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Liberia

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations, reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	5 November 1976	None	Individual complaints (art. 14): No
ICESCR	22 September 2004	None	–
ICCPR	22 September 2004	None	Inter-State complaints (art. 41): No
ICCPR–OP 2	16 September 2005	None	–
CEDAW	17 July 1984	None	–
CAT	22 September 2004	None	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
OP–CAT	22 September 2004	None	–
CRC	4 June 1993	None	–

Core treaties to which Liberia is not a party: OP-ICESCR, ICCPR-OP-1 (signature only, 2004), OP-CEDAW (signature only, 2004) OP-CRC-AC (signature only, 2004), OP-CRC-SC (signature only, 2004), ICRMW (signature only, 2004), CRPD (signature only, 2007), CRPD-OP (signature only, 2007) and CED.

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol ³	Yes
Refugees and stateless persons ⁴	Yes
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁵	Yes, except Protocol III
ILO fundamental conventions ⁶	Yes, except Conventions Nos. 100 and 138
UNESCO Convention against	Yes

Discrimination in Education

1. The Committee on the Rights of the Child (CRC) noted with appreciation the ratification in 2003 of ILO Convention No. 182.⁷ It recommended that Liberia ratify the Optional Protocols to the CRC,⁸ and ratify and implement the Hague Convention No. 33 on Protection of Children and Cooperation in respect of Inter-country Adoption.⁹
2. The Committee on Elimination of Discrimination against Women (CEDAW) commended Liberia for signing the OP-CEDAW in 2004¹⁰ and encouraged it to ratify it.¹¹
3. CEDAW encouraged Liberia to ratify CRPD, which it had signed in 2007, as well as CED.¹² It also called on Liberia to ratify ILO Convention No. 100.¹³

B. Constitutional and legislative framework

4. Noting that the legal system in Liberia combines statutory law with unwritten customary law, the United Nations Country Team (UNCT) in Liberia observed that some statutes like the Aborigines Law (1956) and the revised Hinterland Rules and Regulations (2001) were archaic and discriminatory, while others were conflicting and needed to be reviewed.¹⁴ According to the 2008–2012 UNDAF, domestic law, including the 1986 Constitution, are inconsistent with international human rights obligations¹⁵ in some areas.
5. In 2009, CEDAW called on Liberia to incorporate the principle of equality between women and men into the Constitution.¹⁶ UNCT and CRC highlighted the need for constitutional amendments with regard to discriminatory provisions concerning the right to citizenship for children born in Liberia,¹⁷ and the Secretary-General did the same with regard to stipulations on the conduct of elections.¹⁸
6. In its 2009 report to the Human Rights Council, OHCHR proposed a number of legislative amendments to prohibit violence against children.¹⁹ CEDAW noted with appreciation the recent efforts to revise discriminatory legislation and enact new laws, including the 2006 Rape Law and the Bill for the Equal Participation of Women in the Political Process, which was pending in Parliament.²⁰
7. UNCT noted that a Law Reform Commission as well as a Constitutional Review Task Force had been established in 2009.²¹

C. Institutional and human rights infrastructure

8. As of 14 May 2010, Liberia did not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).²²
9. The Secretary-General and UNCT indicated that, although an Act establishing an Independent National Commission on Human Rights (INCHR) had been signed in 2005, such Commission had not yet been constituted.²³ According to UNCT, a shortlist of nominees was rejected by the legislature in February 2010, following which a new Independent Committee of Experts was constituted for the purpose of vetting possible nominees.²⁴ In 2010, the Secretary-General reported that the Truth and Reconciliation Commission had recommended a significant expansion of the powers of the INCHR, including that it be given the power to prosecute human rights violations before a court of law.²⁵ OHCHR and UNCT recommended that the executive, as a matter of priority, appoint commissioners and ensure that the INCHR would become fully operational, and genuinely independent.²⁶

10. UNCT stated that the Ministry of Justice had a Human Rights Unit, although its status within the Ministry, and its procedures for receiving complaints were not clear.²⁷ UNCT also reported that a special unit to handle exclusively prosecutions of sexual and gender-based crimes had been established in the Ministry in February 2009. The unit had established a 24-hour hotline to assist victims of sexual and gender-based crimes.²⁸

D. Policy measures

11. In 2010, the Secretary-General reported that the Steering Committee for the National Human Rights Action Plan, chaired by the Ministry of Justice, had established subcommittees to promote human rights awareness and collect human-rights related data.²⁹ According to UNCT, the Steering Committee is expected to play a key role in reporting to treaty bodies and the UPR.³⁰

12. UNCT stated that the Government had adopted a Poverty Reduction Strategy to move towards rapid, inclusive and sustainable growth and development in the period 2008 to 2011.³¹ National policies had also been developed in the areas of social welfare and national health, with a view to expanding access to basic health care, backed by adequate referral services and resources.³²

13. According to UNCT, strategic plans were adopted in 2009 by the Ministry of Justice, the judiciary, the Liberian National Police and the Bureau of Corrections and Rehabilitation.³³ In 2010, the Secretary-General reported that implementation of the strategic plan for the judiciary remained slow due to ongoing internal problems among the leaders of the judiciary.³⁴

14. In 2005, Liberia adopted the United Nations Plan of Action (2005–2009) for the World Programme for Human Rights Education focusing on the national school system. The Ministry of Education committed to introducing human rights into national primary and secondary curricula, as part of a broader programme to rebuild and improve Liberia's educational system in the post-conflict era.³⁵

15. CEDAW appreciated Liberia's efforts to put in place the National Gender-based Violence Plan of Action (2006), the National Policy on Girls' Education (2006), the National Rural Women's Program (2008), and the national action plan for the implementation of Security Council resolution 1325 (2000). It noted, however, that implementation of some of these plans and policies remained at the initial stages.³⁶ UNCT reported that, in 2009, the Government had adopted a National Gender Policy to mainstream gender into all national development processes.³⁷

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body³⁸</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	Reviewed in absence of report	August 2001	–	Initial report overdue since 1977

<i>Treaty body³⁸</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CESCR	–	–	–	Initial report overdue since 2006
HR Committee	–	–	–	Initial report overdue since 2005
CEDAW	2008	July 2009	Due July 2011	Combined seventh and eight report due in 2013
CAT	–	–	–	Initial report overdue since 2005
CRC	2005	May 2004	–	Consolidated second, third and fourth report received in 2009

16. In 2009, CEDAW noted with appreciation that the initial report under the Convention had been prepared through a participatory process.³⁹ CEDAW expressed its willingness to continue its dialogue with Liberia, including through a country visit by Committee members aimed at providing further guidance on the implementation of recommendations and obligations under the Convention.⁴⁰

2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Independent expert on human rights in Liberia, subsequently referred to as independent expert on technical assistance and advisory services in Liberia, visited annually from 2004 to 2008: see reports E/CN.4/2005/119, E/CN.4/2006/114, A/HRC/4/6, A/HRC/7/67 and A/HRC/9/15
<i>Visits agreed upon in principle</i>	
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on the right to freedom of opinion and expression (2003); Special Rapporteur on extrajudicial summary and arbitrary executions (2003); Special Rapporteur on torture (annual reminders since 2006); Independent expert on foreign debt (2006, 2007, 2008); Special Rapporteur on the independence of judges and lawyers (2010)
<i>Facilitation/cooperation during missions</i>	

*Follow-up to visits**Responses to letters of allegations and urgent appeals*

During the period under review, four communications were sent. The Government did not reply to these communications.

Responses to questionnaires on thematic issues

Liberia did not respond to any of the 21 questionnaires sent by special procedures mandate holders⁴¹ within the deadlines.

3. Cooperation with the Office of the High Commissioner for Human Rights (OHCHR)

17. Following submission of the final report to the Council of the independent expert on technical cooperation in Liberia in September 2008, the Council requested OHCHR, through its presence in Liberia, to pursue its technical assistance activities and programmes in consultation with the authorities of Liberia.⁴² In September 2009, OHCHR reported to the Council on the activities that it had undertaken in the country.⁴³

B. Implementation of international human rights obligations

1. Equality and non-discrimination

18. UNCT observed that the Liberian Constitution guaranteed enjoyment of fundamental rights and freedoms to all persons without discrimination. However, the Constitution did not contain a definition of discrimination.⁴⁴

19. UNCT also indicated that gender disparity persisted at all levels, including with regard to literacy and political participation, noting that women constituted only 14 per cent of the cabinet, 5 per cent of the legislature and less than 1 per cent of the judiciary. Early marriage was common practice, and nearly half of all girls were married by the age of 18, sometimes by force.⁴⁵ CEDAW was similarly concerned at the persistence of harmful traditional practices, patriarchal attitudes and stereotypes regarding the roles, responsibilities and identities of women and men.⁴⁶ It urged Liberia to put in place legislative and educational measures to modify or eliminate such practices and stereotypes.⁴⁷ CEDAW was particularly concerned at the situation of women in rural areas, who were disproportionately affected by a lack of adequate health services, education, economic opportunities, social benefits and access to justice.⁴⁸

20. In 2008, the independent expert on capacity-building in Liberia noted considerable cleavages within Liberian society deriving from perceptions about the lack of legitimacy of certain identities and religious faiths as authentically Liberian. The perception of Liberia as a Christian State persisted, as did resistance to the acceptance of the Mandingo identity as legitimately Liberian. Ethnic-based discrimination had become more complex as a result of ethnic polarization during the war. The problem of land and property disputes gave rise to confrontation between different ethnic groups.⁴⁹ It is noteworthy that a National Land Commission was established in March 2010 to review such disputes.⁵⁰

21. With regard to the distribution of resources and services, the independent expert also noted a huge gap separating the Americo-Liberian upper class from the rest of Liberian society.⁵¹ The independent expert observed that certain aspects of local government laws, including their use of derogatory terms to refer to peoples, undermined human rights and the principle of non-discrimination. Specific reference was made to section 2 of the revised Hinterland Rules and Regulations, which stated that the provisions applied to “such areas as are wholly inhabited by uncivilized natives.”⁵²

22. In 2004, CRC had expressed concern at the very high incidence of disabilities among children as a result of the civil war, and at persisting de facto discrimination against children with disabilities.⁵³ UNCT indicated that the Government had established a National Commission on Disabilities in 2005, noting however, it has not been very active.⁵⁴

23. CRC was also concerned that the granting of citizenship to children born in Liberia was restricted on the basis of colour or racial origin. In this regard, CRC recommended that Liberia amend article 27 of its Constitution, as well as its citizenship laws.⁵⁵

2. Right to life, liberty and security of the person

24. The Human Rights Committee expressed strong concern after the President of Liberia had signed into law in July 2008 legislation envisaging the death penalty for a number of crimes. The Committee recalled that Liberia was a party to the Second Optional Protocol to ICCPR and as such had committed to ensuring that "no one within [its] jurisdiction (...) shall be executed" and to "take all necessary measures to abolish the death penalty within [its] jurisdiction". The Committee therefore concluded that the Act constituted a clear breach by Liberia of its legal obligations under the Optional Protocol. It urged Liberia to review the Act with a view to amendment as soon as possible, and encouraged it, in the meantime, to maintain the moratorium in place since 1979.⁵⁶ The 2009 report of the Secretary-General also made reference to maintenance of the death penalty in spite of international pressure on the grounds that it constituted a breach of Liberia's obligations under the Optional Protocol.⁵⁷

25. The Special Rapporteur on extrajudicial, arbitrary and summary executions noted that incidents of "vigilante justice" had resulted in at least ten deaths in 2008 and that mob attacks on crime suspects had reportedly taken place at police stations and courthouses. Various cases of "mob justice," including against juvenile thieves and "witches" had also been documented in 2007.⁵⁸ In 2009, the Secretary-General stated that rape and armed robbery remained prevalent and that communal and mob violence also continued, often emanating from tensions between ethnic groups and communities over land disputes.⁵⁹

26. UNCT noted that ritual killings were still practiced, reportedly for political or financial gain, physical strength, or to feed a fetish object. Due to inadequate forensic investigation capacities, the police was often not in a position to conduct conclusive investigations to identify and prosecute suspects.⁶⁰

27. CEDAW noted with grave concern the extent and intensity of violence against women, especially sexual violence, both during and after the conflict.⁶¹ It urged Liberia to prioritize the adoption of a legal framework to address violence against women, and to undertake educational and public awareness programmes.⁶² The independent expert on technical assistance noted that rape and sexual violence remained the most frequently committed serious crimes in Liberia.⁶³ UNCT noted that victims of sexual violence, including rape, were predominantly female children under the age of 15 years. In 2006, less than ten per cent of reported rape cases had been fully prosecuted.⁶⁴ In June 2010, during her visit to Liberia, the Special Representative of the Secretary-General on sexual violence in conflict observed that sexual violence had been brutal and widespread during the civil war, used to terrorize, displace and control the civilian population. This had left a heavy mark on society, and today the challenge is to transition to a new society in which women and children are left in peace and are safe in school, in their homes and market places.⁶⁵

28. CRC, CEDAW and UNCT noted that female genital mutilation was prevalent. Liberia was urged to enact legislation prohibiting this practice without delay.⁶⁶ OHCHR recommended that the international community, in collaboration with civil society and the Government, raise awareness in this regard.⁶⁷

29. CEDAW requested Liberia to accelerate its efforts to effectively implement the 2005 Anti-Human Trafficking Act.⁶⁸ CRC recommended that Liberia engage in bilateral and regional cooperation for the elimination of child sexual exploitation and trafficking.⁶⁹ UNCT indicated that Liberia had established a National Anti-Trafficking Task Force led by the Ministry of Labour, noting however that, according to a UNICEF commissioned report,⁷⁰ the task force still faced serious challenges.

30. In 2004, CRC was deeply concerned at the effects of the armed conflict on child victims, including child combatants, and the tragic loss of life and severe psychological trauma inflicted upon them. It urged Liberia to take all necessary measures, in cooperation with civil society and United Nations bodies such as UNICEF, to address the needs of child victims.⁷¹ CRC was also concerned about the incidence of abuse, including sexual violence, and neglect of children and recommended that cases of violence be properly investigated and sanctioned, and that services for psychological recovery and social reintegration be provided to victims.⁷² OHCHR recommended that the Government cooperate with the international community and civil society to raise awareness on issues such as child development, non-punitive discipline and the need for greater support for families. It also submitted detailed recommendations on the prohibition of all forms of violence against children in all settings.⁷³

31. In its report to the Council in 2009, OHCHR described the situation in orphanages as critical, and noted that most of the children in these institutions were not actually orphans, but rather recruited with promises to parents that their children would receive a better education and other opportunities. The institutions had become business ventures for their directors, who collected funds from unsuspecting donors and uninformed rural families, while failing to comply with the minimum standards promulgated by the Government for such institutions. OHCHR recommended that orphanages operating without accreditation be identified and reassessed and that those found to be below standard be closed down. Children concerned should be reunified with parents or relatives, or relocated to suitable institutions.⁷⁴ UNCT recommended that Liberia expedite the adoption and establishment of a domestic legal framework for child protection that included the Children's Bill and the Adoption Law.⁷⁵

32. In 2010, the ILO Committee of Experts referred to allegations concerning captivity practices and forced child labour in the south-eastern part of the country in connection with armed conflict.⁷⁶

3. Administration of justice, including impunity, and the rule of law

33. In 2009, the Secretary-General stated that serious challenges were posed by the weakness of rule of law institutions, including the legal, judicial and corrections sectors. While strategic plans had been adopted in some areas, serious internal problems had stalled development initiatives for the judiciary.⁷⁷ The independent expert on technical cooperation in Liberia reported that the weak and dysfunctional judiciary was resulting in the repeated postponement of cases, and that trials were being conducted in violation of fair trial standards, even though the Ministry of Justice had established a case-flow management committee in 2005.⁷⁸ In its report to the Council, OHCHR similarly noted numerous challenges, including insufficient funding, lack of infrastructure, basic equipment and legal references, poor administration and case-load management, corruption and the need for law reform.⁷⁹ OHCHR recommended that the Government, in collaboration with the international community, provide substantial resources to the key institutions in the criminal justice system and extensive training for judges, prosecutors, defence counsel and investigators to ensure safe prosecutions and respect for due process.⁸⁰ In 2010, the Secretary-General emphasized that it was essential that the Ministry of Justice and the judiciary continue to strengthen the criminal justice system.⁸¹

34. In 2008, the independent expert on technical cooperation in Liberia reported that 95 percent of detainees held in Monrovia Central Prison were pre-trial detainees, some of whom had been held without trial for over two years.⁸² In 2010, the Secretary-General observed a worrying trend of reports of assaults committed by police and corrections officers against inmates and detainees.⁸³ OHCHR indicated that, due to the absence of detention facilities in parts of the country, some magistrates had resorted to unlawfully establishing and operating such facilities.⁸⁴ OHCHR recommended that the Ministry of Justice identify and close all unauthorized detention facilities and construct at least one central prison in counties that did not have detention facilities.⁸⁵

35. UNCT indicated that there were provisions for Justice of the Peace courts, noting however, none has been commissioned by the President, as required by law.⁸⁶ The Special Rapporteur on the independence of judges and lawyers reported that some Justices of the Peace nevertheless continued to hear cases, including criminal cases.⁸⁷ OHCHR recommended that the Government and the judiciary urgently clarify the status of Justices of the Peace to the public, as their continued illegal operation violated international human rights standards on fair trial.⁸⁸

36. UNCT noted that low public confidence in the criminal justice system had not only fuelled incidents of mob violence, but sometimes also led complainants to seek justice through the customary justice system, including trials by ordeal.⁸⁹ In 2008, the Special Rapporteur on the independence of judges and lawyers reported a case in which 37 persons suspected of witchcraft had been subjected to a trial by ordeal, resulting in injuries and one death. None of the perpetrators have been brought to justice.⁹⁰ OHCHR recommended that article 73 of the revised Hinterland Regulations, which permitted trials by ordeal under certain circumstances, be repealed and the Penal Code be amended to criminalize the organization of such trials.⁹¹

37. In 2004, CRC had recommended that Liberia continue its efforts to reform the juvenile justice system.⁹² UNCT noted that the main legal framework for juvenile offenders was now contained in chapter 11 of the Judiciary Law, under which a Juvenile Court had been established in Monrovia.⁹³ Due to the absence of a fully functional juvenile justice system, implementation of laws and procedures relating to child offenders and children in need of care and protection is poor, and there are no reformatory or rehabilitation facilities.⁹⁴ UNCT and OHCHR recommended that Liberia facilitate the proper functioning of the juvenile justice system by providing Magistrates and law enforcement personnel with extensive training on juvenile justice issues, and by building rehabilitation and reformatory institutions for juvenile offenders.⁹⁵

38. The Secretary-General and UNCT noted that the Truth and Reconciliation Commission of Liberia, established in 2006, had concluded its mandate and released its final report in December 2009.⁹⁶ The Report recommended the establishment of an extraordinary criminal tribunal to prosecute individuals who have committed gross violations of human rights. It also included a list of individuals, including serving members of the Government, who, it was recommended, should be subject to other public sanctions.⁹⁷

39. According to UNCT, the report was received with mixed reactions by the public, with recommendations on accountability dominating the debate.⁹⁸ The Secretary-General and OHCHR recommended that the Liberian people be given full opportunity to consider the Commission's recommendations and determine for themselves how best to implement them.⁹⁹ The Secretary-General expressed concern at recent threats made against some commissioners, and called on the Government to take appropriate action against anyone found engaging in incendiary acts that could undermine peace.¹⁰⁰ UNCT and OHCHR recommended that Liberia establish an effective mechanism to ensure the safety of

information, records and documents compiled by the Commission, particularly those classified as confidential.¹⁰¹

40. The independent expert on technical cooperation had emphasized in 2008 that the Commission was only one element of transitional justice, and that the Government should also put in place effective mechanisms to provide reparation.¹⁰²

4. Right to work and to just and favourable conditions of work

41. In 2007, the independent expert on technical cooperation in Liberia expressed concern at the estimated 80 per cent unemployment rate and the persisting problem of non-payment of salaries in the private sector. The independent expert also expressed specific concern regarding the protection of human rights in the remaining major rubber plantations.¹⁰³

42. The 2008–2012 UNDAF noted that the share of women in wage employment in sectors other than agriculture was very low, which was indicative of the need to give women full rights to equal employment opportunities, free choice of profession and equal pay, as reflected in ILO Conventions Nos. 100 and 111.¹⁰⁴

43. UNCT mentioned that the Government was in the process of finalizing comprehensive draft legislation on decent work for private sector employees. Drafting of separate legislation covering public service employees would follow.¹⁰⁵ The ILO Committee of Experts noted that there was no legislation or national policy to implement the Discrimination (Employment and Occupation) Convention (No. 111) and requested the Government to ensure that the Decent Work Bill includes provisions explicitly defining and prohibiting discrimination.¹⁰⁶

44. The Secretary-General stated that, in an effort to mitigate the high unemployment rate that severely affected the availability of livelihood opportunities for ex-combatants and other high-risk youth, UNMIL, together with the World Bank, United Nations Development Programme (UNDP) and World Food Programme, continued efforts to create short-term employment in high security risk areas.¹⁰⁷

45. The ILO Committee of Experts noted with satisfaction that Decree No. 12 of 1980 prohibiting strikes had been repealed and hoped that the labour law reform would bring into conformity with Convention No. 87 on Freedom of Association those sections of the Labour Practices Law which prohibit agricultural workers from joining industrial workers' organizations, and workers in state enterprises and the public service from establishing trade unions.¹⁰⁸

5. Right to social security and to an adequate standard of living

46. The 2008–2012 UNDAF indicated that most of the infrastructure and basic social services were located in Monrovia and other urban centres, which reinforced the disparity in living standards between urban and rural areas. Capacity-building of local authorities and empowerment of communities and cooperatives are required to reach the majority of the poor.¹⁰⁹

47. The independent expert on technical assistance reported that over 40 per cent of the population did not enjoy food security.¹¹⁰

48. The 2008–2012 UNDAF underscored that the social consequences of the war, compounded by the vast damage to infrastructure, had translated into higher rates of maternal and neonatal deaths.¹¹¹ Less than half of all births had been attended by skilled health personnel in 2007, and under-five mortality per 1,000 live births was 133.¹¹² Violence as well as substance abuse had left many young people with psychological trauma.¹¹³ CEDAW was also concerned at the alarming rate of maternal mortality, the high

incidence of teenage pregnancy, and the lack of access by women to health services¹¹⁴. It encouraged Liberia to continue its collaboration with civil society and the international community with a view to strengthening its own capacity to deliver basic health care and increasing access by women and girls to those services on an equal basis.¹¹⁵

49. The 2008-2012 UNDAF indicated that the knowledge level relating to HIV and AIDS was low among the entire population, and that lack of access to health care impeded the provision of treatment and care for people living with HIV and AIDS.¹¹⁶

50. UNCT indicated that, according to a survey undertaken in 2006, three quarters of the Liberian population did not have access to safe drinking water.¹¹⁷

6. Right to education

51. The 2008-2012 UNDAF stated that Liberia's general rate of illiteracy was estimated at over 50 per cent and that gender disparities as well as urban/rural differences in access to education were a serious problem.¹¹⁸ UNESCO's Global Monitoring Report 2005 estimated that less than one-third of school-aged children attended school.¹¹⁹ UNCT indicated that the low net primary enrolment rate was often attributed to unofficial fees and costs relating to uniforms and supplies, such as books. In addition, there was still an insufficiency of schools, especially in rural communities, to absorb all school-aged children.¹²⁰ OHCHR reported that plans were under way to rehabilitate three teacher-training institutions based in rural areas.¹²¹

52. In 2004, CRC had recommended that Liberia ensure free education without any hidden costs, and design accelerated learning and vocational training programmes for young people who had missed out on educational opportunities.¹²² CEDAW recommended that Liberia take steps to ensure equal access for girls and women to all levels of education, and address the problem of sexual abuse and harassment in schools.¹²³

7. Refugees and asylum-seekers

53. UNCT noted that Liberia currently hosts close to 7,000 refugees and over 500 asylum-seekers, who have been undergoing refugee status determination. UNHCR and the Liberia Refugee Repatriation and Resettlement Commission were providing support through the construction of durable shelters. Generally, the rights of refugees and asylum-seekers are respected, although there have been reports of refugees involved in economic activities facing intimidation from immigration or customs officers.¹²⁴ UNCT recommended that the Government and local authorities take refugees and asylum-seekers into consideration when designing and implementing projects under the Poverty Reduction Strategy,¹²⁵ and that the Government accelerate the issuance of long-term legal residence documents, including naturalisation, for former Sierra Leone refugees who have opted to integrate in the country.¹²⁶

8. Right to development

54. The 2008-2012 UNDAF indicated that Liberia still faced major reconstruction and development challenges and that a legacy of despotism, conflict and social disintegration, coupled with pervasive poverty, food insecurity, illiteracy and unemployment constrained Liberia's efforts to promote recovery.¹²⁷ In order for the Poverty Reduction Strategy 2008-2011 to succeed, attention should be paid to the continuing humanitarian challenges and the fact that the right to health care, safe water, sanitation, shelter and education remained out-of-reach for most Liberians.¹²⁸ A UNEP study noted that 14 years of conflict had led to degradation of the environment and depletion of natural resources, in addition to the destruction of vital man-made infrastructure in the energy, water, sanitation, waste management and housing sectors.¹²⁹

III. Achievements and best practices

55. UNCT noted that as part of the Government's efforts to institutionalise peace, citizenship and human rights education into the curricula for grades 1 to 12, the Ministry of Education, with support from UNESCO and UNMIL, had developed teaching guides on the subject, and trained 55 Liberian educators.¹³⁰

56. The independent expert on technical cooperation in Liberia reported that a Judicial Training Institute had been established.¹³¹ UNCT indicated that the institute had finalized a three-year strategic plan, whose goals included the establishment of systematic training for judicial officers and the enhancement of a scholarship programme. The institute had also commenced its first professional magistrate training programme in March 2010.¹³²

57. UNCT reported that, in March 2010, the Ministry of Health and Social Welfare had launched the new Regulations for the appropriate use and conditions of alternative care for children. The Regulations set clear deadlines for the accreditation process and verification of compliance by an independent accreditation team.¹³³

IV. Key national priorities, initiatives and commitments

Specific recommendations for follow-up

58. In 2009, CEDAW requested Liberia to provide, within two years, written information on steps taken to implement the recommendations contained in paragraphs 13 (legal status of the Convention) and 21 (legislation prohibiting female genital mutilation).¹³⁴

V. Capacity-building and technical assistance

59. Following the completion of the mandate of the independent expert on technical cooperation in Liberia, the Council, in September 2008, requested OHCHR, through its presence in Liberia, to pursue its technical assistance activities and programmes in consultation with the national authorities.¹³⁵

60. UNCT reported that UNDP, UNHCR, UNFPA and UNMIL continued to provide support towards restructuring and building the capacity of rule of law institutions.¹³⁶

61. UNCT stated that UNICEF, UNMIL and international NGOs, especially Save the Children, continued to support the Ministry of Health and Social Welfare in building regulatory and institutional frameworks aimed at enhancing child protection. UNICEF was funding a project aiming at de-institutionalize an estimated 2,000 children who had parents or next of kin willing to take care of them.¹³⁷

62. CEDAW recommended that Liberia continue to avail itself of technical assistance in the implementation of the Convention and that it further strengthen its cooperation with UNDP, UNIFEM, UNICEF, UNFPA, WHO, OHCHR and DESA.¹³⁸

63. UNMIL has been carrying out environmental activities in line with Security Council resolution 1509 (2003) "to assist the transitional government in restoring proper administration of natural resources."¹³⁹

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁴ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁵ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁶ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁷ CRC/C/15/Add.236, 1 July 2004, para. 3.

⁸ *Ibid.*, para. 70.

- ⁹ Ibid., para. 39.
- ¹⁰ CEDAW/C/LBR/CO/6, 7 August 2009, para. 4.
- ¹¹ Ibid., para. 48.
- ¹² Ibid., para. 46.
- ¹³ Ibid., para. 35.
- ¹⁴ UNCT submission to the UPR on Liberia, paras. 1–4.
- ¹⁵ UNDAF Liberia 2008–2012, (May 2007), p. 18, available at <http://www.undg.org/docs/9360/UNDAF-Liberia-2008-2012.pdf>.
- ¹⁶ CEDAW/C/LBR/CO/6, 7 August 2009, para. 13.
- ¹⁷ UNCT submission to the UPR on Liberia, para. 26; also CRC/C/15/Add.236, 1 July 2004, paras. 32–33.
- ¹⁸ S/2009/411, para. 63; also S/2010/88, para. 74.
- ¹⁹ A/HRC/12/42, para. 45(l).
- ²⁰ CEDAW/C/LBR/CO/6, 7 August 2009, para. 8.
- ²¹ UNCT submission to the UPR on Liberia, para. 12; S/2009/411, para. 46.
- ²² For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.
- ²³ UNCT submission to the UPR on Liberia, para. 8, footnote 11; S/2009/11, para. 39.
- ²⁴ Ibid., para. 8.
- ²⁵ S/2010/88, para. 2.
- ²⁶ A/HRC/12/42, para. 45 (a); UNCT submission to the UPR on Liberia, para. 48.
- ²⁷ UNCT submission to the UPR on Liberia, para. 10.
- ²⁸ Ibid., para. 39.
- ²⁹ S/2010/88, para. 35.
- ³⁰ UNCT submission to the UPR on Liberia, para. 14.
- ³¹ Ibid., para. 15.
- ³² Ibid., para. 21.
- ³³ Ibid., paras. 16–18.
- ³⁴ S/2010/88, para. 31.
- ³⁵ See General Assembly resolution 59/113B and Human Rights Council resolutions 6/24, 10/3 and 12/4; see also letters from the High Commissioner for Human Rights dated 9 January 2006 and 10 December 2007, and the letter from the Ministry of Education of Liberia dated 18 August 2006 at <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005–2009.htm>
- ³⁶ CEDAW/C/LBR/CO/6, 7 August 2009, para. 8.
- ³⁷ UNCT submission to the UPR on Liberia, para. 20.
- ³⁸ The following abbreviations have been used for this document:
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|--------------|--|
| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
- ³⁹ CEDAW/C/LBR/CO/6, 7 August 2009, para. 5.
- ⁴⁰ Ibid., para. 50.
- ⁴¹ The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 31 January 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, relating to the following questionnaires: (a) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation, 2005; (b) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons, 2006; (c) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants, 2006; (d) report of the Special Rapporteur on the right to education (A/HRC/4/29),

questionnaire on the right to education of persons with disabilities, 2006; (e) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs, 2006; (f) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices, 2006; (g) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people, 2007; (h) report of the Special Rapporteur on violence against women, (A/HRC/7/6), questionnaire on indicators on violence against women, 2007; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation, 2007; (j) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations, 2007; (k) report of the Working Group on the use of mercenaries (A/62/301), questionnaire on measures adopted and envisaged, including legislation, regarding mercenaries, 2007; (l) report on the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/10/16 and Corr.1), questionnaire on trafficking in persons, 2008; (m) report of the Special Rapporteur on violence against women, (A/HRC/11/6), questionnaire on violence against women and political economy, 2008; (n) report of the Special Rapporteur on the right to education (A/HRC/11/8), questionnaire on the right to education for persons in detention, 2008; (o) report of the independent expert on the question of human rights and extreme poverty to the eleventh session of the Council (A/HRC/11/9), questionnaire on Cash Transfer Programmes, 2008; (p) report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (A/HRC/12/21), questionnaire on national legislation and initiatives addressing the issue of bonded labour, 2009; (q) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/12/23), questionnaire on measures to prevent and combat online child pornography, 2009; (r) Report of the Special Rapporteur on the right to food (A/HRC/12/31), questionnaire on world food and nutrition security, 2009; (s) report of the Working Group on Arbitrary Detention (A/HRC/13/30), questionnaire on the detention of drug users, 2009; (t) report of the Special Rapporteur on the situation of human rights defenders (A/HRC/13/22), questionnaire on the security and protection of human rights defenders, 2009; (u) joint study on global practices in relation to secret detention in the context of countering terrorism (A/HRC/13/42), questionnaire on secret detention, 2009; (v) report of the Special Rapporteur on the right to education (A/HRC/14/25), questionnaire on the right to education of migrants, refugees and asylum seekers; (w) report of the Independent Expert on the question of human rights and extreme poverty (A/HRC/14/31), questionnaire on social pensions for older persons.

⁴² A/HRC/RES/6/31; also A/HRC/RES/9/16, para. 4.

⁴³ A/HRC/12/42.

⁴⁴ UNCT submission to the UPR on Liberia, para. 26.

⁴⁵ *Ibid.*, para. 27.

⁴⁶ CEDAW/C/LBR/CO/6, 7 August 2009, para. 18.

⁴⁷ *Ibid.*, para. 19.

⁴⁸ *Ibid.*, paras. 38 and 15.

⁴⁹ A/HRC/7/67, para. 7.

⁵⁰ UNCT submission to the UPR on Liberia, para. 13.

⁵¹ A/HRC/7/67, para. 62.

⁵² E/CN.4/2006/114.

⁵³ CRC/C/15/Add.236, 1 July 2004, para. 44.

⁵⁴ UNCT submission to the UPR on Liberia, para. 9.

⁵⁵ CRC/C/15/Add.236, 1 July 2004, paras. 32–33.

⁵⁶ Press release of 22 August 2008; UNCT submission to the UPR on Liberia, para. 25.

⁵⁷ S/2009/411, para. 40.

⁵⁸ A/64/187, para. 46.

⁵⁹ S/2009/411, para. 12; see also A/HRC/9/15.

⁶⁰ UNCT submission to the UPR on Liberia, para. 31.

⁶¹ CEDAW/C/LBR/CO/6, 7 August 2009, para. 22.

⁶² *Ibid.*, para. 23.

- ⁶³ A/HRC/9/15.
- ⁶⁴ UNCT submission to the UPR on Liberia, para. 29 and footnote 26.
- ⁶⁵ UNMIL Press Brief, 3 June 2010.
- ⁶⁶ CEDAW/C/LBR/CO/6, 7 August 2009, para. 21; CRC/C/15/Add.236, 1 July 2004, para. 53; UNCT submission to the UPR on Liberia, para. 28.
- ⁶⁷ A/HRC/12/42, para. 45 (m).
- ⁶⁸ CEDAW/C/LBR/CO/6, 7 August 2009, para. 27.
- ⁶⁹ CRC/C/15/Add.236, 1 July 2004, para. 63.
- ⁷⁰ UNCT submission to the UPR on Liberia, para. 7 and footnote 10.
- ⁷¹ CRC/C/15/Add.236, 1 July 2004, para. 58.
- ⁷² *Ibid.*, paras. 42–43.
- ⁷³ A/HRC/12/42, paras. 45 (i), (l).
- ⁷⁴ *Ibid.*, para. 45 (k).
- ⁷⁵ UNCT submission to the UPR on Liberia, para. 54.
- ⁷⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observations concerning Forced Labour Convention, 1930 (No. 29), 2010, Geneva, doc. No. (ILOLEX) 062010LBR029, 2nd to 5th paras.
- ⁷⁷ S/2009/411, paras. 36, 37, 39; A/HRC/9/15; UNDAF Liberia 2008-2012 (May 2007), p. 8, available at <http://www.undg.org/docs/9360/UNDAF-Liberia-2008-2012.pdf>.
- ⁷⁸ A/HRC/9/15, para. 17; E/CN.4/2006/114, para. 15.
- ⁷⁹ A/HRC/12/42, para. 11.
- ⁸⁰ *Ibid.*, para. 45(c).
- ⁸¹ S/2010/88, para. 68.
- ⁸² A/HRC/9/15, para. 20.
- ⁸³ S/2010/88, para. 36.
- ⁸⁴ A/HRC/12/42, para. 13.
- ⁸⁵ *Ibid.*, para. 45(h).
- ⁸⁶ UNCT submission to the UPR on Liberia, para. 11.
- ⁸⁷ A/HRC/8/4/Add.1, para. 200.
- ⁸⁸ A/HRC/12/42, para. 45(f).
- ⁸⁹ UNCT submission to the UPR on Liberia, para. 22.
- ⁹⁰ A/HRC/8/4/Add.1, para. 199.
- ⁹¹ A/HRC/12/42, para. 45(n).
- ⁹² CRC/C/15/Add.236, 1 July 2004, paras. 67–68.
- ⁹³ UNCT submission to the UPR on Liberia, para. 6.
- ⁹⁴ *Ibid.*, para. 34.
- ⁹⁵ *Ibid.*, para. 53; A/HRC/12/42, para. 45(g).
- ⁹⁶ UNCT submission to the UPR on Liberia, para. 24; S/2009/411, paras. 2 and 3.
- ⁹⁷ *Ibid.*; *Ibid.*
- ⁹⁸ *Ibid.*
- ⁹⁹ S/2009/411, para. 73; A/HRC/12/42, para. 45(e).
- ¹⁰⁰ *Ibid.*
- ¹⁰¹ UNCT submission to the UPR on Liberia, para. 56; A/HRC/12/42, para. 45(d).
- ¹⁰² A/HRC/9/15, para. 8.
- ¹⁰³ A/HRC/4/6, paras. 20 and 27; A/HRC/7/67, paras. 28–32.
- ¹⁰⁴ UNDAF Liberia 2008-2012 (n.d.), p. 11, available at http://unliberia.org/doc/undaf_doc.pdf.
- ¹⁰⁵ UNCT submission to the UPR on Liberia, para. 44.
- ¹⁰⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2010, Geneva, doc. No. (ILOLEX) 092010LBR111, 1st para.
- ¹⁰⁷ S/2009/411, paras. 16-19.
- ¹⁰⁸ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2009, Geneva, doc. No. (ILOLEX) 062009LBR087, 7th para.
- ¹⁰⁹ UNDAF Liberia 2008-2012 (n.d.), p. 13, available at http://unliberia.org/doc/undaf_doc.pdf.
- ¹¹⁰ A/HRC/9/15, para. 38.

- ¹¹¹ UNDAF Liberia 2008-2012 (n.d.), p. 15, available at http://unliberia.org/doc/undaf_doc.pdf.
- ¹¹² United Nations Statistical Division coordinated data and analyses (under five mortality), available at <http://mdgs.un.org/unsd/mdg>.
- ¹¹³ UNDAF Liberia 2008-2012 (n.d.), p. 15, available at http://unliberia.org/doc/undaf_doc.pdf.
- ¹¹⁴ CEDAW/C/LBR/CO/6, 7 August 2009, para. 36.
- ¹¹⁵ *Ibid.*, para. 37.
- ¹¹⁶ UNDAF Liberia 2008-2012 (n.d.), p. 18, available at http://unliberia.org/doc/undaf_doc.pdf.
- ¹¹⁷ UNCT submission to the UPR on Liberia, para. 35.
- ¹¹⁸ UNDAF Liberia 2008-2012 (n.d.), p. 15, available at http://unliberia.org/doc/undaf_doc.pdf.
- ¹¹⁹ See General Assembly resolution 59/113B and Human Rights Council resolutions 6/24, 10/3 and 12/4. See also letters from the High Commissioner for Human Rights, dated 9 January 2006 and 10 December 2007, and the letter from the Ministry of Education of Liberia, dated 18 August 2006 at <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm>.
- ¹²⁰ UNCT submission to the UPR on Liberia, p. 10.
- ¹²¹ A/HRC/12/42, para. 27.
- ¹²² CRC/C/15/Add.236, 1 July 2004, para. 57.
- ¹²³ CEDAW/C/LBR/CO/6, 7 August 2009, para. 33.
- ¹²⁴ UNCT submission to the UPR on Liberia, para. 37.
- ¹²⁵ *Ibid.*, para 58.
- ¹²⁶ *Ibid.*, para 59.
- ¹²⁷ UNDAF Liberia 2008-2012 (n.d.), p. v, available at http://unliberia.org/doc/undaf_doc.pdf.
- ¹²⁸ *Ibid.*
- ¹²⁹ UNEP, *Desk Study on the Environment in Liberia*, 2004, pp. 8, available at http://postconflict.unep.ch/publications/Liberia_DS.pdf.
- ¹³⁰ UNCT submission to the UPR on Liberia, para. 38.
- ¹³¹ A/HRC/9/15, paragraph 45.
- ¹³² UNCT submission to the UPR on Liberia, para. 42.
- ¹³³ *Ibid.*, para 43.
- ¹³⁴ CEDAW/C/LBR/CO/6, 7 August 2009, para. 49.
- ¹³⁵ A/HRC/RES/9/16, para. 4.
- ¹³⁶ UNCT submission to the UPR on Liberia, para. 47.
- ¹³⁷ *Ibid.*, para 48.
- ¹³⁸ CEDAW/C/LBR/CO/6, 7 August 2009, para. 50.
- ¹³⁹ UNMIL, Environment and Natural Resources Unit, available at <http://www.unmil.org/1content.asp?ccat=environmental&zdoc=1>.
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