



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/2006/114  
6 February 2006

Original: ENGLISH

---

COMMISSION ON HUMAN RIGHTS  
Sixty-second session  
Item 19 of the provisional agenda

**ADVISORY SERVICES AND TECHNICAL COOPERATION  
IN THE FIELD OF HUMAN RIGHTS**

**Situation of human rights in Liberia**

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

---

\* This report is submitted late in order to include the most up-to-date information possible.

## Summary

The present report follows the report of the independent expert on the situation of human rights in Liberia (E/CN.4/2005/119) submitted to the Commission on Human Rights at its sixty-first session pursuant to Commission resolution 2004/83, and responds to Commission decision 2005/117 to consider the situation of human rights in Liberia at its sixty-second session. The present report contains information obtained during a mission in Liberia from 25 September to 6 October 2005.

Since the last visit of the independent expert in April 2005, progress has been made in several sectors. Improvements in the security situation have enhanced freedom of movement and facilitated the conduct of national elections and a presidential run off in October and November 2005, respectively.

The Truth and Reconciliation Commission (TRC) Act was passed by Parliament on 12 May 2005 and promulgated on 10 June, following the defeat of a parliamentary motion for reconsideration. The Selection Panel led by the Economic Community of West African States submitted its report to the Chairman of the National Transitional Government of Liberia (NTGL) on 22 September 2005. The completion of this stage of the establishment of the Truth and Reconciliation Commission is a significant achievement and lays the groundwork for an effective Commission capable of implementing its mandate in a very challenging context.

Improvements in the security situation and progress in establishing bodies provided for in the Comprehensive Peace Agreement have been complemented by Government efforts to establish a legal framework for compliance with international norms and standards. In this regard, the Government of Liberia in an unprecedented initiative acceded to over 100 international instruments, including a range of human rights treaties.

By September 2005, the Office of the United Nations High Commissioner for Refugees registered 39,851 returnees. The humanitarian community under the joint leadership of the Liberian Refugee, Repatriation and Resettlement Committee and the humanitarian section of UNMIL have assisted 221,828 internally displaced persons (IDPs) to return and restart their lives. This figure represents 70 per cent of the total population of 315,000 registered IDPs. Since March 2005, the International Organization for Migration has facilitated the return of 17,818 vulnerable IDPs out of a total of 26,310 registered.

Despite progress as aforementioned, there remain many challenges particularly in the rule of law sector. Access to justice continued to be hampered by poor court management, bribery and corruption, including at the higher levels. Although circuit courts were officially reopened on 6 August 2005, many courts outside Monrovia remain barely functional in the absence of key personnel, including prosecutors and defence attorneys. Rape and sexual assault of women and children occur at a disturbingly high rate, with very little attention given by law enforcement authorities.

As Liberia concludes the last quarter of a tight two-year transitional programme, increased actions have to be taken to establish effective and functional mechanisms to combat corruption. NTGL, the incoming Government of Ellen Johnson Sirleaf and the international

community should agree on international assistance to reinvigorate the judicial system. Consideration should be given to urgent interim measures while a comprehensive programme of assistance is worked out. Possible interim measures should include provision of international legal experts while the capacity of local personnel is gradually restored. Priority attention should be given to the establishment of an effective law reform commission and comprehensive revision of the civil and criminal code. Additionally, the implementation of the Governance and Economic Management Assistance Programme agreed upon by NTGL and its international partners on 9 September 2005 should commence without delay. The effective implementation, by the Government of Liberia, of the United Nations Convention against Corruption, to which it recently acceded, is central because of its direct impact on the human rights performance of all sectors of government. It is imperative that the mandate of UNMIL be strengthened to not only monitor and report, but also assist in the implementation of all human rights instruments to which the Government is a party.

## CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1 - 3	5
I. DEVELOPMENTS SINCE PREVIOUS MISSION .....	4 - 7	5
A. Truth and Reconciliation Commission .....	4 - 6	5
B. Independent National Commission on Human Rights .....	7	6
II. LEGAL REFORM AND RULE OF LAW .....	8 - 27	6
A. Review of national legislation in conformity with international human rights obligations .....	9 - 10	6
B. The Liberian justice system .....	11 - 18	7
C. Ending impunity for past and present crimes .....	19 - 23	9
D. Draft law on rape .....	24 - 27	10
III. PROMOTION AND PROTECTION OF HUMAN RIGHTS ....	28 - 38	10
A. Human rights on rubber plantations .....	28 - 30	10
B. Human rights of women .....	31 - 33	11
C. Human rights of children .....	34 - 38	12
IV. ECONOMIC, SOCIAL AND CULTURAL RIGHTS .....	39 - 43	13
A. The rights to an adequate standard of living, fair remuneration and regular payment of wages .....	39	13
B. The rights to physical and mental health .....	40 - 41	13
C. The right to education .....	42 - 43	13
V. ELECTIONS .....	44	14
VI. FOLLOW-UP TO PREVIOUS REPORT .....	45 - 46	14
VII. OBSTACLES AND CONCERNS .....	47 - 49	15
VIII. CONCLUSIONS .....	50 - 51	15
IX. RECOMMENDATIONS .....	52 - 56	16

## ANNEXES

I. List of interlocutors .....		18
II. Map of Liberia .....		22

## **Introduction**

1. The present report follows the report of the independent expert on the situation of human rights in Liberia (E/CN.4/2005/119) submitted to the Commission on Human Rights at its sixty-first session pursuant to Commission resolution 2004/83 and responds to Commission decision 2005/117 to consider the situation of human rights in Liberia at its sixty-second session.
2. The present report contains information received and observations made during the mission of the independent expert to Liberia from 25 September to 6 October 2005. During the mission, the independent expert met with a cross-section of the expatriate and Liberian community including government officials, representatives of United Nations specialized agencies, diplomatic missions and civil society groups. A comprehensive list of interlocutors is attached as an annex to the present report.
3. During the mission also, the independent expert facilitated a two-day workshop on her report to the sixty-first session of the Commission and strategies for its implementation. The workshop was facilitated by the United Nations Development Programme (UNDP) in Liberia and the Human Rights and Protection Component of the United Nations Mission in Liberia (UNMIL). Participants in the workshop included government officials, representatives of United Nations specialized agencies, UNMIL and civil society groups. It was the first such report by a special mechanism of the Commission in Liberia and provided a context for dissemination of the report and strategizing on the implementation of its recommendations. At the conclusion of the workshop participants unanimously requested the organization of such activities to ensure awareness of the reports of special mechanisms and improve the chances of implementation of their recommendations. A detailed report of the workshop is also annexed to the present report.

## **I. DEVELOPMENTS SINCE PREVIOUS MISSION**

### **A. Truth and Reconciliation Commission**

4. The Truth and Reconciliation Commission (TRC) is one of the major pillars for the restoration of Liberia provided for in the Comprehensive Peace Agreement signed in Accra in 2003. Since the last mission of the independent expert in early 2005, TRC has gradually moved towards being operational. In early 2004, the Chairman of the National Transitional Government of Liberia (NTGL), in an ill-advised move, appointed nine members of the Commission before the enabling legislation had been drafted or considered by Parliament. After considerable debate over the last year, the Act establishing TRC was passed by the National Transitional Legislative Assembly (NTLA) on 9 June 2005 and signed into law the following day by the Chairman of NTGL.
5. TRC offers an opportunity for the people of Liberia to create an impartial historical record of violations and abuses that took place during the conflict. If properly organized and focused it would create a platform to initiate the long process of national reconciliation through recognition of the suffering of victims and providing lasting panacea to their suffering.

6. Under the TRC Act, the Economic Community of West African States (ECOWAS) is tasked with coordinating a selection panel composed of representatives of civil society organizations, political parties and the United Nations, to prepare a shortlist of suitable candidates for selection as commissioners. More than 150 nominations were received following a public nomination process which began on 11 August 2005. The panel vetted nominees and prepared a shortlist for consideration by the Chairman of NTGL. The independent expert hopes that the Chairman will proceed to the selection of the nine Commissioners provided for in the Act promptly, in order for the Commission to be fully established.

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

7. As was the case with TRC, the Chairman appointed members of the Independent National Commission on Human Rights (INCHR) in early 2004, without any enabling legislation and allegedly without adequate consultation of civil society groups. However, on 1 March 2005, the Act establishing INCHR was passed unanimously by NTLA and signed into law on 23 March. The Act was drafted following nationwide consultations and with the technical support of UNMIL and the Office of the United Nations High Commissioner for Human Rights (OHCHR). INCHR has a broad mandate to investigate violations and abuses of human rights and make recommendations. The Commission has a central role to play in supporting the Government in implementing its human rights obligations and ensuring sustainable development by diffusing potential conflicts related to human rights violations and abuses. It is imperative that the Government immediately reappoint commissioners as provided for in the Act. A transparent appointment process that allows selection of candidates with integrity, and the human rights experience necessary to serve as commissioners, is critical for an effective Commission.

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

8. Information from various interlocutors who had collaborated in the gathering of information by the independent expert demonstrate serious deficiencies in the national legal framework and structures for the administration of justice. Fundamental human rights cannot be guaranteed in Liberia without the establishment of the rule of law based on democratic principles and standards. As Liberians ponder the outcome of the just-concluded national elections and inauguration of the country's first democratically elected Government in the twenty-first century, it is pertinent to consider how the absence of the rule of law has contributed to Liberia's violent history and what actions must be taken to address the situation and ensure sustainable peace.

### **A. Review of national legislation in conformity with international human rights obligations**

9. The recent ratification by NTGL of several international treaties makes Liberia a signatory to all the core human rights treaties - including the second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty - thus providing a comprehensive legal framework for the protection of human rights in Liberia. The major challenge facing the Government is to ensure that these instruments are given effect within the domestic jurisdiction in a context where several existing laws are in clear violation of international standards. Aspects of the local government laws in Liberia, for example those that allow "trial by ordeal", or used certain derogatory terms to refer to peoples,

undermined human rights and the principles of non-discrimination, human dignity and fair trial. For example, section 2 of the revised Rules and Regulations Governing the Hinterland of Liberia of 7 January 2000, states “provisions of the Law and Regulations hereby approved and enacted shall apply within the organized counties to such areas as are wholly inhabited by uncivilized natives in the same manner as if those areas were within the Hinterland Districts”. Article 38 2 (IV) states: “All cases arising between civilized people shall be tried in the court of the District Commissioner.” Article 40 (d) on Paramount Chief’s Court states: “All cases arising between strangers and members of the tribe except they are civilized people, shall be tried by the Paramount Chief unless he is a party to the suite.” Additionally, the death penalty is retained in the statutes notwithstanding Governments’ accession to the second Optional Protocol to the International Covenant on Civil and Political Rights aimed at the abolition of the death penalty.

10. A comprehensive review of national legislation is imperative in order to bring it into conformity with international standards and treaties to which the Government has given its consent to be bound.

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

11. Limited infrastructure, a weak human resource base and years of neglect, political interference and corruption conspired to weaken the ability of the judiciary to be truly independent and to fulfil its role in a democratic society. By the end of the war, the judicial system lay in ruins. Although some progress has been made in resuscitating this institution since the deployment of UNMIL, deficiencies are still apparent.

12. Current efforts to reform the institution should be based on strict observance of fundamental standards of judicial performance and integrity. Article 71 of the Constitution provides that judges hold office “during good behaviour” and may be removed upon impeachment and conviction by the legislature based on proven misconduct, gross breach of duty, etc. However, there is no current procedure for enforcing the code of conduct. Although the National Bar Association is mandated by statute to vet candidates for judicial posts and prepare a shortlist of nominees for appointment, indications from several interlocutors were that this has not happened.

13. Courts of all levels, particularly outside Monrovia, do not operate in accordance with the law. Many courts are either not operational or face severe operational problems, or are staffed by unqualified and unsupervised personnel, with the consequence that suspects and victims alike are exposed to extortion and abuses. All the courts in Tubmanburg, namely the circuit, magistrate, traffic and revenue courts, are located in a decrepit building. All judicial personnel, including judges, magistrates, clerks and support staff are accommodated in the only two available rooms. The Circuit Court Judge, County Attorney and Associate Magistrate whom the independent expert met during her visit to Bomi County indicated that the challenges faced by the judiciary include the lack of adequate courtrooms and the lack of furniture, stationery, typewriters, etc. According to them the only two tables in the courts were provided by the Office of the United Nations High Commissioner for Refugees, while the rental of the building was paid by UNMIL Legal and Judicial Support Services Division. Basic materials, such as the laws of Liberia, are not available and, owing to lack of accommodation, judges and attorneys are forced to commute from Monrovia. There were no Defence Counsels to assist litigants in court. They were reluctant to deploy to Bomi because their security was not guaranteed.

14. A number of appointments had been made for the Circuit Courts but the appointed judges are yet to take up their positions because of a myriad of reasons mostly related to lack of resources. In some cases, the prosecution and the defence are unavailable making it impossible for the courts to operate. One issue that affects the independence of the judiciary is the influence of the executive arm in judicial appointments. The President has authority over appointments to all key judicial vacancies, from judges to court clerks. Secondly, the judiciary lacks any real autonomy since the Ministry of Justice controls the administration of the criminal justice system as well as the police, correctional system and lower courts. Thirdly, the limited competence of some judges and court personnel considerably weakens the judiciary coupled with an acute shortage of trained lawyers as a result of which many cases go to court undefended. Only half of approximately 200 registered lawyers are actually practising. Fourthly, the complexity of the judicial structure, with overlapping jurisdiction of various courts and conflicts between the State-run system and the traditional mechanisms, limits access to justice and indeed equal justice. As at all levels of governance, corruption is pervasive in the judiciary. The legal framework and overall structure of the judicial system should be revisited as a matter of priority, in order to bring them into compliance with international human rights standards and the principles of the rule of law. In the independent expert's earlier report to the Commission, she had recommended the establishment of a law reform commission to lead the process of legal reform. Despite efforts to address the shortcomings of the judiciary, fundamental flaws remained that should be addressed through collective action and long-term commitment of all stakeholders including the Government, civil society groups and the international community. Efforts at judicial reform must also be complemented by a comprehensive approach to training for judicial officers to also cover international human rights standards as well as the appointment of a public defence officer. Such an officer should be tasked with responding to the deplorable state of access to justice for suspects including juveniles.

15. In February 2005, the Ministry of Justice undertook a commendable initiative in establishing a Case Flow Management Committee. The Committee, consisting of representatives from the Ministry of Justice, Corrections, UNMIL Human Rights Protection Section and Legal and Judicial System Support Division has been effective in reducing prison congestion in Monrovia, Montserrado and Margibi counties. Reduction in the number of inmates diminished the hitherto acute pressure on scarce basic items such as food, water and space in the detention facilities.

16. By September 2005 the benefits of the Committee had become apparent as it established through its operations an effective tracking system for persons incarcerated from dates of committal to prison. This reduced the incidence of prolonged detentions by providing records on detainees.

17. The Committee also established a new transparent format of record-keeping where the charges and dates of next appearance in court are stated thus eliminating the hitherto rampant and dubious charge sheets, which corrupt judicial officials had used as a means of keeping persons in illegitimate detention. The system is being recommended for use throughout the country. The Case Flow Management Committee presented an excellent example of a joint collaborative effort by the Government and various components of UNMIL a feature that was



not noticeable during the independent expert's previous missions. In September 2005, OHCHR approved a budget of US\$ 25,000 to support the strengthening of collaboration in this area.

18. The independent expert notes with satisfaction the undertaking of the Minister of Justice to revive the human rights unit in the Ministry. This effort should be supported by UNMIL and OHCHR.

### **C. Ending impunity for past and present crimes**

19. Addressing impunity is central to establishing a society based on the rule of law and also in ensuring the sustainability of current efforts at the restoration of Liberia. For a variety of reasons the Liberian criminal justice system is unable to respond effectively to the challenges of impunity. International assistance is therefore imperative. Hence the adoption by the Security Council of resolution 1638 (2005), recognizing the return of former President Charles Taylor to Liberia as a threat to peace and security and authorizing UNMIL to arrest and/or facilitate his transfer to the Special Court in Sierra Leone, marks an important milestone in addressing impunity. In this respect, it should be noted that the indictment of Charles Taylor related to the conflict in Sierra Leone. The people of Liberia are entitled to no less protection than their neighbours in Sierra Leone or elsewhere. While the establishment of TRC provides a context for addressing war-related violations, it is obvious that, by its very nature, the Commission will not address serious violations of human rights and humanitarian law, which should be better tackled by a more competent judicial body. The international community should spare no effort in providing the context for addressing war-related impunity in Liberia.

20. Attention to war-related impunity must be complemented by a comprehensive approach to addressing ongoing impunity through strengthening the administration of justice. A first step should be the elimination of the vestiges of past violations. Although UNMIL Civil Police of Liberia is establishing a new police service, with recruits and vetted members of the previous forces, many of the old Liberia National Police members, who were allegedly responsible for numerous human rights violations, are still serving.

21. The absence of an effective system for the administration of justice has led to an increase in private dispute resolution and oftentimes divination. Many criminal and civil cases are never reported or are resolved between parties, most often to the detriment of vulnerable persons. Reliance on private ad hoc dispute resolution encourages vigilantism and mob justice, which sadly continue to plague Liberia.

22. Consideration could be given to the secondment of judges from ECOWAS or common-law jurisdiction countries to provide necessary manpower for the various courts. Such an approach will also provide the context for building national capacity and the expertise of Liberian court officials.

23. As IDPs and refugees begin returning it is important that a transparent and accountable property dispute resolution system be put in place to ensure that land conflicts do not become a fresh source of tension and violence.

#### **D. Draft law on rape**

24. On 12 September 2005, NTLA initiated preliminary hearings for a proposed rape amendment law, which is sponsored by women groups and supported by the Ministry of Justice, Ministry of Gender and Development, and the Association of Female Lawyers of Liberia. The proposed amendment contains a statutory denial of bail for those indicted for rape and provides stiff penalties for those convicted of rape and other forms of sexual assault. The draft amendment includes a broad definition of the physical act of rape and the strong language in the proposed legislation sends a clear message, which should become more compelling once Parliament approves it.

25. Owing to statutory and capacity constraints, rape cases are frequently dismissed outright by the police and/or courts or mediated outside the formal legal structures thus denying the victim's right to due process. The proposed draft legislation if adopted will be well complemented by the newly established Women and Juveniles Unit of the Liberia National Police.

26. Notwithstanding the tremendous potential of the current draft legislation, some of its provisions remained of major concern. The inclusion of the death penalty runs against the grain of evolving international practice against the use of the death penalty. It also contradicts the obligations of Liberia under the second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Additionally, the draft law excludes rape in marriage, which is a violation of the Convention on the Elimination of All Forms of Discrimination against Women. The Convention precludes discrimination on the basis of "marital" status. Rape in marriage is highlighted as a concern in the Convention on the Elimination of All Forms of Discrimination against Women general recommendation No. 19 (1992) on violence against women and the Declaration on the Elimination of Violence against Women (General Assembly resolution 48/104). Finally, the draft legislation failed to address the question of rape by a minor although such cases are regularly reported.

27. Following consultations between the independent expert and civil society groups, several memoranda were sent to NTLA to highlight the aforementioned concerns as well as the consideration of a provision to stop extrajudicial settlement of rape cases, which is very common in Liberia.

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

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

28. Rubber plantations are a source of both wealth and misery for Liberians. Wealth generated from rubber could significantly improve Liberia's economic and social development if managed appropriately. Yet tragically, rubber plantations have become synonymous with human rights violations and violence. Of the five major plantations, two are under the effective control of former combatants who resist any lawful management of the plantations. The ex-combatants claimed that they were kept out of the demobilization process, obviously creating a situation that has made restoration of State authority impossible. The other three are managed

by companies, which, to varying degrees, fail to meet their legal commitments to protect certain fundamental rights, as contained in the plantation concession agreements and national legislation.

29. The major human rights concern on the plantations is the blurred line between State and corporate responsibility and the consequent reluctance of either side to take the initiative to protect human rights. This is all the more striking because the plantations are home to thousands of residents. The plantations, although existing as insular communities, lack basic social amenities including schools, hospitals and potable water. The conditions of work in the plantations are also deplorable and of serious concern.

30. The state of general insecurity on the plantations is impeding the rehabilitation of basic social services for the communities. The phenomenon of forced management of plantations by ex-combatants continues to fuel the illegitimate trade in that product. The resources generated by these groups from illegal transactions could be used to strengthen their positions and eventually threaten State security. According to estimates from UNMIL, the Guthrie Plantation generated as much as US\$ 908,000 during the period 1 January to 13 June 2005.

### **B. Human rights of women**

31. More than any other group, women bore the brunt of the civil conflict. However, the ongoing transition initiatives have only partly addressed the historical disproportionate disadvantages suffered by women. The incidence of domestic violence and harmful traditional practices such as female genital mutilation is reportedly increasing. Sexual and gender-based violence, notably rape, is prevalent throughout the country. In 2004, 1,204 cases of sexual exploitation and abuse were reported, with rape accounting for 1,060 of the cases. The girl child is particularly at risk and cases are often mediated outside the formal judicial structures resulting in the victims accepting material compensation in lieu of a lawful trial. The judicial system remains incapable of effectively addressing sexual offences against children in a context where communities often accepted such acts as hazards of life rather than serious crimes.

32. The legal system continues to discriminate against women. The statutes and practice are embedded in patriarchy and laws are often interpreted in a manner resulting in deprivation of women's rights. The access of women to justice is limited by multiple factors such as the weakness of the judicial system, historical unwillingness to investigate and prosecute cases of domestic violence or property disputes, the absence of a legal aid service and the lack of awareness amongst most women of their rights to freedom from abuse. The Association of Female Lawyers is the only non-governmental organization (NGO) providing free advice and representation for women and children and is based mainly in Monrovia.

33. Aside from female genital mutilation, there are reports of ritual killings and trial by ordeal. Reports of ritualistic killings and witchcraft engender a great deal of fear in the communities. In January 2005, Maryland experienced 10 days of rioting and unrest as a result of demonstrations against such practices and the inability of Government to protect citizens. It is instructive and of serious concern that the Laws of the Hinterland permit trial by ordeal for people suspected of witchcraft. This statutory provision contravenes the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights to which Liberia is party. Although UNMIL has been

involved in encouraging county officials to implement laws rather than permit recourse to mob justice, experience suggests that these officials are hesitant to protect people accused of witchcraft, including children and women. The secrecy and fear amongst the communities regarding these crimes also prevents proper investigation.

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

34. Liberia is a party to the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and the Worst Forms of Child Labour Convention, 1999 (No. 182) of ILO. Domestic legal provisions vary greatly in their definition of a child and thus formal recognition of the special needs of children is limited in many areas. The absence of national birth registration records and other forms of identification have significant consequences for national planning and resource allocation, as well as in individual cases, such as the separation of juvenile suspects from adults, and rights to the preservation of identity and recognition before the law.

35. As already stated, the high incidence of sexual assault against children in Liberia is of particular concern to agencies and organizations involved in child protection. There is little public condemnation of those crimes. Although a number of cases have occurred in 2005, which attracted some media and NGO attention, they still have not been processed under the provisions of the law.

36. Another major cause for concern in Liberia is the prevalence of illegal, privately run orphanages. Although NTGL by statute issues licences for orphanages, it appeared that there were no established guidelines for such registration or standards for the operations of those institutions. As a result, standards regarding health, hygiene and education are quite appalling in most orphanages. Recently, the Ministry of Health and Social Welfare closed 15 illegal orphanages. Action against illegal orphanages should be complemented by a serious effort by Government to regulate the operations of registered orphanages through establishing benchmarks and standards for the work.

37. Liberian juvenile justice legislation provides a special structure and procedure, which requires that all juvenile cases at the circuit court level be heard by a specialist juvenile judge. However, there is only one qualified juvenile judge, who sits in Monrovia, and cases involving juveniles in other counties are rarely transferred there. In those areas, juvenile cases are handled by local magistrates who lack jurisdiction and are often unfamiliar with the procedures. Separate detention or rehabilitation facilities are largely unavailable in Liberia, with the result that child detainees are not separated from convicted prisoners and adults.

38. In response to the dire circumstances of the Liberia penitentiary system, the Government of the United States of America in September 2005, contributed US\$ 600,000 to UNMIL Correction Advisory Unit for the improvement of the penitentiary. It is expected that the funds will be used in establishing new facilities and improving old ones. It would also go a long way in facilitating the separation of prisoners as required by existing standards and improving the conditions of detention.

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

##### **A. The rights to an adequate standard of living, fair remuneration and regular payment of wages**

39. NTGL is required under the International Covenant on Economic, Social and Cultural rights to establish progressively the economic and social conditions to provide adequate standard of living for its citizens. Guaranteeing these rights entails that wages take due account of workers' needs, be fair and be paid at regular intervals. The experience of private and public sector workers leads to a conclusion that these rights are not being respected in Liberia. For instance, the Head Park Warden of Sinoe National Park confirmed that 45 rangers working in the park have not received wages for the last three to six months. By the same token, 85 employees of the Liberian Mining Corporation (LIMINCO), a government consortium engaged in iron ore extraction in Yekepa had not been paid wages for approximately 20 months.

##### **B. The rights to physical and mental health**

40. Despite repeated requests, the independent expert was unable to meet with the Minister of Health and Social Welfare or with any of his three Deputies. This is of concern to the independent expert, particularly in the light of the profound public health challenges, such as lack of potable water, the prevalence of HIV/AIDS, the continued scourge of malaria and more recently report of cholera outbreaks in the South-East. Mental health, particularly post-conflict trauma, is another serious concern due to the country's violent history. The right to the highest attainable standard of physical and mental health is naturally central to the individual's capacity to enjoy all other rights.

41. The treatment of psychological and mental cases often borders on torture and cruel inhuman and degrading treatment. On 27 April 2005, the Human Rights Protection Section of UNMIL, the Ministry of Justice, Cap Anamur German Emergency Doctors and the John F. Kennedy Hospital staff rescued 18 persons, including 2 children, from the "Holy Ghost Mental Home" in Monrovia. The group had been kept in captivity and subjected to cruel, inhuman and degrading treatment by the owner of the home. All 18 persons were subsequently readmitted at E.S. Grant Mental Health Hospital, operated by German emergency doctors. Less than four months later, on 15 August, it was discovered that the "Holy Ghost Mental Home" had reopened and its personnel again subjecting patients to inhuman treatment. This is a clear example of lack of monitoring by authorities. Eventually after persistent complaints to the Ministry of Justice, the owner of the "home" was charged before a circuit court on 22 September 2005. The next day, another 19 patients were rescued from the home. The Government must seek immediate expert assistance to cater for the mental health needs of the citizens. The independent expert was informed that the World Health Organization has plans to support mental health needs but lacked funds to carry out the programme.

##### **C. The right to education**

42. Since the independent expert's last report, more schools have been rehabilitated, especially in Monrovia. However the situation is very critical outside of Monrovia. In some locations where schools have been rehabilitated, there are no teachers. The Ministry of Education has however designed a short-term emergency programme to train more teachers.

The United Nations Educational, Cultural and Scientific Organization is helping with the provision of school books and revision of school curriculum to include human rights education from the primary level. A local NGO has also started with the formation of Human Rights Clubs in schools. This indeed is a commendable initiative. The Ministry of Education is also pursuing non-formal education programmes and has already begun distance education programmes.

43. School dropout rate particularly for girls is a concern. The incidence of teenage pregnancy is very high and there are many children on the streets instead of being in school. It is imperative for the incoming Government to invest in education to provide the basis for the overall development of the country. Availability of educational facilities will encourage Liberian refugees to return home, especially after the peaceful elections.

## **V. ELECTIONS**

44. The Comprehensive Peace Agreement mandated the National Electoral Commission to hold presidential and parliamentary elections in October 2005. Over 1.35 million Liberians, more than half of whom were women, registered during the registration exercise which started on 25 April. This overwhelming response and the attendant successful elections and presidential run-off demonstrated the readiness of Liberians to participate in choosing their leaders. The elections constituted a major political step in the country's transition from prolonged civil war to participatory democracy.

## **VI. FOLLOW-UP TO PREVIOUS REPORT**

45. During the independent expert's mission in 2005, she participated in a workshop organized by UNMIL Human Rights and UNDP in follow-up to her last report (E/CN.4/2005/119). The workshop which took place on 4 and 5 October 2005 was organized pursuant to my request during the 12th Meeting of Special Rapporteurs in Geneva. Topics covered during the workshop included the Liberian Truth and Reconciliation Commission, the Independent National Human Rights Commission, the role of the independent judiciary in protecting human rights, the role of the legislator in protecting human rights, an overview of some of the major human rights instruments ratified by Liberia including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, follow-up activities for the independent expert and possible areas of collaboration. Participants in the workshop included representatives of UNICEF, UNMIL, the African Union, the Liberian Bar Association, TRC, the Independent National Human Rights Commission, the Human Rights and Protection Forum, United Liberia Rural Women Inc., Mano River Union Women's Network Liberia, International Rescue Committee, the Press Union of Liberia, the Centre for Democratic Empowerment, the Ministry of Gender, Concerned Christian Communities, the Justice and Peace Commission, the National Transitional Legislative Assembly, the Federation of Liberian Youths, Save the Children-UK, the Governance Reform Commission and the Liberia Women Media Action Committee.

46. The workshop provided a context for the dissemination of the report and discussions on the best methods to implement its recommendations. Participants at the workshop included representatives of UNMIL, the Government of Liberia, United Nations specialized agencies, civil society groups as well as national and international NGOs. The workshop provided an opportunity for participants to understand the work of the independent expert, the United Nations human rights system and their roles as stakeholders in the implementation of the recommendations of the report. The independent expert wishes to express appreciation to UNDP for organizing this event.

## **VII. OBSTACLES AND CONCERNS**

47. Access to justice continues to be hampered by poor court management, bribery and the attitude of some judges and magistrates. The failure of the judiciary to deliver on justice remains a major concern. Poor conditions of work and several years of neglect expose law enforcement officials to bribery. Reports from the counties suggest that the practice of convicted criminals paying money to judges to avoid prison sentences is widespread and endemic.

48. The situation of women, children and other vulnerable groups remained dire in the face of limited resources and capacity of the Government. More coordinated international assistance is required to ensure sustenance of rehabilitation and reintegration of ex-combatants.

49. It is imperative to address war-related violations in order to lay the groundwork for sustainable national development and establishment of a society based on the rule of law and respect for human rights.

## **VIII. CONCLUSIONS**

50. The current mandate of the United Nations Mission in Liberia (UNMIL) derives from Security Council resolution 1509 (2003). Although it is one of the strongest mandates in the evolution of peacekeeping, it would be opportune to strengthen it further to allow for a robust and meaningful implementation of human rights assistance in Liberia. The conclusion of the transition process and inauguration of a new Government provides an appropriate context for an enhanced human rights mandate for the United Nations mission. It is imperative that the new mission or a reconsidered mandate permits a role in the implementation of human rights assistance, not just monitoring and reporting. In this regard, consideration could be given to the operational implementation of the interrelated three pillars of the United Nations, security, development and human rights, as advocated by the Secretary-General and endorsed in the 2005 World Summit Outcome (General Assembly resolution 60/1) of the High-level Plenary Meeting of the sixtieth session of the General Assembly, in the structure of the post-election United Nations Mission in Liberia. This will also enable a more holistic approach which will again allow rights-based approaches to development to be implemented in Liberia.

51. Due to the perennial nature of corruption in Liberia and its deleterious consequences to national development, greater efforts should be paid to the implementation of the recently adopted United Nations Convention against Corruption, to which Liberia is party. Addressing corruption could increase the capacity of the Government to implement its obligations under various international agreements including the International Covenant on Economic, Social and Cultural Rights. In this regard, the introduction of the Governance and Economic

Management Assistance Programme is a welcome development which should be vigorously pursued. The international community and the Government should spare no effort in ensuring the implementation of this programme because of its great potential in assisting the development of the overall governance structures.

## **IX. RECOMMENDATIONS**

**52. The independent expert recommends to the Security Council that it strengthen and extend the current human rights mandate of UNMIL to include robust implementation of human rights, in addition to monitoring and reporting.**

**53. The independent expert recommends to the National Transitional Government of Liberia and the new Government that they:**

- Establish without delay the Truth and Reconciliation Commission and the Independent National Human Rights Commission;**
- Establish a judicial council and law reform commission to assist with the reorganization of the judicial sector and comprehensive reform of national legislation respectively;**
- Implement the Governance and Economic Management Assistance Programme to address the serious concerns about corruption. Government should also consider signing on to the New Partnership for Africa's Development;**
- Seriously consider engaging judges, magistrates and judicial officers from similar jurisdictions, including the Economic Community of West African States/African Union to address the serious gaps in the administration of justice especially the dearth of law officers;**
- Undertake a comprehensive salary review exercise to ensure that the remunerations of government officials are commensurate with the work they are expected to undertake and takes into account rational economic indices;**
- Expedite action in giving effect within national jurisdiction to international treaties recently ratified by the Government;**
- Extend the vetting process currently limited to the security services, to also include the civil service. In this regard, establish an independent commission to institute a vetting process for appointees to government positions especially the civil service and judiciary.**

**54. The independent expert recommends to the Office of the United Nations High Commissioner for Human Rights that it continue to support UNMIL/Human Rights Protection Section in the implementation of the human rights mandate of UNMIL, and as a priority provide resources to resuscitate the Human Rights Unit in the Ministry of Justice.**



**55. The independent expert recommends to the donor community and Governments that they:**

- Support the speedy establishment of bodies provided for in the Comprehensive Peace Agreement especially the Truth and Reconciliation Commission and the Independent National Commission on Human Rights through the timely provision of resources;**
- Redeem pledges made to cover the US\$ 10 million shortfall for the rehabilitation and reintegration phase of the disarmament, demobilization, rehabilitation and reintegration process in Liberia;**
- Prioritize the capacity-building especially of government officials and parliamentarians in the post-election period. Continue to support civil society groups through the provision of resources and expertise.**

**56. The independent expert recommends to the Commission on Human Rights that it remain seized of the matter to assure continuing attention to the human rights needs of Liberia and avoid a recurrence of the post-1997 situation, when Liberia relapsed to war upon the withdrawal of the United Nations.**

## **Annex I**

### **List of interlocutors**

#### **Government officials**

Chairman Gyude Bryant	National Transitional Government of Liberia (NTGL)
Hon. Kabiheh M. Ja'neh	Minister of Justice
Mr. Edward Goba	Deputy Minister for Administration and Public Safety
Mr. Abla G. Williams	Deputy Minister of Justice
Mr. Francis Johnson-Morris	Chairperson of National Electoral Commission
Hon. Babah Gayflor Kiazolu	Minister of Gender and Development
Hon. Evelyn Kandakai	Minister of Education
Mr. Peter Ben	Ministry of Education
Hon. Wheatonia Y. Dixon-Barnes	Minister of Youth and Sports
Mr. Jerenich Witherspoor	Ministry of Youth and Sports

#### **National Liberian Police**

Ms. Yvonne E. Steward Barh	Deputy Commander
Ms. Asatu Bah Kanneh	Chief, Women and Children Unit
Mr. Ashton T. Thoma	D/Chief
Mr. Prince Jomah	Monitor/Chief of Operations

#### **National institutions**

##### **1. The Independent National Commission on Human Rights (INCHR)**

Mr. T. Dempster Brown	Chairman, INCHR
Bestman R. Charpy	Executive Director
Ms. Ellen Z. Whyte	Programme Director
Mrs. Machel Kunmeh	Commissioner
Rev. Robert Myasah	Commissioner
Rev. Ellen Fatu Uarfley	Commissioner
Atty. Esther Sefon Cee	Commissioner
Ms. Ellen Z. Whyte	INCHR

**2. National Commission for Disarmament, Demobilization, Rehabilitation and Reintegration (NCDDRR)**

Dr. Moses Jarbo	Chairman, NCDDRR
Mr. John Dennis	NCDDRR
Mr. Molley Passawa	NCDDRR

**3. National Electoral Commission**

Mr. Francis Johnson Morris	Chairperson, NEC
----------------------------	------------------

**UNMIL officials**

Mr. Alan Doss	SRSG, UNMIL
Mr. Luiz C. da Costa	D/SRSG
Ms. Dorota Gierycz	Chief, HRPS
Abamark Ogboce	UNMIL Electoral
Mr. Mohammed Alhassan	Commissioner CIVPOL
Ms. Joana Foster	Senior Adviser on gender
Mr. Egueni Tcherevik	Interim Representative, UNFPA
Mr. Alfred Fofie	Director/Legal and Judicial Support Services Div.

**United Nations agencies and funds**

Mr. Steven Ursino	Country Director, UNDP
Ms. Elizabeth Oduor Noah	D/Country Director, UNDP
Mr. Kagwiria Mbogori	Country Programme Manager
Mr. Egueni Techerevik	Interim Representative, UNFPA
Mr. Golam Abbas	Deputy Representative, UNFPA
Marios Buga	UNHCR
Chris de Savam	UNHCR
Mr. Keith Wright	Senior Programme Officer, UNHCR
Ms. Fatuma Ibrahim	Programme Officer, UNHCR,
WFP	
WHO	
Claudia Seymour	UNICEF

**International NGOs**

Ms. Sophia Swithern	OXFAM
Ms. Chris Demers	IRC
Ms. Aine Bhaeathnach	OXFAM
J. Guweh M. Dakannah	ROCHR/HRPF
Eiv-Wen Veimdr	HCS IDP UMIT/UNHCR
Lalo Baerahle	SC UK
Penelpe Meteteli	IRC
Maunah M. Diggs	IOM
Jackcilia Ebere	IRC
Dove Pressnal	IRC
Erin Kenny	CCF

**National NGOs**

Mr. Pearl Brown Bull	AFELL
Mr. Danie D. Valentine	Prisoners Assistance Programme
Mr. Urioh T. Jalah	Civil Rights Association of Liberian Lawyers
Mr. James Saylee	Children Charity International
Mr. Thompson N. Jogba	Centre for the Promotion of Democracy
Mr. Abib Zack	Liberia Human Rights Observer
Mr. P. Jagba Nah	Movement for the Defence of Human Rights
Ms. Esther S. Gorgonnah	The Triumphant Transformation Children Outreach Ministries (TTCOM)
Mr. R.D. Wellington	National Human Rights Centre of Liberia (NHRCL)
Mr. Thomas A. Bureh	Research and Documentation Centre on Human Rights Inc.
Ms. Ellen Z. Whyte	Independent National Commission on Human Rights
Mr. Anthony L.M. Boakai	Focus Child Rights Advocacy
Mr. Joseph F. Harris	FOCUS
Sallin Dickson	Christian Children's Fund
Simeon E. Saywray Sr.	Christian Children's Fund

**Embassies/Diplomatic missions**

H.E. Donald Booth	Ambassador, United States of America
H.E. Ansumana Ceesay	Special Representative of the Executive Secretary of ECOWAS
The Representative of H.E. the Ambassador of Nigeria	Embassy of Nigeria
H.E. Noumou Diakite	African Union Representative in Liberia
Mr. Olabisi Dare	Senior Political/Humanitarian Affairs Officer, African Union
Mr. Austin H.B. Kapindula	African Union, Military Liaison Officer to the United Nations
Mr. Joseph Offosu-Appiah	Head of Chancery, Embassy of Ghana
H.E. Geoffrey Rudd	Chargé d'Affairs of the European Commission

**Annex II**  
**Map of Liberia**



-----