INCHR Liberia

2018 Human Rights Situation Report

Published May 2019
Human Rights Situation Report 2018

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# LIST OF ACRONYMS/ABBREVIATION

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>ACPA</td>
<td>Accra Comprehensive Peace Agreement</td>
</tr>
<tr>
<td>BCR</td>
<td>Bureau of Corrections and Rehabilitation</td>
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<tr>
<td>BOC</td>
<td>Board of Commissioners</td>
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<tr>
<td>BPP</td>
<td>Barclayville Provisional Prison</td>
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<td>CBL</td>
<td>Central Bank of Liberia</td>
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<tr>
<td>CSA</td>
<td>Civil Service Agency</td>
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<tr>
<td>CSOs</td>
<td>Civil Society Organizations</td>
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<td>CSD</td>
<td>Community Service Division</td>
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<tr>
<td>DCIM</td>
<td>Department of Complaint, Investigation, and Monitoring</td>
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<tr>
<td>FCP</td>
<td>Fish Town Central Prison</td>
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<tr>
<td>FGM</td>
<td>Female Genital Mutilation</td>
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<td>FPA</td>
<td>Front Page Africa</td>
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<td>FRC</td>
<td>Firestone Rubber Company</td>
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<td>GCP</td>
<td>Gbarnga Central Prison</td>
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<td>GoL</td>
<td>Government of Liberia</td>
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<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<td>INCHR</td>
<td>Independent National Commission on Human Rights</td>
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<td>INGOs</td>
<td>International Non-Governmental Organizations</td>
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<td>LNP</td>
<td>Liberian National Police</td>
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<tr>
<td>MCP</td>
<td>Monrovia Central Prison</td>
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<tr>
<td>MOHSW</td>
<td>Ministry of Health and Social Welfare</td>
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<tr>
<td>MOJ</td>
<td>Ministry of Justice</td>
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<tr>
<td>MOGSCP</td>
<td>Ministry of Gender and Social Protection</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
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<tr>
<td>NHRI</td>
<td>National Human Rights Institute</td>
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<tr>
<td>NSTR</td>
<td>Nothing Significant to Report</td>
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<tr>
<td>OHCHR</td>
<td>Office of the High Commissioner for Human Rights</td>
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<td>PSU</td>
<td>Police Support Unit</td>
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<td>RIA</td>
<td>Roberts International Airport</td>
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<td>SCP</td>
<td>Sanniquillie Central Prison</td>
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<td>WACPS</td>
<td>Women and Children Protection Section</td>
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<tr>
<td>ZCP</td>
<td>Zwedru Correction Palace</td>
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The Independent National Commission on Human Rights (INCHR) was established in 2005 by an Act of the Legislature with the mandate to inter alia promote and protect human rights. Articles IV and V of the ACT state the functions and methods of operation of the Commission, while Article III (1) states: “The Commission shall have general competence to protect and promote human rights in the Republic of Liberia according to the provisions of this Act, the Constitution and other relevant laws of Liberia.” The Commission was also established in accordance with the Paris Principle of December 1993, which gives it a broader mandate to promote and protect human rights.

As a national human rights institution (NHRI), INCHR has repositioned itself in facilitating the fulfilment of human rights in Liberia. In April 2017, INCHR received an “A” status accreditation as a NHRI in compliance with the Paris Principles more than ten years after its establishment and merely six years of operations following its reconstitution with the appointment of a Board of Commissioners in 2010.

INCHR operates through five core departments. The Department of Complaint, Investigation and Monitoring (DCIM) carries on monitoring, fact finding, documentation and reporting. The Department on Legislative Assistance, Treaty Matters and Law (DLMTAL) has the mandate to promote and support national efforts in ensuring Liberia’s compliance with her obligations by encouraging the ratification and domestication of international human rights treaties and standards. The Department of Education, Training and Information (DETI) promotes human rights culture and the prevention of human rights violations through education, training and sensitisation. The Department of Administration and Budget (DAB) oversees human resource management, maintenance, asset management and procurement. The Department of Planning, Internal Monitoring and Evaluation (DPIME) effects program planning and management, networking, monitoring and evaluation, and research.

INCHR collaborates with international human rights system by submitting parallel or shadow reports to the Universal Periodic Review (UPR), Special Procedures mechanisms and Treaty Body Committees; making statements during debates before review bodies and the Human Rights Council; assisting, facilitating and participating in country visits by the United Nations experts; and monitoring and promoting the implementation of relevant recommendations originating from the human rights system. The Commission’s Legislative Act gives it a vertical role to monitor the State’s compliance with its human rights obligations and guarantee the protection of citizens and residents’ rights and ensure redress for various forms of violations.
The report points out several human rights violations committed by the Government of Liberia (GoL) or its agencies through acts of commission and omission. The report reveals further, how the gap in the justice system seriously undermines the protection of human rights and falters on ensuring accountability for crimes which are indispensable in establishing and upholding the rule of law. Essentially, the report makes analysis of the human rights violations taking into consideration the International Bill of Rights which include the Universal Declaration of Human Rights (adopted in 1948), the International Covenant on Civil and Political Rights (ICCPR, 1966) with its two Optional Protocols and the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966).

During the reporting period a total of twenty-seven (27) cases of human rights violations were recorded by the INCHR. The twenty seven (27) cases are categorized as followed: Arbitrary Deprivation of Life, four (4) cases, followed by three (3) cases each of Deprivation of Life through Mob Violence, death of inmates due to lack of treatment, bad labor practice and rape. There were two (2) cases of violations each ascribed to police violence, freedom of opinion and expression, and unpaid overtime. Further, the report captured one (1) case each of violations detailed under Inhuman or Degrading Treatment or Punishment, Torture, Arbitrary Arrest, Prolonged Pre-trial Detention and Child Rights.

As a milestone achievement in ensuring the protection of the rights of prisoners, INCHR facilitated the granting of compassionate release to two inmates to seek medical attention in keeping with Article 34.20 of the Criminal Procedure Law. Similarly, INCHR advocacy with justice actors resulted in the release of 83 prolonged pre-trial detainees with lesser and nonviolent crimes consistent with law (Article 21(f) of Liberian Constitution and Sections 18.1 & 2 of the Criminal Procedure Law of Liberia).

Meanwhile, during the period under review, INCHR observed the following human rights issues:

1. That prolonged pre-trial detention contributes to prison over crowdedness and appalling prison conditions.
2. Victims of prolonged pre-trial detention do not have immediate remedy at law for lack of domestic specialized legislation and a specialized court.
3. That inadequacy of judicial actors in leeward counties poses challenge to ensuring equal treatment before the law and fair trial by courts of competent jurisdiction.
4. That the right to health remains a challenge as evidenced by 13.5% of the 2017/18 national Budget being allotted to the entire health sector.
5. That the Educational sector remains challenged due to inadequate budgetary appropriation (14.8% of 2017/18 National Budget), limited instructional materials capped by poor accountability and supervision of educational facilities.
6. That accessing education, health care facilities, public transportation and budgetary support to programs targeting persons with disabilities remain a major challenge in Liberia.
7. The police was challenged in gathering evidence and conducting investigations relating to rape cases involving teenage girls and boys because of lack of test kits and medical diagnosis forms at the hospital.

Recommendations:

To the Executive:

1. The MOJ must take concrete steps such as providing necessary financial and material support to ease the appalling conditions of prisons and prisoners across Liberia;

2. That Safe Homes closed during the scale down of INGOs in Liberia be reopened by the GoL though the MOGCSP to ensure that survivors of Sexual Violence are safe and have access to service providers while going through counselling and treatment;

3. That GoL through the MGCSP ensures the establishment of a data center to reflect the accuracy of information on Liberia particularly, in the areas of gender based violence, and rape.

4. That the GoL through the CSA includes all qualified public school teachers on its payroll to motivate staffs and attract more qualified personnel to the teaching profession. This may contribute to the progressive realization of the Right to Education in Liberia which should not only be quantitative in dispersal but also qualitative in content;

5. That GoL though the Ministry of Finance and Development Planning provides adequate funding and support to INCHR to allow the Commission adequately carry out its statutory mandate;

6. That INCHR holds consultative dialogues with the MOJ on appropriate regime on human rights-related issues;

7. That GoL through the MOJ provide human rights training for the LNP, including the provision of training on the right to peaceful assembly;

8. GoL through the MoJ should live up to its international commitments to promote and protect human rights.

To the National Legislature:

1. Increase budgetary appropriation to INCHR for the effective implementation of its statutory mandate;
2. Engage the INCHR in periodic dialogues through the Legislative Committees on Human Rights to ensure INCHR support the Legislative lawmaking and oversight functions;

3. Collaborate with the INCHR in making laws in domesticating the Maputo Protocol on criminalizing female circumcision and other harmful practices;

4. Collaborate with the INCHR in domesticating the 2nd Optional Protocol of the ICCPR to eliminate the death penalty

5. Provide budgetary allocation for the implementation of the National Human Rights Action Plan

To the Judiciary:

1. Justice actors and Judges should ensure that cases brought before them are expeditiously investigated and tried by competent authorities in accordance with international standards;

2. That there should be improved interagency collaboration in the area of information sharing between the judiciary, the Ministry of Justice and the INCHR particularly on matters bordering on human rights including the rights to fair trial, speedy trial and reduce cases of prolong pre-trial detentions;

3. Justice actors conduct speedy and proper investigation, prosecute, and convict those responsible for committing human rights violations and abuses.

To the Human Rights Defenders in Liberia:

1. Protection partners should continue to take the lead in providing legal education and awareness-raising on human rights and the laws of Liberia in enabling citizens to know and understand their rights;

2. That there should be regular information exchange between protection partners and the Commission so as to remain at the same page in confronting and reporting human rights abuses throughout the country;

3. That there should be improved network in the design and execution of human rights related programs to strengthen the collaboration between INCHR and human rights defenders;

4. That protection partners acquaint INCHR with human rights violations that they may be pursuing in a bid to forge a common front in reporting such matters at the national, regional, and global levels.
STRUCTURE OF THE REPORT

This report is a statutory requirement consistent with Article IV (16) of INCHR’s Act which requires the Commission to prepare quarterly and annual reports on specific and general human rights situation in the Country. INCHR 2018 Human Rights Situation Report seeks to present the Country’s human rights situation from the perspective of the three dimensions of human rights - Civil and Political Rights, Economic, Social and Cultural Rights and the rights of vulnerable population. This report is divided into four main parts.

Part One focuses on Civil and Political Rights and covers the right to life, freedom from torture and ill treatment, freedom of expression and opinion, freedom of thoughts, conscience and religion, freedom of assembly and movement. Part Two considers issues of Economic, Social and Cultural Rights and covers rights to health, education, work, and housing, amongst others. Part Three highlights the rights of Marginalized Groups and Key Population and places spotlights on women, children and persons with disability amongst others. Part four brings to the fold the conclusion of the report with its accompanying recommendations. The report also contains a contextual overview which elaborates conditions surrounding the human rights environment in the Country and against which this narrative of the human rights situation must be appreciated.

Before this, there is an Executive Summary which précis the entire report for persons who would want to have a cursory view of the report to form a thought. Highlighted in the Executive Summary are observations and recommendations for a quick reference. A separate section containing recommendations emerging out of the report follows after the conclusion of the report. The recommendations come in these two sections for the purpose of emphasis.

CONTEXTUAL OVERVIEW

a. Governance Structure and Human Rights:

Liberia has a Republican form of Government with three separate but coordinate branches - The Legislative, Executive, and Judiciary. The constitutional framework empowers the Executive to conduct the foreign affairs of the state and conclude international treaties, conventions and similar agreements or frameworks with the concurrence of the Legislature.\(^1\) International human rights treaties must therefore meet the approval of the Legislature through ratification and further domestication.\(^2\) Once treaties are ratified and domesticated, various institutions a mandated to undertake and enforce protection of human rights. Judicial interpretation and application of human rights norms in human rights litigation further strengthen human rights protection. Liberia is a State Party to the nine core human rights treaties.\(^3\) As a State Party to these human rights treaties, Liberia is obliged

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\(^1\) Article 57, Constitution of Liberia
\(^2\) Article 34f, ibid
\(^3\) https://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx
to report regularly on how it has operationalized these treaties. Reporting obligations are primarily purposed to appraise individual State Party’s performance in terms of compliance with these treaties and conventions. However, Liberia is lagging behind in meeting its reporting obligations to the various treaty bodies as a result of varying challenges. For example, Liberia’s initial report (on the ICCPR) submitted to the Human Rights Committee was 11 years overdue. The status of Liberia’s responsiveness to her human rights reporting obligation is shown in Appendix B as at December, 2018.

b. Transition and the Pro-Poor Agenda

In January 2018, the first post war democratically elected government of former President Ellen Johnson-Sirleaf handed over power to a newly elected government when President George M. Weah took the oath of office. The last time Liberia experienced a successful transfer of power from one elected government was 1944 (about 73 years ago). This transition renews the hopes and aspirations of Liberians that the wanton disregard and disrespect for human rights that led to and characterized the 13 years of brutal civil war would continue to be addressed.

On assuming power, H.E. President George M. Weah, issued a release appointing some ministers, and at the same time relieving all political appointees from their positions with immediate effects and designated the Human Resource Directors to preside over the running of Ministries, Agencies and Commissions (MACs) pending the appointment of new heads. The President’s action ignored former President Sirleaf’s Executive Order #91. The purpose of the executive order #91 was to establish mechanisms for the proper management and orderly transfer of executive power from her administration to that of President Weah’s administration. This abrupt and unprecedented action inadvertently placed restraints on MACs capacity to deliver efficient and effective services. Generally for a period of two months, most MACs could not access their basic operational funds in the absence of political appointees who are usually signatory to their various accounts. In spite of this it is important to mention that for the whole part of 2018 the Government remained incomplete.

H.E. President Weah promised to ensure the full attainment of rights for all Liberians and other residents in Liberia’s borders. As a first step, the Government in November 2018 developed its national development strategy, the Pro-poor Agenda for Prosperity and Development (PAPD), which provides for the promotion and protection of citizens’ rights. The PAPD aims to improve public confidence in national institutions by ensuring justice for the poor and most vulnerable and to provide a rule of law framework that supports economic development through a number of strategies including: improving performance of the judiciary through development of a case management policy and effective case management and orderly transfer of executive power from her administration to that of President Weah’s administration. This abrupt and unprecedented action inadvertently placed restraints on MACs capacity to deliver efficient and effective services. Generally for a period of two months, most MACs could not access their basic operational funds in the absence of political appointees who are usually signatory to their various accounts. In spite of this it is important to mention that for the whole part of 2018 the Government remained incomplete.

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4 Executive Order #91 establishing joint presidential transition team was issued on 26 December 2017
5 Inaugural Address, January 22, 2018
7 Pillar 2 of the PAPD
management system; improving judicial service delivery for the poor and vulnerable; improving physical infrastructure for jury management facilities; digitizing court systems, beginning with the commercial courts; and implementing transparency initiative aimed at clarifying court fees and costs.\(^8\)

The PAPD also incorporates the SDGs targets including human rights, and is guided by a human rights based approach especially considering the UN Declaration of the Right to Development (UN DRtD). At the same time, the Government has committed itself to putting in place a National Action Plan (NAP) for the implementation of the United Nations Guiding Principles (UNGPs) on Business and Human Rights (BHR).

Notwithstanding these intentions flagged in the PAPD, the document acknowledges weaknesses within the process of administration of justice (under “access to justice” and judicial reform’) that have led to prolonged pre-trial detention and poor prison conditions. Likewise, limited knowledge amongst duty bearers and rights holders about human rights has led to reduced accountability for the promotion and protection of rights. This situation is further exacerbated by harmful ‘Traditional Practices’ such as female genital mutilation, trial by ordeal, and accusation of sorcery. These practices continue in contravention of human rights protection standards. The Agenda also alludes to the insufficiency of policy and legal reforms that ensure the effective protection and promotion of human rights. Several constraints hinder the full enjoyment of human rights as provided for under the law. The PAPD acknowledges that flaws within the process of administering justice have led to prolonged pre-trial detention and poor prison condition.\(^9\)

c. The National Human Rights Action Plan

Liberia’s commitments to human rights are captured in the National Human Rights Action Plan (NHRAP) which aims to provide guidance to all Ministries, Agencies and Commissions (MACs) on their individual roles in protecting and promoting human rights. The 5-year NHRAP elapsed in 2018 and a new action plan is being drafted.

Liberia’s response to human rights is basically focused on civil and political rights. This is articulated in the State’s first National Human Rights Action Plan (NHRAP). The issues of economic, social and cultural rights are not being treated and elevated to a point of equal relevance and respect. However, drafting of the successor NHRAP which is underway, would also take into consideration the targets of the Sustainable Development Goals (SDGs). The Commission is upbeat about the government’s equal priorities ranking to the issues of ESCR and that an addressable panacea in this regard can be sought through the carving of a human rights based budget.

d. The State of the Economy

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\(^8\) Section 4.3.3.1, PAPD

\(^9\) Section 4.3.4, PAPD
In his first State of the Nation Address to the joint session of the 54th Legislature, delivered on January 29, 2018, H.E. President George M. Weah, reported “Our economy is broken, our government is broke, our currency is in free-fall, inflation is rising, unemployment is at an unprecedented high, and our foreign reserves are at an all-time low.” In response to this economic situation, President Weah, in his July 16, 2018, State of the Economy Address to the nation mandated “an immediate infusion by the Central Bank of Twenty-Five Million United States Dollars into the economy to mop up the excess liquidity of Liberian dollars.” It was reported that as at December 2018, a total of $17 million United States dollars was used for the intervention, with $8 million United States dollars being reserved by the CBL as a precautionary intervention fund.

Allegation of missing 16 billion Liberian Dollars also led to wide speculations from citizens. These speculations were heightened by contradictory statements which emanated from diverse government sources regarding the alleged missing money. This situation led to a mass demonstration in Monrovia on September 24, 2018 from cross-section of citizens under the banner “Bring Back our Money Campaign.” The mounting pressure on the Government led to the commissioning of an investigation into the matters surrounding the alleged missing money.

d. UNMIL Departure and Prospect for Human Rights

The United Nations Mission in Liberia (UNMIL) scaled down its peacekeeping operation in 2017. UNMIL’s departure led to capacity challenge for INCHR. Given its priority for human rights, the UN opened the Office of the High Commission on Human Rights (OHCHR) in Liberia in April 2018. The purpose of OHCHR is to conduct human rights monitoring and reporting, as well as provide technical assistance to State institutions, including, the Independent National Commission on Human Rights, civil society and other partners.

The end of the mandate of UNMIL marked by its drawdown generated mixed reactions with some people wondering whether the government has developed the necessary capacity to fill the security vacuum left by UNMIL. This concern finds genuineness in the reality of myriad of challenges the security sector is confronted with in curbing the escalating incidence of crimes across the country, including inadequate logistics, limited numerical strength resulting in lack of and/or negligible security including human rights presence in many parts of the country. Also, there exists the challenge of poor relationship between law enforcement actors and the local communities.

Part I: CIVIL AND POLITICAL RIGHTS

The 1986 Constitution of Liberia as expressed in Chapter III Articles 11 to 26 upholds fundamental human rights. In September 2004, Liberia ratified and became a State Party to the International Covenant on Civil and Political Rights (ICCPR). The Covenant covers a range of rights and freedoms, including the rights to life, liberty and security, freedom from slavery and servitude, freedom of thought, conscience and religion, freedom of association and assembly, and freedom of movement. The Liberian Government has had challenges in
meeting its obligations under the ICCPR. However, the Government has endeavoured in recent times to speed up its reporting, evidenced by the November 2016 report to the UN Human Rights Committee and subsequently responding to the list of issues and concluding observations. This section attempts to bring to the limelight the current situation with respect to the promotion, protection, respect, and realization of civil and political rights.

1.1. Right to Life

Article 6.1. states, “every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” All other rights are tied to the right to life as guaranteed by article 6 of the ICCPR. Everyone has the right to life which should not be unlawfully taken away by another person. All state parties to the ICCPR are under obligation to ensure accountability if a person’s life is unlawfully taken away. Article 20 of the Liberian Constitution provides that “[n]o person shall be deprived of life, liberty, security of the person, property, privilege or any other right except as the outcome of a hearing judgment consistent with the provisions laid down in this Constitution and in accordance with due process of law.

1.1.1. Arbitrary Deprivation of Life

State Parties to the ICCPR are required to take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces. As a principle of human rights law, the negative obligations of the State Party include abstinance from actions that lead to the violation of human rights. For example, extra-judicial killings; while positive obligation obliges the State Party to engage in any activity to secure the effective enjoyment of fundamental rights which include the right to life. In 2018, arbitrary deprivations of lives by third party were observed to be perpetrated through acts such as ritualistic killing and mob-violence, as given below;

On March 24, 2018, Okistine Kollie, the Grievance Committee Chairman for Sime Darby Company Workers Union was tortured and gruesomely murdered in the Sime Darby Plantation Area near Independent Camp, Bomi County. The victim was well known for his tough stance against the Company’s management and their labor policy. He met his untimely death following a heated uproar with the management. As of the time of writing this report the Liberia National Police had not made any arrest in connection with the death.

On April 24, 2018, Joyce Jaywheh was killed at her residence in the Zoe-Wlor Community of ELWA in Paynesville. The man believed to be the prime suspect, Francois Brown, remains at large. LNP informed INCHR that two persons were being interrogated in connection with the death but the LNP refused to disclose their identities and the status of the investigation.

The reporting period recorded that government or its agents committed arbitrary or unlawful killings. On April 29, 2018 Roosevelt Demann, the zone 5 depot 5 commander for the LNP, shot and killed Beyan Lamie, an unarmed civilian, who attempted to flee after a
confrontation with Officer Demann. An LNP investigation established that Lamie posed no danger to Demann at the time. Investigation conducted by the LNP Forensic Unit on April 30, 2018 established that the weapon which was assigned to defendant Demann was unlawfully discharged with two rounds on two separate occasions on April 29, 2018. In September 2018, Demann was found guilty of murder and sentenced to 25 years in prison. Demann’s legal counsel filed an appeal with the Supreme Court. The case was placed on the docket for hearing during the Supreme Court March 2019 term.

On August 13, 2018, Victor Fahnbulleh, a teenage boy disappeared in Piankosah Community, Banjor, Virginia, Montserrado County. Two days later, on August 15, 2018, his mutilated body was found near Hotel Africa in the Virginia Area under circumstances believed to be an act of ritualistic killing. This speculation was further heightened by a discovery of the body with missing eyes in an inaccessible thick bush. A 38 year-old man was arrested and detained by police authorities in Banjor at the Zone 6 Depot on suspicion of murder. However, police spokesperson on September 7, 2018, declared that the suspect in the case had escaped from detention facility at LNP HQ in Monrovia. No further arrest was made in connection to the killing. According to INCHR investigation, the suspect was a traditional witch doctor of Sierra Leonean origin brought into Liberia during the 2017 general and presidential elections by a representative aspirant.

The obligation of the State to protect the right to life is contained in many regional and international human rights treaties. Pointedly, Article 6 of the ICCPR guarantees that “every human being has the inherent right to life”. As a core regional human rights mechanism, Article 4 of the African Charter on Human and Peoples’ Rights, asserts that “every human being shall be entitled to respect for his life and the integrity of his person”. The duty to protect right to life, imposes ‘an obligation for States Parties to take appropriate legal measures in order to protect life from all foreseeable threats, including those threats emanating from private persons and entities.’10 In the circumstance where the state has not taken effective measure to bring to justice perpetrators of these killings, the State has reneged on its obligation. The African Commission on Human and People Rights has expressed the view that a ‘state is responsible for killings of private individuals which are not adequately prevented, investigated or prosecuted by authorities...’11

1.1.2. Deprivation of Life by Mob Violence

The right to life carries with it attendant responsibility that is heightened when observable patterns have been overlooked or ignored; such is often the case with respect to mob violence, gender based violence or harmful traditional practices. As a result of the societal perception of the justice system coupled with ineffectiveness of the justice system, the country continues to witness an unacceptable surge in the incidents of arbitrary deprivation

10 UN Human Rights Committee, General Comment 6, para. 36
11 African Commission on Human and Peoples’ Rights, General Comment 3, para. 39
of life with the prevalence of mob killings. The period under review was characterized by incidents of mob violence that resulted into deaths.

On March 29, 2018, a 26-year-old man identified simply as Swen was killed through mob violence in the JJY Community, Gardnerville, Montserrado County. The LNP made no arrest connected to the killing up to the conclusion of this report.

In early September 2018, Eric Dahn, was attacked and brutalized by an angry mob in Ganta City and later died on arrival at the United Methodist Hospital. No arrest was made in connection to this case. The victim was reported to be a habitual offender and that the mob action was influenced by this perception.12

On September 12, 2018, another dead body confirmed to be the victim of violent mob action was found near the Ganta United Methodist Compound. The deceased was later identified by community dwellers to be a man who suffered from mental illness. Up to the time of this report, there was no information as to whether the Police had made any arrest.

1.1.3. Enforced Disappearance

There has been no report regarding the commission of arbitrary and enforced disappearance for the period under review.

1.1.4. The Death Penalty

Liberia is a State Party to the II Optional Protocol of the ICCPR.13 Article 1 of the Second Optional Protocol provides that “[n]o one within the jurisdiction of the State Party shall be executed.” Conversely, Liberia still maintains the death penalty in law. Article 20 of the Liberia Constitution maintains the death penalty.14 The Liberia Penal Law of 1978 makes aggravated capital offenses punishable by death. The court may however deliver a lesser sentence even if the jury recommends a death sentence. The Legislature, on July 16, 2008, amended Title 26 Chapter 15 of the Penal Code making the crimes of armed robbery, terrorism, and hijacking, punishable by death when they result in death.15

The Africa Commission on Human and People’s Rights in 2012 reminded the Liberian Government to ensure the abolition of death penalty. Similarly, at the 2010 and 2015 Universal Periodic Review on Liberia’s human rights situation, the UN Human Rights Council called on the Government of Liberia to abolish all forms of capital punishment. In 2018 the UN Human Rights Committee also made a call on the Liberian Government to adhere to the

12 Community perception about repeat offenders leads to mob violence
13 OP II of the ICCPR, on the Death Penalty
14 “No person shall be deprived of life, liberty, security of the person, property, privilege or any other right except as the outcome of a hearing judgment consistent with the provisions laid down in this Constitution and in accordance with due process of law.”
15 See an Act to Amend Chapters 14 and 15 Sub-Chapter (C), Title 26 of the Liberian Code of Laws Reserved, known as the New Penal Law of 1976, By adding thereto four new sections thereby making the crimes of armed robbery, terrorism and hijacking, respectively, capital offense, and providing, punishment thereof.
Second Optional Protocol to abolish in practice as well as in law death penalty and commute all existing death sentences and refrain from carrying out any execution.

1.2. Prohibition of Torture, Cruel, Inhumane or Degrading Treatment or Punishment

Liberia is a State Party to the Convention Against Torture (CAT). The Convention obliges State Parties to prohibit and prevent torture and cruel, inhuman or degrading treatment or punishment in all forms and circumstances. Article 1 (1) of CAT refers to "torture" as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions. Article 2 (1) of CAT calls on each State Party to take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

Freedom from torture and ill treatment as guaranteed by Article 7 of ICCPR requires States Parties to afford everyone protection through legislative and other measures against torture and ill treatment. Liberia acceded to CAT on September 22, 2004. Article 21(e) of the Liberian Constitution also provides that no one shall be subjected to torture or inhumane treatment and mandates the Legislature to make laws criminalizing torture and providing for civil remedy. Also, Sections 5.1 and 5.6 of Liberia’s penal code provide criminal penalties for excessive use of force by law enforcement officers and address permissible uses of force during arrest or while preventing the escape of a prisoner from custody. However, the protection of citizens against torture, inhumane and degrading treatment is not sufficiently guaranteed by the State. The Legislature is yet to promulgate appropriate law to criminalize torture and ill treatments and provide adequate care and remedy for victims. In the absence of domesticating the provisions of CAT and instituting the enforcement mechanism, the establishment of a zero torture regime remains a tall order in Liberia. Efforts to establish National Preventive Mechanism on Torture as required by the Optional Protocol on the Convention Against Torture (OPCAT), have been dormant during the entire period of 2018.

However, the Liberia National Police and Liberia Immigration Service Acts of 2015 established the Civilian Oversight Complaint Board which has been constituted and operationalized.

On January 8, 2018, INCHR independently confirmed reports that a suspect, 22-year-old man, was tortured while in Police custody by the Deputy CSD Commander of the Zwedru Police Detachment to obtain a confession. On January 7, 2018 police arrested and detained the suspect for theft of cell phone valued at $425.00 USD. Though the suspect was released on intervention of INCHR and other civil society groups, no punitive action was taken against the perpetrator.
On February 28, 2018, INCHR field monitors reported that three employees of the Same Darby Company were maltreated by the company’s security personnel. The incident was widely publicized through a video recording posted on social media in April 2018. Owing to the massive public outcry about the cruel and inhumane treatment meted against the victims, police quickly moved into the plantation area to have the suspects arrested and investigated. Consequently, the House of Representatives set up a fact-finding team to probe the Company’s management in connection with the torture allegation. Given the magnitude of the torture, the Liberian public had expected speedy investigations and trial proceedings to climax the case, but that did not happen as evidenced by the suspect’s prolonged detention without trial.

1.3. Prohibition of Slavery, Slave-trade, Servitude, and Forced Labour

Article 8 of the ICCPR prohibits slavery, trading in slave, servitude and force and compulsory labor. This provision is supported by Article 12 of the Liberian Constitution which prohibits slavery, slave trade, force labor, debt bondage or peonage within the Republic. While there is yet to be discovered any practice of slavery or slave trade in Liberia, servitude is a commonplace practice.\(^\text{16}\) Children are usually trafficked from rural to urban Liberia under the pretext of giving them a better life but most end up in domestic servitude, street peddling and sexual abuse and exploitation.\(^\text{17}\)

1.4. Rights to Liberty and Security of the Person

Article 9 of the ICCPR protects the rights to liberty and security of the persons. “Liberty of person concerns freedom from confinement of the body while security of person means freedom from injury to the body and mind or bodily or mental integrity.\(^\text{18}\)” The article therefore prohibits arbitrary and unlawful deprivation of liberty including unlawful arrest and detention, unauthorized confinement of prisoners beyond the length of their sentence or extension or other forms of detention. Accordingly, Article 21(f) of the Constitution of Liberia conforms to Article 9 of the ICCPR.

However, arbitrary arrest and detention remains a challenge for the Liberia National Police and other law enforcement agencies in spite of the ongoing reform efforts. At a minimum, providing accused persons their rights under the Constitution when deprived of their liberty remains a challenge.\(^\text{19}\) Moreover, it has been observed that police often arrest and detain

\(^{16}\) Article 106 of the (2005) Act to Ban Trafficking in Persons in Liberia: “servitude shall mean a condition of dependency in which a labor or services of a person are provided or obtained by threat or serious harm to that person or another person, or through any scheme, plan or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person will suffer serious harm.”

\(^{17}\) For more information on child labor and servitude see 2017 findings on the worst forms of child labor:

\(^{18}\) General Comment No. 35

\(^{19}\) Article 21 (c) – “Every person suspected or accused of committing a crime shall immediately upon arrest be informed in detail of the charges, of the right to remain silent and of the fact that any statement made could
individuals on complaints bordering on non-criminal offenses, for example, action of debt
and breach of contracts.

The LNP in conjunction with state prosecutors are making progress in formally charging and
forwarding persons arrested before a judicial tribunal within the required 48 hours as
prescribed by law. However, there is inadequacy of prosecutors to cover the entire country.
A significant percentage of inmates are deprived of their right to liberty including detention
for other petty criminal and civil offences.

On January 8, 2018, a Paramount Chief along with three others was arbitrarily arrested by
police officers acting on the orders of Rivercess County Inspector Trokon A. Browne and
Chief Bob Kofi Zah. These arrests and detentions were prompted by the burning of local
mining company facilities by aggrieved youths of the Jo River. The youth contention was
triggered by the company’s failure to implement a previous social agreement reached with
the community.

1.4.1 Police Brutality and Violence

In Liberia, the police are responsible for maintaining law and order; protecting the
fundamental rights of members of the public and their property; and preventing, detecting
and investigating a crime. However, police officers are involved in the commission of
physical violence and homicide against members of the public they should be protecting.

Article 17 of the Liberian Constitution provides for the right to assemble in a peaceful and
orderly manner. However, on June 27, 2018, LNP officers illegally discharged firearms and
severely injured a resident in Kebbah, Barnesville during a protest action in the area. The
protest was sparked by the instant killing of a motorcyclist by a truck driver who was driving
at high speed when he bumped into the cyclist. Although police authorities denied ever
shooting into the protesting crowd, nurses at the THT Clinic in Bardnesville Area confirmed
treating the victim of a bullet wound attributed to the Kebbah shooting incident. The
Kebbah shooting incident points to a breach of obligation by the LNP to protect lives and
property. Invitation extended to the LNP by the INCHR to further discuss the shooting
incident was turned down by the LNP.

Also on September 17, 2018, a 27-year old woman was assaulted by Police Commander T.
Jackson Pah of the PSU in Gbarnga, Bong County. INCHR monitors confirmed that the
incident occurred following a heated exchange which resulted to injury on her lip. The
incident was reported to the LNP Professional Standards Division. During a follow up
investigation, the husband of the victim, a Police Officer, confirmed that the case was
resolved by the police. INCHR independently verified that the victim was influenced to
discontinue the case.

be used against him in a court of law. Such person shall be entitled to counsel at every stage of the
investigation and shall have the right not to be interrogated except in the presence of counsel.”
1.5. Prolonged/Pre-trial Detention and Prison Conditions

Article 20 of the Constitution of Liberia and Article 9 of ICCPR state that no individual shall be deprived of their liberty or subjected to arbitrary arrest or detention except as an outcome of procedures established by law. However, people are stripped of their fundamental rights and liberties in Liberia arbitrarily and at times exposed to dangerous conditions in violation of the Constitution and international human rights laws. Pretrial detainees accounted for approximately 62 - 64 percent of the prison population across Liberia.20

In May 2018, four men ages 25, 28, 31, and 33, all charged with armed robbery and theft of property were held by police authorities in Zwedru, Grand Gedeh County, beyond the 48-hour statutory period in violation of their constitutional rights. Art. 21(f) of the Liberian Constitution provides: “[e]very person arrested or detained shall be formally charged and presented before a court of competent jurisdiction within forty-eight hours...”

In other cases documented by the Commission, suspects were held in police cells without proper recordkeeping in violation of the UN Standard Minimum Rules for the Treatment of Prisoners (Rule 7), which states, “wherever people are placed in detention, there shall be a bound registration book in which each prisoner received information as regards identity, reasons for commitment and the day and hour of admission and release.”21

In early April 2018, INCHR confirmed that inmates at the Barclayville Provisional Prison (BPP) in Grand Kru County, and other prison facilities all over the country are faced with challenges including inadequate food, water, medical supplies, and lighting facilities in contravention of Article 34.8-1122 of the Criminal Procedure Law of Liberia and Rule 20 of the UN Standard Minimum Rules for the treatment of prisoners. Besides, the provisional facility in Barclayville was unsanitary and overcrowded to the extent that 13 prisoners were detained in a single self-contained cell built for seven persons. INCHR observed that juvenile offenders and those detainees on account of civil suits were sharing the same cell with convicted felons in violation of Article 34.2 of Liberia’s Criminal Procedure Law.

The lack of needed support to prison facilities across the country has repeatedly forced nurses to desert their duties - leaving sick prisoners extremely vulnerable. The absence of nurses in prisons facilities meant that whenever prisoners felt ill, they had to seek medical treatment at nearby health facilities. At some point, prisoners were required to fetch safe drinking water from nearby wells in Bondiway, Margibi County, thereby increasing their chances to escape. In 2018, the authorities at the Bureau of Corrections and Rehabilitation complained of inadequate budgetary support from the Central Government.

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20 Bureau of Corrections Update, Ministry of Justice (2018)
21 See Art. 34.5 of the Criminal Procedure Law of Liberia
22 Ibid. speak to provision of food, medication, clothing and accommodation
In May, June and July 2018, the Central Prisons in Cestos, Fish Town, Greenville, and Harper functioned in an unacceptable sanitary state, without proper functioning toilets, etc. Whereas, prisoners at the Saniquellie and Voinjama Prisons complained of the lack of mattresses and beddings. This situation means that prisoners have been sleeping on the cold floors from the beginning of 2018. Prison authorities at Kakata Central Prison in early April 2018 confirmed to INCHR that inmates were allowed to sleep in darkness due to the lack of stable electricity.

The low quantity of food and other essential supplies at the Gbapolu, Buchanan, Gbarnga and Robertsport Prisons continues to be a serious challenge. At the Gbarnga Central Prison, two persons (convict and pretrial detainee) got critically ill and were released for treatment but later died.

The lack of sufficient food to feed prisoners led prison managers to serve detainees with one meal per day which affected the health and wellbeing of prisoners. The severe shortage and lack of drugs was another challenge recounted by prison authorities. The lack of drugs, led to untold suffering for prisoners in critical need of medical help. For instance, on January 21, 2018, an inmate, Josiah Quio, lost his life at the Sanniquellie Central Prison (SCP) due to curable illnesses such as low blood pressure and malaria. In a related case, on January 22, 2018, detainee Philip Karpennoh of Cestos Prison and Vincent Aurids of the Zwedru Correction Palace died of Diarrhea and Tuberculosis in River Cess and Grand Gedeh Counties respectively. The latter was an Ivorian refugee from the Prime Timber Products (PTP) Refugee Camp.

INCHR observed that there was only one case adjudicated for the February term of Court at the 9th Judicial Circuit in Gbarnga, Bong County. However, the total persons released by the 9th Judicial Circuit Court for 2018 were 47 including 4 females.

Trial period of 42 days at circuit level is relatively short when apposed against the available courts and the number of cases on the dockets. This, coupled with the delay in the opening of courts, the inadequate number of prosecutors and defense counsels, the absence of prosecutors, defense counsels and judges in their assigned counties, overwhelmed the dockets across Liberia.

The slow pace of trial and fewer days of court sitting contribute partly to prolonged pretrial detention and prison overcrowding as evidenced by the fact that pretrial detainees accounted for more than half of the total prison population of Liberia as per records gathered by the Bureau of Corrections and Rehabilitation (BCR 2018). In other words, all the prisons visited by INCHR were over crowded during the reporting period. Besides prison crowdedness, inmates were incarcerated in unclean cells.

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23 Ibid.
INCHR is concerned about the implications of arbitrary arrest and prolonged pretrial detention, and unsanitary prisons conditions across Liberia and as such advocated with relevant authorities to speedily try and or release pretrial detainees who have stayed beyond the statutory period. These measures are intended to contribute to a reduction in prison overcrowding. Once detainees with lesser and non-violent criminal offenses are released, this would decongest the prisons and address overcrowding.

Prettrial detainees account for more than half of the prison population of Liberia as per prison records compiled by INCHR staffs in the field during the period under review. For instance, between 1 January and 31 March 2018, the Monrovia Central Prison (MCP) initially built for 374 inmates accounted for more than 1000 detainees which means the prison population nearly tripled the original capacity.

INCHR advocated with justice actors for the speedy trial or release of prolonged pretrial detainees in line with Article 21(f) of the 1986 Constitution of Liberia and sections 18.1 & 2 of the Criminal Procedure Law of Liberia. These measures intended to contribute to addressing prison overcrowding resulted to the release of 83 detainees with lesser and non-violent crimes though the direct intervention of INCHR.

In 2018, through INCHR intervention, there were positive developments. In Rivercess County (March 2018), two detainees charged for murder were granted compassionate release to seek medical attention in keeping with Article 34.20 of the Criminal Procedure Law, four other detainees were granted bail by the Cestos City Magisterial Court. Also, the RIA Magisterial Court in Unification Town, Margibi County, in early March 2018, released another man, aged 26 charged for Theft of Property.

In cases of miscarriage of justice, the right to compensation for prolonged pretrial detainees is not protected. Victims of prolonged pretrial detention do not have immediate remedy at law for lack of domestic specialized legislation and a specialized court. Although Articles 26 and 34(e) of the Constitution of Liberia provide for the setting up of the Claims Court which shall hear claims and petition of all persons injured by an act of Government or persons acting under its authority, no such court has been established to date. Remedy for violation of human rights is a key principle internationally recognized. Under UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of international human rights law, States are encouraged to provide adequate, effective and prompt reparation for harm suffered as well as access to relevant information concerning violations and reparation mechanisms. The Government’s failure to establish a Claims Court

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24 BCR Prison Records 2018
25 Dismissal by prosecuting attorney and dismissal by court for failure to proceed with prosecution
26 Minister of Justice may permit any prisoner to leave prison institution for a short time to visit a close relative who is serious ill, to attend funeral of a close relative, to return to his home during what appears to be his own last illness, or to return to his home for other compelling reasons which strongly appeal to compassion.
is an apparent abdication of the rights to judicial remedy for human rights violation perpetrated by the State.

1.6. Administration of Justice

The State has made significant gains in establishing judicial administration in all of the 15 Counties across Liberia to ensure citizens’ access to justice. However, there remain challenges in ensuring that all have equal treatment before the law and fair trial by courts of competent jurisdiction. The rights to counsel is not adequately available for accused persons. The public defenders (defense counsel) assigned to the 15 counties do not have the capacity to cover their areas of assignment, particularly rural communities where traditional justice is often applied by local authorities to decide serious human rights cases. There are a total of 33 public defenders covering the entire country. Similarly, the inadequacy of prosecutors has been responsible for the undue delay in bringing accused persons to trial. This situation coupled with poor infrastructure (i.e. road), reluctance of courts in granting bail and the nature of accessing bond contribute to overcrowding of prisons and prolonged pretrial detention.

For example, judicial officials at the 3rd Judicial Circuit Court in Buchanan decried the prevalence of prison overcrowding and other appalling conditions of the prison. The officials attributed prison overcrowding to the huge influx of pretrial detainees from magisterial courts in the county. According to one judicial official the eight magisterial courts in the county are understaffed. He also stressed the limited number of judicial staff assigned to the County to include one resident Judge, one County Attorney, a public defender and eight (8) magistrates. According to the office of the County Attorney, majority of city solicitors assigned at magisterial courts are not being paid by Government. Consequently, this has led magistrates to serve as Judge, prosecutor and defense lawyer in most instances. This has also greatly hampered the Justice system in Grand Bassa County resulting to overcrowding of the prison facility. Defense Attorney admitted that he is overwhelmed by cases in the magisterial courts. INCHR Monitors observed that the magistrates are underutilizing Section 13.5 of the Criminal Procedure Law, which requires the release of a suspect without bail.

1.6.1. Independence of Judges

Judicial independence is a prerequisite to the rule of law and fundamental to fair trial. Judicial independence must be upheld and exemplified by judges in the dispensation of justice. It is stated that “[t]he behavior and conduct of a judge must reaffirm the people’s faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.”

Article 68 of the Liberian Constitution provides a range of qualification and competencies for an individual to serve as Justices of the Supreme Court and Judges of subordinate courts.

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27 Public Defenders Association Report 2018
28 The Bangalore Principles of Judicial Conduct
However, there is no independent constitutional or statutory framework established to vet the competency, integrity and qualification of would-be judges in Liberia. Absence this framework, the Judiciary is prone to political influences from imperial presidency which has haunted the Judiciary throughout the historical development of Liberia and eroded confidence.

The African Commission on Human and Peoples Rights in its resolution on the respect and strengthening of the judiciary enjoins state parties to the African Charter on Human and Peoples Rights to have respect for the independence of the judiciary especially with regard to appointment and posting of judges.\(^{29}\)

In rare cases, the Liberia National Bar Association (LNBA) selects from amongst its members a list, and submits names to the Chief Justice of the Supreme Court who then forwards them to the President for nomination to judgeship followed by confirmation by the Senate.

In line with the Constitution, the responsibility of appointing judges is charged to the President of Liberia with the consent of the Senate to serve until retirement.\(^{30}\) However, Article 71 provides that “the Judges of subordinate courts of record shall hold office during good behavior. They may be removed upon impeachment and conviction by the Legislature based on proved misconduct, gross breach of duty, inability to perform the functions of their office, or conviction in a court of law for treason, bribery or other infamous crimes”.

The Judicial Inquiry Commission is an auxiliary established within the judiciary branch of the Liberian Government with the exclusive power and authority to receive and investigate complaints against judges of the courts of records and non-record in the Republic of Liberia for violation of any provision of the Judicial Canons. The Judicial Canons are intended to establish standards for ethical conduct of judges. However, a judge can be suspended by the Supreme Court based on a recommendation from the Judiciary Inquiry Commission.\(^{31}\) All judges must be lawyers and all lawyers must be licensed to practice law in Liberia.

1.7. Freedom of Association, Assembly and Movement

Article 17 of the Liberian Constitution provides for the right to assemble in a peaceful and orderly manner. In contrast, the authority of the Ministry of Justice issued a public statement requesting individuals and organizations wanting to organize demonstrations and marches to seek a permit from the Ministry of Justice in keeping with the 1975 Act. The question that lingers is whether both the 1975 Act and the 2016 Police Act reading together require that an assembly can be declared illegal if the organizers failed to obtain a permit from the Ministry of Justice. INCHR opinion is that the 2016 Police Act which requires

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\(^{29}\) African Commission on Human and Peoples’ Rights, the Resolution on the Respect and Strengthening on the Independence of the Judiciary, 19\(^{th}\) Ordinary Session, Burkina Faso

\(^{30}\) Article 69 of the Constitution states: “the President shall and with the consent of the Senate, appoint and commission Circuit Judges, of whom shall be resident Judges, one for each circuit, and two of whom shall be relieving judges. They shall hold office during good behavior.”

\(^{31}\) See Judicial Cannon 39 “[t]he penalty for violation of the Judicial Cannon shall be either fine, suspension, impeachment, and/or prosecution in the court of law according to the gravity of the violation.
notification prior to marches, demonstrations, etc. is the controlling law which is in harmony with the 1986 Constitution of Liberia as well as international human rights instruments to which Liberia is a State Party.

Citizens have the right to gather to speak on issues that affect them directly or indirectly without being permitted by their Government. This right is not predicated on whether such protest favors the government or not. The African Commission on Human and Peoples Rights in Pen v. Nigeria has stated succinctly that ‘the right to demonstrate and the right to protest on matter of public concern are rights which are in the public interest and that which individual must possess and which they should exercise without impediment as long as no wrongful act is done.’ The ICCPR provides in article 21 that ‘[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.’

Such a law restricting the exercise of these rights may not, however, be imposed to prevent controversial speech and political criticism, even where this might engender a hostile reaction from others. Similarly, restrictions based on “national security” or “public safety” only refers to situations involving an immediate and violent threat to the nation or to its territorial integrity or political independence.

Where a breach of the public peace occurred, the Penal Code and Criminal Procedure Law have made adequate provisions for sanctions against the breakdown of law and order, and so that the requirement of the permit as a conditionality to holding meetings and rallies can no longer be justified in a democratic society.

It is therefore untenable, for example, when the Minister of Justice alludes to the 1975 Act requiring the obtaining of permits from the Minister of Justice before the holding of public marches and demonstrations. The question is how can one be given permission to do that which is their right by law to do?

The New Police Act of 2016, a more recent law requires notification to the Minister of Justice for any protest or demonstration. This certainly speaks to the fact that the Constitution did not contemplate an unnecessary restriction on rights contained in chapter 3 of our Constitution. Besides, the Legislature never envisaged maintaining such an impugned restriction in the 1975 Act. Our General Construction Law and the doctrine of lex posterior derogat legi prior further validate the argument that the law requiring issuances of a permit is irrelevant with the passage of a new legal regime on ‘maintenance of public

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32 Pen and Others (on behalf of Saro-Wiwa) v Nigeria (2000) AHRLR 212 (ACHPR 1998)
33 An Act to Permit Public Demonstrations and Marches February 10, 1975
34 Doctrine of statute construction which says younger law overriding the older law
order’ in the 2016 Police Act. It is certainly clear that the legislature will not be presumed to have given a right in one section of the statute and then take it in another section.

1.8. Freedom of Thought, Conscience, and Religion

Article 18 of the ICCPR protects the rights to freedom of thought, conscience and religion. It is further protected by the general provision of Article 4 of the ICCPR as a right that cannot be derogated from even in time of public emergency. Article 14 of the 1986 Liberian Constitution also alludes to this. During the reporting period, every academic institution in Liberia functioned freely without any hindrance. Also, there was no report indicating that the government of Liberia imposed a restriction on religious freedom.

1.9. Freedom of Opinion and Expression

Respect for freedom of speech is among human rights principles safeguarded in the Liberian Constitution and international legal instruments ratified by the government. However, the GoL occasionally restricted and at times undermined free speech.

In mid-March 2018, the Front Page Africa Newspaper (FPA) and reporters were indicted for publishing a defamatory story against the administrators of the late Lawrence Morgan Estate. It was later found out that the publication was paid for by family members of the deceased estate who sharply disagreed with the way the administrators were running the deceased estate.

On April 9, 2018, seven FPA reporters were arrested and detained in Monrovia and the main office closed. However, the detained reporters were later released on bail. None of the other media outlets that published that particular story was subjected to similar legal action.

The International Covenant on Civil and Political Rights (General Comment No. 34) states that a free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights. The Covenant embraces a right whereby the media may receive information on the basis of which it can carry out its function. The free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion. The public also has a corresponding right to receive media output. As a means to protect the rights of media users to receive a wide range of information and ideas, States Parties should take particular care to encourage an independent and diverse media.
Part II: Economic, Social and Cultural Rights

In September 2004, Liberia became a State Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 2 of the Covenant enjoins a State Party to ‘undertake steps to the maximum of its available resources to achieve progressively the full realization of the rights in the treaty. The Covenant covers range of rights and freedoms including the rights to health, education, work and housing. The Government of Liberia has endeavoured to meet the core minimum standards in the realization of the rights under the treaty, despite enormous challenges. This section attempts to provide the current situation with respect to the promotion, protection, respect, and realization of Economic, Social, and Cultural Rights.

2.1. Right to Health

Article 12 (1) of the ICESCR provides that ‘[t]he States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.’ The UN Committee on Economic, Social and Cultural Rights has recognized that health is a fundamental right indispensable for the exercise of other rights. In that light, the Committee has acknowledged that Article 25 (1) of the Universal Declaration of Human Rights did not only speak of right to health but link such right to include food, clothing, housing and medical care, and necessary social services. The State obligation in the realization of the right to health falls within three obligations: obligation to protect, respect and fulfill.

In 2011, Liberia inaugurated a ten-year National Health Policy and Plan (2011-2021) focused on reforming and effectively managing the health sector, to deliver efficient, comprehensive and quality health services that are equitable, accessible and sustainable for all.

In February and March 2018, the C.B. Dunbar Hospital in Gbarnga, the Chief Jallah Lone Hospital in Bopolu, Telewoyan Memorial Hospital in Voinjama, and the St. Francis Medical Center in Cestos reported incidence of severe drug shortage and the lack of electricity to run their respective health facilities. At one point in time, the Telewoyan Hospital in Lofa, confirmed that it required family members of sick persons to contribute a gallon of fuel or two to have power supply running before surgeries were conducted. Also, the lack of drugs to treat patients and severe food shortage was alarming during the months of January and February 2018, at the Phebe Hospital in Bong, the Redemption Hospital in Montserrado, the St. Timothy Government Hospital in Robertsport and Sinje Health Center in Sinje. Sick persons seeking medical attention at these health facilities were given medical prescriptions to purchase drugs at local pharmacies.

National budgetary allocation to health remains relatively low. In the 2017/2018 national budget, 13.5% of total national budget was allocated for health. The state remains far from developing any non-contributory scheme to provide benefits or assistance for person of age especially those not covered by the civil service pension or the National Social Security
scheme which are undergoing reforms. For instance, there are no legal provisions in Liberia recognizing the right to long term and reassuring care for the elderly.

Presently this Social Welfare component has been transferred to the Ministry of Gender, Children and Social Protection. However, it is not clear whether clear-cut policies aimed at considering the autonomy, health, and well-being and the social connectedness of the elderly have been developed. Envisioning the future of senior citizens where their physical health, social connections, and interactions are given due consideration is presently non-existent.

While the Ministry of Gender, Children and Social Protection monitors institutions that are established to provide care for older folks, information from the Ministry indicates that laws, policies, and standards for the establishment and operation of such homes need to be rejuvenated. It is anticipated that the Government will sign and ratify the Protocol to the African Charter on Human and People Rights on the Rights of Older Persons in Africa. The normative content of the Protocol will enrich whatever policy decision that the Ministry of Gender, Children and Social Protection will undertake.

INCHR advocates and cautions that long-term and palliative care could be defined within the African context, where the Elderly as part and parcel of an extended family could be provided all necessary facilities including requisite health care, technology and live within the social luxury of his/her extended family where care is provided accordingly. Neither government nor private individual or institution has drawn up definite program and policies to guarantee older persons the enjoyment of their right to long term and palliative care. Meanwhile, there may be some unofficial policy providing long-term and palliative care for older persons. One of the best practices in adopting and implementing a normative framework for the realization of these rights for the older folks is the promulgation of requisite laws and policies. For Africa creating old folks homes is like ostracizing or rejecting the senior generation. Providing home care with the family could be most welcomed.

In Liberia, older persons along with visually impaired and physically challenged are all along street corners begging for daily bread. While there are some attempts by the government to address the plight of the people living with disabilities, there is no visible effort to address the needs and guarantee the elderly enjoyment of their right to long-term and palliative care. In essence, older persons have never been factored in any meaningful programs, even in post-war Liberia. There is no such design yet in Liberia. There is no normative and political framework related to long-term and palliative care, not to think of including the participation of older persons. Generally, there are laws that guarantee everyone rights to the enjoyment of life, but there are no specific laws on older persons.

2.2. Right to Education

Article 6 of the Liberian Constitution states: “The Republic shall, because of the vital role assigned to the individual citizen under this Constitution for the social, economic and political wellbeing of Liberia, provide equal access to educational opportunities and facilities for all citizens to the extent of available resources. Emphasis shall be placed on the mass
education of the Liberian people and the elimination of illiteracy”. Also, a number of international standards, including ICESCR, recognize the right to free, compulsory primary education for all, and obligation to develop secondary education accessible to all, in particular by the progressive introduction of free secondary education, as well as an obligation to develop equitable access to higher education, ideally by the progressive introduction of free higher education. Liberia’s 2011 Education Law Section 4.4.1 guarantees free and compulsory primary education for public schools.

However, the educational sector faces inadequate budgetary appropriation (14.8% of 2017/2018 fiscal budget), the limited instructional material coupled with poor accountability and supervision of education facilities. The quality of learning in Government funded schools is far below standard when compared with privately owned schools. Delays in salary disbursements for public school teachers, coupled with huge bureaucracy in processing Personnel Action Notice Form (PAN) for employees, negatively impact the performance of teachers. Sometimes these actions take up to five years for an employee to begin receiving salary. The delays in processing these forms have resulted to the irregular attendance of teachers in classrooms. In addition to the numerous problems faced by the educational sector, the establishment of “traditional schools” (traditional society), which in some counties result in the partial closure of academic institutions, leaves school authorities incapacitated to take remedial actions. The partial closure of schools during traditional schools operations is negatively impacting the government’s Compulsory Education Program and children’s right to education. On the issue of livelihood support for unpaid teachers, the Parent Teachers Associations (PTAs) of some schools usually intervene by contributing some little fund to assist those teachers through the County Education Board.

### 2.3. Right to Land

#### 2.3.1. Land

Article 1.1 of the Economic, Social, and Cultural Rights states: “all peoples have the right to self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic and social development. All State Parties to this present covenant, including Liberia, are obliged to ensure the fulfilment of these rights as mentioned in Article 1.2.

Article 22 of the Liberian Constitution guarantees the right of every citizen to own property alone as well as in association with others. In addition, Article 7 of the Constitution enjoins on the State to ensure that the national economy and all natural resources are utilized for the maximum benefits of all Liberians.

Liberia’s Land Rights Bill was enacted in July 2018. The Law provides different categories of land ownership which include: Government, public, customary and private land. Under customary land, communities that have long been squatters of their own land for centuries now have been given title to land ownership and governance. The law also gives

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35 This level of education, which consists of full-time formal schooling that is provided for children from age six (6) to age twelve (12)’ and constituting grades 1-6, shall be free and compulsory for all children of age range for such school level, and shall be free for all pupils within the public school system

communities the authority to participate in all concessions agreements regarding all land use in every sector including forest and mining sectors.

2.4. Rights to Work

Article 18 of the Liberian Constitution frowns on unfavorable and unjust working conditions. However, laborers continue to complain of Bad Labor practices meted against them by employers. Cases for reference are as follows:

In early January 2018, INCHR concluded an investigation into complaints of bad labor practices meted against casual laborers working at the Ministerial Complex under construction in Congo Town by the Jiangsu Provincial Construction Group Co., Ltd, Liberia. The Commission found that the Jiangsu Provincial Construction Group Co., Ltd refused to pay overtime benefits to the casual laborers as required by law (Section 17.5(a) ii of the 2015 Decent Work Act).\(^{36}\) INCHR, through collaborative effort with the Ministry of Labor, intervened and the overtime benefits to these contractors were paid.

In February 2018, aggrieved workers of the Farmington Hotel near the Roberts International Airport in Margibi County abandoned a protest action against their employer for bad labor practices following the intervention of lawmakers. The workers complained of labor abuse stemming from the Hotel Management constant refusal to pay their overtime benefits. Besides, the laborers often faced harassment and intimidation by way of threats of suspension and dismissal for engaging in union activities.

Liberia has enacted a new labor law, yet, much still needs to be done. Every labor-related institution needs to begin operating by the law. For instance, a provision in Liberia’s labor law relating to overtime work says that “all work in excess of ordinary hours, shall be paid at a rate not less than fifty percent above the normal rate for that work.”\(^{37}\) Businesses and organizations would need to demonstrate transparency and accountability in the day-to-day running of their respective institutions to safeguard its reputation.

In May and June of 2018, INCHR confirmed the existence of bad labor practices at Bridge Stone, Formerly Firestone Rubber Company (FRC). The Commission observed that Bridge Stone had violated the Decent Work Law of Liberia by: (1) Underpaying its employees as required by the 2015 Decent Work Law Chapter 16.1(A); (2) Refusing to pay for overtime work done by employees; (3) Poor living and working conditions (lack of decent homes and electricity etc.). For instance, each tapper is tasked with the responsibility to tap 750 rubber trees as opposed to the 1500 trees they were required to tap daily. Also, an exorbitant amount of USD$5.00 was deducted from the salary of an employee every time the employee is absent from job in contradiction of the $3.00 s/he receives per day. In other

\(^{36}\) All work in excess of ordinary hours, including work in accordance with Section § 17.6 shall be paid at a rate not less than fifty per cent above the normal rate for that work.

\(^{37}\) Decent Work Act, Article 17.5 (i) & (ii)
words, Bridge Stone Liberia continues to underpay its employees despite making them work for long hours outside of the legal working hours as required. Furthermore, the company has on many occasions failed to provide good housing facilities with electricity for its employees. Casual laborers are allowed to work for more than five years without a right to full employment status whereas, the probationary period runs for six months’ maximum if the employee desire employment.

Part III. Right of Marginalized Groups and Key Population

3.1. Rights of Persons with Disability

Discrimination against persons with disability is pervasive, despite the fact that Liberia has ratified the Convention on the Rights of Persons with Disabilities in August 2012. Most public buildings are inaccessible. There are no domestic policies/laws that speak to accessibility of public facilities to persons with disabilities. However, Article 9 of the Convention on the Rights of Persons with Disabilities enjoins all State Parties including Liberia to make public facilities accessible to disabled persons on equal basis with others. Accessing education, health facilities and public transportation remains a challenge in Liberia.

Various agencies of government including Ministry of Health (MOH) and the National Commission on Disabilities (NCD) are charged with the responsibilities of promoting and protecting the rights of people with disabilities. Nevertheless, budgetary support aimed at supporting programs targeting persons with disabilities remain a major constraint.

3.2. Women Rights

3.2.1. Rape

In 2005 Liberia enacted a New Rape Law that expanded the definitions of rape to include Gang Rape and Statutory Rape which carries a maximum sentence of life imprisonment. However, the enactment of these strong laws has not significantly reduced rape offenses for a number of reasons. For examples, limited capacity and police presence in some leeward counties to gather evidence to prosecute alleged perpetrators, in some case the lack of forensic evidence gathering, capacity to establish the veracity of rape commission and delay in handling sexual-related cases. Article 3(4) of the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa calls on State Parties to adopt and implement appropriate measures to respect the dignity and protect women against all forms of violence, particularly sexual and verbal violence.

On January 3, 2018, a 55-year-old man who raped his 11-year-old stepdaughter in Yambour Village, Gbarpolu County was arrested. Police informed INCHR that the suspect had escaped while enroute to the nearest police station. With limited police presence in Gbarpolu County, as in many parts of Liberia, suspected criminals usually escape. This situation is one of the contributing factors to impunity.
On February 19, 2018, two male students between the ages of 21 and 28 raped an 18-year-old female student in Voinjama City, Lofa County. The crime was reported to the Police Women and Children Protect Section (WACPS) in Voinjama, Lofa County. However, the suspects are still at large.

Also, in Central Voinjama, Lofa County, on April 20, 2018, a 15-year-old girl was gang-raped by four males while returning from a wake keeping event that night. The survivor was able to identify one of the suspects. She was treated at the Telewoin Hospital in Voinjama, Lofa County. The survivor presented pieces of evidence to the police, which could verify the identities of the perpetrators. LNP confirmed to INCHR that no arrest has been made so far.

### 3.2.2. Female Genital Mutilation

Female Genital Mutilation or FGM a harmful traditional practice is on an increase in Liberia.

According to the National Working Group against FGM, 44% of girls and women have undergone FGM practice. Liberia is a State Party to the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (Maputo Protocol). Article 5(b) of the Maputo Protocol calls on State Parties to adopt legislative measures aimed at abolishing all forms of female genital mutilation and all other harmful practices. In addition, the UN Committee on the Elimination of Discrimination against Women (CEDAW), in its General Recommendations 14 enjoins State Parties to eradicate female circumcision and to ensure that the national policy includes provisions that call for the elimination of FGM.

### 3.3. Child Rights

Liberia is a state party to the Convention on the Rights of the Child (CRC). As stipulated in Article 3(1), “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.” Also Article 3(2) obligates States Parties to undertake measures to ensure the protection, enjoyment and fulfilment of these rights.

The African Charter on the Rights and Welfare of the Child to which Liberia is a State Party provides, “Every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s physical, mental, spiritual, moral, or social development.”

Article III Section 20(1) of the Children’s Law of Liberia, 2011 states that “Every child shall have the right to be protected from work and other practices that may threaten her or his health, educational, spiritual, physical, and moral development.”

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38 States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
Child rights were hardly protected in Liberia during the reporting period January to March 2018. However, the government in 2011 instituted some measures concerning justice for minors but enforcing these laws and legal procedures relating to the protection of delinquent juvenile continued to be ineffective. INCHR’s investigation has established that the police is challenged in gathering evidence and conducting investigations in rape cases involving teenage girls and boys thus letting those culpable to go with impunity.

A significant number of rape cases monitored by INCHR involving accused male juveniles went mostly unprocessed at police depots under the pretext that the court may not penalize minors because they are immature. For example, in Kolahum, Lofa County, on March 21, 2017, a rape case involving two female juveniles (7 and 13 years) referred to the Women and Children Protection Section (WACPS) of the Liberian National Police (LNP) was never properly investigated nor forwarded to court in conformity with the law. Instead, the police without any legal justification released the accused into the custody of his parents on the ground that he was a minor. INCHR took serious exception to their release and informed the County Attorney about such lapse in the justice system. It is still unknown whether the case will be processed up to the Circuit Court level.

On March 9, 2018, INCHR monitors visited and observed a significant number of children crushing rocks on the Congo Town Back Road, and in the GSA Road Communities to enable them to earn a living. The caregivers of these teenagers actively involved with rock crushing for daily sustenance, informed INCHR that their children were not directly involved in the actual rock breaking process, but mainly assisted in separating the crushed rocks into different categories. On the contrary, the children were seen playing similar roles as their parents especially during school hours. This contravenes the rights of the child to education as guaranteed by Article II (1) & (2) of the African Charter on the Rights and Welfare of the Child.

4.0. Conclusion and Recommendations

4.1. Conclusion

GoL acknowledges weaknesses within the process of administration of justice. These have contributed to excessive pre-trial detention, prison overcrowding, and poor prison conditions. The Government also alludes to the insufficiency of policy and legal reforms that ensure the effective protection and promotion of human rights. Several constraints hinder the full enjoyment of human rights provided for under the law.

INCHR is cognizant of the fact that GoL is a party to a number of international human rights protocols and as such must take seriously its international obligations. Therefore, the Commission, on a number of occasions cautioned the government against condoning actions which openly violate international human rights standards. The Commission believes that GoL should adopt and implement holistic approaches with far-reaching impacts in addressing various human rights violations. These include but not limited to:
- State-owned institutions, non-governmental organizations (NGOs) and civil society organizations (CSOs) carrying out continuous awareness raising in the communities to sensitize citizens on the consequence of mob violence and its implication for the society.
- Justice actors working hard to ensure that cases brought before them are expeditiously investigated and tried by Liberian laws and international standards.
- Collaboration between CSOs and citizens of Liberia leading a comprehensive review process on national discriminatory statutes and undertake research and analysis to provide recommendations with the view of enhancing response to discrimination at all levels.
- Ensuring that efforts aimed at tackling rape in Liberia requires law enforcement agents of government and various other justice actors mustering the courage to confront the issue heads on by thoroughly investigating, prosecuting and appropriately sentencing the perpetrators to serve as a deterrent. This will ensure that survivors get access to justice, and bring an end to the culture of impunity for perpetrators.
- Ensuring that survivors of sexual violence are given the needed support that guarantees access to adequate remedy and redress. The Commission will continue to caution justice actors to stay within reach of the law when dealing with criminal matters.
- Pursuing continuous legal education and awareness on the laws of Liberia to enable citizens get acquainted and understand their legal rights. This will reduce crimes and further deter actions which violate human rights.

The unpleasant human rights situation in Liberia remains largely unaddressed. The weakness of Liberia’s justice institutions especially the judiciary, suggests that for the foreseeable future, impunity will continue to prevail in some instances as it has been for crimes since the nation was founded in 1847. However, in a significant break with the ugly past – INCHR and civil society organizations continue to advocate for the promotion and protection of human rights in line with international standards. Liberia is a signatory to several international conventions, protocols, and treaties regarding human rights and must take its international obligations seriously, including the adoption and implementation of comprehensive approaches with far-reaching impacts on human rights.

4.2. Recommendations:

To the Executive:

9. The MOJ must take concrete steps such as providing necessary financial and material support to ease the appalling conditions of prisons and prisoners across Liberia;
10. That Safe Homes closed during the scale down of INGOs in Liberia be reopened by the GoL though the MOGCSP to ensure that survivors of Sexual Violence are safe and have access to service providers while going through counselling and treatment;
11. That GoL through the MGCSP ensures the establishment of a data center to reflect the accuracy of information on Liberia particularly, in the areas of gender based violence, and rape.
12. That the GoL through the CSA includes all qualified public school teachers on its payroll to motivate staffs and attract more qualified personnel to the teaching profession. This may contribute to the progressive realization of the Right to Education in Liberia which should not only be quantitative in dispersal but also qualitative in content;

13. That GoL though the Ministry of Finance and Development Planning provides adequate funding and support to INCHR to allow the Commission adequately carry out its statutory mandate;

14. That INCHR holds consultative dialogues with the MOJ on appropriate regime on human rights-related issues;

15. That GoL through the MOJ provide human rights training for the LNP, including the provision of training on the right to peaceful assembly;

16. GoL through the MoJ should live up to its international commitments to promote and protect human rights.

To the National Legislature:

6. Increase budgetary appropriation to INCHR for the effective implementation of its statutory mandate;

7. Engage the INCHR in periodic dialogues through the Legislative Committees on Human Rights to ensure INCHR support the Legislative lawmaking and oversight functions;

8. Collaborate with the INCHR in making laws in domesticating the Maputo Protocol on criminalizing female circumcision and other harmful practices;

9. Collaborate with the INCHR in domesticating the 2nd Optional Protocol of the ICCPR to eliminate the death penalty

10. Provide budgetary allocation for the implementation of the National Human Rights Action Plan

11.

To the Judiciary:
4. Justice actors and Judges should ensure that cases brought before them are expeditiously investigated and tried by competent authorities in accordance with international standards;

5. That there should be improved interagency collaboration in the area of information sharing between the judiciary, the Ministry of Justice and the INCHR particularly on matters bordering on human rights including the rights to fair trial, speedy trial and reduce cases of prolong pre-trial detentions;

6. Justice actors conduct speedy and proper investigation, prosecute, and convict those responsible for committing human rights violations and abuses.

To the Human Rights Defenders in Liberia:

5. Protection partners should continue to take the lead in providing legal education and awareness-raising on human rights and the laws of Liberia in enabling citizens to know and understand their rights;

6. That there should be regular information exchange between protection partners and the Commission so as to remain at the same page in confronting and reporting human rights abuses throughout the country;

7. That there should be improved network in the design and execution of human rights related programs to strengthen the collaboration between INCHR and human rights defenders.

8. That protection partners acquaint INCHR with human rights violations that they may be pursuing in a bid to forge a common front in reporting such matters at the national, regional, and global levels.
## Appendix A: Treaty Reporting Schedule

<table>
<thead>
<tr>
<th>TREATY</th>
<th>SIGNED</th>
<th>RATIFIED</th>
<th>INITIAL REPORT</th>
<th>PERIODIC REPORT</th>
<th>LAST REPORT</th>
<th>DATE DUE</th>
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<td>International Convention on the Elimination of All Forms of Racial</td>
<td>Nov. 5, 1976(a)</td>
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<td>Discrimination 1969</td>
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<td>Apr. 18, 1967</td>
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<td>Dec. 9, 2016</td>
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