

Universal Periodic Review of Liberia

Joint Submission by the UN Country Team (UNCT) in Liberia for the UN Compilation Report

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I. Introduction

1. This report was prepared by the UN Country Team in Liberia. The information contained in this report is not exhaustive but rather highlights the main issues for the attention of the Human Rights Council.

II. Background and Framework

Constitutional and legislative framework

2. The legal system in Liberia is a dual one of statutory law based on Anglo-American common law for the modern sector, and customary law based on unwritten practices for the indigenous people. The primary sources of law in Liberia are: the Constitution; Statutes; customary law and court precedents.
3. The 1986 Constitution of the Republic of Liberia is the supreme and fundamental law of the country and contains a bill of rights in its Chapter III. The Constitution establishes the doctrine of separation of powers¹ and stipulates the structure and responsibilities of the various branches.² The President of Liberia is empowered, by virtue of Article 57 of the Constitution, to conclude treaties which have to be approved by the legislature.³ However, Article 2 of the Constitution emphasises that in the hierarchy of legal norms, treaties are subject to the Constitution.⁴ The following treaties which have been ratified or acceded to by Liberia have been incorporated into the law of Liberia and are legally binding domestically:⁵
 - International Covenant on Economic, Social and Cultural Rights
 - Optional Protocol to the International Covenant on Civil and Political Rights
 - The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol
 - Rome Statute of the International Criminal Court
4. Besides the Constitution, the core pieces of national legislation include
 - Judiciary Law, (1972) Liberian Codes Revised Volume IV, Title 17

¹ Article 3, Constitution of the Republic of Liberia, 6 January 1986.

² Chapters V – VII, *ibid*.

³ Article 57 and 34 (f), *ibid*.

⁴ Article 2, *ibid*.

⁵ Liberia has ratified or acceded to several other human rights treaties and to that extent is bound by them under international law but these are not binding domestically since Liberia is yet to take steps to incorporate them into Liberian law.

- Penal Law, (1978)⁶ Liberian Codes Revised Volume IV, Title 26
- Civil Procedure Law, Liberian Codes Revised Volume I, Title 1
- Criminal Procedure Law, Liberian Codes Revised Volume I, Title 2
- Domestic Relations Law, (1973) Liberian Codes Revised, Title 9

Some of Liberia's statutes like the Revised Hinterland Rules and Regulations Governing the Hinterland of Liberia (2001) which is supposed to apply in Counties and areas that are 'wholly inhabited by uncivilised natives'⁷ and the Aborigines Law (1956) are archaic and discriminatory, while others are conflicting and need to be reviewed and amended.

5. In the recent past, Liberia enacted two major pieces of legislation which aim to enhance protection against sexual violence, particularly against women and girls. Sections 14.70 and 14.71 of the Penal Law relating to rape (rape law) were amended and *inter alia* expand the definition for the offense of rape, outlaw gang rape, establish stringent penalties for rape of minors or gang-rape. The provisions are couched in gender neutral terms, thereby negating the notion that rape is an offense only committed by men against women. In 2008, the Judiciary Law was amended to provide for the establishment of a separate court with exclusive jurisdiction over rape and other sexual offences.⁸ Known as Criminal Court E, the court commenced operations in February 2009.
6. The main legal framework for juvenile offenders and juveniles in need of care and protection is found in Chapter 11 of the Judiciary Law - the Juvenile Court Procedural Code (JCPC). The JCPC establishes a Juvenile Court in Monrovia and mandates Magistrates Courts to assume jurisdiction over matters relating to juveniles until such a time when Juvenile Courts are established throughout the entire country.⁹ It also sets out the practice and procedures in special proceedings coming within the jurisdiction of Juvenile Courts.
7. Liberia has a law banning human trafficking and has established a National Anti-Trafficking Task Force led by the Ministry of Labour. A recent UNICEF commissioned report found that the Task Force had made some notable efforts in raising awareness, training and structural reform. However, due to the absence of a clearly targeted and adequately financed activity plan, the Task Force still faces serious challenges in achieving its mandate.¹⁰

⁶ This law was approved in 1976 and published in 1978. The law in Liberia only takes effect upon publication in handbills.

⁷ Section 2 of the Amendments approved in 1949.

⁸ An Act Amending Title 17 of the Revised Code of Laws of Liberia, known as the Judiciary Law of 1972 by adding thereto a new Chapter to be known as Chapter 25 establishing Criminal Court 'E' of the First Judicial Circuit Court, Montserrado County, and Special Divisions of the Circuit Courts of other Counties of the Republic to have exclusive original jurisdiction over the crimes of rape, gang rape, aggravated involuntary sodomy, involuntary sodomy corruption of minors, sexual abuse of wards and sexual assault respectively.

⁹ Section 10.1, Juvenile Court Procedural Code.

¹⁰ A situational Analysis of Human Trafficking, especially Women and Children in Liberia, February 2010.

Institutional and human rights structure

8. By virtue of a statute enacted in 2005, provision was made for the establishment of an Independent National Commission on Human Rights (INCHR).¹¹ The INCHR is central to ensuring the empowerment of rights-holders and accountability for duty-bearers.¹² Once established, the INCHR shall also be seized with the responsibility of ensuring implementation of the recommendations of the TRC whose mandate ended on 30 June 2009.¹³ Following the enactment of the law, the process of appointing nominees to the INCHR met with serious delays. An Independent Committee of Experts submitted a shortlist of INCHR nominees to the President in early 2007 but in February 2010, the legislature finally rejected *en bloc* the INCHR nominees placed before them for confirmation. With this rejection, the process of vetting possible INCHR nominees had to begin afresh. In March 2010, a new Independent Committee of Experts (ICE) was constituted for this purpose. Establishment of the INCHR is one of the key deliverables agreed upon in the 2003 Comprehensive Peace Agreement.
9. In 2005 the Government established a National Commission on Disabilities with the mandate to handle all matters involving the general welfare and education of all persons with disabilities in Liberia.¹⁴ The Commission has not been very active.
10. The Ministry of Justice plays key role in the functioning of the system for the protection of human rights and respect for the rule of law. It has oversight in respect of the Liberian National Police (LNP), Bureau of Immigration and Naturalisation and the Prisons and Corrections Service. The Ministry of Justice also has a Human Rights Unit but its status within the Ministry is unclear; it does not have a formal complaints procedure but basically receives cases from a number of sources including walk-ins and referrals from the Ministry of Justice and other Ministries.
11. The role of the judiciary in ensuring the protection of human rights and respect for the rule of law is also crucial. The judicial framework of Liberia consists of the circuit courts, criminal courts, magistrate courts and juvenile courts. However, the judiciary continues to face numerous challenges. Provision is also made for the justice of the peace courts to operate. However, none have been commissioned by the President as required by law.¹⁵ Nonetheless, there are reports that some continue to operate illegally.
12. In June 2009, President Ellen Johnson Sirleaf issued Executive Order Number 20 establishing a Law Reform Commission (LRC) charged with the responsibility of undertaking reform and development of the laws of Liberia, harmonising them and proposing a law reform framework for the country. It is also tasked with providing advice on any legislation proposed for reform or amendment. The President appointed the Chairperson and two other members to sit on the LRC. A Constitutional Review

¹¹ An Act to Repeal the Act of 1997 creating the Liberia Commission on Human Rights and to create the Independent National Commission on Human Rights (2005).

¹² See generally, Article III and IV, *ibid*.

¹³ Section 46, An Act to establish the Truth and Reconciliation Commission of Liberia (2005).

¹⁴ An Act to establish a National Commission on Disabilities as an autonomous Agency in the Republic of Liberia

¹⁵ Section 8.5, Judiciary Law, Liberian Codes Revised Volume IV, Title 17.

Task Force was also established in 2009 to advance reforms but is yet to be constituted and made operational.

13. The Liberian National Land Commission has been established and was launched in March 2010. The Act for the establishment of the Land Commission provides a framework through which contentious issues related to ownership, tenure, usage, management and administration of land can be addressed. The Commission does not have adjudicatory or implementation powers but it has been encouraged to review and catalogue land disputes. Low scale conflicts related to disputes over land ownership and security of tenure as well as access to natural resources continued; but with ethnic dimensions, could easily escalate to wider conflict.¹⁶

Policy measures

National Human Rights Action Plan

14. The Government is in the process of developing a National Human Rights Action Plan (NHRAP). A Steering Committee on the NHRAP chaired by the Ministry of Justice has been established to oversee the process. This Committee is also expected to play a key role in ensuring that Liberia meets its international treaty reporting obligations and to draft the UPR national report. Under the Steering Committee, subcommittees have been established to draft the action plan, to promote human rights awareness and to collect human rights-related data.

Strategies

15. The Government adopted a Poverty Reduction Strategy (PRS) articulating the overall vision and major strategies for moving toward rapid, inclusive and sustainable growth and development during the period 1 April 2008 to 30 June 2011. The PRS is organised around four pillars that constitute the national priorities for recovery efforts and for creating a firm foundation for sustained peace and development, namely, (i) expanding peace and security; (ii) revitalizing economic activity; (iii) strengthening governance and rule of law; and (iv) rebuilding infrastructure and providing basic services. The Government views the PRS as a step in a process toward long-term development that will continue well beyond 2011, when it will develop the next phase of its strategy.
16. The Ministry of Justice and the Judiciary have each developed three-year strategic plans which aim to build the capacity of and strengthen the Ministry and the institutions of the Judiciary. These strategic plans were finalised in 2009. Though the process has suffered some delay, the Ministry of Justice and the Judiciary have embarked on developing implementation plans.
17. The Liberian National Police (LNP) adopted a five year strategic plan for 2009 to 2013. The plan sets out the framework for transforming the LNP into a viable, operationally effective police service. A corresponding support programme to

¹⁶ In its National Conflict Mapping Survey of October 2008, the TRC identified land and property-related disputes as a predominant source of conflict in the 46 districts surveyed, which in the case of border Counties, could easily spread to neighbouring Countries. See Truth and Reconciliation Commission of the Republic of Liberia, Conflict Mapping Project, at page 3.

facilitate the implementation of 18 priority projects was developed by the Government with the support of UNMIL and other international partners.

18. The Bureau of Corrections and Rehabilitation also finalised its strategic plan in August 2009. The plan outlines outstanding needs in the areas of infrastructure, personnel, and legislative reform and sets out the strategic priorities of the Bureau.
19. The five year strategic plan for the Bureau of Immigration and Naturalization (BIN) was finalised and BIN expects to introduce an agency standard operating procedure soon. The Bureau has also identified priority projects for funding through the Justice and Security Trust Fund.

Policies

20. The Government adopted a National Gender Policy in December 2009. The policy aims to mainstream gender into all national development processes and provides broad guidelines for addressing gender inequalities and gender discrimination. Twelve priority areas are addressed in the policy which has a ten year time frame. One of the objectives of the policy is to eradicate gender based violence which remains prevalent. The Ministry of Gender is responsible for coordinating, advising, monitoring and reporting on the implementation of the policy. An abridged version of the policy along with a Strategic Results Framework to assist in implementing the policy has also been drafted.
21. Both a national health policy and social welfare policy have been developed and are in force. The national health policy aims to improve the health status of an increasing number of citizens, on an equal basis, through expanded access to effective basic health care, backed by adequate referral services and resources. In 2008, implementation of the national health policy and plan was reviewed to focus on provision of the Basic Package of Health Services (BPHS) in six priority areas: maternal and newborn care, child health, reproductive and adolescent health, communicable diseases, mental health, and emergency care. The overall aim is to ensure that 70 percent of health facilities in each county provide the BPHS by the end of 2010. With respect to the social welfare policy, implementation in the immediate term is focusing on: protecting the most vulnerable groups and strengthening the social welfare sector in terms of building capacity, developing a basic package of social welfare services, improving coordination of services and developing and strengthening relevant laws and regulations.

III. Promotion and protection of human rights on the ground

Implementation of international human rights obligations

Administration of Justice and the rule of Law

22. The rule of law and criminal justice sector remains pivotal in ensuring peace and security in Liberia as well as respect for human rights. While there have been some significant developments in this sector, numerous challenges persist across the legal, judicial, law enforcement and corrections sectors. Deficiencies in human capacities and essential qualified personnel, lack of infrastructure, basic equipment, legal references and texts, corruption, and in the case of the judiciary, poor case flow

management, continue to be the greatest obstacles to a functional rule of law sector. There is a huge backlog of cases in the criminal justice system and high rates of pre-trial detentions place a significant strain on the prisons. Due to limited access to justice, most rural communities continue to approach non-judicial officers and justices of the peace operating illegally for their justice needs; the public's confidence in the criminal justice system is very low thus fuelling incidents of mob violence and sometimes leading complainants to settle criminal matters through family settlements or seek justice through trials by ordeal where the procedures used are not human rights compliant but are perceived to deliver quick justice.

23. A study conducted in 2009 found that many Liberians particularly in the rural areas prefer the customary justice system because of its accessibility and effectiveness relative to the formal legal system.¹⁷ However, the functioning of this system raises legal and human rights concerns. Executive officers perform judicial functions without judicial review; methods used to identify accused persons, particularly in trials by ordeal violate human rights principles; and the norms and practices in this system are generally discriminatory towards women.

Transitional Justice

24. The Truth and Reconciliation Commission of Liberia (TRC) was established in 2006 with the mandate to promote national peace, security, unity and reconciliation.¹⁸ The TRC concluded its mandate on 30 June 2009 and released its edited final report in December 2009. The Report contains key findings on the root causes of the conflict and recommends amnesty, lustrations, reparations, criminal prosecution in a special hybrid tribunal for the most serious violations, including economic crimes and domestic prosecutions for lesser crimes, as well as extensive institutional, legal and political reforms.¹⁹ The report identifies those recommended for prosecution as well as a 'non-exhaustive' list of individuals for public sanctions, including being barred from public office for a period of 30 years. That list includes political figures, serving members of the Government, an Associate Judge of the Supreme as well as President Ellen Johnson-Sirleaf. The report was received with mixed reactions from various sections of the public with the recommendations on accountability dominating the debate. In her first quarterly report to the legislature on the implementation of the TRC recommendations, the President indicated that the Law Reform Commission and Ministry of Justice had been instructed to consider the legal implications relating to the implementation of the TRC recommendations. Regarding those recommendations with no legal implications, the President asked the Government and Liberians to examine, in appropriate fora, the processes for their implementation.

¹⁷ See field study by Deborah H. Isser, Stephen C. Lubkemann and Saah N'Tow, 'Looking for Justice: Liberian Experiences and Perceptions of Local Justice Options', which is part of the United States Institute of Peace and George Washington University project, *From Current Practices of Justice to Rule of Law: Policy Options for Liberia's First Post-Conflict Decade*. The study was based on ten months of field research conducted primarily in Lofa, Grand Gedeh and Nimba Counties and consisted of 130 individual interviews and over 35 focus groups.

¹⁸ An Act to Establish the Truth and Reconciliation Commission of Liberia (2005).

¹⁹ Two TRC members submitted 2 separate dissents to the report to the House of Representatives on 30 June. The main thrust of the dissents is that the TRC's accountability recommendations fail to take into account the letter and spirit of the Comprehensive Peace Agreement and run counter to public opinion.

Death Penalty

25. Liberia retains the death penalty but has not executed anyone on death row since 1979 and is therefore considered *de facto* abolitionist. Liberia acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the Death Penalty in 2005.²⁰ However, Liberia is yet to domesticate the Protocol and does not regard it as binding domestically.

Equality and Non-Discrimination

26. The Liberian Constitution guarantees to all persons, regardless of ethnic background, race, sex, creed, place of origin or political opinion the enjoyment of fundamental rights and freedoms.²¹ However, the Constitution also provides that only persons who are 'Negroes' or of 'Negro' descent shall qualify by birth or by naturalisation to be citizens of Liberia.²² No specific definition is given as to what amounts to discrimination or discriminatory practices. Nonetheless, with respect to females, as mentioned above, a National Gender Policy and legislation aimed at enhancing the protection of women against sexual violence have been adopted. Additionally, legislation extending rights of inheritance to women married under Customary Law is in force.²³ Women are also being encouraged to join the police and military forces.

27. Despite these achievements, gender disparity persists at all levels. Only 41 percent of Liberian females are literate compared to 69 percent of males.²⁴ Currently, women constitute about 14 percent of the cabinet, 5.3 percent of the legislature and 0.8 percent of the judiciary. Discriminatory laws like the Hinterland Rules and Regulations mentioned above, and discriminatory practices against women still exist. For instance, 48 percent of Liberian girls marry by the age of 18 years as a result of the practice of early marriages, sometimes by force.

28. Female genital mutilation (FGM) is prevalent and is practiced under the auspices of secret cultural societies known as the Sande society for females.²⁵ The Sande society is a traditional institution that provides forums commonly referred to as 'bush schools', where pubescent girls undergo rigorous training in preparation for adulthood and family life. Involvement in the 'bush schools' also affects formal school attendance. There were also reports of women and girls being forcibly recruited into these 'bush schools'. However, many of the victims as well as local authorities and law enforcement officials were largely reluctant to press criminal charges against the perpetrators due to fear of reprisals.

29. Cases of sexual violence especially rape are still prevalent and victims are predominantly female children under the age of 15 years. In 2008, a total of 606 rape cases were recorded by the UN Police. Although cases reported to police usually resulted in arrests of the suspects where they were identified, rates of full prosecution

²⁰ Date of accession – 16 September 2005.

²¹ Article 11, Constitution of the Republic of Liberia (1986).

²² Article 27, *ibid*.

²³ An Act to Govern the Devolution of Estates and establish rights of Inheritance for Spouses of both Statutory and Customary Marriages (2003).

²⁴ Poverty Reduction Strategy at p.32.

²⁵ See Combined initial, second, third, fourth, fifth and sixth periodic reports of Liberia to the Committee on the Elimination of Discrimination against Women, CEDAW/C/LBR/6 at p.126.

of rape cases remain very low. For instance, only 9.4 percent of rape cases reported in 2006 were fully prosecuted.²⁶ Reports of withdrawal of rape cases and the tendency to settle such cases out of court are common. This may be attributed to lack of awareness that rape is a criminal offence and in some instances possibly owing to economic hardships, parents were persuaded to accept financial compensation in amicable settlements. On the other hand, as the rape offence may attract a heavy sentence, many victims face societal pressures against pressing rape charges, especially when the persons involved live in the same village. The problems associated with access to justice, health facilities and effective law enforcement also contributed to victims opting to settling cases out of court or low successful prosecution rates.

30. Persons with disabilities face discrimination as they are generally perceived to constitute a liability to the public, and are excluded from public debate and activities.²⁷ Liberia has signed but is yet to accede to and domesticate the Convention on the Rights of Persons with Disabilities. Protection of persons living with disabilities is almost non-existent as they are rarely identified as a vulnerable group.²⁸ Various legislations make reference to persons with disabilities but mainly in the context of mental health. There are few exceptions, especially in the area of labour where there are few provisions relating to wages and compensation (but the labour law is currently under review) and in recent laws such as the ‘rape law’ which offers special protection to persons with disabilities. Liberia has a Human Rights and Disability Task Force which is made up of a consortium of 11 civil society organisations. Unlike the National Commission on Disabilities which has been inactive, the Taskforce has been involved in examining key issues for the protection and promotion of the rights of persons with disabilities in the context of Liberia’s PRS. Its activities encompass organisations and persons with disabilities in all 15 Counties.

Right to life and security of the person

31. Ritual killings are still practiced, reportedly for political or financial gain, physical strength, or to feed a fetish object. ‘Unexplained deaths’ particularly of young children are often ascribed to witchcraft or ritual killings, more so, if the corpse was found with some body parts missing. Such mutilation is often the only *prima facie* indicator of a ritual killing. Generally, the Liberian National Police has inadequate forensic investigation facilities or capacities and whatever capacities exist are primarily based in Monrovia. Consequently, the police especially in the leeward Counties are often constrained to conduct proper and conclusive investigations into deaths to determine whether they are in fact ritual related killings and identify the suspects and prosecute them before courts of law for murder.

²⁶ Quoted in UNMIL, Legal and Judicial System Support Division, Research on Prevalence and Attitudes to Rape in Liberia: September to October 2008 at p.38.

²⁷ There is no current data available for the number of persons living with disabilities. A pilot survey from Center for the Rehabilitation of the Injured and Disabled done in 1997 indicates that more than 16 percent of the Liberian population live with a disability, however, this is likely to have increased as a result of the conflict.

²⁸ The Act establishing INCHR and the Act to Ban trafficking in Persons within the Republic of Liberia (2005) identify persons with disabilities as a group that should be protected against discrimination.

Children

32. The protection of children in particular remains inadequate. Extreme levels of poverty²⁹ and high illiteracy rates, coupled with limited livelihood and economic opportunities have made children in post-conflict Liberia vulnerable to all forms of exploitation. School-aged children engage in economic activities or work to contribute to household incomes sometimes to the detriment of their education, health or safety.
33. The situation of children in many orphanages is critical. Residential and school facilities in these orphanages are often substandard, unsafe and overcrowded, there is inadequate healthcare, and the children have very few educational and developmental opportunities. Liberia experienced a dramatic increase in the number of orphanages operating in the country following the end of the conflict – from ten registered orphanages in 1989 to about 114 by August 2008. A 2008 assessment of 74 orphanages by the Ministry of Health and Social Welfare found that only 40 percent of the 1,380 children in these institutions were in fact orphans. Orphanage staff interviewed by UNMIL during a 2006 human rights study stated that parents relinquished their children to orphanages under the impression that they would receive education, food, clothing and shelter. This strong focus on institutional care as the primary response to inadequate family care of children coupled with inadequate oversight structures and enforcement mechanisms increased concerns about possibilities for illegal adoptions and trafficking in children. A comprehensive Children’s Law was drafted in 2008 and is before the legislature although there have been delays in passing it. The Executive has also initiated the drafting of a separate Adoption Law.
34. Due to the absence of a fully functional juvenile justice system, implementation of laws and procedures relating to child offenders and children in need of care and protection is poor. There is only one juvenile court and it is in the Commonwealth district of Monrovia. Cases of juvenile offenders in the rest of the country are handled by Magistrate Courts but many Magistrates are not conversant with the provisions of the Juvenile Court Procedural Code. Additionally there are no reformatory or rehabilitation facilities where delinquent or ‘difficult’ children can be admitted for appropriate counselling.

Right to health care, safe drinking water and education

35. A large percentage of the Liberian population, particularly the rural and urban poor, have limited access to basic services such as health care, education and safe drinking water and are therefore unable to fully realise their economic and social rights. Only parts of Monrovia have pipe-borne water, which was only restored in 2006. Seventy five per cent of the Liberian population do not have access to safe drinking water.³⁰ Many towns do not have health facilities, with the nearest such facility typically being many hours away. A survey undertaken in 2006 indicated that only 10 percent of communities reported having a health facility within the community.³¹ The standard

²⁹ Forty eight percent of the population lives in extreme poverty - See Combined initial, second, third, fourth, fifth and sixth periodic reports of Liberia to the Committee on the Elimination of Discrimination against Women, CEDAW/C/LBR/6 at p. 13.

³⁰ Poverty Reduction Strategy of the Republic of Liberia (2008 - 2011) at p.29.

³¹ *Ibid* at p.30.

of health care in existing health facilities or clinics particularly in the rural areas is low mainly due to various constraints including, shortage of sufficiently qualified medical practitioners, essential medical equipment and drugs. For example maternal mortality is extremely high; estimated at 994 deaths per 100,000 live births, this rate is considered to be among the worst in the world.³²

36. The Government has adopted the policy of free primary education. However, according to the 2008 progress report on the Millennium Development Goals (MDGs), Liberia is behind on achieving 100 percent net primary enrolment by 2015. Based on the current trends in this area, it is estimated that only 40 percent of this MDG will have been achieved by 2015.³³ At present, the net primary school enrolment for children between the ages of 6 to 11 is still low at 37 percent.³⁴ This is attributed mainly to unofficial fees and costs related to uniforms and supplies like books. About 70 percent of schools were damaged or destroyed during the conflict. As such, there are still insufficient schools, especially in rural communities, to absorb all school-aged children. Existing schools are generally ill-equipped and have inadequate classroom furniture, school supplies, textbooks and other pedagogical materials. There is a shortage of well trained and qualified teachers. The adult literacy rate in Liberia stands at 55 percent, with 41 percent females being literate compared to 69 percent of males. The literacy rate in rural areas is significantly lower at 45 percent compared to 74 percent in the urban areas.³⁵

Refugees and Asylum Seekers

37. Liberia currently hosts 6,947 refugees, mainly from Cote d'Ivoire and Sierra Leone and 534 asylum-seekers most of whom are Sierra Leoneans against whom the cessation clause became applicable at the end of 2008. They have been undergoing refugee status determination including on appeal. Some 2,500 former Sierra Leonean refugees have opted to integrate in Liberia. UNHCR and Liberia Refugee Repatriation and Resettlement Commission are providing support through constructing durable shelters for them. Generally, the rights of refugees and asylum seekers are respected; however, there have been reports of some refugees involved in economic activities facing intimidation from immigration or customs officers.

IV. Achievements and best practices

38. As part of the Government's efforts of institutionalising Peace, Citizenship and Human Rights education into the curricula for grades 1 to 12, the Ministry of Education with support from UNESCO and UNMIL developed teaching guides on the subject. Fifty five Liberian educators from the 15 Counties and assistants to the three Peace, Citizenship and Human Rights Resource Centres received training on the subject and are expected to train other educators in their respective Counties.

³² Liberia Demographic and Health Survey 2007, carried out by Liberia Institute of Statistics and Geo-Information Services (LISGIS), Ministry of Health and Social Welfare, National AIDS Control Program and Macro International Inc. (publ.2008).

³³ Liberia's progress Towards the Millennium Development Goals, 2008 at p.19.

³⁴ Supra note 30 at p.32.

³⁵ Supra note 30 at p.32.

39. A special unit to exclusively handle prosecutions of sexual and gender based crimes was established in the Ministry of Justice in February 2009 and commenced work in April 2009. The Unit has established a 24 hour hotline to respond to and assist survivors of sexual and gender based crimes. The Government adopted National Standard Operating Procedures (SOPs) for Prevention and Response to Sexual Gender Based Violence in Liberia. These SOPs were developed and endorsed by the Government of Liberia as guidelines to ensure a coordinated and multi-sectoral approach to Sexual and Gender Based Violence (SGBV) prevention and response. The SOPs outline what response mechanisms should be put in place to care for survivors of SGBV and the role and responsibilities of all actors. They also establish a framework for accountability for all actors involved in preventing and responding to SGBV in Liberia. The SOPs are currently being adapted and rolled out in the Counties.
40. In March 2009, the Ministry of Gender and Development finalised and launched the Liberia National Action Plan on the Implementation of Security Council Resolution 1325 (2000) on women, peace and security. The Action Plan addresses the gender gaps in peace initiatives and security sector and the Ministry has established a Secretariat to follow up on its implementation. Besides Liberia, only 2 other countries in Africa, namely, Cote D'Ivoire and Uganda have adopted National Action Plans for implementation of Resolution 1325. Meanwhile, Liberia submitted its combined initial, second, third, fourth, fifth and sixth periodic report on the Convention on the Elimination of All Forms of Discrimination against Women which was considered by the Committee in July 2009. The Ministry of Gender and Development in collaboration with the UN have developed an action plan for follow up, monitoring and reporting on the implementation of the Committee's recommendations.
41. A National Rule of Law Retreat was convened in September 2008 which for the first time brought together the three branches of Government to engage in a dialogue on the rule of law. A resolution committing all the branches to ongoing coordination was endorsed. One of the major outcome of this process was that it led to the commencement of the drafting of the Judiciary and the Ministry of Justice strategic plans.
42. A Judicial Training Institute was established and it finalised a three-year strategic plan, whose goals include the establishment of comprehensive and systematic training for judicial officers and the enhancement of the scholarship programme at the Law School. The Institute also completed its training curriculum and commenced its first 12-month professional magistrates training programme in March 2010.
43. The Ministry of Health and Social Welfare launched the new Regulations for the Appropriate Use and Conditions of Alternative Care for Children in March 2010. These Regulations which replaced the 2006 Minimum Standards for Operating Child Welfare Institutions in Liberia set clear deadlines for the accreditation process including verification of compliance by an independent accreditation team. Proper monitoring of human rights compliant standards in orphanages not only contributes significantly to the welfare of children but also forms a crucial element of ongoing efforts to prevent the involvement of orphanages in illegal adoptions and trafficking.

44. The Government is in the process of finalising a comprehensive draft legislation on decent work for private sector employees which also incorporates international labour standards. Drafting of a separate legislation covering the public service employees will follow.
45. In March 2008, Liberia conducted its National Population and Housing Census. The last nationwide census was conducted in 1984 but the Final Report of that Census was never published as most of the data collected were lost during the civil war. As the country goes through the post conflict reconstruction process, the data gathered in the 2008 census will be useful in socio-economic planning and development. As per the census, the population of Liberia stands at 3,476,608 persons.³⁶

V. Challenges and constraints

46. The major challenge facing Liberia is reversing the negative impact brought about by years of conflict and mismanagement. Today, Liberia is characterised by extreme and widespread poverty and unemployment, inadequate basic physical infrastructure such as schools, hospitals and roads and lack of, or inadequate provision of basic social services. There is a shortage of trained and skilled personnel, public institutions are weak and corruption is prevalent. A weak constitutional and legal framework coupled with the absence of independent human rights mechanisms and ineffective remedies creates a situation that impedes the full protection of the rights of the country's citizens.

VI. Capacity-building and technical assistance

47. UNDP, UNHCR, UNFPA and UNMIL continue to provide support towards restructuring and building the capacity of rule of law institutions. For instance, the UN continues to provide support for the effective functioning of the specialised sexual offences Criminal Court E and the prosecution Unit at the Ministry of Justice; the development of a National Human Rights Action Plan; and restructuring and building the capacity of the Human Rights Unit of the Ministry of Justice.
48. UNICEF, UNMIL and concerned international NGOs, especially Save the Children, continues to support the Ministry of Health and Social Welfare to build regulatory and institutional frameworks aimed at enhancing child protection. UNICEF is currently funding a project that aims to de-institutionalise an estimated 2,000 children who have parents or next of kin willing to take care of them.

VII. Key recommendations

49. The Independent Committee of Experts should without undue delay commence the vetting process of possible nominees to the INCHR in order for it to become operational. Due consideration should be given to ensuring that the INCHR as composed will be genuinely independent and able to perform its functions without interference.

³⁶ Republic of Liberia 2008 Populations and Housing Census, Final Results, Liberia Institute of Statistics and Geo-Information Services (May, 2009).

50. In the immediate term, Article 73 of the Revised Rules and Regulations Governing the Hinterland of Liberia, which permits certain trials by ordeal, should be repealed and the Liberian Penal Law amended to include provisions specifically prohibiting and criminalising the organisation, facilitation or collusion in the organisation of a trial by ordeal. In the long term, these Rules and Regulations should be amended to conform to international human rights standards.
51. The Liberian Government should honour its obligations under international law and domesticate the 2nd Optional Protocol as well as any other international human rights treaties that it has ratified or acceded to.
52. The Government should take measures to repeal or amend discriminatory legislation and in that regard, ensure that legal protections for equality are strengthened by implementing recommendations of the Committee on the Elimination of Discrimination Against Women .
53. The Liberian Government should facilitate the proper and full functioning of the juvenile justice system by providing Magistrates and law enforcement personnel with extensive training on juvenile justice issues and building rehabilitation and reformatory institutions for juvenile offenders.
54. The Government of Liberia should expedite the adoption and establishment of a domestic legal framework for child protection. In this regard, the Legislature should enact the Children’s Bill and the Adoption law without further delay.
55. The Liberian Government should accede to and domesticate the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-Country Adoption.
56. With the TRC having concluded its mandate, an effective mechanism should be established to ensure the safety of TRC information, records and documents, particularly those classified as confidential.
57. International partners should continue to support the Government to strengthen the capacity of its institutions to uphold the rule of law, improve the human rights situation, and consolidate peace and security in Liberia.
58. The Government and local authorities should take refugees and asylum-seekers into consideration when designing and implementing projects under the PRS.
59. The Government should accelerate the issuance of long term legal residence documents, including naturalisation, for former Sierra Leonean refugees who have opted to integrate in the country.