

**THE REPUBLIC OF LIBERIA**



**NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS**

**2024-2028**



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**FOREWORD**



I am proud to introduce Liberia's first National Action Plan on Business and Human Rights, a key initiative by the government of Liberia, led by the Ministry of Justice and Labor respectively. At a time when business and human rights have become an emerging frontier in the sphere of global human rights, we endeavor as a country amongst the community of nations, to emerge as an outstanding example of international best practice in the implementation of the UN Guiding Principles on Business and

Human Rights, which outline protection, respect for, and fulfillment of human rights as the pillars of its existence.

The action plan reflects Liberia's commitment to fostering a thriving business environment while safeguarding the fundamental rights and dignity of all individuals. Buttressed by the pillars of Agriculture, Roads, Rule of Law, Education, and Tourism, our national agenda, aptly named ARREST, encapsulates our collective vision for a more just and equitable society.

ARREST underscores our holistic approach, recognizing that economic prosperity must be achieved simultaneously with social responsibility. By prioritizing agriculture, we empower local farmers and promote food security, laying the foundation for sustainable growth. Improved infrastructure through our road development initiatives not only enhances connectivity but also facilitates access to essential services, furthering socio-economic inclusion.

Our national agenda affirms the government's unwavering commitment to ensure the respect for the rule of law, and a society where businesses will operate bearing in mind, that they must uphold human rights standards and foster confidence in the justice system. Education being a tool of empowerment, will equip our citizens with the knowledge and necessary skillsets needed to thrive in a rapidly evolving global landscape.

Moreover, Liberia's rich cultural heritage and natural wonders present unparalleled opportunities in tourism. Through responsible and community-driven tourism development, we harness the potential of this sector to drive economic growth while preserving our environment and heritage for generations to come.

Finally, let us remember, as we embark on this transformative journey, that the ambition or aspirations of businesses to prosper, or acquire profits, must never lead to the detriment of human existence, or intrude on the rights to inherent dignity of the people.

Let us all come together and work to ensure the success of the ARREST agenda, in order to make Liberia a more prosperous and human rights friendly environment for all.

A handwritten signature in black ink, appearing to read 'N. Oswald Tweh', enclosed within a hand-drawn oval.

Cllr. N. Oswald Tweh

**Minister of Justice and Attorney General**

## **ACKNOWLEDGEMENT**

This National Action Plan on Business and Human Rights (NAPBHR) has been developed by the National Steering Committee on Business and Human Rights (NSCBHR) to guide the implementation of the United Nations Guiding Principles on Business and Human Rights (UNGPs) in Liberia. The Ministry of Justice (MoJ) led the process of developing the NAPBHR, with the Ministry of Labor (MoL) as the co-lead. The Independent National Commission on Human Rights (INCHR), civil society organizations, and the private sector were part of the process. The government of Liberia is grateful for the technical and financial support received from the Office of the High Commissioner for Human Rights (OHCHR) during the development of this plan. We also acknowledge the contributions made by all stakeholders in the preparation of this first Liberia National Action Plan on Business and Human Rights.

## LIST OF ABBREVIATIONS AND ACRONYMS

ACS	American Colonization Society
ADR	Alternative Dispute Resolution
AfDB	African Development Bank
ASM	Artisanal and Small-scale Mining
BHRs	Business and Human Rights
BO	Beneficial Ownership
BOA	Bureau of Audits
CBA	Collective Bargaining Agreement
CLDMC	Community Land Development and Management Committee
CRG	Community Relations Guidelines
CRL	Community Rights Law
CSA	Civil Service Agency
CSF	Corporate Social Fund
CSR	Corporate Social Responsibility
DWA	Decent Work Act
EITI	Extractive Industries Transparency Initiative
EPML	Environmental Protection and Management Law
ESIA	Environmental and Social Impact Assessment
EPA	Environmental Protection Agency
FPIC	Free, Prior and Informed Consent
GAC	General Auditing Commission
GAO	General Auditing Office
HDI	Human Development Index
HRDD	Human Rights Due Diligence
HRIA	Human Rights Impact Assessment
IAA	Internal Auditing Bureau
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IFC	International Finance Corporation
INCHR	Independent National Commission on Human Rights
LACC	Liberia Anti-Corruption Commission
LEITI	Liberia Extractive Industries Transparency Initiative
LLA	Liberia Land Authority
LPIS	Land Policy and Institutional Support
LRL	Land Rights Law
MACs	Ministries, Agencies and Commissions
MFA	Ministry of Foreign Affairs
MIA	Ministry of Internal Affairs
MME	Ministry of Mines and Energy
MoA	Ministry of Agriculture
MoCI	Ministry of Commerce and Industry
MGCSP	Ministry of Gender, Children & Social Protection

MoJ	Ministry of Justice
MoL	Ministry of Labor
MoU	Memorandum of Understanding
NAP	National Action Plan
NAPBHR	National Action Plan on Business and Human Rights
NBC	National Bureau of Concessions
NCD	National Commission on Disabilities
NGOs	Non-Governmental Organizations
NHRIs	National Human Rights Institutions
NIC	National Investment Commission
NSCBHR	National Steering Committee on Business and Human Rights
NTWGBHR	National Technical Working Group on Business and Human and Human Rights
NWCPAML	National Wildlife Conservation and Protected Area Management Law
NWGBHR	National Working Group on Business and Human Rights
OEP	Opening Extractive Program
UNOHCHR	United Nations Office of the High Commissioner for Human Rights
OO	Open Ownership
PAPD	Pro-Poor Agenda for Prosperity and Development
PCIA	Peace and Conflict Impact Assessment
PWD	Persons with Disability
SDGs	Sustainable Development Goals
SEA	Sexual Exploitation and Abuse
SGBV	Sexual and Gender-Based Violence
SIA	Stakeholder Identification and Analysis
UDHR	Universal Declaration of Human Rights
UNGP	United Nations Guiding Principles
UNGPBHR	United Nations Guiding Principles on Business and Human Rights
UNSC	United Nations Security Council

## EXECUTIVE SUMMARY

Article 11(a) of the Constitution of Liberia, 1986 states “All persons are born equally free and independent and have certain natural, inherent and inalienable rights, among which are the right of enjoying and defending life and liberty, of pursuing and maintaining and security of the person and of acquiring, possessing and protecting property, subject to such qualifications as provided for in this Constitution.”<sup>1</sup> The state is therefore duty bound to protect all persons under its jurisdiction from all forms of human rights violations and abuses, including those related to business operations.

This National Action Plan (NAPBHR) therefore reinforces the state’s duty to protect those under its jurisdiction from business-related human rights abuses, the business's responsibility to respect human rights, and the requirement for both State and businesses to ensure that victims of such abuses have access to effective remedies, as provided under most domestic legislations, in line with the standards provided under the United Nations Guiding Principles on Business and Human Rights (UNGPs)<sup>2</sup>. This first Liberia NAPBHR focuses on six key thematic areas as identified by stakeholders, namely, Land and natural resources, Labor issues, Access to justice, Environmental concerns, Transparency and Accountability, and Gender and related issues. Chapter one of the plan gives an overview of the NAP development process and its main objectives. Chapter two gives a comprehensive situational analysis vis-à-vis the distinctive perspective of the evolution of industry/business in Liberia. It also provides a summary of industry/business climate in the country. Chapter Three contextualizes the six thematic areas, highlights policy concerns, and provides snapshots of the final policy provisions for each area. Chapter four spells out the comprehensive policy actions using the UNGPs framework. Finally, an Annex states how the policy actions shall be implemented and monitored during the five years of the Plan.

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<sup>1</sup> <http://judiciary.gov.lr/wp-content/uploads/2017/11/CONSTITUTION-OF-THE-REPUBLIC-OF-LIBERIA.pdf>

<sup>2</sup>

[https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf)



## **CHAPTER ONE: BACKGROUND**

### 1.0. Overview

The Human Rights Council passed Resolution 17/4 on human rights and transnational corporations and other business enterprises in 2011<sup>3</sup>. This Resolution officially endorsed the United Nations Guiding Principles on Business and Human Rights (UNGPs). These principles are built upon three fundamental pillars: the state's duty to protect human rights, the responsibility of corporations to respect human rights, and the right of individuals to access remedies. The UNGPs reiterate states' duty to protect human rights, including from abuses by third parties; and businesses' responsibility to respect these rights and the need for both businesses and states to ensure that victims of corporate-related harm have access to effective remedies. The Working Group on the issue of human rights and transnational corporations and other business enterprises (also referred to as the Working Group on Business and Human Rights) was established by the Human Rights Council in 2011 by resolution 17/4 with mandate to promote, disseminate, and implement the UNGPs.

Following the visit by the UN Working Group on Business and Human Rights<sup>4</sup> to Liberia from 31 October to 11 November 2022, several recommendations towards enhancing respect for human rights in the business sphere were made, key among which was the adoption of the stipulation that each state should formulate a National Action Plan on Business and Human Rights (NAPBHR) on how to implement the UNGPs.

Following engagement and consultation by the Office of the High Commissioner for Human Rights (OHCHR) with various stakeholders, the Government of Liberia agreed to develop a NAPBHR to operationalize the UNGPs and the government's commitment to discharge its duty to protect human rights in the context of business and ensure that businesses operationalize their responsibility to respect; and more importantly, ensure access to remedy for individuals or communities adversely affected by business operations. The NAPBHR also encourages the adoption of effective grievance mechanisms by companies to address human rights concerns.

This NAPBHR is developed along these three pillars and outlines actionable steps to be taken by the government to address business-related human rights abuses focusing on institutional backing of appropriate agencies. It also includes informal and non-standard forms of employment and contract employment, compensation, gender, mobilization, sensitization, awareness creation, capacity building, community development, community consultation, and engagement, as well as benefits sharing, security, conflict resolution, reporting and monitoring compliance, community responsibility, reward and recognition, and an exit strategy.

This National Action Plan (NAPBHR) is aligned with the country's development objectives,

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<sup>3</sup> The full text of the Resolution is available at [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/17/4](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/17/4)

<sup>4</sup> The Working Group on the issue of human rights and transnational corporations and other business enterprises (also referred to as the Working Group on Business and Human Rights) was established by the Human Rights Council in 2011 by resolution 17/4. It has the mandate to promote, disseminate, and implement the Guiding Principles on Business and Human Rights (UNGPs).

and the Liberia National Vision 2030. The goals outlined in these frameworks align with key objectives of the Sustainable Development Goals (SDGs) encompassing aspirations such as eradicating poverty, advancing gender equality, and diminishing inequalities. Furthermore, the pursuit of building robust institutions to uphold justice, peace, and security is a shared strategic goal that intersects with both the national development plan and Liberia’s Vision 2030.<sup>5</sup>

This five-year NAPBHR (2024-2028) gives clear benchmarks for measuring progress and achievements in the implementation process by allocating roles and responsibilities for each stakeholder to advance human rights and businesses in Liberia and provides strategies for implementing human rights and business imperatives in the country. The Plan also strives to ensure compliance with national laws and international human rights standards by the state and the business community. The NAPBHR will be reviewed every five years to address changes in the business and human rights landscape and to realign with other government priorities.

### 1.1. The National Action Plan Formulation Process

In early 2019, the Government of Liberia expressed its commitment to the development of the National Action Plan on Business and Human Rights. Following this declaration, a stakeholder meeting took place in Buchanan City, Grand Bassa County, facilitated by the Ministry of Justice in its capacity as the Secretariat of the National Human Rights Action Plan. With financial, technical and policy support from OHCHR, the meeting aimed to collaboratively strategize the formulation of the plan in an inclusive manner. During this meeting, participants collectively decided to establish the National Steering Committee on Business and Human Rights (NSCBHR), designating the Ministry of Justice as the National Secretariat on Business and Human Rights. The Steering Committee was entrusted with leading the initiative to draft the NAPBHR, aligning with the implementation of the UNGPs.

Furthermore, the meeting reached a unanimous resolution to assign the Minister of Justice as the Chair of the NSCBHR, with the Minister of Labor serving as the co-Chair. The process involved active participation from the Independent National Commission on Human Rights (INCHR), civil society organizations, and the private sector. As a key driver of the process, the NSCBHR adopted the five-phase process for the NAPBHR development namely Initiation, Assessment and Consultation, Drafting, Implementation, and Update. This approach is consistent with the guidance provided by the UN Working Group on Business and Human Rights.

#### Stakeholders’ Consultations

The preparatory stage involved communicating and advocating for the development of the NAPBHR and holding nationwide stakeholder consultations to ensure an inclusive and participatory document emerges from the process. The multifaceted interventions comprised organizing logistical support and capacity-building activities for the BHR National Secretariat, organizing and supporting capacity-building for BHR focal persons, conducting baseline assessments, and raising awareness and collecting inputs from locals and affected communities

so that the document contains inputs from cross-sections of Liberians, and finally developing an implementation strategy.

A National Retreat on Business and Human Rights organized in 2019 with financial and technical support from OHCHR brought together more than 50 participants from relevant ministries, businesses, civil society, and the media under the leadership of the Ministry of Justice.

The series of other stakeholder consultations evolved as follows:

- i. On 28 November 2019, more than 30 stakeholders including government institutions, CSOs, the INCHR and the business community (Golden Veroleum-Liberia, Arcelor Mittal, etc.) gathered in Ganta, Nimba County, to review and validate a draft Roadmap and Workplan for the NAPBHR. Participants agreed for the conduct of a baseline assessment and nationwide consultations to raise awareness and collect inputs from locals and affected communities to be included in the NAPBHR.
- ii. Additional consultations were held in Grand Bassa and Nimba Counties, respectively in 2021. A total of more than 100 participants attended the consultations. They included representatives from relevant government institutions, the National Commission on Disability, civil society organizations, the business community, youth groups, women groups.
- iii. On 3–4 May 2022, a cross-section of more than 30 participants/stakeholders convened in Monrovia to build on the NAPBHR framework document previously developed during the 2019 and 2021 technical working retreats. The Ministry of Justice, OHCHR, and a national consultant facilitated this session.
- iv. In June 2022, the Ministry of Justice, with support from OHCHR held a nationwide awareness and media outreach initiative aimed at bolstering the knowledge and comprehension of citizens and residents regarding the development of the NAPBHR. This extensive campaign covered three regions: the South-Eastern region, the Western Region, and the Central region. The objectives of this nationwide initiative were to enlighten citizens on the pivotal role played by business, illustrating objectives that fosters coherence between employers and employees while cultivating an investment-friendly environment for the country. The awareness teams, deployed in the aforementioned regions, outlined the substantial efforts undertaken by the government through the MoJ and collaborative partners to ensure the full respect of workers' rights, in both the public and private sectors. .
- v. Drawing on the consultative exercises, the NSCBHR formulated a draft NAPBHR that identifies and manages human rights risks, builds awareness across businesses, and takes effective action to ensure businesses comply with the UNGPs.

## 1.2. Objectives of the NAPBHR

The objectives of this NAPBHR are:

- i. To guide the state in fulfilling its duty to protect individuals and communities from business-related human rights abuses consistent with its domestic and international obligations.
- ii. To guide businesses on the measures they should undertake to meet their responsibility to respect human rights in their operations.
- iii. To promote human rights due diligence by businesses as a viable measure of preventing businesses' adverse impacts on people.
- iv. To strengthen access to state-based judicial and non-judicial remedies for victims of business-related harm.
- v. To protect environmental and human rights defenders.
- vi. To offer clear remedial pathways for business-related gender abuses.

## **CHAPTER TWO: SITUATIONAL ANALYSIS**

### 2.1. Introduction

Businesses everywhere impact the general standard of living and human rights, positively or negatively. In Liberia, as elsewhere, businesses provide positive contributions that include job creation, tax payments, and product innovations that improve quality of life and enhance human rights. However, businesses can also have negative impacts on people and the environment. When labor laws are violated and communities displaced – to either commence or expand business operations – without prior consultation and informed consent, these inflict negative effects on human rights enjoyment. Issues such as environmental pollution and acts considered offensive to the cultural practices of host communities, gender stereotyping and discrimination against disadvantaged persons, can originate from the activities of these companies.

The various stakeholders' consultations and research conducted between 2019 and 2023 revealed that various human rights violations and abuses occurred across the Liberian business sectors – including industrial and artisanal mining, retail and services, manufacturing, fishery, and agribusiness. These abuses happen irrespective of the size or niche of business operations. Sexual harassment and sexual exploitation and abuse (SEA), low remuneration and poor working conditions, including inadequate safety gears, gender discrimination and employment discrimination against persons with disabilities, non-compliance with legal best practices, violation of corporate responsibility in concessional areas, illegal harvesting of timber and mineral resources – these are among several crosscutting concerns that have always attended the business, workplace, and human rights landscape. These findings were also highlighted in the report of the United Nations Working Group on Business and Human Rights following their visit to Liberia from 31 October to 11 November 2022.<sup>6</sup>

### 2.2. Liberia's Experience with Business and Human Rights

Human rights violations and abuses and the associated impacts on the country and its people are situated in the formation of the State of Liberia. The commercial concession model (especially large-scale land acquisition) started with the formation of the Liberian State from the 1800s to the early 1900s and featured prominently in Liberia's political, social, and economic history. Agents of the American Colonization Society (ACS) forcefully acquired land from natives to resettle freed slaves from America.

Over the decades, the extraction and commercialization of the country's natural resources have been a source of tension and sometimes conflict between forest and resource-dwelling communities, companies, and the government. These have mostly been concerning marginalization of the local communities in policy formulation and other decision-making processes, limited benefits, and inaccessibility of benefits from the companies and the government to communities living in and around the resources. Other challenges related to a

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<sup>6</sup> <https://www.ohchr.org/en/documents/country-reports/ahrc5324add1-visit-liberia-report-working-group-issue-human-rights-and>

lack of respect for the rights of the populations in areas where companies operate. This situation intensified during Liberia's fourteen-year civil war and became a key factor contributing to prolonging the civil war. As a result, the United Nations Security Council (UNSC) imposed sanctions on Liberian timber in May 2003, extending the measures to include a ban on timber exports in addition to existing arms and diamond embargoes. The UNSC Resolution 1521 reaffirmed the sanctions but indicated a willingness to terminate the measures if the government established full control over timber-producing regions and reformed the industry based on the principles of good governance.<sup>7</sup>

In 2006, Liberia began reforms to address these injustices, address institutional gaps, and improved governance within its business model. However, several factors continue to underpin the attainment of the aspirations within the reforms on paper. These include the lack of political will, capacity constraints, ambiguous legal requirements, and unfair corporate practices. The NAPBHR seeks to address these issues that undermine Liberia's efforts to attain a conducive business climate, adhere to international best practices and existing Liberian laws, and ensure compliance with the 31 United Nations Guiding Principles on business and human rights.

### 2.3. Thematic Focus of the NAPBHR

#### 2.3.1. Land and Natural Resources

The Liberian economy heavily relies on the mining sector, particularly iron ore, which contributed almost half of the country's earnings before 1990. Since 2006, significant investments from major players like Arcelor Mittal, Beba Mountain, China Union, and others, have fuelled the sector. While iron ore dominates, Liberia also possesses substantial deposits of diamonds, gold, manganese, bauxite, uranium, zinc, and lead. Mineral exports, including raw or semi-finished products, constitute 20% of the country's total export earnings, with large international companies holding mineral development agreements.<sup>8</sup> The agriculture sector has also grown over time, with the World Bank noting that in 2023 growth in the agricultural sector accelerated to 5.9%, from 3.3% in 2021, on the back of increased rice, cassava production, plantation agriculture, notably rubber, and the fisheries sector.<sup>9</sup>

A decade of policy and legal reforms targeting land and the natural resource sector and progress towards more inclusive decision-making about natural resources and benefit sharing is reshaping the relationships among communities, the government, and the private sector. In principle, this marks a dramatic and progressive shift from past predatory approaches to governance when large segments of the Liberian population “were systematically excluded and marginalized from institutions of political governance and access to key economic assets”<sup>10</sup> including land and land-based resources.

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<sup>7</sup> UNSC Resolution 1521, December 2003. Available from: <https://www.treasury.gov/resource-center/sanctions/Programs/Documents/1521.pdf>

<sup>8</sup> <https://www.investliberia.gov.lr/industries/minerals-and-mining>

<sup>9</sup> <https://www.worldbank.org/en/country/liberia/overview>

<sup>10</sup> Liberia's Poverty Reduction Strategy (2008 – 2011), p. 14

In 2009, Liberia enacted the Community Rights Law (CRL) laying the foundation for legal protection of customary land rights. In 2013, the country adopted a progressive Land Rights Policy which required the government to recognize and formalize customary land rights and grant it the same legal status as land acquired under statutory law – otherwise referred to as private land. To reinforce this shift, the government enacted the Land Rights Act in 2018. The Land Rights Act maintains “that all communities, families, individuals, and legal entities enjoy secure land rights free of the fear that their land will be taken from them, except in accordance with due process of law” and “to confirm, declare and ensure equal access and equal protection with respect to land ownership, use and management, including ensuring that Customary Land is given protection equal to Private Land and that land ownership is permitted for all Liberians regardless of their identity, whether based on custom, ethnicity, tribe, language, gender or otherwise.”<sup>11</sup>

The Land Rights Act also explicitly declares customary land as private property, granting it constitutional protection, and granting the government the authority and responsibility to protect it as such. Article 10 of the legislation states that “all interests and rights in land, irrespective of the identity of ownership or the nature of ownership, constitute property entitled to the protection provided by the Constitution of Liberia for all property rights” and further notes that “the government has the sovereign authority and responsibility to protect and enforce protection of all interests and rights in lands.” Given that the overwhelming majority of Liberians access, use, control, and transfer land based on customary norms, recognizing, and formalizing customary tenure will provide land tenure security for many Liberians, especially those in the rural parts of the country. Such a move would sustain peace and prevent conflict.

Article 24 of the Liberian Constitution provides a range of rights including the guarantee to act against the government where expropriation of private land for public good violates the right to the due process of law. The legal system also provides non-state-based remedies in various statutes. For example, under the Community Rights Law concerning the Forest Lands, a five-member Community Forestry Management Body is established to manage the forest on behalf of the community and address grievances faced by affected communities. Moreover, the Land Rights Act of 2018 makes provision for the establishment of governance structures, including the Community Land Development and Management Committee (CLDMC), which reviews and decides on complaints arising from the allocation and/or use of customary land.

Despite these progressive legislations, the consultations identified the following concerns related to land, natural resource development and business:

1. Limited direct community involvement in benefit redistribution mechanisms/systems from the exploitation of natural resources despite the constitutional imperative for equitable sharing of benefits.
2. Land grabs leading to food insecurity and loss of livelihoods for community dwellers. Such land grabs often involve forced evictions and other land rights violations.
3. Communities deprived of access to sacred lands and water.

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<sup>11</sup> Article 3 of the Land Rights Act (2015 draft)

4. Influx (recruiting contractors/workers while excluding members of affected communities breed conflict) of workers into plantation and logging areas resulting in increased conflict, land shortages, and other social vulnerability of women and girls.
5. Criminalization and harassment of community members and civil society organizations that stand up for their rights, with related impacts on their family and social status.
6. Lack of proper FPIC (Free, Prior and Informed Consent) process during creation of protected areas, monoculture plantations, logging concessions or other land-based investments.
7. Inadequate government monitoring in observing stakeholder's engagement, and inadequate compliance with provisions of contracts and MoU and consultation lead to the detriment of host communities.
8. Lack of adequate human rights awareness and environmental impact assessment in awarding concessions.
9. Persistent conflicts between rural communities and concessions.
10. Exclusion of women in land ownership and decision making about land and natural resources governance.

### 2.3.2. Labor Rights

Liberia's population is increasing and so is the labor supply, especially in urban areas. Population growth has resulted in large increases in the working-age population and has contributed to high rates of unemployment and underemployment, particularly in urban areas, due to migration. One in five workers is unemployed or underemployed in Liberia, and 90 percent of the population is in the informal sector.<sup>12</sup> Informal-sector workers and part time workers are not covered by wage, hours, inspections, and other crucial Decent Work Act provisions.<sup>13</sup> Informal-sector workers include rock crushers, artisanal miners, agricultural workers, street and market vendors, charcoal producers, and domestic workers.<sup>14</sup> Workers generally face physical danger and poor working conditions. Business is largely unregulated, leaving workers vulnerable to human rights abuses, including exploitation and other forms of risks.

Although the official unemployment rate in the small formal sector is 5.7 percent there is a high degree of underemployment in the large low-productivity, low-wage informal sector. Overall, about 20 percent of the labor force cannot find enough work to get out of poverty. The limited traditional export commodities – namely iron ore, rubber, and timber – account for almost all formal sector employment. For the limited growth potential of these sectors, informality dominates the labor market while majority of the labor force is sustained by subsistence agriculture.

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<sup>12</sup> World Bank: Liberia Employment and Pro-Poor Growth

<sup>13</sup> Decent Work Act; Chapter 13, Section 13.2

<sup>14</sup> Ibid; Chapter 16, Section 16 A1



The Liberian workforce faces enormous challenges. Labor rights, such as providing workers, outside of public service, the right to freely form or join independent unions, bargain collectively, and conduct legal strikes or engage in “go-slow”; are guaranteed under the decent Work Act, 2015. The act further prohibits anti-union discrimination and allows unions to conduct their activities without interference from employers, parties, or the government. Nonetheless, the government does not effectively enforce the law in every sector. These notwithstanding, there are still significant challenges regarding adequate protection for those who go on strike and some protections depend on whether property damage has occurred and is measurable. Some of the penalties under the act are not consistent with similar provisions in other pieces of legislations, involving denials of civil rights. Furthermore, administrative, and judicial procedures are subject to lengthy delays or appeals and to outside interference, such as bribes, coercion, and intimidation by politicians.

Forced child labor occurs in Liberia. In line with the traditional “ward” system, rural families often entrust their children to live with relatives, acquaintances, or even strangers in the cities, with the understanding that these children would be educated in the process. In some instances, these children are forced to work as street vendors, domestic servants, or beggars; or they (the girls) are exploited in commercial sex. Forced labor also occurs on agricultural plantations and small holder farms.

There is labor discrimination concerning gender, disability, HIV-positive status, sexual orientation, and gender identity. Women experience economic discrimination based on cultural traditions discouraging their employment outside the home in rural areas. In most instances, men’s wages tend to exceed that of women. Persons with different sexual orientations and people with disabilities face hiring discrimination, and persons with disabilities face difficulty accessing their workplaces and accommodations. There is limited data on industrial accidents relative to mining, construction, forestry, fishing, and agriculture which are considered the most dangerous sectors. Hazardous occupations are especially dangerous in the informal sector, such as illegal fishing, logging, and mining, where the lack of regulation and remediation contributes to fatalities<sup>15</sup>.

Despite existing legal provisions, challenges remain in the effective enforcement of minimum wage and overtime in all sectors, especially in small and medium enterprises. Penalties are less than those for fraud or negligence. The Ministry of Labor’s Inspection Department is responsible for enforcing government-established wage, hours, and health and safety standards in the formal sector, but the mandate is not monitored and there is no enforcement in the informal sector. There are limited labor inspections and joint monitoring visits by relevant government institutions – including the National Bureau of Concessions, Mold, the Environmental Protection Agency, the National Investment Commission, etc. – to enforce compliance (and duties such as on-site inspections for safety, child labor, and other human

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<sup>15</sup> <https://www.ohchr.org/en/documents/country-reports/ahrc5324add1-visit-liberia-report-working-group-issue-human-rights-and>

rights abuses and grievances) are not effective or are lackadaisical.

The NAPBHR consultations identified the following concerns related to labor:

1. Casualization of employment.
2. Casual laborers are vulnerable to exploitation and abuse, especially in the retail and small business sectors.
3. Dubious contracting of women to foreign countries under the pretext of going to acquire legal domestic work but in effect ending up in conditions of enslavement.
4. Businesses not adhering to Affirmative Action provisions restricting certain retail businesses to Liberian ownership.
5. Lack of realistic, implementable business and human rights reporting mechanism for concession companies to report on their business and human rights situation.
6. Wage discrimination based on special interest.
7. Employment discrimination against persons with disabilities (PWDs).
8. Rampant piracy and persistent infringements of copyrights.
9. Delays in adjudicating matters before the courts (including the Labor Court).
10. Weak commitments to resolve recurring business vs communities' disputes.
11. Persistent SEA cases against females/males seeking employment, and SEA pressure on female workers vying for promotion.
12. Inadequate enforcement of judgment of court for successful litigants.
13. Unsafe working conditions.
14. Contradictions in the provisions of the Decent Work Act and the CSA Standing Order.
15. Increased number of children under 18 engaged in hazardous work.

### 2.3.3. Access to Remedy

Liberia is obligated to protect the human rights of all within the state. This protection of people under its jurisdiction covers protection against human rights infringements coming from businesses as well. The Liberian legal system guarantees rights for individuals to seek remedy where there is a reported violation/abuse of fundamental rights and freedoms. The Constitution espouses equal opportunity for all and urges the government to ensure that citizens take part meaningfully in the economy of the state. Liberia is party to seven of the nine core international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).<sup>16</sup> In addition to these international legal instruments, Liberia is also a party to the African Charter on Human and Peoples' Rights, Article 3 of which guarantees the equality of everyone before the law as well as equal protection of the law.

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<sup>16</sup> [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR&Lang=en)

Notwithstanding these legal mechanisms, access to justice has remained a formidable challenge in Liberia's post-war justice system. A vast majority of Liberians coming in conflict with the law do not have legal representation immediately upon arrest by law enforcement officers. The costs of legal services are beyond the financial abilities of ordinary persons and poor people arrested for even petty offenses will not have the means to access legal representation to challenge the charges against them which results in them remaining in continued detention even if they are eligible for conditional release.<sup>17</sup> Hiring a private attorney is simply not affordable to many detainees and their continued detention may thus be a direct result of their poverty.<sup>18</sup>

Another hindrance to access to justice is the limited and inadequate number of Public Defenders of the judiciary to cover the entire country. Access to justice is hindered by limited and inadequate Public Defenders of the judiciary to cover the entire country. NGOs offer legal aid programs, but they are inadequate. For example, in 2015 in Butaw, Sinoe county, it took indigents seeking redress for a company's encroachment on their customary land about eight years, after a series of NGOs and government institutions interventions, to attain some form of redress in 2022. In violation of the Constitution, sixteen community members remained in pre-trial detention for a year without being charged. Furthermore, they were dismissed from work without any compensation. Through the effort of several NGOs, the matter was reported to the Labor court, which awarded the victims monetary compensation.<sup>19</sup> This is a widespread phenomenon, generally.

Added to the foregoing, the formal justice system based on bail bonds requires the capacity of the accused to proffer bail. In such instance defendants, who are mostly underprivileged, cannot proffer bails and are incarcerated in pre-trial detention sometimes beyond the statutory period which is a fundamental human rights issue.

Rural and urban indigents are encumbered with crippling court fees including illegal arrest and incarceration. Again, the formal system, including the courts and the Liberian National Police, while having made significant progress since the end of the war in 2003, nevertheless struggles to establish its legitimacy among the people. There is a general perception that the formal justice and rule of law system is challenged by corruption, ineffectiveness and is costly.<sup>20</sup>

Owing to the foregoing challenges, an Alternative Dispute Resolution (ADR) approach for remedy becomes necessary. An ADR community-based access to justice can be locally legitimate and cost effective for the marginalized. It is more effective to work with home-grown dispute resolution mechanisms accepted by communities. Working towards accessible local justice can provide tangible dividends to neglected populations in the wake of

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<sup>17</sup> Rule of Law Assessment Report, 'Still Looking for Justice: Customary Law, the Courts and Access to Justice in Liberia', <https://ilacnet.org/publications/still-looking-for-justice-customary-law-the-courts-and-access-to-justice-in-liberia/> (accessed 12 September 2020)

<sup>18</sup> Ibid.

<sup>19</sup> <https://www.sdiliberia.org/node/327>

<sup>20</sup> J B. Galvanek, (2016) 'Pragmatism and Mistrust: The Interaction of Dispute Resolution Mechanisms in Liberia' Berghof Foundation, p 60

societal division and fragility in the aftermath of the civil war.<sup>21</sup> There is therefore a compelling need to support a process falling between the formal and non-formal sectors to build synergies and shape the complementarity nature of an agreed legal framework based on an ADR method to guarantee peace and stability.

The government aids victims of sexual offenses, including those of business and human rights violations, with provision of lawyers, medical and psychosocial support, safe homes for short stays and sometimes relocation. However, there are still challenges that affect the full realization of an effective remedy for victims of business-related abuses or violations. These include lack of awareness, slow litigation, and absence of other remedial measures.

The Environmental Protection and Management Law is a legal framework to address environmental abuses.<sup>22</sup> However, multiple reports of environmental pollution in concession communities are yet to be addressed. One such example is the water pollution incident in Kinjor, Grand Cape Mount County in 2021–2022, involving the operations of a gold mining concession company.

The NAPBHR consultations identified the following concerns relative to Access to Remedy:

1. Delays in litigation of business-related abuses/violation.
2. Poor working conditions.
3. Unregulated employment policies.
4. Limited access to information and information dissemination related to company operations and other remedial mechanisms.
5. Lack of effective monitoring of business operations to ensure compliance with basic human rights standards.
6. Fear of reprisals when acting as a whistleblower.
7. Continuous impunity for human rights abuses and violations.
8. Lack of effective, transparent, sustainable grievance mechanisms for businesses to address conflicts with communities, including documenting and reporting of activities of settlement.

#### **2.3.4. Environment**

Liberia has a strong legal framework for the protection of endangered and rare species, fresh water, and high forest habitats. The Liberian National Biodiversity Conservation Strategy and Action Plan (2020-2025), and the Environmental Protection and Management Act of 2002, detailed the categories of species and the specific need for protection. Penalties for contravention of such laws include fines and/or terms of imprisonment. For example, anyone who commits an offense related to the Environmental Impact Assessment Law in Liberia is liable upon conviction to imprisonment for a period not exceeding 5 years or to a fine not exceeding USD\$10,000 or both. These legal frameworks provide avenues for seeking redress in relation to issues of environmental and business and human rights protection.

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<sup>21</sup> Ibid. at p 61

<sup>22</sup> Environmental Protection and Management Law (Section 61, 62)

There are general and specific provisions for the protection of the ecosystems and habitats within current Liberian laws. The requirement to conduct environmental assessments prior to the commencement of development activities is to prevent/mitigate adverse impacts on the specified ecosystems and habitats. National zoning includes protection of high forest areas and important forest corridors, leading to some provisions for where agricultural and forestry activities are developed. Legal provisions for the protection of riparian buffers, steep slopes and extraction and use of water in forests, exist in the current laws. However, these provisions require clarification for agricultural developments. Provisions for the protection of vulnerable soils are still in development. Protections in agricultural developments rely indirectly on the general provisions under environmental impact assessments exercised by the Environmental Protection Agency (EPA) and based on the Environmental Protection and Management Law (EPML).

From the Constitution of Liberia, through the EPML to the CRL and Land Rights Law, there are clear and specific legal provisions recognizing the rights of communities to land and associated resources and requiring commodity companies to seek the communities' FPIC before development. The assembly granting the FPIC would include different members of the community, including women and other vulnerable groups.

Such laws as the National Wildlife Conservation and Protected Area Management Law (NWCPAML) encourage commodity-based companies to make provisions for the conservation of natural resources and wildlife management on private land, including the establishment of conservancies. Nonetheless, there are limited efforts to ensure that companies set up such set-asides, which makes actualization of these regulations a challenge. Hence, there is need to find ways that will incentivize stakeholders to observe these laws either by giving them rewards or attaching a significant penalty for noncompliance.

The adverse effects of environmental pollution and degradation are threatening lives everywhere. Pollution and environmental degradation constitute a human rights violation in alignment with the UN General Assembly's recognition of the right to a safe, clean, healthy, and sustainable environment. The high risks involved in degrading the environment have made states round the world to take urgent measures and avail significant investments to maintain the environment from misuse. Among the chief perpetrators involved in environmental misuse and despoiling the fragile balance in nature are businesses such as logging, manufacturing, commercial agriculture, overfishing, mining, sand/mineral extraction. When such businesses and others remain unregulated, their operations contribute enormously to chronic or long-term illnesses and deaths. International instruments such as the Universal Declaration of Human rights and the African Charter on Human and Peoples Rights clearly express the rights of people to a clean and healthy environment.

The NAPBHR consultations identified the following concerns related to environmental protection:

1. Encroachment of human settlements into areas of biodiversity, such as mangroves and waterways, has the tendency to harm the fragility of these areas and thereby eventually affect the nature of the human food chain.
2. Contracting sacred lands out to concessionaires for business operations without communities' FPIC.
3. Slum settlements round concession areas, and where concession workers largely dwell, lack adequate sanitary facilities and workers depend on open defecation that leads to contagious disease outbreaks, stunting in young children, and other diseases.
4. Careless discharge of sewage and solid and hazardous wastes in drainages and natural water bodies by businesses.
5. Many Liberians depend on charcoal and other forms of biomass for cooking and heating, but felling of trees for charcoal production is leading to deforestation that accelerate climate change.
6. Air and water pollution that results in lack of access to safe and clean drinking water.
7. Deforestation and related loss of biodiversity.
8. River sand mining, soil erosion and degradation of soil threaten civil infrastructure and harm marine life.
9. Environmental degradation by artisanal and small-scale mining (ASM) interests.
10. Lack of renewable energy strategies in addressing long-term provision of clean energy.
11. Awarding large-scale land-based and long-tenure concession agreements that undermine community self-sufficiency and close access to their way of life.

### 2.3.5 Transparency and Accountability

The government depends on taxation to deliver needed services to the population. Such services include, but are not limited to, providing quality education, healthcare, and affordable electricity, securing safe environments free of crime and other perils, and ensuring clean and safe drinking water supply. All service deliveries are made possible by the full tax revenue profile, which reflects all such monies ranging from levies and fines to penalties and duties as defined by the Revenue Code.

When businesses evade or avoid taxes, they rob the state of the duty to provide critical services that, as noted here, are linked to human rights. By extension, businesses avoiding and evading tax payments violate the law and undermine the furtherance of the safe environment on which everyone depends, and on which businesses' very own operations and sustenance depend.

The need for transparency and accountability in tax payments by businesses, and the state's harnessing and deploying taxes, are rooted in numerous international and domestic legal instruments. The ICCPR, UDHR, ICSECR, and the ACHPR's, generally identify objectives obligating member states to strengthen resource mobilization, reduce corruption and strengthen revenue collection.

As Liberia strives to implement its national development goals, public corruption, impunity, and weak accountability undermine the envisioned agenda. These challenges emanating from businesses and others seeking to misappropriate the public treasury have given birth to the establishment of integrity bodies charged with ensuring transparency and accountability. The Liberia Extractive Industries Transparency Initiative (LEITI), the General Auditing Commission (GAC), the Internal Auditing Bureau (IAA), and the Liberia Anti-Corruption Commission (LACC) are some such integrity institutions.

LEITI was established in 2007 for the purpose of promoting good resource governance through the implementation of the international criteria and principles of the Extractive Industries Transparency Initiative (EITI). In July 2021, the Liberian Government agreed to join the Open Extractive Program (OEP), a brainchild of the Open Ownership (OO), which is being conjointly implemented with EITI. The OEP is dedicated to enabling government and companies to disclose high quality and open Beneficial Ownership (BO) information, build capacity of key stakeholders to use and analyze BO data and organize regional and global peer exchange program to facilitate sharing of implementation challenges, opportunities, and successes. In August 2022, the Liberia Business Registry and LEITI, along with other international partners, also developed a decision document and organized consultation with key stakeholders to deliberate on core aspects of the planned BO regulations. The project was launched by the Government of Liberia on 29 September 2023.

The LACC was established by an Act of Legislature on 28 August 2008 with the mandate to investigate and prosecute acts of corruption, as well as educate the public about the ills of corruption and the benefits of eradicating corruption. In 2021, an amendment to the Act, known as the New Anti-Corruption Commission Act (2021)<sup>23</sup> was passed by the legislature. A new board was appointed and started their duties in 2023.

The GAC was established in September 2013 to serve as an objective independent integrity institution to audit public contracts and disbursement of public monies. The General Auditing Office (GAO) was an early iteration of the GAC. The GAO was established as the Bureau of Audits (BOA) to pre-audit requisitions, vouchers, and payrolls in tandem with the disbursements of public monies.<sup>24</sup>

The NAPBHR consultations identified the following concerns related to transparency and accountability:

1. There is limited mainstreaming of the norms and tenets of human rights in decision-making when considering business-related human rights cases.
2. Lack of a clear and inclusive policy and guidance note developed by the government

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<sup>23</sup> <http://www.independentprobe.com/wp-content/uploads/2022/07/LACC-ACT-Amendment-Final-071222clean.pdf>

<sup>24</sup> In 1956 this Act was amended under Chapter 32, Section 740-744 of the Executive Law of Liberia to audit all accounts of the Government of Liberia in the manner prescribed by the Liberian Revenue and Finance Laws. In 1972, the Executive Law of Liberia was amended: Chapter 53, Sections 1-11 established the General Auditing Office (GAO). Under this law the Auditor General reported directly to the president. However, the January 1986 Constitution of Liberia created the GAC as one of three autonomous commissions, resulting in the GAC's replacement of the GAO. In June 2005, a statutory provision was made, supplementing the creation of the GAC in the 1986 Constitution which requires the GAC (The Commission) to henceforth report to the legislature. Notwithstanding, this amendment did not enable the GAC to become fully compliant with the 1977 Lima and the 2007 Mexico declarations. However, for compliance to be fully achieved the Act needs to be implemented in full of all of its provisions observed according to the amendment of Section 53.2 of the Executive Law 1972.

on the exit strategy of businesses when their operations (including land lease) come to an end or divested.

3. Lack of effective, transparent, sustainable grievance mechanisms for businesses to address conflicts with communities, including documenting and reporting activities of settlement.
4. Personalization of community development initiatives by community elites and other influential individuals who clandestinely receive, and divert to their own use, monies legally due resource communities via the established Corporate Social Fund (CSF) arrangements.
5. Members of communities who are custodians of lands used by concessions mostly have little or no knowledge of benefits legally due them by the concessions, and most often have no knowledge of existing complaint mechanisms in the event their rights are abused, or their lands are affected, by concessions.
6. Regulatory agencies lack sufficient resources and capacity to monitor and ensure businesses adhere to transparent operations.
7. Business operators need capacity-building training on monitoring and reporting in compliance with the UNGPs.
8. Companies and other places of business do not display the Decent Work Act (DWA) in spaces for easy access by workers.
9. Companies do not have a clear and understandable human rights policy within their value chain that reflects their commitment to promoting human rights in their operations.
10. Some businesses do not conduct Human Rights Due Diligence from the onset, which should identify possible human rights violations arising from their operations.
11. Businesses are not obligated to annually report on their human rights compliance.
12. Businesses do not have Community Relation Guidelines (CRG), as part of their Corporate Social Responsibility (CSR) to provide for such things as employment, community development, contracts, scholarships, etc.
13. Businesses do not conduct Peace and Conflict Impact Assessment (PCIA) as part of their entry strategy.
14. Business institutions are not voluntarily declaring their Financial and Environmental, and Social Governance information for transparency.
15. There are lots of political influences on business that hinder transparency and accountability.
16. The Freedom of Information Act is not adhered to when human rights advocates and others approach businesses for information about abuses.



### 2.3.6. Gender, People with Disabilities, and Other Vulnerable Groups.

To fully protect and guarantee adequate human rights for all persons, it is important to deal fairly and humanely with the cause of women and vulnerable groups within society. In other words, responding to gender issues is critical in the strive for human rights.

Across the globe, unfortunately, prevalent social exclusion, widespread inequalities and lack of empowerment, discrimination when accessing employment opportunities, limited access to justice, and domestic violence and sexual exploitation and abuse – all continue to hinder women and girls in many ways. And the listed detriments are equally faced by people with disabilities as well. In many societies people with disabilities live on the margins and are not appropriately catered to; the improved space and services they require to function autonomously as human beings, for instance, are not readily available, which cause their quality and full enjoyment of life to gravely suffer.

Due to the vulnerability of women and persons with disabilities, the Government of Liberia has taken measures to mainstream gender considerations and protect PWDs in business. The government is strongly committed to gender equality as a means of maintaining peace, reducing poverty, enhancing justice, and promoting development. The government recognizes that to assure equal opportunities and participation in management and decision-making at all levels of society, women's and men's different experiences, needs, concerns, vulnerabilities, capacities, visions, and contributions must be systematically considered in the country's ongoing reconstruction efforts. Among other things, the commitment to gender equality is reflected through the government's ratification of several international and regional treaties, declarations, and agreements on gender equality and the empowerment of women.<sup>25, 26</sup>

At the national level, the government has enacted laws and adopted policies and programs towards enhancing the equality of men and women in Liberia. The laws include the Domestic Relations Law; the Inheritance Act of 1998, which specifies equal rights in marriage and inheritance under customary and statutory laws; the Rape Law of 2005, which outlaws gang rape and stipulates life-term sentence, particularly in aggressive forms of rape; and the anti-Human Trafficking Act of 2005. Moreover, the Liberia National Gender Policy prohibits trafficking in persons. Examples of the government's gender-specific policies are the National Gender-Based Violence Plan of Action (2006), and the Policy on Girl Child Education (2006). In the education sphere, section 1.4 of the Education Law of Liberia provides that all Liberians including women have equal rights.

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<sup>25</sup> At the international level, Liberia is party to CEDAW and its Optional Protocol; Convention on the Rights of Child of (1990) and its Optional Protocol; Convention on the Rights of Persons with Disabilities (2006); International Covenant on Civil and Political Rights (1966); International Covenant on Economic Social and Cultural Rights (1966); UN Security Council Resolution 1325; UN Security Council Resolution 1820; UN Security Council Resolution 1612 (Children and Armed Conflict); Beijing Declaration and Platform for Action (1995); International Conference on Population and Development (1994); United Nations Declaration on Violence Against Women ( 1993); and important provisions of the SDGs.

<sup>26</sup> At the Regional level Liberia is a party to the African Charter on Human and People's Rights – its Protocol on the Rights of Women in Africa, AU Protocols on Children, the New Partnership for African Development (NEPAD), and the Solemn Declaration on Gender Equality in Africa (2004).

The primary goal of the National Gender Policy is to mainstream gender in the national development processes, enhance women's and girls' empowerment for sustainable and equitable development, and create and strengthen gender-responsive structures and mechanisms in which both women and men can participate and benefit from development programs on an equal basis.

Notwithstanding the efforts applied so far, the NAPBHR consultations identified the following concerns:

1. Women's participation in leadership and decision-making remains low, with only 11 percent women representation in the legislature (at the time of this document's crafting).
2. Women continue to have limited access to education, health, and judicial services, which has severely curtailed their participation in the formal economy.
3. Lack of qualified women is often cited as the main reason for the limited representation of women in various sectors, including the security sector.
4. Women and girls continue to suffer sexual abuse and gender-based violence.
5. Sexual Exploitation and Abuse (SEA) remains prevalent in the society.
6. Unwanted pregnancies continue to be registered in many parts of the country, including in places where people converge to find work.
7. Public infrastructures continue to be "unfriendly" to persons with mobility challenges.
8. The visually impaired have limited or no access to the basic setups required to aid their interaction with other members of the public and use of public facilities.
9. Lack of meaningful consultation with women about projects being carried out on their land, or the lack of a clear mechanism for participation in decisions about the development of their community.

## CHAPTER THREE: POLICY ACTIONS

This chapter presents strategic policy actions that the Government of Liberia intends to undertake during the next five years. These have been clustered under the six thematic areas of focus for this plan and aligned to the three pillars of the United Nations Guiding Principles on Business and Human Rights.

### 3.1. Land and Natural Resources

To address the human rights concerns related to land and natural resources, the government of Liberia intends to do the following:

#### a) The State's Duty to Protect the right to land and natural resources.

- i. Support the inclusion of human rights policies and standards in all contracts by businesses and concessionaires. Memoranda of understanding and other business-related policy documents shall have a clause that spells out the human rights obligations of the parties, including possible sanctions for violations. Lead agencies to realize this goal shall include the Ministry of Justice, Ministry of Commerce, Ministry of Finance and Development Planning, National Bureau of Concession, National Investment Commission, Liberia Land Authority, and the Ministry of Labor.
- ii. Ensure attainment of Free, Prior, and Informed Consent of the host community to enable the community the right to give or withhold consent to proposed projects that may affect the lands they customarily own, occupy, or otherwise use. To do this, the government will use participatory methods of stakeholder identification and analysis to ensure FPIC is conducted before the commencement of any project. As a necessity in this regard, the capacity of community leaders and decision-makers will be enhanced to negotiate with businesses and ensure that their rights are protected, at all times.
- iii. Ensure that companies conduct a thorough and detailed Stakeholder Identification and Analysis (SIA) in their area of operations, and companies shall provide invaluable data for sustainable stakeholder consultation and engagement. (In light of this proposition stakeholders suggest the circles of principal landowners' interests and their agents; including community leaders and members, CSOs, and other advocacy groups.)
- iv. Ensure the conduct of Human Rights Conflict and Environmental Impact Assessment when land is being acquired for development or business purposes.
- v. Improve robust legislative oversights as well as its social contract side of effective pro-people representation. All multimillion-dollar contracts particularly in the areas of land purchase or lease for mineral and forest resource extraction, as well as for purposes of agricultural plantation formation, shall take a "bottom-to-top" approach, wherein the local inhabitants of counties, districts, and communities, shall be meaningfully consulted.
- vi. Initiate efforts to minimize the negative impact of resettlement with emphasis on the livelihood system of affected communities. Environmental protection issues will be at the forefront, and all necessary considerations for alternatives to uprooting existing settlements will be given to avoid human rights abuses. Where resettlement for business

becomes necessary, government and investors shall be guided by best practices such as the Principles of Resettlement enunciated by the African Development Bank (AfDB) and the International Finance Corporation (IFC).

- vii. The government shall ensure that companies conduct a thorough and detailed Stakeholder Identification and Analysis in their area of operations, and companies shall provide vital data for sustainable stakeholder consultation and engagement. (In light of this paragraph stakeholders suggest the circles of principal landed interests and their agents including indigenous and other local community leaders and members, CSOs and other advocacy groups.)

#### b) Corporate Responsibility to Respect the rights to land and natural resources:

- i. Businesses shall have Community Relations Guidelines as part of their corporate accountability. This shall be developed in conjunction with the community stakeholders – in this case, in communities offering leases for concession plantations and mining concerns.
- ii. The Community Relations Guidelines shall draw from the report of the Human Rights Due Diligence (HRDD) and Human Rights Impact Assessment (HRIA). The company shall also be expected to conduct a Peace and Conflict Impact Assessment as part of its entry strategy. The extent of these assessments will depend on the kind of business the company is involved in.

#### c) Access to Remedy for Land and Natural Resources-related human rights violations and abuses

Below are the policy actions on access to remedy for land and natural resources human rights abuses and violations:

- i. The Liberia Land Authority (LLA) shall ensure that issues related to women's property rights are part of the Land Commission's efforts.
- ii. The Business and Human Rights Inter-Ministerial Steering Committee, when established, shall take specific actions to adopt Alternative Dispute Resolution to complement the court-room litigation mechanisms to enhance access to remedy, in a people-centered, cost-effective, and expeditious way, for the mitigation of disputes and conflicts, to promote good BHR practices in Liberia.
- iii. The Ministry of Justice has formulated an ADR National Policy, with an Action Plan that has been approved by the Cabinet since 2021, as well as a draft ADR Bill currently under development for the establishment of an ADR Act that is intended to improve access to remedy.
- iv. All these available non-state-based remedy mechanisms can be accessed. However, the victims, most of whom are women and children, are not informed or are not literate to utilize this remedial mechanism available to them.
- v. Capacitating indigenous and other community leaders and decision-makers to negotiate with businesses and ensure that their rights are protected at all times.

### 3.2. Labor Rights

The following policy actions shall be undertaken to address labor-related abuses and violations.

#### a) State's Duty to Protect Labor Rights.

- i. Support the inclusion of human rights policies in all contracts. Memoranda of understanding and other business-related policy documents shall have a clause that spells out the human rights obligations of the parties, including possible sanctions for violations. The Ministry of Labor, in collaboration with the Ministry of Justice, Ministry of Commerce, Ministry of Finance and Development Planning, National Bureau of Concession, National Investment Commission, and Liberia Land Authority shall take the lead in the realization of this goal.
- ii. Concerning employment, the National Working Group on Business and Human Rights, when established, shall develop Guidance Notes for companies to manage their employment processes in compliance with human rights standards to ensure nondiscrimination and prevent child and forced labor. In so doing the issues of gender and disability concerns shall be taken into consideration according to relevant provisions of existing labor laws.
- iii. The Ministry of Labor shall take steps to curb the incidence of casualization in labor as well as hazardous, unsafe, and discriminatory workplace practices. Accordingly, it shall strengthen its monitoring and implementation processes to give effect to applicable laws. Where any law is not in compliance with human rights standards, that law shall be reviewed. Adequate education of the public shall be carried out to empower members of the public to demand a letter of contract/engagement from employers irrespective of the nature or duration of their work engagement.
- iv. Considering the importance of education in human rights, government at all levels shall develop policies that advance business and human rights education. This may include the introduction of courses on business and human rights in tertiary institutions, and the introduction of scholarships, fellowships, and research grants to contribute to knowledge in the area of human rights and business. There shall be public media campaigns and writing competitions among the youth population on business and human rights. The National Working Group on Business and Human Rights shall be responsible for liaising with the Ministry of Education, relevant parastatals, and labor union congresses to actualize the advancement of human rights education as a channel to enhance government protection obligation.

#### b) Corporate Responsibility to Respect Labour Rights.

- i. Produce a clear, simple, and understandable human rights policy within their value chain that reflects their commitment to promoting human rights in their operations. This policy shall guide all operations of the business and shall be conspicuously displayed either on the website, gate, or reception area of the company and must have a braille version for those with visual impairments.
- ii. The rights of staff shall be made clear as they relate to respect for human rights. Staff

shall also be trained in various aspects of human rights, especially as they pertain to company operations. It is expected that the policy shall allocate roles and responsibilities and state the department(s) in the company that has responsibility for human rights issues. This shall apply to all companies irrespective of size, scope of operations, or type of business.

- iii. Companies and other places of business shall conspicuously display hard copies of the Decent Work Act in areas for easy access by workers.
- iv. All businesses operating in Liberia shall be mandated to conduct Human Rights Due Diligence from the onset, which shall identify possible human rights violations arising from their operations. HRDD shall address negative human rights impacts which may be linked directly or remotely to business operations, products, or services. Where the state directly engages in business, the government assumes dual roles – i.e. the international human rights obligation to protect is retained – and having delved into business, the state also has an additional obligation to respect human rights from a corporate perspective.
- v. Businesses operating in Liberia shall be obligated to annually report on their human rights compliance. The National Working Group on Business and Human Rights shall work closely with various regulatory agencies to incorporate human rights reporting and monitoring templates in their regulatory framework. An appropriate sector-specific template and checklist shall be developed for this with input from relevant stakeholders in respective sectors.

#### c) Access to Remedy for labor-related human rights abuses and violations.

In the post-conflict period, the government committed to reforming the judiciary to enhance access to justice by the population, including persons seeking remedies for human rights abuse or violation. Regarding business-related infringements, the following measures have been taken:

- i. Passage of the Decent Work Act that spells out and upholds the rights of labor, among which is the Decent Work Bill.
- ii. Passage of the Civil Service Standing Order which safeguards the rights of public sector workers.
- iii. Strengthening access to justice using innovative tools such as the ADR.
- iv. Revision of the Criminal Procedure Law to provide for “plea bargains” in labor-related cases to reduce lengthy trials and their associated costs.
- v. The administrative hearing mechanism within the MoL shall be capacitated to expedite labor disputes and become more accessible.
- vi. Amendments to the Criminal Procedure Law to provide for longer jury sitting days as opposed to the earlier 42 days required per term of Circuit Courts so that prosecutors and judges, particularly in the leeward counties, can remain in their respective jurisdictions for a longer period and to hear and prosecute as many cases as possible.

### 3.3. Access to Remedy

Access to remedy within the context of the NAPBHR is aligned with Liberia National Development Plan.

The following include the policy actions that the Government of Liberia intends to undertake:

#### a) Duty to Protect

- i. Improve human rights protection in business through legislation, policy initiatives and programs.
- iii. Enforce and review existing laws or enact new legislation that requires businesses to respect human rights in their operations.
- iv. Ensure that all businesses carry out Human Rights Impact Assessment before the commencement of business while those already in business should do so within two years following the adoption of the NAPBHR.
- v. Mandate businesses to update and report on how they address the human rights impact of their operations.
- vi. Enforce Whistleblower Protection to protect whistleblowers from any form of victimization or retaliation and encourage employees of both public and private sectors to report cases of human rights abuses and violations without fear of losing their jobs.
- vii. Train judges and legal practitioners to mainstream the norms and tenets of human rights in their decisions when considering business related human rights cases.
- viii. Train business operators to be able to develop a coherent, robust, and implementable human rights policy; and establish, maintain, and monitor their grievance mechanisms. Also, build their capacity on monitoring and reporting compliance with the UNGPs.
- ix. Strengthen regulatory agencies to enable them to monitor and evaluate the implementation of NAPBHR and provide remedies when violations occur.
- x. Capacitate community leaders and decision makers to negotiate with businesses and ensure that their (community leaders) rights are always protected.

#### b) Corporate Responsibility to Respect

- i. Businesses will be obliged to have an Ombudsman System for the monitoring and reporting of the activities of the Grievance Mechanism established in line with the Eight Effectiveness Criteria of the UNGPs and in consultation with any target group.
- ii. A system shall also be put in place for the monitoring and reporting of the activities of the Ombudsman System to identify issues and areas that require administrative, policy, or legislative intervention.
- iii. Capacity building is critical in ensuring corporate responsibility to respect human rights. Businesses shall build the capacity of their staff to carry out human rights due diligence and implement their human rights policy which is critical in ensuring corporate responsibility to respect human rights. The NWGBHR – a coordinating body that will be created by the government to effectively implement the NAPBHR (for

- iv. details, see 4.7 a) – shall be available to provide the requisite expertise where necessary. Companies and other places of business shall visibly display the Decent Work Act in areas for easy access by workers.
- v. Every company shall have a clear, simple, understandable, and handy human rights policy within its value chain that reflects its commitment to promoting human rights in its operations.
- vi. In the policy, the rights of staff shall be made clear as relates to respect for human rights. Staff shall also be trained in various aspects of human rights especially as it pertains to company operations. It is expected that the policy shall allocate roles and responsibilities and state the department(s) in the company that has responsibility for human rights issues. This shall apply to all companies irrespective of size, scope of operations, or type of business.
- vii. Businesses operating in Liberia shall ensure that they conduct HRDD from the onset, which shall identify possible human rights violations arising from their operations. HRDD shall address negative human rights impacts which may be linked directly or remotely to business operations, products, or services.

### c) Access to Remedy

Furthering post-conflict judicial reforms with the key goal of enhancing access to justice the following measures have been taken:

- i. Constitution of the first “Juvenile Court” which was seated on 16 June 1997, on the day of the celebration of the African Child to improve the Juvenile justice system in Liberia.
- ii. Strengthening of access to justice using innovative tools via ADR. There is a national policy on ADR by the MoJ as well as a proposed bill before the national legislature to make ADR a law.
- iii. The NWGBHR shall organize Consultative Engagement Sessions for Judicial Officers at various levels to address the problems of delay in resolving business-related human rights cases.
- iv. The NWGBHR shall promote strategic litigation in seeking access to justice both locally and internationally. Such litigation would raise awareness of corporate liability for human rights abuses. The Working Group will liaise with the Liberia National Bar Association, NGOs, and faith-based legal aid bodies to explore possibilities of rendering legal aid to indigent persons or communities who are adversely affected by business operations but unable to pursue remedy due to cost.
- v. Enforce Whistleblower Protection to protect whistleblowers from any form of victimization or retaliation and encourage employees of both public and private sectors to report cases of human rights abuses and violations without fear of losing their jobs.
- vi. Training of judges and legal practitioners to mainstream the norms and tenets of human rights in their decisions when considering business related human rights cases.
- vii. Training business operators to be able to develop a coherent, robust, and implementable human rights policy; and establish, maintain, and monitor their grievance mechanisms. Also, building their capacity on monitoring and reporting compliance with the UNGPs.
- viii. Businesses shall be obligated to have an Ombudsman System for the monitoring and



reporting of the activities of the grievance mechanism. This shall be established in line with the Eight Effectiveness Criteria of the UNGPs and in consultation with the target group.

- ix. A system shall also be put in place for the monitoring and reporting of the activities of the Ombudsman System to identify issues and areas that require administrative, policy, or legislative intervention.
- x. Carry out intensive advocacy to the Judiciary to affect the issuance of legal proceedings that will facilitate the speedy resolution of cases of human rights violations by businesses. There will also be continuous sensitization of judges and magistrates on the Action Plan. In addition, the ADR approach will be encouraged.
- xi. Organize consultative engagement sessions for judicial officers at various levels on addressing the problems of delay in resolving business-related human rights cases.
- xii. Encourage Strategic/Innovative Litigation; not just locally where these businesses are carried out, but also in the home countries of the respective multinational companies in instances where the violation is caused by transnational corporations. Such litigation would raise awareness of corporate liability for human rights abuses.
- xiii. Capacity-building for these agencies to enable them to appreciate the human rights component of their mandate and enhance their ability to offer remedies pursuant to their statutory functions.
- xiv. Strengthening of the INCHR to discharge its quasi-judicial responsibilities in addressing human rights violations by businesses and rendering effective remedy.
- xv. Coordinating periodically with regulatory bodies whose functions are relevant to BHR.
- xvi. Convening of periodic meetings of regulatory bodies whose functions are relevant to BHR.
- xvii. Mapping of these bodies to identify them and properly delineate their mandates so that their operations are streamlined for speed and efficiency about business and human rights-related remedy.
- xviii. Scaling up community sensitization on the functions of various agencies.
- xix. Collating of reports and feedback on progress made by state-based non-judicial organs.
- xx. Through effective Monitoring and Evaluation (M&E) mechanisms, undertake the collection of reports and feedback on progress made by state-based non-judicial organs on business and human rights practices.

### 3.4. Environment and Natural Resources

The following policy action shall be undertaken to address human rights issues related to the environment.

a) Under the State Duty to Protect the Environment, the government commits to the following:

- i. Hold public hearings on the Human Rights Conflict and Environmental Impact Assessment conducted when land is conceded for development or business purposes.
- ii. Mandate adequate environmental standards at workplaces and closely monitor changes in environmental quality data.
- iii. For environmental hazards and workplace safety standards, the EPA shall step up its periodic monitoring and inspection of company premises and operations. Also, the surroundings of manufacturing, construction, and extractive industries shall be monitored to ascertain compliance with environmental standards.
- iv. Governments' approach, where resettlements of inhabitants become indispensable to make way for business operations, shall be guided by best practices such as the Principles of Resettlement enunciated by the African Development Bank and the International Finance Corporation. And as practically as possible, compensation shall be made directly to the victims.
- v. The government shall ensure the conduct of Human Rights, Conflict and Environmental Impact Assessment when land is being acquired for development or business purposes.
- vi. The government shall ensure the protection of rights to a clean and safe environment, along with the environmental impact assessment, to avoid human rights violations to occur. Adequate environmental standards at workplaces shall be strongly mandated and changes in environmental quality data shall be closely monitored.
- vii. For environmental hazards and workplace safety standards, there shall be periodic monitoring and inspection of company premises, operations, and surroundings of manufacturing, construction, and extractive industries, among others, to ascertain compliance with environmental standards.
- viii. Government shall domesticate resettlement package that align with the AfDB and IFC principles of resettlement.
- ix. The government shall champion the importance and guarantee the legitimacy of the work of human rights defenders including community members who speak out against corporate environmental harm and human rights violations.

b) Under Corporate Responsibility to Respect

Regarding the right to a clean and healthy environment, the following action shall be undertaken:

- i. Businesses shall adhere to best practices protocols where resettlements of inhabitants become indispensable.

- ii. Every company shall have a clear, simple, and understandable human rights policy within its value chain that reflects its commitment to promoting human rights in its operations. In specific regard to environmental protection, a given business' particular policy shall highlight these key concerns: (a) Strategy of a sustainable partnership with their host community that demonstrates how to avoid land, water, and air pollution, and listed steps to be taken when land, water, and air pollution occurs; (b) Framework of collaboration with host communities, specifying methodology and timeline for regular environmental protection sensitization involving the community and other stakeholders; (c) Ensure the independent investigation of all community complaints regarding harassment, intimidation, arrest, detention and other forms of violence by their security forces or by Liberian state security forces acting to promote the company's interests; (d) Take active role in remedying any negative human rights impact related to their activities in Liberia, including criminalization of human rights defenders.

#### c) Access to Remedy for Environmental Abuses

- i. Enforce compliance with Environmental and Social Impact Assessment (ESIA)
- ii. Review and strengthen the polluter-pay principles.
- iii. Suspend concessions operations and ensure remedial actions for polluters.
- iv. Ensure effective remedies that are accessible, simple, affordable, and effective.
- v. Respond to any attacks on human rights defenders with prompt, transparent and independent investigations, processes of accountability, and the full provision of remedies.
- vi. Provide remedies for all human rights defenders who suffer individual abuse at the hands of state or non-state actors.
- vii. Refrain from issuing official and unofficial statements stigmatizing human rights defenders, civil society groups, or protestors.

### 3.5. Transparency and Accountability

#### a) Under the State Duty to Protect

- i. The government shall ensure the effective enforcement of the LACC Act which gives prosecutorial powers to the LACC.
- ii. The government shall support the inclusion of human rights protection policies in all contracts. Memoranda of understanding and other business-related policy documents shall have appropriate clause(s) that spell out the human rights obligations of the parties, including the protection of human rights defenders. Lead agencies to realize this goal shall include the Ministry of Justice, Ministry of Commerce, Ministry of Finance and Development Planning, National Bureau of Concessions, National Investment Commission, Liberia Land Authority, and the Ministry of Labor.
- iii. Regulatory bodies and agencies shall ensure periodic conduct of Human Rights Due Diligence and Human Rights Impact Assessment in all business operations to discover whether business institutions are in line with the NAPBHR.

iv. The Central Bank of Liberia shall ensure that in every loan agreement in all commercial banks, as part of the conditions for the loan facility, there is a clause that spells out that the loan receiver for business is under obligation to respect human rights in all business dealings consistent with the UN Guiding Principles on Business and Human Rights and the Constitution of Liberia.

b) Under Corporate Responsibility to Respect human rights (regarding transparency and accountability)

- i. Businesses operating in Liberia shall be obligated to annually report on their human rights compliance.
- ii. The NWGBHR shall work closely with various regulatory agencies to incorporate human rights reporting and monitoring templates in their regulatory framework. An appropriate sector-specific template and checklist shall be developed for this with input from relevant stakeholders in respective sectors.
- iii. Businesses operating in Liberia shall be made to conduct Human Rights Due Diligence from the onset, which shall identify possible human rights violations arising from their operations. The HRDD shall address negative human rights impacts that may be linked directly or remotely to business operations, products, or services.
- iv. Where the state directly engages in business, the government shall act to retain the international human rights obligation to protect and assume the additional obligation to respect human rights from a corporate perspective.
- v. Commercial banks and other financial institutions providing microfinance and other loan interventions to businesses, insurance providers, etc. must ensure that as part of their risk assessment and due diligence formalities, the client must show that they have a human rights policy and that they have taken measures to conduct human rights due diligence and human rights impact assessment.
- vi. Businesses operating in Liberia shall be obligated to annually report on their human rights compliance. The NWGBHR shall work closely with various regulatory agencies to incorporate human rights reporting and monitoring templates in their regulatory framework. An appropriate sector-specific template and checklist shall be developed for this with input from relevant stakeholders in respective sectors.

c) Access to Remedy

- i. Strengthen and resource relevant institutions to effectively monitor companies' operation or activities.
- ii. Establish redress mechanisms at the company level.

### 3.6. Gender, Persons with Disabilities and Other Vulnerable Groups

Policy actions on addressing gender and other related business and human rights concerns.

#### a) State Duty to Protect

- i. The government shall take measures to mainstream gender considerations in business and human rights. In the awarding of scholarships or other benefits from business corporate social responsibility, including employment, contracts, and compensation, special consideration shall be taken to cater to the interests of women and persons with disabilities.
- ii. In all business-related meetings, consultations, dialogues, or negotiations, the government shall adopt a policy that ensures women and persons with disabilities are fully represented.
- iii. Labor practices that are discriminatory to women and persons with disabilities for employment, promotion, and incentives, will be addressed and eliminated.
- iv. Given the vulnerability of women and persons with disabilities, the government shall take measures to mainstream Gender Considerations in Business and Human Rights.
- v. Accordingly, in all meetings, consultations, dialogue, or negotiations, women and persons with disabilities shall be fully represented.

#### b) Corporate Responsibility to Respect

- i. Under Corporate Responsibility to respect gender concerns, the CRG shall provide for such things as employment, community development, contracts, scholarships,
- ii. To ensure inclusiveness, gender consideration and broad representation of all interests shall be considered.

#### c) Access to remedy

- i. Under Access to Remedy, girls' education is being encouraged at all levels to resolve the issue of limited women's participation in the formal economy.
- ii. Also, the government has introduced affirmative action that assigns a 30 percent quota to women's representation in the national legislature.
- iii. In terms of the strive to end sexual offenses against women, Criminal Court E, a specialized court specifically dealing with sexual and gender-based offenses, has been established in Monrovia. (Altogether, three such courts have been established in Bong, Montserrado and Nimba Counties; and other circuit courts in the leeward counties also have jurisdiction to address SGBV cases.) Notwithstanding, there is an urgent need to establish similar specialized courts in the remaining 11 counties.

#### 4.7. Coordination and Implementation of the National Action Plan on Business and Human Rights

To effectively implement this plan, the government shall establish a National Working Group on Business and Human Rights (NWGBHR) to coordinate all activities of agencies that are involved in dealing with human rights and business-related programs. Membership of the Working Group shall consist of a cross-section of ministries, agencies, and commissions (MACs), and CSOs already providing advocacies on the frontlines of human rights defense within the country.

The NWGBHR shall have the following responsibilities:

- i. Determine the capacity needs of businesses and other agencies in the area of business and human rights.
- ii. Determine institutional capacity needs in business and human rights.
- iii. Conduct capacity-building trainings for diverse stakeholders on the intersection of human rights and business using the UNGPs framework.
- iv. Design a format for monitoring and reporting business-related human rights issues.
- v. Review business-related human rights reports periodically and provide technical support for stakeholders in their areas of need.
- vi. Drive the process of reviewing the NAPBHR periodically.
- vii. Periodically assess and support the establishment of grievance mechanisms in companies.
- viii. Provide oversight on companies' Human Rights Due Diligence and Human Rights Impact Assessment.
- ix. Convene an Annual Business and Human Rights Forum to review developments in the field.
- x. Support research and academic work on Business and Human Rights.

b) The government shall establish a National Technical Working Group on Business and Human Rights (NTWGBHR) to conduct all technical sessions. Membership of the NTWGBHR shall include the Ministry of Justice, Ministry of Labor, the Independent National Commission on Human Rights, National Commission on Disabilities (NCD), CSO representatives, NIC, NBC, LACC, Private Sector Representatives, and relevant development partners.

- i. The government, through its agencies, shall engage in massive mobilization, sensitization, and awareness on the NAPBHR. The awareness creation will be strategic and involve the three branches of government – i.e. the legislature, the executive and the judiciary.
- ii. The NTWGBHR shall enter negotiation with manufacturers, importers, and growers' associations and related bodies to ensure compliance with this plan. It shall also carry out robust sensitization of the public to empower them to demand a letter of contract/engagement from employers irrespective of the nature or duration of their work engagement.

- iii. Considering the importance of education in human rights protection, government at all levels shall develop policies that advance business and human rights education. This may include the introduction of courses on business and human rights in tertiary institutions, and the introduction of scholarships, fellowships, and research grants to contribute to knowledge in human rights and business. There shall be public media campaigns and writing competitions among the youth population on business and human rights. The NTWGBHR shall be responsible for liaising with the Ministry of Education, relevant parastatals, and labor union congresses to actualize the advancement of human rights education as a channel to enhance government protection obligations.
- iv. A reward and recognition system are necessary to ensure that businesses get benefits for implementing the NAPBHR. To promote this, the government through the NWGBHR, shall work out incentive packages for businesses that comply with the provisions of the NAPBHR.
- v. Businesses shall have a CRG as part of their CSR. This shall be developed in conjunction with community stakeholders. The CRG shall draw from the report of the HRDD and HRIA. Businesses shall also be expected to conduct PCIA as part of their entry strategy. The extent of these assessments will depend on the kind of business being considered.
- vi. The CRG shall provide for such things as employment, community development, contracts and scholarships. To ensure inclusiveness, gender consideration and broad representation of all interests shall be considered.
- vii. Businesses shall be encouraged to forge strong and sustainable partnerships and collaborations with any agency, individual, or organization that will provide the needed support for the progressive realization of human rights in their area of operations. Part of this partnership and collaboration must include the use of the media and engagement with different government agencies.

## **CHAPTER FOUR: IMPLEMENTATION STRATEGY**

A detailed matrix of interventions under this plan is provided in the Annex to this plan. Specific activities will be designed from the Initiatives contemplated in this plan by the National Working Group on Business and Human Rights in consultation with respective sectors, business operators, relevant agencies of government, civil society organizations, and development partners in the realization of each of the three Pillars.



## ANNEX 1: SUMMARY OF POLICY ACTIONS/IMPLEMENTATION MATRIX

Thematic Area I	Land and Natural Resources				
<b>Objective</b>	<ul style="list-style-type: none"> <li>• Ensure protection for the rights of all people including those living in rural areas.</li> <li>• Guarantee equal access and equal protection with respect to land ownership.</li> <li>• Ensure access to community farmland for livelihoods and food sovereignty.</li> <li>• Ensure compliance with local laws, contracts and policies already signed unto and ensure respect for FPIC of community.</li> <li>• Establish effective mechanism for mediation</li> </ul>				
<b>Outcomes</b>	<ul style="list-style-type: none"> <li>• The boundary harmonization process of community land is effectively supported.</li> <li>• Community level consultations with community landowners to establish a sharing mechanism are conducted.</li> <li>• A nationwide awareness is conducted to continue the rollout of the Land Right Act</li> </ul>				
<b>Alignment with National/Regional/International Instrument</b>	The Land Rights Act, the UN Guiding Principles on Business and Human Rights and other international human rights-related instruments (ECOWAS, ACHPR, AU etc.)				
<b>Lead Agency and collaborating partners</b>	LLA, MoJ, MIA, MME, MoA NBC, Legislature, MGCSP, CSOs,				
Activities/Intervention	Indicators	Expected Outputs	Means of Verification	Estimated Budget	Time Frame
Ensure that companies conduct a thorough and detailed Stakeholder Identification and Analysis (SIA) in their area of operations, and companies shall provide invaluable data for sustainable stakeholder consultation and engagement.	Evidence of stakeholders' data at all companies or concession areas	There is a stakeholder consultative engagement and dialogue between the companies and all stakeholders to resolve issues affecting the company, the workers, or both parties	Assessment reports from regulatory and compliance monitoring bodies, FPIC reports, ESIA reports	25,000	2024-2028
Ensure the conduct of Human Rights Conflict and Environmental	Evidence of mandatory environmental and human rights	Policy measures are adopted to mandate	Review of policy document for	15,000	2024-2025

Impact Assessments when land is being acquired for development or business purposes.	impact assessment policy	businesses, companies, and concessions to conduct human rights conflict and environmental impact assessment during the process of acquiring land for development or business purposes	authentication		
Improve robust legislative oversights as well as its social contract side of effective pro-people representation using “bottom-to-top” approach, wherein the local inhabitants of counties, districts, and communities, shall be properly consulted	Evidence of policy existence at relevant regulatory bodies. The current level of policy enforcement	Policy measure is adopted to mandate concessionaires to begin land acquisition for mineral and forest resource extraction with consultation and engagement at the community level to gain their consent before engagement with state authorities.	Desk Review of policy document  Periodic review of compliance report	10,000	2024-2028
Initiate efforts to minimize the negative impact of resettlement with emphasis on the livelihood system of affected communities.	Evidence of policy in place to address alternative livelihood and its potential human rights violations	Policy measures are adopted by the state aimed at reducing the negative impact of resettlement such as human rights and environment issues as a result of business or concession operation.	Desk Review of policy document. Periodic review of compliance report	10,000	2024-2028

Businesses shall have Community Relations Guidelines as part of their corporate accountability. This shall be developed in conjunction with the community stakeholders – in this particular case, in communities offering leases for concession plantations and mining concerns.	Evidence of an approved community relation guideline as pre-requisite for business operation	Community relations guideline is developed for all businesses and companies to strengthen cordiality with the affected community. This measure is intended to minimize potential tension/conflict between businesses and affected community.	Review of the guideline Periodic review of compliance report	10,000	2024
The Liberia Land Authority (LLA) must ensure issues related to women’s rights to property are part of the Land Commission’s efforts.	Evidence of the provision of the LRL that protects the rights of women to retain and own properties.	There is legal protection for women to retain and own properties as required by the Land Rights Act.	Review of the specific provision of the LRL	20,000	2024-2028
The Business and Human Rights Inter-Ministerial Steering Committee, when established, shall take specific actions to adopt Alternative Dispute Resolution (ADR) to complement the courtroom	Evidence of an approved ADR policy.	ADR is established to compliment the courtroom (This activity is done)	Desk review of the ADR copy.	20,000	2025
<b>Thematic Area II</b>	<b>Labor Right</b>				
<b>Objectives</b>	<ul style="list-style-type: none"> <li>• To ensure monitoring and compliance with national and international labor laws including the Decent Work Act and other labor related laws.</li> <li>• To strengthen and resource institutions responsible for grievance mechanisms in the labor sector and establish pathway for court system.</li> <li>• To strengthen a regulatory mechanism that promotes respect for human rights by businesses.</li> </ul>				

	<ul style="list-style-type: none"> <li>To provide guidance to companies/businesses on their responsibilities and ensure internal policies are developed to create a safe and conducive work environment.</li> <li>To establish a national steering committee that is responsible for overseeing the implementation of the NAP.</li> </ul>				
<b>Outcomes</b>	<ul style="list-style-type: none"> <li>A national monitoring team is set up to monitor compliance with national and international labor laws including the DWA.</li> <li>Support all institutions responsible for grievance mechanism with the needed resources and tools to enhance their work.</li> <li>A regulatory mechanism that promotes respect for human rights of workers by companies is supported</li> </ul>				
<b>Alignment with National/Regional/International Instrument</b>	Land Rights Law, International Labor Standard, other treaties related to labor				
<b>Lead Agencies and collaborating partners</b>	MoL, MoGCSP, MoJ, INCHR, ILO, UNICEF				
<b>Activities/Intervention</b>	<b>Indicators</b>	<b>Expected Outputs</b>	<b>Means of Verification</b>	<b>Estimated Cost</b>	<b>Time Frame</b>
The state shall develop Guidance Notes for companies to manage their employment processes in compliance with human rights standards.	Level of improvement in compliance with human rights standards (i.e. reduced child labor, forced labor, non-discrimination, etc.)	Evidence of business employment guidance note.	Desk review of the Guidance Note.	10,000	2025
The Ministry of Labor shall take steps to curb the incidence of casualization in labor as well as hazardous, unsafe, and discriminatory workplace practices.	<ul style="list-style-type: none"> <li>Percentage increase in formal employment</li> <li>Level of improvement in the work environment</li> </ul>	Effective mitigation of labor-related cases	Review of legal/regulatory measures	10,000	2025-2026

<p>Government at all levels shall develop policies that advance business and human rights education in tertiary education</p>	<ul style="list-style-type: none"> <li>• Evidence of Business and Human rights inclusive curriculum for the tertiary institution.</li> <li>• Level of appreciation of business and human rights within the academia</li> </ul>	<p>Business and human rights are integrated into education policies and curricula at all levels of education.</p>	<p>Review education curriculum for tertiary education.</p>	<p>25,000</p>	<p>2025</p>
<p>Support companies and businesses to develop a clear, simple, and understandable human rights policy within their value chain that reflects their commitment to promoting human rights in their operations.</p>	<ul style="list-style-type: none"> <li>• Number of companies with human rights policies.</li> <li>• Evidence of existing business and human rights policy in concession and business areas</li> </ul>	<ul style="list-style-type: none"> <li>• Improved policy framework within companies</li> <li>• Enhanced compliance with human rights standards</li> <li>• Reduction in the violation of business-related human rights in business and concession areas</li> </ul>	<ul style="list-style-type: none"> <li>• Review of human rights reports and regular monitoring reports</li> <li>• Surveys targeting workers within companies</li> </ul>	<p>20,000</p>	<p>2025-2026</p>
<p>Create awareness among workers and staff on their basic human rights as it relates to business and businesses shall set up exclusive departments to deal with potential human rights issues.</p>	<ul style="list-style-type: none"> <li>• Level of awareness of workers on their basic human rights</li> <li>• The number of human rights cases</li> </ul>	<ul style="list-style-type: none"> <li>• Enhanced awareness of human rights among workers.</li> <li>• There is a reduction in the violation of</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring reports of compliance and</li> </ul>	<p>20,000</p>	<p>2025-2027</p>

	related to business operations reported by workers.	rights in business and concession areas, <ul style="list-style-type: none"> <li>• Employees demanding for their rights and benefits</li> </ul>	regulatory bodies		
Strengthening access to justice through the use of innovative tools such as the ADR.	<ul style="list-style-type: none"> <li>• Percentage reduction in the number of human rights-related cases at the various courtrooms,</li> <li>• Number of cases resolved under the ADR</li> </ul>	<ul style="list-style-type: none"> <li>• Increased access to justice through the decentralization of the ADR mechanism with a priority focus on concession communities</li> </ul>	Review of official court case records	30,000	2025-2028
Strengthening the administrative hearing mechanisms within the MoL to expedite labor disputes and become more accessible.	<ul style="list-style-type: none"> <li>• Number of labor-related cases heard and resolved at the MoL.</li> <li>• Rate of disposal of labor disputes by MoL</li> </ul>	<ul style="list-style-type: none"> <li>• Labor-related dispute hearings are effective and more accessible at the Ministry of Labor</li> </ul>	Review of dispute record at the administrative hearing mechanism at the MoL	25,000	2025-2027
<b>Thematic Area III</b>	<b>Access to Remedy</b>				
<b>Objectives</b>	To ensure both workers and employers have access to remedies where there are issues to be addressed. To support measures that enhance Speedy and fair trial and due process. To increase the understanding of the judicial workers on the Business and Human Rights Action Plan				
<b>Outcomes</b>	Mechanisms are put in place for aggrieved party (ies) (workers or employers) to seek remedies. Measures are put in place for speedy and fair trial and due process. The capacities of the judiciary are strengthened in the area of Business and Human Rights Human rights regulatory bodies like the (INCHR) are strengthened and resourced to monitor violations and abuses effectively				

<b>Alignment with National/Regional/International Instrument</b>	<b>United Nations Guiding Principles on Business and Human Rights, International Labor Standards, DWA, International and regional human rights standards.</b>				
<b>Lead Agency and collaborating partners</b>	<b>MoL, MoJ, INCHR, CSOs, Judiciary, ILO, OHCHR</b>				
<b>Activities/Intervention</b>	<b>Indicators</b>	<b>Expected Outputs</b>	<b>Means of Verification</b>	<b>Estimated Cost</b>	<b>Time Frame</b>
Conduct awareness on legal frameworks aimed at promoting strategic/public interest litigation on business and human rights issues within national, regional, and international courts	Number of public and private sector engagement conducted	Increased in knowledge of legal frameworks on strategic/public interest litigation	Review of court records of number of class action cases	50,000	2024-2028
Enforce Whistleblower Protection to protect whistleblowers from any form of victimization or retaliation and encourage employees of both public and private sectors to report cases of human rights abuses and violations without fear of losing their jobs.	Percentage increase in the number of reported human rights-related violations from both private and public sectors.  Percentage increase in the number of whistleblowers on alleged human rights violations and abuses	Cases of alleged human rights violations are frequently being reported from both the private and public sectors with no intimidation or retaliation.  Increased level of safety of whistleblowers	Review of whistleblower-reported human rights violation record	20,000	2024-2028
Raise awareness among judicial officers and legal practitioners on handling business and human rights matters	<ul style="list-style-type: none"> <li>Number of awareness sessions held with the judicial actors</li> </ul>	Increased knowledge of handling business and human rights	Review of business and human rights related cases	35,000	2025-2028

		matters among judicial officers			
Train Businesses to develop and implement coherent and a robust human rights policy and grievance mechanisms.	<ul style="list-style-type: none"> <li>• Number of Businesses trained to develop and implement human rights policy.</li> <li>• Evidence of the existence of human rights policies at businesses</li> <li>• Number of Businesses implementing their human rights policies</li> </ul>	Businesses have a comprehensive human rights policy with mechanisms in place for implementation	<ul style="list-style-type: none"> <li>• Training Reports</li> <li>• Review of monitoring reports of regulatory bodies</li> </ul>	20,000	2025-2026
Ensure that businesses establish/strengthen Ombudsman Systems in line with the eight Effectiveness Criteria of the UNGPs and in consultation with the target group.	<ul style="list-style-type: none"> <li>• Evidence of the existence of an ombudsman's office at businesses</li> </ul>	Ombudsman systems are established and strengthened at businesses	<ul style="list-style-type: none"> <li>• Review of compliance report</li> </ul>	10,000	2025-2026
Organize Consultative Engagement Sessions for Judicial actors at various levels on addressing the problems of delay in resolving business-related human rights cases.	<ul style="list-style-type: none"> <li>• Number of judicial engagements held.</li> <li>• Percentage reduction in the number of business-related cases on the docket</li> </ul>	Business-related human rights cases are speedily adjudicated	Review of resolved/disposed case records in the courtrooms	20,000	2025
<b>Thematic Area IV</b>	<b>Environment</b>				
<b>Objectives</b>	<ul style="list-style-type: none"> <li>• To promote and encourage sustainable use of natural resources and biodiversity.</li> <li>• To reduce pollution and environmental hazard</li> <li>• To ensure full implementation and enforce compliance with ESIA</li> </ul>				
<b>Outcomes</b>	<ul style="list-style-type: none"> <li>• Environmental court is established to prosecute violators as required by Environmental Laws</li> </ul>				



	<ul style="list-style-type: none"> <li>• Guideline is developed and adopted to regulate and promote sustainable use of natural resources and biodiversity.</li> <li>• Polluter-pay principles are reviewed, strengthened, and adopted as law.</li> <li>•</li> </ul>				
<b>Alignment with National/Regional/International Instrument</b>	ESIA, Environmental of Liberia				
<b>Lead Agency and collaborating partners</b>	EPA, MoLME, MoJ, FDA, MoA, NDMA, UNDP, WHO, OHCHR				
<b>Activities/Intervention</b>	<b>Indicators</b>	<b>Expected Outputs</b>	<b>Means of Verification</b>	<b>Estimated Cost</b>	<b>Time Frame</b>
Hold public hearings on the Human Rights Conflict and Environmental Impact Assessments conducted when land is conceded for development or business purposes.	<ul style="list-style-type: none"> <li>• Number of public hearings held</li> <li>• Number of stakeholders consulted</li> </ul>	Enhanced transparency and inclusive involvement of the public in business decisions making	<ul style="list-style-type: none"> <li>• Review of public hearing event reports</li> </ul>	25,000	2024-2028
Monitor environmental standards at workplaces noting changes in environmental quality by EPA.	Level of compliance with environmental standards. Number of monitoring/compliance visits	Businesses are in full compliance with environmental standards by integrating the standards in their internal operational guidelines.	Review of operational guidelines Monitoring and compliance reports	20,000	2024-2028
Prompt resettlement and prior compensation to all people displaced by investment projects/concessions, guided by best practices such as the Principles of Resettlement enunciated by the African Development Bank and the International Finance Corporation, .	<ul style="list-style-type: none"> <li>• Evidence of Government commitment to adopting the principle of resettlement approach</li> <li>• Number of communities resettled</li> </ul>	There is demonstrated commitment of the government to adopt principle of resettlement of community inhabitants to make way for business operation or concession	Monitoring reports Review of concession agreements	<b>20,000</b>	<b>2024-2028</b>

	<p>and compensated in compliance with the principles of resettlement.</p> <ul style="list-style-type: none"> <li>• Number of project-affected persons compensated</li> </ul>	<p>purposes as recommended by the AfDB, IFC, and ADB</p>			
<p>The government shall champion the importance and guarantee the legitimacy of the work of human rights defenders including community members who speak out against corporate environmental harm and human rights violations.</p>	<ul style="list-style-type: none"> <li>• Evidence existing legal instrument that protects human rights defenders</li> </ul>	<p>Government-adopted legal measures that provide for the protection of human rights defenders who speak out against environmental harm and human rights violations</p>	<p>Review of legal instruments</p>	<p><b>30,000</b></p>	<p><b>2024-2028</b></p>
<p><b>Thematic Area V</b></p>	<p><b>Accountability and Transparency</b></p>				
<p><b>Objectives</b></p>	<ul style="list-style-type: none"> <li>• To adopt measures that promote, respect, and protect human rights by both employers and employees in business and concession environments.</li> <li>• To create a pathway for access to remedies when and where there is alleged violation and abuse of human rights of both workers and employers.</li> <li>• To minimize incidents of human rights-related violations and abuse by both employers and workers</li> </ul>				
<p><b>Outcomes</b></p>	<ul style="list-style-type: none"> <li>• Businesses commit to developing and adopting human rights policies and guidelines that protect and safely guide the rights of both workers and employers.</li> <li>• Regular or periodic assessment of human rights impact and violation is supported by the state.</li> <li>• A mandatory requirement for businesses to report on their human rights compliance is adopted by banking and other microfinance institutions</li> </ul>				
<p><b>Alignment with National/Regional/International Instrument</b></p>	<p>UN Business and Human Rights Guiding Principles, the Constitution of the Republic of Liberia</p>				
<p><b>Lead Agency and collaborating partners</b></p>	<p>INCHR, National Bureau of Concession Commission, MoJ, CBL, the judiciary.</p>				

Activities/Intervention	Indicators	Expected Outputs	Means of Verification	Estimated Cost	Time Frame
Ensure the inclusion of human rights protection clauses in all contracts/agreements, memoranda of understanding, and other business-related policy documents spelling out the obligations of the parties, including the protection of human rights defenders.	<ul style="list-style-type: none"> <li>Availability of human rights clauses in business and concession contract/agreement</li> </ul>	All contracts/agreements are inclusive of human rights provisions	Desk review of contracts/agreements of businesses. Review of National human rights reports	20,000	2025-2027
Support quarterly conduct of Human Rights Due Diligence and Human Rights Impact Assessments in all business operations to discover whether businesses are in line with the National Action Plan.	<ul style="list-style-type: none"> <li>Number of Human Rights Impact Assessment and due diligence reports published</li> </ul>	There is a quarterly update on progress made in compliance with the action plan	Desk review of the National Human Rights Impact Assessment and due diligence reports	40,000	2024-2028
Support measures that provide for businesses to be obligated to submit annual reports on their human rights situation.	<ul style="list-style-type: none"> <li>Existence of measures that obligate businesses to submit annual human rights situation reports</li> <li>Number of businesses that submit their annual human rights situation reports</li> </ul>	All businesses demonstrate their commitment to submission of annual human rights situation reports	Desk review of human rights situation reports Media reports	20,000	2025-2028
Support regulatory bodies to incorporate human rights indicators in their reporting and monitoring templates in their regulatory framework.	<ul style="list-style-type: none"> <li>Number of human rights indicators incorporated in reporting and monitoring template of regulatory bodies</li> </ul>	The human rights component is incorporated in the reporting templates of regulatory bodies	Review of the monitoring and reporting template of regulatory bodies	20,000	2025-2028

Adopt measures that provide for businesses to conduct human rights due diligence from the onset to identify possible human rights abuses arising from their operations.	<ul style="list-style-type: none"> <li>Evidence of regulations that mandate businesses to conduct human rights due diligence assessment</li> </ul>	Businesses are committed to conducting human rights due diligence from the onset of their businesses	Review of the regulatory bodies monitoring reports Review of businesses compliance reports	30,000	2024-2027
Collaborate with financial and other microfinance institutions to include human rights due diligence and compliance as a condition for accessing loan from their institutions.	<ul style="list-style-type: none"> <li>Evidence of human rights incorporated policy at financial and micro-finance institutions</li> </ul>	All financial and micro finance institutions develop and adopt human rights protection policies and due diligence as a criterion for accessing loans from financial and microfinance institutions	Review of loan and micro-finance policy of financial institutions	20,000	2025-2028
Ensure that where the state is directly or indirectly engaged in business, the government shall ensure full compliance with UNGPs.	Evidence of a demonstrated political will of the Government to commit itself to protecting human rights in the event it engages in business	The state is committed to the protection of human rights in the case where it is engaged in business.	Review of government regulations or policy to protect human rights as it engages in business activities.	20,000	2024-2028
Strengthen regulatory institutions to effectively monitor businesses' operations	Demonstrated evidence of effective monitoring of businesses' operations.	Relevant regulatory bodies have the required capacities to effectively monitor businesses' operations.	Review of monitoring reports of relevant institutions	50,000	2024-2028
<b>Thematic Area VI</b>	<b>Gender</b>				

<b>Objectives</b>	<ul style="list-style-type: none"> <li>• To gender and disability are mainstreamed in all employment policies of businesses and companies</li> <li>• To adopt measures that reflect fair representation of women and persons with disabilities.</li> <li>• To address and eliminate discriminatory practices against women and persons with disabilities at workplaces</li> </ul>				
<b>Outcomes</b>	<ul style="list-style-type: none"> <li>• Businesses and companies are requiring developing gender and disability inclusive employment policies.</li> <li>• There is equal pay for equal work at all workplaces regardless of gender and disability status.</li> </ul>				
<b>Alignment with National/Regional/International Instrument</b>	UNCRPD, CEDAW, SDGs, UDHR, DWA, ILS				
<b>Lead Agency and collaborating partners</b>	MoL, MoGCSP, NCD and MoJ, UNWOMEN, ILO, OHCHR				
<b>Activities/Intervention</b>	<b>Indicators</b>	<b>Expected Outputs</b>	<b>Means of Verification</b>	<b>Estimated Cost</b>	<b>Time frame</b>
Support the creation of an enabling work environment for female and vulnerable groups, employees, and contractors	Number of women and vulnerable groups employed Level of compliance with the Decent Work Act Level of reduction in SEA.	Equal access to employment opportunities for females and people with disability.	<ul style="list-style-type: none"> <li>• Review of Monitoring and inspection reports</li> <li>• Review Businesses' employment reports.</li> <li>• Surveys among women and other vulnerable groups in the workplace.</li> </ul>	25,000	2025-2027
Support businesses to develop a gender action plan/policy and establish a gender unit	<ul style="list-style-type: none"> <li>• Number of businesses with gender policies</li> </ul>	Enhanced policy framework for the protection of women and other vulnerable	<ul style="list-style-type: none"> <li>• Review of Established mechanisms to monitor and</li> </ul>	35,000	2025-2028

	<ul style="list-style-type: none"> <li>• Number of gender units established</li> </ul>	groups at their places of work.	ensure implementation of the gender action plan and establishment of a gender unit.		
Create awareness on Sexual exploitation and abuse at the workplaces	<ul style="list-style-type: none"> <li>• Number of awareness sessions on SEA</li> <li>• Level of company employees aware of SEA</li> </ul>	Increased level of awareness of SEA and compliance with all applicable laws and policies on the same.	<ul style="list-style-type: none"> <li>- Training reports</li> <li>- Company reports</li> <li>- Review of routine monitoring reports</li> </ul>	20,000	2024-2028
Capacity building for female employees and marginalized groups on human rights issues related to business operations.	<ul style="list-style-type: none"> <li>• Number of trainings held.</li> <li>• Number of women and other vulnerable groups trained.</li> <li>• Level of awareness of human rights issues related to business</li> </ul>	Adequate awareness for women and other vulnerable groups on business and human rights	<ul style="list-style-type: none"> <li>- Training reports</li> <li>- Surveys</li> </ul>	30,000	2024-2028