



# International Service for Human Rights

## The Reports in Short

ISHR's summaries of documents for the Human Rights Council 4<sup>th</sup> Session

### **Report of the independent expert on technical cooperation and advisory services in Liberia<sup>1</sup>**

#### **Mandate holder**

Charlotte Abaka

#### **Mandate**

The mandate arose out of a confidential 1503 procedure at the fifty-ninth session of the Commission on Human Rights in 2003. The aim of the mandate is to assess the situation of human rights in the country; facilitate cooperation between the Government of Liberia and OHCHR by providing technical assistance and advisory services in the area of human rights; and gather information through country visits, discussions, and consultations with representatives of the Government, UN specialised agencies, such as the UN Mission in Liberia and the UN Development Programme, members of the diplomatic community and civil society groups.

#### **Annual Report<sup>2</sup>**

#### **Scope:**

The report covers the issues undertaken by the Independent Expert since 2005, including observations about the legislature, legal reforms, human rights promotion and protection, economic, social, and cultural rights, and the conducting of various workshops.

#### **Summary and key conclusions:**

##### **Developments since 2005:**

- **Security situation:** By the time of the second report of the Independent Expert on technical cooperation and advisory services in Liberia,<sup>3</sup> the security situation in Liberia had improved. The Liberian National Police (LNP) had been deployed and circuit courts established. However, high incidences of sexual assault reflects the weakness of the LNP and highlights remaining steps to be taken in security services.
- **Truth and Reconciliation Commission (TRC):** The TRC has been provided with a budget of US\$1.4 million, which the international community has matched. The international community will also provide technical advice and expertise. The Independent Expert sees problems in the lack of coordination within TRC's programming and activities. She notes a disharmony between the commissioners and the members of the International Technical Advisory Committee (ITAC). She also repeats an urgent need to establish an information management system for storing and analyzing statements and other information received in the statement-taking processes.

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<sup>1</sup> Summary prepared by Alison Leon, Intern, ISHR; edited by Gareth Sweeney, Information Program, ISHR.

<sup>2</sup> A/HRC/4/6, 28 February 2007.

<sup>3</sup> E/CN.4/2006/114.

- **Independent National Human Rights Commission:** The enabling legislation of the human rights body has given it a broad mandate that includes making recommendations to the Government on the prevailing human rights situations. The selection process for commissions was underway at the time of this report's publishing.

#### **The legislature:**

- The Independent Expert notes that heads of the parliamentary subcommittees, lacking knowledge about the TRC, would welcome a workshop on their role in the process.
- The Rape Law was noted to suffer a lack of enforcement due to a shortage of lawyers and prosecutors. The parliamentarians agreed that they have an oversight responsibility and that they must act accordingly. They are also taking steps to join the Inter-Parliamentary Union (IPU).

#### **Legal reform and rule of law:**

- **Review of national legislation:** Draft legislation for the creation of a Law Reform Commission was before the parliament, to be considered in early 2007. Additionally, a comprehensive review of both the Constitution and national legislation ensuring respect for the provisions of international human rights law will be facilitated by the Human Rights and Protection Section of UNMIL.
- **The Liberian justice system:** New legislation has better ensured autonomy of the judiciary. Additionally, funding will be guaranteed quarterly. The chief justice has undertaken to improve the professionalism and quality of work, and the Independent Expert calls for these efforts to be supported.
- **Ending impunity for past crimes:** The criminal justice system is currently unable to respond to ongoing human rights violations. The Independent Expert suggests that efforts to strengthen the LNP must be accompanied by a parallel improvement in the functioning of the judiciary.
- **Rape Law:** The law, entering into force on 17 January 2006, provides for stronger penalties and enumerates the crime of gang-rape. However, reports show that clear evidence is being rejected in court. Additionally, the high number of out-of-court settlements is worrying. One deficiency of the law is the failure to address rape by juveniles.

#### **Promotion and protection of human rights:**

- **Human rights on rubber plantations:** The Guthrie Plantation, taken over by the government, provides jobs to ex-combatants, as well as providing access to basic social amenities. The security situation is much improved, and voluntary return of families and ex-combatants is being facilitated. The Independent Expert notes that, as rubber plantations are a major source of wealth for the country, situations on the plantations must continue to be monitored. She suggests that the Rubber Plantation Task Force's recommendations should be implemented.
- **Human rights of women and children:** Gender-based violence continues to be a serious concern. Domestic violence and harmful traditional practices are not being addressed, and no redress seems to be available. However, the Independent Expert welcomes the establishment of a woman and child unit at police stations, as well as the reintegration and assimilation of ex-child soldiers.

#### **Economic, social and cultural rights:**

The lack of infrastructure is a great source of concern, along with the crippling Liberian debt, which is the highest per capita in the world. The Independent Expert comments that a debt relief programme could be a helpful tool in realizing this group of rights

- **The right to work and fair remuneration:** While government salaries are now being paid on a more regular basis, private sector salaries continue to be problematic and an area of concern.
- **The rights to physical and mental health:** Illegal and privately run orphanages are a major concern. The Liberian Government, after a consultative process with the Child Protection Network Task Force, is taking necessary steps to close the worse orphanages and arrange

reunification or other placements. Another concern is the lack of progress on maternal and infant mortality since the last report, and an increase in TB.

- **The right to education:** Although the government has attempted to introduce free early education, parents remain unaware. Another area of work the Government has undertaken is in education for "the girl child," which addresses gender inequality in the education sector.

#### **Workshops conducted:**

- A workshop organization by UNMIL that took place on 21 November 2006 discussed a plan of action on gender-based violence. Ministries, the UN, and NGOs were represented. Some issues discussed included gender-based violence awareness, intervention, and prevention strategies, and specifically the establishment of safety shelters for victims of such violence.
- Concerns over the Rape Act were also expressed, especially in the context of UNMIL accountability for alleged rape/sexual assault by members of the mission.

#### **Recommendations:**

- That the **strengthening of the judicial system** was a crucial step for the promotion and protection of human rights and ending impunity.
- That an earlier recommendation to the Government of the USA be met to **offer scholarships** to qualified Liberians to **study law** and therefore add to jurisprudence in the country.
- That the OHCHR **provide funds** for the following activities: the re-establishment of the Human Rights Unit in the Ministry of Justice, through the funding of technical cooperation services; workshops on international human rights instruments for the legislature, judicial, and law-enforcement agencies; sector ministries and relevant civil society organizations to respond to the State parties responsibilities under their treaty obligations; and the Women and Children's Unit of LNP.
- That all stakeholders hasten the process of the establishment of the **Independent Human Rights Commission**.
- That OHCHR help the Government of Liberia to establish a **mission in Geneva**.
- That the Government of Liberia repeal offensive legislation such as the **Hinterland Regulations**.
- The Expert would intervene with the Government of Ghana regarding the resettlement of Liberian **refugees in Ghana**.
- She would accept the offer of the Finnish delegation made during the third session of the Human Rights Council, in relation to the provision of **psychological support and assistance to the TRC**.
- Finally, that the international community would move towards the creation of a **fund for victims of rape and sexual violence** in Liberia.