ongoing plans by various line ministries have the potential to contribute to the enjoyment of human rights and the delivery of basic services.

51. Since the inauguration of the present Government in 2006 remarkable progress has been achieved. A milestone in this process was the successful launching of the Poverty Reduction Strategy in Berlin in June 2008. Indicators for key economic and social growth continue to improve, with economic growth close to 10 per cent. School enrolment has also risen. In addition, Liberia actually reached the decision point under the enhanced HIPC initiative for debt relief in March 2008. Nonetheless, in spite of this progress the situation in Liberia remains fragile.

52. A joint Government and United Nations security assessment in all 15 counties carried out in May 2007 indicates that there is an urgent need to improve the institutional capacity of the national security and rule of law agencies. Many Liberians continue to have little confidence in the Liberian National Police and the justice system, and as a result some people resort to extrajudicial measures including mob violence. There are still too many gender-related violent crimes such as rape.

53. Dealing with the many remaining challenges requires great political commitment. It is the responsibility of the State to ensure the necessary measures and protection systems are in place. This will require clear policy choices to be made and allocation of budgetary resources to the critical areas identified in this report, e.g. protection of children, police, judiciary and corrections. In this connection the role of Parliament is crucial. It should be an active and vocal partner in reform efforts. The international community has a very important role to play as funding of reforms is a major challenge and provision of technical and advisory services throughout this process is equally crucial. The support of an active civil society is an essential ingredient to ensure that reforms are implemented and sustained.

## **IX. RECOMMENDATIONS**

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

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

- (a) Formulate a national policy on decentralization, and corresponding increase in political participation at local level with clear guidelines and time frame for implementation;**
- (b) Establish the Independent National Commission on Human Rights without delay;**
- (c) Take measures to ensure that the standard minimum rules in relation to the running of orphanages are respected and that the recommendations of the task force of 2006 are implemented;**
- (d) Convene a national conference on the rule of law as soon as possible to address the need for far-reaching reforms and elaborate a comprehensive strategy;**
- (e) Increase efforts to strengthen the corrections sector;**
- (f) Pass the enabling legislation for the establishment of the Law Reform Commission;**
- (g) Domesticating international and regional human rights instruments that are already ratified;**
- (h) Eliminate harmful and discriminatory traditional and customary practices;**
- (i) Draft, in full consultation with civil society, a comprehensive bill on domestic violence.**

56. **The independent expert invites donor countries to:**

- (a) Honour pledges made to support implementation of the Poverty Reduction Strategy in a timely manner;**



**(b) Assist the Government to establish safe havens for victims of rape and domestic violence in all the 15 counties.**

**57. Furthermore, the independent expert calls on the United Nations Mission in Liberia to continue to support capacity-building in both Government and civil society, including non-governmental organizations.**

**58. The independent expert calls on the United Nations System to continue to provide all possible assistance, particularly in the areas of human rights, peace, security and development.**

**Annex I**

[English only]

**LIST OF INTERLOCUTORS**

**Government officials**

|                       |                                                                                              |
|-----------------------|----------------------------------------------------------------------------------------------|
| Ellen Johnson Sirleaf | President of Liberia                                                                         |
| Joseph Boakai         | Vice-President of Liberia                                                                    |
| Olubanke King-Akerele | Minister of Foreign Affairs                                                                  |
| Philip A.Z. Banks     | Minister of Justice                                                                          |
| Samuel Kofi Woods     | Minister of Labour                                                                           |
| Joseph Korto          | Minister of Education                                                                        |
| Vabah Gayflor         | Minister of Gender and Development                                                           |
| Walter Gweningale     | Minister of Health and Social Welfare                                                        |
| Christopher Toe       | Minister of Agriculture                                                                      |
| Conmany B.Wesseh      | Deputy Minister of Foreign Affairs for<br>International Cooperation and Economic Integration |
| Kruba B. Kollie       | Deputy Minister and Legal Counsellor,<br>Ministry of Foreign Affairs                         |
| Estelle K. Liberty    | Deputy Minister for Administration,<br>Ministry of Internal Affairs                          |
| Vivian J. Cherue      | Deputy Minister of Health and Social Welfare in<br>charge of Administration                  |
| Joseph W. Geebro      | Deputy Minister of Health and Social Welfare                                                 |
| Hawah Gall-Kutchi     | Deputy Minister for Administration,<br>Ministry of Education                                 |
| James F. Andrews      | Assistant Minister, Ministry of Education                                                    |
| Josephine T. Porte    | Assistant Minister, Ministry of Education                                                    |
| Christopher T. Sawboh | Assistant Minister, Ministry of Education                                                    |

|                         |                                                                               |
|-------------------------|-------------------------------------------------------------------------------|
| Fatumata Sheriff        | Assistant Minister for Corrections and Rehabilitation,<br>Ministry of Justice |
| Tiawan S. Gongloe       | Solicitor-General, Ministry of Justice                                        |
| Yarsuo Weh Dorliae      | Governance Commission                                                         |
| Barsee Dougbakollia     | Superintendent, Monrovia Central Prison                                       |
| Lt. Col. Artur K. Zotay | Monrovia Central Prison                                                       |

**Members of the Legislature**

|                  |                                                                             |
|------------------|-----------------------------------------------------------------------------|
| Isaac W. Nyenabo | President Pro tempore of the Senate                                         |
| Fredrick Cherue  | Chair, Committee on Judiciary,<br>Petitions and Human Rights (Senate)       |
| Alex Taylor      | Speaker of the House of Representatives                                     |
| Clarice Jah      | Co-Chair, Committee on Gender, Women,<br>Health and Social Welfare (Senate) |
| Gloria M. Scott  | Committee on Gender, Women, Health and<br>Social Welfare                    |
| William Sandy    | Committee on Gender, Women, Health and<br>Social Welfare                    |
| Fomba Kanneh     | Committee on Gender, Women, Health and<br>Social Welfare                    |

**Truth and Reconciliation Commission**

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

**Diplomatic community**

|                           |                                                                                                    |
|---------------------------|----------------------------------------------------------------------------------------------------|
| Ansumana Ceesay           | Special Representative of the Executive Secretary of the Economic Community of West African States |
| Major General Adu-Amanfoh | Ambassador, Embassy of the Republic of Ghana                                                       |
| Prosper Nii Nortey Addo   | Senior Political/Humanitarian Affairs Officer, African Union                                       |
| Col. White John Malota    | Military Officer, African Union                                                                    |

**United Nations agencies and international organizations**

|                  |                                                                                     |
|------------------|-------------------------------------------------------------------------------------|
| Jordan Ryan      | United Nations Development Programme (UNDP), Deputy Resident Representative         |
| Dominic Sam      | UNDP Coordinator                                                                    |
| Rozanne Chorlton | UNICEF, Country Representative                                                      |
| Monika Brulhart  | Office of the United Nations High Commissioner for Refugees (UNHCR), representative |
| Richard Ndaula   | UNHCR, focal point on sexual exploitation                                           |
| Ibrahim Sambali  | United Nations Population Fund (UNFPA), Resident Representative                     |
| Chene Nyanin     | World Bank representative                                                           |
| Jenni Wisnng     | International Labour Organization representative                                    |
| Kwaku Armah      | Joint United Nations Programme on HIV/AIDS (UNAIDS)                                 |

**United Nations Mission in Liberia**

|                   |                                                                                         |
|-------------------|-----------------------------------------------------------------------------------------|
| Jordan Ryan       | Deputy Special Representative of the Secretary-General for Recovery and Good Governance |
| Eugene Nindorera  | Chief, Human Rights and Protection Section (HRPS)                                       |
| Francis Kai Kai   | Head of Civil Affairs                                                                   |
| Stephanie McPhail | Acting Head, Legal and Judiciary System Support Division                                |
| Suraj Olarinde    | Acting Head of the Corrections Advisory Unit                                            |

|                        |                                           |
|------------------------|-------------------------------------------|
| Henrick Stiernblad     | Acting United Nations Police Commissioner |
| James Mugo Muriithi    | Acting Head of Gender Adviser Office      |
| Joseph Gillespie       | 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                |
| Caroline Moulin        | Human rights officer                      |
| Leetor Williams        | Human rights officer                      |

## **Annex II**

[English only]

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

|                          |                                                                |
|--------------------------|----------------------------------------------------------------|
| Lame L. Massaley         | National Concerned Youth of Liberia (NACYOL)                   |
| Roland T. Wollor         | Research and Documentation Centre for Human Rights (RDCHR)     |
| George Barpen            | Press Union                                                    |
| Mannis Howard Barclay    | Humanist Movement                                              |
| Vigene N.A. Neal         | Media Against Gender and Domestic Violence                     |
| Sahr Yillia              | Liberian Christian Handicap Organisation (LICH0)               |
| T. Linda Davis           | Human Rights Watch Women and Children (HURWAWCHI)              |
| Bill Chetty Pyne         | HURWAWCHI                                                      |
| Kelvin K. Kollie         | Union of Disabled                                              |
| Rev. J. Joma Kollie, Sr. | Union of Disabled                                              |
| D. Charles Saypahn       | Union of Disabled                                              |
| J. Roberts               | Union of Disabled                                              |
| Roseline E. Paul         | Union of Disabled                                              |
| Deweh Gray               | Association of Female Lawyers of Liberia (AFELL)               |
| Caroline Bowah           | Foundation for Human Rights & Democracy                        |
| Roosevelt Sackor         | Liberian National Law Enforcement Association                  |
| Adam K. Dempster         | Human Rights Protection Forum                                  |
| Larry B.S. Taylor        | Forerunner of Children's Universal Rights for Survival (FOCUS) |
| Benetta Barlingar        | American Bar Association (ABA)                                 |
| Anthony G. Titoe         | National Union of Organisations of the Disabled                |

|                   |                                                                 |
|-------------------|-----------------------------------------------------------------|
| Benjamin Tarnue   | National Coalition of Civil Society (NACCSOL)                   |
| Ellen Z. Whyte    | Independent National Commission on Human Rights,<br>secretariat |
| D. Melvin Nyanway | Independent National Commission on Human Rights,<br>secretariat |
| Bishop Harris     | Independent Committee of Experts                                |
| Mark Marvey       | Independent Committee of Experts                                |
| Finley Y. Karngar | Independent Committee of Experts                                |

**Annex III**

[English only]

**LIST OF PARTICIPANTS IN THE MEETING WITH PARAMOUNT CHIEFS  
AT KAKATE, MARGIBI COUNTY**

|                       |                                       |
|-----------------------|---------------------------------------|
| Dorothy Ben Everett   | Land Commissioner, Margibi County     |
| Khan Gibson Paramount | Chief, Kakata Chiefdom                |
| Bondo Blackie         | General Town Chief, Benda Clan        |
| Sankay Kelleh         | Clan Chief, Benda Clan                |
| Fahn G. Lepolu        | Clan Chief, Konoquelleh Clan          |
| Diagon Kollie         | General Town Chief, Konoquelleh Clan  |
| Alfred Cooper         | General Town Chief, Waymaquelleh Clan |
| James Kiane           | Clan Chief, Gorlorhuma Clan           |
| Matune Fineboy        | Clan Chief, Dinnig-ta Clan            |

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