

Report on the Human Rights Situation in Liberia

January – June 2009

Human Rights and Protection Section

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I. Executive Summary

1. During the reporting period, certain milestones were made along Liberia's human rights landscape. The Truth and Reconciliation Commission (TRC) concluded its mandate on 30 June 2009 and submitted an 'unedited' version of its Final Consolidated Report to the Legislature and the President which was subsequently publicly released. The Report outlines its findings concerning the root causes of the Liberian conflict and sets forth a wide range of recommendations on accountability, reparations and amnesty, as well as legal, institutional and other reforms. Also, the Legislature passed amendments to the Act establishing the Independent National Commission on Human Rights (INCHR) which were subsequently assented to by the President. This allows for the process of the appointment of Commissioners to commence. The INCHR is crucial to establishing an accessible long-term human rights in Liberia, and is mandated to play a role in following up on implementation of the TRC's recommendations.
2. Initial and important advances were made towards improving institutional protection of human rights in the criminal justice system. The Government engaged in the development of strategic plans for the Ministry of Justice, Judiciary and Corrections sector. In collaboration with international partners, the Government has continued its efforts to gradually address the shortage of qualified staff in the criminal justice system as well as in the education, health and security sectors.
3. The above efforts notwithstanding, there are still significant gaps in human rights protection due to major capacity and resource constraints across the legal, judicial and corrections sectors. The protection of children in particular remains inadequate, as children continue to suffer various forms of violence at home, at school or in the community. The situation of children in many orphanages is dire, and cases of children in conflict with the law continue to be addressed inappropriately due to the absence of a functional juvenile justice system.
4. Cases of rape and other sexual crimes remain prevalent. Relevant legislation is either poorly implemented or not implemented at all. This could be attributed to a general lack of awareness about how to seek protection which is further compounded by the problems associated with access to justice, health facilities and effective law enforcement. Harmful traditional practices, including female genital mutilation and adjudication of disputes through trials by ordeal, are deeply entrenched and continue to be widely practiced with impunity. Relevant legislation is not compliance with international standards and thus does not provide for appropriate action.
5. Progress in the implementation of the Poverty Reduction Strategy (PRS) has been slow. As such, a large percentage of the population still face significant obstacles to the enjoyment of their economic and social rights as access to basic services such as health care, education and safe drinking water is limited. The PRS contains comprehensive benchmarks linking legal empowerment and rule of law to development.
6. In conclusion, this report outlines some measures taken by the Government and other stakeholders over the six-month reporting period to improve the human rights

situation in Liberia and provides recommendations aimed at addressing the concerns raised.

II. Introduction

Objective of the report

7. The report is issued in line with the mandate of the Human Rights and Protection Section (HRPS) of the United Nations Mission in Liberia (UNMIL) under UN Security Council Resolution 1509 (2003). The report aims to:
 - ☐ Highlight the main human rights challenges facing post-conflict Liberia.
 - ☐ Draw attention to cases of human rights violations and abuses based on systematic verification and documentation.
 - ☐ Draw attention to the efforts and progress made by the Government to address the main human rights challenges.
 - ☐ Outline activities the HRPS has undertaken in support of the Government's efforts to promote and protect human rights.
 - ☐ Provide recommendations for addressing the main challenges.

Methodology

8. The information contained in this report is based on monitoring conducted by HRPS Human Rights Officers (HROs) who have been deployed to each of Liberia's 15 Counties. The draft report was shared with the Rule of Law components of UNMIL and members of the UN Country Team for their comments and rectification of factual inaccuracies. The report was also transmitted to the Office of the Chief Justice, the Ministry of Justice, the Ministry of Internal Affairs, the Ministry of Education, the Ministry of Gender and Development and the Ministry of Health and Social Welfare of the Government of Liberia for observations prior to its public release.

III. Political, Social and Security Context

9. As of April 2009, President Ellen Johnson Sirleaf made changes in her Cabinet. The changes primarily targeted rule of law ministries and institutions in particular, which were facing significant challenges as reported in previous HRPS reports. Cllr. Christiana Tah was nominated to replace Cllr. Phillip Banks as Attorney-General and Minister of Justice, with Cllr. Phillip Banks having been nominated Chairperson of the Law Reform Commission.¹ Cllr. Micah W. Wright was nominated Solicitor-General and Deputy Minister of Justice and Mr. Marc Amblard was appointed as the new Director of Police. Other ministries and institutions affected by the reshuffle were Ministries of National Security, Planning and Economic Affairs, the National Bureau of Investigation and the Special Security Service.
10. The impact of the global financial crisis on the rubber and mining sectors has adversely affected labour relations in Liberia. Rubber accounts for about 90 per cent of the country's export earnings and is one of the country's major sources of employment. With the drastic drop in the price of rubber (more than 50 percent since

¹ On 11 June 2009, President Johnson Sirleaf issued Executive Order Number 20 establishing a Law Reform Commission with the responsibility of undertaking reform and development of the laws of Liberia, harmonising them and proposing a law reform framework for the nation. It is also tasked with providing advice on all legislation proposed for reform or amendment.

November 2008), rubber plantations cut benefits and laid off workers, and in some instances were unable to make timely salary and wage payments to workers. The added strain on already tense labour relations on plantations resulted in some instances of violent demonstrations.

11. In March 2009, rubber workers at Guthrie Rubber Plantation, *Bomi County* protested violently against drastic reductions in their salaries² and late payments, and on several other occasions during the reporting period, Guthrie workers organised strikes and road blockades to demand the payment of salary arrears. Guthrie Plantation remains one of the main security flashpoints in the country. In *Maryland County*, Cavalla Rubber Plantation is reported to have laid off about 300 of its roughly 1,800 workers. Meanwhile, Arcelor Mittal which had plans to create 20,000 direct and indirect jobs in the development of its Mines Development Project in *Nimba, Bong and Grand Bassa Counties*, has delayed a number of infrastructural and other development work towards its iron ore extraction. In April 2009, the Company announced plans to scale down its Liberian workforce from about 3,000 to 1,200 while 80 percent of its expatriate staff would be made redundant.
12. On 26 March 2009, the *Grand Kru County* Senator, Cletus Segbe Wotorson's election by the Senate as the new President Pro Tempore, brought an end to a leadership dispute that had seriously hampered the work of the legislature since August 2008. Legislative business resumed and the legislature has since approved a number of concession agreements and large scale commercial contracts, and adopted important legislation, including amendments to the 2005 Act establishing the Independent National Commission on Human Rights and the Act establishing the Lands Commission. The legislature also validated a draft Legislative Strategic Plan which defines the strategic priorities for the Legislature and maps out the strengthening of its capacity to perform its functions.

IV. Human Rights Situation

Rule of Law and Administration of Justice

13. Judicial Circuit Courts opened for the two Court terms - February and May – falling within the reporting period. The Section has observed that there has been remarkable improvement with respect to Court attendance on the part of Judges assigned to Circuit Courts. However, these Courts were still unable to function properly, mainly due to the persistent shortage or absence of prosecutors and defence counsel. A similar situation exists in Magistrates Courts, with the added problem that Magistrates are also frequently absent from Court. Consequently, disposal of cases is slow, and defendants are held in pre-trial detention for prolonged periods, violating human rights standards under the right to a fair trial.³ Furthermore, victims' rights to protection and access to justice⁴ are hindered. In its entirety, the prevailing situation continues to facilitate impunity.

² Reductions were up to 70 per cent, though different categories of workers received differing percentage reductions, which were instituted in December 2008, about 3 months before the major disturbances.

³ See Article 20(a) and 21(i) of the Liberian Constitution; Section 2.2 of the Criminal Procedure Law; Article 14 of the International Covenant on Civil and Political Rights.

⁴ Principles 4-6 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by general Assembly Resolution 40/34 of 29 November 1985.

14. As of June 2009, seven of the 15 counties were without assigned public defenders.⁵ With the exception of *Montserrado County*⁶ where the capital city is located, in those Counties with defense counsel, only one is assigned to defend indigent persons before all the courts in a given County. This is oftentimes unattainable, possibly explaining defense counsels' absence from some Courts. In *Grand Cape Mount County*, a motion for severance in respect of an accused that had been in pre-trial detention since 2007 could not be filed with the Court because of the absence of the defense counsel. In *Grand Bassa County*, the Stipendiary Magistrate at the Liberian Agricultural Company Magistrate Court reported that with no defense counsel and city solicitor, the Court was unable to conduct preliminary hearings into crimes indictable before the Circuit Court. Consequently, cases were referred directly to the Circuit Court without a preliminary hearing in violation of the accused persons' rights.⁷ With regard to prosecutors assigned to the Circuit Courts, except for the Judicial Circuit Court in *Maryland County*, all the other Circuit Courts in the 14 Counties have assigned County Attorneys. Since the resignation of the Maryland County Attorney in February 2008, none has been assigned to the Judicial Circuit Court. Under a special arrangement, a Prosecutor from the Ministry of Justice is assigned to the Court for brief periods to handle specific cases.
15. Faced with growing numbers of pre-trial detainees, the Courts and prosecutors increasingly rely on jail delivery mechanisms in accordance with Sections 18(1) and (2) of the Criminal Procedure Law⁸ to ease overcrowding in some prisons, often at the expense of effective dispensation of justice. As a means of stabilising the inmate population at Monrovia Central Prison (MCP) in *Montserrado County*, a rotational Magisterial Court was established at the premises to address cases of prolonged pre-trial detention. Since commencing work in February 2009, the Court has reviewed 1,470 cases and released 472 detainees. With the establishment of the rotational Court, the prison population at MCP which averaged about 900 inmates dropped to an average of about 680 inmates. While under Section 18(3) of the Criminal Procedure Law such dismissal does not preclude subsequent prosecution. HRPS has not recorded any cases that have been dismissed on these grounds and later reinstated. This cycle of arrest, prolonged pre-trial detention and release without trial has contributed to the public's low level of confidence in the criminal justice system, sometimes leading groups to resort to mob violence or to seek redress in informal justice mechanisms which are not human rights compliant.

⁵ According to data compiled by the Legal and Judicial Systems Support Division of UNMIL the following Counties did not have assigned defense counsel: Bomi, Grand Gedeh, Grand Kru, Margibi, Nimba River Cess and Sinoe Counties.

⁶ There 5 defense counsel assigned to the Courts in Montserrado County and even these are inadequate considering the size of the County.

⁷ Section 12.1 of the Criminal Procedure Law guarantees an accused person's right to a preliminary examination.

⁸ Section 18(1) of the Criminal Procedure Law permits the County Attorney to file a dismissal of an indictment or complaint. Under Section 18(2), the Circuit Court should dismiss a complaint against a defendant who has not been indicted by the end of the next succeeding Court Term and unless good cause is shown, the Courts shall dismiss an indictment if the defendant is not tried during the next succeeding term after the finding of an indictment. For those cases triable in a Magistrate Court, the complaint against a defendant should be dismissed if the trial has not begun within 15 days after the suspect was arrested (or appeared in Court in response to a summons)

16. Some Courts took unlawful measures to address a lack of essential staff, and risked jeopardising the proper dispensation of justice. In *Lofa County*, the Judge of the Circuit Court took unlawful measures to facilitate the hearing of cases in the Magistrate Court due to the absence of the Stipendiary Magistrate and that of the Associate Magistrate who is elderly and sick and has for the last year been unable to perform his duties. First, the Judge authorised the Senior City Solicitor to receive and assess criminal cases for the purposes of transferring them to the Grand Jury, then later assigned the responsibility of operating the Magistrate Court and hearing cases to the Traffic Court Judge, contrary to Rule 2 of the Rules and Regulations for the Governance of the Magistrate and Traffic Courts.⁹ During the week of 16 to 22 May 2009, HRPS learnt that a private lawyer was prosecuting cases before the Harper Magistrate Court in *Maryland County*, allegedly prompted to do so by the Magistrate. While no City Solicitor is assigned to this particular Court, the actions of the lawyer and Magistrate violate Section 1.5(a) of the Criminal Procedure Law which vests prosecution powers with the Department of Justice represented by City Solicitors and Rule 33 of the Rules and Regulations for the governance of Magistrate and Traffic Courts which require that no lawyer be allowed to prosecute in the Magistrate Court except with a City Solicitor's permission who shall first inform the Court of his desire to have the said lawyer as his assistant.

The right to a fair trial and due process guarantees

17. During the period under review, HRPS documented several instances of non-compliance with stipulated legal procedures in the course of processing criminal cases. Law enforcement and/or judicial officers were either not familiar with the applicable legal domestic procedures, favoured expediency over the law or appeared indifferent about adhering to the law, thereby violating defendants due process and fair trial rights.
18. Under the Liberian Constitution, the right to a fair trial is guaranteed, including, *inter-alia*, the rights to a presumption of innocence, to be charged and tried without undue delay, to be informed of the nature and cause of criminal charges, to legal counsel, to adequate time and facilities for preparation of a defense.¹⁰ These rights are further protected in the Criminal Procedure law.¹¹ Furthermore, the Judicial Canons for the Governance of the Conduct of Judges place a duty on all judges to uphold and support the Constitution and the laws of the land and 'fearlessly observe and apply fundamental rights and guarantees'.¹² In May 2009, HROs in *Maryland County* monitored the trial of three persons accused of kidnapping and attempted murder and observed that the trial did not meet fair trial standards of providing the defendants adequate time and facilities to communicate with counsel and prepare his defense.¹³ The accused were arrested in February 2009 and were only assigned defence counsel during the trial on 27 May 2009.¹⁴ Defense counsel was only given 15 minutes to consult with the accused. The defendants were found guilty and

⁹ Rule 2 stipulates: The Senior Associate Magistrate shall discharge automatically the duties of the Stipendiary Magistrates, whenever the latter through illness, absence or other disability cannot discharge the functions of his office.

¹⁰ Articles 20 and 21 of the Liberian Constitution.

¹¹ Chapter 2 and Section 12 of the Criminal Procedure Law.

¹² Judicial Canon 9.

¹³ Article 14(3)(b) of the International Covenant on Civil and Political Rights

¹⁴ Section 2.2(4) of the Criminal Procedure Law provides for the appointment of defense counsel for indigent persons in all cases where the crimes are triable by the Circuit Court.

sentenced to five years in prison each. Counsel for the defense did not raise objection with the Court regarding the inadequacy of time and facilities to consult with his clients nor did he lodge an appeal against the Court's decision.

19. In January 2009, the Circuit Court Judge in *Sinoe County* tried and sentenced a suspect accused of assaulting a Court bailiff to two years' imprisonment. The case was not prosecuted and the suspect was not allowed adequate time and facilities to prepare his defense. When this irregularity was brought to the attention of the Judge, he stated that it was 'his prerogative' and within 'his judicial powers' to try the case speedily and that he is obliged 'to protect the Court and its officers'. Similarly in May 2009, HRPS learnt that the Magistrate Courts in Tienpo, *River Gee County* and in Voinjama, *Lofa County* either heard criminal matters in the absence of City Solicitors or disregarded their representations in violation of Section 1.5(a) of the Criminal Law Procedure which vests prosecution powers with the Department of Justice represented by City Solicitors in the Magistrates Courts.
20. The practice of detaining suspects in prisons without formal arrest warrants remains prevalent in *Margibi County*. Since the beginning of the year, HROs found a total of 43 detainees held up to one month without arrest warrants. Only upon advising, the County Attorney, City Solicitors and Magistrates that this violates Article 21(f) of the Liberian Constitution¹⁵ and Section 10.11(2) of the Criminal Procedure Law,¹⁶ were arrest warrants drawn up. Sometimes suspects would have to be released due to lack of evidence, usually following a motion for a *nolle prosequi* being granted by the Courts. In June 2009, two suspects were arrested and detained without charge at Kakata Central Prison. According to the police, there was insufficient evidence to link the suspects to a murder that had been committed, however, the suspects had been taken to Court in keeping with the constitutional provision requiring that suspects be brought before a Court within 48 hours.¹⁷ The police officers argued that the suspects were held in 'protective custody' so as to allow them to conduct further investigations and draw up proper charges against the suspects. Arrests should be carried out following criminal investigations that reveal probable cause linking the suspect to a crime. HROs advised the City Solicitor and the police that immediately upon arrest, suspects are entitled to know what offence they have been charged with.¹⁸ Moreover, upon presenting the suspects before the Court, an arrest warrant indicating the charges should have been issued.¹⁹ HROs further explained that law enforcement authorities can only use protective custody in respect of witnesses (not suspects) so as to protect them from harm by the alleged suspects and/or their associates. With no evidence to sustain a murder charge, the two suspects were released on 15 June 2009.

¹⁵ Article 21(f) of the Liberian Constitution requires that persons arrested or detained be formally charged and brought before a Court within 48 hours which will issue a warrant of arrest upon determining the existence of a *prima facie* case.

¹⁶ Under section 10.11(2) of the Criminal Procedure Law, a police officer who makes an arrest without a warrant should immediately bring the suspect before a Court, make a complaint setting forth the offense which the arrested person is charged with, and cause a warrant to be issued thereon.

¹⁷ Article 21(f) of the Liberian Constitution.

¹⁸ Article 21(c) of the Liberian Constitution. See also the memorandum from the Ministry of Justice of 2 August 2006 directing County Attorneys and City Solicitors that they should not pray for issuance of writs unless the police has conducted criminal investigations, found probable cause and prepared a charge sheet.

¹⁹ Under section 10.11(2) of the Criminal Procedure Law, a police officer who makes an arrest without a warrant should immediately bring the suspect before a Court, make a complaint setting forth the offense which the arrested person is charged with, and cause a warrant to be issued thereon.

21. In *Maryland County*, the Clerk of the Pleebo Magistrate Court tried and sentenced nine people including two juveniles aged 13 and 16 years for various offences in violation of Section 7.5 of the Judiciary law which stipulates that only appointed Magistrates are supposed to dispose of the judicial business in the Magisterial area covered by the Court. Besides, under Liberian penal law, the 13 year old juvenile is below the age of criminal responsibility.²⁰ Furthermore, Rule 4 of the Rules and Regulations for the governance of Magistrate and Traffic Courts provides that Clerks in Magistrates Court can only issue and sign legal precepts of the Court under its direction. Upon examining the forms committing the accused to prison, HRO observed that the writs had been signed by the Stipendiary Magistrate who, at the time was absent from jurisdiction. The Magistrate admitted to signing blank commitment forms to enable the clerk to detain suspects in his absence but argued that he had not authorised the Clerk to conduct trials or detain the accused. The act of signing blank committal forms for use by the Clerk in the Magistrate's absence opens up avenues for abuse by unscrupulous officers.
22. In *Bong County*, a complaint about the rape of a 16 year old girl by a 21 year old man was made directly to the Magistrates Court in Gbarnga by a lawyer representing the victim. On 1 May 2009, the suspect was brought before the Magistrate Court which committed him to prison. On 4 May, the Magistrate Court went further to issue an order releasing the suspect as further investigations revealed that there was insufficient information to sustain the rape charge. Section 25.2(3) of the Penal Law, confers original jurisdiction over all sexual offences with the newly established Criminal Court 'E' in Monrovia, *Montserrado County* and Circuit Courts in the other Counties. The law further provides that the jurisdiction of Magistrates in respect of sexual offences shall terminate upon making a sexual offence charge or exercising the power of arrest over the persons charged. Magistrates Courts shall have 'no jurisdiction to conduct any preliminary or other investigations into any sexual offence charge. Each sexual offence case shall be transferred to the Circuit Court within 72 hours of arrest.'²¹
23. In other instances, Magistrates decided on cases that were clearly beyond their jurisdiction simply because the Circuit Court in the given County was either inaccessible or not functioning due to the absence of a Judge or County Attorney. HRPS observed further that in such cases, the trials were held in the absence of the prosecutor and defense counsel. In April 2009, HROs reported two cases in *Lofa County* where Magistrates of Salayea and Voinjama heard and decided on cases involving charges of aggravated assault, which is a felony of the second degree.²² Jurisdiction of Magistrates Courts is limited to cases of petit larceny only and all offenses and violations of the Vehicles and Traffic Law.²³ In both cases, the accused persons were sentenced to fines contrary to Section 50.5(1)(b) of the Penal Law which

²⁰ Section 4.1 of the Penal Law provides: A person is not criminally responsible for his behavior when he was less than sixteen years of age. In any prosecution for an offense, lack of criminal responsibility by reason of immaturity is an affirmative defense.

²¹ Section 25.3(a) Chapter 25 Establishing Criminal Court 'E' of the First Judicial Circuit, 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, corruption of minors, sexual abuse of wards and sexual assault respectively

²² Section 14.20(b) of the Penal Law.

²³ Section 7(3)(b) of the Judiciary Law.

provides for a definite prison term of not more than five years. Similarly, the Magistrate in Fish town, *River Gee County*, while acknowledging that his Court did not have jurisdiction to try a case of aggravated assault, decided to handle the case anyway because the Circuit Court was paralysed and could not hear cases due to the absence of a County Attorney.

Juvenile Justice

24. Implementation of the laws and procedures that relate to juveniles in conflict with the law and in need of care and protection is inadequate due to the absence of a fully functional juvenile justice system. With the exception of the Juvenile Court established in *Montserrado County*, no Juvenile Courts have been established in the other 14 Counties as required by section 10(1) of the Judiciary Law. Under a provisional arrangement, the Juvenile Court Procedural Code (JCPC) has conferred jurisdiction over juvenile cases to Magistrates Courts.²⁴ However, many Magistrates lack training and expertise to apply the JCPC. Juveniles under 16 years of age continue to be placed in detention without Court orders contrary to section 11.42(1) of the JCPC and in the absence of separate detention facilities for juveniles, they are usually detained with adults contrary to Sections 11.42(1)²⁵ and 11.71(f)²⁶ of the JCPC. In January 2009, HROs in *Sinoe County*, found three juveniles aged 15, 16 and 17 accused of stealing US\$570, sharing cells with adult detainees in Greenville Central Prison. Separation of juveniles from adults aims to guarantee the additional human rights protections for juveniles, due to their status as children. Furthermore, it ensures that the risk of harm occurring to the more vulnerable juvenile detainees is reduced. However, out of 13 prisons in the country, only three have separate detention quarters for juveniles.²⁷ Juvenile cells in Gbarnga Central Prison in *Bong County* have separate facilities for use by juveniles. Four prisons, namely, Voinjama Central Prison in *Lofa County*, Kakata and Bondiway Central Prisons in *Margibi County*, and MCP in *Montserrado County* have holding cells for juveniles, which are situated in close proximity to adult detainees with whom they share ablution and other facilities.

25. Abandonment of cases involving juveniles found in conflict with the law has led to a vicious cycle of juveniles repeatedly coming into conflict with the law. In *Margibi County*, HROs collected information from Bondiway and Kakata prisons revealing that during the month of January 2009, a total of 38 juveniles arrested on various charges had been briefly detained in the prison facility and subsequently released into their parents' custody pending trial. Some of the juveniles were recorded as repeat offenders. However, the Magistrate Court records revealed that none of the 38 cases were brought for trial. Without diversionary or corrective measures for juvenile offenders, a vicious cycle is created where juveniles are arrested, detained and released. No adjudicatory or dispositional hearings are held in respect of these juveniles and they are never held responsible for their illegal actions. While this

²⁴ See Section 10(1) and (2) of the Juvenile Court Procedural Code.

²⁵ Section 11.42 of the JCPC while cautioning against detaining juveniles stipulates that where such detention is necessary 'its shall be in a segregated section of such premises where the said juvenile cannot have contact with persons over eighteen years of age confined therein.'

²⁶ Juveniles between 12 and 18 years who have been adjudged juvenile delinquent should be committed 'to the care and custody of the Youth Vocational Training Institution or any subsidiary facility thereof or to any other institution suitable for the commitment of such juvenile delinquents and maintained by the Government or an authorized private agency, for an indefinite period with a maximum of three years...'

²⁷ Namely, Buchanan Central Prison in Grand Bassa County, Zwedru Palace of Corrections in Grand Gedeh County and Harper Central Prison in Maryland County.

affects the credibility of the Court, it also places a burden on families and communities who may not have the requisite expertise to handle delinquent children. This often results in violence against the offending juveniles. Furthermore, the absence of reformatory facilities negates the essence of pursuing such adjudicatory or dispositional hearings, especially in cases where the juveniles may be required to undergo rehabilitation.

Human Rights and Law Enforcement

26. The Liberian National Police (LNP) is still faced with major constraints, including, serious limitations in logistics and infrastructure, and insufficient funding to cover operational and recurrent costs. Complainants are sometimes burdened with expenses such as transport costs for police officers to carry out their duties. In so far as a crime is an act or omission in violation of a public law forbidding or commanding it, the responsibility of meeting the costs related to the criminal justice process lies with the Government. The Government abdicates its responsibility in this respect when it fails to provide the resources required for a criminal justice system to function efficiently and effectively. In *Sinoe County*, a 30 year old man who reported having been assaulted was asked by the LNP Commander to pay L\$6,400 (US\$106) for the police officers' transport to the scene to investigate the case. Lack of logistics also constrains the ability of police officers to investigate cases and collect evidence in a timely manner, which in turn affects the quality of prosecution. For instance, due to lack of transport, police officers waited until 22 April 2009 to follow up and investigate a rape case which occurred in Gbecohn Town, *Bong County* on 15 April 2009 and was reported to them the very same day.
27. Although the number of police officers deployed outside Monrovia has increased and several police stations have been rehabilitated, police presence beyond County capitals remains limited. In some outlying locations, the total absence of law enforcement structures or their inadequacy is further compounded by the non-existence of functional judicial structures, posing a threat to peace and security. Though this is the case in most of Liberia's counties, one example is in certain mining areas of *Rivercess County*, where a number of informal and illegal mining camps have been established, namely, Sand Beach Community, Beawor and Central 'C' districts. In these camps, community members, many of whom are ex-combatants, engage in illegal gold mining with impunity. In *Grand Kru County*, community police have been established in Blebo town as a substitute for a police presence in the town. With no arresting powers, community police members are required to report cases to the LNP in Behwan, which is a three hour walk away. However, this arrangement is not practical as logistical constraints often hinder members of the community policing forum from making timely reports to the LNP for them to carry out prompt arrests.
28. Complaints concerning serious misconduct by LNP officers, particularly of police brutality, theft or extortion continue to be reported. During the period under review, 20 allegations of serious police misconduct²⁸ were reported to HRPS, of which about half (13 cases) were of police brutality, theft or extortion. The Solicitor General at the time, Counsellor Tiawon Gongloe publicly acknowledged the occurrence of police

²⁸ Other allegations included rape and abuse of power.

brutality and other violations by the police, and stated that efforts are being made to address the problem.

29. Upon receiving reports of police misconduct, HRPS brought them to the attention of superior officers within the LNP²⁹ or the Professional Standards Division (PSD) which is mandated to investigate complaints, rumours, and allegations of police misconduct.³⁰ With the exception of two cases³¹ where serious follow up has been taken, in the other cases, investigations were delayed or appear not to have been pursued at all for a variety of reasons, including, an absence of written complaints or lack of logistical support to facilitate the investigation teams' travel to the areas in question.
30. Chapter 6 of the LNP Duty Manual lays down a clear investigative or disciplinary process to be followed when an allegation of misconduct is made against an LNP officer, however, this process is marred by lack of transparency, independence and accountability. For instance, anyone seeking to lodge a complaint against a police officer is expected to report it to the police commander, which raises concerns about independence, especially where senior police officers are concerned. If the case gets past this first stage, it will be referred to the investigations board for preliminary investigation. However, the investigations board does not have standard operating rules and procedures, a situation that is further exacerbated by the existence of nepotism or corruption. Consequently, allegations or complaints are usually not thoroughly investigated. Even where investigations are undertaken, lesser sanctions may be proposed for the alleged misconduct and in some cases, criminal prosecutions are not pursued even where criminality is suspected. Police officers accused of misconduct or having committed crimes must be investigated and held to account for their actions and measures should be taken to prevent the recurrence of those actions.³² Failure to do so contributes to a culture of impunity and seriously undermines public confidence in the law enforcement system. In *Bomi County*, the relationship between the LNP and the community had deteriorated as members of the community feared or mistrusted the police who they claimed had failed to investigate many police brutality complaints. On 13 March 2009 about 30 youths representing various youth groups and members of the community held a peaceful protest against police brutality and arbitrary detention in Tubmanburg and called for the removal of the LNP County Commander.

Human Rights in Prisons and Places of Detention

²⁹ Section 2.1.4.3 of the LNP Duty Manual stipulates: When informed or when it comes to the attention of any member of the Liberia National Police of a civilian complaint against another member of service; he/she shall be duty bound to make an immediate proper report that shall be submitted through channels to the LNP Police Standards and Practices Section; See also Article 8 of the UN Code of Conduct for Law Enforcement Officials, adopted by General Assembly Resolution 34/169 of 17 December 1979.

³⁰ Chapter 6.0 and 6.1 of the LNP Duty manual

³¹ Namely: A theft case involving 2 police officers from Grand Gedeh County – investigations were concluded and recommendations made to the Police Headquarters. The 2 were under suspension; A theft case involving 2 police officers from Grand Cape Mount County – an arrest warrant was issued and the County Attorney has drawn up an indictment.

³² Section 2.1.2.1 of the LNP Duty Manual stipulates: By virtue of their employment and/or appointment requiring adherence to this Duty Manual, any act or omission by any member of the Liberia National Police that constitutes a violation of any national statute, ordinance, rule, regulation, policy or procedure; shall be considered as an act of misconduct to be investigated and that may result in disciplinary action and/or criminal charges, and/or possible termination.

31. Due to low budgetary allocation to the corrections sector, the physical infrastructure of prisons and places of detention are weak, correctional institutions are understaffed and staff are inadequately trained. Frequently, official staff are supplemented by volunteers, raising concerns about accountability and other problems associated with using untrained staff. Due to the absence of detention facilities in some parts of the country,³³ some Magistrates have resorted to unlawfully establishing and operating detention facilities as a stop gap measure.
32. Due to the weaknesses associated with the criminal justice system, the majority of inmates are in pre-trial detention³⁴ and often over extended periods. This has contributed to overcrowding in almost half of the country's corrections facilities³⁵ rendering them deplorable and unhygienic.
33. Furthermore, effective prison management becomes severely compromised when inmate numbers dramatically exceed the facility's operational capacity, which, coupled with poor logistics, absenteeism and dereliction of duties by the respective officers creates an environment conducive to escapes. During the reporting period, nine prison breaks occurred,³⁶ some of which were violent and resulted in the mass escape of inmates. In *Nimba County*, an off duty correctional officer took three inmates from Sanniquillie Central Prison to assist him in the production of bricks, in this case a private commercial activity. One of the detainees escaped during this process. It is worth noting that of the nine prison breaks, four took place in Sanniquillie Central Prison. Inmates' leaving the prison grounds is limited to going to Court, the hospital, upon receipt of special permission from the Assistant Minister of Justice for Rehabilitation or upon release by an authorised official.³⁷
34. On 17 April 2009, 40 pre-trial detainees escaped from the National Palace of Corrections in *Grand Gedeh County*, while on 16 May 2009, 32 prisoners escaped from MCP, *Montserrado County*. The inmates at the National Palace of Corrections used iron bars and other implements³⁸ to damage the cell padlocks and prison gates to facilitate their escape while three officers reportedly conspired to facilitate the escape at MCP. Thirty nine of the 40 escapees from the National Palace of Corrections and 14 of the 32 escapees from MCP were re-captured with UNMIL support. The apprehended escapees were never charged for the escape in accordance with Section 12.7 of the Penal Law. Following internal investigations into the incident, the

³³ Three counties, namely, Grand Kru, Gbarpolu and Rivercess do not have central prisons.

³⁴ In April 2009, there were 1226 pre-trial detainees out of a nationwide prison population of 1377 (Information is based on data collected by UNMIL Corrections Advisory Unit for April 2009).

³⁵ Namely, Kakata Central Prison in *Margibi County*, Monrovia Central Prison in *Montserrado County*, Sanniquellie Central Prison in *Nimba County*, Gbarnga Central Prison in *Bong County* and Buchanan Central Prison in *Grand Bassa County*.

³⁶ According to UNMIL Corrections Advisory Unit, the nine incidents occurred in Gbarnga Central Prison in Bong County, National Palace of Corrections in Grand Gedeh County, Monrovia Central Prison in Montserrado County, Sanniquellie Central Prison in Nimba County, Harper Central Prison, in Maryland County and Voinjama Central Prison in Lofa County.

³⁷ Rule II(8) of the Prison Rules and Regulations. Under Rule II(4) authority for release would be by order of the Head of State, Court order, by operation of a law or the expiration of the term of sentence.

³⁸ Rule III (14) of the Prison Rules and Regulations prohibits possession by inmates of such objects and under Rule III (13) Corrections Authorities are permitted to search within their discretion, the cell or person of any inmate. This would ensure that inmates do not have in their possession implements that would aid their escape or be used to harm fellow detainees or correctional officers

Superintendent of MCP and his Deputy were held responsible for the escape and subsequently dismissed. An investigation into the escapes from the National Palace of Corrections was undertaken. A report with recommendations was submitted to the Bureau of Corrections but no action appears to have been taken. In *Maryland County*, 34 out of 36 inmates were set free by a mob of people who forced their way into Harper Central Prison on 11 June 2009 to attack a man suspected of killing a 27 year old male. Harper Central Prison was seriously damaged during the attacks and is not secure enough to hold detainees, leaving the entire County without prison facilities. As a stop gap measure, pre-trial detainees are being held in cells at the LNP station in Harper. The LNP station only has two cells, each of which has a capacity of about six suspects, presenting space problems, and is not amenable to the separation of the convicted persons, pre-trial detainees and police suspects, as recommended by the Standard Minimum Rules for the Treatment of Prisoners.³⁹ Prison escapes prevent justice from being delivered in accordance with the law and undermine public confidence in the criminal justice system and the fight against impunity. Victims are also at risk of intimidation by suspects who have escaped from prison.

Rape and Sexual Violence

35. There is still a high incidence of rape and sexual violence against victims as young as two years old. Between 1 January and 8 June 2009, UN Police recorded 267 reports of rape. However, it is likely that the number of rape crimes may be higher as many cases go unreported. The consequences of rape are numerous and in the case of young children, may result in death. There is still a general lack of awareness within society and among police officers about the penal law provisions on rape. Consequently the law on rape is either poorly implemented or not implemented at all. In *Bomi County*, LNP officers arrested a 58 year old man accused of raping a 13 year old but he was subsequently released because they had received information that the girl was sexually active. Rape suspects either escaped arrest, were charged with lesser crimes or rape cases were compromised especially in cases in which the suspects were regarded to be of high 'status' within their communities. In January, a high profile politician was accused of raping a 17 year old girl who he employed as a housemaid. The incident was reported to the Brewerville LNP station in *Montserrado County* but HROs learnt later that the LNP had not made any attempt to arrest the suspect, nor had the complaint been recorded in the Occurrence Book at the LNP station. The victim's family informed HROs that the suspect had offered the victim and her family members US\$800 to stop them from reporting the case. HRPS and the Office of the Gender Adviser in collaboration with a local NGO helped to get the victim, who was in a critical condition, to a health facility. The LNP did not investigate the case fully, nor was the suspect arrested. Other allegations of rape involving personalities of high standing that were not pursued were reported in *Gbarpolu County*, where the alleged perpetrator was a school principal, and in *Sinoe County* where the alleged perpetrator was an immigration officer. In *Gbarpolu County*, the NGO Christian Children's Fund (CCF) closed its operations and withdrew from Kongba district because LNP officers, in a bid to compromise sexual and gender based violence (SGBV) cases were allegedly harassing CCF monitors and interfering with the reporting of SGBV cases. These actions are contrary to the LNP's obligation to fully investigate any reported

³⁹ Principles 8, 85 and 86 of the Standard Minimum Rules for the Treatment of Prisoners.

crime and apprehend suspects, particularly where a serious crime is found to have been committed.⁴⁰

36. The general tendency to settle rape cases out of Court remains a concern. While this could be attributed to a lack of awareness that rape is a criminal offence, owing to economic hardships, parents were sometimes persuaded to accept financial compensation in amicable settlements. In *Bomi County*, no legal action was taken against a Traffic Court Judge alleged to have admitted to having sexual relations with a 13 year old girl in 2007, which resulted in her becoming pregnant. The girl has since given birth and attempts have been made to handle the matter amicably so that the perpetrator can take responsibility and support the victim and the child.
37. On the other hand, since the offence of rape is likely to attract a heavy prison sentence upon conviction, many victims face societal pressures against pressing charges, especially when those involved live in the same village. For instance in June 2009, HRO in *Grand Kru County* learnt that a 14 year old girl dropped out of school because she had been impregnated by her 22 year old boyfriend. The girl's parents were advised that technically the 22 year old had committed rape. On learning this, the girl's parents requested the County Gender Coordinator not to take any legal steps against the 22 year old man. HRO tried to follow up the case but the Gender Coordinator declined to divulge the names of those involved for fear that the HRO would bring the case to the attention of the police.
38. The problems associated with access to justice, health facilities and effective law enforcement have also contributed to victims settling cases out of Court, cases not making it onto the Courts' dockets or ultimately resulting in acquittals or dismissals. For instance, while Criminal Court E established in *Montserrado County* to exclusively handle cases related to sexual offences commenced operations in February 2009, there were only 7 cases on the Court's docket during the period under review. Only one case was tried, completed and a conviction handed down with the 6 remaining cases deferred to the August Court Term.
39. Due to police officers' insufficient forensic skills, or in some areas a complete absence of LNP, and/or a lack of health facilities and properly trained medical personnel, victims cannot make immediate reports or secure medical reports. Provision has been made for the establishment of Women and Children Protection Sections (WCPS) within LNP stations to handle SGBV cases including rape. However, these sections suffer the same constraints facing LNP generally – they are not fully established and strengthened throughout the entire country. Furthermore, the number of females assigned to WCPS is affected by the low numbers of females in the police force.⁴¹ This may be a contributory factor to the reluctance to report SGBV cases on part of female victims. In some instances, complaints are made long after the incident occurs, making it more difficult for the prosecution to obtain sufficient evidence to sustain rape charges. For instance, a 45 year old man from *Bong County*

⁴⁰ See Sections 2.1.2; 2.1.3.1; 2.1.4.2 of the LNP Duty Manual.

⁴¹ Out of a police strength of 3,785 police officers, 535 are women which represents 14.13 percent of the police force. It is also worth noting that of the 535 female police officers, 409 are assigned to Montserrado County, leaving a total of 126 female police officers assigned to 13 Counties. No female police officers are assigned to Grand Kru County. River Gee and Gbarpolu Counties have one female police officer each, while River Cess and Grand Bassa Counties have 2 and 3 female police officers respectively.

was arrested in February 2009 following a complaint that he had allegedly raped a 12 year old girl in November 2008. In *Margibi County*, a 16 year old girl, who was allegedly raped on in January 2009 by a 40 year old man only reported the incident to the police in February 2009. The victim claimed that she had not immediately reported the rape because she had been threatened by the accused. Similar cases were reported in *Nimba County*.

Children's Rights

40. Extreme levels of poverty,⁴² and high illiteracy rates,⁴³ coupled with limited livelihood and economic opportunities have made children in post-conflict Liberia vulnerable to all forms of exploitation as they are also often expected to contribute to household incomes. While Liberia has adopted the policy of free primary education, it has not been fully implemented and many school-aged children are engaging in economic activities or work in the home, even though these activities may harm their health or safety. Under the Convention on the Worst Forms of Child Labour, the involvement of children in work, which is likely to harm the health, safety or morals of children is prohibited.⁴⁴

Child labour

41. Cases of school aged children participating in illegal mining activities were reported in *Gbarpolu* and *Grand Gedeh Counties*. In *Lofa County*, HRO received reports in April 2009 that cases of young girls involved in the exchange of sex for money or other support were on the rise. This has been attributed to the presence of a huge number of workers with disposal incomes from a new agricultural project being implemented in Foya district. While involvement of children in these activities is illegal, there have been no attempts made by the law enforcement authorities to arrest and prosecute those found responsible. Child prostitution and involvement of children in illegal mining activities is harmful to their health, safety or morals and is contrary to Liberia's obligations under the Convention on the Worst Forms of Child Labour.⁴⁵
42. Liberia's land borders are porous and official crossing points are inadequately staffed by immigration officers to prevent illegal border movements. HROs reported seeing children crossing the borders from *Nimba and Maryland Counties* into Côte d'Ivoire to perform paid manual labour. On one occasion, LNP officers in Loguato, *Nimba County* intercepted a total of seven children (four from Côte d'Ivoire and three from Liberia aged between eight and 15 years), carrying imported goods from Côte d'Ivoire into Liberia to load them onto commercial trucks. Cross border movements of children raises concern, as they may fall prey to child traffickers.

Abuse and violence against children

43. While Liberian law permits physical chastisement of children below the age of 18 years by parents, guardians or teachers, stating that the force used must not be

⁴² It is estimated that 68 per cent of Liberians live on less than US\$1 a day in Liberia, 2008 National Population and Housing Census

⁴³ Sixty eight percent of children and young people are illiterate (81 percent young females are illiterate) - see Poverty Reduction Strategy, Republic of Liberia at p.185. Adult literacy (15+ years) rates are at 74 percent in the urban areas and 45 percent in the rural areas - see Table 3.4, Education and Literacy, Poverty Reduction Strategy, Republic of Liberia at p.32.

⁴⁴ See Article 3 of the Convention on Worst forms of Child Labour

⁴⁵ Liberia ratified the Convention on the Worst forms of Child Labour on 2 June 2003.

designed to cause or be known to create a substantial risk of causing death, serious bodily injury, disfigurement or degradation.⁴⁶ These provisions notwithstanding, the Section continues to receive reports of parents and family members resorting to severe physical disciplinary actions amounting to physical abuse. In *Nimba County*, two serious physical abuse cases against children were reported. In one case, a 13 year old girl was undressed and beaten in public by her mother and in the other, a 15 year old boy from Karnplay died from injuries he had sustained following a beating he had received from his father. Similar cases were reported in *Grand Gedeh and Bomi Counties*, where children aged 12 and 13 were severely beaten by their parents. In many of these cases, suspects were arrested following complaints being made to the police, were charged, and in many cases, released on bail. The child victims, in most cases, are sent back to the homes where they suffered the abuse, with no mechanism in place to ensure that they are protected from further abuse. In such cases, the abuse is likely to continue, probably with more severity if a report has been lodged with the police. Finally, abused children cease to make complaints to the police for fear of the repercussions at home.

Children's rights in Orphanages

44. National standards applicable to orphanages and other public and private welfare institutions are established under the Public Health Law of Liberia. The Ministry of Health and Social Welfare (MoHSW), specifically the Department of Social Welfare, is the main State agency responsible for implementing provisions of the law relating to orphanages. In order to assist in implementing the law, the MoHSW developed Minimum Standards for Operating Child Welfare Institutions to protect the rights of all children living in welfare institutions and to provide quality services.
45. During the period under review, HROs visited nine orphanages in *Grand Bassa County*,⁴⁷ four orphanages from *Bomi County*⁴⁸, three orphanages in *Montserrado County*,⁴⁹ Sister Theresa Dainsee Orphanage Mission in *Nimba County* and Abandoned Children Care Foundation in *Lofa County*. Orphanages usually receive financial and material support from the Government, various organisations (usually faith-based) or individual donors. Generally the situation of children in the orphanages visited by HRPS was poor and the quality of care and protection provided did not fully meet the Minimum Standards for Operating Child Welfare Institutions.⁵⁰ Some of the Orphanages visited in *Grand Bassa*⁵¹, *Bomi*,⁵² *Montserrado*⁵³ and *Nimba Counties*,⁵⁴ had exceeded the maximum number of children prescribed by the Minimum Standards for Operating Child Welfare Institutions. Moreover, in January,

⁴⁶ Section 5.8 of the Penal Law of Liberia.

⁴⁷ World Champion Orphanage, God Heritage Orphanage, Todcad Charity Orphanage, Faith Orphanage Home, Lighthouse Children's Village Hope Restoration Orphanage, Good Samaritan Orphanage Home, Mission for Orphans, Disabled and Unaccompanied Children, Caring for Tomorrow Generation Welfare Institution and Catherine Memorial Orphanage.

⁴⁸ TREMAS Orphanage, Omega Orphanage and Liberia Orphans, Abandoned Children Home and Ballah Davies orphanage.

⁴⁹ Christian Orphanage and Agricultural Programme, Children Rescue Orphanage Centre and St-Martin orphanage.

⁵⁰ See also, Ministry of Health and Social Welfare 'Annual Assessment and Monitoring of Orphanages in Liberia' 8 August 2008 which also describes the dire situation of children in Orphanages.

⁵¹ Hope Restoration Orphanage, Todcad Charity Orphanage and Lighthouse Children's village.

⁵² TREMAS Orphanage.

⁵³ Children Rescue Orphanage Centre and St-Martin Orphanage.

⁵⁴ Sister Theresa Dainsee Orphanage Mission.

Todcad Charity Orphanage in *Grand Bassa County* had four youths above the age of 18 years. Children Rescue Orphanage Centre and St-Martin orphanage in *Montserrado County*, Sister Theresa Dainsee Orphanage Mission in *Nimba* and six Orphanages in *Grand Bassa County*⁵⁵ did not have enough beds, mattresses or mosquito nets for the children, which is contrary to the Minimum Standards, which prescribes that each child must have at least a bed with mattress, four bed sheets and one pillow.⁵⁶ It has been observed that most of the children in these institutions are recruited to join the orphanages with promises to parents that their children will receive a better education and other opportunities. However, in many instances, the institutions are used to make money from unsuspecting donors and uninformed rural families. The implementation of the Minimum Standards for Operating Child Welfare Institutions has been hampered by general lack of proper assessment mechanisms and staff. Many of the issues highlighted are initially identified by HROs who in turn alert officials on the conditions of the orphanages. In a positive development, Bledisha orphanage in *Grand Gedeh County*, against which a number of allegations of child trafficking were made, was closed by the Ministry of Health and Social Welfare in June 2009.⁵⁷

Access to education, health care and safe drinking water

46. Access to basic services such as health care, education and safe drinking water is limited to a small percentage of the population, with the rural and urban poor tending to be excluded. 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.⁵⁸ Consequently, most people especially in the rural areas use water from creeks that they typically do not boil before use. This has grave implications for the health of the population with many often suffering from preventable water borne diseases, like diarrhoea.
47. In the education sector, the Government has adopted the policy of free primary education, but there are still insufficient schools, especially in rural communities, to absorb all school aged children. On the other hand, HROs found that where schools do exist, they are generally ill-equipped and have inadequate classroom furniture, school supplies, textbooks and other pedagogical materials.
48. Although efforts are being made to recruit trained teachers, the problem of insufficient numbers of well trained and qualified teachers persists. In December 2008, the Ministry of Education issued a directive prohibiting volunteer teachers from teaching after 31 December 2008. However, faced with inadequate qualified teachers, some schools particularly in the rural and urban poor areas continued to rely on volunteer teachers who in most cases were often not properly qualified, thereby adversely affecting the quality of education. In *Lofa* and *River Gee Counties*, volunteer teachers continued to teach and either sought compensation for their services from parents or the parents offered

⁵⁵ Hope Restoration Orphanage, Good Samaritan Orphanage Home, Mission for Orphans, Disabled and Unaccompanied Children, Caring for Tomorrow Generation Welfare Institution and Catherine Memorial Orphanage.

⁵⁶ Minimum Standards for Operating Child Welfare Institutions states that “each child must have at least a bed, mattress, 4 bed sheets and one pillow”.

⁵⁷ See UNMIL Report on the Human Rights Situation in Liberia for the period November 2007 – June 2008 at p.16 at paragraph 40.

⁵⁸ Poverty Reduction Strategy at p.29.

to compensate them because they needed their services. The Principal of Mecca Community School in *Grand Cape Mount County* reported that with a student population of 245, his entire teaching staff was composed of two volunteer teachers. Similarly, Boapea Elementary Public School in *Nimba County* enrolled 226 students, and yet the school has only two teachers. Undoubtedly, given the circumstances, the quality of education is highly compromised.

49. Accessible health care remains a challenge particularly for those living in the rural areas. Many towns do not have health facilities, with the nearest such facility typically being many hours away, with journeys being made on foot in most cases, or in a wheelbarrow if the patient is critically ill. This situation is compounded further by the lack of vehicle transportation and poor road infrastructure.
50. In those towns and communities fortunate enough to have a health facility or clinic, it was observed that the standard of health care was low, as most clinics or hospitals are understaffed, lack qualified medical practitioners, essential medical equipment and drugs. With a catchment area of about 5,404 people from as far as Forpoh, Buah, Jloh, Picinness, Bollo po towns, Sasstown Health Center in *Grand Kru County* has only 4 beds for in-patients. The Health Centre has a laboratory, which can only carry out malaria tests, with a test-kit, as there is no microscope. Due to the lack of medical facilities, preventable deaths have been common. An example is the extremely high maternal mortality rate in Liberia, which stands at 994 deaths per 100,000 live births.⁵⁹ Access to private medical health facilities where they exist, is not a viable option for most of the population, due to low incomes.

Harmful Traditional Practices

51. International Human Rights Law guarantees the right to culture, including the right to enjoy and develop cultural life and identity.⁶⁰ However, this right is limited at the point at which it infringes on another human right. In the context of Liberia, certain traditional practices that are discriminatory, harmful and violate the dignity of the person on whom they are performed continue to be practiced. These include female genital mutilation (FGM),⁶¹ trials by ordeal, where in some instances *sassywood*⁶² is administered, and forced initiation into secret cultural societies.⁶³
52. The secret cultural societies mentioned above are traditional social structures and institutions that provide forums commonly referred to as 'bush schools', where

⁵⁹ 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). According to World Development Indicators, the maternal mortality rates for sub-Saharan Africa in 2008 were at about 900 deaths per 100,000 live births.

⁶⁰ See Article 15 of the International Covenant on Economic, Social and Cultural Rights; See also Article 22 of the African Charter on Human and Peoples' Rights.

⁶¹ 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. As part of the international celebrations to mark the International Day of Zero Tolerance to Female Genital Mutilation (FGM) which falls on 6 February, President Ellen Johnson Sirleaf issued a proclamation declaring that this day be observed in Liberia.

⁶² A liquid made from the poisonous bark of a particular tree, or other poisonous substances which when ingested usually causes death. Under Article 73 of the Revised Rules and Regulations Governing the Hinterland of Liberia (2000) use of *sassywood* in a trial by ordeal is illegal.

⁶³ Namely, the Sande society for females and Poro society for males.

pubescent girls and boys undergo informal training for periods of up to six months in preparation for adulthood and family life. Involvement in ‘bush schools’ affects school attendance as the attendees have to remain in the bush school for the entire training period. Furthermore, full initiation into the secret society for girls and women entails undergoing FGM⁶⁴ and upon graduation it is not uncommon for most of the girls to abandon school altogether and end up in early marriages. Although officials from the Ministry of Internal Affairs, responsible for licensing the operation of these societies, say that participation in ‘bush schools’ should be voluntary,⁶⁵ this is not always the case. Moreover, where reports of violations or forceful initiations are made, victims are reluctant to press criminal charges and law enforcement and local authorities are also reluctant to pursue the cases before Courts of law.

53. During the period under review, HROs received information of children, some as young as four years old, being recruited into the Sande and Poro society bush schools in *Nimba, Bomi, Gbarpolu and Montserrado Counties*. In *Nimba County*, HROs received information that children from Sending, Voipa and Guotoin towns, most of whom were attending school, were taken to join the Poro bush schools. HROs further learnt that 40 girls aged between 5 and 17 years, some of whom were students from Miaplay-Yeazley and Bonah Public Schools, *Nimba County*, joined the Sande bush school in Miaplay-Yeazley town where they stayed for one month. In *Bomi County*, HROs and the County Gender Coordinator saw children between the ages of 4 and 17 years attending a Sande bush school in Leyahn town.
54. The Convention on the Elimination of Discrimination against Women also calls on the elimination of laws, stereotypes, practices and prejudices that impair women's well-being.⁶⁶ The African Charter on the Rights and Welfare of the Child to which Liberia is party, recognises that there are some customs and practices that are prejudicial to the health or life of the child, such as FGM, and demands to prohibit these.⁶⁷ Cognizant of this, and perhaps as an initial step towards addressing the problem of FGM, President Johnson Sirleaf issued a proclamation declaring that 6 February which is the ‘International Day of Zero Tolerance to Female Genital Mutilation’,⁶⁸ be observed in the country. The President also directed that meaningful activities to commemorate the day be undertaken in collaboration with the Ministry of Gender and Development and the Inter-African Committee.
55. Among Liberian rural communities, adjudication of disputes through trials by ordeal or the ‘traditional way’ is often preferred. Difficulties in accessing justice through the ‘formal system’ particularly for rural communities may partly explain this preference,

⁶⁴ Supra n.61 at p.126.

⁶⁵ Responses of Mr. Edward Walker II, Director of Culture in the Ministry of Internal Affairs and Chief Zanzan Karwor, Chairman of the National Traditional Chiefs’ Council of Liberia during a workshop organised on 28 March 2008 by HRPS to discuss harmful traditional practices and the role of the Ministry of Internal Affairs in the administration of traditional justice.

⁶⁶ See Article 2 of the Convention on the Elimination of Discrimination against Women.

⁶⁷ See Article 21 of the African Charter on the Rights and Welfare of the Child.

⁶⁸ The UN Sub-Commission on Human Rights adopted 6 February as the International Day on Zero Tolerance to FGM, after the day was chosen during the International Conference on Zero Tolerance to FGM in Addis Ababa in 2003. The theme for 2009 celebrations was ‘Political will at the Center of Achieving Zero Tolerance to FGM’.

especially as these adjudicatory mechanisms, sanctioned by the Hinterland Rules and Regulations, deliver quick remedies.⁶⁹

56. While the Hinterland Rules and Regulations authorise ordeals of a minor nature that do not endanger the life of the individual, trials by native ordeal, in which the bark of *sassywood*⁷⁰ is prepared and ingested, is expressly prohibited.⁷¹ Such prohibition has also been upheld by the Supreme Court of Liberia, which has consistently ruled that the administration of *sassywood* is illegal.⁷² Furthermore, the Supreme Court has opined that by their very nature, trials by ordeal compel an accused person to confess or produce evidence against themselves violating the constitutional provision against self incrimination,⁷³ and are therefore unconstitutional and illegal.⁷⁴ The ranges of procedures involved in such trials vary from location to location and practitioner to practitioner, but in all instances, the alleged ‘suspect’ is forced to undergo some physical test so as to determine his or her guilt or innocence. These tests involve the infliction of pain, are frequently severe, and many involve the additional element of humiliation. The manner in which trials by ordeal are typically carried out amount to inhuman treatment, and violate the right to dignity and fair trial guarantees. In January 2009, HROs learnt that a 25 year old man had escaped from the Poro bush in Goution town, *Nimba County* after he had refused to pay a fine imposed during a traditional trial. The man reported that prior to his escape, he had been tied up and dragged to the Poro bush where he was beaten by four men. Following the man’s escape, eight members of the Poro society reportedly ransacked his relatives’ homes and L\$1,600 (US\$27) was stolen. The relatives (five adults and some children) were reportedly held hostage for about 16 hours. The LNP arrested six suspects in connection with this incident on charges of kidnapping, criminal conspiracy and theft of property. However, the LNP later released the suspects following intervention by the County Superintendent and some local authorities, who appealed for the case to be withdrawn and settled out of Court. In *Grand Gedeh County*, the Town Chief of Gorbowragbo village reportedly called a witch doctor to conduct a trial by ordeal and identify witches impeding development in the village. Ten people identified in this manner were subsequently tied up, their heads were shaved, and they were made to sit in the sun, where they were humiliated by community members. They were later forced to take *sassywood* and each of them was asked to pay L\$2000 (US\$ 33.50) to secure their release. All the suspects, were arrested and charged with criminal mischief and theft of property. Subsequently, traditional chiefs and the Acting Superintendent intervened in the case and the suspects were released for the case to be settled out of Court.

Truth and Reconciliation Commission

57. During the reporting period, the TRC held institutional and thematic hearings covering, *inter alia*, the media, the Legislature, children, women and reparations.

⁶⁹ These perceptions were confirmed in a yet to be published research done by the United States Institute of Peace in collaboration with the George Washington University and the Centre for the Study of African Economies on the experiences and perception of local justice.

⁷⁰ A liquid made from the poisonous bark of a particular tree, or other poisonous substances which when ingested usually causes death.

⁷¹ See Article 73 of the Revised Rules and Regulations Governing the Hinterland of Liberia (2000).

⁷² See *Jedah v Horace*, 2 LLR 265(1916).

⁷³ Article 21(h) of the Liberian Constitution.

⁷⁴ *Tenteah v Republic of Liberia*, 7 LLR 63 (1940); See also *Posum v Pardee* 4 LLR 299 (1935)

Upon completion of the hearings, in May 2009, the TRC held three regional consultations, in which representatives from all 15 Counties participated under the theme: 'Promoting National Peace, Security and Reconciliation in Liberia.' The consultations were aimed at promoting transparency, inclusion, participation and ownership of peace-building and reconciliation initiatives designed to support social cohesion, democracy and national development. Following the regional consultations, a National Reconciliation Conference was held from 15-19 June 2009 with stakeholders from across Liberia.

58. Recognising the importance of facilitating reconciliation, the TRC and NGOs initiated activities aimed at promoting dialogue at the grassroots level. A consortium of women's civil society organisations, under the umbrella of the Women NGO Secretariat of Liberia (WONGOSOL), continued to hold a series of regional dialogues aimed at encouraging women to actively participate in consolidating peace in Liberia. Women had the opportunity to make contributions to TRC recommendations relating to reconciliation, reparations, amnesty and other transitional justice and peace building processes.
59. In January 2009, the TRC released Volume I of its final report which contained initial findings and recommendations. It then concluded its mandate with the delivery of its consolidated final report – Volume II, to the National Legislature and the President on 30 June 2009.⁷⁵ The report, whose cover page was marked 'unedited', contains key findings on the root causes of the conflict and recommends criminal prosecution in a special hybrid extraordinary tribunal for the most serious violations, including economic crimes; and domestic prosecutions for lesser crimes; reparations; lustration; use of a decentralised '*palava hut*' peace building mechanism, and extensive institutional, legal, political and other reforms.⁷⁶ Fifty public and political figures, including President Johnson Sirleaf are recommended for public sanctions,⁷⁷ including being barred from holding public office for a period of 30 years. President Sirleaf testified before the TRC on 12 February 2009. The report has a list of persons recommended for prosecution for gross human rights violations and war crimes but does not contain a list of persons alleged to have committed egregious domestic crimes.
60. The TRC recommends amnesty for those under 18 years of age at the time of committing the violations, and 36 individuals found responsible for gross violations were exempted from prosecution because they cooperated with and spoke truthfully before the TRC, admitted their wrongs and showed remorse. However, under Section 26(g) of its governing Act, the TRC is prohibited from granting amnesty or exonerating those accused of violations of international humanitarian law and crimes against humanity.⁷⁸ While the TRC is careful not to call this 'non-prosecutions list'

⁷⁵ On 24 March, President Ellen Johnson Sirleaf approved a retroactive Resolution extending the mandate of the TRC from 22 September 2008 to 30 June 2009.

⁷⁶ Two TRC members submitted two 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.

⁷⁷ The list of 50 persons is non-exhaustive and section 14.3 which recommends the type of public sanctions to be imposed on the 50 persons is ambiguous and requires further clarification on its precise meaning and extent of application.

⁷⁸ Section 26(g) of the TRC Act stipulates: Recommending amnesty under terms and conditions established by the TRC upon application of individual persons making full disclosures of their wrongs and thereby expressing

an amnesty, cooperation with the TRC should be a mitigating factor in sentencing upon any conviction, and not an escape clause that avoids all accountability. With respect to the way forward, the TRC Act requires that all the recommendations be implemented, and the President is expected to report⁷⁹ on the status of implementation to the legislature within three months of receipt of the report and on a quarterly basis thereafter.⁸⁰

61. Publication of the TRC report only ends one phase on the long road to reconciliation, building lasting social cohesion and sustainable peace in Liberia. The process that the TRC began in 2006 is only part of a wider peace building process that must continue following the conclusion of the TRC mandate. In this respect, Liberians are expected to take the lead in making any decisions relating to implementation of the recommendations contained in the TRC report as part of the peace building process.

Independent National Commission on Human Rights

62. On 21 May 2009, the Senate concurred with the House of Representatives and passed amendments to the Act establishing the INCHR. The Act as amended was presented to the President who assented to it in June 2009. Appointments of the INCHR members had been delayed as the Executive awaited the enactment of the amendments to the Act. The INCHR is crucial both to establishing an accessible long-term human rights presence in Liberia and because it has a central role to play in following up on the implementation of the recommendations of the TRC. It is also hoped that with the constitution of the INCHR membership, the Government will step up its efforts to develop a national human rights action plan.

V. Measures taken by the Government and other Relevant Stakeholders

63. The Judiciary and the Ministry of Justice have both finalised their strategic plans. In the Corrections sector, rehabilitation efforts commenced with the launch of a pilot agricultural project at the Zwedru Central Prison in *Grand Gedeh County*. In the immigration sector, the Government, with support from UNPOL, UNDP, UNHCR and the UK Security Sector Reform Trust Fund, is undertaking efforts aimed at strengthening the capacity of the Bureau of Immigration and Naturalization (BIN). The BIN developed a strategic plan which was discussed in a workshop held from 15 to 18 April 2009 in Robertsport, *Grand Cape Mount County*.
64. Under a UN High Commissioner for Refugees (UNHCR) project implemented by the Ministry of Justice, ten clerks were recruited to provide clerical assistance to County Attorneys in nine Counties.⁸¹ To address the shortage of qualified prosecutors, through a programme initiated by the UNMIL's Legal and Judicial Systems Support

remorse for their acts and/or omissions, whether as an accomplice or a perpetrator, provided that amnesty or exoneration shall not apply to violations of international humanitarian law and crimes against humanity in conformity with international laws and standards.

⁷⁹ It is unclear when this time will start running – whether with the release of the ‘unedited’ report or the final ‘edited’ report.

⁸⁰ Section 48 of the TRC Act.

⁸¹ Areas of deployment: Sanniquillie and Ganta, *Nimba County*; Tubmanburg, *Bomi County*; Monrovia, *Monterrado County*; Voinjama, *Lofa County*; Buchanan, *Grand Bassa County*; Kakata, *Margibi County*; Gbarnga, *Bong County*; Zwedru, *Grand Gedeh County* and Harper, *Maryland County*.

Division (LJSSD), the Open Society Initiative for West Africa provides scholarships for 50 law students who will work for the Ministry of Justice as City Solicitors and County Attorneys upon graduation. Additionally, ten new public defenders have been recruited to provide assistance to indigent defendants and nine Magistrates. The new appointees are all recent graduates of the Louis Arthur Grimes School of Law and beneficiaries of a judiciary scholarship.

65. A rotational Magisterial Court was established at Monrovia Central Prison in *Montserrado County*. Magistrates from six Magisterial Courts in the County sit and carry out preliminary hearings, refer cases to appropriate Courts and/or hear cases falling under their jurisdiction.
66. The Prison Superintendent for Monrovia Central Prison in *Montserrado County* and his deputy were dismissed from duty for alleged complacency during the mass jail break on 16 May 2009. Following the escape of two detainees, the Acting Prison Superintendent in *Bomi County* and one of the prison guards were charged with permitting the escape of two detainees,⁸² obstruction of Government functions⁸³ and hindering law enforcement.⁸⁴ The same Superintendent was suspended by the Ministry of Justice, pending investigations into complaints raised by the Bomi County Attorney that he accepted compensation from family members of inmates to illegally release them. These efforts serve as an example to would be delinquent government officers and also work towards ending the culture of impunity.
67. Seventeen (two females and 15 males) LNP officers received training in forensics conducted by UNPOL, thereby augmenting the number of LNP officers with training in specialised areas.
68. A special unit to exclusively deal with issues relating to prosecutions of gender based crimes was established in the Ministry of Justice in February 2009 and commenced work in April 2009. Known as the Sexual and Gender Based Violent Crimes Unit, the unit will monitor investigations and prosecute criminal cases arising from incidents of SGBV, as well as provide support to victims. The establishment of the unit follows the creation of Criminal Court E, which is dedicated to handling sexual crimes. The Court began hearing cases in February 2009. Furthermore, a Prosecution Handbook on SGBV and a Medical Report Form to be submitted as evidence in a rape trial were developed. Twenty eight prosecutors were trained on handling SGBV cases, juvenile justice and professional ethics, and 58 healthcare personnel from three Counties received training on completing the Medical Report Form for SGBV survivors. Training of health care providers in the remaining 12 Counties is in progress.
69. A National Gender Policy has been drafted by the Ministry of Gender and Development and is due to be finalised. The Policy aims to mainstream gender in the national development process, enhance women's and girls' empowerment for sustainable and equitable development; and to create and strengthen gender responsive structures, processes and mechanisms for development, in which both women and men participate, with equal access to and control over all resources and their benefits.

⁸² Section 12(8) of the Penal Code

⁸³ Section 12(3) of the Penal Code.

⁸⁴ Section 12(4) of the Penal Code.

70. The Ministry of Education is gradually recruiting qualified teachers and in doing so, specific attention is being paid to schools in rural areas. In June 2009, 178 and 212 teachers graduated from Kakata Rural Teachers Training Institute in *Margibi County* and Zorzor Rural Teacher Training Institute in *Lofa County* respectively.
71. The Ministry of Health and Social Welfare commenced initiatives aimed at improving the regulatory mechanisms for Orphanages. New regulations for the provision of alternative care for children in Liberia were drafted.
72. The Ministry of Health and Social Welfare has developed initiatives, strategies and priorities to address the high maternal mortality rate including the Roadmap for Accelerating the Reduction of Maternal and Newborn Morbidity and Mortality in Liberia, the proposed Reach Every District Strategic Approach and the Basic Package of Health Services. Two centres have been opened to train midwives over a two year period, and a scholarship scheme that will provide training for a total of 75 nurses has also been launched.
73. Social Welfare Policy aimed at reforming the social welfare sector has been drafted. In the immediate term, implementation of the Policy will focus 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. Through a project supported by UNFPA and the Peace Building Fund, the Ministry of Health and Social Welfare also took initiatives to address the gaps in psycho-social and community support. Sixty volunteers were recruited and trained to provide psycho-social and community support services.
74. During the period under review, UNMIL LJSSD in collaboration with national partners and international NGOs held several consultative forums to discuss customary/traditional justice systems and the possibility of harmonising these systems with the formal justice system. These discussions are still ongoing.

VI. Activities of the Human Rights and Protection Section

Monitoring and Reporting

75. To ensure comprehensive coverage of the country, the Section maintains field offices in each of the 15 Counties, staffed by Human Rights Officers (HROs). Through its monitoring activities, the Section continued to identify human rights issues and concerns and engaged relevant authorities to address them. The aim of this monitoring is to constantly assess issues, needs and progress, on this basis, to refine assistance to national counterparts. The Section produces regular periodic reports aimed at informing various stakeholders about the human rights situation throughout the country.

Human Rights Awareness and Capacity Building

76. Field officers undertook a range of grass-roots awareness-raising initiatives, including using UNMIL and community radios to tackle issues relating to the general human rights situation and issues of particular concern in each community. Use of the radio

to raise awareness particularly in rural areas was found to be a more effective medium given the extremely low literacy rates.

77. The Human Rights Club initiative⁸⁵ also continued to expand and Clubs are now established in each of Liberia's counties. While the focus of the initiative has mainly been on establishing Clubs in schools, the Section is exploring the possibility of supporting the revival of the Human Rights Club at the university.
78. The Section successfully implemented phase 1 of its initiative aimed at facilitating respect for the rule of law by providing human rights training to LNP recruits. The Section commenced Phase 2 of the initiative, the aim of which was to institutionalise the training both at the training academy and at the County level. However, identifying suitable participants in some Counties proved difficult. Meanwhile, HRPS is continuing its own training programme and reviewing the training of trainers' initiative. The Section has also targeted training of LNP officers from the Women and Children Protection Section on child protection and juvenile justice.
79. New recruits into the Armed Forces of Liberia (AFL) have also received human rights training, conducted by HRPS in coordination with Dyncorp, the security firm contracted by the US Government to train the Liberian army.

Support for institution building initiatives

80. The Ministries of Justice, Education, Labour and Health and Social Welfare as well as the Legislature and the TRC, received technical support from the Section. Partly due to the Section's persistent efforts, the Legislature finally adopted amendments to the INCHR Act in May 2009. HRPS is engaged with Government and civil society actors in supporting the establishment of the INCHR and initiating the development of a National Human Rights Action Plan.
81. As the section increases its focus on economic, social and cultural rights, relevant Governmental institutions and stakeholders, including the UN Country Team are receiving support on the application of a human rights based approach to the implementation of the PRS. In May 2009, HRPS in collaboration with Office of the High Commissioner for Human Rights (OHCHR) organised a training workshop aimed at building capacity in the area of business and human rights. Staff of HRPS and the UN Country Team, as well as 45 representatives of Governmental Ministries, national and multinational corporations, trade unions and civil society organisations participated in the training. HRPS and OHCHR also made a significant contribution to mainstreaming human rights into the Security Sector Reform (SSR) through the SRSG's Advisor on SSR, who also successfully advocated for ethnic and geographic representation as well as a 20 percent gender balance in the AFL recruitment process.
82. Building on the momentum created by the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) by Liberia on 30 March 2007, HRPS developed a project with the Liberian Government, NGOs and OHCHR on the implementation of rights under the Convention. Under the leadership of the Human Rights and

⁸⁵ This initiative aims at engendering a human rights culture among the youth through human rights education and awareness among student members of the Clubs established in Liberian high schools with technical support from the Section.

Disabilities Task Force, of which HRPS is a member, phases 1 and 2 of the project were implemented. Preparatory meetings and regional consultation workshops were held, during which a Human Rights and Disabilities Issues Paper was agreed on and drafted. Phases 3 and 4, which entail holding a National workshop to validate the Human Rights and Disabilities Issues Paper and a High level Stakeholders Social Dialogue on the Paper remain to be carried out. Through this participatory process, it is intended that consensus and commitment will be built within the Government, the private sector, the UN Family, and donors as well as national and international civil society, on the development of a National Strategy for the implementation of the CRPD in Liberia based on the Issues Paper, considered as a key reference.

83. Significant work was done in collaboration with UNESCO in support of efforts by the Ministry of Education to institutionalise Peace, Citizenship and Human Rights education into the curricula for grades 1 to 12. With input from the Section and other partners, the Ministry of Education developed teaching guides on the subject. Subsequently, in March 2009, HRPS assisted in facilitating a Master's Training of Trainers workshop on Peace, Citizenship and Human Rights for 55 Liberian educators from the 15 Counties and assistants to the three Peace, Citizenship and Human Rights Resource Centres. The trained educators are required to train other educators in their respective Counties.

VII. Recommendations

84. The Government of Liberia should continue to work towards the full implementation of the recommendations contained in UNMIL's previous Reports on the Human Rights Situation in Liberia.
85. In collaboration with the international community, the Government of Liberia should provide substantial resources to the key institutions in the criminal justice system and extensive training for judges, prosecutors, defence counsel and investigators to ensure safe prosecutions and respect for due process.
86. The Government of Liberia should establish a fully functional and comprehensive witness protection programme, particularly in view of the TRC recommending prosecution.
87. The Government should gradually increase the number of defense counsel assigned to counties so as to fulfil the right to legal assistance.
88. Pending the establishment of Juvenile Courts throughout the country, extensive training on juvenile justice issues should be provided for all Magistrates. The Government of Liberia should also establish rehabilitation and reformatory institutions that will facilitate the proper functioning of the juvenile justice system.
89. As a matter of priority, the Executive should nominate, appoint and commission the second judge to Criminal Court E.⁸⁶

⁸⁶ Section 25.4 of the Act establishing the Sexual Offences Court stipulates: 'The President shall nominate, and with the consent of the Senate appoint and Commission two judges of circuit Court stature, who by assignment of the Chief Justice, shall preside over the Sexual Offences Court, Criminal Court "E" of the first Judicial Circuit, Montserrado County.'

90. The Government of Liberia should ensure that its existing prisons meet minimum international standards, and construct new prisons meeting these standards in Counties without detention facilities, namely, Gbarpolu, Grand Kru and River Cess Counties.
91. The Government should work with the international community and civil society to raise awareness on issues such as child development, non-punitive discipline and the need for greater support for families so as to encourage community and family cohesion and prevent child neglect.
92. The Government of Liberia and international partners should continue to work towards the full implementation of the recommendations contained in the comprehensive report by HRPS of 2007 on the human rights situation in orphanages as well as the Ministry of Health and Social Welfare's Annual Assessment and Monitoring of Orphanages in Liberia of August 2008.
93. Orphanages and safe homes currently operating should be assessed as to whether they conform to the Minimum Standards for Operating Child Welfare Institutions. Those found to be below standard should be closed down and the children reunified with parents or relatives, or relocated to suitable institutions.
94. The Government of Liberia should, by law, prohibit all forms of violence against children, in all settings, in particular:
- ☐ Amend Article 55(g) of Revised Rules and Regulations Governing the Hinterlands and Section 2.2(1), (2) and (3) of the Domestic Relations Law of Liberia and bring these provisions in conformity with Section 14.70(b) of the Rape Amendment Act which defines rape as sexual intercourse with a victim of less than 18 years old if the actor is 18 years of age or older. Such amendment should clearly establish the minimum age of marriage to apply in both civil and customary marriages and furthermore, specifically make free and full consent of both parties to marriage a legal requirement.
 - ☐ Repeal Section 5.8 of the Penal Law which permits the use of force in respect of minors under the age of 18 years by persons with special responsibility for their care, discipline or safety.
 - ☐ Amend the Liberian Penal Law to include provisions specifically prohibiting and criminalising female genital mutilation.
95. Article 73 of the Revised Rules and Regulations Governing the Hinterland of Liberia, which permits some 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.
96. The Government of Liberia, through the Ministry of Gender and Development, should organise countrywide activities to mark the 'International Day of Zero Tolerance to Female Genital Mutilation' and actively promote activities geared towards eradicating FGM.
97. The International Community in collaboration with civil society and Government, specifically the Ministries of Internal Affairs, Health and Social Welfare, Gender and

Development, Justice and Information, Culture and Tourism should raise public awareness about the harmful effects of traditional practices such as FGM, trials by ordeal, ritual killings and witchcraft.

98. The International Community should continue to provide all possible assistance to facilitate development, improve the human rights situation, and consolidate peace and security in Liberia.