

Report on the Human Rights Situation in Liberia

November 2007 – June 2008

Human Rights and Protection Section

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I. Executive Summary

1. This report covers the major human rights issues monitored by UNMIL Human Rights and Protection Section (HRPS) from November 2007 to June 2008. HRPS recognises that over this period, steps have been taken to address some of the human rights concerns like, building or refurbishment of detention facilities, establishment of a Judicial Institute to train judicial officers and introduction of programmes aimed at combating rape and sexual violence. However, challenges in ensuring the protection of human rights still persist in certain key areas:

- a) The justice sector institutions remain weak as a result of several factors including the absence of key personnel in the justice system and inadequate resources to essential rule of law institutions including the judiciary, Liberian National Police (LNP) and the corrections services.
- b) Rape and gender-based violence incidents remain prevalent especially cases involving minors both as victims and as alleged perpetrators. Delays and cases settled or attempted to be settled out of court were observed.
- c) Children are often subjected to various forms of violence within the family, in schools and in orphanages. However, much of the violence perpetrated against children remains hidden for many reasons, including, fear on the part of the child to report incidents of violence, silence on the part of the family particularly where the perpetrator is a family member, a person in authority, a powerful member in the community, or to some degree, simply because of societal acceptance of the violence. Unscrupulous inter-country adoptions facilitated by individuals and orphanages raise serious concerns.
- d) Harmful traditional practices including trials by ordeal, ritual killings and female genital mutilation (FGM) continue to be practiced almost with impunity.

2. With the aim of supporting Liberia's continuing efforts to strengthen human rights protection for all Liberians, the report makes recommendations to the government of Liberia and various stakeholders to address the concerns raised. The recommendations include:

- a) Ensuring that judicial officials, defense counsel and prosecutors assigned to courts outside Monrovia are in situ and disciplinary measures taken against personnel who absent themselves from their assigned duty stations.
- b) Provision by the international community of continued technical assistance to strengthen the criminal justice system to promote an enhanced case flow management system.
- c) Re-activating the Administrative Board responsible for ensuring the closure of those orphanages that do not meet Minimum Standards for Operating Child Welfare Institutions.
- d) Initiating a nationwide awareness campaign against harmful traditional practices specifically, FGM, trials by ordeal, ritual killings and witchcraft.

- e) Amendment or repeal of various provisions of legislation which infringe human rights namely:
- Article 55(g) of Revised Rules and Regulations Governing the Hinterland of Liberia and Section 2.2(1), (2) and (3) of the Domestic Relations Law of Liberia should be amended to bring them into conformity with Section 14.70(b) of the Penal Law which defines rape.
 - Article 73 of the Revised Rules and Regulations Governing the Hinterland of Liberia which permits 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.
 - Section 5.8 of the Penal Law which permits use of force in respect of minors under the age of 18 years by persons with special responsibility should be repealed.
 - Amend the Liberian Penal Law to include provisions specifically prohibiting and criminalising female genital mutilation.

II. Introduction

Objective of the report

3. The report is part of the Human Rights and Protection Section (HRPS) of the United Nations Mission in Liberia (UNMIL) mandated activities under the 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.
- Monitor the progress of government in addressing the main human rights challenges.
- Provide recommendations for addressing the main challenges.

Methodology

4. The information contained in this report is based on the monitoring work conducted by Human Rights Officers (HROs) of the HRPS, who cover all of Liberia's 15 Counties. The draft report was transmitted to the Rule of Law Components of UNMIL for their comments and rectification of factual inaccuracies. The draft report was also transmitted to the Office of the Chief Justice, the Ministry of Justice, the Ministry of Education, the Ministry of Gender and Development and the Ministry of Health and Social Welfare of the Government of Liberia for comments prior to its public release. Comments received from all partners were taken into account.

III. Political, Social and Security Context

5. During the reporting period, the government of Liberia finalised its Poverty Reduction Strategy (PRS). The PRS will guide the development management process for the period April 2008 through to June 2011. The PRS recognises the relationship between conflict, poverty and human rights. It explains that ‘significant portions of society were systematically excluded and marginalized from institutions of political governance and access to key economic assets.’¹ Political power, as well as most infrastructure and basic services are concentrated in Monrovia and a few other cities causing disgruntlement within society which in the past has led to a series of civil crises. In June, the Poverty Reduction Forum hosted by the Government of Germany in Berlin endorsed the PRS. The Forum agreed on the provision of assistance to Liberia in order to strengthen aid management and coordination, including through the regular provision by partners of information on aid flows.

6. During the period under review, Liberia continued to receive financial support and partnership to supplement its efforts to accelerate implementation of the development agenda. The World Bank, International Monetary Fund and the African Development Bank partially² cancelled Liberia’s debt paving way for the country to commence the process of obtaining debt relief under the Highly Indebted Poor Countries (HIPC) initiative. The President also secured cancellation of bilateral debts, and received both material and financial support from development partners and several governments.

7. On 21 March 2008, the Liberia Institute for Geographic Information Systems commenced the week long National Population and Housing Census enumeration. The last nation-wide census in Liberia was conducted in 1984. However the Final Report of that Census was never published. The manuscript and most of the data collected were lost during the civil war. The just concluded Census is crucial in aiding Liberia in its rehabilitation and reconstruction process as data gathered will be useful in socio-economic planning and development of the country. On 20 June 2008, President Ellen Johnson Sirleaf announced the provisional results of the census which puts the population at 3,489,072. While this figure is yet to be confirmed, the President urged all domestic and international development partners to use it in their work.

8. On 8 January 2008, the public hearings of the Truth and Reconciliation Commission (TRC) were officially opened by President Ellen Johnson Sirleaf. Victims and perpetrators testified to the horrendous atrocities witnessed and committed by the various warring factions during the war. On 31 January, the TRC concluded the first phase of the public hearings in Monrovia and proceeded to conduct public hearings in the hinterland Counties. Meanwhile, the trial of former President of Liberia, Charles Taylor resumed in The Hague on 9 January 2008. The prosecution has examined a former child soldier, a former member of the presidential personal security force – the Special Security Service (“SSS”), former Sierra Leonean Revolutionary United Front (RUF) officers, victim witnesses from Sierra Leone and expert witnesses. Furthermore, Mr. Moses Blah, Charles Taylor’s former Vice President was subpoenaed to testify in the trial. Mr Blah testified about the formation of former President Taylor’s National Patriotic Front of Liberia (NPFL), its training in Libya

¹ Paragraph 5, Section 1.2 – Conflict and Collapse, Poverty Reduction Strategy, Republic of Liberia

² There are certain types of debt that are still outstanding, including bilateral debt and commercial debt.

and arming through Libya, Burkina Faso, and Ivory Coast. During his testimony, Mr Blah described brutality and cannibalism among Taylor's forces.

9. In May 2008, the Ministry of Gender and Development with support from the UN system and key partners organised the National Women's Conference to reflect on and address issues of 'Advancing Women's Human Rights in Peace-building, Recovery and Development in Liberia.' About 400 participants attended the Conference. The Conference also endorsed a comprehensive National Gender Based Violence Plan of Action.

10. In November 2007 and May 2008, the UN system in collaboration with the Division for the Advancement of Women supported the Government in the preparation of Liberia's initial report on the Convention on the Elimination of Discrimination Against Women (CEDAW) held two two-days capacity building workshops with representatives from Government Ministries and Women NGOs reviewed all articles and identified gaps particularly on policy implementation in the draft CEDAW report. The report is expected to be submitted to the CEDAW committee by September 2008.

11. In March 2008, Liberian refugees from Buduburam Camp in Ghana held demonstrations against integration into Ghanaian society preferring to be resettled in a third country – in this case indicated to be one of the Western countries or for the Office of the United Nations High Commissioner for Refugees (UNHCR) to pay each refugee US\$1,000 if they were to be repatriated to Liberia. The Governments of Liberia and Ghana entered into discussions to address the refugee crisis which threatened to strain bilateral relations between the 2 countries. Following an agreement reached between the 2 countries, a Tripartite Committee comprised of representatives of Ghana and Liberia and UNHCR was established to inter alia , oversee the implementation of decisions reached by the 2 governments. It was agreed that Liberian refugees in Ghana be voluntarily repatriated and that this exercise should be carried out within a 6 month period commencing in April 2008. Since the recommencement of voluntary repatriation, 2,594 Liberian refugees had been repatriated from Ghana by the end of June 2008.

12. The security situation throughout the country was generally stable during the reporting period. However, with a number of reports of armed robberies taking place particularly in Monrovia and its environs, there was heightened concern among the general populace. Several measures were taken to crack down on armed robberies including the launching of an operation code named 'Operation Thunderstorm' conducted by LNP with intelligence support from other security agencies and designed to track down and arrest armed robbers and known criminals; increased night time joint patrols covering Monrovia and its environs and the establishment of community watch groups to report criminal activities. Additionally, amendments to the Penal Law increasing the penalties for the offences of Armed Robbery (section 14.54), Terrorism (Section 15.32) and hijacking (Section 15.33) were enacted.³

³ See paragraphs 17 – 18 of this report

IV. Human Rights Situation

Rule of Law and Administration of Justice

The Court System

13. During the three terms of Court⁴ covered by this reporting period, it was observed that there was slow progress in the hearing of cases, due to, among other factors, the non assignment of Judges in some Circuit Courts as was the case in *River Gee* and *Grand Kru Counties* for the November Term of Court and *River Cess County* for the May Term of Court, absenteeism on the part of some judicial officials, Defense Counsel or Prosecutors and in other instances, the absence of witnesses or complainants or logistical challenges such as lack of means to transport witnesses or suspects to Court. Slow progress in hearing of cases results in lengthy pre-trial detentions.

14. The problem of prolonged pre-trial detentions is often addressed through the use of jail delivery procedures like applications for *nolle prosequi* in accordance with Chapter 18 of the Criminal Procedure Law. These provisions permit, under certain conditions, the dismissal of cases by the courts for failure to prosecute. It should be noted that even though Chapter 18 of the Criminal Procedure Law permits such applications, this does not bar future prosecution of the accused. However, reportedly very few cases that have been dismissed on these grounds were subsequently prosecuted. This situation raises concerns as to the right of the accused to a fair trial, including the right to be tried without undue delay. There are also serious human rights concerns of impunity in respect of cases where applications for *nolle prosequi* are made without any prospect of future prosecution.

- During the November Term of Court, the Judge of the Circuit Court in *Grand Cape Mount County* decided to hear the cases on the court's docket in Chambers and conduct investigations in the absence of the Defense Counsel, who since his appointment in October 2007, did not report to his duty station for the November Court Term. The Judge assigned to the Circuit Court in *Gbarpolu County* left the County soon after the opening of the November Court Term and did not return for the remainder of the Court Term.
- Criminal Court D in Montserrado County which had been non-operational for 3 Court Terms reportedly because there was no presiding Judge, Prosecutor or Defense Counsel assigned to it, opened for the February Court Term. This Court which handles mainly armed robbery cases was assigned one Judge who would also hear cases in Criminal Court A. There were only 2 cases on the docket of Court D for the February and May Term of Court and yet there were over 100 detainees at Monrovia Central Prison (MCP) charged with armed robbery. Furthermore, the fact that Criminal Court A had 198 cases on its docket made it unlikely that the Judge would have the capacity to hear the 2 cases on Court D's docket as evidenced by the fact that they were not disposed of during the February Court Term.

⁴ The Judiciary Law of Liberia provides for Quarterly Session of the Judicial Circuit Courts and the duration of each session. Generally however, the duration of the Court Terms is as follows: February (Feb – April); May (May – July); August (August – October) and November (November – January)

- None of the 16 cases on the docket of the Circuit Court of Grand Bassa County were heard during the November Court Term due to the failure by the County Attorney to prosecute the cases. During the February Term of Court, this Circuit Court granted the County Attorney's application for a motion of nolle prosequi in respect of 8 cases including 2 rape cases. Most of the cases had been on the Court's docket since 2006.

15. During the reporting period, HRPS received several reports indicating that Justices of the Peace (JP) have continued to practice despite not being commissioned by the President, namely, the JP in Gbonota, Raymond Town, Zoewinta and Saiquelleh in *Bong County*; the JP in Zuluyee Town and in Troplay Town in *Nimba County*; the JP in Baypolu, *Margibi County*; the JP in Putuken, Chedepo district in *River Gee County* and the JP in Palm Beach, Timbo district, *River Cess County*. The JP operating in Gbarzon Jarwodee, *Grand Gedeh County* was reportedly appointed by the Superintendent and Theophilus Younge, a JP in *River Gee County* was reportedly appointed by the County Attorney. However, according to Section 8.5 of the Judiciary Law, the power to appoint and commission JP lies with the President who does so with the advice and consent of the Senate. It should be noted that in particularly hard to access parts of the Counties, JP appear to have a free rein to practice because the judicial apparatus is either non-existent or only partially functional.

Application of the death penalty

16. On 29 February, the Circuit Court of *Nimba County* sentenced a man who was charged with murder to death by hanging. Although Liberia acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty on 16 September 2005, Sections 50 and 51 of the Penal Law that permits the death penalty have not been formally repealed. Consequently, the Courts continue to hand down the death penalty.

17. On 29 April, Members of the House of Representatives submitted a private members bill sponsored by Representative Edward S. Forh (Congress for Democratic Change - District #12 Montserrado County) in collaboration with the Minister of Justice Philip A. Z. Banks, III, Deputy Minister Joseph Jallah, and Cllr. Eva Mappy Morgan seeking to amend provisions of the Penal Law relating to penalties for the offences of Armed Robbery (section 14.54), Terrorism (Section 15.32) and hijacking (Section 15.33). Under the amendments, the crimes of armed robbery, terrorism and hijacking are non-bailable capital offenses in the event that death occurred in the commission of those crimes; the mandatory minimum sentences for those crimes were increased and provisions for parole were introduced. The penalty of death by hanging in the event that death occurs during the commission of the said crimes was retained. Introduced into the amendments was an alternative sentence of life imprisonment without the possibility of parole and separate mandatory sentence of life imprisonment with the possibility of parole at 90 years for attempted rape and rape which occurs during the commission of the 3 crimes. An explanatory note attached to the bill argued that the crimes cited have the potential to create a state of fear and panic in the nation with the ultimate objective of fomenting instability. On 6 May the House of Representatives, passed the bill and forwarded the proposed amendments to the Senate for concurrence. A public hearing on the bill was held in the Senate on 29 May during which the Senate

Judiciary Committee and the Minister of Justice argued that the bill would serve as a deterrent to crime.⁵

18. Liberia acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty on 16 September 2005. Under Article 1 of the 2nd Optional Protocol, a State party commits itself not to execute anyone within its jurisdiction and additionally, to take all necessary measures to abolish the death penalty within its jurisdiction.

Human Rights in Prisons and Detention Facilities

General conditions in detention facilities

19. During the reporting period conditions in prisons and detention facilities remained below the minimum required standards. While most prisons in the country generally have separate detention facilities for female detainees, such facilities are non-existent or non-functional in some LNP stations, namely, LNP Headquarters, Zone 5, Zone 6, Brewerville, Hotel Africa, Bushrod, Peugeot Garage and Metro 1 Police Depots in *Montserrado County* and Greenville Central Police Station in *Sinoe County*. Consequently, female and male suspects are sometimes detained together. However, efforts are being made to ensure that new constructions and rehabilitation of existing facilities address this issue. Although limited funding and capacity of the Ministry of Justice's Division of Rehabilitation limits the expediency with which this situation can be resolved.

20. Over-crowding beyond the maximum carrying capacity is common and presents problems of poor sanitary conditions. Additionally, over-crowding undermines the security of detention facilities and in some instances has been a contributing factor to disturbances and jail breaks. Escapes from prisons or places of detention undermine public confidence in the criminal justice system and obstruct the administration of justice.

- Over-crowding of the holding cell at the LNP station at Bushrod Island, Montserrado County led to the collapse of walls and ceiling. Consequently, to secure the detainees, they were usually handcuffed to a steel door at the station. Similar conditions were cited at Caldwell Police Station where on 12 December 2007, HROs found a male detainee handcuffed to the window bar and according to the LNP officers the suspect had been in that position for two days.
- On several occasions during the reporting period, detainees escaped from the often over-crowded Sannique Central Prison in Nimba County. In January 2008, 5 detainees escaped from the Prison but by the end of the month only one escapee had been apprehended. In Bong County, 25 male prisoners charged with various offences broke the cell doors and escaped from Gbarnga Central Prison on 7 June. Six of the escapees were recaptured before the end of the following week.

Unauthorised detention facilities

21. The existence and use of unauthorised detention facilities particularly by some Magistrates and Paramount Chiefs violates several rights, including not to be subject to

⁵ On 16 July, the Senate concurred with the amendments adopted by the House of Representatives, which were subsequently signed into law by President Ellen Johnson Sirleaf on 22 July.

arbitrary detention or torture, and other cruel, inhuman or degrading treatment or punishment. During the reporting period, the Yekepa Magisterial Court in *Nimba County* was still using the holding cell of Mittal Steel, a private company, to keep detainees while the Magisterial Court in Zoe Geh District was operating 2 holding cells. Both detention facilities are not legally recognised by the Ministry of Justice. In *Lofa County*, HROs on 27 November 2007 found 3 inmates held in an unauthorised detention facility operated by the Magistrate and Paramount Chief in Zorzor.

Human Rights and Law Enforcement

Inadequately resourced LNP and Corruption

22. For any law enforcement sector to function effectively and ensure that law and order is maintained it should be adequately resourced and the officers properly remunerated. Complainants should not be burdened with costs in order to facilitate law enforcement functions as this may discourage them from reporting cases thereby resulting in impunity for perpetrators. Furthermore, such practices may encourage mob justice and violence or LNP officers to engage in corrupt practices due to lack of adequate facilities to carry out their functions. On 19 February 2008, LNP officers asked a complainant in a case of domestic violence to pay L\$300 (US\$5)⁶ for the suspect's meals while in detention in Ganta, *Nimba County*. The International Rescue Committee (IRC) assisted the complainant to meet the costs and reported further that, on 13 February 2008, LNP officers in Ganta requested money from a victim of aggravated assault in order to arrest the alleged suspect. In *Bong County*, the Women and Children Protection Section (WCPS) informed HROs that due to lack of transport, they were unable to arrest 2 suspects accused of raping a 13 year old on 14 January 2008.

23. The LNP often complained of delays in payment of salaries, poor logistical support and lack of transportation to facilitate their work. This sometimes resulted in LNP officers abandoning their duty stations and members of the communities turn to local authorities to handle criminal cases. In November 2007, the salaries of LNP Officers in *Rivercess County* were reportedly 3 months in arrears. Almost half of the LNP officers assigned to the County abandoned their duty stations in order to go and collect their salary arrears in Monrovia. In *Grand Kru County*, 9 LNP officers did not report for duty in January 2008 due to non-payment of salaries and 13 others complained of non-payment of salaries for several months in 2007. In *Maryland County*, LNP officers in Harper and Karluway districts reported on 17 January that they had not received their salaries for three months and no explanation has been given for this delay. A similar situation prevails in Konobo district in *Grand Gedeh County*, where in January 2008, HRO found only 4 LNP officers, as most officers had left their duty stations due to the delay in payment of their salaries. In this regard, steps are being taken for LNP officers to be paid in the Counties on time. LNP supported by UNPOL have engaged in a validation exercise to account for all deployed LNP officers in the field. The Ministry of Justice working in collaboration with the Ministry of Finance are developing a system whereby LNP officers would have direct deposit in their bank accounts which would limit the need for officers to collect their salaries outside their County.

24. The inadequately resourced law enforcement sector resulted in the inability to ensure LNP presence throughout the country and more especially in the outlying districts.

⁶ The exchange rate in Liberia fluctuates. However, for the purposes of this report, it is assumed that US\$1 equals L\$60

The situation risks undermining the rule of law and could result in mob justice. In *Nimba County*, there were no law enforcement officers in Bain Garr and Yarwein-Mehnsohn districts in December 2007. In March 2008, the Magistrate in Sanoyea district, *Bong County* reported that there was no LNP presence in the entire district which has about 40,000 inhabitants. As such, investigations into incidents are delayed as they have to wait for LNP Officers from other areas.

25. In order for the criminal justice system to function properly and for the public to have confidence in the law enforcement mechanisms, it is important that law enforcement officers perform their policing functions with integrity, and in accordance with ethics in compliance with international human rights standards. It is also important that law enforcement officers reported to be engaging in corrupt practices are held accountable for their actions. During the reporting period, police officers were allegedly engaged in corrupt practices and it appeared that no action was taken against the offending police officers for their actions. In other cases, action was taken only after HRPS addressed the issue.

- A representative of the NGO Catholic Justice and Peace Commission (CJPC) reported that an LNP Officer at the Harper Police Station, Maryland County extorted money from two boys aged 16 and 17 years who had been arrested for stealing a cell phone on 16 December 2007. On further enquiry, HRO learned from the Commander of the Criminal Investigations Department (CID) that the LNP officer had confessed to taking the money but had promised to pay it back. The same LNP officer reportedly extorted L\$300 (US\$5) and goods from another 16 year old boy. HRO reminded the CID Commander that rent-seeking practices were illegal and advised that appropriate action be taken. On 8 January 2008, the LNP officer in charge of WCPS reported that the matter had been referred to the LNP professional standards division in Monrovia for possible disciplinary action.
- In Grand Kru County, several reports of engagement in corrupt practices were made against LNP officers assigned to outlying districts. The people of Jiken City, reported that about 7 LNP Officers some of whom were stationed in the district, allegedly arrested shopkeepers who refused to take a mutilated L\$5 (less than a cent) note as payment for goods and threatened to prosecute them for refusing to take Liberian legal tender. The shopkeepers were asked to pay a 'fine' to avoid prosecution, which they reportedly did and it is alleged that altogether the LNP Officers extorted up to L\$2,700 (US\$45). In Doubo City, a woman whose daughter died after accidentally ingesting caustic soda was arrested by LNP Officers who allegedly threatened to charge her unless she paid a 'fine' of L\$5,000 (US\$83). The woman reportedly negotiated with LNP Officers and secured her release upon the payment of L\$2,000 (US\$33).

Police brutality

26. Law enforcement officials are to apply non violent means while carrying out their duties and may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.⁷ Police brutality violates the bodily integrity and

⁷ UN Basic Principles on the use of Force and Firearms by Law Enforcement Officials (1990)

dignity of the person, and amounts to criminal behaviour for which the individual police officer should be held accountable and punished. During the reporting period, HROs received reports of police brutality but in several cases, no action was taken against the LNP officers even where HROs brought this to the attention of their respective Commanders.

- On 9 November 2007, HROs witnessed an LNP Traffic Officer assault a detainee who was handcuffed to the bar of the window at the Paynesville Police Station, Montserrado County. The suspect appeared intoxicated. Attempts by HROs to stop the Traffic Officer from assaulting the detainee were futile.
- A 19 year old man arrested on 6 December 2007 by the LNP in Harper, Maryland County on a charge of theft, informed HROs that he was assaulted by police officers during his arrest. The suspect was handcuffed and had bruises which reportedly resulted from the assault. HROs drew the attention of the Commander to this allegation.

Human Rights Defenders

27. During the period under review, HRPS received information about human rights defenders whose human rights had been violated. In *Grand Gedeh County*, the Office of the Superintendent by a letter dated 14 February 2008, addressed to the Board of Smile FM radio station, suspended the Board of the radio station for reportedly failing to manage and supervise the affairs of the station including its personnel. Subsequently, on 20 February, the radio station was shut down by the Administrative Assistant to the Superintendent who was accompanied by the police commander and two LNP officers. The radio station was opened on the same day. It is to be recalled that this follows action taken by the same Superintendent and his office in October 2007 to interrupt radio broadcasting following discussions organised by civil society and aired on the radio station accusing government officials of mismanaging funds and bad governance practices. At the time, the Superintendent threatened to restructure the Board of the station. On 3 November 2007 another incident occurred when the Superintendent's Special Assistant apparently acting on the orders of the Superintendent, unceremoniously broke up an interactive forum organised by the NGO Liberia Democratic Institute to discuss civil society participation in decision making. Media rights and freedom of expressed were infringed in the above events.

28. HRPS received information that an advocate for the establishment of a War Crimes Tribunal for Liberia, Mulbah Morlu, was on 21 February 2008, detained by the LNP for about 5 hours. This action was reportedly intended to prevent Morlu from carrying on a peaceful demonstration during the visit of the President of the United States of America, George W. Bush which was taking place on the same day. The LNP had reportedly been informed about the demonstration in advance. Although Article 17 of the Constitution of Liberia guarantees the right to assemble 'in an orderly and peaceable manner', the LNP are reported to have arrested Morlu on 2 other occasions for his involvement in staging peaceful demonstrations. Further enquiries revealed that there are no written rules or regulations to guide law enforcement authorities in managing public demonstrations and processions.

29. On 10 April 2008, HRO was informed that a rule of law workshop conducted by the Carter Centre animators and Inter-Religious Council of Liberia for members of Sentrue village, Konobo District, *Grand Gedeh County* was interrupted by one of the elders. The

elder reportedly threatened to bring the ‘country devil’⁸ to the session because he did not agree with the message conveyed by the animators. This resulted in all the participants fleeing the workshop. HRO alerted the LNP Commander about the incident but owing to inadequate human resources, the LNP was unable to provide security for the animators. By the end of April 2008, the animators had been unable to continue their activities in the communities.

Domestic Violence

30. During the reporting period, cases of domestic violence directed against women by their spouses and intimate partners or family members were recorded in *Bomi, Montserrado, Grand Cape Mount, Maryland, Nimba, Lofa and Bong Counties*. With no specific legislation to address domestic violence, reported cases of domestic violence are usually dealt with as criminal offences within the ambit of Liberian penal laws – either as assault or aggravated assault. However, it was observed that partly due to cultural mores against reporting domestic violence or ‘interference in domestic affairs’, the family and community either failed to intervene when the violence was taking place or exerted pressure on the victim not to press criminal charges against the perpetrator. In some instances HROs intervened and the suspects were arrested. For instance, a man who had seriously battered his wife in Caldwell Township, *Montserrado County* was arrested following HROs intervention. In *Nimba County*, a woman died on 26 May 2008 from injuries sustained from beatings from her brother on 25 May 2008. With intervention from HROs, the 31 year old male suspect was arrested and charged with murder. It should be noted however, that even where the perpetrators were arrested following HRO’s intervention, it was not uncommon for the victims to withdraw charges for various reasons including, fear of loss of economic maintenance if spouses or partners are detained and family pressure to resolve the problems amicably. These cases illustrate the continued need to raise awareness about domestic violence and to involve law enforcement in addressing the problem.

Rape and Sexual Abuse

In camera hearings for rape cases

31. Section 14.70(5)(a) of the Penal Law stipulates that trials of all cases under section 14.70, which relates to the offence of rape shall be heard in camera. However, Article 21(h) of the Liberian Constitution stipulates that a person accused of a capital or infamous crime has a right to a public trial. Owing to the latter provision, courts have relied on to conduct criminal proceedings involving rape charges in public. During the February Term of Court, the Circuit Court of *Nimba County* began hearings in 2 cases relating to the rape of 2 girls aged 9 and 12 years old in open court. Similarly, the Circuit Court in *River Gee County* heard the case of a 14 year old girl allegedly raped by a 30 year old man in open court. However, the right to a public hearing is qualified and in camera hearings are a necessary element of the protection of victims and witnesses. Such provision is made for under both the International Covenant on Civil and Political Rights (ICCPR)⁹ and under the Convention on the Rights of the Child (CRC)¹⁰ and there are compelling arguments that a failure to make such provision violates the individual rights of the victims. The adversarial nature of criminal proceedings lends even greater weight to the submission that the courts should exercise the inherent

⁸ Masked human beings, normally, members of the Sande or Poro society who may be used either for entertainment purposes or to inflict punishment or kill offenders.

⁹ See Article 14(1)

¹⁰ See Article 3

powers to restrict access to legal proceedings and take special measures to bar the public from criminal proceedings in rape cases. Consideration should also be given to the creation of specific support services for women and children who choose to testify, including the provision of legal advice.

Rape and sexual violence of women and girls

32. Rape and sexual violence, especially the rape of minors, remains a serious human rights concern. The problem of rape and sexual violence is exacerbated by inadequate implementation of the rule of law and continued impunity. It should be noted that there has been an increase in the number of cases being reported to the LNP in accordance with the Rape Law. According to UNPOL reports, 349 rape crimes were reported between 1 January and the end of June 2008 compared to 232 rape cases for the same period in 2007. HRPS is concerned that in many cases, such reports are made days and sometimes months after the offence was committed - raising questions as to whether the prosecution would have substantial evidence to sustain alleged rape charges. Several factors contributed to the inability of victims to secure evidence after the offence had been committed, including, lack of awareness about the importance of preservation of evidence following a rape, inadequate LNP presence in some villages to enable victims to make immediate reports and the inability to secure medical reports. In cases involving law enforcement officers as alleged perpetrators, the legal process has shown to be weak with little protection of legal safeguards for the victim. In other cases, complainants were reluctant to pursue rape cases in court due to the stigma attached to rape or as a result of family and community pressure to reach amicable settlements.

- In Nimba County, a 15 year old girl was allegedly raped by a 25 year old man in Karwee Town on 24 December 2007. The case was only reported by the girl's mother on 1 January 2008. In Beo-Blemieplay and Garnaglay Towns, community members reported that Chairpersons of the community police sometimes delayed to forward rape cases to the LNP or attempted to facilitate out of court settlements. On 4 January 2008, a report was made to the Chairperson of the Community Police in Boe-Blemieplay about an alleged rape of a 13 year old girl by a 21 year old man. The Chairman only reported the case to the LNP on 10 January 2008.
- A woman who alleged that she had been illegally detained and repeatedly raped by the Magistrate in Nrowkia, Grand Kru County between 20 to 27 November 2007, escaped and had to walk for 2 days to the nearest LNP station situated in Barclayville to report the rape. The Magistrate was arrested and indicted. However, the case was dismissed during the February Term of Court for lack of evidence by the Circuit Court. Given the circumstances under which this reported rape took place (the victim was allegedly held in an illegal detention facility where she was handcuffed and repeatedly raped), with no medical report, absence of witnesses to the crime and forensics experts to prove that the rape indeed took place, it was unlikely that the case would have been successfully prosecuted. While Article 21 (e) of the Liberian Constitution provides protection against such cases, yet the Legislature still needs to make it a criminal offence by enacting the necessary law. In June 2008, the Stipendiary Magistrate of Brewerville, Montserrado County, stated that many rape victims were reluctant to testify in court and that in some cases,

complainants and their families preferred monetary payments resulting from amicable settlement of cases to undergoing the legal process.

Rape and sexual violence by juveniles

33. Under the Juvenile Court Procedural Code (JCPC), the courts are responsible for adjudicating a child between the ages of 7 and 18 years to the status of a juvenile delinquent, if that child commits an act, which if committed by a person over the age of 18 years would be considered a crime.¹¹ While under the Penal Law a person below the age of 16 years cannot be held criminally responsible for his/her behaviour¹², the JCPC lays down a system and procedures by which juveniles in conflict with the law can be held responsible for their criminal actions while at the same time rehabilitating them. However, the juvenile justice system as envisaged by the JCPC is not fully operational with *the result that juveniles* in conflict with the law are sometimes released. This leads to impunity for the actions and undermines the rehabilitative aim of the juvenile justice procedures. In cases of rape and sexual abuse, this is particularly serious as it may engender within these children an acceptance of a culture of violence against girls and women.

- Between 17 and 23 November 2007, 2 cases of sexual assault against a 12 year old girl and 13 year old girl by a 14 year old boy and 16 year old boy respectively were reported at the Paynesville police station, Montserrado County. The 2 male juveniles were apprehended and later released to the custody of their parents.
- On 23 November 2007, HROs were informed that a 14 year old male juvenile reportedly inserted one of his fingers into the private parts of a five month old baby. The incident took place on 20 November in Dorweh Town District # 3, Grand Bassa County. The juvenile was apprehended but later released to the custody of his parents.

Children's Rights

34. Under Article 19 of the Convention on the Rights of the Child and Article 16 of the African Charter on the Rights and Welfare of the Child¹³, violence against children includes, 'all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse'. However, much of the violence perpetrated against children remains hidden for many reasons, including, fear on the part of the child to report incidents of violence, silence on part of the family particularly where the perpetrator is a family member or person in authority or a powerful member in the community, or to some degree, simply because of societal acceptance of the violence. During the period covered by this report, HROs received reports of violence particularly of physical and sexual violence directed against children within the family, schools and the community at large. Child neglect mostly by family members and child trafficking was also reported. Within the justice system, HRPS found that children were not often accorded the requisite protection.

¹¹ Section 11.11(b) of the Juvenile Court Procedural Code

¹² Section 4.1 of the Penal Law and Criminal Procedure Law

¹³ Liberia ratified the UN Convention on the Rights of the Child on 4 June 1993. The National Transitional Legislative Assembly of Liberia adopted the Act ratifying the African Charter on the Rights and Welfare of the Child and published it in hand bills on 28 June 2007.

Physical Violence

35. This often took place in the context of disciplining the child which is viewed as acceptable. Section 5.8 of the Penal Law of Liberia sanctions the use of force by parents or guardians or teachers to discipline children below 18 years. The provision to that section states that the force used must not be designed to cause or be known to create a substantial risk of causing death, serious bodily injury, disfigurement or degradation. However, in some cases the disciplinary action taken against a child may not necessarily cause physical harm but it may cause psychological harm. HRPS recorded several cases where children suffered extreme physical violence.

- A 10 year old male child from Kpannay Town, Grand Bassa County was severely beaten and his right hand burnt allegedly as punishment for stealing L\$350 (US\$6). The father of the boy was arrested on 29 January 2008 and released on 30 January 2008. The LNP rearrested the man on 26 February 2008. However, he was later released due to pressure from the family who indicated that he is the only income earner for the family.
- In Nimba County, a 14 year old girl from Ganta sustained 3rd degree burns on 16 February when her aunt poured boiling oil and burning plastic over her as punishment for stealing a cell phone. Neighbours rescued the child and reported the incident to the LNP in Ganta on 18 February 2008. The suspect was arrested on charges of aggravated assault and was sent to court on the same day. On 20 February 2008, the suspect was released upon payment of a bond of L\$3,000 (US\$50). No action appears to have been taken to proceed with the case in Court.
- In Bong County, a man reportedly forced his foster child to eat the excrement of her 3 year old brother because she had not cleaned it. The man was arrested for endangering the welfare of a child and the case is before the Courts. The victim was placed in a safe home and subsequently reunited with her biological father.

Sexual Violence in homes and educational settings

36. When sexual violence occurred within homes, very often attempts were made to keep it hidden from public view. Children were also afraid to report sexual violence for many reasons. For instance, physical force and psychological pressure may have been used to prevent the victim from reporting the violence; additionally, the shame and dishonour in such cases, usually falls on the victim and not on the perpetrator. Consequently, gathering information relating to such cases becomes very difficult. In *Bong County*, a 17 year old girl claimed that she had been sexually abused by her aunt's husband and also severely beaten on 26 January 2008. The LNP Commander at the Gbarnga LNP Headquarters where the case was reported stated that the suspect had disappeared and was reportedly in Guinea. The child was placed with another relative. In *Montserrado County*, a 13 year old girl was reportedly found hanging dead in the bathroom of her guardians' house in Sinkor on 30 November 2007. Reports indicated that the child had been sexually violated and hanged by her abusers. The results of the initial autopsy were challenged and 2 additional autopsies were carried out with the assistance of foreign experts. The third and last autopsy carried out by members of the Nebraska Institute of Forensic Sciences stated that the child died as a result of asphyxiation by hanging and that the death should be ruled as suicide. This report contradicted the second autopsy which indicated that the deceased girl was sexually violated and strangled before the

hanging. The guardians of the deceased girl, a couple, were arrested on charges of murder, along with 3 other suspects who were charged with criminal facilitation.

37. Within the educational setting, reports of sexual abuse of female pupils by teachers were often in the context of exchange for better grades or a 'reward'. In a meeting with the Commander of the WCPS in Ganta, *Nimba County*, he informed HROs about reports of teachers asking for sexual favours from female students in exchange for better grades but noted that such cases are rarely reported. On 25 March 2008, the NGO EQUIP reported that a 15 year old girl and 4th grade student of Evangelical Christian School was reportedly impregnated by a teacher employed by Ganta United Methodist and Faith Academy Schools in Ganta. It is alleged that the suspect gave the girl L\$500 (US\$8) to terminate the pregnancy. The girl absconded from home. The suspect was arrested on 7 April 2008 on a charge of rape.

Child Neglect

38. As a form of indirect violence, child neglect takes many forms including, deprivation of food resulting in hunger, exposure of children to drugs or alcohol, abandonment, inadequate supervision, poor hygiene and being deprived of an education. During the reporting period HROs observed this problem in several counties.

- In Bong County, three children aged 6, 10 and 13 were abandoned by their parents and were being taken care of by some members of the community. Their mother had left in September 2007 apparently to collect food from Lofa County and their father also left in November 2007. In June 2008, the mother returned and took the children with her to Lofa County. In Nimba County, the LNP reported that they were receiving many cases of neglect of children from Saclepea and Sanniquellie-Mah districts. In Saclepea, about 20 children aged between 12-17 years old live on the streets and are forced to do menial jobs in return for food. In Maryland County, HROs found about 10 children aged between 14 and 16 years loitering on the beach at round 10:00am in May 2008. The children were abandoned and sleep on the beach. The WCPS have indicated that they are constrained in assisting the children due to the absence of NGOs working with destitute children or safe homes in the County.
- Section 16.6 of the Penal Law prohibits selling or serving alcoholic beverages to any person under the age of 18 years. On 14 January 2008, NGOs in Voinjama, Lofa County reported that children as young as 7 to 8 years old have unrestricted access to an alcoholic drink packaged in small plastic bags commonly referred to as 'drips' which is sold cheaply on the streets at L\$5 (less than a cent). Upon follow up with the LNP commander, HRO was informed that the law enforcement agencies were aware of the problem. HROs observed that hardly any attempts were being made to address the problem. In Pleebo, Maryland County, HROs found a 4 year old girl unconscious at Merci clinic in May 2008. According to the clinic, the child was intoxicated and the nurse in charge reported that the parents of the child were very drunk when they brought the child to the clinic.
- In River Gee County, the County Education Officer reported that despite the free primary education policy, about 4,000 children of school age are not enrolled into schools by parents, especially in the rural areas. Teachers

from Amadu and Gbarma High Schools in Gbarpolu County, Geweh High School in Bomi County and Twehjaiklay Junior High School in River Gee County informed HROs that generally a substantial proportion of students do not attend school on market days as they assist their parents to sell produce on those days. In Grand Bassa County, a survey conducted in the markets in Buchanan by HROs in collaboration with Norwegian Refugee Council from 23 to 24 April revealed that a total of around 404 children were involved in some form of business activities. Majority of the children vendors were male and the youngest child vendor was a 7 year old girl. HROs observed that most children vend during school hours even though, when interviewed, the children stated that they vend before or after school hours. These activities affect children's education and additionally expose them to many risks.

Children's rights in Orphanages

39. In its report on the human rights situation in the Orphanages in Liberia published in March 2007, HRPS found that children who have parents (either both or one living parent) are recruited into orphanages because their families are poor and unable to provide for them. Although it is hoped that there are better opportunities in the orphanages, children living in these institutions are denied their fundamental rights on a daily basis. During the reporting period, HROs visited Bopolu Bible Services Mission and Zoo Mission Orphanages/Rev. David. G. Benda's Child Welfare Home (*Gbarpolu County*); Sandary Orphanage Children's Home and War Affected Children Assistance Program Orphanage, Feletta Children's Orphanage, St Peters Orphanage and Children Ministry Inc. (*Bong County*); Children Recovery Orphanage (*Nimba County*); Children Rehab, John Ford, Ktoe Comfort and Great Commission Orphanage Homes (*Montserrado County*); Phebe Grey Orphanage (*Margibi County*); Todlad Charity Orphanage Home (*Grand Bassa County*); Liberia Orphanage and Abandoned Children's Home (*Bomi County*); Charity Orphanage Home (*Grand Cape Mount County*); and Bledisha Children's Home (*Grand Gedeh County*). While the orphanages visited receive donor funding in addition to government subsidies, the living conditions are sub-standard and do not meet the Minimum Standards for Operating Child Welfare Institutions as adopted by the Ministry of Health and Social Welfare. Residential and school facilities are often substandard, unsafe and overcrowded, there is inadequate healthcare, and the children have very few educational and developmental opportunities.

40. On 29 February, a fire broke out at the Charity Orphanage Home in Robertsport, *Grand Cape Mount County*, when a child lit a candle and forgot to put it off. There were no caretakers in the Orphanage at the time. Two children aged 5 and 6 years old sustained serious injuries. Following an investigation by the Ministry of Health and Social Welfare, the Deputy Minister of Social Welfare instructed the institution to hire additional caretakers to prevent such incidents from occurring in future. The Orphanage complied with the Ministry's instructions by hiring 2 caretakers and 2 security guards. In *Grand Gedeh County*, allegations of child trafficking have been made against Bledisha Children's Home and also that the owner inflates the number of children in order to receive financial aid. The orphanage is not accredited and yet it reportedly receives subsidies from government.

41. Through the Child Protection Network in Liberia, HRPS received information on 30 January that the American adoption organisation Addy's Hope may have circumvented the legal adoption process and was about to take 10 children out of Liberia. The children aged between 10 months and 6 years were residing in an unaccredited Orphanage recommended

for closure. With HROs facilitation and upon the request of a local NGO Sustainable Development Promoter (SDP), the West Point Magistrate Court issued a court order restraining the agents of Addy's Hope from removing the children from Liberia. Seven children and the agents of Addy's Hope had already left when the Court Sheriff arrived at Robertsfield International Airport to serve the Court Order. Although efforts were made by some government authorities to prevent the children from departing, reports indicate that other authorities, including a member of the legislature obstructed this prevention. These actions raise concern as an assessment conducted in 2007 found that there is no central governmental authority responsible for regulating inter-country adoption activities and oversight over adoption agency practices is lacking. There is also lack of sufficient oversight in respect of the operation of orphanages. Consequently, many children who are not legitimately eligible for adoption are suspected to enter the adoption system through fraudulent means, mostly through false promises designed to deceive birth parents into relinquishing them.¹⁴

Child Trafficking

42. There is concern that there may be a child trafficking ring operating on the Liberian borders with Guinea and Cote d'Ivoire. In December 2007, a 21 year old man from the Republic of Guinea was arrested for child trafficking after he was reportedly found offering a 6 year old girl he claimed was his daughter for sale in Ganta, *Nimba County* at the price of US\$ 5,000. In another case, a 16 year old Senegalese girl from Cote d'Ivoire was arrested at Loguatomou on the border with Cote d'Ivoire with an 8 month old baby girl stolen on 15 May 2008 from Monrovia. Two other persons who facilitated the abduction of the child with the intention of taking her to Cote d'Ivoire were also arrested. In *Maryland County*, 5 Nigerian citizens aged between 21 and 32 years were arrested by LNP and Immigration officers at Getarbo crossing point on 22 May 2008 for attempting to smuggle a 5 year old Liberian boy to Cote d'Ivoire. In June 2008, the Office of the Labour Commissioner in *Lofa County*, reported that about 85 children aged between 10 and 17 years were found at the residences of 2 persons in Voinjama. The children who are from different parts of Liberia, Sierra Leone and Guinea were reportedly brought to the 2 persons to learn Arabic. A Committee has also been established at the County level to examine the circumstances surrounding the recruitment of children.

Juvenile Justice

43. Reports received by HRPS indicate that some LNP officers and Judicial Officers continue to mishandle cases of juveniles in conflict with the law. Section 11.42(1) of the JCPC prohibits the detention in prison or police of a juvenile under the age of 16 except with good cause and upon the order of a juvenile court judge. However, this prohibition was not always respected. On 4 February 2008, a 15 year old boy who reportedly committed a traffic offence was found detained together with adults at the LNP station in Harper, *Maryland County*. Upon HROs intervention, the juvenile was released and handed over to WCPS. In *Bomi County* on 14 March 2008, HROs found 2 juveniles aged 14 and 15 years old in detention at the LNP station in Tubmanburg. The 15 year old juvenile was handcuffed to a bed. In *River Gee County*, 5 juveniles between the ages of 9 and 15 years were arrested for burglary between 17 and 18 March 2008 and detained at the LNP station in Fishtown.

¹⁴ An assessment of the Inter Country Adoption Law, Policies and Practices in Liberia, A Joint Consultancy between UNICEF and Holt International Children's Services (2007)

44. Detention of juveniles aged 16 years and above is not prohibited under JCPC. However, detained juveniles should be held in a segregated section of the detention facilities where they cannot have contact with persons aged 18 and above. Several cases were reported where juvenile detainees were held with adult detainees. HROs repeatedly advise the LNP against detaining juveniles with adults but the practice continues. In some cases this is attributed to the lack of separate detention facilities for juveniles in some LNP and correctional facilities. In February 2008, a 16 year old male juvenile arrested on a charge of illegal possession of marijuana was found in detention with adults at Greenville LNP Station, *Sinoe County*. Similarly, in March 2008, a 16 year old juvenile arrested for theft of property was found in detention with adults at the LNP station in Harper, *Maryland County*. On 10 March 2008, 2 juveniles aged 15 and 16 years old arrested on burglary charges were detained with adults in the CID cell at LNP headquarters in Monrovia, *Montserrado County*. LNP officers reported that the station did not have separate facilities for juveniles. In *Bong County*, HROs found 2 male juveniles aged 15 and 16 years old sharing a detention cell with adults in Gbarnga Central Prison in May 2008.

Human Rights and Persons with disabilities

45. International law recognises the need to promote and protect the human rights of all persons with disabilities. Action should be taken to equalise opportunities for persons with disabilities. Persons with disabilities in Liberia lack access to inclusive education, health and social service and experience prejudice and social stigma. The levels of public awareness about the needs and aspirations of persons with disabilities is low. While carrying out a rapid assessment survey on human rights and disabilities in Garwula and Tewor districts in *Grand Cape Mount County* on 7 January 2008, HRO observed that there is no infrastructure in place to ensure that persons with disabilities have access to essential services that will enable them to live independently and participate fully in life in the communities where they live.

46. A key principle in the Convention on the Rights of Persons with Disabilities is that persons who are blind, deaf or deaf and blind should be helped to learn Braille, sign language and other appropriate formats of communication in environments that maximise academic and social development. On 24 January 2008, HROs visited Liberia School for the Blind and Liberia School for the Deaf in Virginia *Montserrado County*. The school for the blind has 40 students (15 girls) aged between 5 to 23 years while the school for the deaf has 63 students (25 girls) aged between 5 and 28 years. Both schools are government owned and received minimal funding to the tune of US\$25,000 per school for the 2008/2009 year budget year. This amount is supplemented by donor funding. However, both schools lack adequate facilities to accommodate the students' special needs and also lack special learning materials for the blind and deaf students. HROs observed that the girls' dormitories in the school for the deaf were not secure, raising concerns as to their safety. They also observed physical violence among students particularly towards the younger children. According to the Ministry of Education, it is expected that the budget for the schools will increase considerably during the 2009/2010 budget year.

Economic, Social and Cultural Rights

47. Under the fourth pillar of the PRS, the government of Liberia outlines its strategy to rehabilitate infrastructure and improve the delivery of basic social services such as health, education, water and sanitation. Presently, a large percentage of the population, particularly the rural and urban poor continues to have limited access to health and social welfare

services. A high percentage of the Public and community schools which were destroyed during the conflict are yet to be rehabilitated¹⁵. To have these limitations addressed, HRPS continues to raise awareness in communities about understanding the human rights based approach to poverty reduction by empowering them to demand of the government of Liberia to meet their obligations to provide basic services.

Right to Education

48. Despite the introduction of the free and compulsory primary education policy, Liberia still lacks an adequate number of schools throughout the country to accommodate all children of primary school going age. This situation is more critical in rural areas where some villages have one school with a few classes and are therefore unable to accommodate all school going children in the community, while some villages may not even have a primary school. Due to an overall shortage of resources and capacity, the Ministry of Education is trying to focus on implementing the free education component of the policy although with great difficulty.

49. Schools in several Counties remain ill-equipped, inadequately funded and therefore lack basic infrastructure and educational materials. The majority of schools do not have enough teachers in relation to the student population. Teachers are mostly volunteers without proper qualifications. This was the case in the only public primary schools in Ganta, Bahn, Dou Tiayee, Garnaglay and Luntou Towns in *Nimba County*. Similar conditions were observed in Baccoline Public School and Logan Town Public School in *Grand Bassa County*, Unification primary school and Jacksonville primary school in Tarwion district and Seebeh Elementary and Junior High School in Kpayan district in *Sinoe County*, Tian Town Elementary School in Tian in *Grand Gedeh County*, Tweh Jaiklay School and Fishtown Demonstration School in Fishtown, *River Gee County*, Dorothy Cooper Kindergarten and Primary School and Quayee Public Elementary School in *Bong County*, Bakiedou and Porloma Public Schools in *Lofa County*. In *Gordorlahun* village in *Lofa County*, there is only one public school, which is a small mud structure. The school has only one trained teacher and four volunteer teachers for 309 students. In Trugbo Kindergarten, Elementary and Junior High School in Kliken and the Kindergarten and Elementary School in Japroken, *River Gee County*, HROs observed that due to lack of basic infrastructure, students from different classes sit in the same classroom and through the same lessons. For instance, 1st and 2nd grade students sit in the same classroom and through the same lessons. Consequently, successful students of the 1st grade are taught the same curriculum the following year until they are promoted to 3rd grade. Similar situations exist in many schools throughout the country.

50. Another problem affecting the education system in the country is the failure to decentralise the payment of salaries for teachers. Consequently, schools in outlying rural villages and towns close to allow teachers to travel to cities to collect their salaries leading to loss of instructional time. This happened in *Grand Cape Mount County* when teachers left to collect their salaries in Sinje between 18 and 22 February 2008. Similarly, in *Grand Kru County*, HRO learnt during a survey conducted in several schools in Nrowkia, Beloken, Downbeach, Sasstown, Behwan, Blebo, Newaken and Dorbor towns that some schools close to enable teachers to collect their salaries in Barclayville. On average, an entire week of school is lost every month. Additionally, due to lack of banking facilities in the rural areas, teachers engage private money changers to cash their salary cheques. This is done at a high cost which, in addition to the amount spent on meeting transport costs related to collecting

¹⁵ See Section 9 of the Liberia Poverty Reduction Strategy.

their salary cheques substantially reduces the already meagre earnings of the teachers. Sustaining high morale which would allow for better output from teachers under such circumstances becomes very difficult.

Right to Health

51. Health is a fundamental human right which is closely related to the realisation of other human rights contained in the International Bill of Rights.¹⁶ The provision of timely and appropriate health care is one of the integral components of the right to health. Although Liberia has ratified the International Covenant on Economic, Social and Cultural Rights, full enjoyment of the right to health especially in the rural areas, remains distant due to various obstacles, including, poverty, lack of health care facilities, inadequate and/or unqualified medical staff and inadequate medicines. Health Centres and facilities visited in Juarzon and Taryowion districts in *Sinoe County*, Zota, Panta, Yellequelleh districts in *Bong County*, Grand Cavalla town in *Maryland County* and in *River Gee County* were generally found to be in a poor condition, ill-equipped and lacked medicines and adequate qualified medical personnel. Some towns have no health centres and residents have to travel to neighbouring towns for medical treatment. In *Nimba County*, the towns of Garnaglay, Luntou and Da Tiapa and Underwear and Weasua towns in *Gbarpolu County* have no health centres. Similarly, in *Margibi County*, there are no health facilities in Blugelleh and Gbagta villages. Residents of the 2 villages have to walk to the nearest health facility in Weala town which is about a 3 hour walk away. There is no vehicle transport linking Blugelleh and Gbagta to Weala.

Land Rights

52. During the reporting period, there were several land related disputes some of which resulted in violent clashes where deaths occurred and properties were destroyed. Unscrupulous surveyors are reportedly selling land with false documents to unsuspecting buyers. This has been possible with the absence of accurate land records which were either looted during the conflict or have since been doctored. These land disputes underscore the urgent need for a land reform. In *Bong County*, violent clashes broke out in April 2008 in Vuku's village, Dankpansue, and Kolon-ta towns in Sannoyea district following a land dispute. An elementary school, about 58 houses and many other buildings were burnt down and many families displaced. On 27 June, the conflicting parties held a meeting and resolved to reach an amicable settlement. In *Maryland County*, a serious land dispute between 2 villages in Harper district in May 2008 resulted in violent clashes that left 2 people dead and several others injured. Properties were also destroyed. The suspects were arrested and charged with murder. Similarly, in *Margibi County*, a violent dispute over a piece of land in Nyuaneewien town resulted in the mass killing of 14 people, while others were injured. Sixteen suspects including the junior senator for Margibi County suspected to have instigated the attacks were arrested and formally charged with murder.

Harmful Traditional Practices

53. Traditional beliefs and practices remain strong in Liberia. Generally, there is a degree of resistance within the communities to end or change these practices. Quite often there appears to be complete disregard of State authority and the rule of law on the part of citizens, even including some law enforcement agencies themselves being reluctant to intervene. This may be attributed to various reasons including financial or political gain.

¹⁶ General Comment 14/2000 of the UN Committee on Economic, Social and Cultural Rights on Article 12 of the International Covenant on Economic, Social and Cultural Rights.

Communities should be sensitised and discouraged from engaging in those cultural practices that are harmful and violate the dignity of any person. Harmful traditional practices commonly practiced in Liberia include forms of trial by ordeal where *sassywood*¹⁷ is administered - though illegal in Liberia¹⁸ and female genital mutilation (FGM) which contravenes Liberia's commitment to the Convention on the Rights of the Child and the Convention on the Elimination of Discrimination Against Women. Reports of cases where persons, usually children or the elderly are blamed for deaths within communities through use of witchcraft are also common. Often due to fear, the 'accused' persons may confess in order to save their lives or be subjected to trials by ordeal to determine their guilt. In many instances, the homes of such persons were destroyed and in other cases the 'witches' were killed through mob justice.

- In Maryland County, 2 boys aged 9 and 13 and one girl aged 14 from Harper were accused by a man in October 2007 of being witches sent by their divorced mother to kill him. The children were subjected to a trial by ordeal using sassywood. In November 2007, 2 suspects were arrested for their involvement in the trial by ordeal and charged with criminal facilitation. Similarly, in June 2008, 2 children aged 8 and 11 years from Pleebo, Maryland County were accused by their step mother and paternal grandmother of practicing witchcraft and were living on the streets. HRPS intervened and the children were placed in a safe home pending reunification with their biological mother. In other cases reported from the same County, a 42 year old man was beaten to death by a mob of youths. He was suspected to have bewitched and killed another man. In another case, the death of a man which appeared to have occurred as a result of injuries sustained in a motorcycle accident was blamed on a 60 year old woman. It was claimed that she bewitched him. A 62 year old man was expelled from Jargeleken village over allegations that he bewitched the pregnant wife of a school principal and caused her to miscarry. The man resettled in River Gee County. Similar reports of accusations of witchcraft were made in River Gee, Nimba, Grand Gedeh and River Cess Counties.
- In January 2008, 4 elderly people from River Cess County who were implicated in the death of a fisherman by 'country devils' were seriously assaulted by the same 'country devils'. Relying on information from the 'country devils' and the forced confession of one of the 4 persons, the LNP subsequently arrested and charged the 4 with murder. UNMIL and government intervened, took the 4 victims out of LNP custody, evacuated them to another county and had them given medical attention. In March 2008, the Solicitor General made an application for a nolle prosequi in this murder case resulting in its closure. Subsequently, in April 2008, HRPS and the Solicitor General accompanied the 4 victims to Cestos city in their original County. Discussions were held with community members reminding them of the illegality of using sassywood in trials by ordeal and encouraged them to accept the victims back and reintegrate them. However, 2 days later, the 4 persons were stoned and expelled from their

¹⁷ A liquid made from the poisonous bark of a particular tree, or other poisonous substances which when ingested usually causes death.

¹⁸ See Article 73 of the Revised Rules and Regulations Governing the Hinterland of Liberia (2000).

villages. This case illustrates the complexity of dealing with cases of harmful traditional practices within some Liberian communities where superstitions are deeply rooted.

- Female genital mutilation forms an integral part of being initiated into the Sande society.¹⁹ The Sande society is found mainly in Grand Cape Mount, Lofa, Bong, Nimba and Grand Bassa Counties. Between December 2007 and January 2008, HRPS learnt that in Nimba County, girls between the ages of 7 and 21 years of age from Behvorplay, Troplay, Luntou and Teah-Yeabayplay towns in Gbehlageh district and Nyenpa and Nyor-Dinplay towns in Zoe-Geh district were recruited to attend the ‘Sande bush school’. According to some teachers, girls’ education was compromised as some of them were taken out of school to attend the ‘Sande bush school’ which typically goes on for several weeks. In Montserrado County, HROs were informed by a Zo²⁰ on 6 December that more than 50 young girls from various areas of Monrovia had joined the Sande society. According to the Zo, the children, some as young as 8 years, had spent about a year in the ‘Sande bush school’. In *Grand Cape Mount County* attempts were being made to take a 13 year old girl out of school in November 2007 and send her back to complete the ‘Sande bush school’ which she left in 2006. As a result of the threats the father of the girl was receiving from the Zo, he was reluctant to report the matter to authorities. In May 2008, some girls in Zeanzue and Kolila towns in *Bong County* were reportedly not attending school due to fear of being forcefully initiated into the Sande Society. The Liberia Refugee, Repatriation and Resettlement Commission reported that a girl from Kolila town had been forcefully taken into the Sande Bush by unidentified women. The girl escaped from the bush and is believed to be in Grand Bassa County.

Truth and Reconciliation Commission

54. During the reporting period, the TRC conducted public hearings in all the 15 Counties of Liberia. The public hearings officially commenced on 8 January 2008 in Monrovia, *Montserrado County*. Several victims and alleged perpetrators, including Milton Blayhyi *alias* ‘General Butt Naked’, Mustapha Allen Nicholas *alias* ‘General Mission Ant’ and Morris Padmore, *alias* ‘Vision 28’, recounted the heinous atrocities they committed during the course of the civil conflict. Thematic hearings for representatives of the elders, the youth, women, the judiciary and government were also held in the Counties. From 9 to 14 June 2008, the TRC conducted hearings for Liberians in the Diaspora who fled the conflict in the country. The hearings took place in Minnesota, United States and were conducted in partnership with the US based NGO, ‘Advocates for Human Rights’.

55. The TRC also encouraged the participation of children in the process. In collaboration with UNICEF, HRPS and NGOs, the TRC conducted special workshops for children in all 15 Counties. However, contrary to the provisions of the Act and its own rules

¹⁹ An indigenous Liberian traditional association which provides life skills training for girls. The training takes place in designated areas in the bush or forest – thus the name ‘bush school’ and in modern day Liberia, lasts up to 6 months. The cultural rules surrounding these practices preclude the uninitiated from witnessing them and its members from providing any information about the activities of the Society

²⁰ The head of one of the Sande Society branches

of procedure, the TRC, on 30 January 2008, displayed audio-visual testimonies by two children reportedly recorded in August 2007. Testimonies by minors should be held in camera to avoid re-traumatising and/or exposing their identities to the public. Otherwise, children's right to anonymity was respected during the TRC thematic hearings for children held on 24 May 2008 in Gbarnga, Bong County. Eleven children (6 boys and 5 girls) aged between 13 and 16 years from *Bong, Nimba, Grand Bassa, Rivercess and Montserrado Counties* participated in the hearings during which they testified about gross human rights violations by the warring factions, including rape, arbitrary killings, forced recruitment, cannibalism, and looting.

56. With the commencement of the thematic hearings in August, the TRC might encounter difficulties in securing the appearance of alleged perpetrators. So far, several principal alleged perpetrators have reportedly promised to appear before the TRC. It remains to be seen whether the TRC will be compelled at any stage of the process to exercise its subpoena powers.

57. There are however, several concerns regarding the functioning of the TRC, namely:

- Internal differences among Commissioners persisted and continued to pose a problem on the credibility of the TRC. These differences also affected the functioning of the TRC and progress of the public hearings. The mandate of the TRC officially ended in June 2008 but a lot remains to be accomplished and there will be need for extension.
- OHCHR has identified an expert to serve as a member on the TRC International Technical Advisory Committee (ITAC). The Economic Community for West African States (ECOWAS) is yet to identify the remaining 2 ITAC members so that the Committee can be fully operational.
- The TRC witness protection scheme is weak and unable to ensure protection to witnesses that need safety. The TRC Working Group, a special body commissioned by the International Contact Group on Liberia (ICGL) in March 2007, developed a witness protection package in collaboration with the TRC. This program was partially implemented by the TRC in that some individuals who needed urgent protection were placed in safe houses identified by the TRC. However, during the reporting period, HRPS came across instances of witnesses in Montserrado, Sinoe and River Gee Counties who had been threatened or even sued in law courts for testifying before the TRC. The TRC has not been able to provide protection for such witnesses. The TRC needs to develop and adhere to a more effective witness protection scheme which will remain in operation even long after witnesses have testified.

Independent National Commission on Human Rights (INCHR)

58. Although the Act establishing the National Independent Commission on Human Rights (INCHR) was enacted and came into force in 2005, the Commission remained inoperational due to the continued delay in the appointment of its commissioners by government. In a press statement dated 13 April 2008, President Ellen Johnson Sirleaf

indicated that the Commissioners would be appointed subsequent to an amendment addressing some major flaws in the INCHR Act. On 3 June, the government submitted the amendments to the INCHR Act to the Legislature. HRPS provided technical assistance to the Ministry of Justice in respect of the amendments. On 4 June, at a special plenary sitting of the House of Representatives, while expressing concern at the delayed appointment of the Commissioners, some civil society organisations in collaboration with the Secretariat of the INCHR called on the house to conduct a public hearing on the draft amendments to the INHCR Act.

V. Measures taken by the Government and other Relevant Stakeholders

The Court System

59. In *Lofa County*, new staff members were appointed to the County Attorney's office and an additional new Defence Counsel was appointed in January 2008 bringing the total number of Defence Counsel in the County to two. It is hoped that this development will facilitate the prompt handling of cases.

60. On 17 June 2008, the James A. A. Pierre Judicial Institute was officially launched in the Chambers of the Supreme Court, Temple of Justice. The Judicial Institute will provide training to personnel at all levels of the judiciary and will include orientation programmes for new judicial staff as well as continuing legal education for members of the judiciary.

61. In order to address complaints of misappropriation of fees paid into Court as bail bond, the judiciary with assistance from Legal and Judicial System Support Division of UNMIL introduced a system by which such cash would be paid into a bank account in Liberia Bank of Development and Investment (LBDI). This new system is being piloted in the Magistrates Courts in Paynesville, New Kru Town, West Point, Monrovia City Court and Gardnersville in *Montserrado County*.

62. Provision of assistance on case management systems is being carried out for the courts and prosecutors through the Pacific Architectural and Engineering (PAE) Company.

Prison conditions

63. In December 2007, 2 new corrections officers were assigned to the prison and corrections section of the LNP Station in *Bomi County*, while in *Grand Cape Mount County*, 4 corrections officers including 1 female were assigned to Robertsport Detention Centre where they run a 24 hour shift. Previously, the facility was under the supervision of the Prison Superintendent only with the assistance of volunteers who sometimes left the facility unattended or attended by prisoners. In June 2008, the Assistant Prison Superintendent of Fishtown Central Prison, *River Gee County* was dismissed by the Ministry of Justice for theft of rice meant for prisoners and part of the monthly stipend for the corrections staff.

64. In order to alleviate the conditions in prisons, the World Food Programme, International Committee of the Red Cross, UNHCR and the Pakistani Contingent in UNMIL distributed food and non-food items like mattresses, mats, hygiene items and also conducted medical outreach programmes in the central prisons in *Nimba, Montserrado, Sinoe, Maryland and Grand Cape Mount Counties*. In April 2008, in an effort to build the capacity of prisoners without formal training, the Ministry of Justice introduced a skills training programme for prisoners at Monrovia Central Prison in *Montserrado County*. The programme is aimed at equipping prisoners with skills which they can put to use after their

release back into the community. On 5 April 2008, female detainees were transferred to the newly renovated female cell block at Monrovia Central Prison in *Montserrado County*. The maximum operational capacity of this facility is 35 inmates. On 12 June, the Palace of Corrections and the new Zwedru Police Station in *Grand Gedeh County* were officially opened. The Palace of Corrections has 109 cells with a maximum capacity of 290 inmates with separate facilities to accommodate 14 females and 14 juveniles. However, the newly built police station does not have separate facilities for juveniles. Reconstruction and refurbishment of the main prisons in *Bong County* and *Sinoe County* is ongoing.

Law Enforcement

65. Upon recommendation of the newly instituted Professional Standards Division of the LNP, in April 2008, 70 LNP Officers²¹ who were continuously absent from their duty stations were dismissed from service. The capacity of the LNP Professional Standard Unit is being enhanced with training, logistic support and close monitoring and mentoring by UNPOL Advisors. These measures have led to some improvements in the investigation and disposal of pending cases.

Sexual and Gender Based Violence

66. In order to address the prevalent problem of rape and sexual violence in Liberia, a nationwide campaign to prevent and punish the crime of rape was launched by the Government in collaboration with the UN in November 2007.

67. The Government of Liberia and the United Nations developed and signed (13 June 2008) a Joint Programme to Prevent and Respond to Sexual Gender-Based Violence (SGBV) for the period 2008-2012. The Joint Programme offers a comprehensive and integrated approach to reducing SGBV in Liberia, designed to support Liberia's National Plan of Action target of minimising gender based violence by 30% by 2011, while providing appropriate care and services to survivors.

68. A new safe house for the rehabilitation of survivors and victims of sexual and gender-based violence was built by UNMIL and handed over in June 2008 to the local NGO Touching Humanity In Need of Kindness (THINK) to manage.

69. The Ministry of Education took action against some school principals and teachers found to have sexually exploited students. For instance, a teacher from the Gretrude Yancy Elementary and Junior School in Bomi County and the Principal of Crozierville Public School in Montserrado County were both dismissed for impregnating female students at the respective schools.

70. Several Circuit Courts convicted and sentenced defendants accused of rape to lengthy prison terms. On 5 December 2007, a 55 year old man accused of raping a 5 year old girl was found guilty and sentenced to life imprisonment by the Judicial Circuit Court in *Lofa County*, while the Judicial Circuit Court in *Maryland County* on 13 December sentenced a 43 year old Nigerian man to 10 years in prison for rape. In March 2008, the Circuit Courts of *River Gee* and *Nimba Counties* sentenced 2 accused to life imprisonment for the rape of a 14 year old girl and 9 year old girl respectively. Similarly, in April 2008, the Circuit Courts of *Grand Cape Mount* and *Margibi Counties* each sentenced 2 defendants accused of raping a 9 year old girl and a 12 year old girl respectively to life imprisonment. In *Gbarpolu County*, the

²¹ HRPS received information that of the 70 dismissed LNP officers, 34 LNP Officers have been reinstated.

Circuit Court sentenced a man accused of raping a 9 year old girl in November 2005 to 10 years' imprisonment.

Right to education

71. The government of Liberia gave a grant totalling more than sixty three million seven hundred and five Liberian dollars (US\$1,061,750) in support of its free and compulsory primary education programme for the budget year 2007/2008. The grant is to be distributed among more than 2,000 schools to enable them to meet expenses associated with their daily operations. Additionally, the Deputy Education Minister is reported to have stated that a national education census will be carried out to determine the actual number of students in the country. The data collected in that census would be used to determine the number of schools to be built and other challenges that need to be addressed.

Harmful Traditional Practices

72. In June 2008, the Circuit Court of *Nimba County* convicted 6 men who facilitated the administration of *sassywood* in Boutou and sentenced them to 18 months imprisonment.

73. During the reporting period, the Solicitor General accompanied by the Chief of HRPS went to *Rivercess County* to conduct a one day sensitisation workshop on harmful traditional practices for various members of the community including traditional elders in Cestos City. This was in direct response to the case relating to the elderly persons who were assaulted by 'country devils' in the county.²² In *Maryland County*, 3 suspects charged with manslaughter and one for murder were released by the Circuit Court on 14 February, after the Solicitor General applied for a *nolle prosequi* citing lack of evidence as it was alleged that the suspects killed their victim using witchcraft. Three of the accused had been in detention for more than a year.

Children's Rights

74. On 22 February, the UNMIL Deputy Special Representative of the Secretary General for Rule of Law convened a meeting of all Members of the UN Country Team so as to formalise the establishment of the UN Working Group on Human Trafficking. The Working Group which is chaired by HRPS will provide technical support to the National Task Force for the Prevention of Trafficking in Persons. The National Taskforce was established by the government to implement the law on trafficking. So far the National Taskforce has developed a National Plan for the Prevention of Trafficking in Persons, held some workshops to build its capacity to handle trafficking cases.

75. The Gender Equity and Child Development Committee of the House of Representatives initiated the process of drafting a Children's Act which lays down, *inter alia*, a bill of child rights and governmental duties, parental duties and rights, standards in juvenile justice and standards for Child Protection Practitioners and Organisations as well as provisions relating to alternative care for children. The draft statute also addresses inter-country adoption. Meanwhile, according to the Ministry of Health and Social Welfare, a moratorium has been placed on inter-country adoptions for a period of 6 months.

76. The Ministry of Health and Social Welfare is in the process of developing a National Social Welfare Policy and Plan which also addresses the needs of vulnerable children.

²² See paragraph 50 of this report.

Land Rights

77. The Governance Commission submitted a draft Act for the establishment of the Liberian National Land Commission to the Executive for consideration. The Act provides a framework through which contentious issues related to ownership, tenure, usage, management and administration of land can be addressed.

VI. Recommendations

78. To the Government of Liberia

- The Government of Liberia should utilize this report by way of a thorough government review and a national discourse to address human rights concerns identified and recommendations made.

a) The Court System

- The Chief Justice and the Ministry of Justice should ensure that judicial officials, defense counsel and prosecutors assigned to courts outside Monrovia are in situ and disciplinary measures taken against personnel who absent themselves from their assigned duty stations.
- Review the entire Justices of the Peace judicial mechanism with a view to removing judicial functions from their jurisdiction.
- Enact a legislation which provides for the prosecution of any police or security officer, prosecutor, administrator or any other public official who is suspected of torturing or inhumanely treating any person charged, arrested, restricted, detained or otherwise held in confinement, as provided for by Article 21 (e) of the Constitution.

b) Liberia National Police

- The Ministry of Justice should ensure that LNP officers are remunerated on time and their salary collection points further decentralised to the district level. The LNP should also be provided with necessary logistical support, including transportation and essential supplies such as stationery.
- The Ministry of Justice should ensure LNP presence at least in all the districts of the country.

c) Organisation of Peaceful Demonstration

- The Ministry of Justice should consider issuing written rules or regulations to guide law enforcement authorities in managing public demonstrations and processions.

d) Detention facilities

- The Ministry of Justice should identify, with the assistance of UNMIL - including HRPS, all unauthorised detention facilities and ensure their closure. Legal action should be taken against any official or person for holding anyone in an unauthorised detention facility.

- Comprehensive rehabilitation programmes for prisoners should be introduced in detention centres and includes the participation of all relevant Line Ministries.
- e) *Ratification and Domestication of International Human Rights Instruments*
 - The President's office, the Legislature and the Ministry of Foreign Affairs should ensure that all necessary legal and administrative steps are taken so that international human rights treaties signed, ratified and acceded to by Liberia are domesticated in a prompt manner.
- f) *Death Penalty*
 - The Government should demonstrate its commitment to the obligations it signed up to under the 2nd Optional Protocol and under the Vienna Convention on the Law of Treaties.²³ The latter Convention stipulates that a State party 'may not invoke the provisions of its internal law as a justification for its failure to perform a treaty.'²⁴
 - The moratorium on the execution of the death penalty should be maintained.
 - The Senate Committee on the Executive should present the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the Death Penalty to the Legislature for approval.
- g) *Children's Rights, Orphanages and Juvenile Justice*
 - The Ministries of Health and Social Welfare and Gender and Development should work with other Ministries and local authorities to raise community awareness about strengthening families and preventing child neglect, through media campaigns touching on issues such as child development, non-punitive discipline and the need for greater support for families.
 - Continuous training in the provisions of the Juvenile Court Procedural Code (JCPC) and child protection issues should be provided to all judicial officials and LNP officers. The Chief Justice should consider providing written instructions to Magistrates regarding the procedure for handling cases involving juvenile offenders.
 - The Ministry of Health and Social Welfare in collaboration with the Ministry of Justice should, as a matter of urgency, re-activate the Administrative Board responsible for ensuring the closure of those orphanages that do not meet the Minimum Standards for Operating Child Welfare Institutions.

²³ Liberia ratified the Vienna Convention on the Law of Treaties on 29 August 1985.

²⁴ See Article 27, Vienna Convention on the Law of Treaties.

- The Ministry of Health and Social Welfare should maintain the moratorium on inter-country adoptions until the proposed draft Children's Act with provisions regulating inter-country adoptions is enacted.
- 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.
- LNP should enforce Section 16(6) of the Penal Law which prohibits selling or serving alcoholic beverages to any person under the age of 18 years.
- The Government of Liberia should prohibit by law all forms of violence against children, in all settings, in particular:
 - Amend Article 55(g) of Revised Rules and Regulations Governing the Hinterland of Liberia 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 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

h) Harmful Traditional Practices

- Article 73 of the Revised Rules and Regulations Governing the Hinterland of Liberia which permits 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.
- The Ministries of Internal Affairs, Health and Social Welfare, Justice and Information, Culture and Tourism should raise public awareness about the harmful effects of some traditional practices like FGM, trials by ordeal, ritual killings and witchcraft.
- The Ministry of Health and Social Welfare should include the elimination of FGM as a goal of its National Plan of Action on public health, including

the provision of information on the harmful consequences of FGM and issues specifically relevant to adolescent health and reproductive rights.

- The LNP Academy training for LNP recruits should include a module on harmful traditional practices and the identification and investigation of associated criminal offences.
- The Chief Justice and Ministry of Justice should ensure that trainings for judicial personnel and prosecutors through the newly established Judicial Training Institute and other training programmes address issues relating to dealing with harmful traditional practices as criminal offences and the duty of judicial personnel to uphold the law in this regard.

i) Access to basic services like education and health

- All relevant Ministries, including the Ministry of Health and Social Welfare and the Ministry of Education should take steps to increase access to basic services such as health and education facilities for all Liberians, irrespective of where they reside. That the Ministry of Public Works and the Ministry of Transport concurrently improve the road network throughout Liberia, to ensure improved access to these essential services.

j) Banking Facilities

- Extension of basic banking facilities and services to rural areas for the benefit of members of the community and to facilitate salary disbursement for government employees.

k) Independent National Commission on Human Rights

- Without undue delay, the legislature should enact the draft amendments to the INHCR Act ensuring that they meet the Principles relating to the status and functioning of national institutions for protection and promotion of human rights (Paris Principles).
- The Executive should appoint the INCHR Commissioners and proceed to operationalise the INCHR as a matter of urgency.

79. To the International Community

a) The court system

- The International Community should continue its assistance in providing coordinated and enhanced technical support and assistance to the Courts and prosecution so as to reduce delays and increase court efficiency.

b) Conditions in detention facilities

- The international community should continue to support the Ministry of Justice to improve the conditions in prisons and places of detention, particularly through mentoring and training of corrections officers, construction and renovation of correctional facilities that meet minimum international standards and provision of essential support and supplies like stationery, food, hygiene materials, basic medicines and medical services through the Ministry of Health and Social Welfare.

c) Children's Rights

- UNMIL, UN Agencies, International NGOs should encourage the Government and local civil society NGOs to raise community awareness about strengthening families and preventing child neglect, through media campaigns touching on issues such as child development, non-punitive discipline and the need for greater support for families.
- UNICEF should work in collaboration with UN Agencies, International NGOs and local civil society NGOs to support the Ministry of Health and Social Welfare develop legal guidelines and a structure to address inter-country adoption, while taking into consideration the Convention on the Rights of the Child and the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption.

d) *Truth and Reconciliation Commission*

- With the mandate of the TRC extended, the ICGL TRC Working Group should closely monitor the work of the TRC and ensure timely completion of its mandate.

e) *Harmful Traditional Practices*

- Eradication of harmful traditional practices impeding the enjoyment of fundamental human rights should become a principal and recurrent agenda item for strategic planning by the UN Country Team in Liberia.
- The International Community in collaboration with the government and civil society should initiate a nationwide awareness campaign on harmful traditional practices specifically, FGM, trials by ordeal, ritual killings and witchcraft.