



INDEPENDENT NATIONAL COMMISSION ON HUMAN RIGHTS

HUMAN RIGHTS SITUATION REPORT

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Human Rights Situation Report 2018

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Independent National Commission on Human Rights (INCHR)

Foreword

The INCHR was conceptualized to address the historic human rights violations and abuses in Liberia as an outcome of the Comprehensive Peace Agreement signed in Accra, Ghana on August 18, 2003 by the warring parties and other state actors including the political parties and CSOs.

Consistent with the requirements of the Paris Principles on National Human Right Institution, the INCHR was established by an Act of Legislature on March 11, 2005 with full competence and power to promote and protect the human rights of both citizen and residents throughout the Republic of Liberia.

Moreover, to adequately and appropriately inform the three branches of Government (Legislature, Executive and Judiciary), the local actors and international partners, the Act's obligates the Commission to prepare quarterly and annual reports on the national human rights situation generally and on more specific thematic human rights issues. This 2018 Human Rights Situation report is compiled and published to satisfy the obligation stated above.

This report is well researched apparently harsh in tone and details, but it actually attempts to call upon and challenge all actors especially, the government of Liberia, the duty bearer to act; not only to honor its 1986 constitution, especially chapter three, but also to respect and enforce all the international human rights instruments and conventions to which Liberia is a state party.

Finally, on behalf of the Board of Commissioners (BOC), and the Secretariat, I do acknowledged with deep gratitude the hard ward work and commitment during 2018 while we eagerly anticipate enhanced collaboration and increased support for 2018, so that the critical human rights violations and abuses pointed out in this report can be addressed and as a result, the human and peoples' rights of both the citizens and residents will be respected, protected, promoted and fulfilled.

Please conclude this session of the report!

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List of Acronyms/Abbreviation

BCR	Bureau of Corrections and Rehabilitation
BPP	Barclayville Provisional Prison
CSOs	Civil Society Organizations
CSD	Community Service Division
DCIM	Department of Complaint, Investigation, and Monitoring
FCP	Fish Town Central Prison
FGM	Female Genital Mutilation
FPA	Front Page Africa
FRC	Firestone Rubber Company
GCP	Gbarnga Central Prison
GoL	Government of Liberia
INCHR	Independent National Commission on Human Rights
INGOs	International Non-Governmental Organizations
LNP	Liberian National Police
MCP	Monrovia Central Prison
MOHSW	Ministry of Health and Social Welfare
MOJ	Ministry of Justice
MOGSCP	Ministry of Gender and Social Protection
NGO	Non-Governmental Organization
NSTR	Nothing Significant to Report
PSU	Police Support Unit
RIA	Roberts International Airport
SCP	Sanniquelle Central Prison
WACPS	Women and Children Protection Section
ZCP	Zwedru Correction Palace

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Executive Summary

Liberia has a Republican form of Government divided between three branches of Government. Article 3 of the 1986 Constitution of Liberia provides that the three branches of government are separated but coordinate. In principle, the Constitution stipulates that no person holding office in one of these branches shall hold office in or exercise any of the powers assigned to either of the other two branches.

In January 2018, Liberia witnessed its first post war transition from the Government of Ellen Johnson Sirleaf to the Ambassador George Weah. This constitutes first major transition from one government to another more than 50 years. The elections of 2017 offer hope among Liberians, that for once, Liberia unchecked human rights history of more than one hundred years, including the recent atrocities that characterized the 14 years of civil war, would be addressed. However as the report would show, recurrent developments in the human rights landscape still presents grim reminder that despite enormous progress so far, addressing human rights violations in Liberia remains a challenge.

The Independent National Commission on Human Rights (INCHR) is one of the outcomes of the Comprehensive Peace Agreement (ACPA) that brought the closure of the 14 years Liberian Civil War in December 2003. The Commission was formally established by Legislative Act in 2005 with the mandate to promote and protect human rights and prepare reports on national human rights situation and, inter alia feed head of the three branches of Government with such report. This report is a statutory requirement consistent with the Act creating the Commission, and the Commission's international obligations, as a recognized National Human Rights Institution (NHRI). The report is a product of collective efforts of the Board of Commissioners and the Secretariat of the INCHR.

This report proceeds in three folds. First, the report highlights instances where the Government of Liberia played a leading role in the violation of human rights through acts of commission and omission. Second, the report reveals how the gap in the justice system seriously undermines the protection of human rights and ensuring accountability for crimes, which are essential in establishing the rule of law. Finally, the report considers the prospects of human rights in Liberia and concludes with recommendations that ensure the restraining of perpetrators and the provision of relief for the victims of violence. Essentially, the report spotlights and describes human rights violations in the International Bill of Rights, including, Civil and Political Rights, Economic and Social Rights and the Rights of Marginalized and Minority Groups and key Populations. In more specific terms, the report covers violations of arbitrary deprivation of life; death penalty, torture, cruel inhumane and degrading treatment or punishment; right to liberty, and security right to dignity, prolonged pre-trial detention and prison conditions; administration of justice; independence of judges; right to association and assembly; freedom of opinion and expression; right to health, education, work, housing and the rights amongst others.

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Arbitrary Deprivation of Life: On 24 March 2018, the Grievance Committee Chairman for Sime Darby Company Workers Union, Okistine Kollie, was allegedly tortured and gruesomely murdered in the Sime Darby Plantation Area near Independent Camp in Bomi County. The victim was well known for his tough stance against the Company's Management and their labor policy. The Liberia National Police did not make any arrest in connection with the death. On 24 April 2018, Joyce Jaywheh, was allegedly killed in the Zoe-Wlor Community of ELWA, Paynesville by a Ford Explorer Vehicle. The man believed to be the prime suspect in the murder, Francois Brown, remains at large. The LNP made two arrests in connection with the killing including the son of the victim. (what has happened after the arrest?)

The months of March and September witnessed a series of mob violence incidents. On 29 March 2018, a 26 year-old man identified as Swen (what is the full name?) was allegedly killed in the JJY Community of Gardnersville, Montserrado County. In similar situation, the month of September 2018 saw a rapid increase in the wave of violent crimes resulting in the arbitrary deprivation of life in Ganta, Nimba County. Two persons died as a result of mob violence in Nimba County (what are their names?). Not a single arrest was made by law enforcement officers in any of the violent mob actions.

Forced Disappearance: On 13 August 2018, Victor Fahnbulleh, a teenage boy mysteriously disappeared in Piankosah Community, Banjor, Virginia, Montserrado County. Three days later, his mutilated body was found near Hotel Africa Virginia Area under the circumstances believed to be an act of ritualistic killing. A man identified as Alussan Jalloh was arrested and detained by police authorities in Banjor at the Zone 6 Depot on suspicion of Murder. On 7 September 2018, Police Spokesperson declared that Jalloh, the main suspect, escaped from the detention facility at LNP HQ in Monrovia. No further arrest was made in connection to the killing.

The Death Penalty: Liberia still maintains the death penalty in law and practice. Prior to the country's accession to the Second Optional Protocol and even now, the Liberia Penal Law of 1979 makes aggravated capital offenses punishable by death, and places the responsibility on the jury to consider whether mitigating factors call for leniency. The sudden increase in violence during armed robberies and the resulting public outcry and demand for government action prompted the Legislature on July 16, 2008 to pass a criminal amendment of Title 26 Chapter 15 of the Panel Code. Added to the Code are Sections 15.32 and 15.34 making the crimes of armed robbery, terrorism, and hijacking punishable by death where they result in death. This law remains in force. Although the death penalty remains and courts continue to pass death sentences, no death warrant has been signed by the President and no one has been punished by death.

Torture, Cruel, Inhuman or Degrading Treatment or Punishment: On 8 January 2018, the INCHR confirmed reports that suspect Cheddeh Karlor was tortured while in Police custody by the Deputy CSD Commander of the Zwedru Police Detachment to obtain a confession. Suspect Karlor was arrested and detained by police in Zwedru on 7 January 2018 for allegedly stealing a cell phone valued at 425.00 USD. On 24 January, an Ivorian refugee, John Geddeh, was allegedly tortured by his employer (Emmanuel Cole) on allegation of theft of property

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and was placed behind bars by police thereafter. The police did not investigate the incident. Also, on 28 February, John David was allegedly tortured and cruelly punished by security personnel of the Same Darby Plantation Area near Tubmanburg, Bomi County. The incident was widely publicized through a video recording posted on social media in April 2018, with many inferring that the victim may have been buried alive. The suspect has since been in prolonged detention without trial.

Prohibition of Slavery, Slave-trade, Servitude and Forced Labor: There was no report of any incident or practice of slavery or slave-trade during the period. However, trafficking of children with the motive of subjecting them to domestic servitude is commonplace in Liberia. People usually traffic kids from rural to urban Monrovia under the pretext of having them educated, but most of these children end up in domestic servitude, street peddling and sexual abuse. The government is noted for condemning this condition, but concrete and sustained action is wanting.

Prolonged/Pretrial Detention and Prison Conditions: Very little was done in 2018 to address the situation of prolonged pre-trial detention across Liberia. For instance, only one case was tried during the February 2018 A.D. Term of Court at the 9th Judicial Circuit in Gbarnga, Bong County. The terms of Court at the circuit level in Liberia is 42 days or more depending on the discretion of judicial officials. Thus, the slow pace of trial and fewer days of court sitting often resulted to prolonged pretrial detention and prison overcrowding as evidenced by the fact that pretrial detainees accounted for more than half of the total prison population of Liberia. Besides prison crowdedness, inmates in the major correction facilities were incarcerated in unclean and deplorable sanitary conditions without adequate food, health services, and other necessities such as mattresses. On numerous occasions, the GoL alluded to the lack of capacity and logistics in addressing the appalling prison conditions resulting from prison overcrowding. However, its efforts in tackling the problem have not been adequate enough, given that arbitrary arrests and prolonged detention continued unabated. Given these deficiencies in the justice system, the INCHR and partners have reechoed calls on the GoL to redouble its effort in addressing the problem of arbitrary arrests, prolonged pretrial detention and appalling prison conditions in fulfilment of its domestic and international obligations.

Administration of Justice: The State has established judicial administration in all 15 counties. Yet, accessibility of justice, equal treatment before the law, fair and speedy trial by courts of competent jurisdiction are being restricted. The restriction of accused person's right to bail; the inability of the 33 public defenders deployed across the country to cover their assigned areas, and the inadequacy of prosecutors are among the key factors impeding justice service delivery.

Independence of Judges: Judicial independence is a prerequisite to the rule of law and fundamental to a fair trial, and should therefore be upheld and exemplified by judges in the dispensation of justice. However, judges often show partiality in the dispensation of justice as a result of bribery, social and political connections and in some instances, in submission to influences from the echelon of state power. The lack of an independent body to vet the qualification, competency and integrity of would-be judges also affects the establishment of

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judicial independence. To address anomalies, the justice system needs to be supported and strengthened.

Freedom of Association, Assembly and Movement: The reporting period was without a single incident of state-orchestrated restriction of freedom of movement. The government only imposed a night-time curfew on April 6 in response to a jail break in Gbarnga, Bong County. The curfew was necessary to re-arrest over 21 alleged notorious armed robbers and murderers who escaped jail and posed a serious threat to the population. There is no evidence that this state of emergency was in compliance with article 88 of the Liberian Constitution which declares: *“The President shall, immediately upon the declaration of a state of emergency, but not later than seven days thereafter, lay before the Legislature at its regular session or at a specially convened session, the facts and circumstances leading to such declaration. The Legislature shall within seventy-two hours, by joint resolution voted by two-thirds of the membership of each house, decide whether the proclamation of a state of emergency is justified or whether the measures taken thereunder are appropriate. If the two-thirds vote is not obtained, the emergency automatically shall be revoked. Where the Legislature shall deem it necessary to revoke the state of emergency or to modify the measures taken thereunder, the President shall act accordingly and immediately carry out the decisions of the Legislature.”*

Freedom of Thought, Conscience and Religion: The government, in furtherance of Article 18 of the ICCPR and Article 14 of the Constitution of Liberia, upheld and protected the freedom of thought, conscience and religion. People freely practiced the religion of their choice without hindrance. Christianity and Islam are the leading official religions in the country. There still remains a proposition to amend the Constitution to make Liberia a Christian State. On the other hand while there is no Christian holiday by law, there are calls from Islamic leaders for the State to pass law in support of an Islamic Holiday. Academic institutions also operated without state-imposed disruption.

Freedom of Opinion and Expression: Respect for freedom of speech is among human rights principles safeguarded by the Liberian Constitution and international legal instruments ratified by the government. The Passage of the Freedom of Information Act and the establishment of the Office of the Independent Information Commissioner are remarkable achievements made by Liberia in promoting freedom of opinion and expression. However, the GoL occasionally restricted and at times undermined free speech. On 23 March 2018, the BBC Correspondent in Liberia, Jonathan Paye-Layleh was criticized by President Weah for using his reportage to undermine efforts to reconcile Liberians. Mr. Paye-Layleh was also indicted on 27 March 2018 by the Information Minister while seeking clarification about the President’s comment. In his press release, the Minister accused Paye-Layleh of supporting a warring faction (the National Patriotic Front of Liberia, NPFL) during the 14 years of bloody civil war.

Right to Health: The Government has yet to demonstrate commitment to the right to health. First, access to health service remains a challenge in Liberia, especially in rural communities and for patients of special needs including vulnerable or marginalized groups. Health facilities

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are distant from many communities and road conditions have compounded the problem. In February and March, the C.B. Dunbar Hospital in Gbarnga, the Chief Jallah Lone Hospital in Bopolu, the Telewoyan Memorial Hospital in Voinjama, and St. Francis Medical Center in Cestos reported incidence of severe drug shortage and the lack of electricity to run their respective health facilities. Also, the lack of drugs to treat patients and severe food shortage was alarming during the months of January and February, at the Phebe Hospital in Bong, the Redemption Hospital in Montserrado, the St. Timothy Government Hospital in Robertsport and Sinje Health Center in Sinje. Sick persons seeking medical attention at these health facilities were given medical prescriptions to purchase drug at drug stores across the Country. The INCHR is shortly to release a full Thematic Report on Health Care and Wellbeing with a focus on Mental Health in Liberia.

Right to Education: Liberia's education system has experienced major challenges as other government institutions and service providers. The constitution of Liberia guarantees equal access to educational opportunities and facilities for all citizens to the extent of available resources. Also, the right to education is recognized as a human right in a number of international conventions, including the International Covenant on Economic, Social and Cultural Rights which recognizes a right to free, compulsory primary education for all. However, the many unanswered questions give rise to genuine concern about the future direction in the provision of quality education for all. Liberia's 2011 Education Law which guarantees free and compulsory education for all. Liberia has reneged on its legal and moral obligations by outsourcing pre-primary and primary public schools to private institutions. Another issue of concern in this sector is the huge disparity amongst education institutions in Liberia whether between urban and rural public schools or private and public schools.

Right to Housing: In April 2016 about 20,000 residents of Fendall, Montserrado County were made homeless as a result of a demolition exercise to reclaim land the University of Liberia claims belong to it. The resident have collectively filed an action with the Civil Law Court claiming \$40 million in damage. The action by the State has necessitated residents to recourse to the ECOWAS Community Court in a suit for damages and other remedies. **(Any actions?)**

Right to Land: Generally, more than 60% of Liberians who live on customary land are squatters because community or customary land belongs to Government. This situation becomes worst when customary land is given out to concessions by Government without the input of communities that have inhabited the land for centuries. A Land Rights Bill submitted to the Legislature in 2014 was passed by the House of Representatives and submitted it to the Senate for concurrence in 2017 with most of the safeguard provisions in the proposed act extracted. CSOs are calling for a reconsideration of the 2014 version to provide more protection. (Land rights Act is passed. **How do we reconcile this information?)**

Rights to Work: Approximately 80% of the workforce in Liberia is employed in the informal sector. Although a new labor Act (Decent Work Bill) was passed into law, it only covers employment in the formal sector. Labourers in the informal sector remain largely unprotected and unaccounted for in the formal economy. While the new labor law of Liberia provides for the setting of a minimum wage, this was left to the determination of a Minimum Wage Board which is yet to be constituted or operationalized.

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Recommendations:

1. Justice actors should ensure that cases brought before them are expeditiously investigated and tried by competent authorities in accordance with international standards;
2. That Safe Homes closed during the scale down of INGOs in Liberia be reopened by the GoL to ensure that survivors of Sexual Violence are safe and have access to service providers while going through counselling and treatment;
3. CSOs should continue to take the lead in providing legal education and awareness-raising on human rights and the laws of Liberia to enable citizens to know and understand their rights. This will, in turn, reduce crimes and further deter action which violates human rights
4. The GoL should include all qualified Public School Teachers on its payroll to motivate staffs and attract more qualified personnel to the teaching profession. This may contribute to the progressive realization of the Right to Education in Liberia;
5. The GoL should take concrete steps such as providing necessary financial and material to help ease the appalling conditions of prisons and prisoners across Liberia;
6. The GoL should provide adequate funding and support to the INCHR to allow the Commission to carry out its mandate as enshrined in the act establishing it.

Structure of the Report

The INCHR 2018 Human Rights Situation Report seeks to present the Country's human rights situation from the perspective of the three dimension of human rights - civil and political rights, economic, social and cultural rights and the rights of specialize categories or vulnerable population. The reports is written in three main parts. Part One focuses on Civil and Political Rights and covers issues of rights to life, freedom from torture and ill treatment, freedom of expression and opinion, freedom thoughts, conscience and religion, freedom of assembly and movement amongst others. Part Two focuses on Economic, Social and Cultural Rights and covers issues of rights to health, education, work, housing amongst others. Part Three focuses on Marginalized Groups and Key Population and focuses on women, children and persons with disability amongst others. The report also contains a contextual overview which elaborates conditions surrounding the human rights environment in the Country and against which this narrative of the human rights situation must be appreciated. Before this, there is an Executive Summary which précis the entire report for persons who would want to have a cursory view of the report to form a thought. Highlighted in the Executive Summary is the recommendation for a quick reference. A separate section containing recommendations emerging out of the report follows after the conclusion of the report. The recommendations come in these two sections for the purpose of emphasis.

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Contextual Overview

a. Governance Structure and Human Rights:

Liberia has a Republican form of Government divided between three branches of Government. Article 3 of the 1986 Constitution of Liberia provides that the three branches of government are separated but coordinate. The constitutional framework empowers the Executive to conduct the foreign affairs of the state and conclude international treaties, conventions and similar agreements or frameworks with the concurrence of the Legislature.¹ International human rights treaties must therefore meet the approval of the Legislature through ratification and domestication.² Once they are ratified and domesticated, treaties are enforced to provide greater protection through various institutions. Judicial interpretation and application of human rights norms in human rights litigation further strengthen human rights protection. Liberia is a State Party to the nine core human rights treaties.³ As a state party to these human rights treaties, Liberia is obliged to report regularly on how it has operationalized these treaties. Reporting obligations are primarily purposed to appraise individual State Party performance in terms of compliance with these treaties and conventions. However, Liberia is lagging behind in meeting its reporting obligations to the various treaty bodies as a result of varying challenges. The status of Liberia's responsiveness to her human rights reporting obligation is shown in Appendix B as at December, 2018, Liberia.

b. Transition and the ProPoor Agenda

In January 2018, the first post war democratically elected government of former President Ellen Johnson-Sirleaf handed over power to a new elected government when President George M. Weah took the oath of office. The successful transfer of power from one elected government to another in more than 50 years, renews the hopes and aspirations of Liberians that the wanton disregard and disrespect for human rights that led to and characterized the 14 years of brutal civil war would finally be addressed.

In his Inaugural Address President Weah promised to ensure the full attainment of rights for all Liberians and other residents in Liberia's borders. As a first step the government has developed its national development strategy, the Pro-poor Agenda for Prosperity and Development (PAPD), which provides for the promotion and protection of citizens' rights. The PAPD aims to improve public confidence in national institutions by ensuring justice for the poor and most vulnerable and to provide a rule of law framework that supports economic development through a number of strategies including: improving performance of the judiciary through development of a case management policy and effective case management system; improving judicial service delivery for the poor and vulnerable; improving physical infrastructure for jury management facilities; digitizing court systems, beginning with the commercial courts; and implementing transparency initiative aimed at clarifying court fees

¹ Article 57, Constitution of Liberia

² Article 34f, *ibid*

³ Treaties name (ICCPR, CEDAW, ESCR, CRPD, etc.)

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and costs.⁴ Liberia's commitments to human rights are captured in the National Human Rights Action Plan (NHRAP) which aims to provide guidance to all Ministries, Agencies and Commissions on their role in protecting and promoting human rights. The PAPD also incorporates the SDGs targets including human rights, and is guided by a human rights based approach especially considering the UN Declaration of the Right to Development (UN DRtD). At the same time, the Government has committed to putting in place a National Action Plan (NAP) for the implementation of the United Nations Guiding Principles (UNGPs) on Business and Human Rights (BHR).

Notwithstanding these intentions flagged in the PAPD, the document acknowledges weaknesses within the process of administrating of justice (discussed above under "access to justice" and judicial reform') that have led to excessive pre-trial detention and poor prison condition. Likewise, limited knowledge amongst duty bearers and rights holders about human rights have led to reduced accountability for the promotion and protection of rights. This situation is further exacerbated by harmful Traditional Practices such as female genital mutilation, trial by ordeal, and accusation of witchcraft continue to be practiced contravening human rights protection under the law. The Agenda also alludes to the insufficiency of policy and legal reforms that ensure the effective protection and promotion of human rights. Several constraints hinder the full enjoyment of human rights provided for under the law. The PAPD notes that weakness within the process of administrating of justice have led to excessive pre-trial detention and poor prison condition.⁵

c. The Independent National Commission on Human Rights (INCHR)

The Independent National Commission on Human Rights (INCHR) is one of the outcomes of the Comprehensive Peace Agreement (CPA) that brought the closure of the 14 years Liberian Civil War in December 2003. The Commission was formally established by Legislative Act in 2005 with the mandate to promote and protect human rights and prepare reports on national human rights situation and, inter alia feed head of the three branches of Government with such report. This report is a statutory requirement consistent with the Act creating the Commission, and the Commission's international obligations, as a recognized national human rights institution. The report, is a product of a collective efforts of the Board of Commissioners and the Secretariat. The Commission was also established in accordance with the Paris Principle of December 1993, which gives the Commission a broader mandate to promote and protect human rights.⁶ As a national human rights institution, the Commission has repositioned itself in providing support to the state to facilitate the effectiveness and fulfilment of human rights in Liberia. The INCHR received an "A" status accreditation as an NHRI in April 2017 more than 10 years after its establishment and only 6 years of operations following its reconstitution with the appointment of a Board of Commissioners in 2010. As an "A" status NHRI, the INCHR is more obliged to adequately strengthen the promotion and protection of human rights in Liberia working through three core departments. The

⁴ Section 4.3.3.1, PAPD

⁵ Section 4.3.4, PAPD

⁶

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Department on Complaint, Investigation and Monitoring which advances the INCHR human rights protection functions through monitoring, fact finding, documentation and reporting and also through investigation of complaints received and advancement of remedial recommendations. The Department on Legislative Assistance, Treaty Matters and Law, bears the responsibility of implementing INCHR's mandate to promote and support national efforts that facilitate unconditional State compliance with Liberia's obligations under international human rights conventions, by encouraging the signing, ratifications and domestication of existing and potential international human rights treaties and standards. The Department on Education, Training and Information leads the INCHR efforts toward the entrenchment of human rights culture in the country and to prevent human rights violations through education, training and awareness raising among duty bearers and claims holders. Through these unique yet coordinating departments, the INCHR has actively been providing human rights promotion and protection services to citizens and residents across the 15 political subdivisions of the country as well as to the state and its functionaries.

The INCHR effectively engages with the international human rights system by submitting parallel or shadow reports to the UPR, Special Procedures mechanisms and Treaty Bodies Committees; making statements during debates before review bodies and the Human Rights Council; assisting, facilitating and participating in country visits by the United Nations experts; and monitoring and promoting the implementation of relevant recommendations originating from the human rights system. The Commission's Legislative Act gives it a vertical role of monitoring or ensuring the State's compliance to its human rights obligations and to ensure the protection of the rights of its citizens and residents in Liberia, as well as ensuring redress for various forms of violations. Also, the Commission by Status complies with the Paris Principle and has a boarder horizontal responsibility that monitors compliance to human rights standards by other non-state actors and institutions.

Further, the year in review marked Liberia's celebration of fourteen years of peace, stability and democratic governance. The level of maturity and sense of tolerance demonstrated by political actors, their supporters and Liberians in general in the face of peace-threatening challenges during the electoral process is indicative of Liberians' determination and resolve to keep on the path of sustainable peace, reconciliation and democratic governance as catalysts for social, economic and political growth and development. Yet, the end of the mandate of the United Nations Mission in Liberia (UNMIL) and its eventual departure from the country, generated a mixed reactions with some people wondering as to whether the Government has developed the necessary capacity to fill the security vacuum left by UNMIL and proceed with the facilitation and consolidation of peace in post-UNMIL Liberia. This concern finds genuineness in the reality of the myriad challenges faced by the security sector in an effort of curbing the escalating incidence of crimes across the country, including inadequate logistics, limited numerical strength resulting in lack of and/or negligible security presence in many parts of the country, coupled with poor relationship between law enforcement actors and local communities.

Liberia's response to human rights is basically gravitated towards civil and political rights. This is expressed in the State first National Human Rights Action Plan (NHRAP) which runs from 2013 to 2018. The Issues of economic, social and cultural rights are not being treated and elevated to a point of equal relevance and respect. However, there are discussions underway

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for the drafting of the successor NHRAP which would also take into consideration the targets of the Sustainable Development Goals (SDGs). The Commission is pushing that ESCR be given equal or even more priorities by the Government and a consideration of human rights based budgeting is a good way forward.

Part I: Civil and Political Rights

In September 2004, Liberia became a State Party to the International Covenant on Civil and Political Rights (ICCPR). Article 2 of the Covenant enjoins a State Party to ‘undertake steps to the maximum of its available resources to achieve progressively the full realization of the rights in the treaty. The Covenant covers arrange of rights and freedoms including the rights to life, liberty and security, freedom from slavery and servitude, freedom of thought, conscience and religion, freedom of association and assembly, freedom of movement. The Government of Liberia has endeavoured to ensure its commitment to meeting the core minimum standards in the realization of the rights under the treaty, despite enormous challenges. This section attempts to provide the current situation with respect to the promotion, protection, respect, and realization of the civil and political rights.

1.1. Right to Life

The current Constitution of Liberia guarantees the right to life contained in Article 11 (a) as follows: “All persons are born free and independent and have certain natural, inherent and inalienable rights, among which are the rights of enjoying and defending life and liberty, of pursuing and maintaining the security of the person and of acquiring, possessing and protecting property, subject to such qualifications as provided for in this Constitution.” The constitutional provision is concurrent with Article 6 of the International Convention on Civil and Political Rights (ICCPR) that states: “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” During the period of 2017the Commission recorded incidents of arbitrary deprivation of life and disappearance of individuals. In addition, death penalty still applies in our Penal Code without any expressed intention and determination to amend and harmonize the Penal Code with Liberia’s treaty obligation under the Second Optional Protocol of the ICCPR⁷.

1.1.1. Arbitrary Deprivation of Life

State parties, are required to take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces. As a principle of human rights law, the negative obligations of the State Party include abstinence from actions that leads to the violation of human rights, for example extra judiciary killings; while positive obligation obliges the State party to engage in any activity to secure the effective enjoyment of fundamental rights which include the right to life. During the period, arbitrary deprivations of lives by third party were observed to be perpetrated through two equally gruesome manifestations – ritualistic killing and mob-violence.

⁷ Liberia acceded to the 2nd Optional Protocol in 2004

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a. Murder

Though not sanctioned by the state, arbitrary deprivation of life was allegedly perpetrated by a third party and for various reasons the State failed to adequately respond to the arbitrary deprivation of life and to effectively protect the rights to lives of people within its jurisdiction during the period under review.

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

On 2 April 2018, an unaccompanied kid (Solee Tamba) drowned in an abandoned septic tank on the Kolahun Highway, in Voinjamin, Lofa County. Although the coroner's jury found no one directly linked to the death of the child, the man responsible for leaving the pit exposed along with the deceased parents were charged with negligent homicide but later released to carry on funeral rites. Until now, the case remains inactive whereas negligent homicide is a felonious crime in Liberia.

On 24 April 2018, Joyce Jaywheh, was allegedly killed in the Zoe-Wlor Community of ELWA, Paynesville by a Ford Explorer vehicle. Her valuables were stolen during the process. Joyce is believed to have come from the United States to engage in profit-making ventures in Liberia. The man believed to be the prime suspect in the murder, Francois Brown, remains at large. The LNP arrested two persons in connection with the killing. Those being questioned by the Liberia National Police include the son of the victim.

The obligation of the State to protect the right to life is contained in many regional and international human rights treaties. Article 6 of the ICCPR guarantees that 'every human being has the inherent right to life.' As a core regional human rights mechanism, Article 4 of the African Charter on Human and Peoples' Rights, asserts that 'every human being shall be entitled to respect for his life and the integrity of his person.' The duty to protect right to life, imposes 'an obligation for States parties to take appropriate legal measures in order to protect life from all foreseeable threats, including from threats emanating from private persons and entities.'⁸ In the circumstance where the state has not taken effective measure to bring to justice perpetrators of these killings, the State has failed its obligation. The African Commission on Human and People Rights has expressed the view that a state is responsible for killings of private individuals which are not adequately prevented, investigate or prosecuted by authorities...'⁹

⁸ UN Human Rights Committee, General Comment 6, para. 36

⁹ African Commission on Human and Peoples' Rights, General 3, para. 39

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b. Deprivation of Life by Ritualistic Killing

Ritualistic killings, the extraction of essential human organs (including children) and parts of the body to perform rituals, have become common practice in Liberia, especially during electioneering periods. The wave of such ghastly acts usually escalates during electioneering periods, which forms the basis of a long-held superstition by individuals, especially politicians that they can win elections by means of supernatural powers that come with the use of human blood and parts. From time immemorial, given that government officials and well-placed people in society are often linked to ritualistic murders, very seldom are these kinds of murders completely investigated and tried, perhaps due to political interference or the lack of experts to conduct forensic investigations. Cases for reference are as follows:

On 13 August 2018, Victor Fahnbulleh, a teenage boy mysteriously disappeared in Piankosah Community, Banjor, Virginia, Montserrado County. Three days later, on 15 August 2018, his mutilated body was found near Hotel Africa Virginia Area under circumstances believed to be an act of ritualistic killing also evidenced by missing eyes as well as the discovery of the body in an inaccessible thick bush. A man identified as Alussan Jalloh was arrested and detained by police authorities in Banjor at the Zone 6, Depot on suspicion of murder. However, police Spokesperson on 7 September 2018 declared that Jalloh, the main suspect in the case escaped from detention facility at LNP HQ in Monrovia. No further arrest was made in connection to the killing. Alussan Jalloh is a traditional witch doctor of Sierra Leonean origin. He was allegedly brought into Liberia during the 2017 general and presidential elections by then-representative aspirant William Dekel. His involvement in an abortive intimate relationship with the deceased mother brought him into close contact with her family and others in the neighborhood. The people in Piankosah community became very suspicious of Jalloh's possible involvement in the mysterious disappearance and murder in the sense that before the incident he was heard in the neighborhood recounting how he dreamt and the deceased late father disclosed plans to snatch him away from the surface of the earth. Further to that, in what seemed to be evidence of ritualistic killing, the dead lifeless body was uncovered by Jalloh with eyes extracted, in a thick bush that could have only been identified by someone with prior knowledge of the incident and the area.

The right to life which is premised on the notion that no one should be allowed to take away another's life, except, under circumstances where it becomes necessary to protect lives ([reference](#)). Hence, the gruesome murder cases reported to police authorities need to be properly investigated and the perpetrators held to account for their action. This would serve as a deterrence and send a strong message that impunity has no space in Liberia. But the GoL failure to proceed with criminal proceedings against accused persons sends the wrong message to would-be perpetrators of human rights violations.

c. Deprivation of Life by Mob Violence

The right to life carries responsibility that are heightened when observable patterns have been overlooked or ignored; such is often the case with respect to mob violence, gender

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based violence femicide or harmful traditional practices. Ostensibly, as a result of the perennial ineffectiveness of the justice system, the country continues to witness an unacceptable surge in the incidence of arbitrary deprivation of life with the prevalence of mob killings. The period under review was characterized by incidents of mob violence that resulted into death.

On 29 March 2018, a 26 year-old man identified as Swen (full name) was allegedly killed in the JJY Community of Gardnersville, Montserrado County. The Liberia National Police did not make any effort to arrest any suspect connected to the killing. The victim is also said to have been killed through mob violence.

In similar occurrences, the month of September 2018 saw a rapid increase in the wave of violent crimes resulting in the arbitrary deprivation of life in Ganta, Nimba County. In early September 2018, Eric Dahn, was attacked and brutalized by an angry mob in Ganta City and later died on arrival at the United Methodist Hospital. It is alleged that the suspect is a recidivist and that the mob action was influenced by this perception. On 12 September 2018, another dead body confirmed to be the victim of violent mob action was found near the Ganta United Methodist Compound. The deceased was later identified to be a man with mental disability. On 12 September 2018, a third victim of mob violence, Nelson Gono, narrowly escaped death at the hands of an angry mob in Gbelsela Community, a satellite village of Ganta. Not a single arrest was made by law enforcement officers in any of the three violent mob actions.

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

1.1.2. Enforced Disappearance

There has been no commission of arbitrary and enforced disappearance for the period.

¹⁰ UN Human Rights Committee, General Comment 6, para. 36

¹¹ African Commission on Human and Peoples’ Rights, General 3, para. 39

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1.1.3. The Death Penalty

Liberia still maintains the death penalty in law and practice. Prior to Liberia accession to the Second Optional Protocol and even now, the Liberia Penal Law of 1979 makes aggravated capital offenses punishable by death, and places the responsibility on the jury to consider whether mitigating factors call for leniency. The court may however deliver a lesser sentence even if the jury recommends a death sentence. Due to a sudden increase in violence during armed robberies, and public outcry and demand for government action, the Legislature, on July 16, 2008, passed a criminal amendment of Title 26 Chapter 15 of the Penal Code adding thereto, sections 15.32 and 15.34 making the crimes of armed robbery, terrorism, and hijacking, respectively, punishable by death when they result in death.

In its national report to the Africa Commission on Human and People's Rights in 2012, Liberia recognized that the accession of the Protocol "obligates each state party to ensure that no one within its territory is executed and to take all necessary measures to abolish the death penalty in its jurisdiction." It also indicated that since the accession, the President had commuted all death sentences to life imprisonment. It stopped short, however, of acknowledging an obligation to instruct courts to cease issuing death sentences, or of mentioning any efforts to remove capital punishment from national laws. Since Liberia "reintroduced" the death penalty in 2008, domestic courts have not ceased the passing of death sentences for accused persons. This might be because the relevant amendment has not been made in Penal Code and in addition, most Judges are not well versed in the nuances of applying treaty laws in their judgment. At Liberia's 2010 Universal Periodic Review, the Human Rights Council recommended that the country amend or repeal the 2008 capital punishment amendment, adhere to its international treaty obligations, establish a moratorium on the death penalty, abolish capital punishment, and commute death sentences to life imprisonment. Liberia "neither accepted nor rejected" the recommendations. The 2008 law prescribing the death penalty still remains in force.

1.2. Prohibition of Torture, Cruel, Inhuman or Degrading Treating or Punishment

Freedom from torture and ill treatment as guaranteed by article 7 of the ICCPR require state parties to afford everyone protection through legislative and other measures against torture and ill treatment. Liberia ratified the Convention Against Torture (CAT) on 22 September 2004. The Constitution of Liberia also provides that no one shall be subject to torture or inhumane treatment and mandates the Legislature to make laws criminalizing torture and providing for civil remedy. However, the protection of citizens against torture, inhumane and degrading treatment is not sufficiently guaranteed by the State. The Legislature is yet to promulgate appropriate law to criminalize torture and ill treatments and provide adequate care and remedy for victims. In the absence of domesticating the provisions of the CAT and instituting the enforcement mechanism, the establishment of a zero torture regime remains a tall order in Liberia. Efforts to establish National Preventive Mechanism on Torture as required by the Optional Protocol on the Convention Against Torture (OPCAT), have been dormant during the entire period of 2018. The Liberia National Police and Liberia Immigration Service Act of 2015 established the Civilian Oversight Complaint Board which is yet to be

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operational. Though meetings of statutory members to the Board have been convened there has been no further action in terms of formal induction by the President and budgetary allocation for the operation of the Board. During the monitoring of prisons and detention facilities, the INCHR established semblance of torture.

On 28 February 2018, John David was severely tortured and cruelly punished by security personnel (Boima D. Feakai, Moses Fallah, Varney Capehart, Morris Kiawu and Prince Charlie) of the Same Darby Plantation Area near Tubmanburg. The alleged torture incident became glaring after it was widely publicized through a video recording posted on social media in April 2018, with many inferring that the victim may have been buried alive. Owing to the massive public outcry about the cruel and inhumane treatment meted against the victim, police quickly moved into the plantation area to have the suspects arrested and investigated. Consequently, the House of Representatives set up a fact-finding team to probe the Company's management in connection with the torture allegation. Given the magnitude of torture, the Liberian public expected speedy investigations and trial proceedings to climax the case, but that did not happen as evidenced by the suspect's prolonged detention without trial.

On 8 January 2018, the INCHR confirmed reports that suspect Cheddeh Karlor was tortured while in Police custody by the Deputy CSD Commander of the Zwedru Police Detachment to obtain a confession. Suspect Karlor was arrested and detained by police in Zwedru on 7 January 2018 for allegedly stealing a cell phone valued at 425.00 USD. Also, on 24 January 2018, John Geddeh, an Ivorian refugee. Mr. Geddeh was allegedly tortured by his employer (Mr. Emmanuel Cole) in Bentol, Montserrado on allegation of theft of property and placed behind bars by police thereafter. Suspect Cole was never arrested nor investigated due to the reluctance of police to execute an arrest in the instant case.

In another incident during January 2018, the INCHR confirmed reports of police arrests, maltreatment (torture in some instance) and arbitrary detention of Abel Binda, Papa Kollie, Anthony Binda and Aaron Gbah, residents of Camp 8 Area in Salala Rubber Company's (SRC) concession area. Police action was in response to a violent protest carried out by the Poro Masters (Country Devils) in relation to the mysterious death of its members (William Siafa and Smith George) in the Company's concession area. The protest resulted to the destruction of properties. Since then local law enforcement authorities have failed to bring the perpetrators to justice. Hundreds of terrified residents of Martin Village, David Siafa Village, James Waylee Village, Hawa Boudong Village and Qua-ta Village all in Kpatolee Clan, Lower Bong County fled their homes to seek refuge in nearby communities due to the incident.

The INCHR is aware of the GoL tripartite responsibilities of "respect, protection and fulfillment" to those residents within its border. Therefore, the Commission notified the LNP Margibi County Detachment about the incident and encouraged them to launch a thorough investigation into the matter and hold those responsible to account for their action. The Commission is aware of the GoL responsibilities to those residents within its borders to "respect, protect and fulfill," and continues to notify the LNP and other state apparatus in

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that regard. It will continue to conduct follow-up investigations in the resulting cases to ensure those violating human rights are held to account for their actions.

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

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

1.4. Rights to Liberty and Security of the Person

Article 9 of the ICCPR protects the rights to liberty and security of the persons. “Liberty of person concerns freedom from confinement of the body while security of person means freedom from injury to the body and mind or bodily or mental integrity.¹²The article therefore prohibits arbitrary and unlawful deprivation of liberty including unlawful arrest and detention, unauthorized confinement of prisoners beyond the length of their sentence or extension or other forms of detention. Accordingly, Article 21(f) of the Constitution of Liberia conforms to Article 9 of the ICCPR.

However, arbitrary arrest and detention remains a challenge for the Liberia National Police and other law enforcement agencies in spite of the ongoing reform efforts. At a minimum, providing accused persons their rights under the Constitution when deprived of their liberty remains a challenge.¹³ Moreover, it has been observed that police often arrest and detain individuals on complaints bordered on non-criminal offenses, for example action of debt and breach of contracts. The LNP in conjunctions with state prosecutors are making progress in formally charging and forwarding persons arrested before a judicial tribunal within the constitutionally required 48 hours as prescribed by law. There is one county attorney assigned in each of the 15 counties. Prison records across the country show regular pattern of overcrowdings more than 35% on aggregate beyond prison capacity. The record shows that a significant percentage of inmates are deprived of their right to liberty including detention for other petty criminal and civil offences.

1.4.1 VIOLATIONS COMMITTED BY STATE AGENTS

a. Police Violence

¹² General Comment No. 35

¹³ Article 21 (c) – “Every person suspected or accused of committing a crime shall immediately upon arrest be informed in detail of the charges, of the right to remain silent and of the fact that any statement made could be used against him in a court of law. Such person shall be entitled to counsel at every stage of the investigation and shall have the right not to be interrogated except in the presence of counsel.”

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In Liberia, the police are responsible for maintaining law and order; protecting the fundamental rights of members of the public and their property; and preventing, detecting and investigating a crime. However, police officers are often guilty of committing physical assault and homicide, etc. against members of the public they should be protecting.

On 25 March 2018, Jackson Gardner of the LNP assaulted David Kollie in the Capital Bye-pass for breaking the sewerage line to his house. The assault occurred after the victim refused to immediately repair the damaged done to the sewerage facility as demanded. On 4 April 2018, David reported the incident to police authorities to have the case investigated as required. The police did not probe the complaint filed against Officer Gardner.

On June 2018, LNP officers illegally discharged firearms and severely injured a resident in the Kebbah, Barnesville during a protest action in the area. The protest was sparked by the instant killing of one Motorcyclist by a Truck driver who was allegedly driving at high speed when he bumped into the cyclist. Although police authorities denied ever shooting into the protesting crowd, nurses at the THT Clinic in Bardnesville Area confirmed treating the alleged victim (Helena) of a bullet wound attributed to the Kebbah shooting incident.

The Kebbah shooting incident points to gross negligence on the part of LNP Officers involved. This is because, as a reasonably prudent person, the concerned officers should have known that firing live bullets into an area with many protesters created a high risk of someone being killed or seriously injured. Hence, the Officers acted with gross negligence especially when they acted so differently from the way an ordinarily careful person would act in the same situation. This act amounts to disregard for human life and/or indifference to the consequences of their action.

Also on 17 September 2018, Massah Jallah was assaulted by Police Commander T. Jackson Pah of the PSU in Gbarnga, Bong County following a heated exchange between the two. The victim's assault came about as she attempted cautioning the police commander to refrain from hurling invectives at another lady in public. The facts of the case are, Jackson Pah, a police commander in Gbarnga, used profane language at another lady at the Gbarnga Central Police Station when Massah Jallah, the wife of his fellow police officer cautioned him to desist. He got annoyed and repeated the insults many times to the disapproval of the victim. As she attempted leaving the scene to complain the Police Commander to her husband, he maltreated her in the process thereby severely injuring her to the lip. The incident was reported to the LNP Professional Standard Division. During a follow up investigation, the husband of Massa Jallah, a Police, confirmed that the case was resolved by the security system. The Police Commander told the team, upon receiving the complaint, the case was sent to the Professional Standard Division (PSD) unit for investigation.

It is worth mentioning that the LNP has always had outstanding officers most of whom work tirelessly to serve local communities and the nation. Undeniably, many police officers have paid the ultimate price by putting their lives in harm's way to keep members of the public

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safe. Howbeit, there have always been some bad police officers who keep on violating the law and thereby destroying the image of the service. To deal with the negative public perception created about the police, it is only prudent for those in authority to ensure that cases of misconduct brought against police officers are investigated and punished if required. The INCHR is on record for relentlessly calling on the GOL to expeditiously investigate and subsequently institute punitive measures against acts by security forces that endanger the lives of peaceful citizens demonstrated in the case of the Kebbah shooting incident.

1.5. Prolonged/Pre-trial Detention and Prison Conditions

Article 20 of the Constitution of Liberia and Art. 9 of ICCPR state that no individual shall be deprived of their liberty or subjected to arbitrary arrest or detention except as an outcome of procedures established by law. However, people are stripped of their fundamental rights and liberties in Liberia arbitrarily and at times exposed to dangerous conditions in violation of the Constitution and international laws to which the GoL accedes. Cases for reference are as follows:

In May 2018, Eddie Bestman suspected of Armed Robbery, along with Abraham Jallo, Prince Tee and Otis Sayee, all charged with theft was held by police authorities in Zwedru, Grand Gedeh, for weeks in violation of the 48 Hours' Rule. **Art. 21(f) of the Liberian Constitution** is very clear that *“a person once arrested and detained shall be duly charged and forwarded to the most appropriate court of law within forty-eight hours.”* Thereafter, the court shall commit a said person to further detention upon determining the existence of a prima facie case against him/her. In other cases documented by the Commission, suspects were held without proper recordkeeping in violation of the **Standard Minimum Rules for the Treatment of Prisoners**, which states that *“wherever people are placed in detention, there shall be a bound registration book in which each prisoner received information as regards identity, reasons for commitment and the day and hour of admission and release.”*

Similarly, in early April 2018, the INCHR confirmed that inmates at the Barclayville Provisional Prison (BPP) in Grand Kru, like other detainees at the Gbarnga Central Prison (GCP) in Bong, Kakata Central Prison (KCP) in Margibi, and Voinjamin Central Prison (VCP) in Lofa, were without adequate food, water, medical supplies, and lighting facilities. This situation is also in violation of the **Standard Minimum Rules for the Treatment of Prisoners**. Besides, the provisional facility in Barclayville was overcrowded and unsanitary to the extent that some 13 prisoners, for instance, were detained in a single self-contained cell built for seven – with juvenile offenders and those detainees on account of civil suits sharing the same cell with convicted felons. In clear terms, detainees at the BPP were confined in a single uninhabitable cell that was not separate from dining and, etc., as required. Also, the Zwedru Correction Palace (ZCP) in Grand Gedeh, the Bonewhein and Kakata Central Prisons in Margibi, and the Voinjamin Central Prison in Lofa all reported severe shortages of food, medicines and health workers in April 2018 and preceding months.

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

However, the GoL has often said little about the provision of inadequate support to the prisons other than to deny that it is not providing needed support. The INCHR also observed that very little was done in April, May and June 2018, to address the situation of prolonged pretrial detention across Liberia. For example, there was only one case adjudicated for the February term of Court at the 9th Judicial Circuit in Gbarnga, Bong County. The total amount of release under the 9th Judicial Circuit Court for 2018 is 47 with 4 as females. The terms of Court at the circuit level in Liberia is 42 days or more depending on the discretion of judicial officials.

Thus, the slow pace of trial and fewer days of court sitting often resulted to prolonged pretrial detention and prison overcrowding as evidenced by the fact that pretrial detainees accounted for more than half of the total prison population of Liberia as per records gathered by the Bureau of Corrections and Rehabilitation (BCR). In other words, most if not all the prisons visited by the INCHR were crowded during the reporting period. Besides prison crowdedness, inmates were incarcerated in unclean cells and unsanitary environment.

In May, June and July 2018, the Central Prisons in Cestos, Fish Town, Greenville, and Harper functioned in an unacceptable sanitary state, without properly functioning toilets, etc. Whereas, prisoners at the Sanniquellie and Voinjama Prisons complained of the lack of mattresses and beddings. This situation means that prisoners have been sleeping on the cold floors from the beginning of 2018. Prison authorities at Kakata Central Prison in early April 2018 confirmed to INCHR that inmates were allowed to sleep in darkness due to the lack of stable electricity.

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

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The INCHR is aware of the implications of arbitrary arrest and prolonged pretrial detention, and unsanitary prisons conditions across Liberia and as such advocated with relevant authorities to speedily try and or release pretrial detainees it cannot legally convict in line with the laws of Liberia. These measures are intended to contribute to a reduction in prison overcrowding. Once detainees with lesser and non-violent criminal offenses are released, this would decongest the prisons and address overcrowding.

The GoL often acknowledges flaws in tackling appalling prison conditions caused by prison overcrowding. However, its efforts in addressing the problem have not been substantial as evidenced by the fact that arbitrary arrests and prolonged detention continue to rise daily. In the face of these shortcomings in the justice system, the INCHR continues to reecho calls to the GoL to redouble efforts aimed at addressing the problem of arbitrary arrests, prolonged pretrial detention and appalling prison conditions in fulfillment of its domestic and international obligations. The INCHR will continue to make efforts to have the GoL live up to its international commitments to promote and respect human rights.

On the 8th of January 2018, Paramount Chief Daniel Moore and three others were arbitrarily arrested by police officers acting on the orders of River Cess County Inspector (Mr. Trokon A. Browne) and a former Rebel Commander (Bob Kofi Zah). These arrests and detentions were prompted by the burning of a local mining company facilities by disgruntled youths of the Jo River Area which lie within Chief Moore's area of responsibility. The youth's disgruntlement was triggered by the company's failure to implement a previous social agreement reached with the community. In another instance, Dionysius Sebwe, a former player of the Liberian National Team and teammate of President George Weah, was arrested and intimidated on 23 February 2018, on the orders of Minister Nathaniel McGill for allegedly misapplying property entrusted to him. The arrest was made in the absence of a judicial order.

As a result of arbitrary arrests, pretrial detainees account for more than half of the prison population of Liberia as per prison records compiled by the INCHR staffs in the field during the period under review. For instance, between 1 January and 31 March 2018, Liberia's largest jail, the Monrovia Central Prison (MCP) initially built for 374 inmates accounted for more than 1000 detainees which means the prison population nearly tripled the original capacity. The INCHR is aware of the implications of arbitrary arrest and prolonged pretrial detention, and unsanitary prison conditions across Liberia and as such advocated with justice actors for the speedy trial and or release of pretrial detainees in line with the laws of Liberia. These measures were intended to contribute to addressing prison overcrowding during the period under review. As a result of said advocacy, a number of detainees whose crime(s) were lesser and non-violent in nature were released to decongest the prisons. The following are examples:

On 15 January 2018, the Gbarnga City Magisterial Court released suspect Victoria Kollie and two other suspects after the filing of a criminal appearance bond to secure their release. In March 2018, detainee Ojuku Roberts and Emmanuel Yarbon were granted compassionate

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release to seek medical attention in River Cess County while four other detainees were granted bail by the Cestos City Magisterial Court. The RIA Magisterial Court in Unification Town, Margibi County, in early March 2018, release suspect Kwesi Mensa charged with committing Theft of Property. Also, another suspect yet to be identified was later released in the same month by the Kakata Police Detachment due to the lack of sufficient evidence to prosecute.

The GoL on numerous occasions accepted to having deficiencies in addressing the appalling prison conditions resulting from prison overcrowding. However, its efforts in tackling the problem have not been reasonably enough, given that arbitrary arrests and prolonged detention continued unabated during the months under review. Given these deficiencies in the justice system, the INCHR and partners recently reechoed calls on the GoL during the Africa Pretrial Detention Day message, to redouble its effort in addressing the problem of arbitrary arrests, prolonged pretrial detention and appalling prison conditions in fulfillment of its domestic and international obligations. The INCHR will continue to exert considerable efforts to have the GoL live up to both its domestic and international commitments.

The incidence of pretrial detention, a latent form of human right violations in Liberia, does not only affect inmates but undermines the rule of law as well. **Article 21(f) of the Constitution of Liberia clearly states that when an accused person is arrested and incarcerated, s/he must be appropriately charged, and brought to court or be released within 48 hours to avoid further violation of their human rights.** But the INCHR monitoring report documented more than 500 suspects arrested and detained indefinitely across the country, without being brought before a court of competent jurisdiction.

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

1.6. Administration of Justice

The State has made significant gains in establishing judicial administration in all of the 15 Counties across Liberia to ensure citizens' access to justice. However, there remain challenges in ensuring that all have equal treatment before the law and fair trial by courts of competent jurisdiction. The rights to counsel is not adequately available for accused persons. The public

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defenders (defense counsel) assigned to the 15 counties do not have the capacity to cover their area of assignment, particularly rural communities where traditional justice often applied by local authority to decide serious human rights cases. There are a total of 33 public defenders covering the entire country. Similarly, the inadequacy of prosecutors has been responsible for the undue delay in bringing accused persons to trial. This situation coupled with poor infrastructure (i.e. road) and the late opening of some courts across the country and irresponsiveness of courts in granting bail and the complicated nature of accessing bond result to overcrowding of prisons, and situation of prolonged/pretrial detention.

For example, judicial officials at the 3rd Judicial Circuit Court in Buchanan decried the prevalence of prison over crowdedness and other appalling conditions of the prison. On the issue of prison over crowdedness, the officials attributed this to the huge influx of detainees from magisterial courts in the county. According to one judicial official the eight magisterial jurisdictions in the county are understaffed and in most cases magistrates are not trained to strike a balance between enforcing criminal code section 10.2 which provides for the issuance of the rate of summer as the first instance for cases of non-criminal nature. He added that magistrates are not trained in issues of protecting the fundamental human rights of party litigants. He also stressed the limited number of judicial staff assigned to the County to include one resident Judge, one County Attorney, a public defender and eight (8) magistrates. According to the office of the County Attorney, majority of city solicitors assigned at magisterial courts are not being paid by Government leaving magistrates to serve as Judge, prosecutor and defense lawyer in most instances. . This has greatly hampered the Justice system in Grand Bassa County resulting to overcrowding of the prison facility. Defense Attorney admitted that he is overwhelmed by cases in the magisterial courts. He said magistrates are in constant habits of using Bail Bond as their reliance to incarcerate indigents as oppose to the criminal procedural law section 13.5 which provides for Parole Bond. He further indicated that magistrates often ignore other alternative mechanisms that are available under our legal jurisdiction because of the financial benefits associated with these bonds.

1.1.1. Independence of Judges

Judicial independence is a prerequisite to the rule of law and fundamental to a fair trial. Judicial independence (individual and institutional) shall be upheld and exemplified by judges in the dispensation of justice. However, there is no independent body established to vet the competency, integrity and qualification of would be judges in Liberia. In rare cases, the Liberia the National Bar Association (LNBA) selects from amongst its members a list, submits same to the Chief Justice of the Supreme Court who then forward to the President for nomination to judgeship follow by confirmation by the Legislature. Constitutionally the responsibility of appointing judges is charged to the President of Liberia with the consent of the Senate to

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serve until retirement.¹⁴ However, Article 71 provides that “the Judges of subordinate courts of record shall hold office during good behavior. They may be removed upon impeachment and conviction by the Legislature based on proved misconduct, gross breach of duty, inability to perform the functions of their office, or conviction in a court of law for treason, bribery or other infamous crimes”.

The judiciary law of Liberia provides that

“no person shall be appointed or hold office as judge of a Circuit Court who has not been a citizen of Liberia for at least five years immediately prior to his appointment, who shall not have attained the age of twenty-five years, who is not an attorney licensed to practice and who has not engaged in the active practice of law for at least five years next preceding his appointment, and except for the persons appointed as relieving judges, who is not a resident of the county in which the Circuit Court to which he is appointed, is located. Active practice of law, as used herein is not limited to the direct practice of law, but includes judicial service; governmental service and the teaching of law”¹⁵

In addition to the Constitutional and Statutory requirements for appointment to the judgeship, any lawyer who is selected for appointment to serve as judge of the court of law shall have knowledge of the law and shall have successfully completed the Bar examination and shall have integrity. No person should be asked or selected for appointment who does not meet the requirements such as; a citizen of Liberia and of good moral character; and an Attorney at Law who has practiced for at least 3 years, or a counselor of the Supreme Court Bar.

The Chief Justice of Liberia has the discretionary power of assigning Judges. The Judiciary Law of Liberia states that, “the Chief Justice of the Supreme Court shall assign, on a rotating system, a Circuit Judge to each quarterly session of the various circuits and if all business before a circuit court is disposed of before the expiration of a quarterly session, the Chief Justice shall have the power to reassign the Circuit Judge assigned thereto to sit for the balance of the quarterly session in any other circuit in addition to the Circuit Judge currently assigned there, if he deems such reassignment will aid the prompt disposition of judicial business.¹⁶

The Judicial Inquiry Commission is a body responsible to ensure that judges maintain integrity and transparency it has the authority to recommend the suspension of a judge to the Chief Justice of the Supreme Court after inquiry into complaint against a judge for ethical misconduct. Further, a judge can be suspended by Supreme Court based on a

¹⁴Article 69 of the Constitution states: “the President shall and with the consent of the Senate, appoint and commission Circuit Judges, of whom shall be resident Judges, one for each circuit, and two of whom shall be relieving judges. They shall hold office during good behavior.”

¹⁵ Section 3.7 of the Judiciary Law of Liberia (1972)

¹⁶ Ibid section 3.9

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recommendation from the Judiciary Inquiry Commission. All judges must be lawyer and all lawyers must be licensed to practice law in Liberia.

The Chief Justice appoints members of the Commission with an Associate Justice as Chairman and the Chairman of the Grievance and Ethics Committee as Secretary. As amended in 2017, the current composition of the JIC is two (2) Associate Justices, three (3) Judges of court of records, two (2) Lawyers and two (2) members of Civil Society Organizations. As a qualification all members of the Commission must meet requirements to membership of the institutions/profession as indicated for representation on the commission.¹⁷

The Constitution provides that Judges of the Supreme Court and all other judges receive such salaries, allowances and benefits as shall be established by law. In addition Supreme Court and judges of subordinate courts salaries and allowances may by law be increased but may not be diminished except.¹⁸

1.7. Freedom of Association, Assembly and Movement

There were no reported case of restriction of freedom of association, assembly and movement in 2017. Article 17 of the Constitution of Liberia provides for the right to assemble in a peaceful and orderly manner. Section 22.86(a) (maintenance of public order) of the Liberia National Police Act of 2015 requires that persons desiring to hold any special event in the form of demonstration, march or similar event in any public place to notify the county attorney not less than 7 days prior. For Montserrado County, the notification must be served on the Minister of Justice with consultation with the Inspector General. There is however, no clear regulation on the standards to be applied in evaluating the notification to avoid wide discretion and abuse of power. The law is unclear what happens if there is spontaneous demonstration, match or other similar assembly.

1.8. Freedom of Thought, Conscience, and Religion

Article 18 of the ICCPR protects the rights to freedom of thought, conscience and religion. It is further protected by the general provision of Article 4 of the ICCPR as a right that cannot be derogated from even in time of public emergency. However, while the Constitution of Liberia protects this right, it seems to suggest that it can be derogated from. The Constitution provides that a person shall be hindered in the enjoyment of the rights as may be required by law to protect public safety, order, health, or moral of the fundamental rights and freedom of others. Notwithstanding, every academic institution in Liberia functioned freely without any hindrance during the period covered by this report. Also, there was no report indicating that the government of Liberia imposed a restriction on religious freedom. People were encouraged and allowed to practice the religion of their choice freely.

¹⁷ See Judicial Canon 40 as amended 2017

¹⁸ See Article 72 of the Constitution of Liberia

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1.9. Freedom of Opinion and Expression

Respect for freedom of speech is among human rights principles safeguarded in the Liberian Constitution and international legal instruments ratified by the government. However, the GoL occasionally restricted and at times undermined free speech. For example, on 23 March 2018, the BBC Correspondent in Liberia, Jonathan Paye-Layleh was criticized by President Weah for using his reportage to undermine efforts to reconcile Liberians. Mr. Paye-Layleh was also indicted on 27 March 2018 by the Information Minister while seeking clarification about the President's comment. In his press release, the Minister accused Paye-Layleh of supporting a warring faction (the National Patriotic Front of Liberia, NPFL) during the 14 years of bloody civil war. The BBC Correspondent has since left the country fearing reprisal from supporters of the President.

In another case recounted by the Liberian media, in mid-March 2018, the Front Page Africa Newspaper (FPA) and reporters were indicted for publishing a defamatory story in its newspaper against the administrators (Henry K. Morgan and Moses T. Konah) of the late Lawrence Morgan Estate. It was later found out that the publication was paid for by family members of the deceased estate who sharply disagreed with the way the administrators were running the deceased estate.

On April 9, 2018, seven reporters working with FrontPage Africa (FPA) Newspaper were arrested and detained in Monrovia while the main office was forced to close down after the publication of a story involving Administrators of the late Lawrence Morgan Estate who sharply disagreed on the administration of the estate. However, the detained reporters were later released once payment of \$5,000 United States dollars was made as bond fees. Amazingly, of the many media outlets that published that particular story, only FPA was clamped down on.

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

Furthermore, the INCHR is fully aware of this troubling Libel law in play, where applicants are permitted to request for excessive fees as damages to merely harass and intimidate reporters and media institutions. This situation occasionally results in the confinement of reporters or

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the closure of news outlets. Howbeit, the INCHR join other stakeholders in calling on the government to take concrete steps in reforming libel laws of Liberia, so as, to safeguard journalists and news organs against abuse by the government and members of the public through the imposition of hefty fines in civil libel suits which has severe consequences for members of the struggling media.

Part II: Economic, Social and Cultural Rights

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

2.1. Right to Health

Article 12 (1) of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) provides that ‘[t]he States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.’ The UN Committee on Economic, Social and Cultural Rights has recognized that health is a fundamental rights indispensable for the exercise of other rights. In that light, the Committee has acknowledged that Article 25 (1) of the Universal Declaration of Human Rights did not only speak of right to health but link such right to include food, clothing, housing and medical care and necessary social services. The State obligation in the realization of the right to health falls within three obligations: obligation to protect, respect and fulfill. In 2011 the Country inaugurated a 10 year National Health Policy and Plan (2011-2021) focused on reforming and effectively managing the health sector, to deliver efficient, comprehensive and quality health services that are equitable, accessible and sustainable for all.

Under the ICESCR to which Liberia is a signatory, health care must be guaranteed, accessible and affordable to everyone regardless of their status. In fulfillment of these responsibilities, the GoL must ensure that health infrastructures, goods, and services are available in all the counties of Liberia. Everyone is entitled to the highest possible standards of both physical and mental health, which includes availability and unimpeded access to “medical services, sanitation, adequate food, housing, and a healthy environment. Yet, people’s right to health was never assured during the period under review.

In February and March 2018, the C.B. Dunbar Hospital in Gbarnga, the Chief Jallah Lone Hospital in Bopolu, Telewoyan Memorial Hospital in Voinjama, and the St. Francis Medical

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Center in Cestos reported incidence of severe drug shortage and the lack of electricity to run their respective health facilities. At one point in time, the Telewoyan Hospital in Lofa, confirmed that it required family members of sick persons to contribute a gallon of fuel or two to have power supply running before surgeries were conducted. Also, the lack of drugs to treat patients and severe food shortage was alarming during the months of January and February, at the Phebe Hospital in Bong, the Redemption Hospital in Montserrado, the St. Timothy Government Hospital in Robertsport and Sinje Health Center in Sinje. Sick persons seeking medical attention at these health facilities were given medical prescriptions to purchase drug at private drug stores across the Country.

In April 2018, the Phebe Hospital in Suakoko, the Chief Jallah Lone Hospital in Bopolu, the Telewoyan Memorial Hospital in Voinjama, and the St. Francis Medical Center in Cestos reported severe shortage of drugs and lack of electric power to run their respective facilities. Family members and relatives were often required to purchase prescribed medicines and contribute petroleum products to run the generator before their patients could be treated. Beside the severe shortage of medical drugs, most major referral Hospitals including the St. Francis in Cestos, were without essential materials such as blankets. The lack of adequate drugs to treat patients and severe food shortage during April, May, and June were also reported at the C.B. Dunbar and Phebe Hospitals in Bong and the Sinje Health Center in Sinje, Grand Cape Mount. Sick patients seeking medical treatment at these facilities were given a medical prescription to obtain medicines from Drug stores across the Country. At the Bong Prison Center, two persons (convict and pretrial detainee) got critically ill and were released for treatment but later died. Though medicine is a challenge. In addition, the mattresses on which inmates sleep are in a bad condition and majority are sleeping on old blankets since the withdrawer of ICRC who provided mattress, blankets and bed sheets in previous years.

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

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

Efforts aimed at establishing “Old Folks” homes to cater to the elderly have been undertaken by many private institutions and individuals. Many of these efforts ended up as a failure due to many reasons. Firstly, most of these efforts are tailored to conform to Western practice, and additionally, plans and policies for running these institutions are hap-hazard. Any plans

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

The INCHR advocates and advises that long-term and palliative care could be defined within the African context, where the Elderly as part and parcel of an extended family could be provided all necessary facilities including requisite health care, technology and live within the social luxury of his/her extended family where care is provided accordingly. Neither government nor private individual or institution has drawn up definite program and policies to guarantee older persons the enjoyment of their right to long term and palliative care. Meanwhile, there may be some unofficial policy providing long-term and palliative care for older persons. One of the best practices in adopting and implementing a normative framework for the realization of these rights for the older folks is the promulgation of requisite laws and policies. For Africa creating old folks homes is like ostracizing or rejecting the senior generation. Providing home care with the family could be most welcomed. Older persons along with visually impaired and physically challenged are all along street corners begging for daily bread. While there are some attempts by the government to address the plight of the disabled community, there is no visible effort to address the needs and guarantee the elderly the enjoyment of their right to long-term and palliative care. In essence, older persons have never been factored in any meaningful programs, even in post-war Liberia. There is no such design yet in Liberia. There is no normative and political framework related to long-term and palliative, careless to think of including the participation of older persons. Generally, there are laws that guarantee everyone rights to the enjoyment of life, but there are no specific laws on older persons.

2.2. Right to Education

Article 6 of the Liberian constitution states: “The Republic shall, because of the vital role assigned to the individual citizen under this Constitution for the social, economic and political wellbeing of Liberia, provide equal access to educational opportunities and facilities for all citizens to the extent of available resources. Emphasis shall be placed on the mass education of the Liberian people and the elimination of illiteracy”. Also, the right to education is recognized as a human right in a number of international conventions, including the International Covenant on Economic, Social and Cultural Rights which recognizes a right to free, compulsory primary education for all, an obligation to develop secondary education accessible to all, in particular by the progressive introduction of free secondary education, as well as an obligation to develop equitable access to higher education, ideally by the progressive introduction of free higher education. Liberia is a party to the Covenant. In addition to access to education provisions, the right to education encompasses the obligation

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to avoid discrimination at all levels of the educational system, to set minimum standards and to improve the quality of education. However, the many unanswered questions give rise to genuine concern about the future direction in the provision of quality education for all.

Liberia's education system has experienced major challenges as other government institutions and service providers. The constitution of Liberia guarantees equal access to educational opportunities and facilities for all citizens to the extent of available resources. Also, the right to education is recognized as a human right in a number of international conventions, including the International Covenant on Economic, Social and Cultural Rights which recognizes a right to free, compulsory primary education for all. However, the many unanswered questions give rise to genuine concern about the future direction in the provision of quality education for all. Liberia's 2011 Education Law which guarantees free and compulsory education for all. Liberia has reneged on its legal and moral obligations by outsourcing pre-primary and primary public schools to private institutions.

Furthermore, the educational system faces inadequate budgetary appropriation, the lack of logistics coupled with poor accountability and supervision of education facilities. "Volunteer teachers" flocked the classrooms without pay as the MOE payroll is flaunt with intractable ghost names. Delays in salary disbursements for public school teachers, coupled with huge bureaucracy in processing Personnel Action Notice Form (PAN) for employees, negatively impact the performance of teachers. Sometime these actions take up to five years for an employee to begin receiving salary. The delays in processing these forms have resulted to the irregular attendance of teachers in classrooms. In addition to the numerous problems faced by the education sector, "traditional schools" (traditional society) which in some counties result in the partial closure of academic institutions with school authorities incapacitated to take remedial actions. The partial closure of schools during traditional schools operations is negatively impacting the government's Compulsory Education System and children's right to education. On the issue of livelihood support for unpaid teachers, the Parent Teachers Associations (PTAs) of some schools usual intervene by contributing some little fund to assist those teachers through the County Education Board.

2.3. Right to Housing and Land

2.3.1. Housing

In April 2016 about 20,000 residents of Fendell, Montserrado County were made homeless as a result of a demolition exercise to reclaim land the University of Liberia claims belong to it. The residents have collectively filed an action with the Civil Law Court claiming \$40 million in damage. The demolition exercise has rendered thousands of residents homeless. Residents of the community claimed that they have lived in the community for more than fifty years with valid deeds but the Government chose to demolish their homes without due process. Article 25 of the Universal Declaration of Human Rights states that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control." Additionally, The Africa Commission on Human and Peoples' Rights expounding on Article 16 of the African Charter on Human

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and Peoples' Rights in the case, *SERAC v. Nigeria*, stated that 'the right to property, and the protection accorded to the family forbids the wanton destruction of shelter because when housing is destroyed, property, health, and family life are adversely affected.'¹⁹ The action by the State has necessitated residents to recourse to the ECOWAS Community Court in a suit for damages and other remedies.

2.3.2. Land

Generally, more than 60% of Liberians who live on customary land are squatters because community or customary land belongs to Government. This situation becomes worst when customary land is given out to concessions by Government without the input of communities that have inhabited the land for centuries. Traditional leaders, civil society, government representatives, law makers and the cabinet of Liberia, at a National Conference called by the President in 2013, validated the Land Rights Policy which was translated into a Land Rights Bill and submitted to the Legislature to address these and other and tenure issues. The Bill was passed into law. However, most of the safeguard provisions in the proposed act were extracted. CSOs are calling for a reconsideration of the 2014 version to provide more protection. Land is not a mere commodity, but an essential element for the realization of many human rights. Land is a cross-cutting issue that impacts directly on the enjoyment of a number of human rights. For many people, land is a source of livelihood, and is central to economic rights. Land is also often linked to peoples' identities, and so is tied to social and cultural rights. In most specific cases in parts of the country, women do not own land in the absence of consent from men or their spouses.

2.4. Rights to Work

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

In early January 2018, the INCHR concluded an investigation into complaints of bad labor practices meted against casual laborers working at the Ministerial Complex under construction in Congo Town by the Jiangsu Provincial Construction Group Co., Ltd, Liberia. The Commission found that the Jiangsu Provincial Construction Group Co., Ltd refused to pay overtime benefits to the casual laborers as required by law. Besides the overtime payment issue, the Company's management was engaged in the summary dismissal of workers without justification.

Mr. Kiamo Kamara, a driver of CHICO Construction Company, was assaulted by one senior manager of the Company only identified as Mr. Lajah, on 3 January 2018, in Fish Town River Gee. No attempt was made by the police to investigate the complaint or forward the accused

¹⁹*Social and Economic Rights Action Center and the Center for Economic and Social Rights V. Nigeria*

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to court although the Commission continues to advocate with police authorities to expeditiously investigate the complaint.

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

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

In May and June of 2018, the INCHR confirmed the existence of bad labor practices at Bridge Stone, Formerly Firestone Rubber Company (FRC). In what seemed like a bad labor practice the Commission observed that Bridge Stone had violated the Decent Work Law of Liberia by: (1) Underpaying its employees as required by law; (2) Refusing to pay for overtime work done by employees (3) Poor living and working conditions (lack of decent homes and electricity etc.). For instance, each tapper is tasked with the responsibility to tap 750 rubber trees as opposed to the 1500 trees they are required to tap daily. Also, an exorbitant amount of \$5.00 was deducted from the salary of an employee every time S/he is absent from job in contradiction of the \$3.00 S/he receives per day. In other words, Bridge Stone Liberia continues to underpay its employees despite making them work for long hours outside of the legal working hours as required. Furthermore, the company has on many occasions failed to provide good housing facilities with electricity for its employees. Casual laborers are allowed to work for more than five years without a right to full employment status whereas, the probationary period runs for six months' maximum if the employee desire employment.

In 2015, Liberia enacted a New Labor Law called the "Decent Work Act." The Decent Work Act is mainly applicable to those working in concession areas. However, much still needs to be done in respect of enforcement and accountability.

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Part III. Right of Marginalized Groups and Key Population

3.1. Rights of Persons with Disability

Discrimination against the disabled is illegal but widespread, especially in the countryside. Most public buildings are inaccessible to disabled people, and there is no law requiring them to be accessible. There is a National Commission on Disabilities but it is not effective at protecting disabled people's rights.

The laws of Liberia frown on discrimination against individuals with mental, and physical disabilities, the visually impaired, and hearing impairment, etc. However, such individuals never had equal access to governmental services as those with an able body. The law does not make it mandatory for everyone to have access to public buildings. Public utility facilities were mostly inaccessible to members of the disabled community.

On the 3 March 2017, members of the disabled community in Lofa County launched a formal complaint to the United Nations Mission in Liberia (UNMIL) Human Rights and Protection Section that the community college classes and restrooms were not disabled friendly. The complaint was verified and communicated to the college administrator who acknowledged the concerns of the people with disabilities and promised to address the problem in time. But, nothing substantial has been done about the concerns of the citizens with a disability attending the Community College.

Various agencies of government including Ministry of Health and Social Welfare (MOHSW) and the National Commission on Disabilities (NCD) are charged with the responsibilities of promoting and protecting the rights of people with disabilities, but they did not do their work well. Nevertheless, awareness raising was conducted on persons with disabilities by the Ministry of Health and Social Welfare and the National Commission on Disabilities. NGOs were very so generous and provided the disable people a number services.

3.2. Women Rights

3.2.1. Rape

Liberia in 2005 passed a New Rape Law that expanded the definitions of rape to include Gang Rape and Statutory Rape which carries a maximum sentence of life imprisonment. However, the enactment of these strong laws has not significantly reduced rape. It was the anticipation of the framers of this law that prescribing maximum penal sentence would deter the commission of the crime. Besides, the New Rape Law is rarely implemented to the fullest extent of the law as in the following examples. Rape remained widespread just as impunity for the crime remained prevalent during the period under review. Though the New Rape Law legislated in 2005 expanded the definitions of rape to include Gang Rape and Statutory Rape which carries a maximum sentence of life imprisonment, amazingly, the New Law has not significantly contributed to a reduction of the crime. This is simply because the Law is hardly

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implemented to the fullest extent as anticipated by its framers. In simple terms, the New Rape Law has not deterred the crime as evidenced by the following reports.

In early January 2018, a schoolgirl was allegedly raped by her principal in Bomi County. The case is still lingering at the Tubmanburg Police Station while the girl is bullied daily by her schoolmates and neighbors. She may likely quit school as a result of bullying about her ordeal (rape). This situation is further compounded by the lack of Safe Home in the county to cater to survivors of sexual violence as in other counties across the Country.

On January 3, 2018, a 55 year-old man allegedly raped his 11 year-old stepdaughter in Yambour Village, Gbarpolu County. The suspect was later arrested by the citizens but escaped while en route to the nearest police station. Due to limited police presence in Gbarpolu County, suspects often get away with crimes. The issue of suspects evading arrest and prosecution often lends credence to the notion of impunity.

On 19 February 2018, two male students between the ages of 21 and 28 allegedly raped an 18 year-old female student in Voinnama Town, Lofa County. The students were on vacation at the time the incident occurred. The crime was reported to the Police Women and Children Protect Section (WACPS) in Voinjama, Lofa County. However, no arrest was made about the offense.

On 6 April 2018, traditional authorities in Aligazu Town, Lofa County confirmed that a two years old girl was sexually assaulted. The sexual assault allegedly took place while the minor was in the custody of her father (Aaron Karsor) as the mother (Elizabeth Goyan) went to seek medical attention at a nearby Health Center in Zenalormai Town. Until now, no arrest has been made in the instant case for what police called the lack of substantial evidence even though the survivor's father was liable for negligence and failure to exercise the duty to care.

Also, in Central Voinjama, Lofa County, on the 20 April 2018, a 15 years old girl (Kebbeh Jallah) was allegedly gang-raped by four males while returning from a wake keeping event that night. The survivor who could only identify one of the suspected rapists was examined and treated at the Telewoin Hospital thereafter. Though a prima facie evidence (Cloth used to suffocate the victim) was available for reference to confirm the identity of the perpetrators, no arrest was made by the police in connection with the crime. The perpetrators are said to be on the run while there is no clear indication that state security agents are going after them.

Given that rape is a first-degree felony, when the crime is committed, those linked to the commission of the said crime should be appropriately investigated and tried within the criminal justice system as required by law. In this way, survivors of rape and other crimes would get justice, which may, in turn, address impunity and establish the rule of law. The Commission will continue to advise the various justice actors to stay within the ambit of the law all of the time.

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During the months under review, the INCHR found that unreasonable delays during criminal investigations and the level of humiliations associated with rape occasionally gave rise for survivors to abandon their case, stop cooperating with the state or reach a compromise with their perpetrator(s). This lack of cooperation in most instances leaves the state with no option but to nullify cases as required by law. However, a well-known fact is that the state has all the justice apparatuses at its disposal. Therefore, its failure to proceed with criminal cases for more than two terms of court is substantial ground for the dismissal of claims against accused person(s). Given that rape is a serious crime, a rapist should be appropriately tried by the criminal justice system, in line with the safeguards provided by law.

Tackling rape in Liberia requires law enforcement agents of government and various other justice actors mustering the courage to confront the issue head on by thoroughly investigating, prosecuting and appropriately sentencing the perpetrators to serve as deterrent. This will ensure that survivors get access to justice, and bring an end to the culture of impunity for perpetrators. The Commission will continue to advise justice actors to stay within reach of the law when dealing with criminal matter.

3.2.3. Female Genital Mutilation

Female Genital Mutilation or FGM a harmful traditional practice was mainly conducted on teenage girls and women. The practice had to do with the mutilation of female genital using unsterilized objects. The practice of FGM has serious health and human right implications for girls. It was mainly performed on women and girls between the age of four (4) and Forty-five (45). On many occasions, females experienced harassment, intimidation and various forms of torture from traditional people including family members. The force used to compel mainly teenage girls and women not wanting to undergo FGM become so irresistible that some women had to occasionally flee from their hometown to get away from the practice. The horrifying thing about FGM is that it continues unabated due to the government of Liberia lackadaisical stance on making the practice illegal. Because of Liberia's reluctance to eradicate the practice, it continues to devastate the lives of women and children.

3.3. Child Rights Violations and Abuse

Child rights were hardly protected in Liberia during the reporting period January to March 2017. However, the government in 2011 instituted some measures concerning justice for minors but enforcing these laws and legal procedures relating to the protection of delinquent juvenile continued to be defective. The police often failed to conduct a proper investigation in rape cases involving teenage girls and boys thus letting those culpable of severe crime (rape) off the hook.

A significant number of rape cases monitored by the INCHR involving accused male juveniles went mostly unprocessed at police depots under the pretext that the court may not penalize the minors because they are immature. For example, in Kolahum Lofa County, on 21 March

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2017, a rape case involving two juveniles (Yoko Konneh 7 years and Yama Kpehe 13 years) referred to the Women and Children Protection Section (WACPS) of the Liberian National Police (LNP), was never properly investigated nor forwarded to the court in conformity with the law. Instead, the police without any legal justification released the accused into the custody of his parents on the ground that he was a minor. The INCHR took serious exception to their release and informed the County Attorney about such lapse in the justice system. It is still unknown whether the case will be processed up to the Circuit Court level.

Child labor was very much prevalent in Liberia especially in Monrovia and its environs due to poverty. Abject poverty increased the unlikelihood for children in the rural parts of Liberia to pursue education, and so, teenagers were engaged in street vending, panhandling, and working on rubber tree plantations.

On 9 March 2017, INCHR monitors visited and observed a significant number of children crushing rocks on the Congo Town Back Road, and GSA Road Communities to enable them to earn a living. The parent(s) or guardian(s) of teenagers actively involve with rock crushing for daily sustenance, informed INCHR monitors, during an interactive discussion that their children were not directly involved in the actual rock breaking process but mainly assisted in separating the crushed rocks into different categories. On the contrary, the children were seen playing similar roles as their parents. Other parents confirmed that their children were allowed to crush rocks to enable them to contribute to the income generation of the family due to the high cost of living, the lack of finances to pay children school fees and meet other household needs. Children were also seen moving crushed rocks over to vehicles for uploading when buyers came to purchase rocks.

On 10 March 2017, in the Red Light Market, the INCHR monitors saw a scene of rampant street vending and pan peddling by children between the ages of Ten (10) and fifteen (15). Some of these kids informed the INCHR that they were sent to Monrovia by parents to live with family/about be able to go to school but ended up selling pure water and other commodities to make ends meet.

The government of Liberia has outlawed employing children that are below sixteen (16) years during school hours and exposing them to dangerous working conditions. But these laws are seldom respected by the public and enforced by the government. The government of Liberia needs to muster the courage to implement international laws on child protection and take its international obligations seriously to promote and protect children rights in Liberia.

However, Child labor was the most prevalent form of Forced labor taking place mainly in the informal sector. Child labor in the formal sector have been significantly addressed and brought under control. In the informal labor sector, for example, teenage children purportedly between the age of five and twelve were taken from their homes in the interior part of the Country to perform domestic tasks for families other than their own in urban areas such as Monrovia and Paynesville etc. In many instances, these children are brought from the hinterland of Liberia and send to do street peddling and hawking in the commercial districts of Liberia for survival.

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4.0. Conclusion and Recommendations

4.1. Conclusion

This report captures the general situation of human rights in Liberia, taking into consideration human rights violated through acts of commission and omissions by the State and private individual (s). It provides analyses and updates on the status of cases monitored and investigated through INCHR complaint handling mechanisms with the view of highlighting progress made and challenges encountered along the criminal justice highway (police/prosecution office/court/correction). The report further underscores that impunity continued to be a serious challenge in addressing human rights in Liberia in the face of a weak attempt by justice actors to conduct a proper investigation, prosecute, and penalize those responsible for committing human rights violations and abuse.

The GoL acknowledges weaknesses within the process of administrating of justice that have led to excessive pre-trial detention and poor prison condition. Likewise, limited knowledge amongst duty bearers and rights holders about human rights have led to reduced accountability for the promotion and protection of rights. The Government also alludes to the insufficiency of policy and legal reforms that ensure the effective protection and promotion of human rights. Several constraints hinder the full enjoyment of human rights provided for under the law.

The INCHR is aware of the fact that the GoL is a party to a number international human rights protocol and as such must take seriously its international obligations. Therefore, the Commission on a number of occasions called on the government not to condone actions which openly violate international human rights standards that it must promote and protect. The Commission believes that the GoL should adopt and implement holistic approaches with far-reaching impacts in addressing various human right violations. These include:

That state-owned institutions, non-governmental organizations (NGOs) and civil society organizations (CSOs) carrying out continuous awareness raising activities in the communities to sensitize citizens on the consequence of mob violence and its implication for the society.

The Justice actors should work hard to ensure cases brought before them are expeditiously investigated and tried by Liberian laws and international standards.

That the civil society organizations and citizens of Liberia should lead a comprehensive review process on national discriminatory statutes and undertake research and analysis to provide recommendations with the view of enhancing response to discrimination at all levels.

That survivors of sexual violence should be given the needed support that would ensure that they have access to adequate remedy and redress.

That continuous legal education and awareness raising be done on the laws of Liberia to enable citizens to know and understand their laws. This will reduce crimes and further deter actions which violate human rights.

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

This report captures the general situations of civil, political and economic, social and cultural rights violation committed through acts of commission and omissions by the State and private individual (s). The report also provides analyses and updates on the status of cases monitored, investigated and referred by the Commission to relevant authorities with the view of highlighting challenges encountered, progress made along the criminal justice highway (police, prosecution office, court, and corrections) and recommends action needed to address the problems. Lastly, the report underscores that impunity continues to serve as a hindrance to addressing human rights violations and abuse in Liberia and thus proffered many recommendations (prosecution of perpetrators and the provision of relief for victims of crimes).

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4.2. Recommendations

To the Executive:

1. The GoL should take concrete steps such as providing necessary financial and material to support to ease the appalling conditions of prisons and prisoners across Liberia;
2. That Safe Homes closed during the scale down of INGOs in Liberia be reopened by the GoL to ensure that survivors of Sexual Violence are safe and have access to service providers while going through counselling and treatment;
3. The GoL should include all qualified Public School Teachers on its payroll to motivate staffs and attract more qualified personnel to the teaching profession. This may contribute to the progressive realization of the Right to Education in Liberia;
4. The GoL should provide adequate funding and support to the INCHR to allow the Commission to carry out its mandate as enshrined in the act establishing it.

To the National Legislature:

- 1.
- 2.
- 3.

To the Judiciary:

1. Justice actors should ensure that cases brought before them are expeditiously investigated and tried by competent authorities in accordance with international standards;
- 2.
- 3.

The Civil Society:

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

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rights. This will, in turn, reduce crimes and further deter action which violates human rights;

- 2.
- 3.
- 4.

To the Human Rights Defenders in Liberia:

- 1.
- 2.
- 3.

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Appendix A: Treaty Reporting Schedule

TREATY	SIGNED	RATIFIED	INITIAL REPORT	PERIODIC REPORT	LAST REPORT	DATE DUE
International Convention on the Elimination of All Forms of Racial Discrimination 1969	Nov. 5, 1976(a)		States must report initially one year after acceding to the Convention	every two years	N/A	N/A
International Covenant on Civil and Political Rights	Apr. 18, 1967	Sept. 22, 2004	States must report initially one year after acceding to the Covenant	every four years	Dec. 9, 2016	
Optional Protocol to the International Covenant on Civil and Political Rights 1976	2004	NA	States must report initially one year after acceding to the Covenant	every four years	Not yet	Not yet
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty :1991	Sept. 2005(a)	NA	States must report initially one year after acceding to the Covenant	every four years	Not yet	Not yet
International Covenant on Economic, Social and Cultural Rights :1976	Apr. 18, 1967	Sept. 22, 2004	States must report initially within two years of accepting the Covenant	every five years	N/A	JUNE 30, 2017
Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	NA	NA	States must report initially one year after acceding to the Covenant	every five years	N/A	N/A
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1987	Sept 22, 2004(a)	Not yet	States must report initially one year after acceding to the Convention	every four years	N/A	OCT. 22, 2005
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Sept 22, 2004(a)	Not yet	States must report initially one year after acceding to the Covenant	every four years	Not yet	Not yet
Convention on the Rights of the Child	Apr. 26, 1990	Jun, 4, 1993	States must report initially within two years of accepting the Covenant	every five years	Nov.9 2011	JAN.3, 2018
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	2004	Not yet	States must report initially within two years of accepting the Covenant	Report included in CRC report	Not yet	Not yet
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	Sept. 22, 2004	Not yet	States must report initially within two years of accepting the Covenant	Report included in CRC report	Not yet	Not yet
Optional Protocol to the Convention on the Rights of the Child on a communications procedure :2014	Sept. 22, 2004	Not yet	States must report initially within two years of accepting the Covenant	Report included in CRC report	N/A	N/A
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	Sept. 22, 2004	Not yet	States must report initially one year after acceding to the Convention	every five years	Not yet	Not yet
International Convention for the Protection of all Persons from Enforced Disappearance	NA	Not yet	within two years of acceding to the treaty.		Not yet	Not yet
Convention on the Rights of Persons with Disabilities	Mar. 30, 2007	Jul, 26 2012	States must report initially within two years of accepting the Convention	Every four years.	Not yet	AUG. 26, 2014
Convention on the Elimination of All Forms of Discrimination against Women	Jul. 17, 1984(a)	N/A	States must report initially one year after acceding to the Convention	every four years	April 10, 2014	
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	2004	N/A	States must report initially one year after acceding to the Covenant	every four years		