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Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development****Visit to Liberia****Report of the Working Group on the issue of human rights and
transnational corporations and other business enterprises****Summary*

The Working Group on the issue of human rights and transnational corporations and other business enterprises conducted a visit to Liberia from 31 October to 11 November 2022.

It was encouraged by the Government's commitment to make advances in the field of business and human rights and noted that good legislation existed that was relevant for the protection of human rights and the environment in the context of business activities. It welcomed the Government's plans to develop a national action plan on business and human rights. However, it was concerned by the significant challenges observed, including in relation to the effective implementation of existing regulations. Those challenges were particularly evident in relation to the serious abuses suffered by workers and communities in the mining and agribusiness sectors. Addressing the root causes of such abuses, in addition to such overarching issues as uneven development, especially for communities outside the capital city of Monrovia, and the constraints placed on the ability of workers and others to hold businesses to account, will be particularly important.

The Working Group also observed that the meaningful participation of communities in decisions affecting them was inadequate and the allegations of the suppression of the legitimate activities of human rights defenders were especially troubling.

* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only.



Annex

Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on its visit to Liberia

I. Introduction

1. Pursuant to Human Rights Council resolutions 17/4, 26/22, 35/7 and 44/15, the Working Group on the issue of human rights and transnational corporations and other business enterprises, represented by its Chair, Fernanda Hopenhaym, and one of its members, Damilola Olawuyi, visited the Liberia, at the invitation of the Government, from 31 October to 11 November 2022. During the visit, the Working Group assessed the efforts made by the Government and business enterprises, in line with the Guiding Principles on Business and Human Rights, to identify, prevent, mitigate and account for the adverse impacts of business-related activities on human rights.

2. During the visit, the Working Group met with the Minister of Labour; the Minister of Justice/Attorney General; the Acting Minister of State/Chief of Staff to the President; the Deputy Minister for Planning, Research and Development and the Assistant Minister for Mines, both at the Ministry of Mines and Energy; the Assistant Technical Ministerial Lead on Commercial Transactions/Economic Affairs at the Ministry of Justice; and the Deputy Executive Director ad interim of the Environmental Protection Agency. The Working Group also met with representatives from the ministries of Labour; Commerce and Industry; Gender, Children and Social Protection; Public Works; and Justice as well as from the National Bureau of Concessions; the National Investment Commission; and the Liberia Land Authority. The Working Group met with representatives of local authorities in Bomi, Bong and Nimba, counties. It held meetings with members of Senate Committees (Senate Committee on Concession and Investment and Senate Judiciary Committee) and of the House of Representatives. It also met with the Chairperson of the Independent National Commission on Human Rights, with various directors, commissioners and county monitors, with representatives of the Court Administration Section of the judicial branch of the Government and with a resident circuit judge.

3. Meetings were held with representatives of civil society organizations, local communities, workers and trade unions in Monrovia and in Bomi, Bong and Nimba counties. The Working Group met with representatives of business enterprises, including ArcelorMittal Liberia, MNG Gold Liberia, the Liberia Agricultural Company, Bea Mountain Mining Corporation, Security Expert Guard Agency of Liberia (SEGAL) and Mano Palm Oil Industries. It attempted to meet with Firestone Liberia LLC. Meetings were held with the Liberian Business Association, the Liberia Chamber of Commerce, members of the Liberia Labour Congress and academics at the Louis Arthur Grimes School of Law, University of Liberia. The Working Group also met with representatives of United Nations agencies working in Liberia.

4. The Working Group extends its gratitude to the Government of Liberia for the support provided during the visit and for its willingness to engage in a constructive discussion on the challenges faced and lessons learned in promoting respect for human rights in business. The Working Group thanks the United Nations country team, especially the Office of the United Nations High Commissioner for Human Rights in Monrovia, for its support during the visit and the representatives of the organizations, businesses and communities and the individuals with whom it met for their openness and willingness to engage in a constructive and solution-oriented dialogue and for travelling long distances to share their experiences. The Working Group appreciated the open and frank dialogue on initiatives, opportunities and challenges concerning the implementation of the Guiding Principles.

II. General context

5. Liberia is a low-income country that is still recovering from a lengthy and destructive civil war. It relies heavily on foreign assistance and remittances from the diaspora and the exploitation of natural resources.¹ Liberia is endowed with water, mineral resources, forests and a climate favourable to agriculture. Its principal exports are iron ore, rubber, diamonds and gold. Palm oil and cocoa are emerging as new export products. Levels of poverty and inflation are high and decent work is scarce. It is estimated that more than half of the population lives in extreme poverty, with poverty more than twice as high in rural areas,² and around 83 per cent of the total population lives on less than \$1.25 per day.³ The country experienced serious economic impacts prior to the coronavirus disease (COVID-19) pandemic due to the Ebola virus disease crisis.⁴ Infrastructure remains extremely poorly developed and only 45 per cent of the population can access an all-season road within 5 km.⁵ Access to electricity is estimated at 19.3 per cent at the national level, 32 per cent in urban areas and only 1.4 per cent rural areas.⁶ According to the Pro-Poor Agenda for Prosperity and Development 2018–2023, half of the bridges and one quarter of the culverts are in poor condition and only 15 per cent of bridges and half of the culverts are in excellent or good condition, limiting accessibility during the rainy season.⁷ In the Pro-Poor Agenda, the Government noted its intention to make significant inroads in reducing infrastructure deficits and stated that, by 2023, Liberia would have a more expansive national road network, reducing the cost of transport and doing business, supporting the generation of decent employment opportunities, and transforming the living conditions of the poor and the vulnerable through better access to social services.⁸ Based on the Working Group's observations, the fruits of that promise remain to be seen.

6. The informal economy is the primary source of employment and income for almost 90 per cent of the population.⁹ Seventy-four per cent of all female workers are informal labourers,¹⁰ including 41 per cent of university-educated women compared with 24 per cent of university-educated men.¹¹ This large informal economy poses significant challenges for the regulation and taxation of businesses. Growing the formal economy and supporting the role of small and medium-sized enterprises will be important for the development of the economy and was a specific request of business associations with which the Working Group met. The role of such enterprises is critical for addressing businesses-related human rights abuses, including labour exploitation. While the Guiding Principles apply to all business enterprises, the Working Group acknowledges that small and medium-sized enterprises face unique challenges in implementing human rights due diligence processes and establishing effective operational-level grievance mechanisms; governmental leadership in this context will be particularly important. The first step will be to counter a lack of awareness of the Guiding Principles and of the responsibility of all companies, irrespective of their size, to respect human rights.

7. Large corporations shape economic and social dynamics in the country. They are particularly dominant in the agricultural sector, including rubber, palm oil and timber, and

¹ See <https://www.worldbank.org/en/country/liberia/overview>.

² See <https://www.afdb.org/en/documents/liberia-bank-group-country-strategy-paper-2019-2023>, p. 9.

³ See <https://documents1.worldbank.org/curated/en/198161608648605143/pdf/Appraisal-Environmental-and-Social-Review-Summary-ESRS-Recovery-of-Economic-Activity-for-Liberian-Informal-Sector-Employment-P174417.pdf>, p. 5.

⁴ See <https://www.theigc.org/case-studies/economic-impacts-ebola>.

⁵ See https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Liberia_-_Infrastructure_and_Inclusive_Growth_-_Summary_Report.pdf, p. 12.

⁶ See <https://www.afdb.org/en/documents/liberia-bank-group-country-strategy-paper-2019-2023>, p. 6.

⁷ See <https://faolex.fao.org/docs/pdf/lbr204464.pdf>, p. 78.

⁸ *Ibid.*, p. 79.

⁹ See <https://documents1.worldbank.org/curated/en/198161608648605143/pdf/Appraisal-Environmental-and-Social-Review-Summary-ESRS-Recovery-of-Economic-Activity-for-Liberian-Informal-Sector-Employment-P174417.pdf>, p. 5.

¹⁰ See <https://www.cfr.org/womens-participation-in-global-economy/case-studies/liberia>.

¹¹ See <https://datapopalliance.org/wp-content/uploads/2021/09/Report-UNW-liberia.pdf>, p. 50.

the mining sector, mainly iron ore and gold mining, which are critical to the economy but provide very limited employment opportunities.

8. Since the civil war, the country has not benefited from a full accountability process. The role of businesses and the battle for control of natural resources in fuelling conflict has not been broadly addressed. However, responsible business plays an important role in promoting sustainable peace and the implementation of the Guiding Principles should be understood as particularly important in this context.

9. In its Agenda for Transformation: Steps towards Liberia Rising 2030,¹² the Government recognized that questions around land ownership and the management of concessions that did not benefit the majority of the population represented one of the major causes of the civil war. In the same document, it committed to developing a framework for concessions of natural resources exploitation that would contribute to sustainable development and public services in the areas of infrastructure, education, health and water and community development projects. The Government has adopted a number of reforms providing a strong legal and policy framework for the protection of human rights, including labour rights, and the environment, which apply in relation to concession areas. However, despite such positive developments, much exploitation of natural resources and agricultural land has brought little progress in terms of ensuring inclusive and sustainable development and respect for the human rights of affected communities in concession areas.

10. The Working Group noted that actual or perceived corruption and weak public institutions¹³ fuelled a lack of trust in State authorities and exacerbated social conflict, which is harmful to all stakeholders.

11. The Working Group was also alarmed to repeatedly hear that it was hard to find food and that importers of rice were allegedly hoarding rice in order to drive up the price to be paid by the Government and by people. This both rendered basic food unaffordable for many and contributed to the unavailability of food in the marketplace. The Working Group was concerned about the extent of food scarcity and malnutrition, possibly reaching acute food insecurity in parts of the country.¹⁴ In this regard, it is noteworthy that the World Bank has needed to provide additional financing to support rice production, and therefore food security, in Liberia.¹⁵

12. Some of the challenges facing Liberia in trying to ensure the protection of and respect for human rights in the context of business operations reflect those experienced by other countries. While acknowledging that Government policies that promote foreign investments are legitimate, the Working Group remains concerned by the lack of a holistic approach by the Government that takes into account the sustainable use of natural resources, resilient infrastructure, sustainable development, the socioeconomic needs of local populations and the right to live in a healthy environment. Such challenges require comprehensive approaches to human rights and environmental impact assessments and strong oversight from the Government. The Working Group also observed the need to attract investment to diversify the range of sectors operating in the country and, therefore, to increase job opportunities. As international investors are paying attention increasingly to the ways in which businesses are addressing human rights and environmental considerations in their operations, it is urgent for the Government to create an enabling environment that is conducive to responsible business conduct and stable investment that benefits all.

13. The Working Group observed the lack of basic infrastructure in the country and the uneven development that has taken place, with basic services lacking in all of the locations that the Working Group visited, especially outside of Monrovia, reflecting a general neglect of local communities in development planning. The situation persists despite the work under way in accordance with the United Nations Sustainable Development Cooperation

¹² See <https://mod.gov.lr/wp-content/uploads/2022/06/National-Agenda-for-Transformation-2030.pdf>.

¹³ See <https://www.transparency.org/en/countries/liberia>.

¹⁴ See https://docs.wfp.org/api/documents/WFP-0000146074/download/?_ga=2.132039819.568881290.1677843702-316493378.1643200274.

¹⁵ See <https://www.worldbank.org/en/news/press-release/2022/12/22/new-world-bank-financing-to-support-an-additional-36-000-farming-households-and-address-liberia-s-food-security-crisis>.

Framework 2020–2024, which is aimed at supporting the Government’s Pro-Poor Agenda for Prosperity and Development 2018–2023, under which development, to be pro-poor, must be inclusive, with all Liberians having the opportunity to contribute to, participate in and benefit from national development.¹⁶

14. The Working Group observed an absence of awareness of the Guiding Principles and the business and human rights agenda. There is a need for significant capacity-building and awareness-raising in this regard. While the Freedom of Information Act of 2010 was mentioned a number of times, people did not necessarily know how to find information about business activities and did not find information about new or possible concessions to be readily available. In a country with limited infrastructure and capacity for people to use the Internet, it is all the more important for national newspapers and radio to be used to fully inform all rights holders about the business-related issues that may have an impact on their rights. Higher education institutions also have key roles to play in implementing tailored courses and programmes on business and human rights.

15. The Working Group also noted that there were educational challenges across the country. Various stakeholders said that literacy and formal skills among the majority of the population of Liberia were dramatically low, particularly among women and girls.¹⁷ The entire generation of war-affected youth missed out on educational opportunities, leaving them ill-equipped to compete for jobs and, in many cases, traumatized or living with disabilities.¹⁸ The Government and businesses need to be more sensitive to their role in helping to build opportunities for the youth of Liberia.

III. Law and policy framework

16. Liberia has a sound legislative framework related to business and human rights, including labour rights, occupational health and safety and the environment. The Working Group was encouraged by the commitment shown by many ministries and departments to the development of legislation reflecting the international human rights commitments that Liberia has adopted.

17. One positive example is the Decent Work Act of 2015, which is aimed at promoting fundamental rights at work, including freedom of association and the right to bargain collectively; the right not to be subject to forced or compulsory labour; the right to equality at work and to equal working conditions, regardless of gender or other irrelevant criteria; and the right not to be subject to the worst forms of child labour. Part VI of the Act provides the legal framework for occupational safety and health, including the involvement of workers, employers and organizations representing those persons, in the formulation and implementation of safety, health and welfare standards and focuses on the development of a national preventative safety and health culture. The Act also provides, in part III, chapter IV, for the creation of a national tripartite council to advise the Minister of Labour on employment- and labour-related issues and bring together representatives of employers, trade unions and the Government to promote the implementation of the Decent Work Act and social dialogue. Chapter 25 of the Public Health Law of 2019 also contains provisions relating to occupational health and safety.¹⁹

18. The Land Rights Act of 2018 clarifies land tenure, land governance, administration and management. Article 3 guarantees equal access and equal protection with respect to land ownership, use and management, including ensuring that customary land is given protection

¹⁶ See <https://liberia.un.org/en/13412-government-liberia-un-and-development-partners-sign-5-year-sustainable-development>.

¹⁷ See <https://datapopalliance.org/wp-content/uploads/2021/09/Report-UNW-liberia.pdf>.

¹⁸ See <https://www.afdb.org/en/documents/document/liberia-infrastructure-and-inclusive-growth-summary-report-47300>, p 15.

¹⁹ Public Health Law of Liberia, chap. 25. Available from http://moh.gov.lr/wp-content/uploads/FINISHED-DRAFT-REVISED-PUBLIC-HEALTH-LAW-REPUBLIC-OF-LIBERIA-2019_Validation.pdf.

equal to that for private land. It also sets out that the right to land ownership is provided for all Liberians regardless of identity, custom, ethnicity, tribe, language, gender or otherwise.

19. The Environmental Protection and Management Law, 2002, established a legal framework for the sustainable development, management and protection of the environment by the Environmental Protection Agency, in partnership with regulatory ministries and organizations, and provides high quality information and advice on the state of the environment and related matters.²⁰ The law affirms the principle of sustainable development; the precautionary principle; the polluter pays principle; and the principles of intergenerational equity, public participation and international cooperation in the management of environmental resources shared by two or more States, as well as other principles of natural resources and environmental management.²¹

20. The Liberia Anti-Corruption Commission was established by an act of the Legislature in 2008 with a mandate to investigate and prosecute acts of corruption as well as to educate the public about the ills of corruption and the benefits of its eradication.²² The Liberia Anti-Corruption Law was recently amended to grant the Commission the autonomy to investigate and prosecute suspects and to establish a new process for appointing Commission leadership.²³

21. In July 2022, the Government enacted an amendment²⁴ to the Aliens and Nationality Law of 1973²⁵ to allow citizens with dual nationality to legally own land and engage in business, which is likely to generate an increase in investments from Liberians living overseas. In 2020, personal remittances accounted for 11 per cent of the gross domestic product.²⁶

22. While noting that relevant legislation pertaining to the business and human rights agenda was in place, the Working Group found that much work was needed to effectively implement and provide oversight on the existing regulatory framework, including to ensure corporate accountability for lack of compliance. It notes that greater efforts should be made to implement the Guiding Principles, which requires, initially, raising awareness, enhancing coordination and building the capacity of all stakeholders, including government officials, judges, lawyers, businesses, trade unions and civil society actors. The Working Group welcomes all initiatives by academics and lawyers to conduct training on the Guiding Principles and encourages support for such initiatives.

Development of a national action plan on business and human rights

23. The Government, through a strategy²⁷ to implement its Pro-Poor Agenda for Prosperity and Development 2018–2023,²⁸ committed to implementing a national action plan to implement the Guiding Principles. The Working Group welcomes such commitment and commends the work of the National Steering Committee on Business and Human Rights, chaired by the Ministry of Justice, for its leadership in this regard. While relevant ministries have technical focal points seconded to the Committee, who are expected to inform ministries about the Committee's work, the Working Group noted a lack of awareness within and between ministries, a situation that should be addressed urgently. It was also concerned that most of the stakeholders with whom the Working Group spoke, including people living in

²⁰ See <https://www.epa.gov.lr/content/brief-history#:~:text=The%20Environmental%20Protection%20and%20Management%20Law%20%28EPML%29%20of%20the%20environment%20and%20for%20matters%20connected%20therewith.>

²¹ See <https://www.epa.gov.lr/content/brief-history>.

²² See <https://lacc.gov.lr>.

²³ See <https://www.worldbank.org/en/country/liberia/overview>.

²⁴ <http://citizenshiprightsafrika.org/wp-content/uploads/2022/09/Liberia-Aliens-and-Nationality-Law-Amendment-July-2022.pdf>.

²⁵ <http://citizenshiprightsafrika.org/wp-content/uploads/1973/05/Liberia-Aliens-Nationality-Law-1973-Full.pdf>.

²⁶ See <https://www.worldbank.org/en/country/liberia/overview>.

²⁷ See <https://globalnaps.org/wp-content/uploads/2019/01/liberia-national-development-agenda-pro-poor-agenda.pdf>.

²⁸ See <https://faolex.fao.org/docs/pdf/lbr204464.pdf>.

rural communities and representatives of business associations, were unaware of the national action plan process or its relevance to their lives and activities.

24. A precondition for ensuring a successful national action plan process is building trust and ensuring the broad, equal and effective participation of all relevant stakeholders across the 15 counties of Liberia, with the views of all relevant actors taken into account. Trade unions, community representatives and human rights defenders, as well as business associations and businesses, have important views to share and, thus far, appear not to have been adequately included.

25. The Working Group was pleased to see the framework for the draft national action plan 2022–2027 and noted the importance of the six thematic areas that will be highlighted (land and natural resources; labour; access to justice; environment; transparency; and gender). The Working Group recommends its guidance on national action plans on business and human rights to the Government as it contains useful advice on the processes to be followed and the elements to be considered by those leading the process.²⁹

Policy coherence

26. During the visit, the Working Group underlined the importance of policy coherence,³⁰ as business and human rights is a cross-cutting topic of relevance to multiple government departments. The harm caused by gaps and inconsistencies in the implementation and enforcement of relevant policy and legal frameworks include labour-related abuses, discrimination, environmental damage, forced evictions and land rights violations and the intimidation of human rights defenders. The Working Group found that such gaps were often accompanied by a lack of operational guidance across the ministries and State agencies that shape business practice or interface with business. High-level political support, commitment and leadership for implementing the Guiding Principles will be essential, together with the meaningful participation of all government entities and key stakeholders, in the development and implementation of relevant regulatory frameworks. The Working Group notes that it will be especially important for the Government to present a strong and united front in the face of entrenched business practices that result in human rights abuses and businesses that currently have little incentive to do better and are unaware of their human rights responsibilities.

IV. Human rights defenders and meaningful participation

27. The participation of communities in decision-making processes, including provisions for free, prior and informed consent, are included in various legal instruments, such as in the Community Rights Law of 2009 and the Land Rights Act of 2018. There are also provisions for participation in environmental and social impact assessments and in the negotiation of mining development agreements. These are all positive developments.

28. The Working Group met with some of the companies operating in Bomi, Bong and Nimba counties, which reported that they conducted periodic meetings with communities to understand their concerns, in line with mining development agreement requirements. They affirmed the importance of maintaining good relationships with the communities.

29. Nevertheless, despite the relevant regulatory provisions and the commitments made by companies, communities living in areas in which mining and agribusiness concessions are operating repeatedly reported that they experienced no meaningful participation or consultation. According to communities in Bomi, Bong and Nimba counties, there have been no meaningful consultations about the projects operating on their land nor clear mechanisms for participating in decisions pertaining to the development of their communities. The Working Group acknowledges the long and tireless work by civil society to advocate for the protection and respect of participation rights, including by taking cases to the Round Table on Sustainable Palm Oil.³¹ It is concerned by the fact that communities have reported very

²⁹ See https://www.ohchr.org/sites/default/files/Documents/Issues/Business/UNWG_NAPGuidance.pdf.

³⁰ See [A/74/198](#).

³¹ See <https://mrucsoplatform.org/wrestling-with-worlds-largest-oil-palm-company> and <https://www.forestpeoples.org/en/node/50228>.

limited action, both by government authorities and by companies, to ensure that consultations are conducted and the right to participation of communities is upheld.

30. Moreover, the Working Group received distressing reports from community members of repression, police brutality and arbitrary detention in the context of peaceful protests and was very concerned by the chilling effect that violence and threats against defenders and communities have on their right to public participation. For example, events concerning the ArcelorMittal concession in the district of Kokoya in 2018 and, more recently, the Mano Palm Oil Industries concession in Bomi county have led community members to fear exercising their right to peacefully assemble or to put forward their grievances. Some reported being threatened by national police officers who, they said, pointed assault rifles at them.

31. The Working Group was concerned that protecting the right to the meaningful participation of affected communities remains a serious challenge and a source of potential or actual social conflict. Meaningful consultation with communities is central to human rights due diligence, as set out in the Guiding Principles. Consultation enables the early identification of concerns and grievances so that actors can better understand the potential impacts of a project on local people and the environment. Human rights defenders and community representatives should be seen not as enemies but as constructive partners who have knowledge of local conditions and can provide businesses with information regarding the local context and the potential impacts of their activities.³² Media outlets also have an important role to play by refraining from demonizing the legitimate work of human rights defenders and explaining to the public the importance of that work.

V. Salient business and human rights issues in specific sectors

32. The Working Group heard testimonies and received information from affected communities about cases related to a range of business-related human rights abuses, including in relation to the extractive industries and agribusiness. These cases involved the following businesses the Golden Veroleum palm oil company in Sinoe County; the Salala Rubber Corporation in Margibi County; the Liberian Agricultural Company in Gran Bassa; and Firestone Liberia LLC in Margibi County; as well as, in Grand Cape Mount County, the Bea Mountain Mining Corporation and the Sime Darby palm oil company. The cases illustrate recurrent concerns in relation to land grabbing and forced eviction, a lack of consultation, economic displacement and the loss of livelihood, labour rights abuses, including low wages, child labour and a lack of protective equipment, environmental impacts and gender-based violence. Despite the reforms in the land-tenure regimes, reports of such abuses were abundant during the Working Group's visit. Human rights defenders and affected communities have long called for transparency regarding government oversight and accountability, with little or no effective action from the Government and businesses. In some cases, their actions were met with intimidation, harassment and violence, including the disproportionate use of force by the police and private security companies.

33. Due to time constraints, it was not possible to study all the reported cases or visit all the areas that the Working Group recognized as being of concern. However, the Working Group looked closely at a few emblematic cases that illustrated the recurrent concerns in order to better assess the gaps, the opportunities and the way forward to ensure business respect for human rights and the environment. The cases included negative human rights and environmental impacts of the operations of ArcelorMittal Liberia, MNG Gold Liberia, Security Expert Guard Agency of Liberia (SEGAL) and Mano Palm Oil Industries.

34. The Working Group was extremely concerned by the overall human rights situation it observed, including extensive allegations of rape and sexual harassment in the workplace; the delayed payment of salaries; inhumane working conditions; the abuse and intimidation of labour union leaders; environmental pollution; and community dissatisfaction with businesses' operations, among others, especially regarding companies operating in concession areas. The failure by the authorities to investigate and hold perpetrators to account

³² See [A/HRC/47/39/Add.2](#).

continues to weaken the protection and realization of fundamental social, economic and cultural rights. The situation gives rise to significant adverse consequences for the right to decent work; adequate housing, health, water and sanitation; physical integrity; education; and a clean, healthy and sustainable environment. The cases also illustrate the social tensions around land tenure and land use. The Working Group remains concerned that such cases have the potential to escalate into conflict and social unrest unless urgently addressed.

A. Human rights abuses in the agribusiness and extractive industries

35. The failure of mining and agricultural concessionaires to comply with human rights standards was a major concern for the Working Group. The Working Group learned that land grabbing, forced displacement without adequate compensation, and disputes over land property were prevalent, despite positive reforms in the land-rights regime providing, *inter alia*, for the participation of communities regarding land-related issues (see paras. 43–45). Communities reported the destruction of villages, damage to crops and the desecration of shrines and graves, without any regard for the Indigenous practices vital to those communities. Oversight by the Government was seen to be weak or non-existent.

36. Concession agreements typically span several years, in some cases up to 99 years, such as in the case of Firestone Liberia LLC, concern hundreds of square kilometres of land and affect tens of communities (for example, in the case of Bea Mountain Mining Corporation's 478 km² concession area).³³ Given the loss of livelihood and land caused by the granting of concessions, relevant regulations often require licence holders to provide a number of services to local communities, including schools, health facilities, roads, employment and training opportunities for communities within the concession areas as well as a safe working environment. According to existing laws, such agreements are to be reviewed every five years to ensure regulatory compliance by licence holders.

37. However, the Working Group heard that farmers in certain concession areas were displaced and deprived of their sole means of livelihood, without being offered a suitable and sustainable alternative. The dire living conditions of the communities in the concession areas that the Working Group visited were aggravated by the lack of basic infrastructure and services, such as water and sanitation, roads and electricity. These conditions exacerbated the communities' physical isolation, precarious living conditions, exclusion, sense of despair and lack of opportunities for alternative livelihoods. Community members told the Working Group, "We are dying". They asked, in relation to the lack of basic services, "Are we not also Liberian?" and decried the lack of a meaningful future for their children.

38. In 2010, the National Bureau of Concessions was created³⁴ to strengthen the management of concession agreements and, in 2020, an act of Parliament provided for greater accountability and transparency for the County Social Development Fund, which comprises financial contributions from the national Government and fees paid by concession companies extracting natural resources from local communities. Determining the allocation of the funds is meant to be a participatory process, with local authorities and communities working together to identify development priorities. However, the participatory process has not been implemented in practice due to weak oversight, a lack of transparency, perceived or actual corruption, a lack of trust among stakeholders and the absence of appropriate mechanisms to enable the effective participation of communities in the administration and monitoring of the funds. As a result, many communities living in concession areas have yet to benefit from the funds.

B. Environmental impacts

39. Despite the regulatory framework, the negative impact of the mining and agribusiness sectors on the environment is a recurring challenge. Under the current concession regime and related environmental protection requirements, any activity that may have adverse impacts

³³ See <https://investorshub.advfn.com/Aureus-Mining-Inc-AUETO-31037>.

³⁴ See <https://www.ppcc.gov.lr/doc/National%20Bureau%20of%20Concessions%20Act.pdf>.

on the environment is subject to mandatory environmental and social impact assessments prior to the commencement of development operations. The Environmental Protection Agency grants permits following environmental and social impact assessments and conducts quarterly inspections.

40. However, the Working Group is deeply concerned that the level of implementation of such requirements and the oversight of concessions remain largely insufficient, resulting in serious human rights abuses. Serious environment-related grievances of communities, in most instances, have remained largely unaddressed by the national authorities, with particularly acute consequences for the most vulnerable and impoverished populations. For example, the Working Group heard from affected communities in Bong County about the ongoing adverse impacts on their health and source of livelihood because of water contamination and air and soil pollution caused by the operations of MNG Gold Liberia. The Working Group also heard allegations of damage to buildings from the vibrations caused by underground blasting in the mine.

41. During discussions with the Working Group, MNG Gold Liberia highlighted its work on environmental protection and community engagement, including its payments to local communities, which it called “appreciation” payments.

42. However, further efforts are required on the part of the company and the Government to ensure meaningful participation, transparency and effective oversight related to environmental impacts. The situation requires an urgent, objective assessment of the overall pollution levels to ensure that independently verifiable data is available to address any legitimate concerns.

C. Land rights

43. Many small farmers engage in small scale and subsistence farming. Traditional communities often hold collective ancestral property rights to land, and disputes over land rights and land acquisition were among the causes of the civil war. The Land Rights Act of 2018 recognizes the customary land rights of rural communities and women’s land rights, and requires that free, prior and informed consent be adhered to for activities occurring on community land. The law should apply to any new concession negotiation process and at the renewal stage of previously existing concession agreements. It complements the Community Rights Law of 2009, which created a legal framework for communities to participate in sustainable forest management. Such a framework for customary land ownership and management was meant to safeguard communities from land grabs, which is to be welcomed as a positive development. However, the Liberia Land Authority acknowledged that the capacity and the policies to effectively implement the new regime had yet to be developed. Additionally, land demarcation has not yet been conducted, meaning that, in practice, land may be granted to concessions without communities’ consent. Out of the total land area of Liberia of 9.63 million hectares, an estimated 7.0 million hectares (72.6 per cent) is community land: 3.06 million hectares (31.7 per cent of the land area of Liberia) is recognized as community land and 3.94 million hectares (40.9 per cent) is unrecognized as community land.³⁵ Current efforts to address historical land injustices include the adoption of the Community Rights Law of 2009 and the Land Rights Law of 2018 as well as an ongoing process of land registration and adjudication.

44. The Working Group visited Bomi, Bong and Nimba counties, where mining and agricultural concessionaires have deprived communities of access to their lands and have resulted in the relocation of thousands of people. The Working Group heard allegations of land being granted by the Government without community involvement or local leaders agreeing to long-term leases without consulting their communities, resulting in disputes about land tenure and land use.

45. Moreover, the Liberian Land Authority reported that an alternative dispute mechanism existed to address land-related grievances. However, the Working Group is

³⁵ See https://rightsandresources.org/wp-content/uploads/Summary-of-2020-RRI-analyses-Liberia_Final-3.pdf, p. 4.

deeply concerned that communities seemed to be unaware of that mechanism and of their rights under the current land-rights regime, and that it could take years to register and adjudicate land. Urgent steps are needed to protect land that is inhabited and/or used by communities, as such protection is an essential component for sustainable peace.

D. Labour rights

46. It is positive that Liberia has ratified a number of International Labour Organization (ILO) conventions, including the Worst Forms of Child Labour Convention, 1999 (No. 182), and adopted the Decent Work Act, 2015 to enhance the protection of labour rights. The Working Group was glad to learn that legislation on child labour was before the legislature. Other positive initiatives include the adoption of a national action plan to address the worst forms of child labour. Nonetheless, the overall situation pertaining to the protection of a range of labour rights is bleak in key economic sectors, especially regarding mining and agribusiness operations in concession areas. The scarcity of decent employment and of choice of employment is a country-wide problem. It exacerbates the power imbalance between employers and employees, placing the latter at high risk of abuse, including labour exploitation, and the Working Group heard repeated concerns about the ineffective functioning of the tripartite system (see para. 17).

47. ILO has published a number of observations on the application of a convention in Liberia,³⁶ and direct requests on the application of a convention.³⁷ Of particular concern in the report of the Committee of Experts on the Application of Conventions and Recommendations, in response to a direct request on the application of the Worst Forms of Child Labour Convention, was the Committee's conclusion that "considering the large number of children under 18 years of age who are engaged in hazardous work, the Committee once again urges the Government to intensify its efforts to protect children from these worst forms of child labour".³⁸

48. In relation to occupational health and safety, the companies with which the Working Group met in Bomi, Bong and Nimba counties emphasized the importance of safety, including regular testing for alcohol use in the mining sector, and reported recording very few accidents in the workplace. However, the Working Group received alarming testimonies from workers of accidents across the mining and agribusiness sectors, which seemed not to be properly recorded.

49. Workers reported excessive working hours, with 12-hour shifts, non-paid overtime, unsafe working conditions in mines, unsanitary and inadequate corporate accommodation and insufficient personal protective equipment on plantations. The Working Group also heard about the unacceptable practice of differentiated systems of benefits and allowances for expatriates compared with local employees, resulting in serious discriminatory practices in relation to access to different food, accommodation, wages, insurance and annual leave.

50. In relation to wage payments, the Working Group heard repeatedly about the late payment of wages in the public and private sectors. It also heard that the minimum wage of \$5.50 per day was not adequate to cover the rising cost of living or to enable saving much, if anything, at the end of the month. At the time of the visit, steps were under way to reassess the national minimum wage.

51. The Working Group heard about situations in which a company had taken over a concession and illegally reduced the wages paid to workers for performing the same tasks as they had been undertaking previously. Workers, trade union representatives and community members described situations of de facto occupational blackmail in which, due to the absence of other job opportunities, workers had no choice but to continue to work in conditions of exploitation, with delayed or non-payment of salaries and arbitrary reductions in rates of pay.

³⁶ Observation on the application of a Convention: [C087](#), [C098](#), [C112](#), [C113](#), [C114](#) and [C182](#).

³⁷ Direct request on the application of a Convention: [C081](#), [C111](#), [C150](#), [C029](#), [C105](#), [C111](#), [C144](#), [C186](#), [C182](#) and [C108](#).

³⁸ See [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COM
MENT_ID,P13100_COUNTRY_ID:3957996,102742](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P13100_COUNTRY_ID:3957996,102742).

The Working Group was told by workers, in relation to their labour and living conditions, “We are slaves on our own land”.

52. In relation to labour inspections, the extremely poor state of road infrastructure across the country exacerbates the challenges faced by authorities in effectively carrying out labour inspections. Workers reported the failure of labour inspectors to monitor and report on the many serious abuses in the workplace, which weakened their confidence in the ability of the inspectorate system to discharge its mandate effectively and impartially and to hold businesses to account.

53. While several laws protect the freedom of assembly and association and the freedom of expression, the public sector has no right to unionize. The Working Group is aware that, concerning the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Conference Committee on the Application of Standards held a discussion of individual cases in June 2022.³⁹ It also heard allegations of the targeting and intimidation of labour union leaders and threats to workers who protested against conditions or led strikes.

E. Groups at risk

54. The Working Group was concerned to observe that government buildings were inaccessible to persons with disabilities. As the public sector is a major employer in the country, the exclusion of workers with disabilities from this section of the labour market is problematic. Similarly, the lack of adequate sanitary facilities in public buildings poses challenges to those living with conditions that require access to clean water and those living with vulnerabilities to infection.

55. The Working Group heard repeated concerns about a lack of overall pension provision for older persons. While certain concessions said that they tried to meet this gap by making some payments to older persons in the local communities, this had the effect of splitting community loyalties by privileging some, but not all, of the elders. Some companies the Working Group visited referred to having comprehensive pension and severance packages, but this was not uniform across all the companies.

56. The use of child labour was of particular concern to the Working Group. Repeated testimony concerned the use of children in some palm oil and rubber plantations in different parts of the country. It was reported that parents had extremely high daily targets imposed by employers for the collection of produce and needed the support of their children not to lose their daily wages, which meant that the children were providing unpaid labour instead of going to school.

VI. Gender aspects of business and human rights

57. The Working Group welcomed the initiative by the Government to establish gender units in all ministries. The Ministry of Gender, Children and Social Protection reported that it was working to mainstream gender-related issues in government initiatives and with the Liberia National Investment Commission and the National Bureau of Concessions to ensure that companies had gender and social inclusion policies when applying for a concession.

58. The Working Group was told by the companies with which it met that they had zero-tolerance policies for sexual harassment in the workplace, but very few cases were being reported through grievance mechanisms. However, civil society, workers’ unions and communities consistently reported that sexual and gender-based violence was systematic across the economy and society, which is of great concern.

59. Workers’ unions and civil society reported that discrimination in access to the labour market and in the workplace was frequent for women and for sexual and gender minorities, the latter due to stigma and lack of protection in the law. The very few employment opportunities available in the country, particularly in remote areas, places women at great

³⁹ See https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_847971.pdf.

risk of sexual violence and in a situation of occupational blackmail in which women are forced to suffer lest they lose their only source of livelihood.

60. Against this background, the seriousness of the allegations concerning ArcelorMittal's private security company, Security Expert Guard Agency (SEGAL), were particularly worrying. Former female workers reported systematic harassment, including rape, by their supervisors during working hours and being blackmailed by being asked to choose between providing sexual favours or losing their job. The Agency's representatives explained that sexual harassment was properly sanctioned. However, the company's grievance mechanism entails filing a complaint with the employee's direct supervisor and there are no specific protocols to address sexual gender-based violence in the workplace.

61. Access to remedy when abuses occur seemed to be very challenging due to the lack of appropriate grievance mechanisms, fear of reprisals or dismissal, a lack of access to the judicial system, including because of high costs, and stigma. The Working Group reminds ArcelorMittal that it is also the responsibility of contracting companies to ensure respect for human rights by their contractors, in line with the Guiding Principles.

62. Additionally, the Working Group learned that labour exploitation of women on palm oil and rubber plantations was frequent. The repetition of challenging and arduous physical tasks over extended working hours in order to meet high production objectives exposes women to physical and mental distress.

63. The Working Group welcomed the fact that the Land Rights Act of 2018 established that men, women and youth could own, inherit and manage land. Women are now legally required to participate in decisions related to land, and have the right to inherit land from husbands, parents, brothers and sisters. This formal recognition of women's rights in relation to land and natural resource management is commendable.

64. Differentiated impacts on women and girls, men and boys are still present when it comes to the impacts of business operations. Women carry an additional burden relating to traditional gender roles and girls face numerous obstacles in access to education, particularly when families prioritize the education of boys in contexts of extreme poverty. Girls face risks to their physical integrity in transit to schools, such as those provided by companies, walking long distances on their own, without public transportation or adequate roads in concession areas. The Working Group observed all these challenges when visiting concession areas.

65. While Liberia was the first African nation to elect a female president and currently has a female vice-president, State institutions remain largely male dominated: Liberia is ranked 156 of 162 countries on the Gender Inequality Index⁴⁰ and only 11 per cent of seats in the parliament are held by women.⁴¹ The law does not provide for mandatory gender quotas and, while no official figures exist on the number of women on company boards, stakeholders, including business associations, pointed to the very low level of female representation in managerial positions and to gender disparities in labour market participation.

66. Disproportionate responsibility for caregiving and household work, low technical skills and gender-based discrimination in the labour market are among the key barriers to women's access to decent jobs that would provide a better future for them.

67. The Working Group considers that both government authorities and businesses should redouble their efforts to protect women's rights and integrity in the context of business operations, including in the workplace and in concession areas. A shift in culture is needed to break through the power structures, discrimination and gender stereotypes it heard about.

⁴⁰ See <https://www.undp.org/liberia/blog/towards-more-equally-equal-liberia-case-mandatory-gender-quota>.

⁴¹ See <https://data.unwomen.org/country/liberia>.

VII. Access to justice and effective remedies

68. The Working Group found that serious challenges existed in relation to access to justice and effective remedies. The lack of accountability and the ongoing impunity for serious human rights abuses has led to an erosion of confidence in public bodies. The Working Group heard repeatedly from those who suffered from business-related human rights abuses that there were numerous obstacles to seeking and obtaining justice for harms caused. It heard that this was because of, among other issues, a general lack of information available to individuals and communities about their rights and the remedies available, a lack of free legal aid, very long criminal and civil judicial proceedings and a general lack of public trust in institutions. While some cases have reached successful resolution, many others have remained before the courts, sometimes for years, without a final determination. Solid and well-resourced justice institutions and transparent accountability processes promote sound and sustainable economic growth. Liberia should focus on those areas as part of its work on implementing the Guiding Principles.

State-based judicial mechanisms

69. The Working Group noted that the legal system was strong and that lawyers and judges were well trained. Public defenders provide free legal services. However, the Working Group learned that the court system had a backlog of cases, that the number of public defenders was insufficient and that access to justice was slow and could be prohibitively expensive, especially given people's limited purchasing power.

State-based non-judicial grievance mechanisms

70. The Independent National Commission on Human Rights has a wide mandate, can receive complaints and institute measures to effect remedy, has subpoena power, can conduct unannounced on-site visits to investigate complaints and has the right to engage with businesses. It has visited concession areas to investigate whether businesses have been involved in human rights abuses. It has a separate unit focusing on business and human rights and the topic is one of its key thematic areas. However, while the Commission has knowledgeable staff, it is severely underresourced and is, therefore, unable to effectively fulfil its functions. With only one monitor per county, monitors cannot cover all human rights issues, and they tend to focus more on prison visits and civil and political rights, rather than the economic and social rights pertinent to the business and human rights agenda. Many more monitors are needed per county. The Working Group considers that the good work of the Commission could be significantly expanded if it were provided with appropriate funding to train stakeholders on business and human rights, upgrade its website and hire additional monitors to perform its important functions. As the Working Group has previously said, national human rights institutions can play a crucial role in facilitating access to remedy in cases of business-related human rights abuses.⁴² As such, a robust and independent national human rights institution, operating in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), must be an essential part of the Liberian national human rights infrastructure.

Non-State-based grievance mechanisms

71. Non-State-based grievance mechanisms either do not exist or, if they exist, are ineffective and inadequate. Companies reported instructing workers to complain to the supervisor if they had a problem, which is completely inappropriate. Some good practices observed included making comment boxes available into which people could deposit grievances anonymously. People reported being too frightened of reprisals, such as losing their job, to use grievance mechanisms to report wrongdoing in a company. Companies need to provide more-effective grievance mechanisms for rights holders and communities, in accordance with Guiding Principle 31.

⁴² See [A/HRC/47/39/Add.3](#).

VIII. Conclusions and recommendations

A. Conclusions

72. The Working Group welcomes the commitment of the Government to implementing the Guiding Principles on Business and Human Rights and the efforts to advance responsible business conduct. The existing legal framework is positive. However, the Working Group was concerned to see that implementation of the legislation was lacking. Effective implementation of existing provisions would assist in redressing some of the abuses witnessed by the Working Group.

73. The Working Group observed the multifaceted and interrelated challenges the Government faced, including a lack of key infrastructure, overdependence on the extractive and agriculture sectors, high youth unemployment, gender inequalities, social and economic marginalization and the exclusion of individuals and groups in the most vulnerable situations. These challenges are among the key drivers of social, economic and environmental fragility, requiring a coordinated and holistic approach to strengthening regulatory and institutional frameworks, with a focus on policy coherence and effective implementation. The Government's forthcoming national action plan provides an opportunity to engage widely with all stakeholders, which should be seized by all actors. The drafting and subsequent implementation of the plan offers a key opportunity to ensure the full integration of the "Protect, Respect and Remedy" Framework of the Guiding Principles in Government actions.

74. There is much to be done to implement the Guiding Principles, starting with raising awareness of their existence and of the respective duties and responsibilities of the Government and the business sector. Liberia needs to take strong and timely steps to create an enabling environment for responsible business. There needs to be a genuine wish to improve corporate respect for human rights as well as a vast amount of action, not least because respect for human rights is also good for business and for attracting investment by responsible businesses that any country at any stage of development would want to host. The serious abuses suffered by workers and communities, especially in relation to the agribusiness and extractive sectors, need to be urgently and comprehensively addressed.

75. The Working Group saw that protecting the right to the meaningful participation of affected communities remained a challenge. It stresses that measures to ensure the implementation of the Guiding Principles require the meaningful participation of all relevant stakeholders. Hearing all voices from an early stage helps to identify, prevent and mitigate risks and address grievances before they escalate into disputes. Communities need to be fully informed about and consulted on proposed projects and be an integral part of decision-making processes that affect them, in compliance with the relevant standards.

76. The Working Group was alarmed that the question of who benefits from business activities and who suffers from the serious negative impacts of such activities is fuelling social tensions and has the potential to challenge peace and even escalate to conflict. Advancing responsible business conduct, including by addressing the root causes of business-related human rights abuses, and promoting corporate accountability should be seen by the Government and businesses as a precondition for inclusive development and sustainable peace. The poor labour conditions observed across different sectors and concessions and the multiple forms of systematic harassment, abuse and violence that the Working Group heard are routinely faced by women and girls were concerning, as was the level of the risk faced by human rights defenders, trade union members and community members. It is vital to ensure that the quest for economic development does not continue to undermine human rights. The present climate of irresponsible business practices provides profit for companies but does little for people. Accountability, transparency, equality, social cohesion, the rule of law and respect for human rights for all are the foundations for responsible business conduct and stable investments.

77. Identifying and addressing potential and actual harm to people and the environment arising from business operations are at the heart of human rights due diligence which is a key element in the Guiding Principles. Businesses have an independent responsibility to respect human rights even where State action is lacking. This means that if State institutions are unable to protect people from the negative impacts of business operations, businesses should take special care to make sure that they do not cause, contribute to or become linked to human rights abuses. All economic actors operating in the country need to scale up their action and commit to implementing their responsibility to respect human rights.

78. Special attention should be given to small and medium-sized businesses, which should be seen as critical actors for economic growth and social inclusion objectives and for lifting many Liberians out of poverty, including workers in the informal economy who are in the most vulnerable social and economic situations.

79. The Working Group welcomed the Government's willingness to both share its challenges and hear recommendations for how to improve. There is much to be done to implement the good laws that exist and to develop coherent public policy and well-resourced governmental institutions that can give effect to the best intentions expressed by some actors with which the Working Group met. The Working Group hopes that its recommendations will be useful and implemented, with the meaningful participation of all relevant stakeholders.

B. Recommendations

80. The Working Group recommends that the Government:

(a) In relation to the national action plan:

(i) Ensure that every step of the process is developed in a transparent manner, including by providing access to information at all stages, and with the equal and meaningful participation of all relevant stakeholders in all counties, with a particular focus on communities in the most marginalized situations outside the capital, based on the Working Group's guidance;⁴³

(ii) Strengthen the capacity of institutions responsible for implementing consultations with communities, including by providing the funds necessary for relevant public servants to discharge their duties;

(iii) Ensure that the national action plan includes indicators that are specific, measurable, achievable and time-bound to assess implementation, allocates adequate resources and ensures that relevant ministries and agencies can deliver on their responsibilities under the plan and can be held accountable for not doing so;

(iv) Establish effective mechanisms for the meaningful participation of relevant stakeholders, including civil society actors, in monitoring and evaluating the progress made, or the lack thereof, during the implementation of the plan;

(b) Provide guidance and set clear expectations for investors and businesses, including foreign businesses, for respect for human rights and the environment as a precondition for doing business in Liberia;

(c) Strengthen regulations, including by developing legislation imposing binding human rights due diligence requirements for all businesses, which would provide for corporate liability as well as access to and effective remedies for victims of corporate human rights abuses. The process to develop such a law should begin with discussions with all relevant stakeholders. Such a law should apply to Liberian

⁴³ See https://www.ohchr.org/sites/default/files/Documents/Issues/Business/UNWG_NAPGuidance.pdf.

companies and all companies doing business in Liberia and should be part of the “smart mix” of regulations provided by the State;

(d) Take more-decisive steps to reduce informality, including by providing small and medium-sized businesses with strong incentives for regularization, such as simplifying enterprise registration, reducing costs and improving business awareness on the benefits of formality;

(e) Raise awareness and build capacity regarding the Guiding Principles among all actors in society and among civil servants, the judiciary and lawmakers in order to strengthen their capacity to deliver on their respective obligations to prevent, investigate, punish and redress business-related human rights abuses, and allocate adequate resources to this end;

(f) Take immediate measures to create a safe and enabling environment for human rights defenders and to protect the life and integrity of people at risk because of their work defending the rights of communities, land or the environment in the context of business operations, with reference to the Working Group’s 2021 guidance,⁴⁴ including the following urgent measures:

(i) Adopt a human rights defenders protection law, including legislation to counter strategic lawsuits against public participation (SLAPP), in line with best international practices;

(ii) Ensure that the criminal justice system is not used to attack, intimidate, criminalize or deter those who speak out against business-related human rights abuses, including by reviewing laws against terrorism, corruption and money-laundering and any other laws with a legitimate end so that they comply with the proportionality and necessity criteria;

(iii) Ensure prompt and impartial investigation into and accountability for cases involving threats and violence against individuals and trade unions defending human rights and the environment, including by businesses, State security forces and private security companies and provide effective remedies to victims;

(g) Strengthen measures to combat gender-based discrimination, sexual harassment and gender-based violence in the workplace and in society in general with a view to protecting all individuals without discrimination, in line with international standards. This includes the development of adequate protocols and guidelines for businesses on grievance mechanisms that are safe, accessible and reliable and the ratification of the Violence and Harassment Convention, 2019 (No. 190);

(h) Promote the equal representation of women in leadership positions, including by moving forward with the institution of enforceable gender quotas, such as in the proposed amendments to the elections law pending before the Legislature, and by adopting similar mandatory quota initiatives for the representation of women in the private sector;⁴⁵

(i) Strengthen legislation on child labour and its root causes, including by ensuring that the hazardous occupations and activities prohibited for children are comprehensively addressed and effectively monitored and that the prohibitions are implemented throughout the country;

(j) Adopt effective measures to prevent and address abuses of the human rights of workers, including risks relating to their health and safety and labour rights. This includes the urgent need:

(i) To strengthen existing regulations and the institutional capacity to implement and monitor labour rights, including in relation to the principles of equal pay for equal work and non-discrimination and in relation to working

⁴⁴ A/HRC/47/39/Add.2.

⁴⁵ See A/HRC/41/43.

hours, weekly rest, night work, the payment of overtime hours and work on public holidays in all sectors and for all workers, and ensure the imposition of effective sanctions for non-compliance;

(ii) To ensure that the labour inspectorate system has resources that are commensurate with the challenges described in the present report, including by ensuring adequate staffing and the provision of the necessary training and resources to inspectors to enable them to inspect all human rights pertaining to the workplace as well as safety and working conditions in all sectors, with an emphasis on prevention;

(iii) To strengthen awareness among businesses of their independent responsibility to respect human rights, including regarding occupational safety and health and the right of workers to create and join trade unions and to engage in collective bargaining, without fear of reprisal;

(iv) To implement training programmes to educate workers, especially those in vulnerable situations, on their rights, including the right to create and join trade unions and to engage in collective bargaining;

(k) Ensure the effective enforcement and oversight of the regulations providing for the equal and meaningful participation of rights holders and for the right to free, prior and informed consent for Indigenous Peoples in environmental and development-related decision-making, including the management of natural resources, from an early stage and throughout project implementation and monitoring, including by ensuring access to information and transparency during the scoping and licensing phases;

(l) Adopt a more holistic approach to human rights and environmental impact assessments that consider cumulative social, environmental, economic and cultural impacts, with the meaningful participation of affected communities;

(m) Improve access to judicial and non-judicial remedies by removing the barriers outlined in the present report;

(n) Ensure that all government institutions dealing with business, as well as the judiciary and the Independent National Commission on Human Rights, have the necessary resources, including budgetary resources, and training to provide effective oversight of corporate behaviour and ensure corporate accountability. The Government should consider increasing the number of skilled staff to conduct investigations and should enforce relevant legislation relating to corporate crimes. Fines and other administrative or criminal sanctions imposed on businesses should be adequate to deter criminal activities;

(o) Arrange for the prompt remediation of polluted sites referred to in the present report and other sites that may exist, in consultation with affected communities;

(p) In relation to land rights:

(i) Build capacity and allocate adequate resources to the relevant authorities to strengthen the implementation of the Land Rights Act of 2018, with the meaningful participation of rights holders;

(ii) Ensure the protection of the right of people living in rural areas, including Indigenous Peoples, to possess, use, develop and control their lands and resources, with the full security of their land rights. Such protection includes a transparent and inclusive land demarcation process, the legal recognition of title deeds of Indigenous communities for communally held land and the establishment of an appropriate and effective mechanism to enable rights holders to submit claims and obtain compensation for abuses of rights over their lands and natural resources;

(iii) When relocation processes take place, they must have the full participation of local communities in all stages of the process and community members should be able to decide on priorities according to their needs. Plans

for mitigating the impact of business activities need to be developed and shared with all relevant stakeholders;

(q) Ensure that the Government, in its role as economic actor, includes human rights criteria in its operations, e.g. public procurement, as a means of promoting business respect for human rights.

81. The Working Group recommends that businesses:

(a) Engage in continued and gender-responsive human rights due diligence processes, which should involve assessing actual and potential human rights and environmental impacts, including by means of the ongoing monitoring of air and water quality, and integrating and acting upon the findings, tracking responses and communicating the ways in which impacts are being addressed, including in their supply chains. Any gaps identified should be addressed on the basis of consultation with affected communities;

(b) Ensure that meaningful consultation is held with affected individuals and communities, making sure that they have timely and complete information about proposed projects or business activities affecting them;

(c) Establish operational-level grievance mechanisms, in accordance with Guiding Principle 31, with all effectiveness criteria for non-judicial grievance mechanisms interpreted in a gender-responsive manner, considering especially the intersectional nature of the discrimination faced by women in accessing such mechanisms, with reference to the Working Group's guidance on the gender dimensions of the Guiding Principles;⁴⁶

(d) Provide effective remedies for harm caused to individuals and communities;

(e) Take steps to increase the representation of women in corporate decision-making structures;

(f) Ensure respect for the rights of human rights defenders, with reference to the Working Group's 2021 guidance.⁴⁷

82. The Working Group recommends that business and industry associations:

(a) Play a more robust role in disseminating the Guiding Principles and in promoting their implementation, including through the development of tools to support the efforts of their members, in particular small and medium-sized businesses, to carry out effective human rights due diligence;

(b) Strengthen awareness among businesses of their independent responsibility to respect human rights, including through training programmes on the Guiding Principles;

(c) Invest in building the institutional capacity of women-owned businesses, including by promoting and supporting women's participation in existing business and professional associations and chambers of commerce.

83. The Working Group recommends that civil society actors continue to:

(a) Raise awareness and build capacity on the respective duties and responsibilities of the State and businesses under the Guiding Principles;

(b) Document cases of human rights abuses, especially those committed against individuals and communities living in vulnerable situations without basic services, and assist in facilitating access to judicial and non-judicial remedial mechanisms, including operational-level grievance mechanisms;

⁴⁶ Ibid.

⁴⁷ A/HRC/47/39/Add.2.

(c) **Contribute to and engage in initiatives aimed at strengthening existing legal and policy frameworks on business and human rights and facilitate the participation of all stakeholders in such initiatives.**

84. The Working Group recommends that international financial institutions:

(a) **Make prevention of human rights abuses key to the planning and implementation of projects they finance, including by requiring their clients and the companies in which they invest to demonstrate that plans and processes are in place to respect human rights and the environment;**

(b) **Ensure that complaints regarding projects that they are funding are not met with reprisals, including against human rights defenders, and that they use their leverage to ensure the protection of defenders;**

(c) **Ensure that there are consequences for business entities whose operations fail to respect human rights and the environment in their operations.**

85. The Working Group recommends that the United Nations entities operating in Liberia take on board the recommendations on improving policy coherence for inclusive and sustainable development set out in its 2015 report⁴⁸ and make the topic of business and human rights a focus of United Nations work in the country, particularly outside the capital.

⁴⁸ A/HRC/29/28.