

Amnesty International submission for the UPR of Liberia
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B. Normative and institutional framework of the State

The Constitution in force in Liberia is that of 1984, which contains some limited rights considered as inviolable and inalienable:

- The right to life and liberty (article 11)
- The prohibition of torture and inhumane treatment (article 21)
- The right to freedom of expression (article 15)
- The equality of all people under the law, irrespective of ethnic background, race, sex, creed, place of origin or political opinion (article 11)
- The guarantee against arbitrary arrest and for fair trial (article 21)

Moreover, the preamble of the Constitution specifically affirms a commitment to justice and human rights.

The Republic of Liberia is a signatory and ratified a number of international treaties and conventions, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR), Convention on the Rights of the Child (CRC), African Charter on Human and Peoples Rights (ACHPR), and ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. Liberia is also a party to the Rome Statute of the International Criminal Court. In September 2005, Liberia became a State party to the 2nd Optional Protocol of the ICCPR on the abolition of the death penalty.

Liberia has also signed, but not ratified a number of treaties, including the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the CRC on the involvement of children in armed conflicts, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, and the African Charter on the Rights and Welfare of the Child. Liberia acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

C. Promotion and protection of human rights on the ground

Inadequate disarmament, demobilization, rehabilitation and reintegration

President Johnson-Sirleaf officially closed the disarmament, demobilization, rehabilitation and reintegration (DDRR) programme in July 2009, which had disarmed and demobilized 101,000 former combatants and provided reintegration, education, or vocational training for over 90,000 former combatants since 2003. Former combatants staged riots after the programme closed, and many inadequately demobilized and reintegrated Liberian former fighters have joined Ivorian militia and rebel groups and Guinean security forces.

Moreover, despite UN and government intentions for a gender-based approach to DDRR in Liberia, there has not been enough high-level political support to ensure that DDRR staff followed the UN Integrated DDR Standards and involved women and former combatant groups in the planning and implementation. Thirty to forty percent (25,000-30,000) of all fighting forces during Liberia's 14 years of conflict were women and girls, the majority of whom were forced to participate, particularly during the first conflict from 1989 to 1997. Women were often reluctant to identify themselves as fighters, or as being associated with the fighting forces out of fear of stigmatization, which played a much greater role for girls and women than for boys and men. These factors and others including fear of reprisals from former male commanders, and a lack of childcare facilities or the option of evening classes, discouraged women and girls from participating fully in the DDRR programs and have hampered their further reintegration into civilian life.

Independent National Human Rights Commission

After substantial delays, progress has been made towards constituting the Independent National Human Rights Commission. In August 2009, President Johnson-Sirleaf nominated seven members, including the Chairman. The Senate has yet to confirm the nominations. In May 2009, the Senate and the House of Representatives passed amendments to the Act establishing the Commission, which the President assented to in June 2009. This allows for the process of the appointment of Commissioners to commence. The Commission is crucial to monitoring human rights in Liberia and implementing any Truth and Reconciliation Commission recommendations.

Impunity for past human rights violations

Little progress has been made in bringing to justice people responsible for serious human rights violations during the conflicts in Liberia between 1989-1996 and 1999-2003. However, a milestone has been the case against former Liberian President Charles Taylor at the Special Court for Sierra Leone in The Hague on war crimes charges, ongoing at the time of this writing. Moreover, the US trial of Charles "Chuckie" Taylor, Jr. (the son of former President Charles Taylor) for torture committed in Liberia is a significant step. Chuckie Taylor was convicted of torture and conspiracy to commit torture between 1997 and 2003 while he headed Liberia's notorious Anti-Terrorist Unit (ATU) during his father's presidency. In January 2009, Benjamin Yeaten, a former general of the National Patriotic Front of Liberia (NPFL) and a close associate of former President Charles Taylor, was indicted for murders by the Special Grand Jury for Montserrado County; however, he is allegedly in hiding in Togo.

Impunity for current abuses by state actors

Impunity remains a serious concern in Liberia. Even high-level officials (Senators, Deputy Ministers, police officials, Special Security Service agents, Liberia National Police (LNP) officers) have allegedly engaged in or ordered beatings, looting, arbitrary arrests, abductions, shootings, ritualistic killings, and other abuses. In most cases, no investigations have been carried out and no action taken against the alleged perpetrators. Police officers and security officials are reported to have employed torture and other ill-treatment against civilians, including during attempts to extort money on the streets. LNP officers are often poorly equipped, poorly paid, corrupt, and slow to respond to criminal activity.

Corruption and human rights

The president's fight against corruption is often undermined by weaknesses in the justice system. Several government ministers and scores of other high-level government officials have been dismissed for alleged corruption, and the president has referred others for investigation. The Anti-Corruption Commission, established early in 2009, has opened investigations into two cases, but remains underfunded and ill-equipped.

Women's human rights

Vast numbers of women were raped, held in sexual slavery, or otherwise sexually tortured during the past wars. Rape and other forms of sexual violence against women and girls remain widespread, as do domestic violence and forced and underage marriage. According to a December 2009 UNMIL report, 66 percent of girls nationally between the ages of 10 and 19 had been raped. The majority of reported cases of rape involved girls under the age of 16. Of the 807 reported cases of rape in Montserrado County in the first six months of 2009, 77 involved girls under the age of five; 232 involved girls aged between five and 12; and 284 involved girls and young women aged between 13 and 18. It remains difficult to estimate the total number of rapes, because of stigmatization and rejection by the families and communities of the survivors.

As mandated by the 2008 Gender and Sexually-Based Violence Bill, the government has created a special court, Criminal Court E, to deal with gender-based violent crimes, with exclusive original jurisdiction over cases of sexual assault. By November 2009 it had conducted four trials, three of which resulted in convictions. Following this, the Sexual and Gender Based Violent Crimes Unit was established in the Ministry of Justice in February 2009 to deal exclusively with issues relating to prosecutions of gender based crimes.

President Johnson Sirleaf's push for increased participation by women in politics and public life has born fruit. Under her leadership, the government has pushed for gender parity in ministries, on the Supreme Court and within local government.

Maternal mortality remains high and appears to have increased in recent years from 578 deaths in 2000 to 994 deaths in 2007 per 100,000 live births.¹ This is primarily due to an acute shortage of skilled labor, inadequate emergency obstetric care, inefficient referral systems, poor nutritional status of pregnant women, and extremely high numbers of teenage pregnancies. The government has pledged to address the high maternal mortality rate; published the Roadmap for Accelerating the Reduction of Maternal and Newborn Morbidity and Mortality in Liberia; opened two centres to train midwives; pledged to suspend tuition and fees and revitalize health training institutions and the medical school, and train midwives. These and other commitments have yet to be implemented. Liberia's ratios of physicians, nurses and midwives are reported officially to be extremely low at 0.03, 0.18, and 0.12, respectively per 1,000 persons. The government has also pledged to maintain the suspension of fees for pregnant women until the socio-economic situation improves. An estimated 68 per cent of Liberians live on less than US\$1 a day and depreciation of

¹ Liberia: Poverty Reduction Strategy Paper, IMF Country Report No. 08/219, available at http://planipolis.iiep.unesco.org/upload/Liberia/Liberia_PRSP.pdf

the Liberian dollar has contributed to high food prices, widespread hunger and an alarming food security situation. Nonetheless, many pregnant women face extortion and fees when seeking access to care.

Children's human rights

Widespread child abuse continues, and reports of sexual violence against children have increased. Female genital mutilation (FGM) is traditionally performed on young girls, particularly in rural areas, as part of initiation rites. Domestic law does not specifically prohibit FGM.

Many children lived on the streets in Liberia, especially in Monrovia, including former combatants and unaccompanied IDPs. Orphanages face difficulties in providing basic sanitation, adequate medical care, and appropriate diet. Many orphans lived outside these institutions.

The law prohibits the employment and apprenticeship of children under the age of 16 during school hours; however, child labour is widespread, including the worst forms of child labour, such as hazardous labour in the alluvial diamond industry and child prostitution. The Ministry of Labour's Child Labour Commission responsible for enforcing child labour laws and policies is largely ineffective.

Cases of children in conflict with the law continue to be addressed inappropriately due to the absence of a functional juvenile justice system.

Weaknesses in the justice sector

Despite efforts to improve institutional protection of human rights in the criminal justice system and to address capacity and resource constraints across the legal, judicial and corrections sectors, serious challenges remain. The judiciary lacks the capacity to hear cases in a timely manner, contributing to a backlog in the criminal justice system, so that roughly 92 per cent of prisoners are pre-trial detainees.

Conditions in the country's 14 prison facilities are harsh. Prisons remain understaffed, overcrowded, without enough food, water, hygiene, or medical services. Prisons are also ill-equipped and have poor security, resulting in frequent prisoner escapes. Women and juveniles are often subject to abuse by guards and other inmates. Half the country's prisoners in 2009 were held at Monrovia Central Prison, which operates at four times its capacity due to the large number of pre-trial detainees. Men and women are held together, as are juveniles and adults, and pre-trial detainees with convicted prisoners.

Denial of fair trial and due process is widespread. Lengthy pre-trial and pre-arraignment detention remains a serious problem, mostly because of judicial inefficiency and corruption, as well as lack of transport, court facilities, attorneys, and qualified judges. The operation of customary courts often raises concerns, including about due process and separation of powers. Trial by ordeal continues, whereby the guilt or innocence of the accused is determined in an arbitrary manner involving torture and in some cases resulting in the death of the accused.

Resettlement and land disputes

A large number of internally displaced people and refugees are in need of resettlement, and international and local humanitarian agencies struggle to provide the services needed. Since 2004, a total of 168,792 Liberians have returned home out of a total registered refugee population of 233,264. Unofficial returns are uncounted. Many returnees face destitution, with scarce job opportunities, lack of access to land, shelter and water in addition to lack of basic services, such as health care and education. Some returnees have become internally displaced because their property has been appropriated by others. Violent or lethal land disputes often arise between returning land owners who fled the war and internally displaced people who took over their land; these conflicts are often exacerbated by unclear land titles.

The death penalty

No steps have been taken to abolish the death penalty. In fact, President Ellen Johnson-Sirleaf signed into law on 22 July 2008 an Act imposing the death penalty for anyone convicted of armed robbery, terrorism or hijacking offenses, if these crimes resulted in death. The law directly violates Liberia's obligations under the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, which Liberia acceded to on 16 September 2005.