



Human Rights and Protection Section

Bi-monthly Report
October – November 2005

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Table of Contents

	Page
<u>Executive Summary</u>	1
<u>Methodology</u>	2
<u>Civil and Political Rights</u>	2
The 2005 Elections	2
The Independent National Commission on Human Rights	2
The Judiciary	3
<i>Positive developments</i>	3
<i>Trial by a competent court in accordance with due process</i>	3
<i>Traditional justice</i>	4
<i>Failure of courts to open for the November term</i>	4
Sexual and gender based violence	5
<i>Sexual assault committed by juveniles</i>	5
Corrections	6
<i>Prison conditions</i>	6
<i>Mentally disabled detainees</i>	8
<u>Economic, Social and Cultural Rights</u>	8
Right to physical and mental health	8
<u>Institutional Challenges</u>	9
Human rights in orphanages	9
Human rights on rubber plantations	11
<i>Weak rule of law and state authority</i>	11
<i>Presence of ex-combatants</i>	11
<i>Violations of labour rights, including child labour</i>	12
<i>Violations of the right to health and education</i>	12
<i>Environmental damage</i>	13
<u>Visit of the Independent Expert</u>	13
<u>Conclusion and Recommendations</u>	13

Executive Summary

1. This second UNMIL bi-monthly report on the human rights situation in Liberia focuses on issues that emerged as priority concerns during the months of October and November 2005, during the administration of the National Transitional Government of Liberia (NTGL). In addition to ongoing concerns, this report also includes information relating to two institutional areas which have been a focus of the on-going work of the UNMIL Human Rights and Protection Section (HRPS). These are: the situation of orphanages; and human rights concerns in rubber plantations.
2. Positive developments relating to the judiciary during the months of October and November include the conclusion of the appointment process for judges and magistrates, the renovation of a number of courthouses, and the opening of some courts for the 15 November term. With the new appointments, the majority of Circuit Court Judges are law school graduates with some degree of legal experience. Nevertheless, denial of due process rights and failure of courts to implement the law continue to be a major concern. The criminal justice system is still characterized by a systemic failure in ensuring that basic rights are respected.
3. Very poor detention conditions continue to lead to violations of the rights of detainees. These must be addressed by the national authorities.
4. Widespread impunity for sexual assault is a major issue requiring immediate attention. The inability of the State to adequately address sexual and gender-based violence in the community is an indicator of the pressing human rights situation in Liberia.
5. The situation in orphanages is another area that is of significant concern. Children in orphanages are amongst the most vulnerable to mental and physical abuse and exploitation. This report highlights the failure of many Liberian orphanages to protect the fundamental rights of the children in their care.
6. The human rights situation on rubber plantations, which traditionally have played a key role in Liberia's economy, is yet another matter of concern. This report provides information on some of the major human rights concerns on rubber plantations.
7. At the conclusion of her most recent visit, the Independent Expert on the Protection and Promotion of Human Rights noted that while some progress has been made, the Government must consolidate such gains by implementing international human rights treaties and establishing the Independent National Commission on Human Rights (INCHR) in accordance with its enabling legislation.

Methodology

8. Information in this report has been collated from monitoring conducted by 20 field monitors of the HRPS, who cover 12 of Liberia's 15 counties. This information was then cross-checked with reports prepared by other UNMIL components, in particular the Legal and Judicial System Support Division (LJSSD), the Corrections Advisory Unit, UNPOL and the Office of the Gender Adviser. The draft report was circulated to the Chief Justice, who provided comments and to the Minister of Justice who requested that a dialogue be established with UNMIL which has subsequently been initiated.

Civil and Political Rights

The 2005 Elections

9. Free, fair and transparent elections epitomize enjoyment of several interrelated rights, such as freedom of association, speech, political opinion and freedom from violence and intimidation. On 11 October and 8 November, the people of Liberia exercised their right to participate in a democratic process. International observers, including the ECOWAS, the European Union and the Carter Center, declared the elections free and fair, and conducted in accordance with international standards.
10. Over 50 per cent of registered voters in Liberia are female. Their high rate of participation in the elections is particularly significant. It is of historic significance that Liberia has elected Africa's first female Head of State. President-elect Ellen Johnson Sirleaf and other elected representatives will be formally sworn in on 16 January 2006.

The Independent National Commission on Human Rights

11. On 22 November, the Chairman of the National Transitional Government of Liberia (NTGL), dissolved the INCHR in its transitional composition. According to Article IX of the INCHR Act, the path is now clear for the Chief Justice of the Supreme Court to appoint a selection panel that will vet nominees and prepare a shortlist of candidates for consideration by the NTGL Chairman. Civil society groups are allowed to make nominations for the selection panel. They can also recommend candidates for the INCHR. UNMIL would urge that this process be completed quickly.

The Judiciary

12. Rule of law remains extremely weak in Liberia and represents the single greatest challenge to lasting peace. The challenges facing the judiciary include unqualified, inexperienced and untrained personnel, shortage of qualified prosecutors and public defenders, lack of courthouses, lack of basic material resources and lack of funding. As a result, there is frequently a failure to uphold due-process rights provided for in the Constitution, national legislation, and international human rights law. These include the right to be tried within a reasonable period of time, time limits on pre-trial detention, the right to be tried by a competent Court, and the right to legal representation and redress.

The following are the main observations during the reporting period.

Positive developments

13. The vetting, nomination and appointment process for all Circuit Court Judges, Specialized Judges and Magistrates in Liberia was concluded in October. The majority of Circuit Court Judges are law school graduates with some practical experience. Although it is hoped that the completion of the appointment process will lead to an increase in the number of cases being heard, the failure of a number of courts to open for the 15 November term raises concern.

In addition, a number of Quick Impact Projects were undertaken by UNMIL to restore or rebuild courthouses. As a result, a number of courts are now able to hold hearings. Nevertheless, many court houses remain unusable for hearings.

Trial by a competent court in accordance with due process and international standards

14. Absence of personnel impacts negatively on the rights of defendants to a fair trial. For example, on 3 October, a case of burglary was heard at the Robertsport magistrates Court without a prosecutor. The case was transferred by the Magistrate to the Grand Cape Mount County Circuit Court, the appropriate jurisdiction for the case. However, the Circuit Court Judge has not been present in Court since May 2005. In a separate case in Grand Bassa County Circuit Court, the Clerk of the Court assumed judicial powers while the Judge was absent. As a result, a man facing rape charges was released on bail without judicial process.
15. Several serious instances of denial of due process rights were noted in Voinjama Magistrates Court, Lofa County. In October, in a case of theft in which a 17 year old boy was allegedly involved, the victim of the burglary allegedly beat and seriously burnt the boy's foot. The Voinjama Magistrate ordered the imprisonment without trial of the boy. The Liberian National Police (LNP) charged the complainant with aggravated assault. However, the Magistrate at first

declined to hear the case. UNMIL took up the matter with the authorities. The boy was released on the same day, and the alleged perpetrator of the acts against the boy was arrested.

16. In some cases, no distinction appears to have been made between civil and criminal hearings, in spite of the fact that the law specifies different procedures for each of them. The imposition of criminal charges in civil cases is of particular concern because civil proceedings require a lower standard of proof than do criminal charges. For example, in November, a Traffic Judge in Sinoe County imposed civil damages of US\$30 in a civil case in accordance with Section 5.1 of the Traffic Law. However when the defendant failed to pay, he was convicted during the same session of the criminal offence of reckless driving and sentenced to imprisonment. The trial was held without the presence of a defence counsel. In violation of the right to legal representation. UNMIL took up the matter with the judge, and the man was released from detention.

Traditional justice

17. Traditional justice systems continue to supplement the central government judiciary, especially in rural areas. The practice of trial-by-ordeal, in which severe pain often amounting to torture is applied to the suspect, violates basic safeguards, including the presumption of innocence and the right to freedom from torture. There are reports of cases where government authorities participate in traditional practices. For example, the District Commissioner in Grand Bassa County confirmed that he is using trial-by-ordeal in criminal cases. This is in spite of a number of legal opinions rendered by the Liberian Judiciary condemning the use of sassywood and other methods of trial by ordeal.

Failure of courts to open for the November term

18. A number of Circuit Courts failed to open for the term starting on 15 November. Of those that did open, some were unable to commence operations due to the absence of key judicial personnel, facilities and juries. The absence of judicial personnel may be caused by systemic obstacles such as poor communication between Monrovia and the counties and administrative difficulties, including the fact that some officials have to collect their salaries in Monrovia. In other cases, it appears that the absence of personnel stems from negligence in performing their duties. The examples below provide an illustration of some of these problems.
 - On 15 November, the Circuit Court in River Cess County was officially opened. However, the Resident Circuit Court Judge advised a Human Rights Officer (HRO) that the Court is not functioning as there is currently no County Attorney or Defence Lawyer assigned to the County. The jury is yet to be empanelled and the courthouse is in an unusable state.

- The Sinoe County Circuit Court did not open on 15 November, as the Resident Judge had not returned from Monrovia. This further delayed the trial of two individuals held in pre-trial detention since 22 June and 8 September respectively. Both men state that they have not seen a lawyer since they were detained.
- The Lofa County Circuit Court opened for the November term but the County Attorney has not yet arrived. In his speech, the Circuit Court Judge stated that he would write a protest letter to the Solicitor-General on this issue.
- The Maryland County Circuit Court failed to open on 15 November. The Circuit Court Judge has not returned from Monrovia since he left Harper immediately after his induction in the beginning of October. Furthermore, no replacement has been found for the County Attorney, who is unable to perform his duties due to advanced age.

Sexual and gender based violence

19. Sexual and gender based violence continues to be treated with indifference by society at large. It is believed that crimes involving sexual violence are vastly under-reported. Those cases that are reported are often handled by the authorities in a manner which violates the rights of both victims and suspects. National and international organisations, civil society groups and mass media have taken a lead role in publicizing and raising awareness of this problem. However, there is an urgent need for community leaders and other authorities to take steps to condemn and stem the high number of incidences.

Sexual assault committed by juveniles

20. The administration of juvenile justice in Liberia continues to face serious challenges. There is only one operational Juvenile Court in the country and no rehabilitation or detention facilities exist for convicted juveniles. The Penal Law of Liberia (Section 4.1) provides for persons under the age of 18 to be tried in a juvenile court. Magisterial courts have the jurisdiction, *de jure*, to deal with sexual assault and other serious cases involving defendants aged 16 years and above. Nevertheless, the failure of the judicial authorities to refer suspects to the juvenile court frequently leads to impunity for juvenile offenders accused of serious crimes. In other cases, juveniles are tried in regular courts or held with adult detainees, in contravention of international norms and standards. The examples below highlight the judiciary's failure to apply appropriate legal provisions.

- Two boys, aged 11 and 12, allegedly sexually assaulted an 11 year old boy in Bomi County. The two suspects were released into the custody of their parents.
- The Magistrate of the Liberian Agriculture Company Court, Grand Bassa County, declined to proceed with the trial of a charge of rape of a 13 year old girl. The reasons for the rejection of the charge are not clear, as there were no lawful grounds for dismissing the case. The Magistrate advised a HRO that he would only keep the defendant in detention for a few days as he was below 18 years of age, that this was an arrangement agreed upon with the suspect's father and that the rape "would prepare the girl for life". UNMIL urges that disciplinary action be taken against this Magistrate for gross denial of due process rights of the victim and failure to uphold the law.
- In another case from Grand Bassa County, a 16 year old boy allegedly raped a ten year old girl in April 2005. The local LNP Commander told a HRO that he did not conduct an in-depth investigation and that he referred the case to the Justice of the Peace, rather than the Magistrate's Court as required by law. During the hearing at the Justice of the Peace Court, the defendant reportedly admitted his guilt and was ordered pay compensation. However, the family has not yet received any money. The victim's mother alleged that the defendant and his family are humiliating her child with public taunts. Such serious crimes must never be settled by compensation. After UNMIL took up the matter, LNP officers took fresh statements from the victim and her mother.

Corrections

21. As reported in the bi-monthly report for August and September 2005, detention conditions fall well below minimum international standards required to protect the human dignity of detainees and prisoners, support rehabilitation of convicted persons and ensure the efficient and secure operation of facilities. When a convicted person is sentenced to imprisonment, they forfeit for a certain period of time a fundamental human right; that of freedom of movement. In addition, imprisonment implies some restriction of a number of other rights, such as freedom from interference in privacy and freedom of association. However, imprisonment does not abrogate the vast majority of rights, including all those that are non-derogable. These include the right to life, the right to freedom from torture and the right to a fair trial.

Prison conditions

22. Conditions in the prisons visited by HROs invariably failed to meet basic minimum standards for the treatment of detainees as outlined in national and international laws, as well as in non-binding documents such as the Body of Principles on the Protection of all Persons under any form of Detention or

Imprisonment and the Standard Minimum Rules for the Treatment of Prisoners. The examples below are typical of the situation in many of Liberia's prisons.

- In Buchanan Central Prison, Grand Bassa County, conditions remain poor. On 3 October, a 25 year old woman was detained with her two month old baby in a cell in which the floor and walls were damp as a result of a leaking roof. HROs observed that the mother and baby were coughing severely and the child felt hot. Another woman was detained overnight on 17 October with her five month old daughter. Due to mosquito infestation in the damp conditions, the baby developed a serious skin rash. The woman had been charged with disorderly conduct, which is a minor offence.
- At the Kakata Central Prison, Margibi County only one of 36 persons had been convicted. All others were awaiting trial. According to the International Covenant on Civil and Political Rights, individuals held in pre-trial detention should “save in exceptional circumstances, be held separately from convicted persons, and shall be subject to separate treatment appropriate to their status as unconvicted persons” (Art. 10(2)(a)). At the facility, water was not freely available, as the handle of the water pump had been stolen. The number of blankets and sleeping mats was insufficient, and some detainees slept on the bare floor. A 14 year old boy was among the detainees in contravention of national and international standards which stipulate that children must be held separately from adults.
- In the Ganta LNP holding Cell, Nimba County, HROs found six detainees who had been held for four days without being brought before a judge. The Liberian Constitution provides that all detainees must be “presented before a court of competent jurisdiction within forty-eight hours” (Art. 21(f)). The suspects claimed not to have received food since their detention. Currently, the Ministry of Justice does not provide food to people in police custody. As a result, LNP officers are obliged to feed detainees from their own pocket, or watch them go hungry. In addition, there was no toilet in the cell and the detainees were forced to urinate and defecate in a bucket.
- The holding cells of Saclapea Magistrates Court, Nimba County, are very dirty and wet, with detainees forced to urinate and defecate on the floor in the absence of toilet facilities. There are no mattresses and no separate cells for women and children, entailing risk of violence and other abuse to vulnerable detainees.
- On 10 November, HROs found 15 persons in the Gbarnga Central Prison, Bong County, of whom three were being held beyond the 15 days statutory limitation. The prison lacks bedding and mosquito netting (necessary to prevent the spread of malaria) and is overcrowded. There is poor ventilation and no separate space for juveniles; the women's cell is too small. On 17 November, HROs visited the detention cells in three police stations in Bong

County, and found all to lack adequate sanitary conditions, ventilation and space. Gbarnga Central Police Station allows detainees to use the floor as a toilet, posing a serious health risk. There were no mats or blankets nor safe drinking water available within the visited cells. Due to the lack of space and lockable cabinets, none of these police stations can guarantee confidentiality while interviewing victims and suspects.

23. UNMIL has also observed that the poor management of a number of prisons has contributed to their weak security. During the reporting period, the Acting Superintendent of Harper Central Prison, Maryland County, failed to report to the prison except on rare occasions, instead remaining at home and ordering prison staff to report to her there. She is reported to have falsely accused representatives of the International Committee of the Red Cross and HROs of assisting detainees to escape from the prison on two occasions. In both cases it was acknowledged by prison staff that the men escaped due to poor security. There were several incidents at Monrovia Central Prison during November including attempted escapes and the illegal incarceration of a number of Correctional staff on the orders of the prison superintendent.

Mentally disabled detainees

24. According to the Basic Principles for the Treatment of Prisoners, the State is obliged to provide health care to prisoners, as they cannot obtain such care for themselves. Health care should be given without discrimination to the legal status of detainees. The challenges facing the Liberian correction system in this regard is highlighted by the lack of facilities to accommodate convicts with mental problems. As an example the following case may be cited.

- On 9 November, the Buchanan Magistrate, Grand Bassa County, ordered the pre-trial detention of two men, both of whom appeared to be mentally ill. Only one was accepted into custody by the Prison Superintendent. The detainee has refused to wash and is eating only a very small amount. The second man was returned to the Magistrates Court on 10 November and the charges against him were dismissed. No steps were taken to address the mental illness of the two men.

Economic, Social and Cultural Rights

Right to physical and mental health

25. The health sector in Liberia suffers from an acute shortage of basic drugs and other necessities such as saline solution and bandages. A lack of mosquito nets and shortage of clean water in many institutions facilitates the spread of disease. Where drugs are available, they are highly priced putting them out of reach for the majority of the population. Privately run clinics sometimes operate without

adequate regard for the well-being of patients, and in violation of the laws of Liberia.

26. Access to health care is particularly restricted in remote areas. For example, in River Gee County, a woman who lost her hand in an attack allegedly committed by her estranged husband had to wait for two days until an emergency evacuation to Monrovia could be made by UNMIL helicopter. As none of the clinics in the area were adequately supplied, painkillers, saline solution and bandages had to be purchased from a private pharmacy. Due to the very serious nature of her wounds, the woman could not travel across the rutted mud roads to seek treatment in another county.
27. UNMIL is concerned that international NGOs, which aim to alleviate the effects of the shortfall in government provided health care, are at times restricted unreasonably by the authorities, preventing them from providing assistance to the community. The following example illustrates this.
 - Health facilities in Sinoe County are inadequate. While previously the population of the county received assistance from the international NGO Merlin, the NGO has been unable to continue its assistance following the revocation of its Memorandum of Understanding by the MOHSW. The Doctor at the F.S. Grant Hospital in Sinoe County has advised UNMIL that he is seeking NGO assistance because there is no medication or functioning laboratory in the hospital. Clinics that depend on the hospital for supplies are also unable to access medication, although some drugs can be purchased from a pharmacy.

Institutional Challenges

Human rights in orphanages

28. In October, UNMIL initiated an ongoing and comprehensive project to visit and assess orphanages across the country to gain a clearer picture of the human rights situation of children in orphanages, who are considered to be particularly vulnerable to human rights abuse. By mid-November, UNMIL had visited 78 orphanages in four sectors, with a total population of more than 5,000 children. Most orphanages were found to be in very poor condition, lacking basic requirements for the protection of the children's emotional and physical well-being. The main concerns are highlighted below.
 - Although all orphanages are required to obtain accreditation by the Ministry of Health and Social Welfare (MOHSW), the majority of orphanages have no such accreditation.¹ Unaccredited orphanages are effectively operating

¹ Section 1.1 of the Ministry of Health and Social Welfare Policy Guidelines for Minimum Conditions and Standards for Social Welfare Institutions.

without oversight, regulation or accountability. In Grand Bassa and Bong Counties alone, there are 18 orphanages operating without Ministry accreditation.

- Record keeping of the children residing in the orphanages is generally poor. Managers are almost uniformly unable to provide records, including medical history, birth certificate and date of entry in the home of the children in their care. The lack of records increases the vulnerability of the children to abuse and trafficking. The owner of an orphanage in Montserrado County claimed that 73 children were under the care of the orphanage. However, UNMIL personnel observed only around 20 children on the site. The amount of bedding available in the orphanage supported the lower estimate.
 - A surprisingly large number of children in orphanages have at least one parent or other close relative living. Many have been placed in the orphanages as a result of poverty or parental neglect. This is in spite of the aim of the Ministry of Health and Social Welfare Policy Guidelines For Minimum Conditions and Standards for Social Welfare Institutions (Guidelines) to promote family unification and prevent separation of children from their natural guardians.
 - Sanitary conditions in the orphanages are generally poor. Many orphanages have inadequate kitchen and toilet facilities and lack sufficient bedding. For example, in one Monrovia orphanage, UNMIL observed that seven boys slept in a tiny room with no beds. As they do not have access to a toilet, the boys urinate and defecate around the building.
 - In an orphanage in Grand Bassa County, the bedrooms of the children were padlocked from the outside. This raises serious concern about the safety and freedom of the children living at the institution.
29. Under the coordination of the MOHSW, assisted by UNICEF, the National Taskforce on Orphanages (Taskforce) continued its efforts to relocate children, from non-accredited and sub-standard homes. The operation, scheduled from 30 November to 3 December, targeted 415 children from 11 sub-standard homes. After two days, the operation was suspended due to strong resistance from the owners of orphanages. Therefore, the Taskforce was able to relocate only 111 children. On 1 December, LNP officers arrested five boys aged between 17 and 19 from Tema Orphanages, for their resistance to the relocation exercise. Due to lack of a formal complaint from the MOHSW, the five were released the next day. The relocation represents a major step forward in the protection of orphaned children. The HRPS, in close collaboration with UNICEF and child protection agencies will continue to monitor the human rights situation of children in orphanages across Liberia.

Human rights on rubber plantations

30. Denial of rights, exploitation and mismanagement characterise conditions on Liberia's rubber plantations. Unacceptable labour conditions prevail, while unsustainable exploitation of natural resources limits future earnings and results in pollution of living environments. The conditions on the plantations have a profound effect on the lives of the people labouring and living on them. The Government and relevant corporations must abide by the rule of law, human rights standards and ethical business practices. Establishing a human rights-based approach in the management of rubber plantations is therefore essential.

Weak rule of law and state authority

31. Workers at Guthrie and Sinoe plantations are being terrorized by LURD and MODEL ex-combatants, who are being used by politicians and other influential actors. State authority on these plantations is extremely limited. However, the recent establishment of a LNP post at Gbah within the Guthrie Plantation is a welcome first step toward re-establishing Government control over the area. Firestone, Liberia Agriculture Company and Cavalla Rubber plantations are under civilian management. However, in some areas the numbers of private security guards far outnumber LNP officers. Human rights abuses occur due, *inter alia*, to the lack of clear distinction between the powers of police officers and private security guards. The latter reportedly regularly detain suspects without notifying the LNP as required by law.

32. Concession agreements between foreign and domestic companies and the Government of Liberia lack explicit safeguards for human rights. This contributes to the weak regulation of labour and other basic rights. The Firestone Concession Agreement mentions the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. Firestone managers have stated that they have not received any information on international human rights instruments or how to meet their obligations. Concession agreements should explicitly incorporate human rights standards and managers should receive training on how to implement these.

Presence of ex-combatants

33. On Guthrie and Sinoe Plantations, extortion, forcible extraction of rubber, illicit sale and a deep nexus with high ranking authorities pose a severe challenge to the restoration of State authority and the rule of law. The ex-combatants illegally sell rubber which they force residents to tap for them. The ex-combatants claim not to have passed through the Disarmament, Demobilisation, Rehabilitation and Reintegration (DDRR) process and justify their presence on the plantations by

referring in a general manner to the Comprehensive Peace Agreement, and their need to support themselves financially following the cessation of hostilities. According to reports, ex-combatants have also committed serious crimes, including murder and aggravated assault.

34. The absence of institutional remedies in the plantations places the civil, political, economic, social and cultural rights of individuals and communities in the plantation at risk. The restoration of lawful management and State authority in these areas is critical.

Violations of labour rights, including child labour

35. Plantation labourers are typically denied a range of rights, including right to adequate housing, right to a fair wage, right to a safe and healthy working environment and right to education. Child labour is also a pernicious element of life on the plantations. Children often help their parents tap rubber. At times ex-combatants in control of plantations force children to work. In other cases, children are compelled to help their parents fulfil the high daily quotas for rubber collection set by legitimate plantation management. There is no effective oversight to ensure that child labour does not take place.
36. Over the past several months, workers on the Cavalla Plantation have repeatedly expressed their frustration at failure of management to pay their salary arrears by the agreed deadline, thereby violating labour rights. Around 1,300 plantation workers were owed three months' salary arrears and other monies until November. One month worth of arrears has now been paid to some tappers, but the remainder reportedly remains outstanding. On 21 November, around 1,000 workers protested these delays at the management office, temporarily preventing personnel from leaving the office. Previous cases of violence and tension between workers and management of the Cavalla plantation, as well as the non-transparency of the management appointment process, are a cause for concern.

Violation of right to health and education

37. Residents living on the plantations are entitled to health and education services provided by the State and the plantation company in accordance with the relevant concession agreement. However, there are no schools or clinics operating in Guthrie and Sinoe plantations, due to the continued presence of ex-combatants. The number of schools and clinics in the plantations with legitimate management is inadequate. Access to these services is also limited by company policies requiring people to possess birth registration. Many people, including many children, were not registered at birth, and are therefore unable to access health and educational services. The widespread use of child labour further discourages school attendance.

Environmental damage

38. Dangerous disposal of industrial waste in waterways, such as the Farmington River in the Firestone Plantation, degrades the public health conditions in the areas through which the polluted streams pass. The use of unskilled labour in those plantations under inexperienced or illegal management causes damage to the rubber trees to the extent that their productive life may be shortened. The expansion of the Liberia Agriculture Company plantation in Grand Bassa County requires the destruction of crops and the forced eviction and relocation of entire villages, creating food vulnerability, while the poor execution of the expansion project leads to unnecessary tension between management and residents.

Visit of the Independent Expert on the Promotion and Protection of Human Rights

39. The Independent Expert on the Promotion and Protection of Human Rights in Liberia, Dr. Charlotte Abaka, concluded her third visit to Liberia on 6 October. During the visit, The Independent Expert met with a wide range of national and international authorities, including the Chairman and other members of the NTGL, diplomatic representatives and the United Nations. Dr. Abaka noted the efforts being made towards the establishment of the Truth and Reconciliation Commission (TRC), and stated that this body will play a pivotal role promoting sustained peace and development. She called on the Government to take the necessary steps to establish the INCHR in accordance with the CPA and the enabling legislation. The Independent Expert noted that the draft Law to amend the definition of and penalties for rape and other forms of sexual assault is a positive step, but that it requires some revisions. The Independent Expert also commended the Government on Liberia's accession of more than 100 international treaties and called on the Government to incorporate these into national legislation and policy development.

Conclusion and Recommendations

The findings documented in this report indicate that Liberia continues to face serious challenges to upholding, protecting and respecting the human rights of its citizens. UNMIL continues to monitor the concerns raised in this report. The recommendations below, though not exhaustive, are important in overcoming some of these challenges.

Recommendations

- The Government of Liberia must ensure that judges, magistrates and other personnel assigned to courts outside Monrovia are *in situ* as a matter of principle and priority, and that they receive the necessary training to ensure that they uphold domestic law as well as international human rights law.

- The juvenile justice system must be reviewed in order to ensure that it conforms, in law and in practice, to international standards including the Convention on the Rights of the Child and the United Nations Guidelines for the Prevention of Juvenile Delinquency.²
- The Government must develop and implement a comprehensive programme to improve conditions in detention centres and prisons so that they conform to international norms and standards.
- The Government must take steps address acute shortages within the health care system. International donors and national and international NGOs should be encouraged to provide assistance in areas identified as most urgent.
- Initiatives by the MOHSW to investigate orphanages and relocate children living in orphanages that fail to meet basic standards must be continued, and, if necessary, be supported by legal action against owners of orphanages and others who obstruct such initiatives.
- Civil Society organizations should continue ongoing work to assist the most vulnerable members of society, in a way which conforms to national law and international standards.
- Civil society should actively participate in the selection process for Commissioners of the INCHR, by nominating candidates for both the INCHR Selection Panel and for INCHR Commissioners.

² United Nations Guidelines for the Prevention of Juvenile Delinquency (“The Riyadh Guidelines”), adopted and proclaimed by General Assembly resolution 45/112 of 14 December 1990