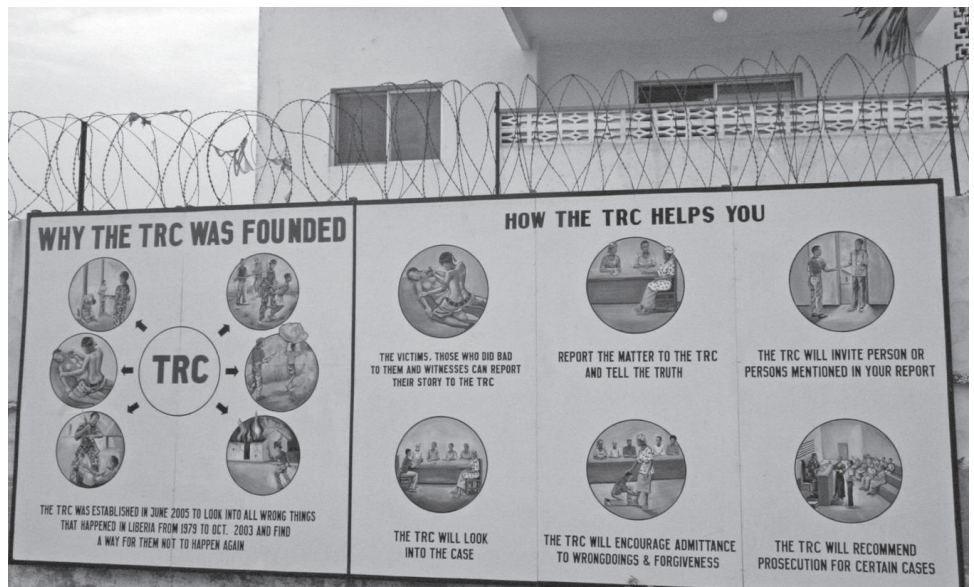


# Chapter Fourteen



# Recommendations



## Chapter Fourteen. Recommendations Submitted to the Truth & Reconciliation Commission of Liberia

### Introduction

The Advocates for Human Rights presents these recommendations to the Truth and Reconciliation Commission (TRC) of Liberia. As discussed in Chapter 2, it is difficult to prioritize recommendations in this context. The Advocates heard many pressing needs and competing demands from statement givers, public hearings witnesses, interviewees, and other Liberian community members throughout the course of its work. In heeding their requests, The Advocates has identified what it considers priority recommendations for implementation and set them forth in Chapter 2. This chapter contains the full list of recommendations made by The Advocates, in response to the TRC's request to provide the full scope of international human rights standards.

Many recommendations can and should be implemented immediately. Others will take time and the investment of substantial resources. The recommendations reflect the urgent need to address the immediate physical and mental health problems of victims and other vulnerable populations. The organization of this section, however, is not intended to convey the priority or importance of any particular recommendations. Rather, we seek to coherently present the recommendations—all of which are integral to recognizing the needs of Liberians and promoting “peace, justice, and reconciliation.”<sup>1</sup>

## **LIBERIA'S INTERNATIONAL LEGAL OBLIGATIONS**

The Advocates based its recommendations on an international human rights and humanitarian law framework. Liberia has ratified many important human rights treaties. These include the:

- International Covenant on Civil and Political Rights (ICCPR),
- International Covenant on Economic, Social and Cultural Rights (ICESCR),
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
- Convention on the Rights of the Child (CRC),
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT),
- Convention on the Elimination of All Forms of Racial Discrimination (CERD),
- International Labour Organisation Convention (No. 182) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor,
- Convention Relating to the Status of Refugees,
- African Charter on Human and Peoples' Rights,
- African Charter on the Rights and Welfare of the Child,
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and
- African Union Convention Governing the Specific Aspects of Refugee Problems in Africa.

Likewise, Liberia has ratified important humanitarian law instruments, including the Geneva Conventions, Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), the Rome Statute of the International Criminal Court, and the Agreement on the Privileges and Immunities of the International Criminal Court. Other relevant ratifications include the U.N. Convention against Corruption, African Union Convention on Preventing and Combating Corruption, Convention for the Elimination of Mercenarism in Africa, International Convention against the Recruitment, Use, Financing and Training of Mercenaries, U.N. Convention against Transnational Organized Crime, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and Protocol against the Illicit Manufacturing of and Trafficking in Firearms. A more comprehensive list of Liberia's ratification status is available in Appendix B.

The Government of Liberia should take all appropriate legislative and other measures to ensure that the provisions of these treaties are fully reflected in domestic law and practice. The government should pay particular attention to reviewing the current status of its laws to ensure compliance with these treaties.

Periodic reports describing Liberia's treaty compliance were due on the dates indicated to the treaty

bodies and are now overdue:

- Committee against Torture on Oct. 22, 2005;
- Committee on Civil and Political Rights on Dec. 22, 2005;
- Committee on the Elimination of Discrimination against Women on Aug. 16 of 1985, 1989, 1993, 1997, 2001, and 2005;
- Committee on the Elimination of Racial Discrimination on Dec. 5 of 1977, 1979, 1981, 1983, 1985, 1987, 1989, 1991, 1993, 1995, 1997, 1999, 2001, 2003, 2005, and 2007;
- Committee on Economic, Social and Cultural Rights on June 30, 2006;

The Government of Liberia has signed, but neither ratified nor acceded to the following treaties:

- Optional Protocol to the International Covenant on Civil and Political Rights,
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women,
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,
- Convention on the Rights of Persons with Disabilities,
- Optional Protocol to the Convention on the Rights of Persons with Disabilities,
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,
- Convention on the Political Rights of Women,
- Protocol amending the Slavery Convention signed at Geneva on 25 September 1926,
- Slavery Convention, signed at Geneva on 25 September 1926 and amended by the Protocol,
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery,
- Protocol of the Court of Justice of the African Union,
- Protocol to the African Charter on Human And Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights,
- African Youth Charter,
- African Charter on Democracy, Elections and Governance, and
- Protocol Relating to the Establishment of the Peace and Security Council of the African Union.

The Government of Liberia has neither signed nor ratified the following treaties:

- Protocol on the Statute of the African Court of Justice and Human Rights,
- International Convention for the Protection of All Persons from Enforced Disappearance, and
- International Labour Organisation Plantations Convention (No. C110) (ratified on July 22, 1959 but denounced on Jan. 22, 1971),
- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.

The Advocates makes the following recommendations with regard to Liberia's international and regional obligations:

- The Government should ratify or accede to the treaties mentioned above.
- The Government of Liberia should take all appropriate legislative and other measures to ensure that the provisions of these treaties are fully reflected in domestic law and practice.
- The Government of Liberia should dedicate appropriate and sufficient resources to submit all due and overdue periodic reports to the U.N. treaty bodies without delay. The Government of Liberia should include in its reports to the treaty bodies appropriate information as required by the treaty as well as the directions set forth in general comments and recommendations of the treaty committees.
- The Government of Liberia should continue to work toward the full implementation of the recommendations of the Committee on the Rights of the Child in its 2004 Concluding Observations and the Committee on the Elimination of Racial Discrimination in its 2003 Concluding Observations.
- As a State Party to the African (Banjul) Charter on Human and Peoples' Rights, the Government of Liberia is bound to submit a periodic report every two years, describing "the legislative or other measures taken with a view to giving effect to the rights and freedoms recognized and guaranteed by the present Charter."<sup>2</sup> The Government of Liberia should dedicate appropriate and sufficient resources to submit all due and overdue periodic reports with regard to its compliance with the Banjul Charter.
- The Government of Liberia should dedicate appropriate and sufficient resources to submit a report describing the legislative and other steps taken to give effect to the rights set forth in the:
  - Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa in its report submitted under Art. 62 of the Banjul Charter;<sup>3</sup>
  - African Charter on the Rights and Welfare of the Child;<sup>4</sup>
  - African Charter on Democracy, Elections and Governance, and;<sup>5</sup>
  - African Union Convention on Preventing and Combating Corruption, as required through communications to the Advisory Board on Corruption.<sup>6</sup>

### SECTION I. REPARATIONS FOR AFFECTED INDIVIDUALS AND COMMUNITIES

Individuals and communities affected by the events in Liberia can never be made whole. Any scheme to provide them with some measure of redress will be incomplete at best. Nevertheless, governments around the world have attempted to provide redress for gross violations of human rights law or serious violations of humanitarian law committed in the past. In general, victims are entitled to vindicate the right to truth, the right to justice, and the right to reparation. This section focuses on the right to reparation, which can include *restitution* (restoration of rights, return of property, etc.), *compensation* (monetary damages), *rehabilitation* (medical care, rebuilding things that were destroyed, etc.), and *satisfaction* (apologies, public acknowledgements, memorials, etc.).

Victims are defined in international law as:

persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. Where appropriate, and in accordance with domestic law, the term ‘victim’ also includes the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.<sup>7</sup>

The definition of a victim is independent of whether the perpetrator has been identified, apprehended, prosecuted, or convicted and regardless of the familial relationship between the perpetrator and the victim.<sup>8</sup> Under international law, victims have the right to remedies for gross violations of international human rights law and serious violations of international humanitarian law.

The U.N. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law provide a guiding framework with regard to addressing the needs of victims.<sup>9</sup> The Advocates makes the following recommendations to the TRC, as well as the subsequent recommendations to the Government of Liberia, concerning specific populations.

#### **General Recommendations for a Reparations Program**

The TRC has the authority to make recommendations to the Government of Liberia regarding “[r]eparations and rehabilitation of victims and perpetrators in need of specialized psycho-social and other rehabilitative services.”<sup>10</sup> Any reparations plan proposed by the TRC to the Liberian government should include specific suggestions from civil society organizations and victims groups and should

include suggestions for making the reparations program viable. The Advocates makes the following recommendations:

- The TRC should provide general recommendations for a reparations program and specifically recommend that an independent post-commission body be created to implement the reparations program and manage the distribution of any reparations funds.<sup>11</sup>
- The reparations program should utilize the definition of “victim” set forth in Article V of the U.N. Basic Principles and Guidelines on Reparation.<sup>12</sup>
- In addition to individual victims’ rights of access to justice, adequate provisions should also be made to allow groups of victims to present collective claims for reparations and to receive reparation collectively.<sup>13</sup>
- Reparations should be in the form of restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.<sup>14</sup>
- Rehabilitation of victims should include the search for the whereabouts of the disappeared, for the identities of the children abducted, and for the bodies of those killed. It should also include assistance in the recovery, identification, and reburial of the bodies in accordance with the expressed wishes of the victims or the cultural practices of the families and communities.<sup>15</sup>
- Reparations should be proportional to the gravity of the violations and the harm suffered, and should be made to victims regardless of whether the violations were committed by the government forces or combatant groups.<sup>16</sup>
- A reparations program should include a public awareness campaign to inform the public and victims about the program and about how to access available funds and services that are part of the program.

### **Family Tracing and Reunification**

The central place of the family in Liberian life, and the scattering of families during the wars, was a dominant theme in the TRC statements. The Government of Liberia has ratified the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples’ Rights, the African Charter on the Rights and Welfare of the Child, and Additional Protocol I to the Geneva Conventions, and is therefore bound to the obligations set forth in them. Under these treaties, the family is recognized as the “natural unit and basis of society” and is entitled to protection by the state.<sup>17</sup> Key components of the right to family under international law include the right to be informed of the fate of missing relatives,<sup>18</sup> assistance with family tracing, and ultimately, with family reunification.<sup>19</sup> The African Charter on the Rights and Welfare of the Child, Additional Protocol I, International Committee of the Red Cross resolutions, and United Nations High Commissioner for Refugees documents provide a guiding framework on family reunification. The Advocates recommends the following:



- The Government of Liberia should ensure that information in TRC archives is made accessible to the Liberian public and to relevant non-governmental organizations for purposes of family tracing as well as locating the dead. In this effort, the Government of Liberia should coordinate closely with the International Committee of the Red Cross, the U.N. High Commissioner for Refugees, and victims' groups both in Liberia and in the diaspora.
- The Government of Liberia should take “all necessary measures to trace and re-unite children with parents or relatives where separation is caused by internal and external displacement arising from armed conflicts or natural disasters.”<sup>20</sup>
- The Government of Liberia should take all necessary measures to facilitate and expedite family reunification and “actively encourage the work of humanitarian organisations engaged in this task.”<sup>21</sup>
- In order to facilitate unification, the Government of Liberia should promptly issue passports or other travel documents at no cost or a reasonable cost.<sup>22</sup>
- The Government of Liberia should prioritize assistance for vulnerable groups such as unaccompanied children, unaccompanied elderly, handicapped, and chronically ill, as well as meet specific needs of unaccompanied women and single heads of households.<sup>23</sup>
- The Government of Liberia should develop and implement policies that promote family reunification of non-Liberians who may be in Liberia as a result of the widespread sub-regional conflict in West Africa.
- The Government of Liberia should utilize available media resources such as national radio and/or television stations to provide families or individuals searching for a missing relative the opportunity to send out a search notice.

### **Potential Implementation Strategy: Refugees United**

The Government of Liberia and the Liberian Refugee Repatriation and Resettlement Commission may wish to coordinate with Refugees United, a nonprofit organization that provides a free web-based service for refugees to find family members who are dispersed globally. See <http://www.refunite.org/31914/>.

### **Potential Implementation Strategy: The International Commission on Missing Persons**

The Government of Liberia may wish to collaborate with the International Commission on Missing Persons (ICMP) which provides technical assistance in locating, recovering, and identifying the mortal remains of persons missing because of armed conflict, crimes against humanity, and other violations of human rights. ICMP assists governments in the process of locating, recovering, and identifying these missing persons through the use of forensic archaeology, anthropology, and DNA science. In Bosnia, for example, almost 12,000 different individuals have been identified. ICMP provides policy assistance to governments in the establishment of appropriate laws and mechanisms to address the missing persons issue, and it strengthens the ability of civil society groups and family members of victims to engage in this important humanitarian and human rights issue. See <http://www.ic-mp.org/about-icmp/>.

- Given the extent of the Liberian diaspora in West Africa and other parts of the world, the Government of Liberia should work in collaboration with the governments of countries where members of the Liberian diaspora have been reported in order to match the names with those of the missing family members. The creation of a National Information Bureau, as recommended by the International Committee of the Red Cross (Resolution 14, 1986)<sup>24</sup> could serve as an appropriate source of the missing persons name collection and matching.
- The Government of Liberia “should closely co-operate with competent intergovernmental and non-governmental organisations and in particular the U.N. High Commissioner for Refugees, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and national Red Cross and Red Crescent Societies.”<sup>25</sup>
- The Government of Liberia should adopt a policy across ministries of assisting relevant entities, such as the International Committee of the Red Cross and victims groups, in locating the graves of the dead and in accounting for the missing and the dead.<sup>26</sup> The Liberian Refugee Resettlement and Repatriation Commission should play an important role in tracing activities, given its role in registering returning refugees. Tracing should be done even when individuals believe that their family members are most likely dead – TRC statements from the diaspora and experience in other countries suggests that some family members still may be alive.<sup>27</sup>

#### **Potential Implementation Strategy: Facilitating Family Reunification**

The government should “recognize the right of [internally displaced persons] to family unity, including both the right to remain together in displacement and the right to domestic reunification when separated.”<sup>28</sup> It should “facilitate inquiries and tracing requests and establish a centralized database or registry for the collection, coordination, management, and protection of all information relating to missing persons and requests for reunification.”<sup>29</sup> The Government of Liberia may wish to consider working in conjunction with the U.N. High Commissioner for Refugees to launch a widespread campaign similar to that carried out in Columbia to issue identification documents to internally displaced persons.<sup>30</sup>

- The Government of Liberia should ensure that parties to the conflict, such as the Armed Forces of Liberia, the Liberian National Police, and other state entities assist in the search for persons reported missing.<sup>31</sup>
- The Government of Liberia should adopt appropriate legislation or official policy as necessary to facilitate the issuance of death certificates for the dead and those missing who are presumed dead.

#### **Programs for Vulnerable Groups: Victims of Sexual Violence**

Sexual violence was widespread throughout the conflict and was perpetrated against both men and

women. The U.N. Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of Human Rights and Humanitarian Law, resolutions of the International Committee of the Red Cross, the Convention on the Elimination of Violence against Women, and the Declaration on the Elimination of Violence against Women provide a guiding framework for the effective promotion and protection of the human rights of victims of sexual violence. The Advocates recommends the following:

- The Government of Liberia should evaluate current programs and establish new programs as needed to provide victims of conflict with medical, psychological, and social assistance by qualified personnel aware of and trained in the specific issues involved.<sup>32</sup> Such assistance can include rehabilitation, assistance in child care and maintenance, treatment, counseling, and health and social services facilities and programs, as well as support structures, and all other appropriate measures to promote victims' safety and physical and psychological rehabilitation.<sup>33</sup>
- The Government of Liberia should give special attention to the health needs and rights of women in vulnerable and disadvantaged groups, such as migrant women, refugee and internally displaced women, girl children and older women, women in prostitution, indigenous women, and women with physical or mental disabilities.<sup>34</sup>
- The Government of Liberia should promote the availability of and access to reproductive health clinics to diagnose and treat sexually transmitted infections and to provide counseling for victims of sexual violence.<sup>35</sup>

### **Potential Implementation Strategy: Working with Communities to Support Victims of Sexual Violence**

In Sierra Leone, the non-governmental organization Christian Children's Fund (i) analyzed the general situation of girl victims of sexual violence in ten villages, (ii) assessed the availability of resources for victims to recover and reintegrate, and (iii) used focus groups to determine the scope of rape and abduction as perpetrated against village girls.<sup>36</sup> The Christian Children's Fund developed the "Sealing the Past, Facing the Future" program, which had the following three main objectives: (1) reduce stress and enable psychosocial recovery; (2) promote community awareness of the impact of sexual violence on young girls and to change community attitudes and behaviors about sexually abused girls; and (3) provide opportunities for the economic development of female ex-combatants.<sup>37</sup> Examples of some of the components of the "Sealing the Past, Facing the Future" program include: (1) the creation of a "purification" ritual for sexually abused girls that was based on local practices and which apparently reduced social isolation and enabled girls to reintegrate into the local community; (2) the involvement of local leaders on sexual violence committees, which conducted activities such as coordinating regular meetings to discuss consequences of sexual violence and to establish rules to protect girls from physical and verbal abuse (and to work with the "chief" to levy fines for violations of such rules); and (3) the implementation of bi-weekly recreational activities that coach the girls on interpersonal skills with the overall aim of their re-integration into society.<sup>38</sup> According to the Christian Children's Fund website, this program "has successfully reduced stigma, and four out of five girls who worked with [the Christian Children's Fund] have been returned to and been accepted by their families."<sup>39</sup>

While such programs are important for facilitating re-integration, other long-term programs should aim at eradicating misperceptions that victims of sexual abuse are somehow tainted and in need of purification. Such perceptions are erroneous and perpetuate harmful stereotypes about women and girls.

- The Government of Liberia should: 1) give special attention to the rights and needs of women and children, and to the factors relating to the reproductive role of women and their subordinate position in some societies, which make them especially vulnerable to HIV infection; 2) increase its public education efforts regarding the risk and effects of HIV/AIDS, especially in women and children; and 3) take steps to promote the role of women in the health care sector.<sup>40</sup>
- The Government of Liberia should establish and strengthen mechanisms to investigate, bring to justice, and punish those responsible for committing acts of sexual violence.<sup>43</sup>
- The Government of Liberia should establish a fund to assist victims of sexual violence without delay.<sup>44</sup>

#### Potential Implementation Strategy

In its report on reparations for victims of sexual violence in Sierra Leone, Amnesty International made several recommendations that the Government of Liberia may wish to consider in addressing the needs of victims. Among others, the report recommended the inclusion of a gender component, including consultation and expertise, in the creation and implementation of any reparations program,<sup>41</sup> as well as the issuance of a public acknowledgement or apology for the suffering of women and girls.<sup>42</sup>

#### Potential Implementation Strategy: Resource Directory for Victims of Sexual Violence

In its final report, the TRC of Sierra Leone recommended the creation of a resource directory for women and girl victims of sexual violence.<sup>45</sup> The Government of Liberia may wish to consider creating a directory of skills programs, service providers, and donor agencies in Monrovia and rural Liberia available to victims of sexual violence for dissemination, taking into account the needs of illiterate populations.

#### Programs for Vulnerable Groups: Elders

Liberians regard elders in their communities as individuals deserving particular respect and protection. During the conflict, many of the social patterns of reverence for elders were undermined as armed groups specifically targeted elder leaders when attacking communities. The U.N. Principles on Older Persons, the U.N. Proclamation on Ageing, and the relevant General Comments by the Committee on Economic, Social, and Cultural Rights provide a guiding framework for the effective promotion and protection of the human rights of Liberian elders.<sup>46</sup> The Advocates recommends the following:

- The Government of Liberia should seek to create national support mechanisms to promote policies that address aging.<sup>47</sup> Also, it should integrate national policies regarding the elderly into development programs<sup>48</sup> and facilitate collaboration between the non-governmental and governmental sectors to develop “primary health care, health promotion and self-help programs for the elderly.”<sup>49</sup>
- The Government of Liberia should ensure that elderly women are free from violence and age-based discrimination and are treated with dignity.<sup>52</sup> This requires providing protection to elderly women taking into account their socio-economic and physical needs, as well as their access to the workforce and training.<sup>53</sup>
- The Government of Liberia should ensure “access to adequate food, water, shelter, clothing and health care through the provision of income, family and community support and self-help” and to ensure that elderly persons “have the opportunity to work or to have access to other income-generating opportunities.”<sup>54</sup>
- The Government of Liberia should ensure elderly people have “access to social and legal services to enhance their autonomy, protection and care.”<sup>55</sup>
- The Government of Liberia should provide “guidelines on health policy to preserve the health of the elderly and take a comprehensive view, ranging from prevention and rehabilitation to the care of the terminally ill.”<sup>56</sup>

### **Potential Implementation Strategy: Vienna International Plan of Action on Ageing**

The Vienna International Plan of Action on Ageing sets forth principles and recommendations for action on health and nutrition, protecting elderly consumers, housing and environment, family, social welfare, income security, and employment and education.<sup>50</sup> Also, the plan highlights the important role of governments in setting short-term, medium-term, and long-term goals, monitoring the aging process, paying attention to improving the status of elderly women, establishing machinery, and striving for coordinating across sectors and levels.<sup>51</sup>

### **Potential Implementation Strategy: Addressing the Post-Conflict Needs of Older Persons**

A World Health Organisation report on older people in emergency situations notes that the post-conflict phase should focus on establishing and executing mid- to long-term health policies. At the same time, this recovery process provides an opportunity to remedy the challenges that older persons face in this stage. It outlines four objectives for this stage:

Objective 1: Build institutional capacity and commitment to ensuring the health and safety of older people in emergencies.

Objective 2: Strengthen the capacity of ministries of health and health care systems to meet the needs of older people in emergencies.

Objective 3: Develop mechanisms to ensure continuing development and the exchange of expertise as these relate to older people in emergencies.

Objective 4: Promote active ageing as a strategy to reduce vulnerability and develop resiliency to disasters.”<sup>57</sup>

- The Government of Liberia should ensure access to health care to help the elderly to “maintain or regain the optimum level of physical, mental and emotional well-being and to prevent or delay the onset of illness.”<sup>58</sup>
- The Government of Liberia should provide specific training on gerontology, geriatrics, and psychogeriatrics to health and social welfare personnel, as well as education on self-care to the elderly.<sup>59</sup>
- The Government of Liberia should provide elderly people with access to suitable education programs and training on the basis of their preparation, abilities, and motivation.<sup>60</sup>
- The Government of Liberia should recognize and utilize the position of respect, influence, and knowledge of elderly people in the development of future programs and planning.<sup>61</sup>

**Potential Implementation Strategy:  
Addressing Multi-Generational  
Relationships**

The Conceptual Framework for the International Year of Older Persons (1999) suggests that communities play a central role in facilitating multi-generational relationships. Youth and elder groups can together address issues of common concern, including “safety, environmental protection, cultural enrichment, income-generation and others.” The Conceptual Framework also notes the role of communities in bridging older and younger generations through the sharing of new/old technologies and new/traditional lifestyles.<sup>62</sup>

**Programs for Vulnerable Groups: Children**

Children suffer disproportionately during all armed conflict. Many statements given to the TRC of the extreme suffering of children as a result of preventable disease, malnutrition or outright starvation, family separation, forced conscription, and targeted violence against these most vulnerable members of Liberian society. The Government of Liberia has ratified the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child, and International Labour Organisation Worst Forms of Child Labour Convention and is therefore bound to the obligations set forth in them. In order to strengthen its commitment to the protection of children, the Government of Liberia should:

- Ratify both optional protocols to the Convention on the Rights of the Child and International Labour Organisation Minimum Age Convention without delay.
- Dedicate appropriate and sufficient resources to submit its report to the Secretary-General of the African Union describing the measures taken to give effect to the rights set forth in the African Charter on the Rights and Welfare of the Child.<sup>63</sup>
- Dedicate appropriate and sufficient resources to submit its required reports to the Committee on the Rights of the Child.

The treaties and instruments described above provide a guiding framework for the effective promotion

and protection of the human rights of children. The Advocates recommends the following:

- The Government of Liberia should recognize the right of the child to education.<sup>64</sup> (See also Recommendations relating to education). With a view to achieving this right progressively and on the basis of equal opportunity, the Government of Liberia should:
  - Make primary education compulsory and available free to all;
  - Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as introducing free education and offering financial assistance in case of need;
  - Make higher education accessible to all on the basis of capacity by every appropriate means; and
  - Take measures to encourage regular attendance at schools and to reduce drop-out rates.
- The Government of Liberia should take “all appropriate legislative, administrative, social and educational measures to protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”<sup>66</sup> These measures may include “effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.”<sup>67</sup>

### **Potential Implementation Strategy: Peace and Human Rights Curricula**

The Government of Liberia may wish to consider incorporating human rights, peacebuilding, and conflict resolution into school curricula. In 2004, working with the Ministry of Education, UNICEF assisted with the implementation of a new “Peace and Tolerance” curriculum that seeks to advocate peace among children who likely were impacted by the Côte d’Ivoire’s civil unrest.<sup>65</sup> Also, The Advocates has developed a curriculum, [The Road to Peace](#), for ninth-graders through adult learners on conflict resolution and restoration of justice in the aftermath of war, emphasizing the processes that countries coming out of conflict undertake to seek resolution, address past human rights abuses, reform their societies, and heal from violence.

### **Potential Implementation Strategy: Enacting Legislation that Promotes and Protects Children’s Rights**

The Government of Liberia should consider enacting legislation similar to that of South Africa’s Child Care Act, 1983.<sup>68</sup> The Child Care Act 1983 of South Africa incorporates many of the African Charter



on the Rights and Welfare of the Child principles.<sup>69</sup> The Child Care Act provides for the creation of children's courts and governs the appointment of commissioners of child welfare and the treatment of children.<sup>70</sup>

- The Government of Liberia should recognize the “right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.”<sup>71</sup> The government should take “appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programs, particularly with regard to nutrition, clothing and housing.”<sup>72</sup>
- The Government of Liberia should recognize the “right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.”<sup>73</sup> The government should take appropriate measures “to ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care.”<sup>74</sup>
- The Government of Liberia should provide “special protection and assistance” to children who have been deprived of their family environment, including alternative care in accordance with national legislation.<sup>75</sup>
- The state should pay “due regard” to “the desirability of continuity in a child’s upbringing and to the child’s ethnic, religious, cultural and linguistic background.”<sup>76</sup>
- The Government of Liberia should take “effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.”<sup>77</sup> This may include enacting appropriate legislation prohibiting such harmful practices as female genital mutilation and forced or early marriage, as well as conducting public awareness campaigns.

#### **Potential Implementation Strategy: Gambia’s BAFROW programs**

The Government of Liberia may consider working to train village leaders and councils on educating others in the community on the issue of forced/early marriage.<sup>78</sup> Such efforts should include efforts to devise a different rite of passage that excludes female genital mutilation (FGM). Guidance may be found from a program implemented by the Foundation for Research on Women’s Health, Productivity and the Environment (BAFROW) in Gambia.<sup>79</sup> The BAFROW program had five objectives:

1. Assess the occurrence of FGM and social attitudes;
2. Educate key individuals, including decision-makers, community leaders, and those who perform FGM, about re-designing existing rituals that use FGM;
3. Develop curriculum on a new ritual that does not include FGM;
4. Train those who traditionally perform FGM on using the new curriculum;
5. Carry out public education aimed at parents of girls at-risk of FGM.<sup>80</sup>



- The Government of Liberia should “recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.”<sup>81</sup> The government should take measures to ensure this right, including setting minimum age(s) for employment, appropriately regulating hours and conditions of employment, and imposing appropriate sanctions as enforcement.<sup>82</sup>
- The Government of Liberia should prevent the engagement of children in the worst forms of child labor using measures outlined in International Labour Organisation Worst Forms of Child Labour Convention, Art. 7(1)-(2).<sup>83</sup>
- The Government of Liberia should designate one governmental body to be responsible for formulating a coherent policy on child exploitation, which includes a component to educate the public about combating child exploitation.<sup>84</sup>
- The Government of Liberia should establish a code of conduct for staff working with children; violations of the code of conduct should be criminal offenses under national law.
- The Government of Liberia should continue to work toward the full implementation of the recommendations set forth by the Committee on the Rights of the Child in its 2004 Concluding Observations.

### **Potential Implementation Strategy: The Sankhu-Palubari Community School**

The Advocates for Human Rights partners with the non-governmental organization Hoste Hainse in Nepal to provide free elementary education to Nepalese girls and boys to promote education as an alternative to harmful child labor. These girls and boys would otherwise be subjected to child labor. In addition to their lessons in reading, writing, and arithmetic, the children receive a free meal—a very important and popular part of the program. The teachers have been trained in human rights awareness and are incorporating human rights into the curriculum. The school also currently provides immunizations for all of its students. The Advocates has worked with volunteers, individual donors, and school groups to support the school in Nepal. For example, U.S.-based school groups have collected school supplies and organized fundraisers to benefit the school.<sup>85</sup>

### **Programs for Vulnerable Groups: Orphans & Children Separated from their Families**

In addition to general human rights protections for children, specific international standards govern the rights of orphans, children deprived of their family environment, and unaccompanied or separated children. The Convention on the Rights of the Child and related Comments and Concluding Observations, the International Covenant on Economic, Social and Cultural Rights and related Comments, and the African Charter on the Rights and Welfare of the Child provide a guiding framework for the effective promotion and protection of the human rights of orphans, children deprived of their family environment, and unaccompanied or separated children. The Advocates recommends the following:

- The Government of Liberia should take special measures to protect and assist children and

young persons, without discrimination for reasons of parentage, to ensure their protection against exploitation and harmful employment, and to establish a minimum working age.<sup>86</sup>

- The Government of Liberia should recognize that all children, born in or out of wedlock, are entitled to the same social protection.<sup>87</sup>
- The Government of Liberia should ensure that special protection and assistance, including alternative care, is provided to children who are temporarily or permanently deprived of their family environment.<sup>88</sup> Such alternative care should aim toward continuity in a child's upbringing and to the child's ethnic, religious, cultural, and linguistic background.<sup>89</sup>
- The Government of Liberia should be guided in its efforts to trace and reunify by the Inter-agency Guiding Principles on Unaccompanied and Separated Children.<sup>90</sup> These principles emphasize family unity and the best interests of the child, as well as family reunification, and provisional and long-term responses in emergency situations.<sup>91</sup> In addition, The Advocates suggests that the Government of Liberia seek to implement the recommendations on Family Reunification set forth in this report.<sup>92</sup>
- The Government of Liberia should urgently adopt relevant legislation in order to issue quality standards and establish a monitoring system for institutional homes and, in particular, orphanages, as well as to increase allocations available to these institutions and to provide training for their staff.<sup>93</sup>
- The Government of Liberia should take all appropriate measures to ensure that non-orphan children living in institutional homes are brought back to their families, taking into consideration the best interests of the child.<sup>94</sup>
- The Government of Liberia should evaluate and ensure that conditions in orphanages comply with basic human rights standards set forth in the Convention on the Rights of the Child, International Covenant on Economic, Social and Cultural Rights, and African Charter on the Rights and Welfare of the Child.<sup>95</sup>
- The Government of Liberia should ensure that in cases of adoption, the child's best interests are of highest consideration. It should ensure that such adoption is authorized by competent authorities and is permissible in view of the child's status regarding parents, family members, and guardians.<sup>96</sup> The Government of Liberia should seek to comply with the standards set forth on adoption in the Convention on the Rights of the Child and African Charter on the Rights and Welfare of the Child, including the following:
  - Establish competent authorities to oversee adoption matters and ensure they conform with relevant laws and regulations;<sup>97</sup>
  - Ensure that safeguards and standards equal to those for national adoption are available to a child undergoing an inter-country adoption; and<sup>98</sup>
  - Take all appropriate measures to ensure that inter-country adoptions do not lead to trafficking or improper financial gain for the potential adopters.<sup>99</sup>

### **Programs for Vulnerable Groups: Children Associated with Armed Forces or Armed Groups**

The Government of Liberia has ratified International Labour Organisation Worst Forms of Child Labour Convention, and is therefore bound to the obligations set forth in it. The Government of Liberia has signed, but not ratified, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Advocates recommends that the Government of Liberia:

- Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict without delay.

The Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups and the Worst Forms of Child Labour Convention provide a guiding framework with regard to rehabilitation and reintegration of former child soldiers. The Advocates recommends the following:

- The Government of Liberia should take all appropriate measures to promote physical and psychological recovery and social reintegration. Some children may require particular support, including children with a disability or a serious health problem, including drug and alcohol abuse, survivors of sexual abuse, and those whose families have died or rejected them.
- Children accused of crimes under international or national law allegedly committed while working with armed forces or armed groups are entitled to be treated in accordance with international standards for juvenile justice, including the U.N. Standard Minimum Rules for the Administration of Juvenile Justice, the U.N. Guidelines for the Prevention of Juvenile Delinquency, and the U.N. Rules for the Protection of Juveniles Deprived of their Liberty. They should not be prosecuted or punished or threatened with prosecution or punishment solely for their membership in those groups. Alternatives to judicial proceedings should be sought for children at the national level.
- The Government of Liberia should ensure that programs working with former child combatants are based on child rights and humanitarian principles, that applicable minimum standards of programs are met, and that systems for accountability are developed.
- The Government of Liberia should facilitate coordination among programs working with former child soldiers.
- The Government of Liberia and all other relevant authorities should treat personal information relating to violations of children's rights, including unlawful recruitment or use by armed forces or armed groups, as confidential.
- The Government of Liberia should recognize that education, vocational and skills training, and/or opportunities to gain a livelihood are essential elements for reintegration.<sup>100</sup> Accelerated learning programs suitable for adolescents and adults who have missed years of school should be compatible with and recognized by the formal system of education.<sup>101</sup> Alternative forms of

education, such as adult literacy classes or evening classes, should be offered to children who cannot or do not wish to enter the formal educational system.<sup>102</sup>

### **Programs for Vulnerable Groups: Girls Associated with Armed Groups**

The Advocates suggests that the Government of Liberia implement the following measures with regard to Girls Associated with Armed Forces. The following recommendations are drawn from The Paris Principles<sup>103</sup> and reports produced by Amnesty International<sup>104</sup> and Development Alternatives, Inc.<sup>105</sup> Additionally, The Advocates recommends the following:

- Ensure that staff working with girls associated with armed forces “are familiar with Security Council Resolution 1325, as well as, relevant international guidelines to provide for a gendered approach to both implementation and planning;”<sup>106</sup>
- Ensure that gender appropriate information campaigns as well as access to female employees are made available to women and girls by collaborating with women’s organizations.<sup>107</sup>
- Ensure that specific gender dynamics regarding access to accommodations are considered,<sup>108</sup> including reproductive health care, separate washing facilities, hygiene kits, and clean birthing kits. Measures should be taken to provide and guarantee safety and protection, including proper lighting as well as regular surveillance and patrolling by security forces.
- Ensure that psychosocial counseling is made available in communities to all who need it.<sup>109</sup> Care should be taken to assist girls in addressing whether they desire to recognize or reject relationships established with a member of an armed group.
- Ensure that education and training programs related to parenting skills and child health, as well as training unrelated to reproductive status, be made available and accessible.<sup>110</sup>
- Provide nutrition and health care for infants and young children, as well as child care, to allow women and girls to participate in training and education.<sup>111</sup>
- Ensure that communities are part of the reintegration, reconciliation, and healing process.<sup>112</sup> Work with community leaders and groups to establish a forum to address stigmatization and increase public awareness of reintegration issues, including substance abuse, HIV/AIDS, STIs, obstetric fistula, and sexual violence.<sup>113</sup>
- Use business and skill training to improve the overall livelihood of women. Ensure that access to credit and/or capital is available to supplement these trainings.<sup>114</sup>
- Ensure that women and girls have access to quality career counseling which allows them to make choices that will maximize their options and lead them to choose marketable vocational skills.<sup>115</sup>
- Adopt flexibility to adapt to the range of needs specific to each victim, and ensure that programs are accessible to women experiencing particular health problems related to their experience of the conflict.<sup>116</sup>

### Programs for Vulnerable Groups: Internally Displaced Persons

Displacement was a defining characteristic of the Liberian civil wars, with hundreds of thousands displaced over time. The U.N. Guiding Principles on Internal Displacement, as well as relevant treaty body documents, provide a guiding framework for the effective promotion and protection of the human rights of internally displaced persons. The U.N. principles note that national authorities hold the primary responsibility for rendering humanitarian aid to internally displaced persons.<sup>117</sup> The Advocates recommends the following:

- The Government of Liberia should provide internally displaced persons with protection and humanitarian aid, without persecution or punishment for such requests for assistance, and taking into account the needs of vulnerable internally displaced populations, including children, unaccompanied children, pregnant women, disabled persons and the elderly, females with children, or heads of households.<sup>118</sup>
- The Government of Liberia should ensure that humanitarian aid for displaced persons is rendered without discrimination and is not diverted to political or military purposes.<sup>119</sup>
- The police force of Liberia should have an explicit mandate in national law to protect civilians, including internally displaced persons and humanitarian aid providers.<sup>121</sup>
- The Government of Liberia should enact legislation which recognizes internally displaced persons' right to freedom of movement and the right of all internally displaced persons to make a voluntary and informed choice between return, integration at the location of displacement, or resettlement or relocation in another part of the country.<sup>122</sup>
- The Government of Liberia should provide information to internally displaced persons regarding the viability of return, local integration, and resettlement or relocation options. To facilitate an internally displaced

#### **Potential Implementation Strategy: Clear Policies for Providing Humanitarian Assistance to the Displaced**

The Government of Liberia should:

1. Assign to relevant authorities or organizations at the national and local levels clear and specific obligations in the area of humanitarian assistance to internally displaced persons, and provide them with the necessary means to do so.
2. Establish mechanisms and procedures to identify beneficiaries of humanitarian assistance on the basis of need and particular vulnerability.
3. Determine criteria for the delivery of humanitarian goods and services in accordance with recognized international minimum standards.
4. Eliminate any obstacles hindering the provision of humanitarian goods from domestic sources.
5. Facilitate the import and internal transport of humanitarian goods not sufficiently available domestically.
6. Provide for the criminalization of attacks by state as well as non-state actors against humanitarian relief personnel and their material, transport, and supplies when such attacks would amount to a war crime under the Rome Statute.<sup>120</sup>

person's choice, the government should provide physical security, humanitarian access, transportation, and access to the law.

- The Government of Liberia should ensure that lack of access to documentation does not prevent internally displaced persons from exercising the right to freedom of movement within the country or right to leave the country. Further, the Government should facilitate access to documentation.
- The Government of Liberia should ensure that internally displaced persons are able to enjoy freely their right to participate fully and equally in public affairs and have access to all public services.<sup>123</sup> Specifically, the government should assist internally displaced persons obtaining or recovering all documents required to exercise their legal rights such as birth certificates, passports, voting and military registration cards, marriage certificates, and other personal identification.<sup>124</sup>

#### **Potential Implementation Strategy: Brookings Institution Policy Manual**

The manual, entitled *Protecting Internally Displaced Persons: A Manual for Law and Policymakers*, outlines strategies Liberia can implement to promote the rights of internally displaced persons. The government may consider the following suggestions:

- "institute a universal and mandatory birth registration system;"<sup>125</sup>
- "identify and, when necessary, modify documentation requirements in domestic legislation relevant to the exercise of [internally displaced persons'] rights;"<sup>126</sup>
- "permit [internally displaced persons] to vote in elections related to (1) the constituency from which they were displaced, or (2) in the constituency in which they found refuge without unreasonable restrictions and ensure that in the latter case they do not lose eligibility for humanitarian aid or other benefits;"<sup>127</sup>
- "inform voters, including [internally displaced persons], in a language they understand about the electoral process and facilitate adequate and safe access to information about the political platforms of the parties to the election."<sup>128</sup>

- The Government of Liberia should implement the recommendations of the Committee on the Rights of the Child in its 2004 concluding observations relating to internally displaced children, especially in regard to articles 7 and 22 specifically, the Government of Liberia should:
  - Strengthen its efforts to provide adequate assistance to the internally displaced children, including access to food, education, and health services and to support their return and reintegration into their communities;
  - Prevent sexual assaults and other exploitation of refugee and internally displaced children, with particular attention to girls, and provide for their rehabilitation and reintegration into society; and
  - Prevent forcible conscription of refugee and internally displaced children

and provide for their rehabilitation and reintegration into society.<sup>129</sup>

### Restitution & Compensation for Property

Because of the massive displacement of the Liberian population, many individuals were forced to abandon their land, farms, homes, and other property. The U.N. Principles on Housing and Property Restitution for Refugees and Displaced Persons (The Pinheiro Principles) provide a guiding framework for the right to restitution of housing, land, and/or property. Importantly, all refugees and displaced persons have the right to restitution of “any housing, land and/or property of which they were arbitrarily or unlawfully deprived.”<sup>130</sup> While the preferred remedy is restitution, refugees and displaced persons also have the right to be compensated for the loss of such property as adjudicated by an independent and impartial court.<sup>131</sup> Other international documents, including General Recommendation 22 by the Committee on the Elimination of Racial Discrimination, the Guiding Principles on Internal Displacement, and women’s human rights treaties likewise address land rights and provide a guiding framework. The Advocates recommends the following:

- The Government of Liberia should establish national procedures, institutions, and mechanisms that are “equitable, timely, independent, transparent and non-discriminatory,” to address claims for restitution.<sup>132</sup> These procedures should be age- and gender-sensitive,<sup>133</sup> have adequate resources and support,<sup>134</sup> be directed by guidelines to ensure effectiveness,<sup>135</sup> draw upon the technical assistance of appropriate international organizations as needed,<sup>136</sup> and be included in voluntary repatriation agreements.<sup>137</sup> Alternative dispute resolution mechanisms may be used providing they comply with international human rights standards, particularly freedom from discrimination.<sup>138</sup>
- The Government of Liberia should ensure that restitution claims procedures are “just, timely, accessible, free of charge, [and are] age and gender sensitive” and without prerequisites.<sup>141</sup>
- The Government of Liberia should ensure such processes

#### Potential Implementation Strategy: Decentralized District Land Boards in Uganda

Uganda’s 1998 Land Act created District Land Boards to administer land as well as 4,500 local land committees to support the Boards.<sup>139</sup> According to one scholar, the Act’s purpose was to develop a land tenure system through decentralized administration. Uganda’s 1998 Land Act contained considerable rights for women regarding their ability to own and control their land. This was particularly relevant to rural women. Customary laws are null and void if they prevent women and children from inheriting land. Land committees are specifically charged with protecting “the interests of women, children and persons with disabilities.” To ensure this duty is carried out, women are allotted at least 25% of the positions on the land committees and tribunals. Furthermore, in order to transfer land on which a family lives or farms its own food, both the husband and wife must provide written consent.<sup>140</sup>



are accessible to vulnerable populations, including women (through positive measures to ensure women’s equal participation); separated and accompanied children (as guided by the “best interest of the child”); illiterate and disabled persons (through special assistance); and users, including tenants (through the availability of collective claims).<sup>142</sup>

- The Government of Liberia should ensure that claims forms are easy to understand and available in Liberian English or Liberian indigenous languages through translators when needed.<sup>143</sup>
- The Government of Liberia should increase public knowledge about the claims process both throughout Liberia and in the diaspora, ensure the availability of legal aid, locate claims stations in areas of claimants’ current residence, and provide internet based, proxy, and in-person submission options.<sup>144</sup>
- The Government of Liberia should take steps to prevent the persecution or punishment of claimants for submitting a claim.<sup>145</sup>
- The Government of Liberia should use the remedy of compensation only when: “the remedy of restitution is not possible, or when the injured party knowingly and voluntarily accepts compensation in lieu of restitution, or when the terms of a negotiated peace settlement provide for a combination of restitution and compensation.”<sup>147</sup> In some cases, however, a combination of both compensation and restitution may be appropriate.<sup>148</sup>
- The Government of Liberia should ensure that the right of refugees and displaced persons to housing, land, and property restitution is incorporated into legislation, which should be internally consistent and compatible with other agreements and international human rights law, clearly demarcate all affected and eligible persons or groups, and fully protect women and girls against discrimination.<sup>149</sup> Laws that prejudice the restitution process or are discriminatory should not be adopted or should be repealed.<sup>150</sup>
- The Government of Liberia should delegate enforcement of restitution decisions to specific public agencies.<sup>151</sup> The government should take steps to educate secondary occupants of their rights and legal ramifications of refusing to comply with restitution decisions, and prevent the obstruction of enforcement of restitution decisions, as well as the “destruction or looting of contested or abandoned housing, land and property,” such as by inventorying contents.<sup>152</sup>
- The Government of Liberia should establish a registration system for housing, land, and

**Potential Implementation Strategy:  
Food and Agriculture Organization Land Tenure  
Studies: Access to Rural Land and Land Administration  
after Violent Conflicts**

The Food and Agricultural Organization of the United Nations has promulgated a guide on addressing post-conflict access to rural land and land administration. The guide includes a section on the development of policies related to access to land, specifically restitution, resettlement, establishment of an operational system, and coordination and communication. Also, the document discusses implementation of policies, including evaluations.<sup>146</sup> The Government of Liberia may wish to refer to this guide when developing its policies on land reform and administration.



property rights; such a system should have the capacity to recognize and record collective possession of land by traditional or indigenous communities.<sup>153</sup>

- The Government of Liberia should adopt measures to prevent the destruction of records, furnish copies of documentation in its possession upon request by a claimant, and seek to collect relevant information from refugees and displaced persons.<sup>155</sup> The government should adopt measures to ensure legal security of tenure following any decision regarding rights to housing, land, and/or property.<sup>156</sup>

### Satisfaction & Commemoration

Remembering the victims of the conflict and memorializing the suffering of the Liberian people was described by many statement givers as an important part of the national healing process. International standards provide little guidance in this regard, as the process of remembering is specific to each nation, culture, community, and individual. Statement givers provided some important suggestions in this regard.

- The Government of Liberia should collaborate with the TRC to designate a specific body to work nationally, at the community level, and with the diaspora to solicit recommendations for memorials to victims of the Liberian civil crises.
- The process of developing memorials and commemoration programs should be inclusive, transparent, and participatory.
- As expressed by statement givers, memorials to specific groups such as youth, women, and other vulnerable populations should be considered.
- Public apologies and acceptance of responsibility from those who were involved in commission of human rights and humanitarian violations should be actively encouraged.
- Some statement givers expressed their perception of an Americo-Liberian bias in the national holidays and names of public streets, institutions, holidays, and other locations. The government should consider creating new national holidays and renaming these locations, institutions, and holidays to dispel notions of bias and honor Liberia's diversity.

### Potential Implementation Strategy: Monitoring and Evaluating Land Reform Policies

In creating procedures for monitoring and assessing its policies regarding access to land, the Government of Liberia will need to develop evaluation indicators. The FAO has outlined examples of indicators to assess implementation of land policies:

- Land legislation
- Adjudication procedures for land claims and disputes
- Existing land administration systems
- Housing strategies
- Evictions procedures
- Administration of state-owned land
- Administration of private abandoned land
- Transparency<sup>154</sup>

### **Potential Implementation Strategy: Addressing Post-Conflict Restitution**

The Food and Agriculture Organization of the United Nations has outlined steps to take in addressing restitution of land following a conflict, which the Government of Liberia may wish to follow:

#### Creation of organizational bodies:

- Legal aid units
- Claims processing centers
- Decision-making structures, including mediation facilities, adjudication bodies, specialized land courts, mobile courts and an enforcement unit

#### Rules for adjudicating claims:

- Types of eligible claims
- Scope of eligible people
- A date past which the owner had been dispossessed of the property at issue
- Admissible evidence for restitution claims

#### Accessibility:

- Facilitate ease of submission of claims, without sacrificing quality through decentralization
- Ensure forms and information are available in appropriate languages and take into account literacy levels
- Ensure the system is affordable to both the potential claimants and the government

## SECTION II. RECOMMENDATIONS RELATED TO REFUGEES IN THE WEST AFRICAN SUB-REGION

**Refugees in Ghana and the West African Sub-Region**

Refugee situations in Africa are governed by the 1951 Convention on the Status of Refugees, the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, as well as the panoply of international and regional human rights instruments including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights. In Ghana, site of the largest Liberian refugee settlement in the sub-region, the Refugee Law of 1993 governs many aspects of the situation.

International refugee law and Ghanaian law contain three fundamental principles – the right to return to one's own country, the prohibition of *refoulement*, and the absolutely voluntary nature of refugee repatriation. States are prohibited from expelling or returning a refugee to the frontiers of territories where he or she would be threatened with persecution.<sup>157</sup> “Even when the circumstances in the country of origin have undergone a fundamental change, individual refugees may continue to have a well-founded fear of persecution or compelling reasons not to return arising out of previous persecution. [When this has] been determined, the ‘ceased circumstances’ cessation clauses should thus not apply to them.”<sup>158</sup> Moreover, refugees are entitled to basic human rights and fundamental freedoms. The Advocates recommends that the Government of Ghana and other West African host nation governments comply fully with their obligations under domestic and international refugee law as well as international human rights law. The Advocates recommends the following:

- The Government of Ghana and other host countries should immediately cease any activities with respect to Liberian refugees that impose physical, psychological, or material pressure on individuals duly recognized as having refugee status to return.<sup>159</sup>
- Despite changed country conditions in Liberia, the Government of Ghana and other host countries should recognize that compelling reasons may, for certain individuals, support the continuation of refugee status.
  - Host countries, in collaboration with the U.N. High Commissioner for Refugees, should facilitate ongoing asylum applications and timely refugee status determinations, specifically, “Asylum requests of Liberians should be examined thoroughly in fair and effective individual refugee status determination procedures with the necessary procedural safeguards, taking into consideration the individual merits of their asylum claims, based on the criteria in the 1951 Convention, and where applicable, Article I.1 of the 1969 [African Union] Convention...Additionally, in light of the particularly violent nature of the armed conflict in past years, asylum claims of victims of particularly atrocious forms of persecution suffered in the past should be examined taking into account the consequences and effects of such persecution on

the victims concerned where the continuing impact of the past persecution could put the individuals at risk of serious harm to their well being if returned.”<sup>160</sup>

- Host countries should expedite status determination procedures to ensure that Liberians who wish to stay in Ghana can acquire legal status, including but not limited to, a residence permit.<sup>161</sup>
- The Government of Ghana and other host countries should consider appropriate arrangements, which would not put into jeopardy their established situation, for those persons who cannot be expected to leave the country of asylum because of a long stay in that country resulting in strong family, social, and economic links there.<sup>162</sup>
- The Government of Ghana should increase its efforts to assist recognized refugees in seeking employment or education inside Ghana.<sup>163</sup>
  - A process should be developed to allow Liberians to obtain work permits despite the fact that they may not have appropriate documents, such as a passport, as required under Ghanaian law for other immigrants.
  - Recognized refugees remaining in Ghana should be eligible for enrollment in Ghanaian public schools and for participation in the Ghanaian National Health Insurance program.<sup>164</sup>
- The Government of Ghana and other West African host countries should fully respect their obligations to treat refugees in accordance with international human rights law as long as refugees remain in their territory, paying specific attention to the right to work, the right to health, the right to property, and the right to education.
- In fulfillment of its duty to establish the voluntary nature of repatriation and to provide refugees with appropriate information about country conditions in Liberia, the U.N. High Commissioner for Refugees should ensure dissemination of accurate information regarding the repatriation process and the right to claim asylum in the host country to Liberians in Liberian English and in indigenous languages when necessary.
- In the interest of finding durable solutions for refugees who do not voluntarily repatriate, UNCHR should accelerate processing for refugees eligible for third country resettlement.

### **Refugees Recently Repatriated or in Process of Repatriation**

For those Liberians who do wish to repatriate, the U.N. High Commissioner for Refugees, host country governments, and the Government of Liberia must ensure that refugees can return in safety and dignity. As noted in the Organization of African Unity Convention Covering the Specific Aspects of Refugee Problems in Africa, “the essentially voluntary character of repatriation shall be respected in all cases and no refugee shall be repatriated against his will.”<sup>165</sup> The Advocates recommends the following:

- The Government of Ghana, the Government of Liberia, and the U.N. High Commis-

sioner for Refugees should ensure that the repatriation process is carried out in consideration of the policy guidelines contained in the U.N. High Commissioner for Refugees Hand-book on Voluntary Repatriation, specifically taking into account:

- refugees' physical safety at all stages during and after their return including en route, at reception points, and at the destination,
  - the need for family unity,
  - attention to the needs of vulnerable groups,
  - the waiver or, if not possible, reduction to a minimum of border crossing formalities,
  - permission for refugees to bring their movable possessions when returning,
  - respect for school and [agricultural] seasons in the timing of such movements, and
  - freedom of movement.<sup>166</sup>
- The Government of Liberia should “allow its nationals to return in safety and with dignity without any fear of harassment, discrimination, arbitrary detention, physical threat or prosecution on account of having left or remained outside the country, and should provide guarantees and/or amnesties to this effect. It should also take all measures to ensure the restoration of full national protection.”<sup>167</sup>
  - Where refugees have lost their nationality, the Government of Liberia should arrange for its restoration as well as for its granting to children born outside the territory and, as appropriate, to non-national spouses.<sup>168</sup>
  - The Government of Liberia and the international community should prioritize support for the Liberia Integration Program, specifically funding for: non-food items, shelter, agricultural training and supplies, skills training, a cash grant program and other high priority areas as

### **Potential Implementation Strategy: Refugee Repatriation Lessons Learned from Sierra Leone**

In coordinating the return of refugees from Ghana and other West African host nations, the Government of Liberia (in collaboration with the U.N. High Commissioner for Refugees) may wish to consider the following lessons learned from refugee repatriation programs in Sierra Leone.

- Transport for refugees to rural communities was one of the greatest challenges. Government-backed, regularized transport to rural communities may be one method of assisting refugees who wish to return to rural areas and ensuring that they are not victimized en route.
- Trucks should be used as the primary means of transport due to their luggage capacity. Proper tagging systems should be implemented to ensure that refugee possessions are not lost en route.
- Provide incentives for families to repatriate together and to continue to register as a family on a regular basis to discourage the practice of abandoning children.

identified by the Liberia Refugee Repatriation and Resettlement Commission.

- In fulfillment of its duty to monitor the situation of returnees in their country of origin,<sup>169</sup> the U.N. High Commissioner for Refugees should engage in monitoring of Liberia Refugee Repatriation and Resettlement Commission activities with relation to returnees, focusing specifically on ensuring non-discrimination and protection of vulnerable groups in the repatriation and reintegration process.
- In recognition of the right of refugees to return to their country in safety and in dignity, the U.N. High Commissioner for Refugees, the Government of Liberia, and the international community should support expansion of services for returning refugees to include mental health screening, service-provider referral information, security information, employment referral, etc.
- The Government of Liberia, Liberian civil society, and the international community should promote establishment of a legal aid regime for returning refugees to adjudicate property claims.
- The Government of Liberia, Liberian civil society, and the international community should promote identification of international law and human rights violations against refugees in their host country, either while in residence or during the process of resettlement, so as to facilitate non-repetition in future sub-regional refugee crises and to effectively advance the humane application of refugee policy in the West African sub-region.
- Because of the protracted nature of the Liberian conflict, many refugees have buried deceased family members in their host countries. Host governments, the U.N. High Commissioner for Refugees, and the Government of Liberia should engage in a consultation with refugee families to ensure that repatriated refugees maintain access to the gravesites of family members and that the graves remain protected and undisturbed.

### SECTION III. CIVIL AND POLITICAL RIGHTS

Liberia's constitution currently includes important protections for civil and political rights, such as the right to life, liberty, property, due process, equality before the law, freedom of thought, conscience, and religion, as well as freedom of expression. Throughout the Liberian conflict however, these protections were disregarded, and the rights of the Liberian people were abrogated. Re-establishing protection of these fundamental freedoms in Liberia was an important theme enunciated by statement givers in their TRC statements.

Apart from its constitutional commitments, the Government of Liberia is bound by several international treaties related to civil and political rights. Primary among these are the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights, as well as the Convention against Torture and Other Inhuman or Degrading Treatment or Punishment. Several other important international treaties ratified by Liberia are discussed in each section below. With regard to general international legal obligations, The Advocates recommends that the Government of Liberia:

- Ratify the Convention for the Suppression of the Traffic in Persons and of the Exploitation or Prostitution of Others without delay;
- Dedicate appropriate and sufficient resources to submit its report describing the measures taken to give effect to the rights set forth in the Banjul Charter;
- Dedicate appropriate and sufficient resources to submit all due and overdue periodic reports describing its compliance with the International Covenant on Civil and Political Rights to the U.N. Human Rights Committee and its compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to the Committee against Torture.

#### **Personal Integrity & Dignity**

The Government of Liberia is under an immediate obligation to take whatever measures are necessary to respect and ensure fundamental rights including the right to life, prohibition of torture or cruel, inhuman and degrading treatment, and prohibition of slavery. During the Liberian conflict, the right to life of many Liberians was completely disregarded. Liberians were tortured and subjected to inhuman and degrading treatment. They were also abducted and held in slavery by fighting factions. Effective protections against these abuses must be integrated into all aspects of Liberian national life to ensure non-repetition of these types of violations and to eliminate impunity for those who perpetrate these most severe violations of human dignity.

## **Personal Integrity & Dignity: The Right to Life**

In 2005, Liberia acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, which obligates each state party to ensure that no one within its territory is executed and to take all necessary measures to abolish the death penalty within its jurisdiction. In 2008, however, Liberia passed new legislation authorizing the death penalty for certain crimes,<sup>170</sup> and individual Liberians have been sentenced to death by Liberia's courts.<sup>171</sup> Apart from legally-sanctioned executions as a criminal punishment, Liberia has a long history of extra-legal, arbitrary, and summary executions. The Second Optional Protocol to the International Covenant on Civil and Political Rights provides a guiding framework on the right to life. The Advocates recommends the following:

- In compliance with its obligations, the Government of Liberia should immediately repeal provisions of its criminal code, and any other legislation, that authorize capital punishment. It should immediately commute the death sentences of any inmates to a punishment that complies with international standards.
- The Government of Liberia should ensure that no individual within its jurisdiction is executed through state sanctioned judicial procedures.
- The Government of Liberia should prohibit by law all extra-legal, arbitrary and summary executions and should ensure that any such executions are recognized as offences in the criminal code, and are punishable by appropriate penalties which take into account the seriousness of such offences.<sup>172</sup> The law should make clear that exceptional circumstances, including a state of war or threat of war, internal political instability, or any other public emergency, should not be invoked as a justification for such executions.<sup>173</sup>

## **Personal Integrity & Dignity: Prohibition of Torture and Inhuman & Degrading Treatment**

TRC statements from the diaspora reflect that torture and other inhuman and degrading treatments were endemic during the Liberian conflict. The Convention against Torture and Other Inhuman or Degrading Treatment or Punishment requires that Liberia “take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.”<sup>174</sup> The Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Punishment in Africa (The Robben Island Guidelines) provide a framework for protecting Liberians from these practices. The Advocates recommends the following:

- The Government of Liberia should ensure that acts that fall within the definition of torture, based on Article 1 of the U.N. Convention against Torture, are offenses within the national legal system.<sup>175</sup>
- The Government of Liberia should pay particular attention to the prohibition and prevention of gender-related forms of torture and ill-treatment, as well as the torture and ill-treatment



- of young persons.<sup>176</sup>
- The Government of Liberia should ensure that Liberian courts have jurisdictional competence to hear allegations of torture in accordance with Article 5(2) of the U.N. Convention against Torture.<sup>177</sup>
  - The Government of Liberia should ensure that the trial or extradition of those suspected of torture takes place expeditiously in conformity with relevant international standards.<sup>178</sup>
  - Circumstances such as state of war, threat of war, internal political instability, or any other public emergency should not be invoked as a justification of torture, cruel, inhuman, or degrading treatment or punishment.<sup>179</sup> Nor should notions such as “necessity,” “national emergency,” and “public order” be invoked as a justification for torture, cruel, inhuman or degrading treatment or punishment.<sup>180</sup>
  - The Government of Liberia should ensure that superior orders never provide a justification or lawful excuse for acts of torture, cruel, inhuman, or degrading treatment or punishment.<sup>181</sup> Moreover, no one should be punished for disobeying an order to commit acts amounting to torture, cruel, inhuman, or degrading treatment or punishment.<sup>182</sup>
  - The Government of Liberia should prohibit and prevent the use, production, and trade of equipment or substances designed to inflict torture or ill-treatment and the abuse of any other equipment or substance to these ends.<sup>183</sup>
  - In order to combat impunity with respect to acts of torture and ill-treatment, the Government of Liberia should:
    - Ensure that those responsible for acts of torture or ill-treatment are subject to legal process.
    - Ensure that there is no immunity from prosecution for nationals suspected of torture, and that the scope of immunities for foreign nationals who are entitled to such immunities be as restrictive as is possible under international law.
    - Ensure expeditious consideration of extradition requests to third states, in accordance with international standards.
    - Ensure that rules of evidence properly reflect the difficulties of substantiating allegations of ill-treatment in custody.
    - Ensure that, where criminal charges cannot be sustained because of the high standard of proof required, other forms of civil, disciplinary, or administrative action are taken if it is appropriate to do so.<sup>184</sup>
  - The Government of Liberia should cooperate with the United Nations Human Rights Treaty Bodies, as well as with the U.N. Commission on Human Rights’ thematic and country specific special procedures, including the issuance of standing invitations for these and other relevant mechanisms.<sup>185</sup>
  - The Government of Liberia should support the adoption of an Optional Protocol to the Convention against Torture, which would create an international visiting mechanism with the mandate to visit all places where people are deprived of their liberty by a government actor.<sup>186</sup>

## Personal Integrity & Dignity: Prohibition of Slavery

Despite a clear prohibition of slavery in Liberia's constitution,<sup>187</sup> Liberia's history includes documented forced labor, slavery-like practices,<sup>188</sup> as well as a "ward" system."<sup>189</sup> In addition, factions during the civil war employed forced recruitment, forced labor, and sexual slavery. As a result, the Government of Liberia must adopt an effective anti-slavery regime including national legislation, policy, and programming. The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the International Covenant on Civil and Political Rights provide a guiding framework on the elimination of slavery and involuntary servitude. The Advocates recommends the following:

- The Government of Liberia should take all practicable and necessary legislative and other measures to abolish the following institutions and practices where they still exist and whether or not they are covered by the definition of slavery contained in Article 1 of the Slavery Convention signed at Geneva on 25 September 1926:
  - Debt bondage;<sup>190</sup>
  - Serfdom;<sup>191</sup>
  - Any institution or practice whereby:
    - A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family, or any other person or group; or
    - The husband of a woman, his family, or his clan has the right to transfer her to another person for value received or otherwise; or
    - On the death of her husband, a woman is liable to be inherited by another person;
  - Any institution or practice whereby a child or young person under the age of 18 years is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of the child's labor.<sup>192</sup>
- The Government of Liberia should support Economic Community of West African States (ECOWAS) initiatives to continue to establish legal and regulated migration between countries in the sub-region.<sup>193</sup>
- In consideration of the fact that modern forms of slavery are directly related to poverty, the international community must fully support Liberia's plans for poverty eradication with funding, technical, and logistical support.

### Administration of Justice

Liberians in the diaspora expressed important concerns about the Liberian judicial system's ability to provide access to justice for all Liberians, including equality before the law, the right to due process of law, the presumption of innocence, and protection against self-incrimination.

In addition to core human rights treaties, the following documents provide a guiding framework for the effective promotion and protection of the rights to a remedy, due process, and equal protection of the law:

- U.N. Basic Principles on the Independence of the Judiciary,
- Basic Principles on the Role of Lawyers,
- Guidelines on the Role of Prosecutors, the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa,
- U.N. Standard Minimum Rules for the Administration of Juvenile Justice, and findings from relevant monitoring bodies.

### Administration of Justice: Safeguards in Criminal Proceedings

In order to comply with the Liberian constitution as well as its international legal obligations, the Government of Liberia must ensure that:

- No one is subjected to arbitrary arrest or detention and no one is deprived of his or her liberty except as in accordance with established law.<sup>194</sup>
- Anyone who is arrested is informed at the time of arrest of the reasons for the arrest and is promptly informed of any charges.<sup>195</sup>
- Anyone arrested or detained on a criminal charge is brought promptly before a judge or other officer authorized by law to exercise judicial power and is entitled to trial within a reasonable time or to release. It should not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment.<sup>196</sup>
- Anyone who is deprived of his or her liberty by arrest or detention is entitled to take proceedings before a court, so that court may decide without delay on the lawfulness of the detention and order release if the detention is not lawful.<sup>197</sup>
- Anyone who has been the victim of unlawful arrest or detention has an enforceable right to compensation.<sup>198</sup>
- All persons deprived of their liberty are to be treated with humanity and with respect for the inherent dignity of the human person.<sup>199</sup>
- Accused persons should be segregated from convicted persons and are subject to separate

treatment appropriate to their status as unconvicted persons.<sup>200</sup>

- All persons must be immediately informed by the competent authority of their right to be assisted by a lawyer of their own choice upon arrest or detention or when charged with a criminal offence.<sup>201</sup>
- Any detained or arrested person who does not have a lawyer is, in all cases in which the interests of justice so require, entitled to have a lawyer of experience and competence commensurate with the nature of the offence assigned to him or her in order to provide effective legal assistance, without payment if the person lacks sufficient means to pay for such services.<sup>202</sup>
- All persons arrested or detained, with or without criminal charge, have a right to prompt access to a lawyer, and in any case not later than 48 hours from the time of arrest or detention.<sup>203</sup>
- All arrested, detained, or imprisoned persons are to be provided with adequate opportunities, time, and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception, or censorship and in full confidentiality. Such consultations may be within sight, but not within the hearing, of law enforcement officials.<sup>204</sup>
- No one is to be imprisoned merely on the ground of inability to fulfill a contractual obligation.<sup>205</sup>

## Administration of Justice: Judicial Independence

- The Government of Liberia should support amendment of the constitution of Liberia to include an explicit guarantee of judicial independence.<sup>206</sup>
- A judicial code of conduct should be written, disseminated, and enforced.<sup>207</sup>
- The Government of Liberia should ensure judges and lawyers receive appropriate training.<sup>208</sup>
- The Government of Liberia should ensure that the term of office of judges, their independence, security, adequate remuneration, conditions of service, pensions, and the age of retirement are adequately secured by law.<sup>209</sup>
- The Government of Liberia should ensure that promotion of judges is based on objective factors, in particular ability, integrity, and experience.<sup>210</sup>
- The Government of Liberia must ensure that judges are subject to suspension or removal only for reasons of incapacity or behavior that renders them unfit to carry out their duties. All disciplinary, suspension, or removal proceedings must be determined in accordance with established standards of judicial conduct. Decisions in disciplinary, suspension, or removal proceedings should be subject to an independent review.<sup>211</sup>
- The Government of Liberia should ensure that all individuals appointed to judicial office are

### Potential Implementation Strategy: Reforming the Judiciary

Relative to rebuilding confidence and trust in the judiciary, in a 2006 report the Liberian Governance Reform Commission suggested that a permanent judicial training institute should be established to address the training needs of all levels of the judiciary.<sup>212</sup> The Government of Liberia and international donors should continue to support efforts to establish such an institution.

appointed through the appropriate process of law and as their qualifications merit.

### **Administration of Justice: Access to Lawyers & Legal Services**

- The Government of Liberia should ensure that efficient procedures and responsive mechanisms for effective and equal access to lawyers are provided for all persons within its territory and subject to its jurisdiction, without distinction of any kind, such as discrimination based on race, color, ethnic origin, sex, language, religion, political or other opinion, national or social origin, property, birth, economic, or other status.<sup>213</sup>
- The Government of Liberia should ensure the provision of sufficient funding and other resources for legal services to the poor and, as necessary, to other disadvantaged persons. The Liberian Bar Association should cooperate in the organization and provision of these services, facilities, and other resources.<sup>214</sup>
- The Government of Liberia should ensure that lawyers:
  - are able to perform all of their professional functions without intimidation, hindrance, harassment, or improper interference;
  - are able to travel and to consult with their clients freely both within their own country and abroad; and
  - shall not suffer, or be threatened with, prosecution or administrative, economic, or other sanctions for any action taken in accordance with recognized professional duties, standards, and ethics.<sup>215</sup>
- The Government of Liberia should support policies to assist prosecutors when appropriate in waiving prosecution, discontinuing proceedings conditionally or unconditionally, or diverting criminal cases from the formal justice system, with full respect for the rights of suspects and victims. For this purpose, the Government of Liberia should fully explore the possibility of adopting diversion schemes not only to alleviate excessive court loads, but also to avoid the stigmatization of pre-trial detention, indictment, and conviction, as well as the possible adverse effects of imprisonment.<sup>216</sup>

### **Administration of Justice: Juvenile Justice**

- The Government of Liberia should ensure that prosecution of juvenile offenders is undertaken consistent with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice.<sup>217</sup>
- Accused juvenile persons should be separated from adults and brought as speedily as possible for adjudication.<sup>218</sup>
- Juvenile offenders should be segregated from adults and be accorded treatment appropriate to their age and legal status.<sup>219</sup>

### **Potential Implementation Strategy: Training for Judicial Officers**

The government may wish to implement the U.N. Mission in Liberia's proposal to provide continuous training in the provisions of the Juvenile Court Procedural Code (JCPC) and child protection issues to all judicial officers. The Chief Justice should consider providing written instructions to Magistrates regarding the procedure for handling cases involving juvenile offenders.<sup>220</sup>

## **Security Sector**

Liberians living in the diaspora expressed grave concerns about the security situation in Liberia. Improved security, both in relation to domestic crime and with regard to national security, was a condition for return mentioned by many in the diaspora. Military and police reform was an important part of improving the security situation, specifically ensuring professionalized and representative police and military forces that can carry out their duties while respecting the human rights of all Liberians.

### **Security Sector: Armed Forces of Liberia**

Throughout Liberia's history, the Armed Forces of Liberia has been an entity used less for defense against foreign threats but more as a means to quell civil unrest and to enforce policies of the central government in greater Liberia. The Armed Forces of Liberia was a major actor in the civil crises that plagued Liberia between 1979 and 2003. Much work has already been undertaken to rebuild and reform the Armed Forces of Liberia. The recommendations that follow do not endorse or argue against programs currently in place but seek simply to highlight the concerns of statement givers from the diaspora. The Advocates recommends the following:

- The Government of Liberia should maintain a long term focus on ensuring positive and timely reform of the Armed Forces of Liberia.
- The Government of Liberia should collaborate closely with the U.N. Mission in Liberia to maintain a rigorous vetting process for all recruits to ensure that perpetrators of human rights violations do not become members of the newly constituted Armed Forces of Liberia.
- The Government of Liberia should work closely with international donors to ensure that, upon U.N. Mission in Liberia drawdown, a clear plan for ongoing reform and training of the Liberian military is in place, including sufficient funding. International partners, in particular the United States, should recognize their responsibility in this regard and make a long-term commitment to development and rebuilding of the Armed Forces of Liberia.
- The Government of Liberia should ensure that recruiting policies of the Armed Forces of Liberia will lead to the creation of a military force that is representative of the diversity, both geographic and ethnic, of the Liberian people.

- The Government of Liberia should ensure that extensive training in humanitarian law and human rights principles and practices is a fully integrated component of basic and recurring training for Armed Forces of Liberia members at all levels. Specifically, training on the rights of women should be a priority.
- Recruitment of women into the Armed Forces of Liberia should be a government priority as part of an overall plan to increase opportunities and eliminate discrimination against women in Liberia.

### **Security Sector: Liberian National Police**

Liberian National Police were victims of human rights violations during the conflict, often because of their affiliation with the government, but they were also perpetrators of human rights abuses. The national police force must be reformed to ensure the trust of Liberian citizens and effective implementation of the rule of law. Much work in this area has already been carried out in coordination with the United Nations Mission in Liberia. The U.N. Code of Conduct for Law Enforcement Officials and The Robben Island Guidelines provide a guiding framework with regard to police conduct. The Advocates recommends the following:

- The Government of Liberia, the U.N. Mission in Liberia, and the Liberian National Police should continue to work together to ensure that all Liberian law enforcement officials are trained and can effectively:
  - respect and protect human dignity and maintain and uphold the human rights of all persons,<sup>221</sup> specifically the rights of traditionally marginalized groups, including women and ethnic and religious minorities;
  - use force only when strictly necessary and to the extent required for the performance of their duty;<sup>222</sup>
  - refrain from inflicting, instigating, or tolerating any act of torture or other cruel, inhuman or degrading treatment or punishment;<sup>223</sup>
  - keep matters of a confidential nature in the possession of law enforcement officials fully confidential, unless the performance of duty or the needs of justice require otherwise;<sup>224</sup>
  - ensure the full protection of the health of persons in their custody and, in particular, take immediate action to secure medical attention whenever required; and<sup>225</sup>
  - oppose and combat corruption both within the police and in the society at large<sup>226</sup>
- The Government of Liberia should work closely with civil society to ensure effective civilian oversight of the police and to ensure the availability of procedures for Liberians to make complaints about police misconduct to an independent investigatory body.<sup>227</sup>
- The international community and the Government of Liberia should provide ongoing support to the Liberian National Police in the areas it has identified as critical challenges, including training, infrastructure development, logistics, and information technology.<sup>228</sup>

## Security Sector: Combating Extra-Legal, Arbitrary, & Summary Executions

The U.N. Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions<sup>229</sup> and the United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions<sup>230</sup> provide a guiding framework for addressing these practices. The Advocates recommends the following:

- The Government of Liberia should ensure strict control, including a clear chain of command over all officials responsible for apprehension, arrest, detention, custody, and imprisonment, as well as those officials authorized by law to use force and firearms.
- The Government of Liberia should prohibit orders from superior officers or public authorities authorizing or inciting other persons to carry out extralegal, arbitrary, or summary executions. All persons should have the right and the duty to defy such orders. Training of law enforcement officials should emphasize these rights and duties.
- The Government of Liberia should ensure thorough, prompt, and impartial investigation of all suspected cases of extra-legal, arbitrary, and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances.
- The Government of Liberia should maintain investigative offices and procedures to undertake such inquiries. The purpose of the investigation should be to determine the cause, manner, and time of death, the person responsible, and any pattern or practice which may have brought about that death. It should include an adequate autopsy, collection and analysis of all physical and documentary evidence and statements from witnesses. The investigation should distinguish between natural death, accidental death, suicide, and homicide.
- The Government of Liberia should ensure that the investigative authority has the power to gather information necessary to the inquiry. Investigators should have at their disposal all the necessary budgetary and technical resources for effective investigation. They should also have the authority to oblige officials allegedly involved in any such executions to appear and testify. The same should apply to any witness. To this end, they should be entitled to issue summonses to witnesses, including the officials allegedly involved, and to demand the production of evidence.
- The Government of Liberia should pursue investigations through an independent commission of inquiry or similar procedure in cases in which the established investigative procedures are inadequate because of lack of expertise or impartiality, because of the importance of the matter, or because of the apparent existence of a pattern of abuse, and in cases where there are complaints from the family of the victim about these inadequacies or other substantial reasons. Members of such a commission should be chosen for their recognized impartiality, competence, and independence as individuals. In particular, they should be independent of any institution, agency, or person that may be the subject of the inquiry.
- The Government of Liberia should ensure that bodies of deceased individuals are handled



in accordance with the guidelines in the United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions and that autopsies are conducted in an impartial and independent manner. The family of the deceased should have the right to insist that a medical or other qualified representative be present at the autopsy. When the identity of a deceased person has been determined, a notification of death should be posted, and the family or relatives of the deceased should be informed immediately. The body of the deceased should be returned to them upon completion of the investigation.

- The Government of Liberia should ensure that complainants, witnesses, those conducting the investigation, and their families are protected from violence, threats of violence, or any other form of intimidation. Those implicated in extra-legal, arbitrary, or summary executions should be suspended from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as over those conducting investigations.
- The Government of Liberia should ensure that families of the deceased and their legal representatives are informed of, and have access to, any hearing, as well as to all information relevant to the investigation, and should be entitled to present other evidence.
- The Government of Liberia should ensure that a written report is made within a reasonable period of time on the methods and findings of such investigations. The report should be made public immediately and should include the scope of the inquiry, procedures, and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law. The report should also describe in detail specific events that were found to have occurred and the evidence upon which such findings were based, and list the names of witnesses who testified, with the exception of those whose identities have been withheld for their own protection. The Government should, within a reasonable period of time, either reply to the report of the investigation or indicate the steps to be taken in response to it, including termination of anyone found to have engaged in summary executions.

### **Security Sector: Combating Torture**

Because of the longstanding systemic use of torture and other forms of inhuman and degrading treatment in Liberia's civilian and military detention systems, effective prohibitions against torture in the Liberian penal system are essential. The Robben Island Guidelines provide a guiding framework for protecting Liberians from these practices. The Advocates suggests that the preceding recommendations on torture set forth in this report also apply. The Advocates recommends the following:

- The Government of Liberia must ensure the establishment of readily accessible and fully independent mechanisms to which all persons can bring their allegations of torture and ill-treatment.<sup>231</sup>
- The Government of Liberia must ensure that whenever persons who claim to have been or who appear to have been tortured or ill-treated are brought before competent authorities an

investigation will be initiated. Investigations into all allegations of torture or ill-treatment should be conducted promptly, impartially, and effectively, guided by the U.N. Manual on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (The Istanbul Protocol).<sup>232</sup>

- The Government of Liberia should encourage and facilitate visits by appropriate non-governmental and inter-governmental organizations to places of detention.<sup>233</sup>

### **Security Sector: Bureau of Corrections Staff, Policies, and Facilities**

Conditions of detention and treatment of prisoners was an important theme enunciated during TRC statement taking in the diaspora. Prisoners in Liberia prior to and during the civil crises were routinely held in inhuman conditions and were subject to torture as well as cruel, inhuman, and degrading treatment. The Kampala Declaration on Prison Conditions in Africa and The Robben Island Guidelines provide a guiding framework for improving prison conditions in Liberia. The Advocates recommends the following:

- The international community and the Government of Liberia should work closely with the Liberian Bureau of Corrections to: 1) strengthen the bureau's human resource capacity; 2) incorporate human rights and gender issues into training for bureau personnel; 3) improve and/or develop new policies and procedures that reflect international guidelines on the treatment of offenders; and 4) construct and refurbish prison facilities so as to provide humane custodial conditions.<sup>234</sup>
- Human resource capacity at the bureau should be developed in full consideration of the principles of the Kampala Declaration that provides that: 1) there should be a proper career structure for prison staff; 2) all prison personnel should be linked to one government ministry and there should be a clear line of command between central prison administration and the staff in prisons; 3) the State should provide sufficient material and financial resources for staff to carry out their work properly; and 4) the penitentiary administration should be directly involved in the recruitment of prison staff.<sup>235</sup>
- The Government of Liberia should ensure that: 1) the human rights of prisoners are safeguarded at all times; 2) prisoners retain all rights that are not expressly taken away by the fact of their detention; 3) prisoners live in conditions compatible with human dignity; 4) prison conditions and regulations do not aggravate the suffering already caused by the loss of liberty; 5) the detrimental effects of imprisonment are minimized so that prisoners do not lose their self-respect and sense of personal responsibility; 6) prisoners are given the opportunity to maintain and develop links with their families and the outside world; 7) prisoners have access to education and skills training in order to make it easier for them to reintegrate into society after their release; and 8) special attention is paid to vulnerable prisoners, and non-governmental organizations are supported in their work with these prisoners.<sup>236</sup>
- The Government of Liberia should ensure that all persons who are deprived of their liberty

by public order or authorities should have that detention controlled by properly and legally constructed regulations. Such regulations should provide a number of basic safeguards, all of which should apply from the moment when they are first deprived of their liberty. These include: a) the right that a relative or other appropriate third person is notified of the detention; b) the right to an independent medical examination; c) the right of access to a lawyer; and d) notification of the above rights in a language that the person deprived of their liberty understands.<sup>238</sup>

- The Government of Liberia, with the full support of international partners including the U.N.

Mission in Liberia, should ensure that basic health and sanitation practices are enforced at the level of each prison. Specifically:

- Primary health care should be a priority. Prisoners should be allowed to take responsibility for their health.
- Each prisoner must have a confidential clinical health record giving all essential details of the individual's health profile. It should record all incidences of illness and treatment. It should contain a fitness certificate on discharge.
- Health examinations and treatment should be conducted in privacy.
- Discipline regarding maintenance of hygiene and sanitation in institutional environment must be enforced.
- Professionally trained personnel, diagnostic facilities, and drugs should be available in adequate quantities at all times.
- Health education and counseling should form an integral part of the treatment for all health care management.
- There should be a public health program for staff and prisoners alike to prevent disease.<sup>239</sup>

### Potential Implementation Strategy: Kadoma Declaration

Relative to ensuring justice with scarce resources, the Kadoma Declaration on Community Service Orders in Africa notes that the use of prison should be strictly limited as a measure of last resort. Prisons represent a waste of scarce resources and human potential. In consideration of Liberian tradition and the country's development needs, community service should be effectively implemented and supervised and involve a program of work where the offender is required to carry out a number of hours of voluntary work for the benefit of the community.<sup>237</sup>

### Security Sector: Treatment of Juvenile Offenders

- Detention and incarceration of juveniles should be carried out in full compliance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)<sup>240</sup> and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.<sup>241</sup>

- Continuous training in the provisions of the Juvenile Court Procedural Code and child protection issues should be provided to all Liberian National Police officers and Bureau of Corrections staff.

## Freedom of Expression

Journalists, publishers, and those associated with media outlets in general were specifically targeted during the TRC’s mandate period. Government policies severely undermined freedom of press and freedom of expression. In addition, those attempting to exercise their rights were killed, detained, abducted, tortured, and otherwise harassed. Article 19 of the International Covenant on Civil and Political Rights requires the Government of Liberia to take all necessary measures to ensure the right to freedom of expression, which includes the freedom to seek, receive, and impart information and ideas of all kinds through any media of choice. In addition to this core human rights treaty, the U.N. Educational, Scientific, and Cultural Organisation Declaration of Windhoek on Promoting an Independent and Pluralistic African Press, the Johannesburg Principles on National Security, Freedom of Expression, and Access to Information, and other relevant civil society and non-governmental organization reports cited herein provide a guiding framework for protection of freedom of expression in Liberia. The Advocates recommends the following:

### Freedom of Expression: Legal & Regulatory Reform

- The Government of Liberia should undertake a systematic review of laws pertaining to the media and freedom of expression with the goal of reforming existing laws or adopting new legislation so as to comply with the Johannesburg Principles on National Security, Freedom of Expression, and Access to Information.<sup>242</sup>
- Government influence over the media should be limited.<sup>243</sup> Accordingly, the Government of Liberia should ensure that public officials and political appointees do not hold positions of influence in the Liberian media.
- Regulatory mechanisms should be developed to ensure quality, sustainable reporting.<sup>244</sup>
- The Government of Liberia should support legislation that ensures that libel actions against journalists proceed only in civil court and cannot become criminal actions.<sup>245</sup>
- The Government of Liberia should adopt an act designed to extend the right of members of the public to access information in the possession of public authorities or private bodies and to guarantee the protection of individuals in possession of and providing information to members of the public.<sup>246</sup>

#### Potential Implementation Strategy: Disciplinary Regulations

Disciplinary regulations might require a journalist to issue an apology or allow the Press Union of Liberia to license and to suspend journalists for abuse of press freedoms.

- The Government of Liberia should adopt an act designed to regulate and reform the national broadcasting system, in consideration of the recommendations issued at the National Conference on Media Law and Policy Reform in 2004<sup>247</sup> and the African Charter on Broadcasting.<sup>248</sup>

### **Freedom of Expression: Capacity Building**

The Government of Liberia, the Press Union of Liberia, civil society, and the international community should collaboratively focus on:

- Developing a long-term communications education program, as well as short-term training workshops for Liberian journalists. Trainings should emphasize the importance of freedom of expression, the role of the media in community and peace building, and ethical standards. Training on conflict reporting, especially safety training and risk-awareness for local journalists, who tend to be less equipped and more vulnerable than international journalists, can help strengthen media recovering from conflict.<sup>249</sup> Workshops for trainers can expand these efforts even further.<sup>250</sup>
- Establishing and financing an independent local “press aid” foundation, so as to ensure a means of assisting journalists to carry out their work long-term without a need to resort to activities that compromise the integrity of their reporting.<sup>251</sup>
- Encouraging media outlets to develop their own mission, code of ethics, and enforcement mechanisms in order to strengthen their commitment to professional and ethical journalism.<sup>252</sup>
- Promoting town meetings and open workshops to facilitate dialogue on democracy, civil rights, and ethical journalism.
- Educating journalists about what constitutes a violation of ethical and legal standards, as well as potential repercussions.<sup>253</sup>

### **Freedom of Expression: Privatization & Sustainability**

The Government of Liberia, Press Union of Liberia, civil society, and the international community should collaboratively focus on:

- Developing exchange networks between editors, managers and publishers on local and international levels to raise awareness about press repression. Networks also promote exchange and competition regarding development issues.<sup>254</sup>
- Developing training programs that address business management issues in order to promote sustainability by helping media outlets manage their finances and development.<sup>255</sup>
- Financing a study on usership of independent media outlets to establish an advertising market that will stimulate the private, independent media.<sup>256</sup>

- Ensuring that the government does not own media outlets. Instead, the Government of Liberia should support the development of a competitive and professional private media.
- Supporting expansion and development of infrastructure to remote areas of the country. Special attention should be paid to areas currently without access to the media.
- Working together to foster connections and networking between rural and urban media outlets.<sup>257</sup>

### SECTION IV. ENDING IMPUNITY FOR VIOLATIONS 1979-2003

The TRC has been charged with ensuring accountability for gross violations and abuses of human rights that occurred between 1979 and 2003,<sup>258</sup> and it was envisioned that the TRC would make recommendations to the Government of Liberia for prosecutions and other anti-impunity measures.<sup>259</sup> The U.N. Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity provide a guiding framework for the post-TRC implementation of prosecution, amnesty, vetting, and civil claims against perpetrators.<sup>260</sup> There is no single model that will adequately address the many violations of human rights and humanitarian law committed during the conflict. The government of Liberia should take a creative, pragmatic approach to ensuring accountability with its limited resources and utilize all possible mechanisms on the international, national and local levels.

#### Prosecution

The Government of Liberia has a legal duty to prosecute perpetrators from the conflict. It must ensure “that those responsible for serious crimes under international law are prosecuted, tried and duly punished.”<sup>261</sup> Although individuals cannot be prosecuted for actions that did not constitute a crime under law when the act was committed, numerous criminal laws apply to the time period of the Liberian conflict. These include Liberian domestic law,<sup>262</sup> customary international law, the Geneva Conventions (ratified by Liberia in 1954), and Additional Protocols (ratified by Liberia in 1988), as well as the Convention on the Prevention and Punishment of the Crime of Genocide (ratified by Liberia in 1950). The Advocates recommends the following:

- The Government of Liberia should evaluate all possible options for prosecution, including existing bilateral and international options, domestic prosecutions, and prosecutions before a specially-authorized international or domestic tribunal. The Government of Liberia should also evaluate possible innovative options, including new bilateral agreements, multi-lateral agreements, and amendments to existing tribunals’ mandates. Such evaluation should be done in consultation with civil society, the international community, and other stakeholders.
- All prosecutions must comply with the minimum standards as set forth by the U.N. High Commissioner for Human Rights. Thus, the Government of Liberia must ensure that any prosecutorial process:
  - operates with the highest standards of transparency, impartiality, and efficiency,
  - includes specific mechanisms to involve victims in the process,<sup>263</sup>
  - ensures the protection of victims and witnesses,<sup>264</sup>
  - protects the human rights of accused persons,
  - does not permit the death penalty as a sentence for offenders,
  - engages appropriate investigation and evidence handling techniques,<sup>265</sup>
  - does not restrict its facilities and activities solely to Monrovia,

- incorporates capacity building of the Liberian judicial system in all of its policies and activities,<sup>266</sup>
- protects the due process rights of accused persons, including
  - the right to a presumption of innocence,
  - the right to counsel,
  - the right to translated documents,
  - the right to be promptly informed of charges,
  - the right to be tried without undue delay,
  - the right to be present during trial,
  - the right to a public trial,
  - the right to confront witnesses and evidence,
  - the right not to be prejudiced by choosing not to testify in one's own defense,
  - the right to appeal,
  - the right to proportionate and consistent sentencing in accordance with law, and
  - the right to a remedy for breaches of process rights.<sup>267</sup>
- Specific care should be taken to protect the rights of any former child combatants who might be tried for their crimes.
  - Neither capital punishment nor life imprisonment without possibility of release should be imposed for offenses committed by persons below 18 years of age.<sup>268</sup>
  - Children accused of crimes under international or national law allegedly committed while associated with armed forces or armed groups are entitled to be treated in accordance with international standards for juvenile justice.<sup>269</sup>
  - Individuals should not be prosecuted or punished or threatened with prosecution or punishment solely for their membership in those groups.<sup>270</sup>
  - Alternatives to judicial proceedings should be sought for children.<sup>271</sup>
- The Government of Liberia should immediately pass legislation criminalizing the destruction of or tampering with evidence and otherwise obstructing the process of evidence gathering related to war crimes and human rights violations committed during the TRC mandate period from 1979 to 2003.<sup>272</sup>
- The Government of Liberia should seek assurances from key African and non-African nations that those governments will not extend any protective status, including diplomatic asylum, to persons with respect to whom there are reasons to believe they have committed a serious crime under international law.<sup>273</sup>
- A key part of the Government of Liberia's prosecution strategy should include appropriate use of existing international accountability mechanisms, such as the International Criminal Court, African regional bodies, and national courts in other jurisdictions. Coordinated and carefully planned use of these mechanisms can be cost-effective and can help build the capacity of Liberia's legal and judicial sectors.
- In evaluating all bilateral and international options, the Government of Liberia should make



efficient use of existing mechanisms with current jurisdiction over crimes committed during the TRC mandate period.

- The Government of Liberia should consider issuing an Article 12(3) declaration of intent<sup>274</sup> to accept International Criminal Court jurisdiction over crimes committed before Liberia's date of ratification of the Rome Statute (September 22, 2004)<sup>275</sup> but after entry into force of the Rome Statute (July 1, 2002).<sup>276</sup>
- The Government of Liberia should assess the possibility of using existing regional mechanisms to pursue intergovernmental claims and to bring individual perpetrators to justice.
  - The Government of Liberia should ratify both the 1998 Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights and the Protocol on the Statute of the African Court of Justice and Human Rights.
  - The Liberian government should consider seeking jurisdiction in the Economic Community of West African States Court of Justice for human rights claims against member states that may have arisen as a result of the conflict.<sup>277</sup>
- The Government of Liberia should coordinate with national prosecutorial and immigration bodies in the United States and European states to assess extraterritorial prosecution options for Liberian perpetrators physically present in another jurisdiction.
  - The Government of Liberia should evaluate with U.S. authorities the possibility of bringing prosecutions using U.S. federal criminal laws.<sup>278</sup>
  - The Government of Liberia should evaluate with European authorities the possibility of bringing prosecutions for serious violations of international law. Universal jurisdiction laws in several countries may provide options for trying perpetrators present in that territory under domestic legislation.<sup>279</sup>
- In carrying out any domestic prosecutions, the Government of Liberia should create a platform for reforming and building capacity in the judicial system, as well as entrenching the rule of law. Any additional infrastructure, such as courts, administrative staff, and computer systems, created for the purpose of prosecutions of individuals recommended for prosecution by the TRC should be transitioned to serve the basic needs of the Liberian justice system when the process is complete.
  - The Government of Liberia should only consider traditional and customary justice mechanisms that comply with international human rights standards in developing an accountability strategy for post-conflict Liberia. Traditional and customary justice mechanisms may be most appropriate for low-level perpetrators who participated in less serious offenses and for former child combatants. Special care must be taken that any traditional accountability mechanisms comply with international human rights standards including due process and other rights of the accused, as well as

## Potential Implementation Strategy: Prosecution Options under U.S. Law and Universal Jurisdiction

### U.S. Prosecution Options

The following statutes allow prosecutions of foreign nationals for crimes committed abroad, although the individual must be in the U.S. for jurisdiction to apply.

- Genocide Accountability Act of 2007: Applies to alleged perpetrators who are present in the United States and provides for penalties including life in prison for acts of genocide committed outside the United States.
- Child Soldiers Accountability Act of 2008: The Act provides for up to 20 years in prison for any person who knowingly “recruits, enlists, or conscripts” a person under 15 years of age to the armed forces or compels such a child to engage in active hostilities. The act is intended to only affect adult perpetrators.
- War Crimes Act of 1996 (18 USC § 2441): This statute applies if the victim or the perpetrator is a U.S. citizen or member of the U.S. armed forces and provides for sentences including life imprisonment for grave breaches of the Geneva Conventions.
- Extraterritorial Torture Statute (18 USC § 2340A): The statute provides for sentences including life imprisonment for any person who commits torture abroad. Chuckie Taylor, former ATU leader, was recently convicted and sentenced in U.S. District Court to 97 years under this statute<sup>280</sup>

### European Prosecution Options

- Universal Jurisdiction: Investigation and prosecution of foreign nationals who were accused of committing serious crimes under international law have been undertaken in Belgium, France, the U.K., Spain, Germany, Denmark, and the Netherlands. While actions in many of these countries could initially be commenced upon a complaint by a private individual, some laws – in Belgium, for example – have been amended to limit these types of privately initiated actions. Although changes such as these prevent victims from directly initiating a prosecution, they do not prevent victims from interacting with prosecuting authorities and advocating for an investigation and prosecution. Moreover, a coordinated strategy on the part of the Liberian government or Liberian civil society actors to work with authorities in Europe to initiate prosecutions of individuals believed to have committed genocide, crimes against humanity, and war crimes could be effective in ending impunity and reducing the burden on a special war crimes court. In most countries, a foreign national must actually be present or the individual’s presence must be anticipated in order to initiate an investigation.

- protections against discrimination on the basis of gender, ethnicity, or religion.
- The Government of Liberia’s prosecution strategy should not be dependent on the capacity of prisons in the country. The government should evaluate the appropriateness and feasibility of non-custodial sentencing in lieu of imprisonment for low-level perpetrators who committed less serious crimes or who did not hold command and control responsibility. Any such measures should uphold and respect international human rights standards. Alternative sentencing schemes should be implemented consistent with the U.N. Standard Minimum Rules for Non-Custodial Measures.<sup>281</sup>
  - The Government of Liberia should consider authorizing an international or special tribunal to exercise jurisdiction over violations of domestic law or other serious crimes under international law that took place between 1979 and 2003. Such consideration should take place in consultation with civil society, the international community, and other appropriate stakeholders.
    - Any such special tribunal must meet the minimum standards for post-conflict states’ prosecution as set forth by the U.N. High Commissioner for Human Rights.
    - Any such special tribunal should be developed so as to build the capacity of Liberia’s judicial system.
    - Any such special tribunal should leverage existing judicial infrastructure to the greatest extent possible.
  - The Government of Liberia may wish to consider, in consultation with the international community, new hybrid models that combine international prosecutorial mechanisms with internationally-assisted domestic prosecutions. Such examples may include:
    - Operating an ad hoc international or regional tribunal in tandem with a special, internationally-assisted domestic court in Liberia. The domestic court would retain jurisdiction over lower-level perpetrators, while the international tribunal would have jurisdiction over the worst offenders. Such a mechanism would not only allow an international tribunal to try the most controversial cases outside the country,

**Potential Implementation Strategy:  
Incorporating Traditional Anti-impunity  
Mechanisms**

Given the past marginalization of indigenous Liberian cultural practices, the Government of Liberia should consider incorporation of indigenous models of conflict resolution, such as palava hut mediation, into its anti-impunity strategy to the extent that these models conform to international human rights standards.

- The Government of Liberia must ensure that the fundamental human rights of Liberians are assured during any process that incorporates traditional practices.
- The Government of Liberia should ensure that training for traditional leaders or other arbiters of informal or traditional mechanisms is effective in engendering protection for the fundamental rights of the participants, both victims and perpetrators.

but also retain the benefits to the Liberian judiciary and enhance visibility to the Liberian people through the domestic court.

- Creating an ad hoc regional or international tribunal to act as a court of appeals. This tribunal would have limited jurisdiction to hear cases appealed from a special, internationally-assisted domestic court in Liberia. The responsibility and authority to try all conflict-related cases would rest on the Liberian judiciary, but retain an international mechanism for appeals. Such a tribunal could also serve as a permanent, regional appeals court for crimes of international law tried in domestic African courts.
- In evaluating all bilateral and international options, the Government of Liberia should

#### **Tokyo Rules: Non-custodial Sentences for Low-level Perpetrators**

According to the Tokyo Rules, sentencing authorities may dispose of cases in the following ways:<sup>282</sup>

- Verbal sanctions, such as admonition, reprimand, and warning;
- Conditional discharge;
- Status penalties;
- Economic sanctions and monetary penalties, such as fines and day-fines;
- Confiscation or an expropriation order;
- Restitution to the victim or a compensation order;
- Suspended or deferred sentence;
- Probation and judicial supervision;
- Community service order;
- Referral to an attendance center;
- House arrest;
- Any other mode of non-institutional treatment; and
- Some combination of the measures listed above.

determine the feasibility of using existing mechanisms by seeking to expand their jurisdiction to encompass crimes committed during the TRC mandate period.

- The Government of Liberia should evaluate the possibility of proposing an amendment of the Rome Statute to grant jurisdiction to the International Criminal Court for crimes committed in Liberia before July 1, 2002.<sup>283</sup>
- The Government of Liberia should evaluate the possibility of proposing an amendment to the Economic Community of West African States treaty to grant the Community Court of Justice authority to redress criminal violations of international law committed by nationals of Member States.<sup>284</sup>
- The Government of Liberia should explore, with international and regional actors, the possibility of a bilateral agreement to try perpetrators using an ad hoc prosecutorial mechanism. Such discussions may include amending the Special Court

for Sierra Leone's statute to grant it jurisdiction over crimes committed in Liberia during the conflict, and using International Criminal Court facilities as a more secure mechanism to try perpetrators, as in the case of Charles Taylor.

### Amnesty

- The Government of Liberia must ensure that any grants of amnesty do not benefit perpetrators who violated international humanitarian law or who committed crimes against humanity, as specified in the TRC Act.<sup>285</sup>
- The process for requesting and the criteria for granting amnesty should be developed in consultation with civil society and victims groups. Criteria should be transparent and widely disseminated in a form that is accessible to all Liberians.
- The Government of Liberia must ensure that any grants of amnesty or clemency do not prejudice victims' right to reparation or the right to know.<sup>286</sup>

### Vetting

- The Government of Liberia must ensure that public officials and employees who are personally responsible for violations of human rights do not continue to serve in state institutions.<sup>287</sup> A vetting process is particularly important given that many individuals who participated in human rights violations may not realistically be subject to prosecution.
- The Government of Liberia must ensure that persons formally charged with individual responsibility for serious crimes under international law are suspended from official duties during criminal or disciplinary proceedings.<sup>288</sup>
- In undertaking vetting processes, the Government of Liberia should prioritize personnel reform in the military, law enforcement, intelligence services, the judiciary, and other institutions that are designed to uphold the rule of law.<sup>289</sup> Because vetting processes are already under way with regard to the military and police, attention should rapidly focus on the judiciary and the legislature.
- Any vetting process for government office holders and personnel should be carried out under a legal mandate, be individualized, guarantee fundamental due process of law, involve a fair hearing, utilize a preponderance of the evidence standard, and entail a right to appeal.<sup>290</sup> In any vetting process, a preliminary assessment of whether an individual was appointed in accordance with law should be undertaken, as that determination may eliminate the need for a vetting process because individuals who were illegally appointed can be immediately

#### **Potential Implementation Strategy: Vetting**

Because of the deep divisions in Liberian society, the widespread involvement in conflict activities, and the fundamental lack of civic trust, it may be useful to engage a non-Liberian entity to implement a vetting process.

removed.

### **Civil Claims**

- The Government of Liberia should guarantee broad legal standing to any wronged party and to any person or non-governmental organization having a legitimate interest in pursuing a civil action on behalf of a wronged party.<sup>291</sup>
- The Government of Liberia should ensure that its policies do not impede the efforts of individual Liberians or groups of Liberians to file claims in foreign jurisdictions for human rights and humanitarian violations committed during Liberia's civil wars, such as claims under the U.S. Alien Tort Claims Act or the Torture Victims Protection Act.

### SECTION V. CORRUPTION

Corruption, both real and perceived, has undermined the confidence of many Liberians in their government and other public and private institutions. The Government of Liberia has made combating corruption one of its top priorities. It must maintain vigilance in this regard in order to rebuild the confidence of Liberians inside and outside of Liberia.

The Government of Liberia is a state party to the U.N. Convention against Corruption<sup>292</sup> and the African Union Convention on Preventing and Combating Corruption.<sup>293</sup> Accordingly, the Government of Liberia is obligated to implement the provisions of these treaties, specifically ensuring the existence of an independent body, such as the newly established Anti-Corruption Commission, to oversee domestic implementation of the Conventions in the areas of conduct of public officials, public procurement, the judiciary, and prosecutors, as well as in the private sector. The Advocates recommends the following:

- The Government of Liberia should provide the U.N. Conference of the States Parties with information on its programs, plans, and practices, as well as on legislative and administrative measures to implement the U.N. Convention against Corruption.<sup>294</sup>
- The Government of Liberia should encourage the development of procedures for accreditation and active participation of relevant non-governmental organizations in the U.N. Convention against Corruption Conference of the States Parties.<sup>295</sup>
- The Government of Liberia should cooperate fully with the A.U. Advisory Board on Corruption.<sup>297</sup>

#### **Potential Implementation Strategy: 2004 Global Corruption Report**

In seeking to reduce corruption in the political sphere, the Government of Liberia may wish to consider the following strategies put forth in the 2004 Global Corruption Report:

1. Disclosure is one of the best methods to track corruption. The capacity to generate an audit trail is invaluable to both deterrence and accountability.
2. Enforcing asset disclosure laws is another means of countering the misuse of funds, as well as to facilitate and aid the work of enforcement bodies.
3. The Government of Liberia should aim for total rather than partial disclosure. Poor data quality or inconsistent interpretations thereof, limited access to data, and low quantity data constitute examples of partial disclosure and are to be avoided.<sup>296</sup>

In addition to these core treaties, relevant non-governmental organization and civil society monitoring reports provide a guiding framework in combating corruption. The Advocates recommends the following:

- The Government of Liberia should provide the newly established Anti-Corruption Commission with the necessary resources and enforcement powers to effectively carry out its mandate.
- The Government of Liberia should pass legislation that establishes and provides penalties for criminal acts constituting corruption including bribery of national public officials, embezzlement or misappropriation of public property by a public official, abuse of functions, bribery in the private sector, illicit enrichment, embezzlement in the private sector, laundering of proceeds of crime, and obstruction of justice.<sup>298</sup>

#### **Potential Implementation Strategy: 2007 Global Corruption Report**

In seeking to reduce corruption in the judicial sphere, the Government of Liberia may wish to consider the following strategies put forth in Transparency International's 2007 Global Corruption Report:

1. Development of an objective and transparent appointment process that will ensure that high quality candidates are selected without being indebted to an influential politician or senior judge.
2. Introduction of laws to protect judicial salaries and working conditions in order to ensure that judicial rulings are free from manipulation and intimidation.
3. Limits on judicial terms of ten years, not subject to renewal, so that judges do not allow anticipation of term renewal to affect their rulings.
4. Adoption of a confidential complaint procedure to trigger an investigation by an independent body to address claims of judicial corruption.<sup>299</sup>

- The Government of Liberia should actively prosecute individuals who commit crimes of corruption.
- The Government of Liberia should update criminal procedure laws to ensure that a longer statute of limitations is linked to discovery of acts of corruption and that whistleblower witnesses can be protected as they give evidence in court through the use of technology to shield their identity.
- The Government of Liberia should ensure that public officials declare assets prior to taking office and continue to do so regularly during the course of their tenures so as to better monitor illicit enrichment.
- The Government of Liberia should ensure the dissemination of and adherence to its public officials' code of conduct and rules and procedures for civil servants.
- The Government of Liberia should establish a Civil Service Commission and ensure timely, adequate remuneration of civil servants.
- The Government of Liberia should focus on strengthening and auditing both the internal control and the compliance culture in the entire system of public procurement and management of public finance.



- The Government of Liberia should ensure transparency and competitive bidding in the process of public procurement and concessions.
- The Government of Liberia should develop a national policy on decentralization across ministries, as well as clear guidelines and a timeframe for implementation.
- The Government of Liberia should advance reforms that provide increased opportunities for political participation on the local and county levels.
- The Government of Liberia should ensure that the tax system is structured so that a proportion of taxes stay in the county for the purposes of development, education, rebuilding infrastructure, etc.
- The Government of Liberia should develop sustainable mechanisms for local constituencies to play a role in decision-making about resource allocation and prioritization in their areas.

### **Potential Implementation Strategy: 2005 Global Corruption Report**

In seeking to reduce corruption in the sphere of public construction contracts as well as post conflict reconstruction, the Government of Liberia may wish to consider the following strategies put forth in Transparency International's 2005 Global Corruption Report:

1. Opening of state awarded contracts to competitive bidding free of favor. A reasonable amount of time must be given between the selection and signing of the contract, so as to allow any aggrieved competitor an opportunity to challenge the decision.
2. Provision of open access to all information regarding the contract, save what is legally protected, by the contracting authority.
3. Decentralization to ensure that contractor selection, contracting supervision, and project control are based in separate offices.
4. Adequate remuneration of and regular rotations for staff in sensitive positions.<sup>300</sup>

## SECTION VI. ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

An overriding concern of statement givers in the diaspora was the sustainable and equitable development of Liberia's people, infrastructure, and natural resources. Statement givers generally outlined rebuilding of schools, hospitals, and roads as paramount priorities. Sanitation, electricity, business investment, and agriculture were also important. The right to sustainable and equitable development is already enshrined in Liberia's constitution, which states that the government "shall, consistent with the principles of individual freedom and social justice...manage the national economy and the natural resources of Liberia in such manner as shall ensure the maximum feasible participation of Liberian citizens under conditions of equality [so] as to advance the general welfare of the Liberian people and the economic development of Liberia."<sup>301</sup> In addition, the Liberian constitution provides for equal access to education and employment.<sup>302</sup>

Much action and planning related to sustainable and equitable development in Liberia, including education and healthcare, is already underway as part of the national Poverty Reduction Strategy. This strategy document provides policy guidance for development priorities in Liberia and should receive the support of national, regional, and international actors, donors, and policy makers.

Apart from these domestic initiatives, the Government of Liberia has ratified the main international treaty that pertains to these issues – the International Covenant on Economic, Social and Cultural Rights. Although many of the international principles relevant to sustainable and equitable development and economic and social rights are not contained in any treaty, the Government of Liberia should undertake the following actions with regard to international treaties:

- Dedicate appropriate and sufficient resources to submit its initial periodic report to the CESCR;
- Ratify and incorporate into domestic law International Labour Organisation (No. 117) Social Policy (Basic Aims and Standards) Convention;
- Work toward the full implementation of the recommendations of the Committee on the Rights of the Child in its 2004 concluding observations relating to education;
- Dedicate appropriate and sufficient resources to submit its report to the Secretary-General of the OAU describing the measures taken to give effect to the rights set forth in the African Charter on the Rights and Welfare of the Child;<sup>303</sup>
- Ratify and incorporate into domestic law the Convention on Technical and Vocational Education, which sets forth the standards relating to the development of technical and vocational education;
- Dedicate appropriate and sufficient resources to submit all due and overdue periodic reports to the Committee on the Elimination of All Forms of Discrimination against Women without delay, and dedicate appropriate and sufficient resources to submit its second and

third periodic reports to the Committee on the Rights of the Child describing the measures taken to give effect to the rights set forth in the Convention on the Rights of the Child by July 3, 2009; and

- Take all appropriate legislative and other necessary measures to ensure that the provisions related to health in the International Covenant on Economic, Social and Cultural Rights, the African Charter on Human and Peoples' Rights, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and the African Charter on the Rights and Welfare of the Child are fully reflected in domestic law and practice.

The Liberian constitution, International Covenant on Economic, Social and Cultural Rights, the Social Policy (Basic Aims and Standards) Convention, the Declaration on the Right to Development, Declaration on Social Progress and Development, and Millennium Development Goals provide a guiding framework in making recommendations related to sustainable and equitable development in Liberia. The Advocates recommends the following:

- The Government of Liberia should direct its policies toward the “well-being and development of the population and to the promotion of its desire for social progress,” with “due regard to [more general policies’] effect upon the well-being of the population.”<sup>304</sup> When planning economic development, “improvement of standards of living [must] be regarded as the principal objective.”<sup>305</sup>
- The Government of Liberia should recognize that everyone has the right to enjoy the “highest attainable standard of physical and mental health.”<sup>307</sup> The Liberian government should take steps to achieve realization of this right, including measures required for:
  - The reduction of the stillbirth-rate and infant mortality and for the healthy development of the child;
  - The improvement of all aspects of environmental and industrial hygiene;
  - The prevention, treatment, and control of epidemic, endemic, occupational, and other diseases; and
  - The creation of conditions that would assure to all citizens medical service and medical attention in the event of sickness

### **Potential Implementation Strategy: Education and Agricultural Development**

In Malawi, the *Millennium Villages Project* impacts the lives of people on many levels. The program provides fertilizer and maize seeds for cultivation on individual farms. Those who receive these supplies must contribute bags of maize to a community grain bank after cultivation. The community participating in the program also sets aside land to raise new trees and plants nitrogen-fixing trees to ensure the sustainability of the program. Finally, the community grain bank allows the community not only to access maize at a price agreed upon by the community when government grain provision is running low, but also to use the maize as a part of a feeding program for the community schools. Community volunteers prepare the community maize to provide meals once a day to pupils; the provision of meals has greatly enhanced education performance in the area.<sup>306</sup>

or injury.<sup>308</sup>

- The Government of Liberia should ensure all necessary measures for the realization of the right to development, including equality of opportunity for all to access basic resources, education, health services, food, housing, employment, and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.<sup>310</sup>

#### **Potential Implementation Strategy: Water Pumps as Toys**

PlayPumps International has developed a roundabout (merry-go-round) toy that pumps water whenever children spin on it. The roundabout has the capacity to pump 1400 liters of water per hour from underground into a storage tank. Furthermore, communities can use the 2,500 liter storage tanks to lease space for educational messages about health or consumer advertising—profits from which can finance the pump’s maintenance.<sup>309</sup>

#### **Potential Implementation Strategy: Income Generation through the SEED Program**

In Mozambique, the *Sustainable and Effective Economic Development (SEED)* Program aims to reduce poverty by diversifying both agricultural and non-agricultural income-generating activities and increasing local access to and control over these activities. The project “1) strengthens and increases farmers’ links with civil society, government, and private sector partners who can contribute to commercial opportunities; 2) builds farmers’ capacity to identify, develop, and manage agricultural activities with the greatest potential for commercialization; and 3) builds farmers’ capacity to identify and develop non-agricultural economic opportunities with the greatest income-generating potential.” It has included access to technical services for agricultural projects, training on techniques, and training on business topics.<sup>311</sup>

- The Government of Liberia shall recognize the right of everyone to “enjoy the benefits of scientific progress and its applications.”<sup>312</sup> Cooperation between the private sector and the state should make available the “benefits of new technologies, especially information and communications.”<sup>313</sup>
- The Government of Liberia, in concert with the international community, should take action to implement measures toward:
  - advancement of industrialization with due regard for its social aspects, in the interests of the entire population;
  - development of an adequate organization and legal framework conducive to an uninterrupted and diversified growth of the industrial sector;
  - measures to overcome the adverse social effects which may result from urban development and industrialization, including automation;
  - maintenance of a proper balance between rural and urban development; and
  - in particular, measures designed to ensure healthier living conditions, especially in

large industrial centers.

### Education

Liberians again and again told the TRC that lack of education was a primary cause of the civil crises in Liberia and they recommended that education be the basis for Liberia’s development going forward. The Constitution of Liberia enshrines this national priority, stating that the government must provide “equal access to educational opportunities and facilities for all citizens” and placing emphasis on “the mass education of the Liberian people and the elimination of illiteracy.”<sup>314</sup> In addition, the Government of Liberia has ratified the Convention against Discrimination in Education and the African Charter on the Rights and Welfare of the Child which create legally binding obligations relative to the provision of free and compulsory primary education, access to education without discrimination, and making higher and vocational educational accessible and available.<sup>315</sup> Drawing on these and other relevant international standards, The Advocates recommends the following:

- The Government of Liberia should recognize that everyone has the right to education, which is to be directed to the “full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms...[E]ducation shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.”<sup>316</sup>
- The Government of Liberia should increase access to education by ensuring respect for the right to education without discrimination based on “race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth.”<sup>319</sup>
- In compliance with the Convention on the Elimination of All Forms of Discrimination Against Women and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, the Government of Liberia should eliminate discrimination against women in order to ensure to them equal rights with men in the

#### **Potential Implementation Strategy: Increase Access to Primary Education through Elimination of User Fees Charged by Public Schools**

The Government of Liberia should take measures to eliminate user fees charged by public primary schools by ensuring such institutions need not resort to charging fees to fund operations, which leads to large dropout rates due to economic hardship on their parents.<sup>317</sup> Nevertheless, as the World Bank notes, to ensure that the abolition of user fees does not adversely affect the quality of education, other revenue sources must be available to replace user fees.<sup>318</sup> The role of the donor community is indispensable to achieving elimination of these user fees. The Government of Liberia should work with the donor community to eliminate user fees and find alternative funding for education.

field of education and, in particular, to ensure on a basis of equality of men and women the “reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely.”<sup>320</sup>

### **Potential Implementation Strategy: Increasing the Enrollment of Girls in School**

Efforts to increase girls’ enrollment should include not only gender-neutral measures to increase accessibility, but measures to address social and cultural practices that discriminate against women and girls.

The Women’s Refugee Commission (formerly the Women’s Commission for Refugee Women and Children) provides strategies in this regard, e.g. conduct public sensitization on education of girls, enforce prohibitions against early marriage, carry out reproductive health campaigns aimed at eliminating teenage pregnancy, ensure that schools have adequate facilities including restrooms for girls, and prohibit and punish sexual violence against girls in schools. The government should explore, with donor agencies, the possibility of providing economic incentives or wage-earning opportunities to girls, particularly girl mothers, who attend school.<sup>321</sup>

The Bangladesh Female Secondary School Assistance Program used the following implementation strategies when seeking to increase rural girls’ enrollment and retention in secondary schools: 1) providing scholarships that cover tuition, books, school supplies, and transport for rural girls; 2) increasing the number of female teachers; 3) educational/training programs to educate communities on the importance of girls’ education; and 4) the reformation of curricula to include relevant occupational skills to girls.<sup>322</sup>

Other models include Canadian programs in Egypt that have created flexible schooling schedules to better enable girls in rural environments to attend school while still doing their work at home.<sup>323</sup>

- The Government of Liberia should ensure that educational quality not be compromised in the wake of increased enrollment under Liberia’s free and compulsory primary education policy.<sup>324</sup> The Liberian government should assign high priority to earmarking an adequate proportion of the national budget for the development of education.<sup>325</sup>
- The Government of Liberia should take steps to improve Liberian teachers’ socioeconomic status, living and working conditions, terms of employment, and future professional prospects.<sup>326</sup>
- The Government of Liberia should undertake “as a matter of urgency” to eradicate overcrowding, as well as shortages of educational materials and qualified teachers.<sup>327</sup>
- The Government of Liberia should reform the salary and payment structure for teachers to ensure teachers receive adequate wages in a manner that is both timely and accessible. In particular, teachers’ salaries should reflect the importance of the teaching profession, teachers, and their responsibilities; correlate with other jobs’ wages requiring similar qualifications, as well as be commensurate with teachers’ certifications; and provide teachers “with the means to ensure a reasonable standard of living for themselves and their families as well as to invest in further education or in the pursuit of cultural activities, thus enhancing their professional qualification.”<sup>328</sup>

- With regard to rural teachers, the Government of Liberia should take steps to accommodate their situation, for example, through the provision of free or subsidized housing, payment of travel and moving expenses, and provision of travel expenses to maintain their professional qualifications.<sup>331</sup>
- The Government of Liberia should prioritize the recruitment, selection, training, and retention of teachers in Liberia. The Advocates recommends that the 1966 ILO/UNESCO Recommendation concerning the Status of Teachers and the 1997 U.N. Educational, Scientific, and Cultural Organisation Recommendation concerning the Status of Higher Education Teaching Personnel serve as the guiding framework with regard to this issue. In particular, the Government of Liberia should:
  - Provide adequate spots for training teachers and incentives to complete teacher certification,<sup>332</sup>
  - Require completion of secondary school and the teacher training institute to teach in Liberia, recognizing there may be exceptions for persons who possess valuable experience, especially in vocational and technical areas; and<sup>333</sup>
  - Work toward the creation of more teacher training institutions. To this end, refer particularly to the guidelines in the Teacher Preparation Programmes and Teacher Preparation Institutions sections of the ILO/UNESCO Recommendation concerning the Status of Teachers.<sup>334</sup>

### Potential Implementation Strategy: Scaled Salaries for Teachers

The Kosovo government increased salaries for all teachers, varying those increases according to education credentials; the range of increases spanned from up to 22% for teachers with certification from a teachers' college to up to a 47% increase for masters and Ph.D. level educators.<sup>329</sup> Also, one agency coordinated the range of training initiatives launched by non-governmental organizations, communities, and agencies so as to provide clarity regarding the options and also to assist the Ministry of Education in developing its teacher training policy.<sup>330</sup>

### Potential Implementation Strategy: Increase Female Representation in the Teaching Profession

Take active steps to increase recruitment and retention of females to the teaching profession. The Women's Commission on Refugee Women and Children notes that this will require increasing female enrollment that stems largely from low enrollment of girls in higher primary and post-primary grades.<sup>335</sup> Thus, implementing recommendations related to education of the girl child is essential to achieving this goal.

- The Government of Liberia should identify strategies and implement programs and curricula for technical and vocational education designed for young people and adults, within the framework of their respective education systems. Such programs should enable them to acquire the knowledge and skills “essential to economic and social development as well as to



the personal and cultural fulfillment of the individual.”<sup>336</sup>

## Healthcare

Much of the trauma Liberians experienced during the conflict has gone untreated or remains under-treated, and Liberians remain in need of both basic and specialized health care services, including mental health services. The international instruments discussed at the beginning of this section provide a guiding framework for effective implementation of the right to health for Liberians, specifically making clear that every individual has a right to the best attainable state of physical and mental health. The Advocates recommends the following:

- The Government of Liberia should ensure that the right to health includes both “timely and appropriate health care,” as well as the “underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information, including education on sexual and reproductive health.”<sup>337</sup>
- To fully recognize the right to health, the Government of Liberia should base activities on the premise that the right to health includes the following elements as defined by the Committee on Economic, Social and Cultural Rights:<sup>338</sup>
  - *Availability.* Functioning public health and health-care facilities, goods, and services, as well as programs, have to be available in sufficient quantity. The precise nature of the facilities, goods, and services will vary depending on numerous factors, including Liberia’s developmental level. At a minimum, however, they will include the underlying determinants of health, such as:
    - safe and potable drinking water and adequate sanitation facilities,
    - hospitals, clinics, and other health-related buildings,
    - trained medical and professional personnel receiving domestically competitive salaries, and
    - essential drugs, as defined by the WHO Action Programme on Essential Drugs.

### Potential Implementation Strategy: Coupling Health Education with Healthcare Packages

In Mexico the program *Oportunidades* included a component whereby health packages were provided to families, and those health packages included mandatory health promotion talks that educated families on issues of reproductive health.<sup>339</sup> The Government of Liberia may consider similar education campaigns to help combat issues associated with reproductive health such as early pregnancy, HIV/AIDS, STI transmission, maternal care, and other health issues.



- *Accessibility.* Health facilities, goods, and services have to be accessible to everyone without discrimination within Liberia. Accessibility has four overlapping dimensions:
  - Non-discrimination: health facilities, goods, and services must be accessible to all, especially the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds.
  - Physical accessibility: health facilities, goods, and services must be within safe physical reach for all sections of the population, especially vulnerable or marginalized groups, such as ethnic minorities and indigenous populations, women, children, adolescents, older persons, persons with disabilities, and persons with HIV/AIDS. Accessibility also implies that medical services and underlying determinants of health, such as safe and potable water and adequate sanitation facilities, are within safe physical reach, including in rural areas. Accessibility further includes adequate access to buildings for persons with disabilities.
  - Affordability: health facilities, goods, and services must be affordable for all. Payment for health care services, as well as services related to the underlying determinants of health, must be based on the principle of equity, ensuring that these services, whether privately or publicly provided, are affordable for all, including socially disadvantaged groups. Equity demands that poorer households should not be disproportionately burdened with health expenses as compared to richer households.
  - Information accessibility: accessibility includes the right to seek, receive and impart information and ideas concerning health issues. Accessibility of information, however, should not impair the right to have personal health data treated with confidentiality.
- *Acceptability.* All health facilities, goods, and services must be respectful of medical ethics and respectful of the culture of individuals, minorities, peoples and communities, sensitive to gender and life-cycle requirements, and be designed to respect confidentiality and improve the health status of those concerned.
- *Quality.* Health facilities, goods, and services must also be scientifically and medically appropriate and of good quality. This requires skilled medical personnel, scientifically approved and unexpired drugs and hospital equipment, safe and potable water, and adequate sanitation.
- Counseling and psycho-social support should be available to all victims and their dependents as needed. To this end, the government should collaborate with mental health organizations to provide training to religious organizations, non-governmental organizations, and community-based groups on this issue.<sup>340</sup> Mental health care should also be context-appropriate and gender- and culturally-sensitive, and it should avoid re-victimization and stigmatization.<sup>341</sup> The government should sensitize those working in services such as education and civil

society to mental health issues and care.<sup>342</sup> It should also utilize and help rebuild traditional and community-based support mechanisms as a way of promoting mental health of the population.<sup>343</sup> When addressing the mental health needs of people, the government should refer to the recommendations set forth in the Declaration of Cooperation in Mental Health of Refugees, Displaced and Other Populations Affected by Conflict and Post-Conflict Situations (2000) as a guiding framework.<sup>344</sup>

- Health care to treat physical ailments should be available to all victims, in particular those who sustained injuries during the war and victims of sexual violence.
- The Government of Liberia should ensure the promotion of women's right to health, including sexual and reproductive health.<sup>346</sup>

This right includes:

- the right to control fertility;
- the right to decide whether to have children, the number of children, and the spacing of children;
- the right to choose any method of contraception;
- the right to self-protection and to be protected against sexually transmitted infections, including HIV/AIDS;
- the right to be informed on one's health status and on the health status of one's partner, particularly if affected with sexually transmitted infections, including HIV/AIDS, in accordance with internationally recognized standards and best practices;
- the right to have family planning education; and<sup>347</sup>
- the right to maternal health and nutritional services.<sup>348</sup>

#### **Potential Implementation Strategy: Public Education on Reproductive Health**

Studies by the Guttmacher Institute looking at groups of African countries have found several implementation strategies that are particularly necessary or effective for addressing issues of reproductive health.<sup>345</sup> For example, mass media--particularly radio, and also television and newspapers--was found to be a major source of information for youth. Television shows or government newspapers with programs addressing issues of sexual and reproductive health had a positive impact. People in traditional roles had a large impact through disseminating information, and thus education and awareness programs targeted at these leaders are essential. Importantly, those interventions that were most comprehensive and relied on multiple sectors such as schools, health systems, and communities, had the greatest impact. The Government of Liberia may wish to consider similar strategies when seeking to promote and enhance reproductive health.

### SECTION VII. NON-DISCRIMINATION MEASURES RELATED TO MINORITIES AND WOMEN

Statement givers clearly identified discrimination as a major root cause of the conflict in Liberia. Protection of minorities both through assuring non-discrimination and through affirmative action to address past discriminatory policies should be the central tenets of regaining national unity. One of the key doctrines of protecting against discrimination is constitutionalization of an anti-discrimination norm.<sup>349</sup> Liberia's constitution already enshrines several important non-discrimination principles. Article 11(a) states that all "persons, irrespective of ethnic background, race, sex, creed, place of origin or political opinion, are entitled to the fundamental rights and freedoms of the individual, subject to such qualifications as provided for in this Constitution." Also, the constitution specifically protects the right to equal employment regardless of membership in any of the aforementioned categories.<sup>350</sup> The constitution includes a policy directive to provide equal access to educational opportunities and facilities for all citizens.<sup>351</sup>

#### Protection of Minorities

Minorities for the purpose of international human rights are groups in a non-dominant position relative to the state who possess ethnic, religious, or linguistic characteristics differing from the rest of the population, and who demonstrate a sense of solidarity directed towards preserving their distinctive collective identity.<sup>352</sup> Targeting of ethnic, religious, and linguistic groups during the conflict was widely reported by statement givers and must be addressed in order to rebuild national unity in Liberia.

Liberia acceded to the International Convention on the Elimination of All Forms of Racial Discrimination in 1976 and is accordingly obligated to implement the terms of that international treaty. Liberia has never submitted a periodic report to the Committee on the Elimination of Racial Discrimination.<sup>353</sup> The Convention on the Elimination of All Forms of Racial Discrimination, relevant treaty body instruments, the Convention against Discrimination in Education, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief provide a guiding framework for the right to be free from discrimination. The Advocates recommends the following:

- The Government of Liberia should support an amendment to the Liberian Constitution to protect against discrimination based on ethnicity, tribe, and language.
- The Government of Liberia should ensure that Liberia's constitutional protections against discrimination are fully enforced through implementing legislation and national policy.<sup>354</sup>
- The Government of Liberia should take all appropriate legislative measures to ensure that the provisions of the Convention on the Elimination of All Forms of Racial Discrimination are fully reflected in domestic law.<sup>355</sup>

- The Government of Liberia should undertake as quickly as possible to comply with Article 9 of the Convention on the Elimination of All Forms of Racial Discrimination requiring a “report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention.” In submitting its report to the United Nations Committee on the Elimination of Racial Discrimination, Liberia should pay particular attention to reviewing the current status of its laws relative to the right to a nationality,<sup>356</sup> the right to property,<sup>357</sup> and the right to inherit,<sup>358</sup> as well as the full scope of economic, social, and cultural rights.<sup>359</sup>

#### **Potential Implementation Strategy: Constitutional Protections against Discrimination**

The Ugandan constitution provides for a wide array of protected classes. “(1) All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law. (2) Without prejudice to clause (1) of this article, a person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability. (3) For the purposes of this article, “discriminate” means to give different treatment to different persons attributable only or mainly to their respective descriptions by sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability. (4) Nothing in this article shall prevent Parliament from enacting laws that are necessary for— (a) implementing policies and programmes aimed at redressing social, economic, educational or other imbalance in society; or (b) making such provision as is required or authorised to be made under this Constitution; or (c) providing for any matter acceptable and demonstrably justified in a free and democratic society.”<sup>360</sup> The constitution of Malawi prohibits discrimination on the basis of several enumerated statuses as well as “other status.”<sup>361</sup>

- The Government of Liberia should welcome the offer of the Committee on the Elimination of Racial Discrimination to send a representative to visit Liberia and to initiate dialogue on full and effective implementation of its obligations under the Convention.<sup>362</sup>

#### **Protection of Minorities: Education**

- The Government of Liberia should ensure that its national educational policy is developed in compliance with international standards on non-discrimination, in particular the Convention against Discrimination in Education, which Liberia ratified in 1962.<sup>363</sup> The policy should expressly include non-discrimination measures and

#### **Potential Implementation Strategy: Bilingual Education**

Many children learn most effectively when they learn through the medium of their first language; however, providing primary education in all Liberian indigenous languages likely would prove an insurmountable barrier. U.N. Educational, Scientific, and Cultural Organisation suggests that bilingual education in an official language and in an indigenous language is an appropriate strategy to ensure that children have equal opportunity to learn and maintain their cultural heritage.<sup>364</sup>

should provide for effective individual complaint mechanisms to ensure enforcement of those measures.

- The Government of Liberia should ensure that indigenous African traditional knowledge is a component of the national educational policy. The Liberian national educational policy should provide for inclusion of local knowledge and practices into the framework of the formal education system,<sup>365</sup> in compliance with international human rights standards.
- The Government of Liberia should ensure that educational materials, teacher recruitment and training, and curricular development all promote intercultural education.<sup>366</sup>
- The Government of Liberia must ensure that persons belonging to minorities have adequate opportunities to gain knowledge of the society as a whole, have the right to all levels and forms of education of the State without discrimination, and have access, when possible, to an education in their own culture and provided in their own language.<sup>367</sup>

### Protection of Minorities: Land & Cultural Rights

- The Government of Liberia should ensure that commercial and development initiatives conduct pre-implementation assessments of proposed projects' impact on traditional land use patterns and on marginalization of local communities. Where assessments indicate that there would be a negative impact, project redesign should be undertaken in consultation with local communities.
- The Government of Liberia should develop a national policy on protection of cultural rights, including measures detailing how Liberia will provide resources, and take other affirmative action to guarantee the exercise of cultural rights.<sup>368</sup>

#### Potential Implementation Strategy: Using a Local-Knowledge Approach

Villages in both Guatemala and Bolivia take a local-knowledge approach in order to make learning more accessible and holistic. In a Guatemalan village, Save the Children's Early Childhood Development project created lessons through the lenses of Mayan folklore, developing children's cognitive abilities, communication, and problem solving skills.<sup>369</sup> This encouraged respect for Mayan values, as well as for nature and family. Women in Bolivia gain literacy skills in their indigenous language as they read about relevant health issues.<sup>370</sup>

### Protection of Minorities: Linguistic Rights

- The Government of Liberia should take measures wherever possible to ensure that persons belonging to minorities have "adequate opportunities to learn their mother tongue or to have instruction in their mother tongue."<sup>371</sup>

- The Government of Liberia should engage in a national consultative process focused on developing a strategy for protection and promotion of indigenous languages as well as a framework for ensuring that linguistic barriers do not prohibit Liberians from effectively exercising their rights and benefiting from opportunities.
- The Government of Liberia should ensure that protection of indigenous languages is embedded in appropriate legislation, including the constitution.

### **Protection of Minorities: Religion**

- The Government of Liberia should “take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life”<sup>372</sup> in full-consideration of the directives in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief as well as the African Charter on Human and Peoples’ Rights.<sup>373</sup>
- The Government of Liberia should “make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and...take all appropriate measures to combat intolerance on the grounds of religion or other.”<sup>374</sup> In particular, national holidays and official government closures should be evaluated in light of discrimination on the basis of religion or belief.<sup>375</sup>
- To ensure that the Liberian constitutional and legislative system provides adequate and effective guarantees of freedom of thought, conscience, religion, and belief to all without distinction, the Government of Liberia should ensure provision of effective remedies in cases where the right to freedom of thought, conscience, religion, or belief, and the right to practice freely one’s religion, including the right to change one’s religion or belief, is violated.<sup>376</sup>

### **Protection of Minorities: Disability Access Rights**

- The Government of Liberia should ratify and incorporate into Liberian law the Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities and its First Optional Protocol.<sup>377</sup>
- The Government of Liberia should institute appropriate measures for the rehabilitation of mentally or physically disabled persons, especially children and youth, so as to enable them to the fullest possible extent to be productive and participating members of society. These measures should include the provision of treatment and technical appliances, education, vocational and social guidance, training and selective placement, and other assistance required to create social conditions in which the handicapped are not discriminated against because of their disabilities.<sup>378</sup>

### **Women's Human Rights**

Women in Liberia experienced violence and other forms of discrimination as a result of their sex, prior to, during, and after the conflict. Many women spoke to the TRC about the structural societal constraints that impact their lives in Liberia. But women also play powerful social, economic, political, and other roles in Liberian culture. Ensuring their safety, health, participation, and empowerment in all aspects of Liberian society will be essential to developing the full potential of the Liberian nation in the post-conflict era. The Government of Liberia has ratified the Convention on the Elimination of All Forms of Discrimination against Women and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and is therefore bound to the obligations set forth in those treaties. The Government of Liberia has signed, but not ratified, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

Making a commitment to women's human rights through international instruments is an important component of protecting and empowering women in Liberia. Accordingly, The Advocates recommends that the Government of Liberia:

- Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- Dedicate appropriate and sufficient resources to submit all due and overdue periodic reports to the Committee on the Elimination of All Forms of Discrimination against Women;
- Dedicate appropriate and sufficient resources to submit a report describing the legislative and other steps taken to achieve the rights set forth in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.<sup>379</sup>

The international treaties and declarations discussed above provide a guiding framework for the promotion and protection of women's human rights in Liberia. In addition, many of the issues pertinent to women's human rights intersect with other recommendations that are described elsewhere in this report. The Advocates makes the following recommendations:

### **Women's Human Rights: Ending Violence against Women**

- The Government of Liberia should condemn violence against women as defined in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and in the Convention on the Elimination of All Forms of Discrimination against Women. Specifically, "violence against women means all acts perpetrated against women which cause or could cause them physical, sexual, psychological, or economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during



situations of armed conflicts or of war.”<sup>380</sup>

- The Government of Liberia should “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”<sup>381</sup>
- The Government of Liberia should work toward the full implementation of the measures outlined in article 4 of the U.N. Declaration on the Elimination of Violence Against Women, specifically:

- Exercise due diligence to prevent, investigate, and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons;
- Develop penal, civil, labor, and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence; women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered; States should also inform women of their rights in seeking redress through such mechanisms;
- Consider the possibility of developing national plans of action to promote the protection of women against any form of violence, or to include provisions for that purpose in plans already existing, taking into account, as appropriate, such cooperation as can be provided by non-governmental organizations, particularly those concerned with the issue of violence against women;
- Work to ensure, to the maximum extent feasible in the light of available resources

**Potential Implementation Strategy:  
Self-sustaining Shelters for Victims of  
Violence against Women**

In Bulgaria, the organization Open Door Center provides legal and other assistance to women victims of violence. The Municipality of Pleven gave permission to the shelter to operate economic activities. The laundry service run by Open Door Center enables it to generate revenue that is re-invested into providing assistance to women victims of violence. This model enables the group to maintain a self-sufficient shelter for victims of violence that is not dependent on external funding from governmental or international sources.<sup>382</sup>

**Potential Implementation Strategy: Gender Mainstreaming in Government-funded Programs**

The Government of Liberia may wish to consider mainstreaming actions to combat violence against women into its government funded programs, projects, or loans. For example, the Inter-American Development Bank has developed loan practices that integrate gender concerns into its projects. When making loans that relate to citizen security, the relevant projects have included funding to raise awareness on domestic violence; funding for training of police and judges on issues of domestic violence; funding that enables government security information systems that contain relevant and accurate data on domestic violence; and funding to women’s non-governmental organizations with expertise in the area of domestic violence.<sup>383</sup>



and, where needed, within the framework of international cooperation, that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counseling, and health and social services facilities and programs, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation;

- Include in government budgets adequate resources for activities related to the elimination of violence against women;
- Take measures to ensure that law enforcement officers and public officials responsible for implementing policies to prevent, investigate and punish violence against women receive training to sensitize them to the needs of women;
- Adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices, and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women;
- Promote research, collect data, and compile statistics, especially concerning domestic violence, relating to the prevalence of different forms of violence against women and

### **Beijing Platform for Action: Twelve Areas of Concern**

The Beijing Platform for Action reaffirms that the rights of women and girls are an “inalienable, integral and indivisible part of universal human rights.”<sup>384</sup> The Platform for Action calls upon governments to take action in 12 areas of concern. The Advocates recommends that when designing national policies and programs to address women’s human rights the Government of Liberia take into account these critical issues:

- The persistent and increasing burden of poverty on women
- Inequalities and inadequacies in and unequal access to education and training
- Inequalities and inadequacies in and unequal access to health care and related services
- Violence against women
- The effects of armed or other kinds of conflict on women, including those living under foreign occupation
- Inequality in economic structures and policies, in all forms of productive activities and in access to resources
- Inequality between men and women in the sharing of power and decision-making at all levels
- Insufficient mechanisms at all levels to promote the advancement of women
- Lack of respect for and inadequate promotion and protection of the human rights of women
- Stereotyping of women and inequality in women’s access to and participation in all communication systems, especially in the media
- Gender inequalities in the management of natural resources and in the safeguarding of the environment
- Persistent discrimination against and violation of the rights of the girl child.<sup>385</sup>

encourage research on the causes, nature, seriousness and consequences of violence against women and on the effectiveness of measures implemented to prevent and redress violence against women; those statistics and findings of the research will be made public; and

- Encourage the development of appropriate guidelines to assist in the implementation of the principles set forth in the U.N. Declaration on the Elimination of Violence Against Women.

### **Women’s Human Rights: Anti-discrimination Measures**

Discrimination against women is pervasive in Liberia. As outlined in article 1 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, discrimination against women means any distinction, exclusion, or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment, or the exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres of life. In order to begin to address the problem of discrimination against women in Liberia, the Government of Liberia should undertake to fully implement the provisions of the Protocol and of the Convention on the Elimination of All Forms of Discrimination against Women.

- In order to comply with article 2 of the Convention on the Elimination of All Forms of Discrimination against Women and the Protocol, the Government of Liberia should:
  - Support efforts to include specific language embodying the principle of equality between men and women in the national constitution;
  - Adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
  - Ensure that public authorities and institutions shall act in conformity with this obligation;
  - Take appropriate measures to eliminate discrimination against women by any person, organization, or enterprise; and
  - Take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs, and practices that constitute discrimination against women.
- The Government of Liberia should “prohibit and condemn all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognized international standards.”<sup>386</sup> The Government of Liberia should take all necessary, appropriate, and effective measures to eliminate harmful traditional practices, which measures may include increasing public awareness about the harmful traditional practices, providing assistance (such as health, legal, judicial, emotional support, and vocational training) to victims of harmful practices, and protecting women at-risk of harmful practices.<sup>387</sup>
- The Government of Liberia should prohibit and take appropriate steps to eliminate the

practice of female genital mutilation.<sup>388</sup> Such steps could include data gathering and dissemination, involving public figures and community leaders in shifting societal attitudes toward eliminating this practice, use of educational and training programs, and incorporation of appropriate strategies in national health policies.<sup>389</sup>

- The Government of Liberia should ensure the protection of the human rights of widows by, among other things, ensuring that: 1) they are not subject to inhuman, humiliating, or degrading treatment; 2) upon a husband's death, the widow becomes the guardian and custodian of her children subject to the best interest of the child; 3) a widow has the right to remarry a person of her choosing; and 4) widows have the "right to an equitable share in the inheritance" of the husband's property including continued residence in the matrimonial home.<sup>391</sup>
- The Government of Liberia should ensure the elimination of discrimination against women in all matters relating to marriage and family relations.<sup>392</sup>
- The Government of Liberia should ensure that national laws comply with standards set forth in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, including setting forth a minimum age of 18 years to marry, encouraging of monogamous marriages, promoting and protecting women's rights in polygamous marriages, and providing for the written registration of all marriages for purposes of legal

### **Potential Implementation Strategy: De Jure Protection of Women's Rights in Marriage**

When drafting or modifying legislation to eliminate discrimination against women, the Government of Liberia may wish to consider Mozambique's Family Law (2005) as a potential model for women's protecting human rights in marriage. Some of the measures that the Family Law codifies include the following:

- Raising the minimum age of marriage for girls to 18
- Permitting women to seek divorce in cases of domestic violence or infidelity
- Legally recognizing customary or non-formal traditional marriages
- Ensuring the right of women to create and enforce prenuptial agreements
- Protecting the right of women to work outside the home without the permission of a husband or male relative
- Ensuring the right of women to buy, own, and manage property or other financial assets
- Promoting the sharing of authority as head of household between men and women.<sup>390</sup>

### **Potential Implementation Strategy: Long-distance Skills Training**

The Gobi Women's project, which took place in Mongolia, broadcasted radio programs as a means of providing informal skills training to women long-distance. The topics, based on a needs assessment conducted in coordination with communities, included survival tools (making saddles, boots, etc., producing wool), health issues (family planning, first aid, nutrition), and commercial skills (price negotiating, handling money). Programs were broadcast twice a week at times most convenient for the women. If women were unable to tune in at that time, learning centers offered tapes of the program. Visiting teachers would come and answer any questions; guidance booklets were also provided.<sup>394</sup>

recognition.<sup>393</sup>

- The Government of Liberia should ensure that women in traditional marriages not recognized by formal legal systems are guaranteed equality with men in the family and a share of earnings and property.<sup>395</sup> The Government of Liberia should ensure that laws protect and enforce a woman's right to choose when, if, and whom she will marry.<sup>396</sup>
- The Government of Liberia should take appropriate measures to ensure the enjoyment by rural women of the rights under the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and article 14 of the Convention on the Elimination of All Forms of Discrimination against Women, specifically ensuring their right to:
  - participate in the elaboration and implementation of development planning at all levels;
  - have access to adequate health care facilities, including information, counseling and services in family planning;
  - benefit directly from social security programs;
  - obtain all types of training and education, formal and non-formal, including functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
  - organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment; and
  - have access to agricultural credit and loans, marketing facilities, appropriate technology, and equal treatment in land and agrarian reform as well as in land resettlement schemes.

#### **Potential Implementation Strategy: Diesel-powered Multifunctional Platforms**

Rural women suffer a tremendous burden with respect to fuel collection – in terms of time, health, safety, and other issues. In Mali, the UN Industrial Development Organization and the International Fund for Agricultural Development developed diesel-powered multifunctional platforms to reduce the burdens on rural women.<sup>397</sup> The platforms included a diesel engine that supplied power that assisted with labor-intensive work such as agricultural processing, welding, water pumping, and electricity.<sup>398</sup> The Government of Liberia may want to consider implementing similar labor-saving energy services/ devices to help reduce the onus of acquiring fuel. Additionally, the program in Mali further advanced women's rights by involving women in the design, management, and implementation of the project of establishing the platform.<sup>399</sup> Such involvement placed women in decision-making positions and allowed them to give input on the project.

### **Women's Human Rights: Access to Equal Protection of the Law, Justice, and Right to a Remedy**

In order to ensure true equality for women in Liberia, women must stand equal before the law.<sup>400</sup>The

Advocates recommends the following:

- The Government of Liberia should accord to women in civil matters a legal capacity identical to that of men as well as the same opportunities to exercise that capacity. In particular, the government should give women equal rights to enter into contracts and to administer property and should treat them equally in all stages of procedure in courts and tribunals.
- The Government of Liberia should implement a national policy that all contracts and all other private instruments of any kind with a purported legal effect of restricting the legal capacity of women shall be deemed null and void.
- The Government of Liberia should accord to men and women the same rights relating to the movement of persons and the freedom to choose their residence and domicile.
- The Government of Liberia should take steps to increase women's access to free legal aid throughout Liberia.<sup>401</sup>

### **Potential Implementation Strategy: Training Paralegals to Raise Awareness**

A Rwandan association, *Haguruka*, has organized training sessions for hundreds of paralegals who can educate and guide women on their rights with respect to property and other issues.<sup>402</sup> The Government of Liberia may wish to consider facilitating similar resources to educate women and men on the rights of women and the recourses available where such rights have been violated.

### **Women's Human Rights: Economic Empowerment**

In order to fully participate in Liberian society, women must have equal opportunities in the area of work, professional advancement, and economic opportunities.<sup>403</sup> The Advocates recommends the following:

- The Government of Liberia should promote equality of access to employment;
- The Government of Liberia should recognize and enforce the right to equal remuneration for jobs of equal value for women and men;
- The Government of Liberia should ensure transparency in recruitment, promotion, and dismissal of women;
- The Government of Liberia should combat and punish sexual harassment in the workplace;
- The Government of Liberia should guarantee women the freedom to choose their occupation and protect them from exploitation by their employers;
- The Government of Liberia should create conditions to promote and support the occupations and economic activities of women, in particular, within the informal sector;
- The Government of Liberia should recognize and enforce the right of salaried women to the same allowances and entitlements for their spouses and children as those granted to salaried

- men;
- The Government of Liberia should take effective legislative and administrative measures to prevent the exploitation and abuse of women in advertising and pornography.

## SECTION VIII. IMPLEMENTATION AND INTERNATIONAL SUPPORT

**Re-envisioning Liberia: Implementation of TRC Recommendations**

The legislation creating the TRC specifies that “all recommendations shall be implemented”<sup>404</sup> and that the “Independent National Human Rights Commission shall be seized with the responsibility to ensure that all the recommendations contained in the report of the TRC are implemented.”<sup>405</sup> Past experience from similar truth seeking bodies around the world demonstrates that implementation of TRC recommendations is a critical phase of the process, but one that often stalls for a variety of reasons. While the development of the Independent National Commission on Human Rights will play a key role in the successful implementation of the TRC recommendations, the Independent National Commission on Human Rights will need the full support of government, civil society, the international community, and other actors to ensure that Liberia moves forward. The Principles relating to the Status of National Institutions (The Paris Principles)<sup>406</sup> provide a guiding framework for the effective implementation of the recently inaugurated Human Rights Commission of Liberia. Other tools, including reports from the U.N. High Commissioner for Human Rights and the U.N. Mission in Liberia, may provide additional guidance on the role of the Independent National Commission on Human Rights. The Advocates makes the following recommendations based on international standards.

**Recommendations to the Government of Liberia**

- The Government of Liberia and the Independent National Commission on Human Rights should ensure timely, wide, and accessible distribution of the report of the TRC of Liberia, in particular its recommendations. The report and recommendations should be made readily available to all stakeholders, in particular the Liberian diaspora community in the West Africa sub-region and around the globe. Moreover, the report should be made accessible to all Liberians regardless of language, literacy, age, or disability.<sup>407</sup>
- The Government of Liberia should move forward without further delay toward the establishment of the Independent National Commission on Human Rights. Based on selected provisions from the United Nations Principles relating to the status and functioning

**Potential Implementation Strategy:  
Alternative Formats of the TRC Report**

Distribution of the TRC report in video, audio, Braille, Liberian-English, indigenous dialects where possible, and in a children’s version should be considered. All formats of the TRC report should be made available in electronic form on the world wide web so as to facilitate diaspora and international engagement. Copies of the report in the appropriate format should be delivered to refugee settlements in the West African sub-region.

of national institutions for protection and promotion of human rights,<sup>408</sup> the Independent National Commission on Human Rights should:

- Be given a broad mandate, with rights and obligations clearly set forth in statutory and/or constitutional domestic law.<sup>409</sup>
  - Be granted the power to, without endorsement or authorization from a higher government agency, review or investigate any human rights situation it so desires, and to submit to the government a report, recommendation, or opinion concerning such a situation, which it may then publicize at its discretion.
  - Be responsible for monitoring and encouraging the observance of regional and international human rights treaties to which Liberia is a party.<sup>410</sup> The Commission should also contribute to any human rights reports the government is required to submit under any treaty obligations.<sup>411</sup>
  - Have the authority to hear individual complaints regarding alleged human rights violations, to advise the complainant of the available remedies, and to transmit the complaint to the competent authorities along with the Commission's views and recommendations pertaining to the complaint.<sup>412</sup>
  - Seek assistance in strengthening the capacity to promote and protect human rights in Liberia by participating in and seeking accreditation from the National Human Rights Institutions Forum, as well as the Network of National Human Rights Institutions in West Africa.
- As a matter of priority, the president should make appointments to the Independent National Commission on Human Rights and expedite its operations.<sup>413</sup>
  - The Government of Liberia should formally direct all ministries and relevant government entities to provide full support to the Independent National Commission on Human Rights in its efforts to ensure implementation of TRC recommendations.
  - The Government of Liberia should ensure sufficient time, staff, and budgetary resources to comply with the statutory directive obligating the Head of State to report to the National Legislature on a quarterly basis regarding implementation of the TRC recommendations.<sup>414</sup> The process of reporting on implementation should be public, transparent, and undertaken in consultation with the Independent National Commission on Human Rights, civil society, and other relevant stakeholders.
  - The Government of Liberia and the Independent National Commission on Human Rights should act immediately to facilitate the participation of Liberian civil society organizations in monitoring the implementation of TRC recommendations.

**Potential Implementation Strategy: Budgeting for the TRC Recommendations**

Government ministries should consider including a line item in their budgets for implementation of TRC recommendations so as to recognize the obligation to facilitate implementation, even if the resources allocated are minimal.



- The Government of Liberia and the Independent National Commission on Human Rights should request that regional bodies such as the Economic Community of West African States and the African Commission on Human and Peoples' Rights assist with monitoring the effective implementation of TRC recommendations.
- As the TRC ceases operations, the Government of Liberia and the Independent National Commission on Human Rights should ensure that a specific plan for archiving TRC records and for ensuring their availability to the public, as well as their confidentiality when appropriate, is in place.<sup>415</sup>

### Recommendations to Civil Society Organizations

- Civil society organizations should play an active role in monitoring and advocacy related to implementation of the TRC recommendations.
- Civil society organizations should partner with the Independent National Commission on Human Rights to ensure that individuals who participated in the TRC process continue to receive support and continue to be engaged with implementation of TRC recommendations that they participated in crafting.
- In particular, civil society should be actively involved in advocacy, documentation, and planning of vetting and other personnel reform processes for public employees given the dire need for these reforms and given the difficulty of self-reform in this context.<sup>416</sup>

#### **Potential Implementation Strategy: Monitoring Implementation of the TRC Recommendations**

Following the model in Sierra Leone (see <http://www.slcmp.org/drwebsite/index.shtml>), civil society organizations in Liberia may wish to establish a coalition of groups to monitor TRC implementation of TRC recommendations, the Independent National Commission on Human Rights, as well as any prosecutorial processes that are established. A first step in this regard might be establishment of a Non-governmental Sectoral & Thematic Coordination Network relative to TRC implementation under the auspices of the Ministry of Planning and Economic Affairs (see <http://www.emansion.gov.lr/doc/NGOPolicguidelines.pdf>).

- Civil society and international organizations in Liberia should carry out their activities in compliance with Liberia's National Policy on Non-governmental Organizations<sup>417</sup> and in consideration of the International Non-Governmental Organisations Accountability Charter,<sup>418</sup> specifically:
  - Compliance with accreditation and reporting procedures, as well as the laws of Liberia;
  - Transparency, non-discrimination, and respect for human rights at all levels of organizational activity;
  - Formulation of projects should be guided by national development priorities;
  - Projects should be designed and implemented in collaboration with target beneficiaries.

### **Potential Implementation Strategy:**

#### **Incorporating Economic, Social, and Cultural Rights and Non-discrimination into National Institutions**

The Independent National Commission on Human Rights should give due regard to documents promulgated by the treaty bodies specifically with regard to national institutions. This includes: Mainstreaming economic, social, and cultural rights in all relevant activities, through measures such as:

- “(a) The promotion of educational and information programmes designed to enhance awareness and understanding of economic, social and cultural rights, both within the population at large and among particular groups such as the public service, the judiciary, the private sector and the labour movement;
- (b) The scrutinizing of existing laws and administrative acts, as well as draft bills and other proposals, to ensure that they are consistent with the requirements of the International Covenant on Economic, Social and Cultural Rights;
- (c) Providing technical advice, or undertaking surveys in relation to economic, social and cultural rights, including at the request of the public authorities or other appropriate agencies;
- (d) The identification of national-level benchmarks against which the realization of Covenant obligations can be measured;
- (e) Conducting research and inquiries designed to ascertain the extent to which particular economic, social and cultural rights are being realized, either within the State as a whole or in areas or in relation to communities of particular vulnerability;
- (f) Monitoring compliance with specific rights recognized under the Covenant and providing reports thereon to the public authorities and civil society; and
- (g) Examining complaints alleging infringements of applicable economic, social and cultural rights standards within the State.”<sup>419</sup>

Mainstreaming the right to be free from racial discrimination, which includes the following steps:

- “(a) To promote respect for the enjoyment of human rights without any discrimination, as expressly set out in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination;
- (b) To review government policy towards protection against racial discrimination;
- (c) To monitor legislative compliance with the provisions of the Convention;
- (d) To educate the public about the obligations of States parties under the Convention;
- (e) To assist the Government in the preparation of reports submitted to the Committee on the Elimination of Racial Discrimination.”<sup>420</sup>

#### **Recommendations to the International Community: Accountability & Justice**

The Geneva Conventions, the Rome Statute of the International Criminal Court, and principles of universal jurisdiction provide a guiding framework with regard to accountability and justice. Taking into account the obligation to prosecute grave breaches of the Geneva Conventions, The Advocates recommends the following:

- States Parties of the international community should “undertake to enact any legislation

necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches” of the Geneva Convention.<sup>421</sup>

- States Parties of the international community should “search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts” or hand such persons over to another State Party for prosecution.<sup>422</sup>

### **Potential Implementation Strategy: The Principle of Universal Jurisdiction<sup>423</sup>**

Universal jurisdiction allows a court to prosecute alleged perpetrators of human rights violations even where there is no direct link between the court’s country and the alleged violation. The court’s jurisdiction stems from the nature of the crime and generally applies to violations of international humanitarian law, such as grave breaches of the Geneva Conventions, slavery, crimes against humanity, and torture.

Civil law jurisdictions and some common law jurisdictions have allowed privately initiated criminal prosecution for extraterritorial acts. For example, Spain and France have allowed victims to submit complaints directly to a judge or prosecutor, a right which has been extended to universal jurisdiction cases. Even the United Kingdom, a common law country, permits individuals to request arrest warrants when the police do not investigate a claim.<sup>424</sup> The privately initiated complaint can be a useful tool in universal jurisdiction prosecution, as it allows for international crime investigations when domestic prosecutors may be reluctant to intervene or may be concerned about the foreign policy implications of their actions. The requests to extradite Chile’s former dictator Augusto Pinochet from the United Kingdom to Spain and Chad’s former dictator Hissène Habré from Senegal to Belgium are two examples of universal jurisdiction cases stemming from privately initiated complaints.

Some countries have created investigative mechanisms to facilitate prosecution of alleged international crime perpetrators after the complaint is filed. Denmark, the Netherlands, Norway, Canada, and Ethiopia have established special units with police and prosecutorial powers, as well as experts on complex criminal cases and international criminal law.<sup>425</sup> International cooperation networks may also be instrumental in the investigations of international crimes. For example, there are Interpol’s “Expert Meetings” and international crime “Working Groups” and the European Union’s “Network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes.” These bodies have the capacity to provide limited information on domestic laws, the establishment of specialized units, as well as advice on conducting extraterritorial investigations.<sup>426</sup>

With regard to crimes that fall under the jurisdiction of the International Criminal Court:

- States Parties to the Rome Statute should “cooperate fully with the Court in its investigation and prosecution of crimes within the jurisdiction of the Court<sup>2427</sup> with due regard to the provisions set forth in the Rome Statute relating to international cooperation.

## Recommendations to the International Community: Development

With regard to development, the U.N. Declaration on Social Progress and Development, the U.N. Declaration on the Right to Development, and the Millennium Declaration and its associated documents provide a guiding framework. The international community should recognize that “[s]ocial progress and development are the common concerns of the international community, which shall supplement, by concerted international action, national efforts to raise the living standards of peoples.”<sup>428</sup> Therefore, with regard to the development of international policies and cooperation, The Advocates recommends that:

- The international community should intensify international cooperation to ensure “the international exchange of information, knowledge and experience concerning social progress and development.”<sup>429</sup>
- The international community should “[c]o-operate with [one] another in ensuring development and eliminating obstacles to development. States should realize their rights and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and co-operation among all States, as well as to encourage the observance and realization of human rights.”<sup>430</sup>
- The international community should take individual and collective steps in the development of international policies that facilitate the right to development, and ensure international cooperation to provide Liberia “with appropriate means and facilities to foster [its] comprehensive development.”<sup>431</sup>
- The international community should work toward the development of “international policies and measures to avoid the ‘brain drain’ and obviate its adverse effects.”<sup>432</sup>

## Recommendations to the International Community: Financial Assistance

With regard to financial assistance and other support, the Paris Declaration on Aid Effectiveness may serve as part of the guiding framework in addition to the aforementioned and other documents.<sup>433</sup> The Advocates recommends the following:

- The international community should base its support and conditions for implementation on Liberia’s national development strategies;<sup>434</sup>
- The international community should work together with Liberia to create frameworks for evaluating country systems, performance, accountability, and transparency;<sup>435</sup>
- The international community should employ existing systems and procedures as much as possible and should strengthen such systems through other measures where needed; it should avoid reliance on “creating dedicated structures” for managing and executing aid-funded projects;<sup>436</sup>

- The international community should harmonize activities and simplify procedures by cooperating to decrease the “number of separate, duplicative missions to the field and diagnostic reviews” and use joint trainings to build capacity.<sup>437</sup> The international donor community should “align to the maximum extent possible behind central government-led strategies,” “avoid activities that undermine national institution building,” and “use an appropriate mix of aid instruments.”<sup>438</sup> The donor community should more effectively allocate responsibility by delegating authorities on the sectoral or national level, where appropriate, to direct the execution of such activities.<sup>439</sup>
- The international community should enhance aid predictability by scheduling how Liberia’s financial aid will be increased to better allow the Government of Liberia to plan for multi-year projects.<sup>440</sup>
- The international community should continue to fund and scale up assistance to Liberia.<sup>441</sup> It should follow through on pledges and immediately appropriate outstanding funds and other assistance to Liberia.<sup>442</sup>
- The international community should renew aid funding for long-term and unresolved displacement, with attention to vulnerable populations.<sup>443</sup>
- The international community should take steps toward facilitating Liberia’s development in economic terms, including:
  - “The laying down of economic growth rate targets. . .within the United Nations policy for development, high enough to lead to a substantial acceleration of [Liberia’s] rates of growth;
  - The provision of greater assistance on better terms; the implementation of the aid volume target of a minimum of [one] per cent of the gross national product at market prices of economically advanced countries; the general easing of the terms of lending to [Liberia] through low interest rates on loans and long grace periods for the repayment of loans, and the assurance that the allocation of such loans will be based strictly on socioeconomic criteria free of any political considerations;
  - The provision of technical, financial and material assistance, both bilateral and multilateral, to the fullest possible extent and on favourable terms, and improved co-ordination of international assistance for the achievement of the social objectives of national development plans;
  - The provision to [Liberia] of technical, financial and material assistance and of favorable conditions to facilitate the direct exploitation of [its] national resources and natural wealth. . .with a view to enabling the [Liberian people] to benefit fully from their national resources;
  - “The expansion of international trade based on principles of equality and non-discrimination, the rectification of the position of [Liberia] in international trade by equitable terms of trade, a general non-reciprocal and non-discriminatory system of preferences for the exports of [Liberia] to the developed countries, the establishment and implementation of general and comprehensive commodity agreements, and the

financing of reasonable buffer stocks by international institutions.<sup>2444</sup>

- The international community should continue its commitment to the Millennium Declaration and achieving the Millennium Development Goals. This includes, in particular, those commitments to address the needs of least developed states:
  - Adopt a “policy of duty- and quota-free access for essentially all exports from the least developed countries;”
  - “implement the enhanced programme of debt relief for the heavily indebted poor countries without further delay and to agree to cancel all official bilateral debts of those countries in return for their making demonstrable commitments to poverty reduction;” and
  - “grant more generous development assistance, especially to countries that are genuinely making an effort to apply their resources to poverty reduction.”<sup>2445</sup>
- Work toward full implementation of the Recommendations of the Millennium Development Goals Africa Steering Group.

The Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights (the “Norms”) set forth provisions for transnational businesses and corporations to promote and protect human rights, which include rights related to equal opportunity and non-discriminatory treatment, security of persons, rights of workers, respect for national sovereignty and human rights, and consumer and environmental protection. The Norms provide a guiding framework with regard to transnational business entities, and The Advocates recommends that:

- The international community, as individual states, should promote and protect human rights as recognized in international and national law, which includes “ensuring that transnational corporations and other business enterprises respect human rights.”<sup>2446</sup>
  - The international community, as individual states, should “establish and reinforce the necessary legal and administrative framework for ensuring that the Norms and other relevant national and international laws are implemented by transnational corporations and other business enterprises.”<sup>2447</sup>
- The international community should conduct “periodic monitoring and verification” of transnational corporations and other business enterprises that is “transparent and independent and take into account input from stakeholders (including non governmental organizations) and as a result of complaints of violations of these Norms.”<sup>2448</sup>

The Advocates supports the recommendations made to the international community by the U.N. Mission in Liberia in its Report on the Human Rights Situation in Liberia: November 2007 – June 2008 and recommends that:

- The international community should continue to support and provide technical assistance to the domestic court system;<sup>449</sup>
- The international community should continue to support Liberia's Ministry of Justice in improving conditions of detention and imprisonment through trainings, infrastructural improvements, and the provision of basic supplies; and<sup>450</sup>
- The international community should encourage the state and civil society to promote children's human rights by increasing public awareness of the family and child neglect and work collaboratively with the state, non-governmental organizations, and inter-governmental organizations to develop guidelines and a framework on international adoption.<sup>451</sup>

The international community should take steps to eradicate harmful traditional practices through public education campaigns and prioritization of the issue by the U.N. Country Team in its planning.<sup>452</sup>

## SECTION IX. RECOMMENDATIONS RELATED TO LIBERIANS RESIDING IN THE UNITED STATES

### Protection of Refugees

As a party to the Refugee Convention, the United States has a duty not to return refugees who face persecution in their home countries.<sup>453</sup> Under international and federal law, the United States is prohibited from expelling or returning a refugee to the frontiers of territories where he or she would be exposed to persecution.<sup>454</sup> “Even when the circumstances in the country of origin have undergone a fundamental change, individual refugees may continue to have a well-founded fear of persecution or compelling reasons not to return arising out of previous persecution. [When this has] been determined, the ‘ceased circumstances’ cessation clauses should thus not apply to them.”<sup>455</sup> Moreover, refugees are entitled to basic human rights and fundamental freedoms. The Advocates recommends that the Government of the United States comply fully with their obligations under domestic and international refugee law as well as international human rights law. The Advocates recommends the following:

Despite changed country conditions in Liberia, the Government of the United States should recognize that compelling reasons may, for certain individuals, support the continuation of refugee status.

- The United States should facilitate ongoing asylum applications and timely refugee status determinations. “Asylum requests of Liberians should be examined thoroughly in fair and effective individual refugee status determination procedures with the necessary procedural safeguards, taking into consideration the individual merits of their asylum claim, based on the criteria in the 1951 Convention... Additionally, in light of the particularly violent nature of the armed conflict in past years, asylum claims of victims of particularly atrocious forms of persecution suffered in the past should be examined taking into account the consequences and effects of such persecution on the victims concerned where the continuing impact of the past persecution could put the individuals at risk of serious harm to their well being if returned.”<sup>456</sup>
- The Government of the United States should consider appropriate arrangements, which would not put into jeopardy their established situation, for those persons who cannot be expected to leave the country of asylum because of a long stay in that country resulting in strong family, social, and economic links there.<sup>457</sup>

### Protection of the Family

As a party to the International Covenant on Civil and Political Rights, the United States recognized that “[t]he family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”<sup>458</sup> The unification of Liberian families is of primary concern, in particular



where lengthy family separation has been the result of U.S. immigration policy. The separation of families was consistently reported as one of the most traumatic outcomes of the Liberian conflict and has resulted in ongoing trauma for many Liberians. The conflict also resulted in the reorganization of many families. For example, statement givers frequently reported assuming responsibility for the children of their siblings who had been killed or gone missing during the war. In this regard, clearly identified needs in the Liberian community include assistance in caring for children when parents are working, assistance in developing discipline methods that comport with child protection laws, and support for families dealing with role reversals in a new culture.

The U.N. Conference of Plenipotentiaries on the Status of Refugees & Stateless Persons has specifically recommended that governments take the necessary measures for the protection of a refugee's family especially with a view to:

- (1) Ensuring that the unity of the refugee's family is maintained particularly in cases where the head of the family has fulfilled the necessary conditions for admission to a particular country,
- (2) The protection of refugees who are minors, in particular unaccompanied children and girls, with special reference to guardianship and adoption.<sup>459</sup>

The Executive Committee of the U.N. High Commissioner for Refugees has recommended that countries of asylum apply liberal criteria in identifying those family members who can be admitted in order to promote a comprehensive reunification of the family.<sup>460</sup> "When deciding on family reunification, the absence of documentary proof of the formal validity of a marriage or of the filiation of children should not per se be considered as an impediment."<sup>461</sup> The Executive Committee also noted that, in order to promote the rapid integration of refugee families in the country of settlement, close family members should in principle be granted the same legal status and facilities as the head of the family who has been formally recognized as a refugee.<sup>462</sup> In appropriate cases, family reunification should be facilitated by special measures of assistance to the head of family so that economic and housing difficulties in the country of asylum do not unduly delay the granting of permission for the entry of the family members.<sup>463</sup>

These principles are important guidelines, and The Advocates for Human Rights recommends that

**Potential Implementation Strategy:  
Enact the Child Citizen Protection Act**

Passage of The Child Citizen Protection Act would amend the Immigration and Nationality Act in the case of an alien subject to removal, deportation, or exclusion who is the parent of a U.S. citizen child to authorize an immigration judge to decline to order such removal if the judge determines that such action is against the child's best interests.

the United States Government take the following steps to ensure their effective implementation relative to Liberian refugees:

- The United States Government should eliminate the two-year deadline for filing an I-730 Petition for Refugee/Asylee Relative, to accommodate applications on behalf of the spouses

**Potential Implementation Strategy:  
Review of the P-3 Process**

The U.N. High Commissioner for Refugees should establish a dedicated review process for P-3 refugee resettlement to allow for a more accurate assessment of family structure while effectively preventing fraud.<sup>464</sup>

or children of refugees or asylees whom the principle refugee or asylee could not locate because of the conflict. At a minimum, a workable waiver process should be created that permits the consideration of I-730 petitions after the two-year deadline in cases where the petitioner can demonstrate that he or she did not file because he or she could not locate the family members or required documentation of the relationship because of the conflict.

- The United States Government should

amend the statutory definition of a “child” for purposes of U.S. family reunification visas, 8 U.S.C. §1101(b)(1), to reflect the reality of family structures that are altered by conflict and that vary based on cultural patterns, particularly foster or adoptive relationships that are not recognized by civil courts because of the lack of a functioning court system.

- The United States Government should ensure that the current statutory definition of “child” is properly applied, particularly in the refugee resettlement context. Although 8 U.S.C. §1101(b)(1) defines a “child” relatively broadly to include adopted children, step-children, and legitimated children, in practice these children, who may meet the statutory definition of a “child” but who are not biologically related to the rest of the family group traveling, are assumed to be engaging in fraud. The State Department’s reliance on DNA evidence, rather than on the statutory definition of “child,” has resulted in the suspension of the Refugee Family Reunification Program (P-3) for Liberians.

**Potential Implementation Strategy:  
Youth Programming**

Programming for newly reunified youth should include family counseling, information about immigration consequences of criminal behavior, and strategies to assist parents in adapting to the U.S. child protection regime. Modeling programs on efforts such as the Immigrant Law Center of Minnesota’s *No Second Chance* curriculum focusing on the immigration consequences to youth of criminal behavior could be an effective strategy.

- The United States Government should immediately review the decision of the State Department’s Bureau of Population, Refugees, and Migration to suspend the Refugee Family Reunification Program for Liberian and other African refugees to ensure that bona fide family members of refugees are not being denied the ability to reunite with their families.

- The United States Government should immediately review the Refugee Family Reunification Program policy which renders entire family groups ineligible for resettlement when one member is found not to have a DNA match to the rest of the group.
- The United States Government should amend the Immigration and Nationality Act to restore discretion to immigration judges when considering the deportation of Liberians who are the parents of U.S. citizen children so as to ensure that Liberians with United States citizen children are not arbitrarily denied the protection of the family unit.
- The United States Government should reform U.S. immigration policies which have resulted in lengthy backlogs for visas based on family relationships to expeditiously reunify family members.
- The United States Government should design and fully fund tailored programming for “newly reunified youth” (those young people who arrive in the United States on family reunification visas after lengthy separations) and their families.
- The United States Government should support and expand training of social service providers, such as educators, police, and courts, on issues related to family reunification for Liberians.

### **Addressing the Legacy of Temporary Protected Status (TPS)**

Because of the extended duration of the Liberian conflict and its aftermath, protection from deportation from the United States was regularly extended from 1990 through 2009 through grants of Temporary Protected Status (TPS) or Deferred Enforced Departure (DED). During this period many Liberians were denied meaningful access to the asylum process due to the U.S. government’s failure to adjudicate their claims in a timely manner.<sup>465</sup>

- The United States Government should enact legislation pending in both the House (H.R. 2258) and Senate (S. 656) that would allow Liberians who are (or should be but for some reason are not) registered under Temporary Protected Status/Deferred Enforced Departure to apply for lawful permanent resident status.
- The United States Government should amend the Immigration and Nationality Act to restore discretion to immigration judges when considering the deportation of Liberians who are the parents of U.S. citizen children. The Child Citizen Protection Act (H.R. 182) would amend the Immigration and Nationality Act in the case of an alien subject to removal, deportation, or exclusion who is the parent of a U.S. citizen child, to authorize an immigration judge to decline to order such removal if the judge determines that removal is against the child’s best interests.
- The United States Government should enact immigration reform that includes legalization for Liberians who have been in the United States for a prolonged period of time under Temporary Protected Status/Deferred Enforced Departure or in undocumented status.

## Asylee-Refugee Parity

Liberian refugees and Liberian asylees fled the same brutal civil war and suffered the same human rights violations in Liberia. Although both refugees and asylees must prove they are “refugees” under the statutory definition found at 8 U.S.C. § 1101(a)(42), individuals who arrive in the United States through refugee resettlement are treated differently under the law from those granted asylum while in the United States.

- The United States Government should eliminate the filing fees for adjustment of status to lawful permanent resident for asylees so as to create parity with refugees, who are not subject to a comparable fee.<sup>466</sup>
- The United States Government should amend federal regulations permitting termination of asylum to be consistent with regulations covering refugees. Current U.S. law permits the termination of refugee status only because of subsequently discovered fraud in the application, while asylum may be terminated because of discovery of fraud in the application or because of changes in the country conditions which no longer necessitate protection.<sup>467</sup>
- In consideration of the right of all people to enjoy family life, the United States Government should support a change in International Organization for Migration policy to allow travel loans to be made available to relatives of asylees who are joining them in the United States.

## Funding for Refugee Resettlement Services

The refugee resettlement system plays a critical role in assisting newly arrived refugees through initial reception and placement services and longer-term support. Statements and interviews indicate that the refugee resettlement system is a lynchpin in the service delivery network for many Liberian refugees in the United States. Appropriations for the Department of Health and Human Services’ Office of Refugee Resettlement’s resettlement and related services have been chronically under-funded and fall far short of the real need. Recommendations by the Refugee Council USA, provided below, address the details of specific programs and recommendations for funding to sustain this critical service delivery system.

- The United States Government should provide adequate funding to rejuvenate refugee resettlement capacity and strengthen the community hosting model, which traditionally has served as the core of the refugee resettlement system.
- The United States Government should fully fund the Office of Refugee Resettlement’s Transitional and Medical Services program, which provides reimbursement to states for transitional cash and medical assistance to refugees for up to eight months after their arrival in the United States<sup>468</sup>
- The United States Government should fully fund the Office of Refugee Resettlement’s

Matching Grant program, a public/private partnership to help refugees become self-sufficient and avoid the welfare system.

- The United States Government should fully fund the Refugee Social Services and Special Needs Program and the Refugee Cash and Medical Assistance Program as the funds for this line item are currently inadequate.<sup>469</sup>
- The United States Government should increase funding for torture survivor services, which has remained static for more than five years despite continuing increases in demand.<sup>470</sup>

### Physical and Mental Health Services

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including ... medical care.”<sup>471</sup> Liberians face significant barriers to accessing health services, including lack of insurance coverage, lack of culturally appropriate health services, and unfamiliarity with the U.S. health care delivery system. Many Liberians in the U.S. cannot access medical care because they lack insurance coverage. Federal or state medical assistance may be available, depending on the immigration status of the individual and other eligibility criteria. Refugees and asylees are eligible for refugee health screenings, administered through the Office of Refugee Resettlement, and for federal medical assistance for the first eight months after arrival (or the grant of asylum). Liberians who are on TPS/DED may not qualify for the coverage at all. Survivors of the Liberian conflict must have access to specialized programs for survivors of torture and war trauma that include medical and psychological treatment. Programs that support Liberians’ recovery from trauma benefit not only Liberians themselves, but also the communities in which they settle. Diverse programming is needed, including culturally relevant services and services for child soldiers, former combatants, and others who were held behind rebel lines. Accordingly, The Advocates urges state, federal, and local government entities, as well as community based organizations, to take the following actions to assist Liberians in accessing appropriate and effective mental and physical health care services.

#### Potential Implementation Strategies: Assistance and Support to Immigrants

In Minnesota, state law allows immigrants who have been accepted at a licensed torture treatment center to apply for and receive state-funded benefits to cover their care. Advocating for comparable legislation in other states with large Liberian populations might be an important strategy to provide services that are in the public interest.

The Center for Victims of Torture in Minnesota has implemented a “New Neighbors/Hidden Scars” project, designed to bring together Liberian and non-Liberian service providers to support the Liberian community in healing from trauma.<sup>472</sup>

The Extended Support Services for New Asylees program in Minnesota linked new asylees with the state department of health to ensure that they received free health screenings and other social services.<sup>473</sup>

- The United States Government should expand federal funding for torture treatment under the Torture Victims Relief Act.
- The relevant government authorities should support the development of programs designed specifically to provide services to former combatants and others who were held behind rebel lines. Because torture treatment centers sometimes maintain policies that prohibit them from serving those who participated in fighting, this population is currently underserved.
- The relevant government authorities should support the development of programs to train and deploy Liberian community mental health workers in large diaspora communities. Training curricula should be based on a curriculum designed by specialists in the field.
- The relevant government authorities should increase efforts to support seeking mental health assistance and to decrease the stigma associated with mental health treatment from all sources in the community including peer-to-peer education, clear messaging from leaders, and increasing creativity in providing services so as to increase privacy and anonymity.
- The United States Government should extend Medicaid or other comparable insurance coverage to Liberians to enable them to access appropriate mental health treatment, including prescription medication.
- The relevant government authorities should support the development of pilot programs that specifically address cultural barriers to healthcare access in communities where there are large Liberian populations.
- The United States Government should link access to health services with the refugee and asylum service systems to ensure that care providers are aware of arriving asylees and refugees and can provide them with information about available health services.

## Employment Services

Liberians in the diaspora are underemployed. Many with professional qualifications are unable to work in their chosen fields due to lack of recognition of credentials or experience gained abroad.<sup>474</sup> Liberians with qualifications from U.S.-based institutions may lack the job search and interviewing skills to effectively gain employment. Accordingly, The Advocates urges state, federal, and local government entities, as well as community-based organizations, to take the following actions to assist Liberians in preparing for the U.S. job market and securing employment.

### Potential Implementation Strategy: Integration of Foreign-trained Health Professionals

In Minnesota, the African-American Friendship Association for Cooperation & Development in collaboration with the International Institute of Minnesota provides programs to assist African-trained health professionals to integrate into the U.S. health care system.<sup>475</sup> This program could be evaluated for potential expansion to other professions and other states with large Liberian communities. Moreover, a state pilot program helped support foreign-trained medical professionals as they pursued U.S. credentialing and licensure.

- The relevant government authorities should support and expand current programming that facilitates the integration and licensing of Liberian professionals into careers that match their skills and training.
- Government agencies should ensure that employment services, particularly those funded through the refugee resettlement reception and placement programs, maintain or develop career skills and job readiness programming designed to achieve employment in trades or professions in which the job-seekers have training and experience. Programs should ensure that Liberians can access peer-mentoring in resume review, mock interviewing, basic computer skills, and other skills needed to obtain employment in the United States.
- Employment services programs to serve the Liberian diaspora should be expanded in general, rather than continuing to be limited to arriving refugees and asylees only.

### Education

Despite access to free public education in the United States, statement givers, public hearing participants, and others reported that Liberian youth are struggling in the U.S. education system. Although some of these struggles may be related to mental health issues discussed above, many in the community attribute these challenges to interrupted education during the conflict. Accordingly, some Liberian youth are not prepared to enter a U.S. grade level appropriate for their age or are placed into English Language Learner classes. Additionally, many community leaders identified lack of parental involvement in the school system as a barrier to student success. Low literacy skills, especially amongst older Liberian women and young women whose education was interrupted, was also identified by many as a key issue in the diaspora. Accordingly, The Advocates urges state, federal, and local government entities, as well as community based organizations, to take the following actions

#### **Potential Implementation Strategy: Extended High School Enrollment Age**

In Minnesota, students can attend high school through age 21.<sup>476</sup> Other states may wish to implement similar policies to allow students to complete high school outside of the normal age range.

#### **Potential Implementation Strategy: Museums to Facilitate Community Remembering and Dialogue**

Museums such as the District Six Museum in South Africa or the Rwanda Genocide Museum are possible mechanisms to facilitate community dialogue.<sup>477</sup> Local or national governments should consider creating or promoting similar museums and exhibits as a way to build dialogue and educate the public. Such memorials have an impact on not only remembering the past but addressing the future in that they:

- claim public space;
- create physical reminders, conversation starters, or provocative history lessons;
- operate on the level of local culture;
- demand that society remember what happened.<sup>478</sup>



to ensure that Liberians are able to access educational services.

- School systems serving Liberians should reevaluate policies that may place English-speaking Liberian students into English Language Learner (ELL) programs with the goal of creating appropriate educational programs for native speakers of non-American English.
- Establish and/or evaluate the effectiveness of school-community liaison programs to engage Liberian parents in the educational lives of their children so that these programs meet the needs of immigrants who may have low literacy and who often are working multiple jobs.
- Establish and/or evaluate the effectiveness of current literacy education programs for Liberian adults, especially women, to ensure that Liberian women in the diaspora can fully participate in the cultural, social, and political life of their new community.

### **Community Reconciliation**

The Liberian community in the resettled diaspora is in recovery from the trauma and disruption of the war. Political, religious, ethnic, and interpersonal conflicts continue to permeate the community and hamper effective action. In many post-conflict societies, institutions that are tainted by their perceived or actual role in the conflict must be dismantled and reconstituted so as to regain integrity and social trust. Accordingly, the following recommendations to address community cohesion and unity are put forward.

- In consultation with traditional, faith, and political leaders in the Liberian community, a comprehensive community reconciliation needs assessment should be undertaken with the goal of developing a long-term program designed to meet the reconciliation needs of Liberians in the communities where they have resettled.
- Memorializing the sufferings of the past and recognizing their ongoing impact often forms a key part of reconciliation in transitioning societies. The Liberian diaspora community should embark on a broad consultative process to develop memorials to the Liberian diaspora experience. Memorials at the local (statues, building dedication, street renaming, etc.), state (proclamations, days of remembrance, annual cultural events, exhibits in state historical societies, etc.), national (national conferences, film festivals, essay contests, participation in National festivals such as the Festival of American Folklife, establishment of an African diaspora museum, etc.), and international (U.N. resolutions, using electronic media to engage a global audience, etc.) level should be considered.

### **Diaspora Interaction with Liberian Homeland**

Liberians in diaspora expressed a clear desire to play an ongoing part in the rebuilding and reconciliation process in their native land.



- The Government of Liberia should undertake a national consultative process on diaspora involvement in the future of Liberia with the goal of developing a national policy and structure, such as an office of diaspora affairs, for consulting, mobilizing, and partnering with the Liberian diaspora.
- The Government of Liberia should undertake a comprehensive review of Liberia's citizenship regime, in consideration of international human rights standards and a specific focus on the availability of dual citizenship. (See also Recommendations on Non-discrimination)
- The Government of Liberia, the TRC, and the Independent National Human Rights Commission should maintain ongoing consultation with and integration of the Liberian diaspora in transitional justice mechanisms in Liberia, including a review of the TRC's diaspora integration strategy to determine lessons learned and possibilities for application of the model in other contexts.

### **Potential Implementation Strategy: Low-cost Money Transfers**

Given the critical role that remittances play in the Liberian economy, the Government of Liberia may wish to work with international partners to facilitate official low cost money transfer schemes to enable the sending of remittances in the sub-region and internationally. One model is the system used by the Banque de l'Habitat du Senegal to transfer remittances from France to Senegal.<sup>479</sup>

## CONCLUSION

The Liberia TRC Diaspora Project was a historic first attempt to systematically engage a diaspora population in all aspects of a post-conflict truth seeking process. Diaspora Liberians played a role in the process at every stage, from membership on an advisory committee, to assisting with outreach, to giving statements, to testifying at public hearings held in the United States. The Liberia TRC Diaspora Project used hundreds of volunteers to take statements and provide other support for its work. Ultimately, more than 600 individual volunteers were trained as statement takers and many more were involved in outreach and support for the U.S. public hearings. The project documented the stories of hundreds of refugees, asylees, and other diaspora Liberians on three continents.

The voices of diaspora communities present an important piece of the post-conflict puzzle in Liberia. For example, many individuals fled Liberia before the conflict and were living in the diaspora. These people held key information about the early years of the TRC mandate, such as the Tolbert administration and 1980 coup d'etat, that could help fill information gaps for the TRC. The experiences of Liberian refugees in Ghana highlight the regional implications of post-conflict transitional justice. Systematic documentation of the experiences of refugees highlighted the breakdowns in the system of international protection for refugees fleeing conflict. In Liberia and elsewhere, refugees must be considered part of the post-conflict transitional justice equation. Documenting their experiences provides important information about human rights violations that take place during flight and in refuge, and offer direction as to what actions must occur in order to secure a stable future in Liberia and the West African sub-region.

As this report demonstrates, many diaspora Liberians outside of the sub-region see themselves as transnationals, living in “a house with two rooms.” Liberians in the United States and the U.K. have deep connections to both their country of origin and their country of residence. They struggle with the legacy of conflict on an individual, family, and community level. While dealing with the ongoing impact of physical and psychological trauma, they struggle to keep families together and endure the bureaucracy of immigration systems. Liberian youth, many of whom have grown up outside of Liberia, face a set of unique challenges in trying to define their identity and navigate between cultures. All the while, at the community level, the Liberian civil crisis drags on as community politics, social gatherings, and the internet become new fields to play out old battles.

Powerful threads run from Liberia, through the refugee settlements in the sub-region, out into the United States and Europe, and back again to Liberia. For the most part, statement givers expressed their strong desire to return to Liberia and, at a minimum, to assist the nation's development from afar. Many described the actions they are taking to do so. The desire to see Liberia thrive again is reflected in diaspora recommendations focusing on development, education, justice, and a new Liberia that provides equal opportunity to all. Equally clear from statements, however, is the view that

Liberia cannot rebuild without assistance.

The international community, and the United States in particular, share responsibility for Liberia's traumatic past and, accordingly, for its future. The mass displacement caused by the international community's failure to stem the bloodshed in Liberia means that nations across the globe have an even greater stake in Liberia's peaceful and prosperous development. Liberians are members of communities in West Africa, the United States, the United Kingdom, and many other countries around the world. Because of improved communications—particularly the internet—what happens in Liberia affects those in diaspora communities more quickly and widely. What happens to an individual has an effect on the whole community, even when that community is thousands of miles from the shores of Liberia.

Apart from being a historic effort to fully engage a diaspora in a truth commission, the Liberia TRC Diaspora Project has been a powerful opportunity for Liberians in Liberia, West Africa, the United States, and the United Kingdom to strengthen and build new networks that will support diaspora communities and Liberia as a whole. It has also been an important opportunity for non-Liberian volunteers to develop ties to their Liberian neighbors. As the TRC process comes to a close, the work to weave these many threaded connections into a more peaceful future is just beginning.

## Notes

- 1 An Act to Establish the Truth and Reconciliation Commission of Liberia, Preamble (enacted by the National Transitional Legislative Assembly, May 12, 2005), <https://www.trcofliberia.org/about/trc-mandate>.
- 2 African (Banjul) Charter on Human and Peoples' Rights art. 62, *entered into force* Oct. 21, 1986, 21 I.L.M. 58 [hereinafter African Charter on Human and Peoples' Rights].
- 3 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa art. 26(1), CAB/LEG/66.6 (Sept. 13, 2000), *entered into force* Nov. 25, 2005 [hereinafter African Women's Rights Protocol].
- 4 African Charter on the Rights and Welfare of the Child art. 43, O.A.U. Doc. CAB/LEG/24.9/49 (1990), *entered into force* Nov. 29, 1999 [hereinafter African Charter on the Rights of the Child].
- 5 African Charter on Democracy, Elections and Governance art. 49(1), 8th ord. sess. (Jan 30, 2007), <http://www.africa-union.org/root/au/Documents/Treaties/treaties.htm>.
- 6 African Union Convention on Preventing and Combating Corruption art. 22(7), 2d ord. sess. (July 11, 2003), <http://www.africa-union.org/root/au/Documents/Treaties/treaties.htm>.
- 7 U.N. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law ¶ 8, C.H.R. res. 2005/35, U.N. Doc. E/CN.4/2005/L.10/Add.11 (19 April 2005) [U.N. Principles on Right to a Remedy].
- 8 *Id.* ¶ 9.
- 9 U.N. Principles on Right to a Remedy, *supra* note 7.
- 10 An Act to Establish the Truth and Reconciliation Commission of Liberia, art. VII, § 26(j)(i) (enacted by the National Transitional Legislative Assembly, May 12, 2005), <https://www.trcofliberia.org/about/trc-mandate>.
- 11 PRISCILLA B. HAYNER, UNSPEAKABLE TRUTHS: FACING THE CHALLENGE OF TRUTH COMMISSIONS 182 (2001).
- 12 Special attention should be given to not excluding some victims, such as in the case of Chile excluding torture victims from any monetary reparations. *See also* U.N. Principles on Right to a Remedy, *supra* note 7, art. XII.
- 13 Basic Principles and Guidelines on Reparation, *supra* note 7, art. VIII, ¶ 13.
- 14 *Id.* art. X, ¶ 21.
- 15 *Id.* art. X, ¶ 22(c). *See also* Recommendations related to family tracing and reunification.
- 16 *Id.* art. IX.
- 17 International Covenant on Civil and Political Rights art. 23(1), G.A. Res. 2200A (XXI), U.N. Doc. A/6316 (1966), *entered into force* Mar. 23, 1976, 999 U.N.T.S. 171; African Charter on Human and Peoples' Rights, *supra* note 2, art. 18.
- 18 Protocol Additional to the Geneva Conventions of 12 Aug. 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), art. 32, 1125 U.N.T.S. 3, *entered into force* Dec. 7, 1978 [hereinafter Additional Protocol I].
- 19 *Id.* art. 74. *See also* *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies: Note by the Secretariat*, at 150, U.N. Doc. HRI/GEN/1/Rev.7 (May 12, 2004).
- 20 African Charter on the Rights of the Child, *supra* note 4, Art. 25(2)(b).
- 21 European Council on Refugees and Exiles, Position on Refugee Family Reunification ¶ 33 (2000), <http://www.ecre.org/files/family.pdf>.
- 22 *Id.* ¶ 34.
- 23 *See generally* U.N. HIGH COMM'R FOR REFUGEES (UNHCR), HANDBOOK: VOLUNTARY REPATRIATION: INTERNATIONAL PROTECTION ch. 7.1 (1996) [hereinafter UNHCR REPATRIATION HANDBOOK], <http://www.unhcr.org/publ/PUBL/3bfe68d32.pdf>.
- 24 *National Information Bureau (NIB): 25th International Conference of the Red Cross, Geneva, 23 to 31 October 1986, Resolution 14*, 256 INT'L REV. RED CROSS 340 (1986), <http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/57JMdhpdocument>.
- 25 European Council on Refugees and Exiles, Position on Refugee Family Reunification, *supra* note 21, ¶ 33.
- 26 *See* 22nd Int'l Conference of the Red Cross and Red Crescent, Nov. 8 - Nov. 15, 1973, *Resolution V: The Missing and Dead in Armed Conflicts*.
- 27 UNHCR REPATRIATION HANDBOOK, *supra* note 23, ch. 7.3.
- 28 Brookings Institution, *Protecting Internally Displaced Persons: A Manual for Law and Policymakers* 96, Oct. 2008.
- 29 *Id.* at 97.
- 30 *See* [http://lib.ohchr.org/HRBodies/UPR/Documents/Session3/CO/UNHCR\\_COL\\_UPR](http://lib.ohchr.org/HRBodies/UPR/Documents/Session3/CO/UNHCR_COL_UPR)

- S3\_2008\_ UnitedNationsHighCommissionerforRefugees\_uprsubmission.pdf.
- 31 See Additional Protocol I, *supra* note 18, art. 33.
- 32 26th Int'l Conference of the Red Cross and Red Crescent, Dec. 3-7, 1995, *Resolution 2: Protection of the Civilian Population in Period of Armed Conflict* art. B(e) [hereinafter ICRC Res. 2], <http://www.icrc.org/Web/eng/siteeng0.nsf/html/57JMRV>.
- 33 Declaration on the Elimination of Violence against Women, Art. 4(g), G.A. Res. 48/104, U.N. Doc. A/48/49 (1993).
- 34 Committee on the Elimination of Discrimination against Women, *Gen. Rec. 24: Women and Health* ¶ 6, 20th sess., U.N. Doc. A/54/38 (1999).
- 35 HUMAN RIGHTS WATCH, "WE'LL KILL YOU IF YOU CRY:" SEXUAL VIOLENCE IN THE SIERRA LEONE CONFLICT Recommendations (2003).
- 36 Kathleen Kostelny, *The Problem of Re-Acclimating Child Soldiers into Society Assuming Peacekeeping Is Successful: What About the Girls?*, 37 CORNELL INT'L L.J. 505, 507 (Winter 2004).
- 37 *Id.*; cf. Davidson Jonah, Christian Children's Fund, Programs to Rebuild in Sierra Leone, <http://www.christianchildrensfund.org/content.aspx?id=4113>.
- 38 Kostelny, *supra* note 36, at 507-09.
- 39 Christian Children's Fund, Sierra Leone, <http://www.christianchildrensfund.org/content.aspx?id=244>.
- 40 Committee on the Elimination of Discrimination against Women, *Gen. Rec. 15: Avoidance of Discrimination Against Women in National Strategies for the Prevention and Control of Acquired Immunodeficiency Syndrome (AIDS)* ¶ a-c, 9th sess., U.N. Doc. A/45/38 (1990).
- 41 Amnesty Int'l, *Sierra Leone: Getting Reparations Right for Survivors of Sexual Violence* 32, ¶ VIII(1)(2), AI Index AFR 51/005/2007, Nov. 1, 2007.
- 42 *Id.* at 31, ¶ VIII(1)(1).
- 43 ICRC Res. 2, *supra* note 32, art. B(c); see also Declaration on the Elimination of Violence against Women, *supra* note 33, art. 4(c)-(d).
- 44 Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE), *Justice for Women: Seeking Accountability for Sexual Crimes in Post-Conflict Situations* 9, ¶ 7 (2008); see also Amnesty Int'l, *Sierra Leone: Getting Reparations Right for Survivors of Sexual Violence*, *supra* note 41, at 31, ¶ VIII (1)(2).
- 45 SIERRA LEONE TRUTH & RECONCILIATION COMM'N, FINAL REPORT OF THE TRUTH & RECONCILIATION COMMISSION OF SIERRA LEONE VOL. 2 169, ¶ 331 (2004).
- 46 The U.N. Principles for Older Persons states that governments should "incorporate the following principles into their national programmes whenever possible." G.A. Res. 46/91, Annex, U.N. Doc. A/RES/46/91 (Dec. 16, 1991).
- 47 U.N. Committee on Economic, Social and Cultural Rights, *Gen. Comment 6: The Economic, Social and Cultural Rights of Older Persons* ¶19, 13th sess., U.N. Doc. E/1996/22 (1996).
- 48 U.N. Proclamation on Ageing art. 2(a), G.A. Res. 47/5, U.N. Doc. A/RES/47/5 (Oct. 16, 1992).
- 49 *Id.* art. 2(c).
- 50 Vienna International Plan of Action on Ageing (1982), [http://www.un.org/ageing/vienna\\_intlplanofaction](http://www.un.org/ageing/vienna_intlplanofaction).
- 51 *Id.* at §IV(A).
- 52 African Women's Rights Protocol, *supra* note 3, art. 22(b).
- 53 *Id.* art. 22(a).
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- 55 *Id.* ¶ 12.
- 56 Comm. on Economic, Social and Cultural Rights, *Gen. Comment 6*, *supra* note 47, ¶ 34.
- 57 DAVID HUTTON, OLDER PEOPLE IN EMERGENCIES: CONSIDERATIONS FOR ACTION AND POLICY DEVELOPMENT 33-35 (2008).
- 58 U.N. Principles for Older Persons, *supra* note 46, ¶ 11.
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- 60 Comm. on Economic, Social and Cultural Rights, *Gen. Comment 6*, *supra* note 47, ¶ 37; see also U.N. Principles for Older Persons, *supra* note 46, ¶ 4.
- 61 World Health Organization, *Older Persons in Emergencies (draft fact sheet)* 2, Aug. 7, 2009.
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- 63 African Charter on the Rights of the Child, *supra* note 4, art. 43.
- 64 Convention on the Rights of the Child arts. 28(1), 31(1), 32, 34, G.A. Res. 44/25, Annex, U.N. Doc. A/44/49 (1989), entered into force Sept. 2 1990. See also International Covenant on Economic, Social and Cultural Rights arts. 13(1)-(2), G.A. Res. 2200A (XXI), U.N. Doc. A/6316 (1966), entered into force Jan. 3, 1976, 993 U.N.T.S. 3.
- 65 Sarah Crowe, U.N. Children's Fund, *New Curriculum Seeks to Teach Peace in Côte d'Ivoire*, May 11, 2005, [http://www.unicef.org/infobycountry/cotedivoire\\_26938.html](http://www.unicef.org/infobycountry/cotedivoire_26938.html) (last visited June 9, 2009).

- 66 Convention on the Rights of the Child, *supra* note 64, art. 19(1).
- 67 *Id.* art. 19(2).
- 68 Child Care Act of 1983 (S. Afr.), [http://www.acts.co.za/child\\_care/index.htm](http://www.acts.co.za/child_care/index.htm).
- 69 *Id.*
- 70 *Id.*
- 71 Convention on the Rights of the Child, *supra* note 64, art. 27(1).
- 72 *Id.* art. 27(3).
- 73 *Id.* art. 24(1). *See also* International Covenant on Economic, Social and Cultural Rights, *supra* note 64, art. 12(1), (2)(a).
- 74 Convention on the Rights of the Child, *supra* note 64, Art. 24(2)(b). *See also* in this chapter the recommendations on health care.
- 75 *Id.* art. 20(1)-(2). *See also* in this chapter the recommendations on orphans.
- 76 *Id.* art. 20(3).
- 77 *Id.* art. 24(3).
- 78 U.N. Children's Fund, Real Lives: Preventing Early Marriage in Niger and Benin, [http://www.unicef.org/infobycountry/niger\\_1420.html](http://www.unicef.org/infobycountry/niger_1420.html).
- 79 Int'l Center for Research on Women, *Rites of Passage: Responses to Female Genital Cutting in the Gambia* (1999), <http://catalog.icrw.org/docs/ribs/BAFROW.pdf>.
- 80 *Id.* at 1-2.
- 81 Convention on the Rights of the Child, *supra* note 64, art. 32(1).
- 82 *Id.* art. 32(2).
- 83 The worst forms of labor include:
- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.
- 84 Int'l Labour Organisation, *The End of Child Labour: Within Reach* 66, Int'l Labour Conference 95<sup>th</sup> sess. Report I(B), 2006.
- 85 Background of the Sankhu-Palubari Community School, [http://www.theadvocatesforhumanrights.org/Background\\_of\\_the\\_Sankhu-Palubari\\_Community\\_School.html](http://www.theadvocatesforhumanrights.org/Background_of_the_Sankhu-Palubari_Community_School.html); The Nepal School Project, [http://www.theadvocatesforhumanrights.org/The\\_Nepal\\_School\\_Project.html](http://www.theadvocatesforhumanrights.org/The_Nepal_School_Project.html).
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- 87 Universal Declaration of Human Rights art. 25(2), G.A.. Res. 217A (III), U.N. Doc A/810 (Dec. 12, 1948).
- 88 Convention on the Rights of the Child, *supra* note 64, Art. 20.
- 89 *Id.* art. 20.
- 90 U.N. Children's Fund, *Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (The Paris Principles)* § 2.1 (2007) [hereinafter Paris Principles], [http://www.un.org/children/conflict/\\_documents/parisprinciples/ParisPrinciples\\_EN.pdf](http://www.un.org/children/conflict/_documents/parisprinciples/ParisPrinciples_EN.pdf); Int'l Committee of the Red Cross, Inter-agency Guiding Principles on Unaccompanied and Separated Children, Jan. 2004.
- 91 Inter-agency Guiding Principles on Unaccompanied and Separated Children, *supra* note 90, at 3.
- 92 *See also* recommendations on family reunification in this chapter.
- 93 U.N. Committee on the Rights of the Child, *Concluding Observations: Liberia* ¶ 41, U.N. Doc. CRC/C/15/Add.236 (July 1, 2004).
- 94 *Id.*
- 95 *See also id.* ¶ 39.
- 96 Convention on the Rights of the Child, *supra* note 64, art. 21(a).
- 97 African Charter on the Rights of the Child, *supra* note 4, art. 24(a); Convention on the Rights of the Child, *supra* note 64, art. 21(a).
- 98 African Charter on the Rights of the Child, *supra* note 4, art. 24(c); Convention on the Rights of the Child, *supra* note 64, art. 21(c).
- 99 African Charter on the Rights of the Child, *supra* note 4, art. 24(d); Convention on the Rights of the Child,

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- 100 Paris Principles, *supra* note 90, ¶ 7.77.
- 101 *Id.* ¶ 7.80.
- 102 *Id.* ¶ 7.81.
- 103 *Id.* ¶ 7.81.
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- 105 Development Alternatives, Inc., *Assessment of the Situation of Women and Children Combatants in the Liberian Post-Conflict Period and Recommendations for Successful Integration* xiv (2003).
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- 107 *Id.*
- 108 *Id.*
- 109 *Id.*
- 110 Paris Principles, *supra* note 90.
- 111 Paris Principles, *supra* note 90; Amnesty Int'l, *Liberia: A Flawed Process*, *supra* note 104, at 44.
- 112 Amnesty Int'l, *Liberia: A Flawed Process*, *supra* note 104, at 45.
- 113 Development Alternatives, Inc., *supra* note 105, at xiv.
- 114 Amnesty Int'l, *Liberia: A Flawed Process*, *supra* note 104, at 45.
- 115 *Id.*
- 116 Development Alternatives, Inc., *supra* note 105, at xiv.
- 117 U.N. Comm'n on Human Rights, Guiding Principles on Internal Displacement, Principle 25(1), U.N. Doc. E/CN.4/1998/53/Add.2 (Feb. 11, 1998).
- 118 U.N. Guiding Principles on Internal Displacement, *supra* note 117, Principles 3, 4(2).
- 119 *Id.* Principle 24; *see also* 26<sup>th</sup> International Conference of the Red Cross and Red Crescent, Dec. 3-7, 1995, Res. 4, art. A1(c) (Jan. 1, 1996) [hereinafter ICRC Res. 4].
- 120 Brookings Institution, *supra* note 28, at 67.
- 121 Brookings Institution, *supra* note 28, at 68-69.
- 122 U.N. High Comm'r for Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, Sub-Commission Res. 1998/26 (Aug. 26, 1998): Housing and Property Restitution in the Context of Return of Refugees and Internally Displaced Persons.
- 123 U.N. Guiding Principles on Internal Displacement, *supra* note 117, Principle 29.
- 124 *Id.* at Principle 20(2).
- 125 Brookings Institution, *supra* note 28, at 159.
- 126 Brookings Institution, *supra* note 28, at 159.
- 127 *Id.* at 207.
- 128 *Id.*
- 129 Committee on the Rights of the Child, *supra* note 93, ¶ 61.
- 130 U.N. Principles on Housing and Property Restitution for Refugees and Displaced Persons (Pinheiro Principles), Principle 2.1 (2005).
- 131 *Id.* Principles 2.1-2.2.
- 132 *Id.* Principle 12.1.
- 133 *Id.* Principle 12.2.
- 134 *Id.* Principle 12.3.
- 135 *Id.* Principle 12.4. Guidelines may address "institutional organization, staff training and caseloads, investigation and complaints procedures, verification of property ownership or other rights of possession, as well as decision-making, enforcement and appeals mechanisms." *Id.*
- 136 *Id.* Principle 12.5.
- 137 *Id.* Principle 12.6.
- 138 *Id.* Principle 12.4.
- 139 Aili Mari Tripp, *Women's Movements, Customary Law and Land Rights in Africa: the Case of Uganda*, 7 AFR. STUDIES QUARTERLY 2 (Spring 2004), <http://www.africa.ufl.edu/asq/v7/v7i4a1.htm>.
- 140 *Id.* at 5.
- 141 Pinheiro Principles, *supra* note 130, Principles 13.1-13.2.
- 142 *Id.* Principles 13.2, 13.3, 13.6, and 13.10.
- 143 *Id.* Principle 13.7.
- 144 *Id.* Principles 13.4-13.5, 13.11.
- 145 *Id.* Principle 13.12.
- 146 U.N. FOOD & AGRICULTURE ORG., FAO LAND TENURE STUDIES 8: ACCESS TO RURAL LAND AND LAND ADMINISTRATION AFTER VIOLENT CONFLICTS 57-68 (2005).
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- 148 *Id.* Principle 21.2.
- 149 *Id.* Principle 18, 19.3.
- 150 *Id.* Principle 19.1-19.2.
- 151 *Id.* Principle 20.1.
- 152 *Id.* Principle 20.3, 20.4.
- 153 *Id.* Principle 15.1, 15.3
- 154 U.N. FOOD & AGRICULTURE ORG., *supra* note 146, at 69-70.
- 155 *Id.* Principle 15.4-15.6.



- 156 *Id.* Principle 15.2.
- 157 Convention relating to the Status of Refugees art. 33, *entered into force* April 22, 1954, 189 U.N.T.S. 150.
- 158 UNHCR REPATRIATION HANDBOOK, *supra* note 23, ch. 2.2.
- 159 Convention Governing the Specific Aspects of Refugee Problems in Africa arts. 2 & 5, *entered into force* June 20, 1974, 1001 U.N.T.S. 45.
- 160 U.N. High Comm’r for Refugees, Position on International Protection Needs of Asylum-Seekers from Liberia, Mar. 31, 2006, <http://www.unhcr.org/refworld/docid/44365eb4c.html>.
- 161 See Refugee Law of 1992 § 11(2)(a) (Ghana), <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3ae6b4e51c>.
- 162 U.N. High Comm’r for Refugees, Exec. Comm., Conclusion No. 69 (XLIII), ¶ 5 (1992).
- 163 Refugee Law of 1992 § 5(e) (1992) (Ghana), <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3ae6b4e51c>.
- 164 *Id.* § 5(f).
- 165 Convention Governing the Specific Aspects of Refugee Problems in Africa, *supra* note 159, art. 5(1). Moreover the country of asylum should collaborate with Liberia to make arrangements for the safe return of refugees. *Id.* art. 5(2).
- 166 UNHCR REPATRIATION HANDBOOK, *supra* note 23, at 11.
- 167 See Convention Governing the Specific Aspects of Refugee Problems in Africa, *supra* note 159, art. 5(3)-(4); UNHCR REPATRIATION HANDBOOK, *supra* note 23, ch. 2.6.
- 168 UNHCR REPATRIATION HANDBOOK, *supra* note 23, ch. 2.6.
- 169 U.N. High Comm’r for Refugees, Exec. Comm., Conclusion No. 18 (XXXI), ¶ 8 (1980).
- 170 U.N. Mission in Liberia, Human Rights & Protection Section, *Report on the Human Rights Situation in Liberia: November 2007-June 2008* 6-7 (Dec. 2008).
- 171 *Id.*
- 172 Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions art. 1, E.S.C. Res. 1989/65, Annex, U.N. Doc. E/1989/89 (1989).
- 173 *Id.*
- 174 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 2(1), G.A. Res. 39/46, U.N. Doc. A/RES/39/46 (Dec. 10, 1984).
- 175 Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa in PENAL REFORM INT’L, AFRICA’S RECOMMENDATIONS FOR PENAL REFORM 68 (2008) [hereinafter Robben Island Guidelines].
- 176 *Id.*
- 177 *Id.*
- 178 *Id.*
- 179 *Id.*
- 180 *Id.*
- 181 *Id.* at 69.
- 182 *Id.*
- 183 *Id.*
- 184 *Id.*
- 185 *Id.* at 68.
- 186 *Id.* at 72.
- 187 LIBER. CONST. of 1984, ch. 3, art. 12.
- 188 See *The 1930 Enquiry Commission to Liberia*, 30 J. ROYAL AFR. SOC’Y 277 (1931).
- 189 J. GUS LIEBENOW, LIBERIA: THE EVOLUTION OF PRIVILEGE 16 (1969).
- 190 Debt bondage is defined as “the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.” Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery art. 1(a), 226 U.N.T.S. 3 (1956).
- 191 Serfdom is defined as “the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status.” *Id.* art. 1(b).
- 192 *Id.* art.1.
- 193 See also in this chapter Recommendations on Implementation and International Support. See generally Mike Kaye & Aidan McQuade, Anti-Slavery Int’l, *A discussion paper on Poverty, Development and the Elimination of Slavery* 12, Oct. 2007. See also West Africa: Econvas Seeks Adoption of E-Passport, ALL AFRICA GLOBAL MEDIA, May 10, 2009, <http://allafrica.com/stories/200905110513.html>; Global Comm’n on Int’l Migration, *Migration in an Interconnected World: New Directions for Action* 71, Oct. 2005.



- 194 International Covenant on Civil and Political Rights, *supra* note 17, art. 9(1).
- 195 *Id.* art. 9(2).
- 196 *Id.* art. 9(3).
- 197 *Id.* art. 9(4).
- 198 *Id.* art. 9(5).
- 199 *Id.* art. 10(1).
- 200 *Id.* art. 10(2)(a).
- 201 8th U.N. Congress on the Prevention of Crime and the Treatment of Offenders, Aug. 27 – Sept.7, 1990, *Basic Principles on the Role of Lawyers* ¶ 5, [http://www.unhchr.ch/html/menu3/b/h\\_comp44.htm](http://www.unhchr.ch/html/menu3/b/h_comp44.htm).
- 202 *Id.* ¶ 6.
- 203 *Id.* ¶ 7.
- 204 *Id.* ¶ 8.
- 205 Int'l Covenant on Civil and Political Rights, *supra* note 17, art. 11.
- 206 U.N. Basic Principles on the Independence of the Judiciary art.1, endorsed by G.A. Res.40/146, ¶ 2, U.N. Doc. A/RES/40/146 (December 13, 1985) [hereinafter U.N. Principles on the Judiciary], [http://www.unhchr.ch/html/menu3/b/h\\_comp50.htm](http://www.unhchr.ch/html/menu3/b/h_comp50.htm); *see also* African Comm'n on Human and Peoples' Rights, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, DOC/OS(XXX) 247, *reprinted in* 12 Int'l Hum. Rts. Rep. 1180 (2005), <http://www1.umn.edu/humanrts/instreet/AfricanPrinciples2005.html>.
- 207 U.N. Principles on the Judiciary, *supra* note 206, arts. 2, 4, 7; Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, *supra* note 206, arts. A(4), D(a).
- 208 U.N. Principles on the Judiciary, *supra* note 206, arts. 9, 10; Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, *supra* note 206, arts. A(4)(i), A(4)(k), A(4)(t), B.
- 209 U.N. Principles on the Judiciary, *supra* note 206, art. 11; Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, *supra* note 206, art. A(4)(a), A(4)(b), A(4)(j).
- 210 U.N. Principles on the Judiciary, *supra* note 206, art. 13; Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, *supra* note 206, art. A(4)(o).
- 211 U.N. Principles on the Judiciary, *supra* note 206, arts. 18-20; Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, *supra* note 206, arts. A(4)(q-r).
- 212 Rep. of Liberia, Gov't Reform Commission, *Reforming Liberia's Legal and Judicial System: Towards Enhancing the Rule of Law* ¶¶ 3.4.9 – 3.4.10 (2006).
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- 214 U.N. Principles on Lawyers, *supra* note 213, art. 3.
- 215 U.N. Principles on Lawyers, *supra* note 213, art. 16.
- 216 8th U.N. Congress on the Prevention of Crime and the Treatment of Offenders, *supra* note 213; *Guidelines on the Role of Prosecutors* art. 18 [hereinafter U.N. Guidelines on Prosecutors], [http://www.unhchr.ch/html/menu3/b/h\\_comp45.htm](http://www.unhchr.ch/html/menu3/b/h_comp45.htm). *See also* Kadoma Declaration on Community Service Orders in Africa, *in* PENAL REFORM INT'L, AFRICA'S RECOMMENDATIONS FOR PENAL REFORM 20 (2008)175.
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- 218 International Covenant on Civil and Political Rights, *supra* note 17, art. 10(2)(b).
- 219 *Id.* art. 10(3).
- 220 U.N. Mission in Liberia, *supra* note 170, §VI, ¶ 78(g).
- 221 Code of Conduct for Law Enforcement Officials art. 2, G.A. Res. 34/169 (Dec. 17, 1979), [http://www.unhchr.ch/html/menu3/b/h\\_comp42.htm](http://www.unhchr.ch/html/menu3/b/h_comp42.htm).
- 222 *Id.* art. 3. *See also* 8th U.N. Congress on the Prevention of Crime and the Treatment of Offenders, *supra* note 213; *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* ¶¶ 4-5, [http://www.unhchr.ch/html/menu3/b/h\\_comp43.htm](http://www.unhchr.ch/html/menu3/b/h_comp43.htm).
- 223 Code of Conduct for Law Enforcement Officials, *supra* note 221, art. 5.
- 224 *Id.* art. 4.
- 225 *Id.* art. 6.
- 226 *Id.* art. 7.
- 227 *See generally* Robben Island Guidelines, *supra* note 175, at 68.
- 228 *See* The Republic of Liberia Ministry of Justice website at <http://www.karlwebdesign.com/moj/lmp-challenges.html>.
- 229 Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, *supra* note 172.
- 230 The purpose of the manual is to supplement the Principles on the effective prevention and investigation of extra-legal, arbitrary, and summary executions. Preparation of the manual was facilitated

- by the Minnesota Lawyers International Human Rights Committee, now The Advocates for Human Rights. At The Advocates' initiative, an international group of experts in forensic science, lawyers, human rights experts, and others volunteered their time and expertise to assist in the preparation of the draft Principles and to provide appropriate follow-up for their implementation, the contents of which constitute the major part of the manual. The manual is available at <http://www1.umn.edu/humanrts/instree/executioninvestigation-91.html>.
- 231 Robben Island Guidelines, *supra* note 175, ¶ 17.
- 232 *Id.* at Part I(F) ¶ 18-19. *See also* U.N. Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 55/89 (Dec. 4, 2000), <http://www2.ohchr.org/english/law/investigation.htm>.
- 233 Robben Island Guidelines, *supra* note 175, at 72.
- 234 *See* UNMIL, Corrections Advisory Unit, <http://unmil.org/1content.asp?ccat=corrections&zdoc=1> (last visited June 13, 2009).
- 235 Kampala Declaration on Prison Conditions in Africa *in* PENAL REFORM INT'L, AFRICA'S RECOMMENDATIONS FOR PENAL REFORM 14 (2008).
- 236 *Id.* at 12-13.
- 237 Kadoma Declaration on Community Service Orders in Africa ¶¶ 1, 4, *supra* note 216, at 20.
- 238 Robben Island Guidelines ¶¶20(a)-(d), *supra* note 175, at 70.
- 239 Kampala Declaration on Prison Health in Africa *in* PENAL REFORM INT'L, AFRICA'S RECOMMENDATIONS FOR PENAL REFORM 36-37 (2008).
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- 241 U.N. Rules for the Protection of Juveniles Deprived of Their Liberty, G.A. Res. 45/113, U.N. Doc. A/RES/45/113, Dec. 14, 1990).
- 242 Johannesburg Principles on National Security, Freedom of Expression, and Access to Information (Nov. 1996), <http://www.article19.org/pdfs/standards/joburgprinciples.pdf>; *see also* Int'l Federation of Journalists, *Final Declaration adopted by the [sic] National Conference on Media Law and Policy Reform, Liberia, 23 October 2004*, Oct. 25, 2004, <http://www.ifj.org/en/articles/liberia-national-conference-on-media-law-and-policy>.
- 243 *See generally*, U.N. Educational, Scientific and Cultural Organization Seminar on Promoting an Independent and Pluralistic African Press, Apr. 29 - May 3, 1991, *Declaration of Windhoek on Promoting an Independent and Pluralistic African Press*, [http://www.unesco.org/webworld/peace\\_library/UNESCO/HRIGHTS/327-331.HTM](http://www.unesco.org/webworld/peace_library/UNESCO/HRIGHTS/327-331.HTM) [hereinafter *Windhoek Declaration*]; Int'l Federation of Journalists, *supra* note 242.
- 244 *See* Int'l Federation of Journalists, *supra* note 242.
- 245 *Id.*; *see also* Int'l Press Inst., IPI Calls for "Criminal Malevolence" Charge Against Newspaper Staff in Liberia to be Dropped by Courts, July 20, 2004, [http://www.freemedia.at/cms/ipi/statements\\_detail.html?ctxid=CH0055&docid=CMS1144412833120&year=2004](http://www.freemedia.at/cms/ipi/statements_detail.html?ctxid=CH0055&docid=CMS1144412833120&year=2004).
- 246 Johannesburg Principles on National Security, Freedom of Expression, and Access to Information, *supra* note 242; Int'l Federation of Journalists, *supra* note 242.
- 247 Int'l Federation of Journalists, *supra* note 242.
- 248 African Charter on Broadcasting (2001), [http://portal.unesco.org/ci/en/files/5628/10343523830african\\_charter.pdf/african%2Bcharter.pdf](http://portal.unesco.org/ci/en/files/5628/10343523830african_charter.pdf/african%2Bcharter.pdf).
- 249 U.N. Economic, Social and Cultural Organization & U.N. Development Programme, Liberia Media Development Program: Governance and Rule of Law 3, [http://portal.unesco.org/ci/en/files/18569/1112886521liberia\\_media.pdf/liberia\\_media.pdf](http://portal.unesco.org/ci/en/files/18569/1112886521liberia_media.pdf/liberia_media.pdf) (last visited May 28, 2009).
- 250 *Id.*
- 251 *Windhoek Declaration*, *supra* note 243.
- 252 Dorina Bekoe & Christina Parajon, U.S. Inst. of Peace, *Liberia's Peacebuilding Effort: One Year after Transition* (2006), [http://www.usip.org/pubs/usipeace\\_briefings/2006/1213\\_liberia\\_peacebuilding.html](http://www.usip.org/pubs/usipeace_briefings/2006/1213_liberia_peacebuilding.html).
- 253 Telephone Interview with James Qualah (Aug. 9, 2007) (on file with author).
- 254 U.N. Economic, Social and Cultural Organization/ U.N. Development Programme, *supra* note 249, at 4.
- 255 *Id.*
- 256 *Windhoek Declaration*, *supra* note 243.
- 257 Bekoe & Parajon, *supra* note 252.
- 258 An Act to Establish the Truth and Reconciliation Commission of Liberia, art. VII, § 26(d) (enacted by the National Transitional Legislative Assembly, May 12, 2005), <https://www.trcofliberia.org/about/trc-mandate>.
- 259 *See id.* art. X § 44.
- 260 U.N. Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, Principle 19, U.N. Doc. E/

- CN.4/2005/102/Add.1 (Feb. 8, 2005) [hereinafter U.N. Principles to Combat Impunity].
- 261 *Id.*
- 262 Although Liberian domestic law provides for prosecution of a wide array of crimes applicable in the context of the conflict, prosecutors must be prepared to deal with statutes of limitations defenses, which for a non-capital felony is five years. Liberia has not ratified the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.
- 263 *See* U.N. HIGH COMM’R FOR HUMAN RIGHTS, RULE-OF-LAW TOOLS FOR POST-CONFLICT STATES: PROSECUTION INITIATIVES 17-19 (2006) [hereinafter RULE-OF-LAW TOOLS: PROSECUTION].
- 264 *Id.* at 19-20.
- 265 *See id.* at 11-17.
- 266 *See id.* at 34-35.
- 267 *Id.* at 25-27.
- 268 *Paris Principles*, *supra* note 90, ¶ 7.6.1.
- 269 *Id.* ¶ 8.8.
- 270 *Id.* ¶ 8.7.
- 271 *Id.* ¶ 8.9.0.
- 272 *See* RULE-OF-LAW TOOLS: PROSECUTION, *supra* note 263, at 14-15.
- 273 U.N. Principles to Combat Impunity, *supra* note 260, Principle 25.
- 274 Rome Statute of the International Criminal Court arts. 11(2), 12(3), *entered into force* July 1, 2002, 2187 U.N.T.S. 90.
- 275 The Rome Statute places temporal limits on the court’s jurisdiction. It may only consider criminal conduct occurring *after* the states to which the case applies have ratified the Statute (Sept. 22, 2004 for Liberia). *Id.* art. 11(2).
- 276 “The Court has jurisdiction only with respect to crimes committed after entry into force of this Statute.” *Id.* art. 11(1).
- 277 The ECOWAS Community Court of Justice has jurisdiction to address breaches of human rights occurring in any Member State. Supplementary Protocol A/SP.1/01/05 Amending the Preamble and Articles 1, 2, 9, 22 and 30 of Protocol A/P.1/7/91 Relating to the Community Court of Justice and article 4 Paragraph 1 of the English Version of the Said Protocol, at art. 3, Jan. 19, 2004. Until recently, jurisdiction of the court was limited to disputes between Member States concerning issues such as interpretation of the ECOWAS treaty and cases brought by Member States on behalf of their own nationals against other Member States or ECOWAS institutions. William Onzivu, *Globalism, Regionalism, or Both: Health Policy and Regional Economic Integration in Developing Countries, an Evolution of a Legal Regime?* 15 MINN. J. INT’L L. 111, 168 (2006) (citing ECOWAS Court Protocol, ECOWAS Doc. A/P.1/7/91 (Jan. 7, 1991)). The 2004 Supplementary Protocol, however, added a new provision that grants access to the court to individuals seeking relief for human rights violations, providing the issue is not under adjudication by another international court. Supplementary Protocol A/SP.1/01/05 Amending the Preamble and Articles 1, 2, 9, 22 and 30 of Protocol A/P.1/7/91 Relating to the Community Court of Justice and article 4 Paragraph 1 of the English Version of the Said Protocol, at art. 4, Jan. 19, 2004. In addition, the new Article 10 grants access to “individuals and corporate bodies in proceedings for the determination of an act or inaction of a Community official which violates the rights of the individuals or corporate bodies.” *Id.* art. 4. At the time of publication, the ECOWAS Community Court of Justice website was not available, and it was impossible to verify whether the Supplementary Protocol has received the requisite nine ratifications to enter into force. *See id.* art. 11.
- 278 *See infra* Potential Implementation Strategy: Prosecution Options under U.S. Law and Universal Jurisdiction.
- 279 *See id.*
- 280 Press Release, U.S. Dep’t of Justice, Roy Belfast, Jr., A/K/A Chuckie Taylor, Sentenced on Torture Charges (Jan. 9, 2009).
- 281 U.N. Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), G.A. Res. 45/110, U.N. Doc. A/RES/45/110 (Dec. 14, 1990).
- 282 *Id.* ¶ 8.2.
- 283 Rome Statute, *supra* note 274, art. 121(1); *see also* art. 123(1) calling for a review conference relative to the status of the ICC on July 1, 2009. *Id.*
- 284 *See* Revised ECOWAS Treaty art. 90, July 24, 1993, <http://www.comm.ecowas.int/sec/index.php?id=treaty&lang=en>.
- 285 An Act to Establish the Truth and Reconciliation Commission of Liberia, § 26(g) (enacted by the National Transitional Legislative Assembly, May 12, 2005), <https://www.trcofiberia.org/about/trc-mandate>.
- 286 U.N. Principles to Combat Impunity, *supra* note 260,

- Principle 24(b).
- 287 *Id.* Principle 36(a).
- 288 *Id.*
- 289 RULE-OF-LAW TOOLS: PROSECUTION, *supra* note 263, at 10.
- 290 *Id.* at 25-26.
- 291 U.N. Principles to Combat Impunity, *supra* note 260, Principle 19.
- 292 *See* U.N. Convention against Corruption, G.A. Res. 58/4, U.N. Doc. A/RES/58/4 (Oct. 31, 2003).
- 293 African Union Convention on Preventing and Combating Corruption, (July 11, 2003) *entered into force* Aug. 2006, [http://www.africa-union.org/Official\\_documents/Treaties\\_%20Conventions\\_%20Protocols/Convention%20on%20Combating%20Corruption.pdf](http://www.africa-union.org/Official_documents/Treaties_%20Conventions_%20Protocols/Convention%20on%20Combating%20Corruption.pdf). Liberia ratified the AUCPCC in June 2007. *List of Countries Which Have Signed, Ratified/ Acceded to the A.U. African Convention on Preventing and Combating Corruption 2*, Apr. 13, 2009, <http://www.africa-union.org/root/au/Documents/Treaties/List/African%20Convention%20on%20Combating%20Corruption.pdf>
- 294 U.N. Convention against Corruption, *supra* note 292, art. 63(6).
- 295 *Id.*
- 296 Transparency Int'l, Global Corruption Report 2004 39-40, 42 (2004).
- 297 *See* A.U. Convention on Preventing and Combating Corruption, *supra* note 293, art. 22.
- 298 *See id.* arts. 4-5.
- 299 Transparency Int'l, *supra* note 296, at xxv-xxvii.
- 300 Transparency Int'l, *supra* note 296, 67.
- 301 LIBER. CONST. of 1984, art. 7.
- 302 *Id.* arts. 6, 8.
- 303 African Charter on the Rights of the Child, *supra* note 4, art. 43.
- 304 Gen. Conference of the Int'l Labour Organisation, Convention concerning Basic Aims and Standards of Social Policy art. 1 (June 22, 1962), *entered into force* Apr. 23, 1964, <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C117>.
- 305 *Id.* art. 2.
- 306 U.N. Development Programme, Speaker of Malawi Parliament visits Millennium Villages Project, [http://www.undp.org.mw/index.php?option=com\\_content&view=article&id=167:speaker-of-malawi-parliament-visits-millennium-villages-project-&catid=1:latest-news&Itemid=96](http://www.undp.org.mw/index.php?option=com_content&view=article&id=167:speaker-of-malawi-parliament-visits-millennium-villages-project-&catid=1:latest-news&Itemid=96) (last visited June 15, 2009).
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1. "Countries may increase expenditure on education by switching spending from other sectors or by increasing revenues.
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  3. Using HIPC debt relief funds on a temporary basis to close the financing gap in many heavily indebted countries over the next few years.
  4. Using funds from the FTEI Catalytic

- Fund on a temporary basis represents an extraordinary opportunity to provide temporary financing to FTI countries working towards the elimination of fees." *Id.* at 5.
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- The elimination of stereotypes perpetuating discrimination against women and girls in educational curricula, and the incorporation of human rights and gender issues into curricula and teacher training;
  - Protection against sexual harassment in the educational setting, including providing sanctions against the perpetrators of such practices and rehabilitation services to victims;
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