



Independent National Commission on Human Rights (INCHR)

Adjacent Zone 3 Police Station, Congo Town 2014 Annual Report

1. Executive Summary

The 2014 Annual Report comprises among other things, letters from the Chairperson addressed to the three branches of Government and a message to the public, a vision and a mission statements of the Independent National Commission on Human Rights (INCHR).

This report is prepared pursuant to INCHR Act especially Article IV (16,17) which mandates the Commission to prepare Quarterly and Annual Report on the national human rights situation and submit to the heads of the three branches of Government of Liberia. The Report covers the period January 1, 2014 to December 31 2014- The contents of the Report are primarily firsthand information gathered from INCHR field monitors, complaints received and investigated by the Commission. Some information contained in this report is secondary in cases where the Commission relied on information provided by collaborating partners in civil society and international organizations. As far as possible, the Commission verified secondary information to ensure a balanced and objective position with keen emphasis on the respect for the dignity of all persons or institutions concerned.

The INCHR was created by an Act of legislature in 2005, out of the need to address human rights abuses and violations in Liberia. The INCHR began operation in September 2010. The INCHR is endowed with the mandate and power to protect, promote, and monitor human rights in the Republic of Liberia. The core functions of the Commission include receipt of complaints, probing and recommending remedies to appropriate authorities. In addition, the INCHR ensures ratification of international instruments and contributes to the preparation of reports that the Republic of Liberia is required to submit to the United Nations bodies and Committees, as well as regional organizations pursuant to the State's treaty obligations. It acts as a source of human rights information for the government and people of Liberia. Its operational method entails proactive measures such as: stakeholders' consultation, establishment of working groups, addressing public opinion and hearing human rights violations and abuses without referral.

Institutionally, the Commission's structure consists of a Board of Commissioners, chaired by a Chairperson assisted by a Vice Chairperson and five other Commissioners. The Commission Secretariat is headed by an Executive Director who is also assisted by five other Directors. According to the Act, the Commission should be adequately funded by the Government of the Republic of Liberia. But this has not been the case. Meanwhile, as an independent national institution, the Commission also can source funding from individuals as well as other institutions to fund its programs and activities.

Programmatically, the Commission undertook projects and activities ranging from capacity building of its human resource, deployment of human rights monitors in the counties, human rights awareness activities nationwide, organizing and commemorating human rights events, with help from the United Nations, workshops, seminars, conferences and investigations, with commissioners serving as investigators and performing clerical duties.

Challenges the Commission encountered in its promotion and protection of human rights during this period included among others; inadequate government funding which impeded the recruitment of critical staff much needed to fulfill the Commission's effective monitoring and investigation roles.

The report highlights key human rights situations including violations such as: lack of meaningful participation and ownership of communities in concession agreements which have led to agitation and disorderly conducts and public mob actions in some concession areas, and excessive use of force by law enforcement agencies (WestPoint incident). The Lack of access to quality education, health care services, and increase in the frequency of Sexual Gender Based Violence (SGBV) especially against little girls with little, and in some cases, no arrest of the perpetrators; prolonged pretrial detentions in facilities that fall far below minimum standards; harmful traditional practices including Female Genital Mutilation, accusation of witchcraft and trial by ordeal remain prevalent across Liberia with little or no action against perpetrators. Of most concern is the new wave of forceful conscription into the traditional secret societies (Sande, Poro) even for non-adherent tribes and law enforcement personnel. In terms of Government's international human rights obligations.

The Commission has made several recommendations to the Government of the Republic of Liberia, the public, the human rights defenders in Liberia, the Liberia National Police, other law enforcement agencies, and the Judiciary. Key recommendations include the need for Liberia to fulfill and uphold international and regional treaty obligations, the imperative for Liberia to ensure speedy trial of accused persons, addressing human rights issues associated with cultural practices, addressing sexual gender-based violence, adequate public information as well as prosecution of perpetrators of human rights offenses; ensuring that Liberian enjoy economic, social and cultural rights including access to quality healthcare, education, and improvement of places of detentions among others.

2. The Commission: It's Powers, Functions, Method of Operation and mandates

2.1 Background

The Independent National Commission on Human Rights (INCHR) was created out of the need to address human rights abuses and violations in Liberia after 14 years of chaos. In 1997, the Liberia Commission on Human Rights was established and placed under the Executive Branch of Government. As a result it could not function as required by the Paris Principles on national human rights institutions.

In 2003, the Accra Peace Conference to end the second phase of the Liberian civil war culminated into the establishment of the Comprehensive Peace Agreement (CPA). Article XIII of this agreement called for the establishment of an Independent National Commission on Human Rights (INCHR).

In partial compliance with the CPA, the Chairman of the National Transitional Government of Liberia, commissioned seven persons to serve as commissioners of the INCHR. Civil Society and other guarantors of the CPA criticized the constitution of the Commission for lack of legitimacy because the Commission then had no prior legislative framework defining its mandates, powers, and functions. In order to remedy the problem, the Legislature enacted in August 2005, this Act repealing the 1997 Human Rights Act. However, the INCHR did not become operational until September 2010. It was then the President nominated and the Senate confirmed seven persons to serve as Commissioners. The INCHR was launched and commenced official operation in October 2010 but has since been challenged with budget underfunding leading to internal capacity gaps. Consequently, the Commission has not been financially empowered to render the kind of services that are mandated by the Act.

The INCHR is currently chaired by Her Honor; Justice Gladys K. Johnson retired Associate Justice of the Supreme Court, who was appointed in February 2014, Co-chaired by Atty. Boakai Dukuly. The five other Commissioners have oversight responsibilities for the five main departments of the INCHR. The Commissioners and their departments are as follows:

1. Commissioner Ruby Johnson Morris, The Department of Administration and Budget- Vacated post in June 2014;
2. Commissioner James Torh, Department of Planning, Internal Monitoring and Evaluation;
3. Commissioner Macdilla Howard, Department of Complaint, Investigation and Monitoring;
4. Commissioner Sundaiway N. Amagashie, Department of Legislative Assistance, Treaty Matters and Law- Vacated post in
5. Commissioner Thomas Bureh, Department of Education, Training and Information;

These departments are yet to be fully functional because of the lack of budgetary allocation which has made it impracticable to attract critical professional staff. However, the commissioners carried out some of the functions as much as possible, in spite of the lack of some key staff.

2.2 INCHR's Powers and Functions Under the 2005 Legislative Act:

According to Article III of the INCHR (2005) Act titled Powers of the Commission, the INCHR has general and special competence to protect, promote and monitor human rights in the Republic of Liberia, to monitor Liberia's adherence and commitment to the international conventions and protocols, write reports and make recommendations to the government.

The Truth and Reconciliation Commission (TRC) Act, Section 47 recommended that the INCHR ensures the implementation of its recommendations (findings), as an addition to the INCHR's functions

In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, the INCHR has the mandate to develop relations with the non-governmental organizations devoted to protecting and promoting human rights, to economic and

social development, to combating ethnic discrimination and sectionalism, to protecting particularly vulnerable groups such as children, women, refugees, and physically and mentally impaired persons.

2.3 Finance of the Commission

a. Funding, Accountability and Transparency

The Government of Liberia is primarily responsible to provide adequate funding for the operations of the Commission. Additionally, all resources provided to the Commission are managed consistent with GoL financial management procedures and the Commission has personnel who have requisite skills to manage its financial and procurement functions.

During the last two fiscal years the Government of Liberia has failed to provide anywhere near adequate funding to first of all establish the Commission as mandated by law and to enhance its operational efficiency and independence. Despite persuasive pleas with both the Executive and Legislative branches of Government, Government's neglect to provide funding for the enhancement of INCHR's proper establishment and operational efficiency and independence remains consistent. The INCHR has baffled and struggled with frustration especially when public perception is that the Commission is a sleeping dog, a "do nothing" entity.

For instance, in 2014/2015 the Commission needed and requested in its budget \$3,138,805.00 but received only \$937,536.00. This figure is clearly inadequate and inconsistent with the below listed provisions of the INCHR Act which the Government is under oath to uphold. With this nominal funding the Commission is hindered in its efforts to perform as required by the Act.

b. Government's financial obligation

Article XIX, sections 1 & 2 clearly defines the financial obligations of the Government to the Commission as follow:

"In order to enhance the operational efficiency and independence of the Commission, the Government of the Republic of Liberia shall ensure its adequate resources to the Commission following consultations with the Legislature, Director General of the Budget, and the Commission."(Section 1)

"The Commission, to exist and function as a fully autonomous body with respect to its administration and finances, shall have financial autonomy and its budgetary allocations shall not in any way be connected to or placed within the budget of any other agency, ministry or institution of Government".(section 2)

INCHR encourages and strongly advocates with the legislative and executive branch of the Government to provide adequate funding to make the Commission fully functional.

3. Projects and Activities Undertaken

3.1 *The Palava Hut –Funded solely by the UN Peace building Fund*

The INCHR is tasked with leading the implementation of the National Palava Hut Program, a form of justice and accountability mechanism with a traditional orientation to foster national healing and reconciliation at the community level thus creating the opportunity for dialogue and peacebuilding as recommended by the TRC.

The pilot phase of the project was launched in January 2014 with financial support from the United Nations Peacebuilding Fund (PBF) supervised by the United Nations Development Program (UNDP).

- The activities carried out and level of progress achieved for the period under review includes the following:
- Project Management Unit (PMU) was established and staffed with seven personnel;
- Eight persons of the INCHR/PMU acquired new knowledge and skills from Liberia Institute of Public Administration (LIPA) in M&E, result-based reporting, project development and management
- Two persons attended Community building and restorative justice, peacebuilding& conflict resolution, procurement and human resource managements training in the Summer Peace Building Institute, USA



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- (*In March 2014*) The PBF donated two vehicles, four motorbikes, computers, other equipment and furniture including office desks and chairs.
- TOR for institutional assessment was developed and UNDP recruited an international consultant who conducted the assessment;
- TORs for ethnographic forums, mapping of war-related violations and development of Palava Hut Study Forums as well as guidelines were developed. UNDP has recruited two consultants to conduct the ethnographic study;
- TOR for study tour to Rwanda and Sierra Leone was developed and submitted to UNDP; relevant persons in Rwanda and Sierra Leone have been contacted in furtherance of this tour. The process was halted because of the Ebola outbreak.

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- A mass grave site on Duport Road has been earmarked for the erection of a memorial in honor of persons massacred and buried in a mass grave at this site during the Liberian war; survey of land to be used is underway;
 - Four war-affected districts (Zwedru, Grand Gedeh County; Tubmanburg, Bomi County; Gbarnga, Bong County; and Brewerville, Montserrado County) were identified and consultations held with local stakeholders to conduct ethnographic study forums.
 - Four forums on clarification of INCHR mandate related to the implementation of the TRC recommendations were held in four counties in July 2014 (Lofa, Bong, Margibi and, Grand Bassa) which attracted 192 participants. Ebola invasion interrupted the tour.

The Palava Hut Program did not commence on time primarily because an ethnographic study, a prerequisite for an informed Palava Hut process could not be conducted in timely manner because there was little or no local expertise available to conduct the study.

3.2 Human Rights Monitoring in the Justice and Security Hubs

The Justice and Security Program (JSP) was approved by the Peace Building Fund and the Joint Steering Committee in 2012 with several projects. Under this program, the INCHR is responsible for fielding the Human Rights monitors in the Security Hubs. The human rights component was factored in the hubs to ensure effective human rights oversight in the hub regions.

INCHR deployed 14 Monitors in Hubs 1, 2 & 3 (Lofa, Bong, Nimba, Grand Gedeh, River Gee, Maryland, Grand Kru and Sinoe)

During the first quarter of 2014, the INCHR Human Rights Monitors in the hubs conducted regular monitoring of prison facilities, Health facilities, schools and Police cells and also monitored court hearings to determine whether the proceedings were in line with human rights standards: the right to access to justice, fair trial, proper representation, etc. and submitted human rights reports to the Commission and the JSP Coordinator at the Ministry of Justice.

According to Human Rights monitors' reports submitted from these Hubs, conditions in all prison centers visited, generally, were below minimum standard. For instance, in River Gee, Grand Kru and Bong Counties, private homes, unsuitable for detention facility are used as police holding cells where detainees are held with little or no care. Poor preparation of prisoners' meal, inadequate food and irregular food services, coupled with complete lack of medical care, were the concerns raised by the inmates visited. Prolonged detentions without trial and the restriction of access by family members to these facilities were among lapses discovered.

With the above assessment and findings, the Commission immediately liaised with the appropriate institutions and was able to secure the release of 67 pretrial detainees from some of these holding cells.

Initial financial support for the deployment of monitors was provided by the UN Peace Building Fund until June 2014. With the expiration of the initial seed money, INCHR mobilized its

resources to extend the monitors contracts but was again constrained to discontinue their services in September because of lack of financial resources could not retain them and their services were discontinued. INCHR field presence is obviously critical to the counties - it does not only support a human rights oversight, but most importantly, it provides the opportunity for inhabitants of various counties to gain direct access to the Commission.

3.3 *International Human Rights Day Events*



The INCHR, in collaboration with the National Civil Society Council of Liberia and the UNMIL Human Rights and Protection Section celebrated the 66th International Human Rights Day on December 10, 2014 in Monrovia. The events of the day were characterized by presentations by prominent and professional citizens of Liberia on the topics, The Right to Health, Education and access to Justice among others were highlighted. Papers along with recommendations were presented by experts and the program was concluded by the reading of the Universal Declaration of Human Rights and a presentation on Fundamental Rights as enshrined in the Liberian Constitution.

3.4 *2014 Elections Monitoring*

Consistent with the provisions of the Covenant on Civil and Political Rights (CCPR), Article 25(b) of the Liberian Constitution states that every citizen shall have the right and opportunity, *"to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors."* The INCHR monitored the Special Senatorial Elections in Montserrado County on 20th December, 2014. To be able to monitor, Commissioners assigned themselves and took turns to observe the election process due to the serious lack of monitors in Montserrado County.

On that day the INCHR visited thirty-one (31) voting precincts in Montserrado County and made the following observations:

- There were no substantial restrictions on the movement, assembly, association, and expression of the people;

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- No political party or group was subjected to arbitrary or unnecessary restrictions to access the media to communicate its views;
 - Although required by the elections law of Liberia for a full and thorough voter civic education, the voter civic education carried out was minimal, as a result, voters turnout was low;
 - There was an incident of clashes between supporters of candidate Mr. George Weah of the Congress for Democratic Change (CDC) and the Independent Candidate Mr. Robert Sirleaf in the PHP and the Lakpazee communities, but it was soon quelled by the parties themselves before police intervention.
 - Several polling centers visited in Monrovia opened at least one hour later than the 8:00 a.m. required time by the elections law.
 - The vote casting exercise was done in the presence of representatives of political parties, independent candidates and international elections observers including observers from the Economic Community of West African States, United Nations Mission in Liberia, United States Agency for International Development, United Nations Development Program and the US Embassy, as well as the representatives of the Swedish Embassy, and the INCHR.
 - Most polling centers made special provisions for pregnant women, the elderly, persons with children below the age of five (5), and physically challenged persons that allowed them to quickly cast their votes and retire.

Overall the INCHR observed that the 2014 bi-elections held in Montserrado County were relatively free and fair.

3.5 INCHR's Engagement with the Constitutional Reform Processes:

The INCHR has been an integral part of the Constitutional Review Committee's nationwide constitutional review processes in its quest to ensure that fundamental rights are well articulated in the coming constitution. The Commission participated in public meetings organized by the CRC on thematic issues such as citizenship, women rights, natural resources among others and provided inputs. The Commission also organized a forum for civil society to solicit their views on integration of human rights in the proposed amendments.

Considering also views of civil society organizations, the Commission made several submissions including the following: an inclusion of a Bill of Rights; the addition of the LACC and INCHR to the list of critical Autonomous Public Commissions consistent with constitutional provision, Chapter 10 Article 89; the abolition of the death penalty; the setting of reasonable limits to punish the tort of defamation (libel, slander); the right to speedy trial, that no criminal trial should last longer than a year after commencement of trial neither shall a case remain on the Supreme Court docket for two terms; the establishment of an Independent National Judiciary Commission to investigate the unethical conducts of justices of the Supreme Court, judges of subordinate courts as well as magistrates; the removal of all impunity clauses in the Constitution including Article 97;

Other recommendations were an inclusion of gender affirmative action which prohibits any sex holding more than 60% of appointed positions; the inclusion of a gender neutral language (he, she) when referring to Government positions including the presidency; the rights of persons with disabilities be consistent with provisions of the United Nations Convention on the Rights of Persons with Disabilities (CRPD); the rights to a healthy environment –an environment that will not be harmful to the population; an advocacy for access to adequate housing for all Liberians; adherence to the nondiscrimination principle to right to work and just benefits; equal access and equitable distribution of proceeds from natural resources; child rights to parental support, care and guidance to compel parents to fully care for their children or face prosecution; constitutional prohibition or denial from public office of persons who have meted violence against the population; and constitutional prohibition of spousal abuses. See Appendix

3.6 Trainings and Conferences (national and international)



The INCHR undertook the following capacity building activities, locally and internationally, for several staff in furtherance of achieving its mandated responsibilities:

- In March, 2014, the Commission enrolled five (5) employees at the Liberia Institute of Public Administration (LIPA) for two months intensive training in Monitoring and Evaluation, Human Resource Management, Internal Audit and Control, Project Planning, Management and Procurement.
- In May, 2014, two employees were enrolled at the Eastern Mennonite Summer Peace Building Institute (SPI) in the United States of America to study reconciliation, peace building, community engagement and restorative justice.
- In May 2014, the Board of Commissioners and UNMIL Human Rights and Protection Section trained eleven (11) Human Rights Monitors in human rights monitoring, investigation, and reporting as well as community engagement. They were deployed in Hubs 1, 2&3.
- In June, 2014, four staff of the Project Management Unit participated in the National Implementation Modality (NIM) training organized by the PBO and UNDP. The training objective was the effective implementation of the (NIM) on cash transfer.

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- In October, 2014, 30 staff, including human rights monitors were trained in human rights monitoring, documentation and reporting by UNMIL Human Rights and Protection Section.
 - In February 2014, the Chairperson participated in an UNHCR sponsored Conference in Senegal in preparation for the conference to be held in 2015 in La Cote d'Ivoire to discuss Statelessness in the ECOWAS Region and to urge state parties to eliminate all discriminatory provisions from their constitutions to allow all persons to have the right to a nationality.

3.7 Monitoring and Investigation of Human Rights in 2014

a. Human Rights Monitoring and Investigation:

During the reporting year, the Commission deployed its monitors in eight counties in Hubs 1, 2, and 3. The monitors' presence in the counties was not only important for the Commission's visibility; it was also an opportunity for the monitors to engage with local authorities such as the police, corrections officers, traditional leaders and community-based organizations to promote human rights values. Their presence was also important to gather factual information in their assigned counties. Based on the monitors' regular interactions with their assigned communities, they produced required internal monitoring reports that succinctly captured recurrent human rights developments; engaged in advocacy to ameliorate the human rights problems identified. The Commission conducted human rights monitoring and investigation during the EVD crisis which included an investigation of human rights violation that occurred in the West Point community and made recommendations to the Government.

However, the Commission was absent in seven counties. Thus it could not provide services to those counties. In counties where the Commission was present, various challenges were commonplace including the lack of mobility, office space, supplies, office equipment.

b. Complaint Handling:

Article III (3a), of the INCHR Act vests in the commission the powers to inquire or investigate, *suomotu* or on a complaint presented to it by a victim; while Article IV (2) lists one of the functions of the Commission: "" to hear and consider complaints and petitions concerning human rights violations brought before it by victims; their representatives, third parties, non-governmental organizations, associations of trade unions or any representative organizations ""

Based on established admissibility criteria, the Commission received and investigated thirty nine complaints; made appropriate recommendations to concerned GoL ministries or agencies; and in cases where the Commission deemed it necessary not to investigate a given complaint because there were remedies available to the complainant(s), said complainants were informed about existing remedies. Please see the Commission's full admissibility criteria found in the Appendix Section of this Report. The absence of adequate funds has grossly undermined the

Commission’s quest to deploy monitors and investigators throughout the country, consequently, commissioners who ideally have an oversight role now have to play the role of monitors or investigators oftentimes during the reporting period

c. Complaints received in 2014

During the period in review, a total of 42 cases were received, investigated, and findings along with recommendations were forwarded by the INCHR to the relevant ministries and agencies for remedial actions. The complaints are categorized as follows:

Nature of complaints	Frequency
Police brutality	8
Refusal of the Police to investigate ritualistic killing	1
Complaint against the National Security Agency (NSA)	1
Complaints from inmates at the Central Prison in Bomi County	22
Complaints against non-payment of salaries	2
Complaint against a Concession	2
West Point Shooting	(1)
Complaint against Ministry of Defense	1
Complaint Against the Ministry of Justice	1
Complaint Against the Ministry of Foreign Affairs	1
Complaint Against UNICEF	1
Complaint Against Chico (Chinese Construction Company)	1
Total	42

d. Challenges faced by the INCHR in the Complaints Handling Process

In 2014, the INCHR faced challenges in handling complaints of human rights violations which include: inadequate number of monitors and investigators (especially in Montserrado County which has the highest frequency of complaints) to conduct investigations in timely manner; lack of cooperation from respondents - Government ministries and agencies, have affected timely resolution of complaints.

4. The Human Rights Situation in Liberia

4.1 Ebola and Human Rights

a. State of Emergency (SoE), curfew and excessive use of force

On August 6, 2014, the President declared a three months SoE and a nationwide curfew from 2100 hrs to 0600 hours. The SoE empowered the President to suspend the fundamental rights

including right to procure certain labor or services, (Article 12), limit freedom of movement article 13, impose restrictions on certain religious practices (article 14), and assembly (article 17)

However Government did not fulfill its obligation under the ICCPR to inform State Parties of the provision from which it had derogated and of the reason by which it was actuated. INCHR observed Government did not adequately sensitize the population on how to conduct themselves during the enforcement SoE and curfew. As a consequence, several violations of the curfew were reported and attempts to enforce measures were resisted in some communities.

On 20 August 2014, a serious human rights violation that resulted in the death of a civilian and two seriously wounded, occurred in West Point community, one of Monrovia's shanty neighborhoods. INHR launched an investigation on the matter and released a report on 28 October 2014. The Report revealed that security forces including, AFL and LNP had used excessive force including live bullets on the crowd against the international norms for the use of force especially on civilians. It was found that civilians were brutalized even in their private homes. The proximate cause of the death of the victim was lack of immediate medical care. INCHR recommended that government should identify the shooter, strip them of their immunities and prosecute them in a court of law. The government took some disciplinary action against some AFL officers but non was prosecuted.

b. Human rights concerns of quarantined communities

The Commission received complaints of human rights violations associated with quarantining. At the early stages of the EVD outbreak, the Government did not have a strategy to provide information to the population about government's measures to address the EVD, to ensure communities had access to basic necessities including food and medical support. This caused panic, frustration and anger resulting in clashes with security forces at check points. The total absence of any functional medical facility even for grave emergencies such as catering for pregnant women who were in labor led to high frequency of deaths even for preventable medical problems. The government agencies implementing quarantining were overwhelmed with the sudden emergency resulting in poor coordination and often unaware of their roles. Some discriminatory practices were also noted.

c. Right to education:

As a measure to control the fast spread of EVD, nearly 5,181 schools throughout Liberia were closed for 8 months affecting 1.5 million children's right to education. Also noticeable during this period, was the absence of effective programmes to engage those children in informal learning activities via radio and other mediums.

d. Rights of Ebola survivors, their families and communities, health workers and burial teams

The Commission received several reports of stigmatization and discrimination against this vulnerable group. Although with no empirical scientific evidence that EBOLA survivors or their families pose any health risks to communities, they/survivors and their families were discriminated in several instances including refusal to housing, health facilities, and participation

in community activities. The Commission has learned that women faced greater scale of discrimination than men survivors.

e. The INCHR's Response to EVD

The Commission constantly monitored EBOLA human rights concerns, made radio broadcasts appealing to the public to cooperate and follow the rules for preventing the disease, advising the military and police to combat the Ebola and not the people, the Government to monitor the Ebola funds and materials donated by the international governments, consulted and engaged GoL ministries and agencies to raise awareness about the overall EVD human rights challenges in furtherance of mitigating the harmful consequences on survivors and their families and trained the INCHR Monitors in the Hubs to do Ebola awareness.

4.2 Freedom of Speech and Press

The media landscape in Liberia:

There are several privately owned radio stations, newspapers, as well as television stations operating in Liberia which cover a myriad of programs ranging from news, live call shows, regular editorials, and commentaries.

Judging by this scenario alone, the media in Liberia may be described as largely free. But it is also important to note that there are several media institutions in Liberia which are owned or associated with some interests ranging from political actors to powerful business firms. Hence, oftentimes they produce contents that reflect the views of their patrons rather than an objective and balanced reporting consistent with the journalism profession. Hate speech is also commonplace in the media.

While it is true that the Constitution of the Republic of Liberia provides for freedom of speech and press, the Commission took notice of some instances of police arresting and detaining journalists inconsistent with law. Arbitrary arrests usually have a corresponding sense of censorship which undermines the growth and development of a free press in a democratic society that Liberia ascribes to. Two of those instances were:

- On 14 August, five days before the introduction of the Ebola curfew, police raided the offices of a local newspaper; broke down its front door, discharged teargas in the offices, seized two computers and arrested three of its journalists without a warrant. They were released the following day after an intervention by their legal counsel. There was no clear reason given for the arrests.
- Police detained a local newspaper editor on 30 August based on a story the paper published earlier which accused the police of impropriety. The police interrogated the editor for several hours and later released the editor without any charge.

Such press freedom violations have human rights implications and are therefore viewed unacceptable, we reckon. It must however be noted that freedom of speech is not a license to be

abusive and to castigate and tarnish the reputation of others. INCHR encourages objective reporting consistent with the highest standards of the journalism profession.

Liberia was ranked 89th out of 180 countries in the 2014 World Press Freedom Index.

4.3 Freedom of Peaceful Assembly and Association

The Constitution of the Republic of Liberia provides for freedom of peaceful assembly and association. During the reporting period, the Government generally respected these fundamental guarantees, with a caveat though that permit must be obtained from the Ministry of Justice before exercising this right. Because of this requirement several attempts to “assemble and consult” were not implemented by the planners, they failed to obtain the required permits.

4.4 Freedom of Movement

The Constitution of the Republic of Liberia provides for freedom of movement. The Government of Liberia in 2014 somehow restricted this right based on a genuine public emergency, the Ebola invasion. However, the Government was initially slow in responding to the basic needs of the population in the affected counties thereby creating human rights concerns such as the right of quarantined persons to have access to food and health care. There were reports that Ebola patients under quarantine in Cape Mount did not receive food supplies soon enough. In the case of the woman and daughter in Cape Mount, Tewor District, who were quarantined in their house died from hunger and thirst because no one dared venture near their hut and they were not allowed to move. There were reports of such incidents occurring in other places also.

On December 6, 2014, President Ellen Johnson Sirleaf issued an Executive Order No. 65 that outlawed all concerted mass movements of people on the streets of Monrovia. The deadline for the order was 30 days after the Mid-term Elections.

Executive Order No. 65 provided as justification for issuance of the order, that existing policy requiring persons desiring to march or demonstrate, to obtain prior permits from the Ministry of Justice had proven ineffective to address rallies, parades and concerted mass movements on the streets of Monrovia and its environs especially in view of the Ebola invasion.

It further stated that the Government had noted with concern the increasing numbers of incidents of concerted mass movements of people on the streets of Monrovia and its environs, including in particular, rallies, demonstrations, and parades, which have led to persistent and frequent violations of the Vehicle and Traffic Laws of Liberia, obstruction of the free flow of traffic and the movement of peaceful citizens,

On this, the INCHR in its opinion saw the Executive Order No.65 as a constitutional breach and a violation of human rights, the right to free movement of persons as the CCPR mandates and especially since the Order was issued after the Emergence Power had been lifted and it was during the election period, a time when voters needed to have access to political party

headquarters to assemble, and to free movement. The timing for the Order was not appropriate given the prevailing situation. The Executive order occasioned unfavorable public scrutiny such that it was not implemented.

4.5 Respect for Economic, Social and Cultural Rights

Chapter II of the Liberian Constitution outlines general social, cultural and economic principles to “*be fundamental in the governance of the Republic and shall serve as guidelines in the formulation of legislative, executive and administrative directives, policy-making and their execution (Article 4)*. Among these principles are provision of “*equal access to educational opportunities and facilities for all citizens to the extent of available resources, and without discrimination, opportunities for employment and livelihood under just and humane conditions, and towards promoting safety, health and welfare facilities in employment*” (Article 8).

Additionally, Liberia is Party to the International Covenant on Economic, Social, and Cultural Rights (ICESCR). All States Party to the ICESCR undertake to take positive steps to accord certain rights to their citizens, including the right to education and the right to health, etc.

4.6 Right to Education

Article 6 of the Liberian Constitution states: “*The Republic shall ...provide equal access to educational opportunities and facilities for all citizens to the extent of available resources*”. Further, Liberia Education Law 2002 states that “*primary education shall be made available and become free and compulsory starting in the year 2003 for all children within the framework of universal primary education*” (Charter 2.3).

INCHR is concerned about the overall low standard of the nation’s educational system. For example, in the last two academic years, a high number of secondary school students failed the West African examinations Council (WAEC) exams and about 25,000 students failed the University of Liberia Entrance Exams.

Government’s inadequate investment in education, evidenced by the low budgetary appropriation for instructional materials, is indicative of its failure to consider education as one of its top priorities. For instance, in the budget year 2013/2014, about ninety- eight million dollars (US\$98,000,000) was allocated to the Ministry of Education. However, only two percent or a little over one million dollars of this amount was appropriated for goods and services, which accounts for all instructional materials for Government funded schools in Liberia. [See remarks by Dr. Gongar – Appendix](#)

On December 10, 2013, the Independent National Commission on Human Rights (INCHR) ended its year-long campaign against child rape in Liberia. On that date, the incoming Chairperson of INCHR Justice Gladys K. Johnson launched another campaign to raise awareness about the crippling impact of child labor on the future of the Country.

The 2014 child labor campaign was intended to prick the collective conscience of Liberians and their entire leadership to pay attention to the plight of the many Liberian children who, during school hours, precariously run among moving vehicles on the streets of Liberia selling cold water, food and other items to motorists and their passengers. Concomitantly, the Commission had hoped that its anti-child labor effort would have captured the attention of relevant national leaders on the enforcement of the Government's statutory obligations on compulsory primary education.

Immediately following the launch of the campaign, the Chairperson met in January and February 2014, with relevant authorities at the Ministries of Education and Labor to acquaint them with the details of the campaign, and to solicit their full support. Both ministries pledged their support to prevent child labor in Liberia, and to curb the presence of school age children roaming our streets as petit traders. Unfortunately, much progress was not made due to the outbreak of the EVD. As was the case in all walks of life in Liberia, the right to education was one of the casualties of the EVD outbreak. On 30 July 2014, President Sirleaf, responding to the gravity of the situation, announced the closure of all the 5,181 schools in Liberia. The measure affected nearly 1.5 million of school age children without access to education. The time children spent without attending schools had negative impact on children's wellbeing. Girls were more vulnerable to recruitment in cultural societies during the period. Many girls were more exposed to become victims of arranged child marriages and teenage pregnancies. As for the boys, the period spent outside the schools made them vulnerable to negative peer pressures, child labor and engagement in commission of minor offences.

In addition to the Ebola interruption there were other obstacles: for instance, what were the alternatives, no playgrounds or after school programs, who will support those who sell for daily sustenance, etc. These concerns have to be addressed before the police can move in to enforce any such policy.

4.7 Right to Health

34. The EVD crisis seriously undermined the right to health essential to attaining a standard of life conducive to living in dignity. It aggravated the weakness of an already under resourced health system in the country. As the disease spread health facilities were overwhelmed and by August 2014, most health workers began to desert health facilities as they became increasingly vulnerable to contracting the EVD. This resulted in the closure of most health facilities in the country. The few that remained partially operational denied services to people with emergency health problems of any kind. As most health services were generally perceived to be epicenter for EVD transfer, patients avoided going to hospitals. The fear became mutual with health workers shunning patients and the latter avoiding the former

The outbreak of the Ebola Virus Disease (EVD) in the Mano River Basin created a challenge to the Liberian substandard and inadequate health services. The entire system collapsed. According to a data published on 2 February 2015 by the Ministry of Health, total cumulated cases of EVD

stood at 8712 with cumulative deaths of 3768. Nearly all Counties in Liberia were affected by this pandemic. It is hard to quantify the number of deaths that resulted from lack of access to health care in non – Ebola cases.



The INCHR convened meetings with the MOJ, UNMIL-CAU, Prison Fellowship and civil society organizations to discuss prison crowdedness and the problems caused by a high number of prolonged pretrial detainees in the face of the EVD outbreak. After playing a catalytic role and hosting a series of meetings, the venue of these meetings were transferred to the MOJ and continued by the other participants. As a result of these discussions the Ministry of Justice in collaboration with the judiciary affected the release of pretrial detainees from holding cells and prisons around the country.

During the period under review, the MOJ, INCHR, CSOs and UNMIL, along with other stakeholders, organized the Protection Clusters Coordinating mechanism to highlight and prevent discrimination and stigmatization arising out of the EVD crisis. Presently the program is spearheaded by the Ministry of Justice Human Rights Division and not the INCHR.

4.8 Human Rights and natural resources

Liberia is endowed with several natural resources including timber, fertile land, minerals such as diamonds, gold and iron ore among others. Historically, those resources have sustained political elites and their likes with very little contributions for communities from which those resources originate. Over recent years, some initiatives have been undertaken to encourage community participations, but these initiatives are by no means substantial to allow full community participation. Oftentimes, concessions are signed and ratified in Monrovia by the Executive and Legislative branches of Government respectively without direct community participation.

Additionally, social benefits meant for communities are managed by county officials from the Legislature and the Executive. Such anomalies have bred contentions between the concessionaires and the communities resulting in some instances to violence meted against the concessionaires' assets.

INCHR during its regular monitoring of concession areas has gathered that communities have limited information about concessions operating in their areas; scanty or no participation in concession agreement formulation and Government has limited monitoring framework to ensure that concessionaires are in full compliance with their corporate social responsibilities.

4.9 Sexual and Gender Based Violence

The INCHR in its network and collaboration for solidarity actions with relevant CSOs including the National Civil Society Council of Liberia and Journalists against SGBV in Liberia has made it possible to access and exchange information in timely manners, increase our ability to follow through and work with other stakeholders in the fight against SGBV. Our monitors in the hubs and in the counties in association with UNMIL human rights officers collaborate in some cases.

An overview of SGBV cases in 2014 across the entire country as was recorded by our human rights monitors put figures at over 1,000 cases of which 24% accounted for rape cases; 74% constitutes domestic violence cases, and that child rape was the most prevalent.

Overall, the frequency of sexual gender-based violence remains alarmingly high across Liberia during the reporting period despite funding to a select agency from Government and its partners aimed at reducing SGBV incidents. While there could be several causes for this persistent high frequency, the Commission reckons that societal perceptions about SGBV crimes (rape, domestic violence such as the practice of wife beating are easily purged and compromised by the chiefs; victims' families and police easily waive charges with little or no concern for the wellbeing or rehabilitation of the victims) , lack of specialized equipment to preserve evidence coupled with the police inability or lack of training to conduct thorough investigations much needed to gather prima facie evidence such that perpetrators are successfully prosecuted; the tendency of families to settle SGBV cases out of court also contributes to the high prevalence of this scourge. This scenario has not only contributed to impunity for SGBV offenses, but most worrisomely, it is contributing to SGBV persistent occurrences in Liberia such that SGBV is becoming an acceptable way of life.

a. Rape:

During the reporting period, the frequency of rape including gang rapes was alarmingly high especially for adolescent girls. Over a thousand two hundred cases were reported, affecting women, girls and even infants. The rate of successful prosecution was less than 3% of all reported rapes notwithstanding the presence of a specialized court to try rape offenses.

b. Domestic violence:

Like other SGBV crimes, domestic violence is widespread across Liberia and it negatively affects the wellbeing of women. The real challenge for curbing domestic violence is its near acceptance by almost every ethnic group irrespective of social status or class. While rural women suffer most from incidents of domestic violence, there are instances of urban educated women also experiencing a high prevalence of domestic violence as well.

c. Trafficking in Persons

The number of reported trafficking cases has been spiraling upwards primarily because of poor enforcement of immigration regulations at border points and domestic adoption lapses. The epicenter of most reported trafficking incidents is the Middle East and Gulf States where unsuspecting Liberian women in pursuit of good jobs to enable them eke decent lives for themselves and their families are unfortunately trafficked. The trafficked victims are not only exploited, but they encounter myriads of degrading and inhumane treatments including being forced to engage in involuntary prostitution, working for far below the minimum wage and beyond required working hours, their inability to access any recourse to justice for any physical violence, and their inability to seek basic health services are commonplace. There is such a case on-going in Liberia momentarily.

Six women from Morocco who were trafficked in Liberia have also been reported; the case of these Moroccans revealed that the women were promised jobs in Liberia but only to be forced into prostitution upon arrival is the case in point. Additionally, the case also highlights the leniency of the Liberian legal system towards traffickers because the traffickers received lenient sanctions from the law. Also, cases of internal trafficking are also reported: children from rural Liberia who are promised better education are also preys to trafficking as they languish in urban towns; oftentimes they are used as petty street peddlers or are forced to engage in prostitution as well and servitude.

The Government is yet to engage in any sustained education initiatives such that the population better understand the dangers of trafficking and how the population can take positive steps to prevent the occurrence or frequency of trafficking.

4.10 Cultural practices and Human Rights

a. Female Genital Mutilation and Forceful Initiations in Secret Societies

Liberia is endowed with several rich traditional customs just as it is also troubled with some unfavorable ones. FGM widely practiced by nearly half the tribes of Liberia remains a vexing problem which previous governments and even the current one have failed to eradicate. The primary reason for this failure has been the Government's unwillingness to lose political support with tribes who practice FGM. Although with full awareness about the harmful consequences of FGM both local and national leaders are timid to address this practice. Local politicians who wish to fare well in the polls blindly support the practice not because of its

significance (most educated elites of FGM practicing tribes do not initiate their children in the Sande Schools), but because they benefit from a populist platform, they never openly criticize the practice.

During the reporting period both voluntary and forceful initiation of girls were reported in Lofa, Bomi, Grand Cape Mount, Gbarpolu, and Margibi Counties. Even during the peak of the Ebola outbreak, when the Ministry of Internal Affairs which regulates traditional practices was constrained to issue a directive aimed at restricting the operation of Sande Schools, FGM remained undisturbed notwithstanding the restriction. In instances where the MIA did order temporary suspension of the Sande Schools, the traditional leaders ignored the MIA's instruction; hence, the schools remain operational. The practices of Sande and Poro have undermined the rule of law: a police officer was forcibly initiated in the Poro in Gbarpolu County while several members of the Poro gang-raped a woman in Grand Cape Mount County and escaped arrest. To date, most of the rapists remain at large. There is very little likelihood that they (alleged rapists) will ever face justice consistent with the law. The most that was done on government was to have arrested the leader of the Poro and have him and detained without trial up to the period of this report.

b. Accusation of witchcraft and Trial by Ordeal:

During the reporting period, INCHR continued to receive reports that several persons have been accused of witchcraft. The victims are usually poor persons (elderly persons, children, disabled and deserted persons). Their guilt is oftentimes established by ordeals which subject them to severe mental and physical pain notwithstanding statutory provisions that ban all practices of gathering evidence by ordeal. Perpetrators of these crimes are rarely investigated or prosecuted because traditional leaders most of the times prevent the police to investigate the perpetrators.

c. Ritualistic Murder:

During the reporting period the Commission also received a complaint of an alleged ritualistic murder that occurred in Margibi County that the police declined to investigate. Historically, Liberia has a sad history of thoroughly investigating ritual murders primarily due to non-cooperation of communities and most disturbingly the involvement of powerful elites in the commission of ritual murders. The perception that body parts extracted from victims can be used to enhance a person powers or elevation has contributed to the perpetuation of ritual murders.

d. Cultural Practices and the Spread of EVD:

It was highly believed that cultural beliefs and practices played a cardinal role in the spread of the EVD. Long inherited practices, overnight, became the fastest medium of contamination. For instance, the practice of preparing the dead for decent burial, including washing the body widely practiced by Liberians based on their customs and faiths became a principal source of the EVD spread. Government attempted to place a ban on such practices under the SoE but this was not readily adhered to.

4.11 Assessment of Conditions in Places of Detention

The INCHR monitored several prisons/detention facilities across Liberia during the period under review to assess conditions in those places. The objective of the monitoring was to ensure that all persons deprived of their liberties were treated with humility and respect for the inherent dignity of the person. From our assessment, generally most places monitored did not meet minimum standards and there were high numbers of pretrial detainees. A high percentage of prisoners or inmates interviewed informed that they did not have basic needs such as adequate food or medical care, and very poor sleeping facilities. In short, they were sleeping on floors without mattresses.

International covenant on Civil and Political Rights Article (14) recognizes and protects the right to justice and a fair trial; it also requires that Prisons be focused on reform and rehabilitation rather than punishment.

The INCHR succeeded in securing the release of one hundred and forty six (146) illegally detained persons from further detention in Sanniquellie Central Prison during this period.

During INCHR monitoring visit in Nimba County, the authorities at the Sanniquellie Central prison lamented the poor prison condition. They feared that the present poor prison condition has rendered the Center vulnerable to outsiders and possible prisoner escape. They also stressed that at night, the Compound is entirely in darkness and that the fencing is incomplete. Some unknown person had stolen the solar light that provided the facility with light.

In Bong County, prolonged detention of pre-trial detainees persists. The daily operation of the Magisterial Court is irregular due to the frequent absence of the Stipendiary Magistrates. This has also caused the overcrowdedness of prisons and prolonged pre-trial detentions in the County.

Between the Months of June and July of 2014, thirty pre-trial detainees were held in the Gbarnga Central Prison beyond the Statutory Period without trial.

At the Monrovia Central Prison, the problem of overcrowding is paramount. The prison was built to house 327 inmates. The same space today is home to 947 inmates. This overcrowding is additional punishment, a condition that is affecting the health of some of the prisoners. Despite the decongestion exercise during the Ebola invasion, overcrowding remains a major problem in addition to lack of toilet and bathroom facility, and feeding without adequate nutritious value.

4.12 Arbitrary Arrest or Detention (Pretrial detention status)

In the period under review, the INCHR observed that some state security arrests were carried out without warrants, and warrants were sometimes issued without sufficient evidence to prosecute.

Chapter three of the Constitution of the Republic of Liberia Article 21 (f) states that “every person arrested or detained shall be formally charged and presented before a court of competent Jurisdiction within forty-eight hours.” ICCPR also makes provisions that persons detained be treated with dignity and respect.

Although the law provides for a defendant to receive an expeditious trial, lengthy pre-trial and pre-arraignment detentions remained a serious problem in the period under review.

An estimated 70% of prisoners were pre-trial detainees as of October 3, 2014 despite the large number of detainees released by the Magistrate Sitting Program (MSP) in the period under review to reduce EVD transmission in overcrowded prisons.

The INCHR also observed that citizens were frequently detained by Police officers or magistrates for debt, in violation of section 44.1 of the Liberia Civil Procedure Law which prohibits the arrest and imprisonment of a person for disobedience of a money judgment except in some special cases which cases do not fall under the jurisdiction of those magistrate courts.

4.13 Role of the Police and Security Apparatus

The Ministry of Justice has responsibility for enforcing laws and maintaining order within the country, including overseeing the Liberia National Police (LNP) and other law enforcement agencies in the security sector.

There is limited trust in the Liberia National Police (LNP), particularly among the rural poor and urban slum dwellers including women, children and the youth. The abuse and violation of human rights by some police officers is widespread and occurs with impunity. Mob violence continues to be widespread, partly because of the lack of citizens' confidence in the Liberia National Police and the judicial system to render justice.

Police brutality, corruption, negligence, and impunity were problems observed in the period under review.

4.14 Arrest and Treatment of Detainees

Police must make arrest based on probable cause. However, INCHR Human Rights Monitor reported that police sometimes made arrests without probable cause and as a result they did not proceed to trial because of lack of evidence. The law provides that persons arrested by the police must either be charged or released within 48 hours. But, INCHR Human Rights Monitors reported that police routinely detained individuals without charge beyond 48 hours. The law also provides for bail for some criminal offenses, although it severely limits bail for individuals charged with felonies. However, the INCHR human Rights monitors observed that the courts frequently did not respect these rights, especially in cases of defendants appearing in magisterial courts.

Another salient concern associated with detentions is the absence of child-friendly facilities in most detention places. Children in conflict with the law even for minor offenses have been found to be held in detention for protracted period along with adults, particularly at the Monrovia and Voinjama Central Prisons contrary to the Code of Juvenile Procedure provided in the Judiciary Law.

4.15 Fulfillment of International Human Rights Obligations

Liberia is party to Core human rights treaties and conventions including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Convention Against Torture (CAT), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of Racial Discrimination (CERD), and the Convention on the Rights of Persons with Disabilities (CRPD). Liberia is also party to several regional instruments, including the African Charter on Human and Peoples' Rights (ACHPR). Liberia is obligated to submit periodic reports to treaty bodies highlighting progress made in the implementation of the treaty provisions and challenges in the implementation. However, there is a huge backlog of treaty reports the country is obligated to submit to human rights treaty bodies as Government has not submitted any treaty reports except for the CEDAW and the CRC. Government should strengthen its internal coordination mechanisms for timely submission of treaty reports, to domesticate treaty provisions into national laws and implement the recommendations of treaty bodies and Human Rights Council during the Universal Periodic Review (UPR). The role of the INCHR in this regard could be significant if only the INCHR were empowered financially to establish this department within the Commission.

5. Key Achievements

Key achievements of the INCHR include, among others, the following:

- ✓ Employed technical staff and contractors to enhance the professional capacity of the INCHR.
- ✓ The Commission conducted investigation into the West Point shooting incident and its findings and recommendations were made public; the recommendations are annexed to this report.
- ✓ The Commission endorsed the President's request for Emergency Powers to fight the Ebola Virus. The Commission warned on several radio stations that the army personnel deployed at Liberia borders and checkpoints should not assume military postures; the enemy must not be the people but the virus and also advised the public to abide by the rules for their safety and the safety of others. The Chairperson advised the President to inform the ICCPR. The Chairperson also advised that the President should appoint a Committee of persons of integrity to monitor the management of the Ebola donations. The Commission requested Government to state clearly the people's rights that were or would be suspended.
- ✓ The Commission initiated and conducted investigation into prolonged pretrial detentions and overcrowding of prison centers across Liberia and made succinct recommendations on how to ameliorate the situation: advocated for the release of pretrial detainees that have not been presented to court for trial as required by law.

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- ✓ The Commission received and investigated 41 complaints from various sources about human rights violations and made appropriate recommendations to relevant Government ministries/agencies.
 - ✓ During the outbreak of the Ebola the Chairperson of the Commission invited the Ministry of Justice, the Supreme Court Administrator, and Prison fellowships, Corrections Advisory Unit (CAU) of UNMIL and Civil Society to a meeting to discuss the congestion /overcrowding of Liberian prisons and police cells. This led to regular prisons stakeholders meetings at the Ministry of Justice. The result was the decongestion of prisons and police cells across the country. However, overcrowding is still a major problem at the Monrovia Central Prison. The Central Prison has capacity to hold 327 inmates, during this period, there were 947 inmates in that facility.
 - ✓ The INCHR contracted, trained and deployed human rights monitors in the Hub counties (Maryland, Grand Gedeh, River Gee, Lofa, Nimba, Bong, Grand Kru and Sinoe Counties). The presence of our monitors significantly contributed to integrating human rights values in the work of the hubs;
 - ✓ The Commission conducted programs to mark the celebration of the International Human Rights Day in Monrovia; highlighted the imperative for the respect and protection of human rights as a foundation to peace, stability and development;
 - ✓ The Commission clarified its mandate with respect to the implementation of the TRC recommendations to the people, civil society, the international community and to the Government of Liberia;
 - ✓ The Commission initiated preliminary procedures for the construction of a memorial at the Duport Road mass burial site;
 - ✓ The commission in collaboration with the UNDP initiated the process to contract international and national consultants for the conduct of the ethnographic study forums and the development of national guidelines and procedures for the national Palava Hut talks.

6. Key Challenges

- ✓ Underfunding of the INCHR leading to Under Staffing and Lack of strategic Human Resources. For over four years, the INCHR has received less than 20% of its required funding request made to the GOL. For example, for the fiscal year 2014-2015, the INCHR submitted a budget of *Three Million Four Hundred Seventy Seven Thousand and Six United States dollars* (US\$3,477,006.00). INCHR was allotted *Nine Hundred Thirty-Seven Thousand five Hundred Thirty Six United States dollars* (US\$937,536.00).
- ✓ Misunderstanding of INCHR core functions, roles and Responsibilities by the Government and the general public as many people measure the performance of the

Commission by the status of the TRC recommendation implementations, neglecting to note that the work of the Commission is much more than the TRC Recommendations.



Lack of funding to develop a functional public relations strategy resulting in low visibility and unfair criticism from civil society, Government and the public that the Commission is unproductive, without regard to the Government's neglect, failure and refusal to provide funding for the operations of the INCHR

7. Conclusions

This Chapter deals with succinct inferences reached from the implementation of the INCHR activities in the period under review and the analysis of the human rights situations observed in 2014. As to the implementation of the INCHR activities under review, we must conclude that much could have been achieved even with the limited resources but for the Ebola invasion that halted the nationwide tour INCHR had embarked on in July 2014 to clarify the role of INCHR in the implementation of the Palava Hut Process. It must however be noted that besides the Ebola invasion that halted the INCHR's nationwide tour, the persistent financial constraints of the INCHR contributed immensely to the inability of the Commission to build its capacity and perform its duties as spelt out in the Act that created the Commission.

As to the human rights situation in Liberia, based on the monitors' reports, news reports captured in this report, INCHR concludes that there was improvement in the areas of press freedom and freedom of speech but in other human rights conditions, the record in 2014 leaves much to be desired. For example, conditions in prisons and holding cells are substandard; Prolonged pretrial detentions overwhelmed prison space; health services were very inadequate especially in rural areas; access to education was and is still a major problem that requires the full attention of Liberians; rape of minors was on the rise and regrettably rape cases in some instances have been compromised and perpetrators moved about with impunity due to corruption; INCHR has to conclude that there is a general lack of will power to fight human rights violations in our society. The INCHR must also conclude that the government, Executive and Legislative Branches, seem not to realize the importance of the Human Rights Commission in Liberia's bid to reconcile, unite, and maintain the peace. This conclusion is based on the government's (Executive and Legislative) lack of adequate support to establish a functioning human rights Commission in Liberia. This lack of support is demonstrated every fiscal year when the INCHR's submitted budget to setup a functioning human rights commission, is usually trashed. The Commission is rationed whatever amount the Government decides, usually less than a third of the amount needed to make the Commission really functional. Liberia's human rights record published by international agencies i.e. American Embassy, Global Watch, and others will not improve until the Liberian Government allows the full establishment of the human rights Commission to protect, promote, monitor and educate the people about human rights, especially in the wake of the UNMIL drawdown. The government (Legislature and Executive) is in violation of the law that mandates that the INCHR be adequately funded.

8. Recommendations

a. To the Government of the Republic of Liberia:

- That the Government ratifies and domesticates the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which provision is also enshrined in Liberia's Constitution but barely enforced; Establish coordination mechanism in the Government to ensure international human rights treaties are ratified, domesticated and timely reported to human rights treaty bodies and recommendations of treaty body and the UPR is systematically implemented.
- That the Government of Liberia adequately funds the Independent National Commission on Human Rights as mandated by Article XIX Section 1-2 of the Act to allow the Commission to carry out its mandate effectively;
- That the Government fully funds the Independent National Commission on Human Rights to perform the additional tasks assigned to it by the TRC Act. Presently, the only funding for this Project is provided by the UN Peacebuilding Fund administered by the UNDP which follows a roadmap with obstacles and bottlenecks;
- That the Government provides adequate capital expenditure to enable the Independent National Commission on Human Rights establish county offices as well as procure needed logistics (vehicles, motorbikes) to facilitate the efficient operations of Human Rights Monitors in remote communities;
- Government ensures local community participation in negotiations leading to finalization of concession agreements. This will prevent some of the problems concessionaires encounter from locals as they (concessionaires) begin their operations; Government should also develop and apply human rights framework
- That the Government puts an early warning mechanism in place to avoid violent confrontations in Concession areas between labor and management, as well as, between local communities and the concessions to enable timely interventions and to prevent potential conflicts. Whenever possible, Police should be the last means for conflict resolution in concession areas. Instead, the intervention of influential local or national leaders should be used, in the first instance. Ignoring complaints from locals or Liberian workers at these concession areas until those problems escalate to violent activities before Government reacts by deploying police to make arrests has not served well.
- That Government takes seriously the congestion and severe overcrowding at the Monrovia Central Prison and find ways to solve the problems. By way of suggestion, there are two ways: short- term method will be to release prolonged pre-trial detainees, make the parole system effective by releasing less dangerous persons, and those who have served most of their term. The long – term solution is the construction of prison (s) in Monrovia to accommodate the population increase and other places where necessary;
- That the Ministry of Justice employ adequate competent lawyers to prosecute accused persons who should not walk free, by operation of law, or wrongly accused persons be

convicted because of incompetent legal representation, bearing in mind that the role of the prosecutor is not only to win a case but to see that justice is done;

- That the Ministry of Justice under its county attorney program, makes it mandatory for county attorneys to remain in their assigned jurisdictions in order that the public they serve can have access to justice, particularly the county attorneys assigned in the rural areas;

b. To the Public:



- That members of the public should fulfill their own duties to be law abiding citizens responsible to show respect for human rights and the rule of law by not taking the law into their own hands through mob violence; in every grievance, let recourse to law be supreme!!
- Not to compromise criminal offences, specifically rape and other forms of violence against women and children by protecting and covering-up violations of human rights when they occur in communities because of relations/connections. For example, rape by family members, rape of little girls by grown men in the community, spousal abuse, torture or injury to a child by parent or guardian. To compromise or cover-up human rights violations is like aiding and abetting the commission of crime or obstruction of justice. The public should seek justice when rights are violated and not condone impunity.

c. To the Human Rights Defenders in Liberia:

- That the Human Rights Defenders countrywide should raise awareness of the UN Declaration on Human Rights whilst carrying out their daily work;
- That the Human Rights Defenders should access and make use of the Human Rights Defenders desk at the Independent National Commission on Human Rights (INCHR) as a way of resolving any human rights violations they may face;
- That the Human Rights Defenders should continue to engage with the Government of Liberia in order to address issues affecting their working environment without violent confrontation;

d. To the Liberia National Police and Law Enforcement Agencies:

- That the authorities of the Liberia National Police and other Law Enforcement Agencies invest in training and re-training of law enforcement officers to equip them with modern investigation skills, in a bid to avoid the use of torture in obtaining information;
- That the Liberia National Police be equipped with the necessary facilities to enable them fulfill their constitutional obligation to produce suspects before courts of law within 48 hours and to efficiently perform their duties;
- The Liberia National Police intensifies its community policing initiatives in order to enhance the community's appreciation of the role of police and the duties and responsibilities of citizens especially in maintenance of law and order; collecting bribery from citizens does not foster respect and trust;
- The Liberia National Police should comprise of professional men and women of integrity; bribe taking from the public to compromise criminal offenses such as rape, be severely punished.

e. To the Superintendents of Prisons:

- It is violation of human rights to subject prisoners to inhumane treatment beyond the treatment imposed by their sentence (s). INCHR says that overcrowding in a prison subjects, prisoners to health hazards, extra discomfort and indignity. INCHR therefore recommends that prison superintendents should not exceed the inmate capacity of prisons. They should refuse to take in prisoners for lack of space. The sipping effect of this refusal to stack prisoners one on top the other are as follows:
 - First of all overcrowding will no longer be a problem
 - No prolong pretrial detentions
 - No arbitrary detentions
 - Government will be compelled to build additional prisons
 - The speedy trial provision in our Constitution will now be enforced.
- Provide adequate quantity of food with nutritious value to prisoners and ensure prison condition is progressively improved with provision of bedding, health care facilities and vocational training.

f. To the Press and Media

- Article 15 of the Liberian Constitution guarantees Freedom of the Press and Speech but with caution that abuse of the freedom has consequences. The INCHR supports free speech and press, "that Government should make no law or do anything to curtail the exercise of free speech". However, the INCHR is recommending that when a journalist exercises his/her constitutional right to speak or print a story the allegation must be thoroughly verifiable and truthful. The INCHR says that false allegations in print or speech that tarnish somebody's reputation is a violation of the person's right to his/her dignity and good name.

- The INCHR advises the press further to be responsible and professional in their reporting because the public depends on the press for news and information. Irresponsible or unprofessional reporting leads to misunderstanding and misinterpretation of facts or issues leading to disharmony and unrest in society, which should not be the objective of journalism.
- The INCHR says to publishers not to rush to air a story without first verifying the truthfulness of the story by hearing from the others involved.
- The INCHR says that the press Union of Liberia must jealously guard the journalist profession by setting guidelines, standards and other requirements: education and professionalism and trustworthiness.
- The INCHR recommends that media houses hire more proofreaders to improve the quality of the materials they print thereby increasing their customer base and teaching the less educated readers the standard usage of the English language.
- INCHR encourages media to continue to fully cover human rights issues and sensitize population in particular women and children's rights and conditions of prisons in Liberia.

g. The Rape Court: Criminal Court E, Temple of Justice

- INCHR recommends that the judge sometimes takes the lead in assigning rape cases without prosecution's or defense counsel's request for assignment, especially those cases that have been on the docket for an unreasonable length of time without any request for assignment.
- That prosecutors be held in contempt for failure, after an unreasonable period of detention of suspects or defendants, without pursuing prosecution the prosecutor subsequently appears before court to nolle-prosequi on ground of lack of evidence to prosecute. It is a violation of human rights and the Liberian Constitution to deprive a person of his right to liberty unjustly.
- That public defense counsels be warned in open court against asking for any remuneration from their indigent clients. Public defense counsels are compensated by the Government for their services; Chief Justice should give strong warning to violators with penalties, including dismissal and disbarment.
- That rape cases be vigorously prosecuted without favor, fear, or bribery influences and that the provisions of the Rape Law be indiscriminately adhered to regardless of personalities.

h. The Judiciary:

- That magistrates desist from abusing the rights of persons that appear before them i.e. their rights to legal bail, to prevent uncalled for detentions, to be treated with dignity and have a fair trial;

- Magistrates should be neutral and not connive with complainants to press charges against defendants with hopes of sharing in the benefits they (magistrates) award complainants;
- Magistrates should adhere to the rules governing illegal detentions by not holding anyone in jail without granting them a bond or hearing within a reasonable time and subsequently releasing them at their (magistrate) pleasure or after the request for payment to the magistrate has been met;
- That the magistrates in the counties be regular in convening sessions and hearing cases. The irregular convening or sometimes non – convening for months is in violation of the right of person (s) that appear in court to have access to justice and a speedy trial;
- That the Judiciary employs competent defense counsels and pays them reasonably well and provide them other logistics necessary for performance of their duties to their indigent clients, e.g. means of transportation;
- That the Court Administrator monitors the performance of the defense counsels, making sure that the accused or defendant receives timely and adequate legal representation especially those defense counsels assigned to Court E, the Rape Court;
- That public defense counsels remain in their assigned jurisdictions and defend, to the best of their ability, the clients they represent - indigent defendants;
- That corruption in the Judiciary, whenever uncovered, be decisively dealt with and made public in order to restore public trust in the system and to serve as a deterrent.
- That the Judiciary through the Chief Justice addresses the issue of corruption in the Judiciary. The much publicized and talked about issue of corruption, the Liberian public and international partners need to know what the Judiciary is doing to arrest judicial corruption.

i. Ministry of Internal Affairs

- Ensure, traditional leaders do not take law in their hands. Also make sure that they facilitate police investigations of crimes committed in their communities. They should be reminded that all crimes including those committed in the pretext of traditional practices such as rape, murder, torture, extortion, practicing of sasywood, accusation of witchcraft, forceful initiation must be investigated and prosecuted by the formal justice system according to the law of Liberia;
- In line with the Children’s Law, ensure FGM is not carried out on children below the age of 18 years
- Sensitize communities and traditional actors on the human rights impact of some practices and their role to respect and promote human rights

Appendices:

- Appendix A. Financial report-2014
- Appendix B. Westpoint Shooting Incident Recommendations and Status
- Appendix C. INCHR and CSOs Recommendations to Constitution Review Committee
- Appendix D. Universal Declaration of Human Rights Day Program Recommendations by Speakers
 1. Right to Access to Education – Dr. Othelo Gonguar
 2. Right to Access to Justice – Cllr. Tiawon Gonglo
 3. Right to Access to Health – V. Kanda Golakai (MD)
- Appendix E. Organizational Chart

➤ Appendix A. Financial report-2014

Budget Performance Report, FY 2014/2015 (July 1, 2014-June 30, 2015)

I. Introduction:

The Independent National Commission on Human Rights (INCHR) was established by an Act of the legislature in 2005 as an independent and nonpolitical national Human Rights institution of the Republic of Liberia.

The INCHR is mandated to protect and promote Human rights in the Republic of Liberia through public education, monitoring, investigating and reporting of Human rights abuse and violations in the Republic of Liberia. The INCHR is further mandated to ensure the implementation of the TRC recommendations. The National Reconciliation Road Map gives an addition mandate to the INCHR to implement the “Palava Hut Project”. These activities of the Commission require adequate funding in order for women, Men, girls, boys and marginalized groups in Liberia to gain full benefit and enjoyment of their rights and privileges.

Consequently, Article XIX, NO.1 of the act establishing the INCHR states ***“in order to enhance the operational efficiency and independence of the Commission, the Government of the Republic of Liberia shall ensure its adequate resources to the Commission following Consultation with the Legislature, Director General of the Budget and the Commission”.***

The Act(Article XIX,NO. 2) further states ***“the commission, to exist and function as a fully autonomous body with respect to its administration and finances, shall have financial autonomy and its budgetary allocations shall not in any way be connected to or placed with in the budget of any other agency, ministry or institution of the Government”***

Despite these mandates to the Government of Liberia as stated above, the Commission continues to face grave financial challenges from the inception of its establishment. During the fiscal year 2014-2015 the commission was unable to implement strategic programs and activities due to inadequate budgetary appropriation by the Government of Liberia. This inadequacy puts the INCHR in a precarious situation which impacts on its ability to effectively carry out its mandate as enshrine in the law (ACT establishing the INCHR).

The aim of the Budget Performance Report is to enable the Government of Liberia and the public to understand and scrutinize how public funds are being spent, and increasing transparency and accountability.

During 2014/2015 Fiscal year, the INCHR requested (3.4 Million) (Three Million Four Hundred Thousand United States Dollars) but the National Legislature appropriated a measly US\$937,536.00(Nine Hundred Thirty Seven Thousand Five Hundred Thirty Six United States Dollars) for the Independent National Commission on Human Rights; to finance its operations pursuant to its core statutory mandate.

This Report notes the key Policies and Programs instituted by INCHR over the reporting period.

II. The Appropriation:

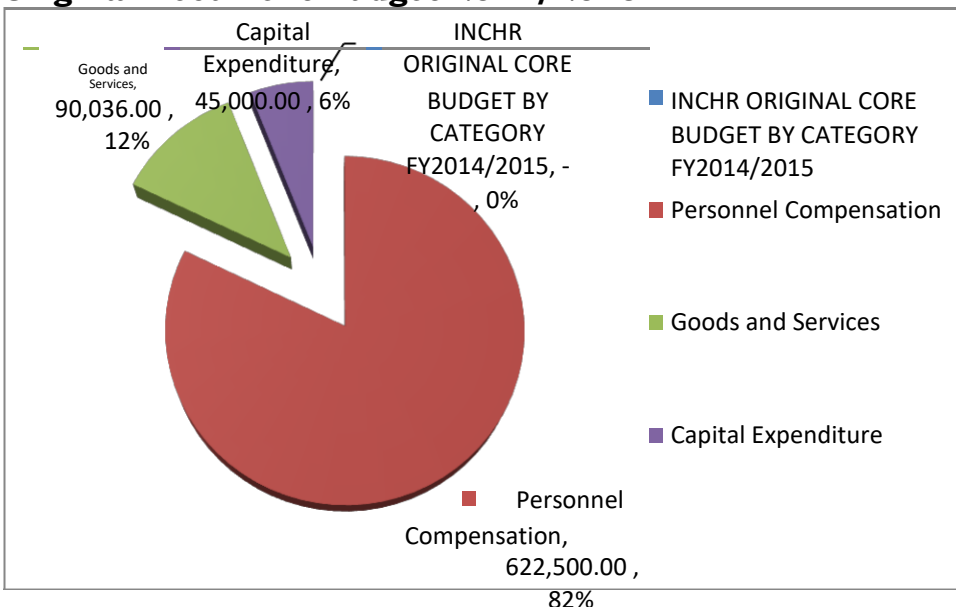
The approved appropriations consist of the following:

- **Recurrent Budget** **USD\$757,536.00**
- Project Budget(capacity building) 180,000.00

The recurrent budget of the INCHR accounted for the key budget categories as follows:

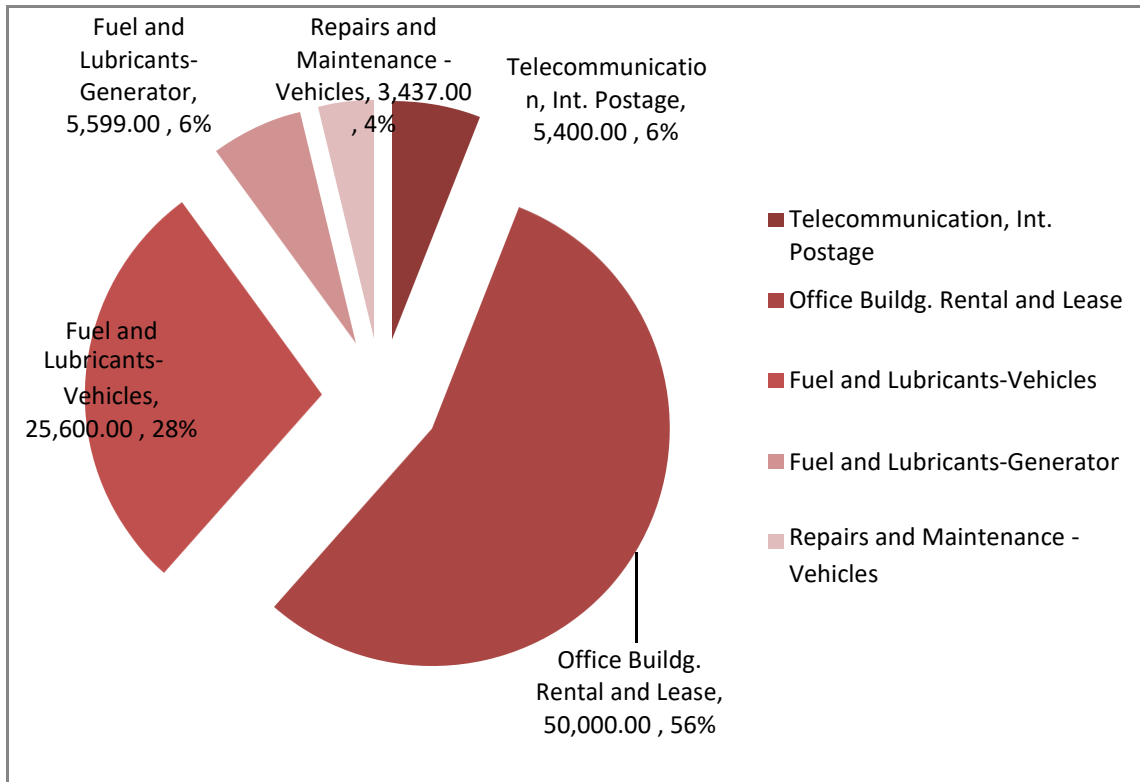
- Personnel compensation US\$622,500.00
- **Goods & Services** **90,036.00**
- Capital Expenditure 45,000.00

Original Recurrent Budget 2014/2015



The goods & Services component of the Commission's recurrent budget comprised the following line items:

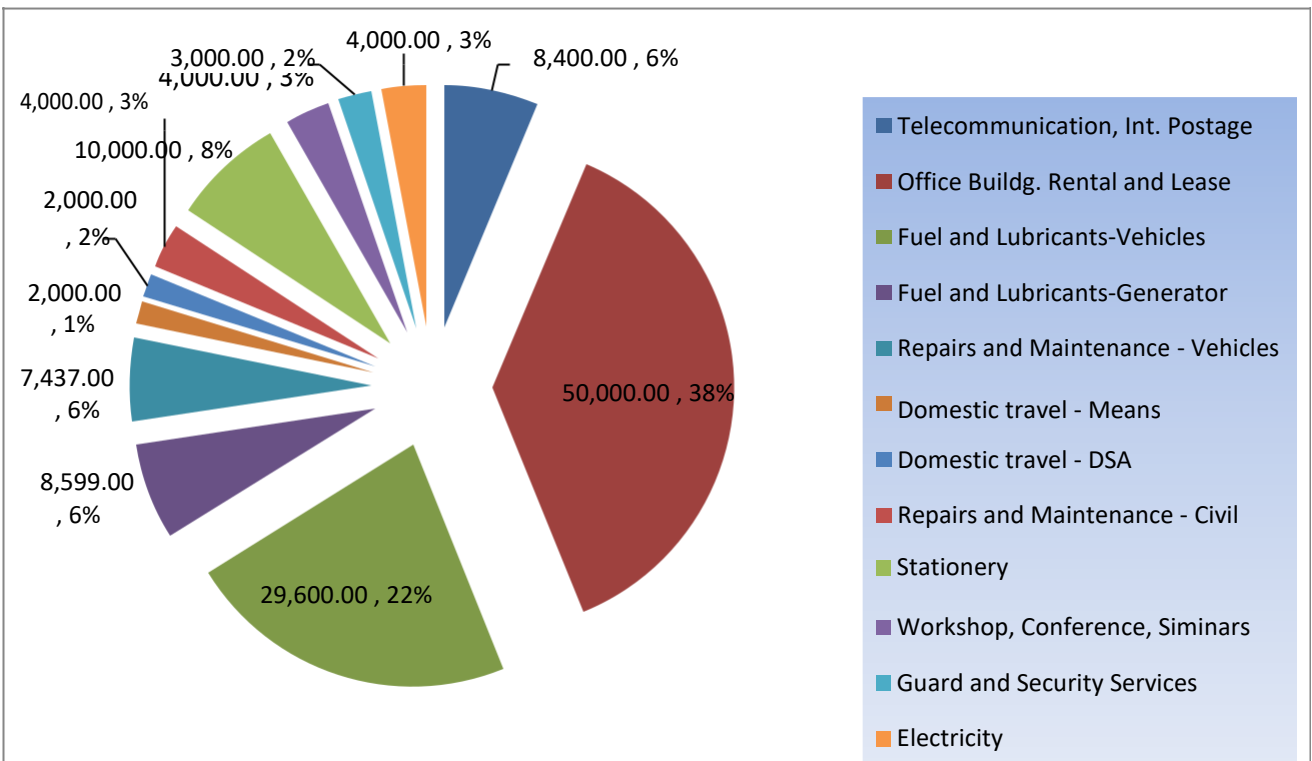
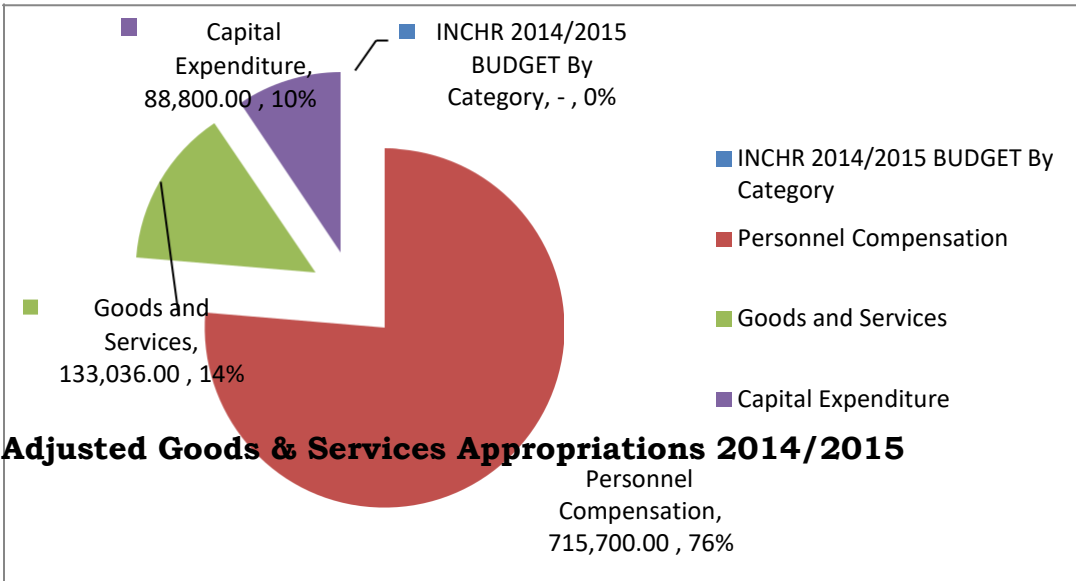
➤ Lease/Rent (Building)	US\$50,000.00
➤ Telecommunication, Int. Postage	5,400.00
➤ Vehicle fuel & lubricant	25,600.00
➤ Generator fuel & lubricant	5,599.00
➤ Vehicle Repair & Maintenance	3,437.00
Original Goods & Services Appropriation 2014/2015	



Honorable chairman and members of the National Budget Committee, due to the significant inadequacy of our annual operational fund as well as technical staff, the commission in accordance with section E.8(1) of the PFM Regulations requested through the office of the Deputy Minister for Budget and Development Planning to transfer the capacity building project appropriations to its recurrent budget.

Accordingly, the transfer that aided to mitigate the technical human resources and logistical constraint currently facing the commission was made.

Adjusted Recurrent Budget 2014/2015



III. Donor Funding

The Independent National Commission on Human Rights (INCHR) received from:

- The United Nations Peace Building Office, the amount of US\$333,000.00 to fund the Community Based Truth Telling and Atonement Project.

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- The United Nations Peace Building Office also provided, the amount of USD\$184,649.00 to recruit, train and deploy human rights monitors in the hubs under the Access to Security & Justice Project.
 - Office of the High Commissioner on Human Rights through UNMIL, the amount of USD\$5,000.00 to carry out programs marking the 66th International Human Rights Day on December 10, 2014 in Monrovia

➤ Appendix B. Westpoint Shooting Incident Recommendations

Westpoint Shooting Incident Recommendations

6.1 West Point is home to about 75,000 residents, most of them young people, who, due to their circumstances, have been deprived of formal education and proper upbringing. Some of them are traumatized street children and therefore, have turned to drugs and alcohol, and to support their habits, they engage in criminal activities, including robbery. As a result of these conditions, these citizens of Liberia have become stigmatized and marginalized. INCHR recommends that the Government finds ways and means to improve the living conditions of its citizens in West Point and eventually the other urban slum communities such as New Kru Town, Clara Town, Soniwhein, Slipway, Buzzy Quarters and others. GOL must put in place a comprehensive development plan to raise these citizens from their present sub-standard living conditions by providing housing, health facilities, schools, adult literacy programs, vocational training centers, and public toilets.

6.2 The criminal elements in West Point and their “territories”, especially “Zimbabwe” and “White Flowers,” must be dismantled and not allowed by Government’s non-action to terrorize the entire West Point community and beyond. Citizens as well as residents of West Point also are entitled to Government’s protection from harm.

6.3 INCHR recommends that the President, through the Minister of Internal Affairs, reassign Madam Flowers if the Government still finds confidence in her. But for her own safety and the welfare of the Township, she should be replaced.

6.4 The Township Commissioner knew that her township would be quarantined on August 20, 2014. Yet, she chose to sleep in Central Monrovia on August 19, 2014. Her return to the quarantined Township not to stay but to evacuate her family led to the resistance and subsequent flare of violence. INCHR recommends that the Commissioner issue a sincere public apology to the residents of West Point and the Liberian public for her misjudgment, and beg for forgiveness from the families of Shaki Kamara, who lost his life, Titus Nuah, who is still in hospital and Sylvester Kromah, who also sustained serious injuries by running into barb wires in his desperate efforts to get away from the scene – gun sounds and stone-throwing mob.

6.5 Because of the circumstances of the Township of West Point as mentioned in Recommendation #1, INCHR further recommends that counseling sessions be organized by Government and NGOs, human rights and Civil Society Organizations to help the youth of urban Liberia beginning in West Point to cope with their anger, brought on by frustration, poverty, ignorance and stigmatization, and while at it, offer them hope. INCHR says in this connection, the youth be made to understand that the way forward is not through violence because Liberians experimented with that process before and the lessons learned are not worth repeating. The road to positive change is through the rule of law.

6.6 While INCHR understands the circumstances that provoked the anger demonstrated by some of the residents, INCHR condemns the throwing of stones by civilians at the state security forces. INCHR equally condemns the deployment of military and the contingent’s response to the civilian action. While the civilians were throwing stones, the military came on the scene with guns and assumed combat posture, which inflamed the volatile situation. For instance, the military backup came on the scene with lethal weapons.

6.7 INCHR condemns the deployment of soldiers and armed police to quell a civilian uprising such as happened in West Point. The use of non-lethal weapon – teargas – would have been sufficient to disband

the stone throwing residents. In fact it did. The protestors stopped their „stone throwing aggression when the police fired teargas, according to video recording. That was how the joint forces were able to advance into inner West Point. The INCHR recommends that military personnel be kept out of civilian disorderly conduct problems; that the military be deployed to encounter military insurgencies; that the Police, who ought to be peace officers and presumed to be trained to deal with such matters, be allowed to use their skills in order to save lives and not to shoot, kill or wound civilians.

6.8 According to video recording of press statement by Col. D. F. Forleh, AFL, “two shots were fired in the air and nobody got shot.” INCHR however says that the bullets that shattered Shaki Kamara’s legs were not fired in the air. This fact is undebatable for obvious reasons. Except it was a magic bullet (which it was not, right?). A bullet shot in the air cannot fall from above and shatter somebody’s legs, especially a person standing up as was Shaki Kamara’s position when he fell to the ground after the impact. Similarly in the case of Titus who was shot in the stomach, INCHR says that the shots that the military admitted to firing in the air were not the shots that hit Titus in his stomach, for the same obvious reason. In both cases INCHR says that those shots were fired directly into the crowd or directly at the victims in complete disregard for human life. This complete disregard for human life resulted into the death of Shaki Kamara – a violation of his right to life, and the victimization of his family, and the other shot that posed a serious threat to the life and wellbeing of Titus Nuah who is, as we speak, confined to a hospital bed. The INCHR recommends as follows:

6.9 As to the late Shaki Kamara, INCHR recommends that the President of Liberia, on behalf of the Government, extends a public apology to the family. The INCHR also strongly „recommends monetary compensation to the family, amount to be determined by the Government in collaboration with the Interreligious Council.

6.10 INCHR recommends further that the Government of Liberia erects a health center in West Point in memory of the late Shaki Kamara to be called The Shaki Kamara Memorial Health Center.

6.11 As to Titus Nuah, INCHR recommends that he be flown to a renowned hospital in Accra, Ghana for further evaluation/treatment, accompanied by a family member and the physician who operated on him at the S.D.A. Cooper Hospital in Monrovia and that the Government of Liberia, through the President’s office, underwrites the cost. The INCHR further recommends that the Government of Liberia provides financial compensation for Titus to restart his life if he makes a full recovery, if not, that the Government provides his support for the rest of his life.

6.12 As to Sylvester Kromah who also sustained serious lacerations while attempting to get away from the life-threatening atmosphere that obtained at that moment (the shooting and the angry mob) ran into barbwire, Government should compensate him for the pain and suffering, amount to be determined by the President of Liberia.

6.13 As to Mr. Alfred Nagbe (aka Muller) who was falsely accused of stealing a generator, publically humiliated and punished without due process of law, INCHR recommends that LNP authority issue a public apology to Mr. Nagbe for a violation of his human right to be treated with dignity as a human being. INCHR further recommends that the President determines a certain amount of money to be paid to the victim for the violation of his human rights – right to be accorded due process before judgment is rendered against him and the right to be treated with dignity as stipulated by both national and international law.

6.14 INCHR recommends that all compensations made to the victims herein listed should be made public for the information of the people of Liberia and beyond.

6.15 As to the request for the protection and safety of the eyewitnesses, the INCHR lacks the required resources such as funds, expertise, and other logistical support to address these concerns. The INCHR therefore recommends that the Government of Liberia makes the appropriate intervention in the interest of justice.

6.16 When the shooters shall have been identified, the INCHR recommends that they be stripped of their immunities, if any, and tried or prosecuted in a court of law for their reckless disregard for Shaki Kamara's right to life and Titus Noah's right to a safe environment and protection of his person by the Government.

6.17 The Liberian police and army have received trainings since Liberia's return to civilian rule. But for that fact, the West Point incident would have been more horrendous. Notwithstanding their training, two persons were shot at; police and soldiers were flogging peaceful people, people in the market place, doing business. These are indicators that there is still a need for more training. INCHR recommends that government does not relent in educating and training the police and army personnel, especially those whose behavior as portrayed in videos on August 20, 2014 leaves much to be desired. END

➤ Appendix C. INCHR and CSOs Recommendations to Constitution
Review Committee

INCHR & CSOs Recommendations to the Constitution Review Committee (CRC)

Introduction

The Independent National Commission on Human Rights (INCHR) considers the ongoing review of the Liberia Constitution as a crucial and historic opportunity for INCHR and the civil society community to make human rights based recommendations.

This document comes out of an interactive forum organized by INCHR on May 19, 2014; in collaboration with more than 60 representatives of a cross section of civil society organizations (CSOs), to brainstorm and to provide recommendations to the review process. The recommendations herein are based on the need to highlight human rights principles in the new constitution to be endorsed through a referendum by the Liberian people.

A detailed explanation and justification of the recommendations are hereby annexed for reference purposes.

RECOMMENDATIONS BY INCHR AND CSOs OF LIBERIA

1. **Bill of Rights:** INCHR and CSOs recommend that all recommendations relating to human rights be included as one Chapter entitled “Bill of Rights” which may be taken as one separate proposal for the purpose of referendum.
2. **Autonomous Public Commission:** INCHR and CSOs recommend that the Independent National Commission on Human Rights (INCHR) and Liberia Anti-Corruption Commission (LACC) be added to Autonomous Public Commissions as stated in chapter 10, Article 89 of the Constitution.
3. **Abolishment of death penalty:** INCHR and CSOs view the death penalty as an excessive punishment, which contravenes Article 21 d (ii) of the Liberian Constitution. We recommend that the death penalty be abolished.
4. **The Right to speedy trial:** Article 20 (a) of the constitution stipulates, “justice shall be done without sale, denial or delay.” INCHR and CSOs recommend that it be stipulated in the Constitution that no criminal trial should last longer than one year after the commencement, or remain on the Supreme Court docket for more than two terms of Court. Such a delay should be a ground for dismissal “for failure to proceed” upon motion by the defense or by the Court. In such a proceeding, the defendant shall be entitled to monetary compensation payable by the Government. The right to equality before the law, the right to presumption of innocence and the right to a fair

trial in all circumstances, including crisis situation and public emergencies, should be a provision of the Constitution.

5. **Freedom of Expression:** Article 15 of the Constitution of Liberia provides for the freedom of expression, being fully responsible for the abuse thereof. INCHR and CSOs recommend that there be a reasonable limit in the amount of civil damages awarded in libel cases.
6. **Independent National Judiciary Inquiry Commission:** INCHR and CSOs recommend that there be established an autonomous public commission to be known as Independent National Judiciary Inquiry Commission with the following functions:
 - Receive and investigate complaints against judges and magistrates and submit findings and recommendations to the Supreme Court for appropriate action. Findings from the Commission are appealable to the Supreme Court. If impeachment is recommended and confirmed by the Supreme Court, the Chief Justice should then forward the impeachment recommendation to the President who will in turn forward same to the House of Representatives.
 - The Commission shall also investigate allegations or complaints brought before it involving Justices of the Supreme Court on bribery and any other form of corruption and human rights violation charges. Final findings against a Justice or Justices are appealable to the Supreme Court. If impeachment is recommended and confirmed by the Supreme Court, the Chief Justice then forwards the impeachment recommendation to the President who will in turn forward the same to the House of Representatives. If the subject of the impeachment is the Chief Justice, the next Justice in line will then forward the impeachment recommendation to the President who will in turn forward same to the House of Representatives.
7. **Impunity:** Article 97 of the Constitution has an immunity clause for action by People's Redemption Council (PRC) and actions to bring about change of Government on 12 April 1980. This clause perpetuates impunity and is not compatible with International human rights standards. INCHR and CSOs strongly recommend that Article 97 of the Constitution be removed.
8. **Gender Affirmative Action:** INCHR and CSOs recommend that in order to enhance gender equity and participation in the governance of the State, no sex will exceed 60% in positions of appointment by the President.
9. **Gender:** INCHR and CSOs recommend that the pronoun „he“ in the constitution for positions such as the presidency or any function should be rewritten as „he or she“. See Article 57 for example.
10. **Rights of Persons with Disability:** INCHR and CSOs recommend the expansion of Article 11 to include sub-section „d,“ to put more emphasis on the rights of persons with disabilities. The provision should ensure that rights of persons with disability are

fully protected in line with the UN Convention on the Rights of Persons with Disabilities (CRPD), to which Liberia is a signatory; and that they are not discriminated against in any form and manner on ground of their disabilities.

11. **Right to Healthy Environment:** INCHR and CSOs recommend inclusion of the right to environment as follows: “Everyone has the right to environment that is not harmful to their health or well-being; and to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that will: a) prevent pollution and ecological degradation; b) promote conservation; and c) secure ecologically sustainable development and use of natural resources while promoting inclusive economic and social development.”
12. **Right to Housing:** We recommend that appropriate provisions be added in the Constitution to speak to the issue of access to adequate housing for all Liberians, backed by the provision that no person shall be evicted from his/her home without a just compensation, nor have home demolished, without the due process of law before a competent judicial tribunal; deliberation of all relevant circumstances, and that no legislation may permit arbitrary evictions.
13. **Right to Work:** INCHR and CSOs recommend the expansion of Article 18 to include the following details: All Liberians citizens shall have equal opportunity for work and employment regardless of sex, creed, religious background, physical condition, place of origin or political affiliation, and shall be entitled to equal pay for equal work. They shall enjoy equal access to just and favorable conditions of work, the right to equal treatment in the workplace, to fair wages and equal remuneration for work of equal value, the right to standard setting of a minimum wage, safe and healthy working conditions, minimum age for admission to employment, protection against wage withholding, as well as the right to form and join trade unions, the right to strike and the right to social security.
14. **Right to Water and Sanitation:** INCHR and CSOs strongly recommend the provision of the right to water and sanitation in the Constitution; that reasonable legislations and other measures shall be taken by the State to ensure that every person has access to sufficient water of good quality, as well as systems for the proper management and disposal of waste.
15. **Right to Food:** The right to food is an essential component of the right to adequate standard of living, Article 11 of the ICESR. INCHR and CSOs strongly recommend the inclusion of a provision on the right to food in the Constitution.
16. **Right to Health:** INCHR and CSOs recommend a comprehensive provision to be added in the Constitution for the protection of the right to health. A further important aspect is the right to participation of the population in all health-related decision making at the community and national levels.
17. **Right to Education:** INCHR and CSOs recommend that Article 6 of the Constitution be revised in line with ICESCR, to include the following: That Primary Education be free and compulsory; that secondary education, including technical and vocational secondary education, shall be made generally available and accessible to all; that higher education shall be made equally accessible to all on the basis of capacity.
18. **Equal Access & Equitable Distribution of Proceeds from Natural resources:** INCHR and CSOs of Liberia recommend that proceeds gotten from the natural

resources be shared with all counties to be applied to their respective local economic and social development projects, with the full and meaningful participation of indigenous and local communities in the decision-making processes that directly affect their economic livelihoods and wellbeing; that reasonable portion or 15% percentage of the proceeds from natural resources also be shared with the local community where the resources are discovered and 5% for the individual (s) who own the property.

19. **Additional Recommendation (Access to final Justice):** INCHR and CSOs recommend that the constitutional right to an appeal from final judgment exercised by all parties, now denied the Republic of Liberia in criminal cases in this jurisdiction by statute, be restored to the Republic of Liberia.
20. **Additional Recommendation (Removal of the President):** INCHR and CSOs recommend that in addition to the grounds enumerated in the Constitution, the following grounds for removal of the President be added: a) mismanagement of natural resources; b) involvement or complicity in human rights violation.
21. **Child Right to Parental Support, Care and Guidance:** Any parent who neglects or fails to perform his/her duties to the child must be prosecuted for child endangerment.
22. **Violence against Women:** The Constitution must specifically prohibit violence against women and children.
23. **Ritualistic Killing:** The Constitution must specifically speak against ritualistic killing.
24. **Constitutional Denial of Violent Person:** The Constitution must prohibit the election or appointment of any person who has a history, past or present, of engaging in human rights violations or insurrection against the Republic of Liberia or violent overthrow of constituted authority.
25. **The Constitution must prohibit spousal abuse:** Any man or woman who inflicts mental or physical abuse on his or her spouse shall be held criminally and civilly liable for the abuse.

➤ Appendix D. Universal Declaration of Human Rights Day Program
Recommendations by Speakers

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4. Right to Access to Education – Dr. Othelo Gonguar
 5. Right to Access to Justice – Cllr. Tiawon Gonglo
 6. Right to Access to Health – V. Kanda Golakai (MD)

Universal Declaration of Human Rights Day Program Recommendations by Speakers

Right to Access to Education – Dr. Othelo Gonguar

Right to Access to Justice – Cllr. Tiawon Gonglo

Right to Access to Health – V. Kanda Golakai (MD)

The Right to Access to Education

Dr. Othelo Gonguar

Former Liberian Education Minister, who now works with Governance Commission, Dr. Othello Gongar, discussed the right to education in Liberia. He described education as not just a right, but a human right. He began by saying that “Access to education for all key to nation building, growth, peace and stability. A nation is at risk if the Education System and the society it serves have lost track of what constitutes schooling (schooling defined in the context of the Education Reform Act of 2011).”

Dr. Gongar said that the UDHR reaffirms the fact that everyone has a right to education. Against this backdrop, the World Conference on Education held in Thailand produced a World Declaration on Education for All. He intimated that the Declaration calls attention to Education as a fundamental right for all people. The Liberian educator called education a powerful driver of economic development and one of the most important instruments for reducing poverty and improving health, gender equality, peace and stability. He considers it the right of every Liberian obtain not just education, but quality education. And that it is the duty of the government to ensure the creation of the enabling atmosphere to guarantee that the educational system is capable of harnessing this right and playing fair to its beneficiaries to produce the best output possible. Dr. Gongar is of the view that upholding and promoting this right includes building fairer and practical educational systems that build upon sustainable models that will address the root problems at the core of Liberia’s underdevelopment.

“We must dig deeper and find out why this right is still a problem to be realized. Are we well on our way to truly achieve the MDG goal number two (2) that speaks to the universal access to primary education? Do citizens even understand this fundamental right?” the former Education Minister wondered.

Describing the Liberian education system as substandard, Dr. Gongar said that at the time the world was discussing the issue of education for all at the end of the 1980s, Liberia was on the other hand engrossed in a civil war that destroyed the country’s fabrics and infrastructure, including the education system. He emphasized that Liberia is at risk because the students of today are not receiving quality education as learning institutions lack the requisite text books, libraries and laboratories. The renowned educator indicated that the presence of school buildings is of relevance unless the education system is improved and the required teaching materials and facilities like equipped libraries and laboratories are in place. “Education is not a cheap

commodity. If Liberia wants good education, good money must be invested in education,” Dr. Ganger said. He explained that with the view of raising the educational standard of the country, the Higher Education System had developed a strategic plan which, among other things, called for the decentralization of roles and responsibilities aimed at building an effective education system through the establishment of county education boards, which would stimulate and enhance local ownership and support. These boards, in his view, would identify challenges faced by learning institutions at the local level and help with the planning of remedial strategies.

The former Education Minister underscored the embarrassment of the poor academic performance of Liberian students since the end of the civil conflict, with most of them unable to read and write even after graduation from high school. He disclosed that after ten years of investment in education in Liberia by the United States International Development Agency (USAID), a study implemented by the US-based Northwestern University proved that not even the required educational foundation was built. Dr. Gongar observed that unlike in the past when high schools graduated students who had passed the national exams administered by the Ministry of Education under the auspices of the West African Examinations Council (WAEC), students are currently graduated in the absence of the exams results, which is one of the reasons that contribute to poor student outputs at the various universities in the country.

The Government of Liberia, in the opinion of Dr. Gongar, is largely responsible for the continued downward trend of the country’s education system even after the war. He opined that the failure of the government to muster the political will to implement the Education Reform Act of 2011 and other education policies is a significant contributing factor. Inadequate training of teachers, science equipment and supplies, textbooks as well as the nonexistence of well-equipped and functional libraries and laboratories is also a huge challenge for the educational system.

The panelist said that there are many tools that Liberians could use both as a government and people to work collectively to achieve access to education for all. The Agenda for Transformation, the government’s five-year development strategy to reach middle income status by 2030, is one of such tools. “Because education drives this development we wish to see, it has a huge part to play in helping us reach the middle income target within time. Hence, access to quality education for all to improve our workforce to ensure we are producing the needed manpower for the technical jobs at hand is key,” Dr. Gongar intimated. Also, social and traditional norms and practices, according to him, have set the stage for what is seen as a huge challenge in getting every girl and boy, no matter the status, from the village to the city, to fully exercise and take advantage of this fundamental right. “Other barriers are more internal and have to do with a reexamination of ourselves in government as to how we can uphold our side of the coin by improving the challenges we still face in the educational sector ranging from outdated curricula and textbooks, low proportion of qualified to unqualified teachers and school administrators, etc.,” said the renowned educator.

He called for the creation of safe environment in which the citizens are educated, including the prevention of rape and other forms of sexual violence and harassment, early girl pregnancy,

school dropouts, abuse of students by teachers and bribery. He further encouraged the instilment of trust and confidence in the system to enable the free reporting of human rights violations in schools and their subsequent investigation and prosecution.

Recommendations

1. Implementation of the Education Reform Act
2. Free enrollment at all public school levels. It may not be financially feasible to do quantitative expansion and qualitative improvement at the same time;
3. Adapt the “Teach Liberia” approach as part of the national education strategy, which proposes a set of High Expectations Secondary Schools geared toward to address the issues of post basic education that threaten the quality of the educated workforce and the possibilities in higher education;
4. The National Commission on Higher Education must pursue the implementation of the sets of policy recommendations contained in the Higher education Strategy Plan for Liberia
5. Creation of Centers of Excellence to cater to the upper basic and secondary levels that would attract and retain the almost gender balanced output emanating from lower basic education;
6. Recruitment of trained and professional female teachers to be assigned in public schools in rural areas with good incentives.

The Right to Access to Justice

Cllr. Tiawon Gonglo

Councilor Tiawon S. Gongolo, a reputable Liberian human rights lawyer, discussed the right to access to justice in Liberia. He described the International Human Rights Day as a day set aside by the General Assembly of the United Nations in 1950 to provide an opportunity for the world to celebrate the great achievement made by member states of United Nations on December 10, 1948 when the Universal Declaration of Human Rights (UDHR) was adopted by the General Assembly of UN. Cllr. Gongolo emphasized that on this day member states of the UN are expected to organize appropriate programs, not only to commemorate this tangible achievement, but to reflect on the progress each nation has made in upholding the common standards of dealing with a human being or respecting the dignity of each or group of beings as enshrined in the UDHR.

According to him, “The rights recognized by the UDHR are not to be respected and protected by citizens and governments, occasionally or sometimes, when it is possible or when it appears feasible or when local traditions permit or when government must adhere to it as a condition for getting aid or international assistance or support.” Rather, the human rights lawyer accentuated that UDHR does not provide any freedom to an individual or a state to decide when to uphold the rights contained in it. He said all persons and governments are expected and obligated to respect and protect human rights at all times with a demonstration of the highest degree of commitment.

He indicated that this was why the international theme for 2014 celebration is “Human Rights 3665”, which means human rights every day of the year. Cllr. Gongolo pointed out that the theme was derived from the call by the UN Secretary-General, Ban Ki-moon in the following words: “I call on states to honor their obligations to protect human rights every day of the year. I call on people to hold their governments to account.”

The human rights lawyer emphasized that in obedience to this call of the Secretary-General, Liberians must hold the Government of President Ellen Johnson-Sirleaf to account for the death of Shaki Kamara, the 16-year-old boy who was shot by state security forces on August 20, 2014 during the quarantine of the Township of West Point in Monrovia in government’s response to the Ebola outbreak. As to whether or not Liberians have made any progress in the realization of the rights contained in the UDHR, Mr. Gongolo believes that some notable achievements have made. He said before 1948, it was normal to forcibly recruit workers to work on cash crop plantations in Liberia and abroad, citing the cases of the Firestone Rubber Plantation in Liberia and the Fernando Po as well-known examples.

He continued: “Also, Liberians from rural parts of Liberia were required to work on the farms of all government officials from the town chief to the President of Liberia. This does not happen anymore. Another achievement that we must boast of is that persons in Liberia now have a right to vote and voted for. This was not possible in Liberia before December 10, 1948. We have also made tremendous achievements in the recognition of the rights of women, who for more than a century after independence of Liberia were regarded as second class citizens. It is only a few years ago that the Inheritance Law of Liberia extended to women married under customary, the same rights enjoyed by women married under statutory law. Further, we have made huge progress in respecting and protecting the right to freedom of expression, although, occasionally, government backtracks as it currently doing in the case of the National Chronicle Newspaper that has now been closed for months without any legal justification.”

The former Solicitor-General of Liberia however observed that while Liberians have made progress as a nation, there is still a lot to accomplish in the realization of the rights set out in the UDHR. Regarding the topic “The Right of Access to Justice” considering the outbreak of the Ebola virus disease in Liberia”, which he required to discuss, Cllr. Gongolo believed that the concept of justice being considered by the topic is what the Ninth Edition of the Black’s Law Dictionary defines justice to be, the fair and proper administration of laws. He said that in Liberia, the administration of justice is done by both Executive agencies of government and the judiciary. However, the human rights lawyer asserted that access to justice in Liberia is hindered by a number of constraints, which include lack of motor roads which makes it difficult for justice seekers to get to the courts that are sometimes located at very far distances, the high cost of transportation to reach the nearest forum of justice in places with roads, and the difficulty other people experience to stay around the location of where the forum or tribunal for justice is located because they cannot afford hotel accommodation and food. He noted that even when all of these basics are met, persons seeking access to justice are often faced with the problem of retaining the services of a lawyer and paying the fees for filing papers and for service of papers on the person

against whom a complaint is made. This sometimes requires transportation for court officers. He also cited as a constraint, the lack of an upper limit for fees justice seekers are required to pay lawyers for various categories of cases. There are not also established fees for clerical services for filing and preparation of summonses and citations as well as fees for service of papers. Another hindrance to access to justice cited by Cllr. Gongolo is the difficulty faced by people living in places far from the Supreme Court to seek remedial reliefs from the justice Chambers of the Supreme Court and to have matters that may not have constitutional issues settled as quickly as possible.

The human rights lawyer therefore advanced the following recommendations:

1. The use of alternative dispute resolution methods for both civil matters and criminal matters that fall below third degree felony, using human rights friendly traditional methods that each community is accustomed to;
2. The judiciary should set upper limits for what party litigants should pay as legal fees for lawyers in order to make legal services affordable for a greater majority of the people;
3. The judiciary should set fees for the preparation, filing and service of papers and review such fees at least once a year in order to adjust based on inflation; and
4. That an intermediate court be established between the circuit court and the Supreme Court so that fewer cases are taken to the Supreme Court and thereby reduce the docket of the Supreme Court.

The Right to Access to Health

V. Kanda Golakai (MD)

The Dean of the A. M. Dogliotti College of Medicine of the University of Liberia, Prof. V.Kanda Golakai, presented on the Right to Access to Health. He defined the right to health as the generation of conditions in which everyone can be as healthy as possible. Such conditions range from ensuring availability of health services, safe potable drinking water, sanitation and hygiene, adequate housing and nutrition. He pointed out that the right to health does not necessarily imply the right to be healthy. The right to health, according to him, is enshrined in international and regional human rights treaties as well as in national constitutions worldwide.

Professor Golakai indicated that the Constitution of the World Health Organization (WHO) projects the highest attainable standard of health as a fundamental right of every human being, which includes access to timely, acceptable, and affordable healthcare of appropriate quality. However, Dr. Golakai said that more than 150 million people globally suffer financial catastrophe annually and another 100 million are pushed below the poverty line as a result of health care expenditure. The right to health means that States must generate conditions in which everyone can be as healthy as possible, not without mentioning that vulnerable and marginalized groups in societies tend to bear an undue proportion of health problems. He named and defined the five elements of the right to health as contained in the General Comment on the Right to Health 2000 as follows:

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1. **Availability:** A sufficient quantity of functioning public health and health care facilities, goods and services, as well as programmes.
 2. **Accessibility:** Health facilities, goods and services must be accessible to everyone. Accessibility has four overlapping dimensions:
 - a. non-discriminatory access
 - b. physical accessibility / approachability
 - c. economical accessibility (affordability)
 - d. information accessibility creating awareness.
 3. **Acceptability:** All health facilities, goods and services must be respectful of medical ethics and culturally appropriate as well as sensitive to gender and life-cycle requirements.
 4. **Appropriateness:** Beneficiaries must have the right type / fit and nature of health services and facilities at their disposal
 5. **Quality:** Health facilities, goods and services must be scientifically and medically appropriate and of good quality.

He further stated that the “core content” of the General Comment referring to the minimum essential level of the right to health includes:

1. Essential primary health care;
2. Minimum essential and nutritious food;
3. Sanitation, hygiene, safe environment conditions
4. Safe and potable drinking water; and
5. Essential drugs and medical supplies.

In the view of the presenter, the realization of these five elements of the right to health remains elusive in Liberia. The Liberian medical doctor also said that the right to health, like all human rights, imposes on States / Parties three types of obligations:

1. **Respect:** Not to interfere with the enjoyment of the right to health ("do no harm") and to treat patients with dignity and regard their integrity.
2. **Protect:** To ensure that third parties (non-state actors) do not infringe upon the enjoyment of the right to health (regulating non-state actors).
3. **Fulfill:** This means taking positive steps to realize the right to health (adopting appropriate legislation, policies or budgetary measures).

Under key human rights standards, Dr. Golakai noted that access to health care must be universal, guaranteed for all on an equitable basis, and must be affordable and comprehensive for everyone, and physically accessible where and when needed. Health institutions and providers must respect dignity, provide culturally appropriate care, be responsive to needs based on gender, age, culture, language, and different ways of life and abilities. They must respect medical ethics and protect confidentiality. These standards as well as the above-mentioned obligations, Dr. Golakai asserted, are equally a theoretical experience in Liberia.

Recommendations:

1. Roadmap for meaningful investment for health sector transformation
2. Roadmap for Institutional Reforms and Restructuring- Meeting 21st Century Trends and Challenges
3. Quantum Leap into the Future – Modern Sector Solutions for Modern Challenges
4. 20% of national budget be committed to health care.

Appendix E. Organizational Chart