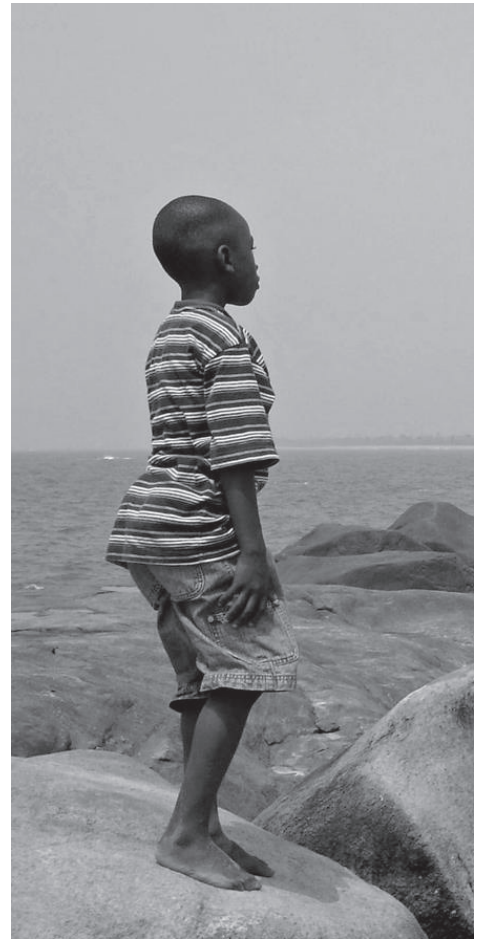


Chapter Two



Priority Recommendations

Chapter Two. Priority Recommendations

Priority Recommendations at a Glance

Addressing the Immediate Needs of Victims

Addressing the Immediate Needs of Refugees and the Displaced

Addressing the Immediate Needs of Special Populations

Ensuring Civil and Political Rights Are Guaranteed Immediately

Ensuring Justice and Ending Impunity

Addressing Corruption

Ensuring Economic and Social Rights and Development

Implementation of TRC Recommendations

Taking Steps toward Reconciliation

United States & International Community Action

The Truth and Reconciliation Commission of Liberia (TRC) requested that The Advocates for Human Rights (The Advocates) address the full scope of Liberia's international legal obligations in The Advocates' report. We have presented that information, in consideration of the Liberian context, in Chapter 14 at the end of this report.

The current chapter contains priority areas that The Advocates suggest should be highlighted and addressed immediately. Prioritizing recommendations in the context of a truth and reconciliation commission is a task that borders on the impossible. The priority areas set forth here reflect a struggle between the many competing needs and rightful demands of the Liberians with whom The Advocates interacted in the United States, the United Kingdom, and Ghana. It also reflects the framework of international human rights that The Advocates seeks to promote and protect.

The Advocates recognizes that all of the following recommendations are important. Many measures, such as combating corruption and ensuring education, are integral to healing, justice, and non-repetition. The Advocates ultimately decided, however, to present recommendations in a sequence that acknowledges the need to address the most urgent rehabilitative needs of victims and other vulnerable populations. Truth and reconciliation

commissions are designed in large measure to be victim-centered processes. They cannot make victims whole, but unlike prosecutions and many other measures that focus on perpetrators, truth and reconciliation commissions document and validate the experiences of victims. Accordingly, victims' needs should be at the center of the TRC process. The sequences of priorities here is also consistent with the TRC's mandate to heed the experiences of women, children, and vulnerable groups. Providing some remediation for the violations they suffered should register at the top of any post-TRC action plan.

ADDRESSING THE IMMEDIATE NEEDS OF VICTIMS

The government of Liberia should adopt measures to address the immediate needs of war-affected persons. The ongoing physical and mental health effects of war trauma negatively impact the quality of life of innumerable Liberians and impede their ability to productively contribute to Liberia's development. Although related to the economic, social, and cultural rights to which all Liberians are entitled, the needs of victims of war trauma are distinct and merit special inclusion and high priority.

- The government of Liberia should ensure that victims' critical physical and mental health needs are addressed. For example, victims of sexual violence have an immediate need for medical services such as diagnosis and treatment of sexually transmitted infections, as well as other reproductive health concerns. Victims of other types of trauma have an immediate need for medical treatment to alleviate chronic pain and other ailments. Many former child soldiers require access to drug and alcohol abuse treatment programs.
- The government should ensure that victims have access to basic necessities, such as food, potable water, clothing, and shelter.
- The government should support the reintegration and rehabilitation of victims into their community and society, which requires public sensitization, as well as educational programs.
- Literacy programs, skills training, vocational and technical programs, and other education should be made available free-of-charge to victims. The government of Liberia should work with other organizations to create jobs, employment programs, micro-credit schemes, and business training opportunities.
- The government should facilitate family tracing and reunification through cooperation, legal measures, the issuance of documents, and provision of information.
- The government of Liberia should dedicate adequate resources, financial support, and political will to implementing the TRC's recommendations concerning a reparations program, ensuring that the public is informed and has the opportunity to present and to receive collective claims.

ADDRESSING THE IMMEDIATE NEEDS OF REFUGEES AND THE DISPLACED

- The governments of Ghana and other host countries should immediately cease any activities that seek to pressure persons with refugee status to return to Liberia. The host governments should recognize the continuation of refugee status for certain individuals, including those with valid asylum claims, humanitarian needs, and established familial, social, or economic links in the host country. The host governments should adopt measures to give effect to the rights of refugees, paying attention to the right to work, right to health, right to property, and the right to education.
- Host countries, the government of Liberia, and the U.N. High Commissioner for Refugees

(UNHCR) should ensure that any repatriation process is carried out in accordance with international guidelines on safe, voluntary, and dignified repatriation.

- The government of Liberia should provide internally displaced people with safe access to food, potable water, shelter, clothing, sanitation, and health care, taking into account the special needs of particularly vulnerable populations within this group.
- The government of Liberia should ensure that returning refugees and displaced persons have access to vocational and/or agricultural training and other services to enable them to provide support for themselves and their families.

ADDRESSING THE IMMEDIATE NEEDS OF SPECIAL POPULATIONS

- The government of Liberia should adopt measures to protect the rights of children to enjoy an adequate standard of living and the highest attainable standard of health. The government should strive to give effect to these rights, paying particular attention to needs of children formerly associated with fighting forces, children separated from their families, and orphans. Prime among recommendations is ensuring that children enjoy the right to education without discrimination, which includes eliminating user fees and increasing girls' enrollment. In addition, the government should ensure that all children are protected against economic exploitation, including child labor, and it should adopt measures to eliminate harmful traditional practices. Harmful traditional practices include practices that are rooted in traditional cultural beliefs but which violate internationally accepted human rights norms, such as female genital mutilation.
- The government of Liberia should adopt measures to eliminate discrimination against women in both law and practice, paying attention to the particular needs of rural, disabled and elderly women. This includes ending violence against women, social and cultural patterns that harm women (including traditional practices), early or forced marriage, and female genital mutilation. The government should strive to ensure that women enjoy the protection of, and equal access to, the law as do men, which includes measures to increase availability of free legal aid, gender-sensitive trainings for legal, court, and law enforcement personnel, and appropriate legislative reform.
- The government of Liberia should adopt measures to meet older persons' needs, including their access to health care and food, water, shelter, and clothing--paying particular attention to elderly women.

ENSURING CIVIL AND POLITICAL RIGHTS ARE GUARANTEED IMMEDIATELY

- The government of Liberia should ensure that the inherent integrity and dignity of the person is respected. The government should immediately repeal legislation that authorizes capital punishment and commute the death sentences of any inmates. It should take measures

to prevent and to punish acts of torture, slavery and involuntary servitude, and forced labor within its jurisdiction.

- The government of Liberia should ensure that its administration of justice, police and penal system, and press freedoms comply with international legal standards. Liberia's history of abusive arrest and detention practices necessitates adherence to principles of international law relative to arrest and detention of prisoners, for which the International Covenant on Civil and Political Rights provides the guiding framework. The government should prioritize guaranteeing a fair and impartial judiciary through the development and dissemination of a judicial code of conduct, trainings, the codification of employment terms, and appropriate disciplinary measures as needed, for which the U.N. Principles on the Judiciary provide a guiding framework.
- The government of Liberia should prioritize improving the security situation in Liberia. Also, the government should ensure that its policies and procedures of the Liberian National Police and armed forces conform to international human rights standards and respect the basic rights enshrined in the constitution of Liberia. The government should provide adequate support to the Liberian National Police in the areas it has identified as critical challenges, including training, infrastructure development, logistics, and information technology. The government should work closely with UNMIL and civil society to ensure law enforcement is trained to respect human rights, to facilitate effective civilian oversight of the police, and to provide procedures for Liberians to make complaints about police misconduct to an independent investigatory body. Recommendations related to ensuring justice and ending impunity are relevant to the promotion of security.

ENSURING JUSTICE AND ENDING IMPUNITY

- The government of Liberia must ensure that individuals responsible for serious crimes under international law are prosecuted. The government should consider both new and existing prosecution mechanisms to give effect to this obligation. The government should consider authorizing a special court, in consultation with civil society and the international community, to prosecute serious violations of law. Alternatively, or in addition, the government may consider pursuing international and regional mechanisms, as well as national courts in other jurisdictions, for prosecution.
- At all times, the government of Liberia should guarantee to anyone accused of a crime competent legal counsel and due process in accordance with international legal standards. All prosecutions should be carried out in a fair and impartial manner that protects the due process rights of the accused.
- The government of Liberia must ensure that any grants of amnesty do not benefit perpetrators of serious crimes under international law or prejudice victims' right to reparation or right to the truth.
- The government of Liberia should adopt measures for lustration and vetting to ensure that

individuals personally responsible for violations of human rights do not serve as state officials or employees. Such measures must include due process protections for those individuals.

ADDRESSING CORRUPTION

- The government of should take measures to combat corruption across all sectors. The U.N. Convention against Liberia Corruption and the AU Convention on Preventing and Combating Corruption provide a guiding framework. The government should criminalize and prosecute acts of bribery, embezzlement and misappropriation, abuse of functions, laundering criminal proceeds, and obstruction of justice. The government should provide adequate resources, financial support, and political will to the Anti-Corruption Commission.
- The government of Liberia should adopt and affirmatively implement and enforce hiring policies based on merit and not influenced by nepotism based on family, tribal or personal connections. The government should likewise develop and fund an independent complaint and enforcement mechanism to ensure compliance with such policies.



ENSURING ECONOMIC AND SOCIAL RIGHTS AND DEVELOPMENT

Meeting the needs of victims and ensuring that the nation moves forward requires the government to undertake long-term reforms of the education and healthcare sectors, as well as to undertake work on the right to development. The Advocates recognizes that, while many of the recommendations underpin recommendations related to victims, the government of Liberia must address the economic and social rights of all people.

- The government of Liberia should take measures to increase access to education. Such measures include working toward increased school enrollment of girls; taking steps to eliminate user fees imposed by schools; prioritizing the recruitment, training, retention of, and salary structures for teachers; and developing strategies for providing technical and

vocational education to young people and adults.

- The government of Liberia should take measures to ensure access to timely and appropriate health care as envisaged by the right to enjoy the best attainable state of physical and mental health. Health care should be: available (in sufficient quantity); accessible (non-discriminatory in physical, economic, and informational terms); acceptable (ethical and culturally- and gender-sensitive); and of good quality (in terms of goods, facilities, and personnel). Importantly, the right to health also includes sanitation, potable water, sufficient food, nutrition, shelter and information, and a healthy environment.
- The government of Liberia should devote adequate resources and financial support to implementing the Poverty Reduction Strategy.
- The government of Liberia should work with other organizations to create jobs, employment programs, micro-credit schemes, and business training opportunities.

IMPLEMENTATION OF TRC RECOMMENDATIONS

- The government of Liberia should dedicate adequate resources, financial support, and political will to implement the TRC's recommendations. To this end, the government should act promptly to expedite the establishment of the Independent National Commission on Human Rights, including making presidential appointments to the commission, directing all relevant government entities to provide full support to the commission, and widely and timely disseminating the TRC report and recommendations.
- Civil society should play an active role in monitoring and advocacy regarding the implementation of the TRC recommendations.

TAKING STEPS TOWARD RECONCILIATION

- The government of Liberia should adopt measures to regain national unity. In particular, this recommendation includes adopting measures to combat discrimination and to protect linguistic rights, land rights, and cultural rights, paying particular attention to disabled persons and minorities. Such efforts should cut across all sectors and levels, including constitutional and other legal reforms, changes to educational policies and curricula, and the development of national strategies to protect against discrimination and to promote social and cultural rights.
- The government of Liberia should take measures toward national reconciliation. Many of these steps are low-cost or free and should be given priority:
 - The government of Liberia should amend the constitution to protect against discrimination and ensure that such protections are fully enforced through implementing legislation and practices.
 - The government of Liberia should take steps to modify its national image to fully

reflect its history and people. Such steps may include re-naming streets, public buildings and institutions; changing the national seal; changing or creating national days and holidays; and ensuring historical accounts more accurately reflect the contributions of all people.

- The government of Liberia should take steps to facilitate inter-tribal reconciliation through activities that bring different tribes together, such as social and sporting events.

UNITED STATES & INTERNATIONAL COMMUNITY ACTION

- The U.S. government should take immediate steps to allow Liberians registered under Deferred Enforced Departure status to apply for lawful permanent resident status.
- The U.S. government should take legislative and administrative steps to facilitate family reunification and respect the right to a family by revisiting denials of refugee resettlement applications and other family reunification petitions based on DNA evidence and by passing the Child Citizen Protection Act. The U.S. government should ensure that its definition of a “child” includes those children adopted under traditional, non-formal laws in Liberia.



- The U.S. government should ensure that Liberians in the United States can access health care that is culturally appropriate. Such services should take into account the specific Liberian context. For example, the government should expand federal funding for torture treatment and support programs that offer health services to former combatants and others who may be excluded because of their fighting status. Addressing mental health needs is a priority, and such efforts should include public education to overcome any stigmatization and the training of Liberian mental health workers.

- The U.S. government should take steps to ensure that Liberians have access to education that is age- and language-appropriate, paying particular attention to the literacy needs of Liberian women. This will require school systems to assess and to develop policies to accommodate native speakers of non-American English and students whose age or educational progress may not match grade level structures.
- The U.S. government should support policies that integrate Liberian professionals into careers matching their skills and training. Employment services should seek to pair Liberians with jobs that match their training and background and to support peer-mentoring programs.
- The U.S. government, and/or other appropriate organizations, should work in consultation with Liberian community leaders to develop a long-term strategy to facilitate reconciliation among Liberians in the diaspora, as well as support the creation of memorials.
- The U.S. government should cooperate with any prosecutions and act promptly to respond to requests for extradition. The U.S. government should explore prosecutions of foreign nationals for crimes committed outside of the United States, including those under the Genocide Accountability Act, Child Soldiers Accountability Act, War Crimes Act of 1996, and the Extraterritorial Torture Statute.
- The U.S. government should make foreign aid and technical assistance to Liberia a priority, using the Paris Declaration on Aid Effectiveness as a guiding framework. Such foreign aid should prioritize the re-development of Liberia and include recognition of the U.S. role in the conflict.
- The international community should act in accordance with its legal obligations to prosecute and to cooperate in prosecutions of serious crimes under international law. The international community should cooperate in any extradition requests for persons accused of crimes.
- The international community should intensify its cooperation regarding financial aid and technical assistance to Liberia, using the Paris Declaration on Aid Effectiveness as a guiding framework.

