

INDEPENDENT NATIONAL COMMISSION ON HUMAN RIGHTS (INCHR)

ANNUAL REPORT 2016



TABLE OF CONTENTS

Pages

LIST OF ACRONYMS	i
FOREWORD	iii
CHAIRPERSON’S MESSAGE	iv
PROFILE OF THE INCHR	vi
MEET OUR CURRENT BOARD OF COMMISSIONERS	vii
EXECUTIVE SUMMARY	x
PART 1: INCHR’S PERFORMANCE REVIEW 2016	1
1.1. Contextual overview	1
1.2. Structure of the Report	2
1.3. INCHR Performance – 2016	3
1.3.1. Department of Administration and Budget.....	3
1.3.2. Department of Planning, Internal Monitoring and Evaluation	6
1.3.3. Department of Complaints, Investigation and Monitoring	10
1.3.4. Department of Legislative Assistance, Treaty Matters and Law	13
1.3.5 Department of Education, Training and Information.....	15
1.3.5. Community-based Truth Telling and Atonement Project/PMU	18
SECTION II: THE STATE OF HUMAN RIGHTS SITUATION IN LIBERIA	21
2.1. Human Rights Context.....	21
2.2. CIVIL AND POLITICAL RIGHTS	21
2.2.1 Rights to life and Security of the Person.....	22
2.2.2. Prohibition of torture and ill-treatment	23
2.2.3. Freedom of Expression	24
2.2.4. Human Rights and Administration of Justice	25
2.2.5. Trafficking in Persons.....	27
2.3. Economic, Social and Cultural Rights	27
2.3.1. Right to Health.....	27
2.3.2. Right to Education	29
2.3.3. Right to Housing.....	29
2.4. Vulnerable Groups	30

2.4.1.	Women’s Right.....	30
2.4.2.	The Rights of Persons with Disability	31
2.4.3.	Child Labor	32
3.0.	Conclusion and Recommendations	32
3.1.	Conclusion.....	32
3.2.	Recommendations.....	34
Appendix A: FINCIAL STATEMENT – YEAR END JUNE 2016.....		35
Appendix B: Liberia Treaty Obligations



LIST OF ACRONYMS

LIS	Liberia Immigration Service
BOC	Board of Commissioners
CPA	Comprehensive Peace Agreement
CSA	Civil Service Agency
CSO	Civil Society Organization
DAB	Department of Administration and Budget
DCIM	Department of Complaint Investigation and Monitoring
DETI	Department of Education, Training and Information
DLATMAL	Department of Legislative Assistance, Treaty Matters and Law
DPIME	Department of Planning, Internal Monitoring and Evaluation
ECOWAS	Economic Community of West African States
EU	European Union
FGM	Female Genital Mutilation
GANHRI	Global Alliance of National Human Rights Institution
GSA	General Services Agency
GT	Guarantee Trust (Bank)
HR	Human Resource
HRPS	Human Rights and Protection Section (UNMIL)
ICCPR	International Covenant on Civil and Political Rights
INCHR	Independent National Commission on Human Rights
LEC	Liberia Electricity Corporation
LIPA	Liberia Institute of Public Administration
LMDI	Liberia Media and Democracy Institute
LNP	Liberia National Police
MAC	Ministries, Agencies and/or Commission
MGCSP	Ministry of Gender, Children and Social Protection
MOJ	Ministry of Justice
NASSCORP	National Social Security Corporation
NHRAP	National Human Rights Action Plan
NHRI	National Human Rights Institution
OSIWA,	Open, Society Initiative for West Africa
PMU	Project Management Unit
PPCA	Public Procurement and Concession Act

PPCC	Public Procurement and Concession Commission
PH	Palava Hut
QIP	Quick impact project
RESH	
RIA	Roberts International Air Port
SDG	Sustainable Development Goal
SGBV	Sexual and Gender Based Violence
TIN	Taxpayer Identification Number
TRC	Truth and Reconciliation Number
UNDP	United Nations Development Program
UNMIL	United Nations Mission in Liberia
VOSEIDA	Volunteer to Support International Efforts in Developing Africa
WACPS	Women and Children Protection Section (LNP)
YMCA	Young Men Christian Association

FOREWORD

Herron S. Gbidi, Executive Director, INCHR¹



Human Rights fundamentally are at the core of both democracy and development and cannot be ignored in the remodeling of our governance and development architecture. The practice of human rights runs straight through our design/redesign of development plans or policy formulations to implement and measure outputs, outcomes and impacts. The Liberia Agenda for Transformation and the National Budget amongst other sectorial policies are knowingly or unknowingly policy instruments for the realization of human rights. However, too often are policies developed without regard to obligations of the Liberian State as party to various international human rights instruments. The INCHR as a National Human Rights Institution, consistent with the Paris Principles, is mandated to promote human rights by ensuring that national development plans/budget is linked to fulfill basic human rights in Liberia. This is only possible where policy makers recognize the centripetal role of human rights and the need to strengthen the capacity of the INCHR as an international obligation and a national priority.

This report speaks to the linkage stated above and it has been designed to communicate the structure, composition, intervention, achievements, challenges, as well as, a perspective on the human rights situation in Liberia. Such design is necessary to allow policy makers including the Legislative, Executive and Judicial Branches of government connect with INCHR in the efforts to promote and protect human rights in Liberia. Of particular significance is the ensuing general elections of 2017 which are very critical to the peace and stability of our democracy. With the presence of her Human Rights Officers in all of the fifteen counties, the INCHR in addition to serving her human rights mandate lends support to monitor violation of administrative justice issues proscribe by the Code of Conduct Act. The INCHR will require support to monitor and promote free, fair and credible elections.

¹ Herron Seikay Gbidi is a Human Rights and Social Justice Activist since 1999. He co-founded the Movement for the Defense of Human Rights, the Foundation for Human Rights and Democracy in Liberia and the Liberia Action Network on Small Arms (LANSA). He served as Secretary of the Transitional Justice Working Group which facilitated the establishment of the INCHR and TRC in Liberia. He also served as civil society focal person in preparing the TRC Economic Crimes Hearing. In 2012, he served as Snr. Policy Analyst on Public Sector Reform at the Governance Commission and Executive Director of the Foundation for Human Rights and Democracy in 2010. He holds a MA Human Rights and Conflict Management and a BA in Political Science from the University of Liberia.

MESSAGE FROM THE ACTING CHAIRPERSON

This message addresses four key issues. The first issue is about the necessity of the Independent National Commission on Human Rights (INCHR). The second looks at the relevancy of the INCHR, while the third deals with the achievements and the fourth presents the challenges of the Commission. Most Liberians abroad and at home continue to ask why the INCHR? Is the Commission necessary and relevant? What has it done and what is it doing? Therefore, this message is an attempt to provide answers to these questions in a brief synopsis.

Firstly, the INCHR is necessary to correct Liberia historical wrongs of human rights violations and prevent both the current and future human rights abuses and violations, through the promotion and protection of the human rights of all and every Liberian and residents within the borders of the Republic of Liberia.

This legal obligation and responsibility is drawn from two cardinal mandates: the constitutional mandate as enshrined in Chapter Three of the 1986 Liberian Constitution, detailed in Articles 11-26 and the legislative mandate in Article IV which spells out the functions of the INCHR.

Secondly, the relevance of the Commission anchors on several grounds; mainly, the Universal Declaration of Human Rights (UDHR), specified into the two famous international covenants: the International Covenants on Civil and Political Rights (ICCPR) and the International Covenant on Economic Social and Cultural Rights (ICESCR); the African Charter on Human and Peoples Rights (ACHPR) also other human rights instruments. Consequently, it must be noted with emphasis that the promotion and protection of human rights is not only cardinal but also indispensable and critical preconditions for good and democratic governance, stability, rule of law and development.

Thirdly, the INCHR was not only established by the Constitution and an Act of the Legislature, but is also to be and remain accountable to the government and people of Liberia, and local and international partners through visibility and annual reports. As a result, this annual report is mandated by Article IV (17) which states that the commission is to prepare and submit written reports to the heads of the three branches of government thereby demonstrating accountability and transparency and sharing of information.

Finally, the annual report for 2016 contains the achievements and challenges and it is divided into two main components. Part I focuses on the INCHR's performance and provides summaries of the five departments' mandates, interventions and achievements; While part II deals with, and presents the current human rights situation in the country and looks at core human right issues, with focus on the two components: ICCPR and ICESCR, and a thematic area which focuses on vulnerable groups: women, children and persons with disabilities.

The INCHR during 2016 made many achievements as stated in the report; but the greatest is the granting of "A" status by the Global Alliance of National Human rights Networks (GANHRNs), based in Geneva, Switzerland, after a competitive defense by the commission.

With this status, for the first time, the INCHR now has “Equal Voice, Representation and Participation”. Also, the five operational departments are functional.

The challenges are numerous and include but not limited to: inadequate funding to cover the Commission operational cost; especially, international obligations, programs and personnel. Others include harmful traditional practices; mainly, female genital mutilation; trial by ordeal; gender-based violence; prison over crowdedness and poor prison conditions; children selling in the streets (peddlers) and inadequate care and accommodation for persons with disabilities in schools, hospitals and work places.

Finally, this 2016 annual report is written and published to show the necessity and relevancy of the INCHR; the gains the Commission has made and is making, and the challenges it faced during the period under review. We therefore caution the people and government of Liberia, that the promotion and protection of human rights are cardinal and indispensable for good and democratic governance and the rule of law which guarantee peace, stability and development.

I therefore, on behalf of the Board of Commissioners (BOC), commend INCHR entire staff, the government and people of Liberia, our CSOs and international partners, especially UNMIL HRPS and the entire UN family for the increased cooperation and every support provided the INCHR.

PROFILE OF THE INCHR

Established by an Act of Legislature in 2005, the Independent National Commission on Human Rights (INCHR) is a sequel of the peace negotiation (in 2003) to end the second civil war in Liberia. The Comprehensive Peace Agreement (CPA) signed on August 18, 2003, in Accra, Ghana, recognized that wanton abuse and violation of human rights precipitated and characterized the Liberian civil wars. As a deliberate effort to prevent the recurrence of war, the construct of this human rights architecture was effected by provision of Article VIII of the CPA. The Act in 2005 reinforced this commitment to anchor the reconstitution of the Liberian state on the principles and practice of human rights. Hence a national institution is established in line with the Paris Principles of 1993 to promote and protect human rights.

The governing or administrative structure as defined by the Act presents two layers including the Board of Commissioners headed by a Chairperson and the Secretariat headed by the Executive Director. The mandates and functions of the INCHR are implemented by five (5) departments. These departments are:

1. Department of Complaints, Investigation and Monitoring – leads the human rights protection functions of the INCHR including, human rights monitoring, facts finding, documentation, reporting as well as complaint handling and redress.
2. Department of Legislative Assistance, Treaty Matters and Law – promotes human rights by ensuring among other things that national laws and policies are in compliance with international human rights standards and that the state responds adequately to its reporting obligations.
3. Department of Education, Training and Information – promotes the prevention of abuse and violation of human rights by increasing awareness, through education and information dissemination, amongst duty bearers as well as rights holders on their human rights and obligations.
4. Department of Planning, Internal Monitoring and Evaluation – supports the INCHR in working collectively toward a shared vision, mission and strategic objectives/goals through human rights based planning, monitoring and evaluation.
5. Department of Administration and Budget – supports the INCHR in meeting her targets through the supply and management of human resources, assets and finance and ensuring a conducive work environment.

Although created in 2005, the Commission did not become operational until 2010 when the first team of seven Commissioners was duly seated. The full Board of Commissioners is appointed by the President and confirmed by the Senate. The board consists of a Chairperson and six other Commissioners to serve for five years each except the Chairperson who serves for six years. The tenure of the first Board of Commissioners ended in 2015, and as required

by article 9 of the Act, a new vetting process was commissioned by the Chief Justice and which resulted into the shortlist of Candidates from which the President Appointed six new Commissioners in early 2016.² The Current Board of Commissioners is headed by Hon. Bartholomew B. Colley³ Hon. Wilfred Gray-Johnson, Hon. Tonieh Talery-Wiles, Hon. Adolphus Wade, Hon. James Torh and Hon. Oretha S. Davis. (Please see profile below)

MEET OUR CURRENT BOARD OF COMMISSIONERS



Hon. Bartholomew B. Colley is passionate about the life and well-being of his fellow humans and actively promotes dialogue and peacebuilding. He has been engaged with human rights and social justice advocacy, peace-building and conflict resolution at national and international levels serving as an activist, a prelate and a peace-building practitioner. Prior to joining the INCHR, he served as Executive Director of the Resource Center for Community Empowerment & Integrated Development (RECEIVED) from 2014 – 2016; National Network Coordinator (NNC) for the West Africa Network for Peace Building (WANNEP), Liberia from 2011 to 2013; and Instructor at the Kofi Annan Institute of Conflict Transformation, University of Liberia. As a prelate, he has served the Lutheran Church as Coordinator – Urban Ministry, Coordinator – Lutheran in Liberia/ Lutheran World Federation /World Service (LCL-LWF/WS) Trauma Healing and Reconciliation program, Monrovia-Liberia, Coordinator (Emergency Action Plan) Lutheran in Liberia and Special Assistant to the Bishop, Lutheran Church in Liberia. He holds an L.L.B degree from Louis Arthur Grimes School of Law, and a Master of Arts Degree in International Relations, IBB Graduate School of International Studies, University of Liberia and Master of Arts Degree in Theology, Development and Evangelism (MATDE), Wartburg Theological Seminary, Dubuque, Iowa, USA and Bachelor of Theology (BTH), Gbarnga School of Theology, Liberia.



Hon. Adolphus S. Wade is a highly dedicated and motivated Liberian professional with varied experience in conflict mitigation and stabilization initiatives, human rights advocacy, administration, economic governance, international development and project managements. Prior to joining the INCHR, he served as Associate Human Rights and Protection Officer, United Nations Mission in Liberia (UNMIL) from 2004 to 2007 and as Associate Gender Affairs Officer, United Nations Mission in Liberia (UNMIL) from 2013 to 2014. In 2012-2013, worked with the USA based Management System International (MSI), and served as State Advisor to the Ministry of Local

² An Independent Committee of Experts (civil society actors), was set up by the Chief Justice of the Supreme Court of Liberia, submitted a shortlisting of INCHR nominees to the President through the Chief Justice in early.

³ Rev. Bartholomew B. Colley was elected by his colleagues to serve a tenure of 5 years as Vice Chairperson. He assumed the function of Acting Chairperson due to the severance of Justice Gladys K. Johnson.

Government and Law Enforcement of the Republic of South Sudan following a year service as Civil Affairs Officer with the United Nations Mission In South Sudan (UNMISS). From 2009-2010, he served as Democracy and Governance Specialist, United States Agency for International Development (USAID-Liberia). He holds a Master of Arts (MA) in Human Rights and Social Justice with emphasis in Social Policy, London Metropolitan University, UK, and a B.Sc. in Economics, from the University of Liberia.



Hon. Wilfred N. Gray-Johnson has Over 12 years' experience in administrative and management positions working on policies, frameworks and strategies at the national and sub-national and regional levels. Prior to joining the INCHR he served as Executive Director of the Liberia Peace building Office & Head United Nations Peace building Fund Secretariat - 2009-2016, National Coordination and Peace building Officer, Office of the Deputy Special Representative of the Secretary General for Recovery and Governance -

United Nation Mission in Liberia (UNMIL), August 2004– February 2006, Civil Affairs Officer, Civil Affairs, UNMIL, 2004, Assistant Program Officer - World Vision Liberia 2003. He has also served as Lecturer, College of Liberal and Fine Arts and College of Theology at the United Methodist University, Liberia, Associate Director, Youth & Young Adult Department, Liberia Annual Conference, United Methodist Church. He holds a Master Degree in Theological Studies (MTS) from the Africa University in Mutare, Zimbabwe, and a Bachelor's Degree in Theology (BTh) from the Gbarnga School of Theology, United Methodist University in Liberia.

Hon. Oretha Snyder Davis, as a Liberian legal practitioner, has served in numerous



capacities, both in the public and private sectors. She has attended numerous international trainings and conferences in work related areas. Prior to joining the INCHR, she served as Prosecuting Attorney, Ministry of Justice (2014-2016); Assistant Minister for Administration & Public Safety, Ministry of Justice, (2012-2013); Legal Counsel/Prosecuting Attorney, Ministry of Justice, Republic of Liberia, (2011-2012); Legal Counsel & Special Assistant to the Minister of

Justice/Attorney General, R.L., (2010 - 2011); Finance Assistant, UNICEF Liberia (2003-2010); Project Assistant, United Nations Office for Project Services (UNOPS 1999-2001); Special Assistant office of the Comptroller General Republic of Liberia (1997 - 1998); Administrative Assistant, United Nations Observer Mission in Liberia (UNOMIL) (1995 - 1997); Credit & Marketing Assistant, ROVIA Bank, (1989-1995). She holds a Master of Law in Trial Advocacy (Honors), Temple University James E. Beasley School of Law, Pennsylvania, USA; Bachelor of Laws, (LLB), University of Liberia Louis Arthur Grimes

School of Law (2009); Bachelors of Business Administration (BBA)-Management/Accounting, University of Liberia, (1995/96).

Hon. Tonieh A. Talery-Wiles has dedicated more than 20 years of her life in advocacy for



the promotion of human rights and peace and over 10 years managing funding and programs on women, youth and other marginalized groups, working with Government, local and international organizations. Until her recent appointment as Commissioner of the INCHR she had served as Executive Director of the INCHR. She previously served as the Project Manager for the Palava Hut Project of the INCHR. Prior to

joining the INCHR she also served as the Country Director for World Hope int'l, Liberia, Gender and Protection Officer for Oxfam GB Liberia. She has served on the board of various organizations, including Liberia Educational Trust (LET), West Africa Network for Peace Building (WANEP), Episcopal Relief and Development (ERD), Women NGO Secretariat of Liberia and the Self Help Initiative for Sustainable Development (SHIFSD). She is actively engaged in women and girls development and is also the Chief Commissioner of the Liberia Girls Guides Association (LGGA) and the Founder of Women Entrepreneurs and Environmental Links of Liberia. She holds a L.L.B. Degree, Louis Arthur Grimes School of Law, University of Liberia, M. A. Gender & Peace Building, United Nations University of Peace Costa Rica, and BSc. Economics, University of Liberia.

James D. Torh long years of work in the field and studies of human rights has stimulated his



interactions with fellow researchers and given him invaluable opportunities to think and explore his world with critical and analytical skills set through research and repeated analyses, discussion and practice that have helped him engage with interdisciplinary associations and connected with colleagues and professionals. His years in the field of human rights since 1995 have been hyperactive and overly aggressive. In the zone and terrain of speaking to the conscience of evil and disagreement

with the agenda of terror he has been energetic and passionate, yet steady and controlled. He was appointed as Commissioner of the INCHR in 2010. Prior to joining the INCHR he served as Executive Director of Fore-runner of Children Universal Rights-FOCUS, and Programs Coordinator, National Human Rights Center-NHRC-1995-2000; from 2001 – 2002; Campaign Coordinator for the West Africa Human Rights Defenders Actions and as Regional Coordinator-West Africa Human Rights Defenders Network, 2004-2007; Coordinator-Amnesty International Spain - 2000-2001; Researcher Amnesty International, Canada - 2002-2004; and Coordinator-Center for Refugees Studies, York University, Toronto-2007-2009. He holds a Master of Environment Studies (MES) Degree from York University, Toronto, Canada and a Bachelors of Business Administration (BBA) Degree from the University of Liberia.

EXECUTIVE SUMMARY

The Independent National Commission on Human Rights is mandated by Articles IV paragraph 5, 16, and 17 of her constitutive Act of 2005 to prepare reports on the national human rights situation and to amongst other things submit such report to heads of the three branches of Government. This report is in fulfillment of this mandate and in respect of INCHR obligation and role as a National Human Rights Institution (NHRI).

The INCHR governance structure is in two main layers- the Board of Commissioners and the Secretariat. The Board of Commissioners comprises seven commissioners headed by a Chairperson (appointed by the President) who is assisted by a Vice Chairperson (elected by colleague commissioners) and five other commissioners who oversee the five statutory departments. The Secretariat is headed by an Executive Director and comprises all technical and mainline support staff of the INCHR operating within the horizontal span of five departments.

Those five departments are the Department of Administration and Budgets (DAB) which provides support services in the areas of fiscal controls, human resource managements, maintenance and assets management and procurement; the Department of Planning, Internal Monitoring and Evaluation (DPIME) which supports the Commission in program planning and management and mobilizing technical and financial support; the Department of Complaints, Investigation and Monitoring (CIM) which monitors human rights trends and issues in the country including undertaking investigations, documentations and reporting of human rights abuses and violations, as well as ensuring the protection of the rights of victims and receiving complaints and taking necessary actions to ensure redress; the Department of Legislative Assistance, Treaty Matters and Law (LATML), which works on the review and harmonization of national policies and laws with international human rights standards; and the Department of Education, Training and Information (DETI) which is central to the Commission human rights mandates, leads human rights education and awareness campaigns, as well as provide information to the public aimed at promoting the respect for human rights.

The collective efforts of both the Board of Commissioners and the Secretariat have within the last 1 year project made significant accomplishments including:

1. The opening and operationalizing of the secretariat including the office of the Executive Director and five (5) departments of the INCHR;
2. The promulgation and adoption of administrative instruments including a Standard Operating Procedure, Financial Manual and Human Resource Handbook, Procurement Guideline, etc.
3. The development a human rights Complaint Handling Manual
4. The deployment of INCHR monitors in the 15 counties in the face of UNMIL drawdown

5. The training and capacity strengthening of INCHR human rights monitors in the counties
6. The submission of the INCHR application for accreditation as an A status NHRI
7. Representation of the INCHR at international conferences and meetings;
8. The handling and redress of complaints from the 15 counties;
9. Observance and celebrations of international human rights days;
10. Review of the Condition of Prisons and Pretrial detainees across the country and the production of a thematic report on the situation
11. The issuance of press releases and position statements and the redress of human rights issues.

Based on these achievements and the need to enhance the promotion and protection of human rights in Liberia, the INCHR recommends the following:

1. The State must provide adequate funding to support programs and operations of the INCHR;
2. Similarly the Government of Liberia and donor partners should provide support to the implementation of the INCHR Strategic Plan;
3. The Government of Liberia needs to provide support for INCHR adequate representation at international meetings and conferences;
4. The Government should provide funding for INCHR membership with International Organizations (GANHRI, NANHRI, etc.)
5. The Government should provide support to ensure that INCHR is represented in each County by a minimum of two staff and each of the 5 regions by a coordinator;
6. Provide support to enhance INCHR complaint handling capabilities;
7. The GoL should take steps to abolish the Abolish the death penalty or sentencing
8. The Ministry of Justice should ensure the prosecution of Micheal Samukai and Samuel Nimely for the illegal possession of firearms and for attempted murder.
9. The Ministry of Justice must ensure the apprehension and prosecution of perpetrators of mob violence including the Daniel Nunu and Abraham Kolleh murder.
10. The Ministry of Justice/Liberia National Police must ensure the operationalization of the Civilian Oversight Board as directed by the police act.;
11. Established the National Preventive Mechanism against Torture
12. Pass the domestic violence bill and make illegal force conscription into the traditional school and make consent mandatory requirement;

13. GoL (Ministry of Health, Ministry of Internal Affairs and the National Traditional Council) should take steps to review the health implication of FGM and abolish the practice;
14. The GoL must issue a moratorium on the further issuance licenses for the opening of new/additional bush schools.
15. GoL must ensure the prosecution and institution of penalties for perpetrators of trial by ordeal;
16. The Ministry of Information, Culture and Tourism and the Law Reform Commission must work with the Press Union of Liberia to reform the Liberia's defamation laws and make ELBC a public broadcaster
17. The GoL must improve support to health and education and ensure supervision of health and educational facilities and services across the country.
18. Improve support for persons with disability and reduce their vulnerability
19. Government should take action to rid the street of street selling children

PART I

INCHR PERFORMANCE

2016

PART 1: INCHR'S PERFORMANCE REVIEW 2016

1.1. Contextual overview

It is useful to appreciate the internal and external contexts which underpinned the INCHR performance in 2016. INCHR was challenged with the situations of an incomplete Board of Commissioners and Secretariat, the finalization of relevant administrative policy instruments and systems, the lack of strategic direction and operational frameworks, instability in the retention of human resource, relocation of offices, staff and other assets. Externally, the INCHR was challenged by the UNMIL drawdown, the national prioritization of the ensuing 2017 elections, and limited recognition from international coordination mechanism for NHRIs.

Incomplete Board of Commissioners and Secretariat: Only four of the seven Commissioners including the Chairperson were available for active duty at the Commission during the entire first quarters of 2016. Excluding the Chairperson, the other three commissioners were faced with the uncertainty of their reappointment. This situation was only remedied with the appointment and seating of the full Board of Commissioners in May of 2016. In August 2016 the Chairperson was retired by the Liberian Government leaving a vault which remains to date. Similarly the secretariat remains grossly understaffed with comparatively low allowances which undermine the retention of qualified and competent staff. The mandates and functions, as defined by the Act of the Legislature 2005, placed implementation responsibility upon the five departments of the INCHR. Yet these departments have remained understaffed due to limited funding.

Administrative Policies were generally lacking or non-operational at the INCHR for more than half of 2016: During the period under review (2016), the INCHR was challenged with the persistent absence of administrative policy frameworks or standard operating procedures to guide the Board and Secretariat in executing the mandates and functions of the INCHR as defined by the 2005 Act and the Paris Principles. The BoC preoccupation with ensuring that the administrative policy instruments are developed and operationalized was a factor in determining the INCHR pace in engaging with Government and Partners at national and international levels. The absence of these policy frameworks additionally contributed to the INCHR being under the UNDP Direct Implementation Scheme for the entire period of 2016 thus delaying the implementation of the Palava Hut Project. The need for these administrative policy instruments was also reinforced by the collective resolve of the BoC to move the Commission from the UNDP Direct implementation scheme to the National Implementation Scheme. Accordingly, the INCHR underwent the UNDP Micro-Assessment and show marked improvement from high risk to moderately satisfactory.

Similarly, the INCHR was without an operational strategic plan prior to and throughout 2016. The BOC was challenged with the apparent absence of an institutional plan which clearly articulates the INCHR's strategic direction and the relevant programs and project objectives. The absence of a strategic plan prevented a comprehensive approach to

intervention. The Commission therefore focused most of 2016 on the development of its strategic plan and operational frameworks with the support of its partners.

Human Resource at the commission is yet to be optimized. The Commission to an extent remains below its required staffing capacity/needs. Considering the mandate of the commission to promote and protect human rights in Liberia, the commission presence is required in every county. Yet half of 2016 was spent struggling to retain fifteen human rights monitors in the fifteen counties from non-permanent budgetary source. Similarly, until July 2016 most of the departments of the commission were functionally undermined by limited staff. Still, the Department of Planning, Internal Monitoring and Evaluation has only three staff, while the Department of Legislative Assistance, Treaty Matters and Law has only one staff since it was opened mid-2016.

Poor logistical capacity has significantly impeded the work of the Commission in spite of the strides. The INCHR lacks vehicles to commute both the staff and commissioners for operational purposes. Monitors in the counties generally lack means of transportation. Few of the Human Rights Monitors to whom the Commission has assigned motorcycles, are sparingly using them because of the Commission incapacity to provide fuel and maintenance. Other issues involve ineffective communication from field monitors due to the lack of basic communication means including laptops, internet modem and recharge cards. This situation applies to staff at the central office in Monrovia, most of whom are using their personal means to ensure the INCHR maintain a high performance standard as required.

UNMIL draw down and the ensuing 2017 Presidential and General Elections has burdened the commission and challenges a rethinking of coping strategy. UNMIL through its Human Rights and Protection Section has been supporting the INCHR in monitoring human rights around the country. The support has been both with logistics (considering the use of HRPS facilities) and mentoring. While the discourse on the UNMIL transition seems to ignore these realities, the INCHR was greatly affected by the closing of HRPS in twelve (12) counties by 2016. Increase in logistics to field monitors has come out clear in the INCHR reengagement strategy but was unattainable due to funding constraints. The 2016 National Budget policy focused on security and elections but did not take into consideration the cardinal position of human rights. While the INCHR is obligated to ensure that human rights is streamlined in the disciplines and practices of the security apparatuses and that election is human rights compliant, no specific budgetary appropriation was made in 2016 to support the Commission intervention.

In the face of these budgetary constraints, the INCHR was saddled with apprehension by the donor community most of whom made their supports to the INCHR contingent on a clear strategic plan.

Structure of the Report

This report is presented in two major parts consistent with INCHR Act of 2005, Article 4: Section 16 and 17. It provides updates on the overall performance and accomplishments of the INCHR and the human rights situation in Liberia. Part I of the report gives an overview of the INCHR performance from January to December 2016. A focused department approach is

used in cataloguing the INCHR performance for the period under review. This approach, while presenting the INCHR achievement, also defines the functions of the departments and portrays their works in practice distinctly and collaboratively.

Part II of the report looks at core human rights issues and violations in Liberia broadly under the two strands of human rights. It looks firstly at issues related to Civil and Political Rights and then Economic, Social and Cultural Rights. Focus is also placed on the human rights of vulnerable groups including women, children and persons living with disabilities.

1.2. INCHR Performance – 2016

1.2.1. DEPARTMENT OF ADMINISTRATION AND BUDGET

A. Department Summary

The Department of Administration and Budget (DAB) supports the INCHR in the implementation of its mandate and core functions. Specifically DAB provides support services in the areas of fiscal controls, human resource managements, maintenance and assets management and procurement through five respective divisions. DAB ensures administrative and financial controls and the proper management of resources of the Commission. The department prepares the Commission’s budget performance report and the monthly, quarterly and annual financial statements; it ensures that both financial and non-financial assets of the Commission are adequately secured and accounted for appropriately.

While the Commission is yet to fully staff the Department to its optimal capacity due to budgetary constraints, several achievements were made in 2016. These include:

1. Renovation of the Commission’s head office;
2. The staffing and operationalization of the INCHR five (5) departments;
3. Revision and adoption of administrative policy documents;
4. Development of Staff Human Resource Capacity;
5. Enhancement of social protection, as well as welfare of staff;
6. Development of procurement plan and completion of processes for the acquisition of goods and services; and
7. Maintenance of fixed assets and logistics.

B. Interventions and Achievements

Renovation of the Commission’s Head Office: As the INCHR secretariat increases in manpower, the building which housed the Commission prior to 2016 was found lacking in capacity to hold the available staff or host conferences and training. In an effort to provide adequate space, the Board of Commissioners then in 2015 relocated the Commission Head Office from the Old Road to the Levi C. Williams Building in Congo Town. Although, in

2015, extensive partitioning/renovation works were carried out, these works continued in 2016. The building has office areas for each of the five departments, a large conference room, several restrooms and other facilities. This provides a conducive work environment and to a large extent enhances productivity of staff.

Staffing and operationalizing the INCHR five (5) statutory departments: To effectively and efficiently deliver on its mandate, the Commission embarked on a recruitment initiative of technical and support staff. A total of thirteen additional staff was employed, including six (6) Technical Assistants, six (6) Office Assistants and one (1) Driver. The Commission also took steps to strengthen the secretariat. First, the Commission hired an Executive Director to head the secretariat along with an Administrative Assistant to support the Executive Director. With funding through the National Budget to facilitate recruitment of additional staff, the Commission hired and placed fourteen (14) Human Rights Monitors in 13 counties excluding Gbarpolu and Montserrado. Accordingly, letters were issued introducing Human Rights Monitors to the County's Authorities and the UNMIL Human Rights Officers. The INCHR also open and operationalized the Department of Planning, Internal Monitoring and Evaluation by the employment of 3 staff (a Program Officer, Project Officer, and M&E Officer). The Department of Administration and Budget was further strengthened with the hiring of a Human Resource Assistant, and two janitors. The Financial Management Training Program also seconded to the INCHR Two (2) Public Financial Management Interns (for one month) and One (1) Procurement Specialist. The Department of Complaints, Investigation and Monitoring was supported with the selection of a Director through a competitive recruitment process.

Adoption of administrative policy documents: The INCHR, like all other entities, needs institutional policy documents that govern the day to day interaction of personnel in meeting targeted deliverables. In view of this, the INCHR with support from the United Nations Mission in Liberia (UNMIL) held a three-day retreat at the Libassa Ecolodge in Marshall, Margibi County to review and adopt policy documents developed in 2015. The documents reviewed at that retreat included the Standard Operating Procedures (SOP), the Financial Manual, Job Description and Terms of Reference Manual, Organizational Chart and Staff Handbook. During the year under review, the above mentioned documents were adopted by the Board of Commissioners pending printing, distribution, orientation and operationalization.



INCHR Commissioners and Senior Staff at the Libassa Retreat

- 1. Updated Staff files/Information:** In order to put into place a comprehensive and

standardized personnel database as required by the Government of Liberia, the Human Resource Unit, in keeping with its core functions, reviewed all personnel files to ascertain the availability and security of all requisite personnel related credentials as required by the Civil Service Agency. During the review process, personnel files were rearranged in a systematic order to enhance accessibility.

- 2. Developed Human Resource Capacity and Improved Performance:** In fulfillment of its staff capacity building responsibility, during the year under review, the INCHR through the UNDP sponsored the enrollment of seven (7) of her staff into the Liberia Institute of Public Administration (LIPA) training program who acquired knowledge in Project Planning and Management (4 persons), Human Resource and Performance Management (2 persons), and Project Monitoring and Evaluation (1 person).



Commissioner James D. Torh handing over certificate to one of the Graduates of the LIPA Training

To address increase of absenteeism which undermines the Commission's productivity,

the Commission strengthen her staff attendants tracking mechanisms linking attendants with pay. Further, the Department of Administration and Budget in collaboration with the Department of Planning, Monitoring and evaluation completed staff performance evaluation instruments to appraise the performance of all staff to ensure measured and informed managerial and administrative decisions regarding staff motivation (Intrinsic and extrinsic).

- 3. Enhanced social protection and staff welfare:** In an effort to motivate members of staff to improve performance, the INCHR embarked on an initiative to enhance the social and economic statuses of staff. To achieve this, the Commission facilitated staff access to GT Bank loan. At least 25 staff benefited. The Department also completed a process to ensure that every staff of the INCHR obtains a National Social Security Identification number and card to allow NASSCORP efficiently credit employees' contributions to their individual accounts. Moreover, the process to obtain individual Tax Identification Number (TIN) for INCHR staff has been substantially completed. About 95% of INCHR's staff now have their individual TIN; whilst the remaining 5% individual TIN are being processed. In keeping with both Labor and Civil Service Agency standards, all staff was accorded annual leave. The HR unit ensured that all

staff of the Commission obtained ID Cards to distinguish them from visitors coming to the Commission. During the year under review, the Commission recorded one (1) personnel turnover and a retirement (the Chairperson). The Commission was saddened by the news of the death of Mr. Otis Jolo, Monitor assigned in Grand Gedeh County.

4. **Developed procurement plan and completed acquisition of goods and services:** Consistent with laws governing public procurement (Public Procurement and Concessions Act, PPCA) the INCHR prepared and submitted its procurement plans to the Public Procurement and Concessions Commission (PPCC) for approval. Accordingly, the INCHR executed contracts with various vendors for the supply of goods and services. These contracts included Vehicle repair and maintenance with MTC garage; Petroleum products with Aminata and Sons, Inc.; Stationery and supplies with Office Ideas/United Office Supplies; cleaning materials with Office Ideas/Landmark Incorporated; and refuse collection with Angelavin Urban Services/petty cash; and Rental/Lease with Levi C. Williams School. Specifically, in compliance with provisions of the Small Business Act to award 25% of total value of procurement to Liberian businesses, the INCHR awarded contracts to qualified Liberian businesses including Aminata and Sons, Inc., and Angelavin Urban Services. Under UNMIL Quick Impact Project, the INCHR acquired four laptops, a desktop and a printer. This project also provided for the hiring of local consultants to establish a complaint database, monitor the prisons and production of a complaint handling manual

5. **Undertook the maintenance of fixed assets and logistics:** the Department of Administration and Budget updated and properly maintained its fixed assets registry. In collaboration with the GSA, the recoding of the Commission's assets was initiated. All the air conditioners in the building were properly maintained (to include cleaning, refilling of gas). The Commission also contracted local electrician to provide electrical repair and maintenance services including rewiring of the entire building as the Commission's offices were relocated. The Commission's damaged sewer lines were repaired to create a healthy and conducive work environment for the staff. The Commission's generator was regularly maintained and used as a standby power source when there was LEC power outage.

1.2.2. DEPARTMENT OF PLANNING, INTERNAL MONITORING AND EVALUATION

A. Department Summary

The Department of Planning, Internal Monitoring and Evaluation (DPIME) supports the Commission in program planning and management, networking, development and the implementation of results based monitoring and evaluation plans, as well as conducting research and desk-reviews on various themes to support the Department's work. The DPIME

also liaises with partners to mobilize technical and financial support for the INCHR. In addition, the DPIME coordinates and collaborates with each of the other departments of the INCHR to implement INCHR Strategic Plan, and Annual Work Plan.

B. Interventions and achievements

- 1. Resource base expanded and additional funding raised:** In an effort to strengthen the INCHR weak financial position and engagement with donors, the department undertook a mapping of potential donor institutions for grant support. Part of this mapping includes donor profiling and areas of support to Liberia. A total of 26 donors with direct support links to INCHR activities were Profiled. As a consequence of this, proposals and concepts such as EU, OSIWA, NEXUS FUND, UNMIL, along With a work plan for the peace building fund through UNDP were developed pending approval.

The INCHR collaboration with UNMIL – HRPS continues to serve the Commission’s funding needs. INCHR benefited a US \$21,000.00 support under the UNMIL Quick Impact Project (QIP). This support significantly strengthened the INCHR capacity in Human Rights monitoring, documenting and reporting through the development of a complaints database, the purchase of 4 laptops, and 1 desk top. The funding also supported the first planning retreat of the new BOC and Senior staff (in Marshall City) aimed at addressing structural as well as strategic issues. The QIP 21K also facilitated the INCHR, CSOs & Government Training and Partnership Building Workshop- improving synergies and linkages with MACs (A tripartite relationship amongst INCHR, government and Civil Society for the promotion and protection of human rights was strengthened).

Similarly, the INCHR received a US\$40,000.00 support from the UNDP which was applied in visiting the fifteen counties with particular interest in assessing the condition of prisons and pretrial detainees. This exercise culminated into the development of the first thematic report on the conditions of prisons and pretrial detainees in Liberia. This support also facilitated the learning visits to Geneva, Kenya, Sierra Leone as well as Gambia.

- 2. Completed the Commission five year strategic plan:** Since May of 2016 the Commission embarked on a consultative process of redefining her strategic direction and aligning her intervention with international and national development agenda i.e. the SDG and the Agenda for Transformation. This effort has led to the drafting of the Commission first operational strategic plan spanning a period of five years from 2016 to 2021. The motivation was amongst other things to position the commission as an acceptable NHRI by the standard of the Paris Principles and in practice. The Strategic Plan is part of the Commission accreditation package for consideration by the GANNHRI accreditation subcommittee.

- 3. INCHR Mission and Study Tours** - In its quest to better understanding the workings of various regional and international human rights institutions and mechanisms, share and learn from cross-country experiences and forge strategic partnerships with NHRIs, the INCHR undertook a few key missions and study tours during the reporting period. The first of such endeavor was a weeklong study tour to Geneva, Switzerland from May 25 - June 1, 2016 where the INCHR met with several departments in the Office of the High Commissioner for Human Rights (OHCHR), Global Alliance of National Human Rights Institution (GANHRI), the International Federation for Human Rights (FIDH) and the International Committee of the Red Cross (ICRC). As a nascent institution with both national and international mandates, the mission/study tour to Geneva had been one of the INCHR's priorities aimed at maintaining a strong relationship with its parent body (OHCHR), and as well strive to understand the duties required of national human rights institutions per OHCHR's and other partners' perspectives. The mission to Geneva accomplished the following:

The INCHR got acquainted with the Secretariat of OHCHR, the Global Alliance of National Human Rights Institutions (GANHRI) formerly the International Coordinating Committee on National Human Rights Institutions (ICC) and other Geneva-based actors and institutions. The INCHR provided updates on progress and challenges, as well as on concrete initiatives the Commission had undertaken to accelerate its work:

- a. The INCHR gained a better understanding from GANHRI on accreditation requirements and procedures, and made a strong case for INCHR accreditation. Thus in July 2016 the Commission submitted a formal request for accreditation at 'A' Status. In December 2016 the Commission also submitted at least 10 documents including its Statement of Compliance with the Paris Principles to support its accreditation bid. The INCHR considered being accredited with GANHRI especially with 'A' Status was very critical as this would demonstrate the Commission was working in compliance with the Paris Principles and would be able to participate fully in international and regional works and meetings of national institutions as a voting member. The Commission could also hold office in the Bureau of the Global Alliance for National Human Rights Institutions (GANHRIs) or any sub-committee the Bureau establishes, participate in sessions of the Human Rights Council and take the floor under any agenda item, submit documentation, and take up separate seating. Furthermore, being accredited, the INCHR would be able to effectively engage with the international human rights system including:
 - i. submitting parallel or shadow reports to the UPR, Special Procedures mechanisms and Treaty Bodies Committees;
 - ii. making statements during debates before review bodies and the Human Rights Council;
 - iii. assisting, facilitating and participating in country visits by the United Nations experts, and

- iv. Monitoring and promoting the implementation of relevant recommendations originating from the human rights system.
- b. The INCHR also got to better understand key workings and responsibilities of Treaty Bodies, Special Procedures and the Universal Periodic Review (UPR) process, and the role of NHRIs vis-à-vis the Government's responsibilities; and
- c. Finally, the Commission was able to build congenial working relationship that has helped to develop and/or strengthen the Commission's capacity to address emerging human rights issues and challenges in Liberia.

The INCHR also undertook a study visit to Nairobi Kenya from 29th August – 2nd September 2016. The INCHR delegation including two Commissioners and the Executive Director visited with the Network for Africa National Human Rights Institutions based in



Nairobi Kenya and reestablished relationship with the Regional Network. While in Nairobi, the INCHR delegation held meetings with Commissioners and staff of the Kenya National Commission on Human Rights (KNCHR), shared cross-country perspectives and learned from the

Kenyan experience, especially as an East African Country. The INCHR also forged partnership with the KNCHR got insights on work of the KNCHR on transitional justice processes in Kenya.

INCHR team in photo with NANHRI Executive Director

Additionally, while in Nairobi, the INCHR delegation also met with the Kenya's National Cohesion and Integration Commission (NCIC), which is promoting national reconciliation in Kenya, and the International Center for Transitional Justice (ICTJ) - an international non-profit organization working to help societies (in transition) address legacies of massive human rights violations and build civic trust in state institutions as protectors of human rights. The delegation also held meetings with the Kenyan National Gender and Equality Commission (KNGEC), the International Commission of Jurist (ICJ) – Kenyan Section and the Commission on Administrative Justice (CAJ) - a national

institution mandated to deal with maladministration within the public service and ensure compliance with leadership, integrity and ethics requirements. The delegation concluded its meetings with Civil Society Organizations (CSOs) advocating for the promotion and protection of human rights.

1.2.3. DEPARTMENT OF COMPLAINTS, INVESTIGATION AND MONITORING

A. Department Summary

The Department of Complaints, Investigation and Monitoring (DCIM) functions are central to the human rights protection mandate of the Commission. The department monitors human rights trends and issues in the country including undertaking investigations, documentations and reporting of human rights abuses and violations, as well as ensuring the protection of the rights of victims. The department also receives complaints of human rights abuses and violations and undertakes necessary actions to ensure redress.

During the year 2016, the Department implemented series of activities, including human rights monitoring, investigation, documentation and reporting as well as ensuring redress for complaint of violation brought to the attention of the Commission. The Department also produced the 1st thematic report on prison condition and pretrial detention.

B. Interventions and Achievements

- 1. INCHR regularly conducted human rights monitoring, investigation, documentation, and reporting.** With the deployment and presence of 23 Human Rights Monitors across the 15 counties, the Department conducted active human rights monitoring, investigation, reporting and documentation. The regular reporting on human rights situation by the human rights monitors culminated into producing a quarterly human rights situation reports as required by the Act establishing the Commission. In addition, a case matrix/database detailing complaints handled by the department for the year was developed. The complaint matrix specifically catalogues human rights issues, abuses and violations and redress action taken by the Commission. This tool was developed to support the department efforts in effectively monitoring, report and speedily following up human rights cases received from the public and instituting appropriate redress.

In 2016, the Department received and documented 40 complaints and cases brought to the Commission attention through monitoring or walk in compared to 20 complaints in 2015. While this is still quite low, the 100% increase shows that the public is getting better informed of their access to redress through the INCHR. Also with the Complaints Handling Procedures Manual in place INCHR DCIM staff had a clear reference guide from which they could work.

Thirty two (32) cases were received from complainants in Montserrado and other parts of Liberia, while the remaining 8 cases were brought by the commission's monitors. Six (6) cases were referred to BIN, MOJ/SGBV Unit, Labor Ministry and Women and Children Protection Section of the Liberian National Police for appropriate actions. The remaining cases were referred to circuit courts and law firms, and the secretariat of the Commission. However, 12 cases including 2 gang rape cases are being closely monitored in various courts and police station across Liberia by INCHR human rights monitors.

DCIM also conducted series of monitoring at prisons, police stations, hospitals and schools. During these visits, INCHR monitors documented 8 cases that were investigated and settled. The department's monitors also engaged with the LNP and facilitated the released of 7 pretrial detainees from detention in various police stations on Bushrod Island.

2. **Complaints Handling Procedures Manual** produced– The INCHR also developed and has operationalized a Complaints Handling Procedures Manual which is being used to define the procedures employed by the Commission in handling and determining complaints as mandated under the Act. With this manual in place, the INCHR has standardized and made the process of administering complaints uniformed throughout the Commission including field monitors. The Commission also created a system for proper recording and documentation of all complaints, transparency in the complaints handling and response process and managed complainant expectations.
3. **The capacity of the INCHR Human Rights Monitors was strengthened through workshops/trainings.** To enhance the capacity of the INCHR human rights monitors in tracking human rights abuses and violations across the country, DCIM facilitated three workshops/trainings in 2016. First, a day training on Human Rights and monitoring Sexual and Gender Based Violence was conducted from July 24th to 25th for 14 newly recruited INCHR monitors. A follow-up practical field visit was conducted in Kakata, Margibi County by INCHR Monitors and UNMIL staff on 26 July 2016. INCHR Human Rights Monitors acquired skills in monitoring and reporting on sexual and gender based violence.

Second, a three day workshop (18th to the 20th of October) on Torture and NHRAP was held in the INCHR conference hall. The workshop funded by UNMIL was jointly implemented by the Regional Watch for human Rights, Ministry of Justice and the DCIM along with DETI. The workshop/training improved the skills of 21 Human Rights Monitors in identifying and reporting torture cases. As a result, they have been reporting considerably on torture issues especially from the south eastern parts of Liberia. They also acquired new knowledge on human rights and got familiarized with the NHRAP.

Finally, a three day capacity building workshop on mainstreaming gender and Peacebuilding into human rights activities was held in the INCHR conference hall (24th to the 26th of October), and resulted to monitors tracking and including in their monthly reports cases of grave sexual and gender based violence. Specifically, the INCHR monitors' reports for 2016 included SGBV cases. These SGBV cases reported by the monitors were followed-up to ensure they were recorded by police officers and perpetrators were arrested, charged and sent to court. Most perpetrators are in various prisons across Liberia awaiting trial. INCHR monitors also acquired new skills on how to address gender and peace building issues from a human right perspective and an in-depth knowledge on relevance and methods in mainstreaming gender and peacebuilding into all human rights works, policies and documents at all stages, including monitoring and reporting.

4. The Commission produced a Thematic Report on Prison Condition and Pretrial Detention. In addition to the Commission's responsibility to produce quarterly and



annual human rights situation reports⁴, the Commission is also mandated to produce special reports on thematic human rights issues in Liberia.

High level participants at the Launching of the INCHR Thematic Report on Prison Condition and Pretrial Detention

To fulfill this mandate the Commission opted to study/assess the condition of prisons and pretrial detainees as a thematic issue generated from the regular human rights monitoring reports from the field/counties. Over the past two years, INCHR monitors had reported high level of human rights violations from prisons across Liberia. There have been reports of lack of food, electricity mattresses and increase in pretrial detention, thus prompting the commission's decision to conduct a thorough monitoring of all prisons across Liberia.

In August 2016, INCHR commissioners along with staff of the commission conducted field visits to the counties to monitor prisons conditions and document violations. The teams met separately with prisons officials, and inmates. Information from these prisons was confirmed by officials of the Ministry of Justice Bureau of Correction and

⁴ INCHR ACT of 2005, Article IV par. 16

Rehabilitation and prison records. The thematic report on the condition of prisons and pretrial detainees,⁵ which was issued in October of 2016, documents statistics of all prisons, inmates count, pretrial detainees and recommendations for improving prison conditions in line with the international minimum standard for prisons.

5. **A code of conduct for INCHR Human Rights Monitors was developed:** The Department, in an effort to ensure that all human rights monitors representing the INCHR in the field uphold the highest degree of professional and ethical standards, developed a code of ethics in line with the OHCHR code of conduct for human rights staff. The code of conduct among other things has ensured that human rights monitors Promote the advancement and observance of all human rights; respect, uphold and enforce the Human Rights principles of non-discrimination; promote the fulfillment of the mandate of the Commission; respect the INCHR's principle of independence; conduct themselves in an impartial and objective manner and avoid expressions of partisanship or prejudice; discharge their functions with integrity and professionalism at all times; respect all culture, custom, and people; refrain from endangering, by way of their words or action or after their service with the INCHR, the safety and privacy of the people with whom they come into contact. This code of conduct was drafted for the first time, finalized and has been signed by all INCHR monitors currently employed with the Commission.

1.2.4. DEPARTMENT OF LEGISLATIVE ASSISTANCE, TREATY MATTERS AND LAW

A. Department Summary

The Department is responsible to lead the Commission advice to Government on policies/laws in line with human rights standards and encourage the State to ratify or accede to international human rights instruments. The Department also assists government in the preparation and submission of reports in accordance with State treaty obligations, as well as prepared and submits shadow reports to the relevant treaty body.

During the period under review, the Department collected about thirty-two (32) pieces of draft bills that were pending before the Legislature for the purpose of reviewing and subsequently providing advice to the Government on the Human Rights compliance of the bills. The Department also identified all International Human Rights instruments signed, ratified and or acceded to by the Liberian Government; developed two separate matrixes of the TRC recommendations and the last (2010) UPR recommendations to Liberia, held a high level Ministerial Forum aimed at collecting data on the implementation of the TRC recommendations collaborated with other Government institutions and Civil Society Organizations in drafting and submitting Government of Liberia (GOL) reports to the ICCPR, and drafted the FGM bill for the complete abolishment of the practice of Female Genital Mutilation.

⁵ See INCHR Thematic Report 2016

B. Intervention and Achievements

The Department set up framework for the review of Laws and, International Instruments. The Department made necessary arrangements including formal communications and follow ups with the Ministry of Foreign Affairs and the Legislature to collect all Acts passed in the last ten years (2006-2016), all draft bills before the house and all international human rights instruments ratified by Liberia. Thirty-two (32) pieces of draft bills pending before the Legislature, a total of two hundred and seventeen (217) pieces of acts in the last ten years and 21 international human rights instruments ratified were collected. These instruments (Bills & Acts) along with a collections of all international protocols, conventions and treaties researched, now sets the working atmosphere for the review of GOL policies and laws by the Department.

A framework for the follow up on the implementation of all TRC Recommendations



was developed. The Department developed a matrix containing all TRC Recommendations, indicating which institution is responsible for what recommendation(s).

A high level Ministerial Meeting for update on TRC recommendation was held in Monrovia on December 20, 2016 at the C. Cecil Dennis Auditorium, Ministry of Foreign Affairs; bringing together ministries, agencies, commissions. In addition to obtaining progress report from the targeted institutions, it was revealed that most Government ministries and agencies did not understand their responsibilities as it relates to the implementation of the TRC recommendations. This was an unanticipated achievement the Department underscored and subsequently communicated to these institutions their responsibilities. As an additional action towards the follow up on the TRC recommendations, the Department communicated to all Government institutions for the designation of Focal persons on TRC through whom the Department would relate for progress report on the responsibilities of each institution.

UPR Recommendations progress report tracking: The Department developed a matrix of all UPR Recommendations, indicating which institution responsible for what recommendations. This matrix has being used in tracking progress made by the Government of Liberia in the implementation of the UPR recommendations. During the Department's tour of ten counties on NHRAP awareness, the matrix was helpful in engaging stakeholders in the counties on their understanding of their roles on the UPR recommendations implementation.

Collaboration with other Government Institutions and civil Society organization

The Department assisted the Government of Liberia drafting committee on the progressive realization of the International Covenant on Civil and Political Rights (ICCPR) in producing Liberia's first report for submission to the relevant treaty body to meet Liberia's reporting obligation.

The Department as the representative of the Commission on the Liberia National Human Right Action Plan (NHRAP)ⁱ, was appointed in 2016 as a technical member on the NHRAP subcommittee on Female Genital Mutilation. The subcommittee comprising of other Civil Society organizations reviewed the Domestic Violence Bill and opined that the bill did not fully address the issue of FGM as enshrined in many international Human Rights instruments. Therefore, a committee was formulated to draft a new bill for submission to the Legislature for passage into law. The Department as the technical legal arm to the committee drafted the new FGM bill. The Department also collaborated with other Civil Society organizations in a number of meetings for the Civil Society Partnership Protection Forum.



A day meeting held at the INCHR Office on FGM in Liberia



1.3.5 DEPARTMENT OF EDUCATION, TRAINING AND INFORMATION

A. Department Summary

The Department of Education, Training and Information (DETI) is central to the Commission mandates to lead human rights education and awareness campaigns, as well as provide information to the public aimed at promoting the respect for human rights.

In 2016 the Department conducted and facilitated several training programs for and on behalf of the Commission. The Department efficiently disseminated information to the general public for the enhancement, visibility and publicity that led to public enthusiasm and participation in the Commission's engagements or interventions. The Department also engaged in other activities such as, (administrative and technical support services to the Commission and Secretariat) during the course of the reporting year.

B. Interventions and Achievements

During the reporting period, the Department made numerous achievements in the areas of human rights education, training of staff and other stakeholders and public information awareness on human rights.

- 1. The INCHR prefaced its human rights education campaign with an exercise to map targets for education and training.** In 2016 the INCHR mapping exercise covered 12 High Schools in cities of Monrovia and Paynesville for the purpose of establishing human rights clubs across the country in line with the African Union mandate. The INCHR

further organized and undertook the mapping of stakeholders for the purpose of ensuring that human rights information was disseminated to the relevant stakeholders. A list of stakeholders has been compiled and a directory has been produced for smart communication.

- 2. The INCHR also conducted Trainings on Harmful Traditional Practices** in ten counties. For the purpose of strengthening capacity through transfer of knowledge, United Nations Mission in Liberia Human Rights Protection Section (UNMIL- HRPS) organized and held a Training of Trainers (TOT) workshop on Harmful Traditional Practices and Human Rights. Three staff of the INCHR benefited from the training. A two day follow up workshop on the same subject, was organized by FOHRD and UNMIL-HRPS for Tribal Governors and their Representatives in Montserrado County. That training workshop was held at the YMCA in Monrovia with the INCHR as facilitator. Similar training was also conducted in nine additional counties including: Grand Geddeh, Nimba, Gbarpolu, Grand Cape Mount, Bomi, River Cess, Grand Bassa, Margibi, and Bong counties.



- 3. Conducted Training for CSOs on the Palava Hut Awareness:** The Department travelled to Gbarnga City, Bong County and conducted training for selected CSOs on the integration of plans for the Palava Hut Hearing Pilot Project.

Training for CSOs on the Palava Hut Awareness in Gbarnga, Bong County.

DETI collaborated with the Palava Hut Program Management Unit (PMU) of the INCHR and developed and disseminated outreach messages nationwide in support of the ongoing Palava Hut Pilot Hearings in Grand Geddeh and Lofa Counties to test findings of an ethnographic study conducted. The Department jointly launched the awareness campaign for the Palava Hut Hearing with the Liberia Media for Democratic Initiative (LMDI).

- 4. Undertook Public Information and Awareness on Human Rights:** The INCHR is gradually improving on its information dissemination capacity. DETI reactivated the Commission's website (www.inchrliberia.com) and created official e-mailing accounts for all commissioners and staff to enhance internal and external communication. Official Facebook account has also been opened for the Commission to connect with a wide range of social media audience in its information and awareness outreach campaign.
- 5. Human Rights Day Celebrations** - Additional to its information and awareness Campaigns, the Commission celebrated the Africa Human Rights Day, on 21 October 2016, and the International Human Rights Day on December 10, 2016. The programs

were held in Monrovia and Buchanan cities respectively and brought together a wide-range of participants from the Government, CSOs, regional and international partners. The Africa Human Rights Day, celebrated under the Theme “Promoting Women’s Rights is a Collective Responsibility” also awakened greater awareness of the African Peoples and the international community about the value of life and humanity and review our collective commitment to protect and uphold the fundamental human rights.

In addition, the International Human Rights Day was observed by Liberia as a member of the international community on 10 December. The 2016 International Human Rights Day



under the theme “Stand up for Someone’s Right Today”, celebrations was combined with the official closure of the 16 Days of Activism against Gender-Based Violence Campaign which started on 25th November. The Ministry of Gender, Children and Social Protection (MoGCSP) in

collaboration with the Independent National Commission on Human Rights led the campaign with support from UN WOMEN, UNMIL and ECOWAS.

International Human Rights Day Celebration in Buchanan

Meanwhile the celebrations of human rights days have contributed to raising awareness, and sensitizing the citizens and residents in Liberia of their human rights and has informed them of means to seek redress. In addition, by the celebrations of these human rights days the INCHR demonstrated that Liberia was committed to its regional and international human rights obligations.

- 6. The INCHR issued 9 of Press releases and statements on national concerns.** One of the effective medium through which the Commission has made its voice heard on various human rights related issues is through press statements and releases. Thus during the period under review, the INCHR issued nine (9) press releases/statements on various issues of national concerns or human rights programs and activities. The press releases / statements included: 1) Africa Human Rights Day Commemoration, 20 October 2016, 2) Briefing on the work of the INCHR and how the public can access the Commission, September 19, 2016, 3) the wave of students/teachers street demonstrations in Kakata, and Harbel, Margibi County September 28, 2016, 4) expressing concerns on the apparent disappearance of Human Rights Defender Atty. Alfred Brownell and staff of Green Advocate, November 30, 2016, and 5) the search of the properties of Cllr. Varney Sherman, and Hon. J. Alex Tyler and the Global Witness alleged bribery saga, November, 2016. Others include statement on the stalemate at the National Legislature regarding the demands for then Speaker Tyler to recuse himself as Speaker on account of the Global Witness bribery allegations, the Commemorations of World AIDS Day

(December 1, 2016) and International Human Rights Day, (December 19, 2016) and the high level meeting on the status of the implementation of the TRC report, December 20, 2016.

1.2.5. PROJECT MANAGEMENT UNIT (PMU) – COMMUNITY-BASED TRUTH TELLING, ATONEMENT AND PSYCHOSOCIAL RECOVERY PROJECT

A. Unit Summary

The Project Management Unit of the INCHR is a specialized body setup to follow up on transitional justice responsibilities assigned the INCHR by the TRC Act and the Report (recommendations) specifically the PALAVA HUT project⁶. The INCHR is charged with the responsibilities to intervene in the areas of Reconciliation, Memorialization and Reparation. This project seeks to promote community based healing and reconciliation through the utilization of traditional justice and accountability mechanisms to facilitate public disclosure, acknowledgement, and apology of human rights violations and other mass abuses committed during the civil war in local communities; and to build the foundation for social cohesion and national unity and contribute to upholding basic human rights of men, women, children and people with disabilities.

The Independent National Commission on Human Rights (INCHR), via the Project Management Unit (PMU), has made commendable progress in delivering on key outputs during the year.

B. Intervention and Achievements

- 1. The INCHR conducted studies and developed Palava Hut methodology and operational guidelines.** The ethnographic study⁷ forums conducted for the four language groups of Liberia (Kwa, Mande, Mel and Settlers) included the relevance, processes, procedures, guiding principles, similarities and dissimilarities of the traditional Palava Hut systems. The report was validated in December 2016 by a cross section of stakeholders and partners. It also highlighted war-related cases addressable under the Palava Hut.

Four Commissioners and three staff of INCHR undertook a study tour to Sierra Leone. The tour resulted in acquisition of basic knowledge and learning of useful lessons about the work and achievements of the Sierra Leone Human Rights Commission. The INCHR learned important lessons about the transitional justice process of Sierra Leone, particularly the FambulTok program that helped heal and reconcile victims, perpetrators and local communities. Some of the lessons learned

⁶ A short form of the Community-based Truth Telling, Atonement and psychosocial recovery Project. The Palava Hut project was launched 2013, in Zwedru Grand Gedeh County by H.E Madame Ellen Johnson-Sirleaf

⁷ The ethnography study was intended to learn lessons from various ethnic groups on traditional mechanism of conflict resolution

will inform the development of post-pilot Palava Hut strategy. The INCHR also gathered significant information about the format, process and positive impact of the reparation program of Sierra Leone.

A staff of the PMU attended a conference in Rwanda organized by the Institute for Justice and Reconciliation (a South African Transitional Justice Working Group) in



collaboration with the Rwandan Truth and Reconciliation Commission. The Gacaca [Ga-cha-cha] community courts and Rwandan Memorialization methodologies and applications were reviewed; as a result of lessons learnt the PMU has recommended modification of the plan of the Du-port Road Memorial to include an office space, restrooms, marble stones for

engraving of names of victims, developing stories around Memorial, tour guards to narrate stories of the Memorial and development of record keeping system to track visitors/researcher.

- 2. Conducted nationwide outreach on the Palava Hut Program:** Three institutions hired by UNDP, namely, VOSEIDA, LMDI and GPN conducted public awareness in 23 communities in Monrovia, Tchien and Voinjama on the Palava Hut system. Additionally 20 civil society organizations were trained by the INCHR/PMU and participated in the public outreach. This social mobilization was carried out through radio talk shows, town hall meetings, street parade, awareness at schools and entertainment centers and the use of t-shirts, banners, stickers and flyers.

The nationwide outreach generated high public acceptance. Citizens in target communities, especially perpetrators and victims of war-related violence have sufficient knowledge of the benefit, safety and processes of the Palava Hut and have appreciated,



supported and participated in the Palava Hut hearings in Tchien and Voinjama Districts.



Palava Hut

Outreach in Grand Gedeh and Lofa Counties.

- 3. Piloted the Palava Hut (PH) process in 2 communities:** A workshop to operationalize the methodology and operational guidelines of the Palava Hut was held with stakeholders. Subsequently, 8 District Palava Hut Committees (4 each, in the

Kwa and Mande Linguistic regions) were restructured and trained. The District Palava Hut Committees comprise 4 males and 3 females, representing traditional leaders, women and youth groups, and persons with disabilities. Pilot Palava Hut hearings were held in Toffoi Town, Tchien District, Grand Gedeh County and Vezala Town, Voinjama District, Lofa County. Three civil Society organizations (VOSEIDA, LMDI and GPN) were trained for the public awareness on the hearings. RESH, a civil society organization, was identified for the psychosocial component and 8 of its psychosocial counselors trained. Four Statement Takers 2 Interpreters were also trained as part of the support team for the hearings. Applying the PH methodology indigenous to the Kwa and Mande linguistic groups of the country, the work of the PH Committee in the two pilot districts is summarized below:

No.	District	Cases Targeted	Cases Recorded	Cases Heard	Cases not Heard
1.	Tchien	100	166	91	75
2.	Voinjama	100	108	86	22

The project integrated women and youth participation and voices in the Palava Hut that was once exclusively operated by males, which supports the cause of gender equality and engendered decision-making processes. In addition, through the pilot hearings individual and community healing is being fostered, the process of repentance and reconciliation cultivated.

- 4. Regional Memorials are under construction in hard hit war affected communities:** Construction work on the first of two regional memorials is ongoing at the mass burial site on Duport Road, Paynesville. This national reconciliation initiative will ensure that memories of victims humanized and preserved with a



reminder that “Never again shall we study war”.

Memorial at Mass Duport Road Mass Grave Site

the

PART II

HUMAN RIGHTS

SITUATION IN LIBERIA

2016

SECTION II: THE STATE OF HUMAN RIGHTS SITUATION IN LIBERIA

2.1. Human Rights Context

The constitution of Liberia expresses, in Article 21, the general will of the Liberian people to respect and protect human rights as a state. Liberia is a founding member of the United Nations and signatory to the Universal Declaration of Human Rights (UDHR). Consequently, since 1966, Liberia has signed and ratified almost all human rights treaties. Yet, the State obligation to respecting human rights has been challenged by internal politics and conflicts bordered on long standing divisions. The configuration of Government since 2005 has represented the expressed will of the people in their constituencies and is gradually becoming responsive to the needs of the people.

There is a genuine attempt by the State to respect and protect human rights. The State human rights obligations have been captured in a framework document called the National Human Rights Action Plan which designates specific ministry, agency and or commission (MAC) to implement actions in fulfillment of the realization of human rights. The INCHR is working with the Ministry of Justice to strengthen MACs capacity to respond to the State's human rights obligation. Similarly, there are efforts to ensure that human rights are mainstreamed in national policy documents and development agenda (i.e. Agenda for Transformation).

There are significant progress made in the area of civil and political rights owing to a new democratic space created by the composite effort of the Liberian people and the international community. There is increasing access to justice due to the increase in the number of police officers, county attorneys and public defenders, as well as established judicial authorities in the counties.

While there are significant progresses made in the areas of civil and political rights, much is needed in the areas of economic, social and cultural rights. There is generally limited knowledge amongst duty bearers and rights holders about human rights which emphasizes the need for increase human rights awareness amongst state and non-state actors. Human rights is generally ignored in sectorial and national planning; and human rights measurements are absent in their monitoring and evaluations plans and reports.

2.2. CIVIL AND POLITICAL RIGHTS

2.2.1 RIGHTS TO LIFE AND SECURITY OF THE PERSON

Liberia still maintains the death penalty in law and practice. Prior to Liberia accession to the Second Optional Protocol⁸ 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 (armed robberies), and public outcry and demand for government action, the Legislature, on

⁸ Second Optional Protocol to the ICCPR

July 16, 2008, passed a criminal amendment of Title 26 Chapter 15 of the Panel code adding thereto sections 15.32 and 15.34 making the crimes of armed robbery, terrorism, and hijacking punishable by death when they result in death, amid international criticism.

At Liberia's 2010 Universal Periodic Review⁹, 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. Yet the 2008 law prescribing the death penalty still remains in force. In its national report to the African Commission on Human and People's Rights in 2012, Liberia recognized that the accession to 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."

Accordingly, the President has commuted all death sentences to life imprisonment. However the government has stopped short of instructing 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 for some offenses resulting in death, Liberian courts have pronounced death sentences for murder offenses, and this could indicate judicial agreement with the position that Liberia's 2005 accession to the Second Optional Protocol to the ICCPR had no binding domestic effect because it was not properly ratified by the Legislature.

There was no arbitrary killing by State Security Forces. Although there was no arbitrary killing by State security forces, former Chief of Intelligence of the Liberia National Police, Mr. Samuel Nimely shot and wounded Emmanuel Kieh (age 17). Ten pellets of a Remington Riffle rounds were taken from Kieh's back, left arm and legs. Police findings indicate that the riffle was registered with the "Superintendent's Office, Montserrado County, contrary to the Firearms and Ammunition Control Act of August 5, 2016. Nimely was charged and sent to Court but released on bail. In another instance, Mr. Micheal Samukai, son of the Minister of National Defense, shot and wounded Mr. Zardee Andrews. On January 21, 2016, a Fulani was beaten by Varney Davies, officer of the Liberian National Police (LNP), in Killepo, Kanweaken District, Rivergee County. The case was transferred to the Professional Standard Division (PSD)¹⁰ of the Police. Officer Davis was asked by the PSD to pay all necessary expenses but has since failed to do so.

Mob Violence/Mob Justice has claimed the lives of several persons absent confidence in formal justice systems. Addressing Mob Violence remained a serious challenge in Liberia. Mob violence is a product of composite factors including the sparse distribution or presence of police in communities, the poor and inadequate responses of the police to crimes and the

⁹ The Universal Periodic Review is a process through which states present their reports on treaty obligations; comments and recommendations are made. 2010 was Liberia's second appearance following the first in 2004

¹⁰ The PSD is responsible to receive and hear complaints against officers of the Liberia National Police and recommend action(s) to be taken

failure to prosecute and sentence criminals, as well as the culture of impunity for perpetrators of mob violence. Communities often take recourse to mob violence as a way of dealing with the absence of justice.

In March of 2016, a 19-year-old boy, only identified as Abraham Kolleh, was apprehended and severely beaten by angry mob on allegation of armed robbery against a woman in the Brooklyn Community in Gbarnga Bong County. He subsequently died at the Phebe Hospital while undergoing medical treatment. The Bong County police Crime Services Department (CSD) confirmed the medical report from the hospital showing that Abraham died of injuries sustained from the attack.

Again, on September 1, 2016, another mob violence case involving Daniel Nunu occurred in the Thinker Village Community, Paynesville. According to eye witness accounts, Daniel's lifeless body was found in the Thinker Village Community in the early morning lying in a pool of blood, with lacerations on his body being a result of mobs beating.

The police were neither able to identify nor arrest the suspect(s) in connection with Abraham Kolleh and Daniel Nunu deaths. The police inaction in these cases manifests the lack of urgency on their part to carry out follow-up investigations on matters which places serious indictment on access to justice, the rule of law, the administration of justice.

2.2.2. Prohibition of torture and ill-treatment

The Constitution of Liberia provides that no person held in detention shall be subjected to torture or inhumane treatment and further obligates the Legislature to enact laws criminalizing torture.¹¹ There is however, no statute criminalizing torture or making provision for adequate care and protection of victims in Liberia. The Liberia National Police and Liberia Immigration Service Act of 2014 established the Civilian Oversight Complaint Review Board which is yet to be operationalized due to lack of budgetary support. Consultation for the establishment of the National Preventive Mechanism on torture is on a slow pace. In spite of these, torture or ill-treatments are being practice in Liberia.

In Grand Gedeh County, Madam Fatuma Daylue, a resident of Beh Town, was on the order of Tchien Administrative District Commissioner, Gaye Gbarduo, tied and beaten by the township youth, to confess her complicity in her son's disappearance. The Commissioner alleged that madam Fatuma was a witchcraft for which she was imprisoned in a public toilet for about two hours, and demanded to pay a fine of \$1,000 Liberian dollars (LD) for her release. Police arrest of the perpetrators did not include the District Commissioner.

In Bomi County, Senjeh District, the Chief of Beafini, Mr. George Bono allegedly ordered the tying of John Karmo. According to the victim who sustained bodily injuries as a result of the tying, Chief Bono had asked him to pay a fine, which he could not afford. The case is now before Magistrate Abraham Siryon, Senjeh District Magistrate.

Harmful Traditional Practices (FGM, Trial by Ordeal, Accusation of Witchcraft): Culture is central to Liberia's vibrancy and diversity, but also a source of human rights

¹¹ Article 21e, Constitution of Liberia

violation which leaves many to suffer without recourse to law. The brunt of violations in the name of culture is borne by impoverished and uneducated Liberians who endure incidents of FGM, trial by ordeal and accusation of witchcraft. While incidents of trial by ordeal and accusations of witchcraft seem to recede a bit, incidents of FGM remain unabated. During the reporting year, FGM incidents remain high in Grand Cape Mount, Lofa, Margibi, Bassa, Rivercess, Nimba, Bong, Gbarpolu, Bomi and some parts of rural Montserrado. Regardless of Liberia's international obligations, the Government through the Ministry of Internal Affairs issues licenses to traditional leaders (zoes) who among other things conduct FGM.

On May 19, 2016 two adults, ages ranging from 60 to 65, were accused of practicing witchcraft by elders of Konobo District, Grand Gedeh County. The elders administered sassy-wood on the accused, beat and, paraded them throughout the village, forcing them to confess to the act of initiating six children into witchcraft. The children briefly detained by the traditional society had their hair shaved and were prevented from attending school. The paramount chief declined to comment since the matter was traditional in nature.

2.2.3. Freedom of Expression

Article 15 of the Liberian Constitution provides for freedoms of speech and the press. In mid-2012, President Johnson-Sirleaf became the second African head of state to sign the Table Mountain Declaration, an important international instrument that guarantees a free press. The State passed the Freedom of Information Law in 2010 and established and operationalized the office of the Independent Information Commissioner in 2012. However, access to information is generally unregulated or at least most public institutions have not adopted standard procedures in making available public information, especially when demanded.

Liberia's defamation laws tolerate hefty payments as compensation in civil lawsuits which has serious economic implications for journalists and media institutions and encourage self-censorship. Therefore, Liberia needs to amend its libel laws to meet international standards set-aside for freedom of expression and the media. A reform of Liberia's defamation laws will prevent improper restriction on freedom of speech and the press. Although the President has repeatedly express the will and call for the repeal of the label law, this is yet to happen. While there are semblances of independence of the state broadcaster (ELBC) in what seems to be non-interference with their editorials, it lacks autonomy and remains susceptible to the whims of the ruling establishment. State subvention is inadequate and the institution generally does not enjoy financial autonomy necessary to enhance its independence.

While there is overwhelming respect for the freedom of expression by the state, Mr. Vandalark Patricks, a civil society activist, was arrested at an intellectual center in Monrovia in February 2016, detained and later arraigned in court for sedition and criminal libel over statements implicating the State in the death of Mr. Harry Greeves, former Managing Director of Liberia Petroleum Refinery Company (LPRC), and that the President of Liberia was guilty of using excessive force against those she perceived as her political opponents. The State later dropped all charges against Vandalark following massive public outcry for him to be released from detention.

2.2.4. Human Rights and Administration of Justice

Prison Condition and Pretrial Detention: Human rights conditions in Liberia's prisons have deteriorated on several fronts due in large measure to the increasing prison population. In addition, the conditions of prisons and detention facilities across Liberia remain very appalling and this condition has persisted, at least over the last six years. Most inmates at the Monrovia Central Prison (MCP) are prolonged-pretrial detainees with charges ranging from rape (40%), arm robbery (40%), and other crimes (20%). The MCP, designed to accommodate 374 inmates, received and held in detention the total of 1,032 inmates grossly exceeding its capacity. The majority of inmates were male while women and minors comprise a small percentage of the prison population. The MCP recorded up to 211 cases of pretrial detainees as of May 9, 2016. At the Metro (1) Police Depot on Front Street, Central Monrovia there is no toilet facilities for inmates. Prisoners use empty oil containers for urinating and toileting in their cell. Police cells in Sanniqullie, Nimba County, have no toilet facility, resulting to inmates using the withholding cells for urinating, defecating and eating. Conditions are similar in Konobo District, Grand Gedeh County, where the Ziah Town Police Depot, has no separate cells for males and females. Both sexes are held in the same holding cell and toilet facilities at the Police Depot are not conducive at all. There is a constant leakage of water from the toilet into the cell where alleged perpetrators are kept without food and water.

The Gbarnga Central Prison documented a total of 124 inmates during the period under review. The original capacity of the prison stands at 130, however the total prison population is now 163, out of which 116 are pretrial detainees. The Voinjama Central Prison also documented the total number of inmates at 72, although the prison was built to host a maximum of 40 inmates. Forty (40) of the 72 inmates were pre-trial detainees. Also, there is no electricity for inmates during the night hours, which has put the prison facility in complete darkness; and there are no functioning toilet facilities, resulting to inmates using gallons to urinate and toilet, a potential for health hazard.

In Maryland County at the Harper Central Prison, there were cases of torture and inhumane treatment of inmates and arbitrary detentions. Notably among the pretrial detainees is a group of twelve alleged murderers from Grand Kru who had been in prison for more than six months without trial (one dead). Conditions at the prison are dehumanizing, filthy and hazardous for inmates. The facility is without interior light though the exterior of the building has light. There are cases of convicts and pretrial detainees being placed together. The inmates sleep on thin mats as they are without mattresses. They are fed once a day but in some cases go days without food due to limited supply from Monrovia.

In Grand Kru County there is no prison facility. The Police Depot holding cell in Barclayville is the only alternative for detention manned by 6 correction officers of which only the Superintendent is employed. The Red Cross provides blankets and mattresses to the facility; however the conditions of the holding cell and prisoners remain appalling. The prisoners are fed once a day and sometimes the food is without soup - only the plain rice is fed. The

inmates are not granted regular sunbath and have no access to medical attention as the medical staff assigned to the facility is nowhere to be found. The police depot keeps inmates in detention without documentation. Pretrial detention is also prevalent at the Police depot. Also one of the two rooms in the police station is being used as holding cell which is unhygienic and suspects are detained beyond the statutory 48 hours period.

In River Gee County, the prison cells are in poor sanitary conditions and the standard for protection is low. Prisoners do escape easily through the ceiling. In terms of feeding, the inmates have regular breakfast from the prison's farm and lunch from the prison's supply. There are 8 correction officers who manage the facility, but 5 of them are volunteers. Inmates who are convicted are kept with pretrial detainees and a mentally unstable inmate is also kept with them. The inmates like those in Harper and Barclayville prisons are not uniformed. Unlike most other prisons, prisoners sleep on mattresses provided by the Red Cross.

In Margibi County at the Kakata Central Prison, the condition of the prison and prisoners is also appalling. Food is inadequate. Prisoners with disabilities are not kept in separate cells, while convicted criminals and pretrial detainees are placed in the same cell. The original prison occupancy is 60, but as of August 2016, the occupancy was recorded at 124, out of which 73 inmates are pre-trial detainees.

At the Greenville Central Prison in Sinoe County, and the Buchanan Central Prisons in Grand Bassa County, the condition of the prisons and prisoners is also appalling with pretrial detainees accounting for more than 90% of prison population. For example at the Greenville Prison the original prison population is 25 while the total prison population stands at 30, of which 28 are pretrial detainees. At the Buchanan Central Prison, there is a total of 64 inmates out of which 27 are pretrial detainees (42%). The prison was built with a capacity of 44 persons. The charges in these two prison as in the case of most of the prisons across the country are contempt of court, armed robbery, theft of property, gang rape, statutory rape, rape, misapplication of entrusted property, simple assault and debt.

In Bomi County, at the Tubmanburg Prison, clogged sewage has led to the flowing of feces in the cell and prison yard causing bad odor. The entire prison compound has no electricity and is completely dark at night, making it difficult to move around. Presently, the roof of the prison is damaged which has caused serious leakages of the entire facility. Access to legal services is very limited and sometimes not available to pretrial detainees. There are also no mattresses, clothing, supplies or toiletries, shavers, soap etc. for use by the prisoners. Also there is very limited preliminary medical examination before prisoners are admitted in prison. Meanwhile, as in the case of the majority of the prisons in Liberia, the prison superintendents and staff find it difficult to take prisoners to health facilities because of the lack of mobility.

In Cape Mount County, the prison is an ordinary warehouse with no facility to house a central prison. The ventilation is also very poor. There are also cases of solitary confinement being reported at this temporary prison. Most times prisoners are not treated when they fall

ill. In addition, convicted criminals are not separated from untried prisoners and juveniles, while female prisoners are being kept in the hallways.

At the Zwedru Correction Palace in Grand Gedeh County, there are 98 cells with 37 beds. In the remaining 61 cells, inmates sleep on the floor. In Rivercess County, the structure used as a detention center is divided into 4 cells. In all of these cells there are damaged ceilings with constant leakage during rainy seasons. These cells are also overcrowded with prisoners, many of which are pretrial detainees. Food supplies is irregular and prisoners eat once or twice a day and are made to use bathrooms that are very dirty and not conducive. Furthermore, the prison has no electricity and is barricaded with a very short fence that does not completely surround the prison's premise. There are also no particular uniform separating, inmates from convicts.

2.2.5 Trafficking in Persons

There was no incident of international trafficking in persons reported during the reporting year. However, local trafficking, a more pronounced but often neglected form of human rights violation meted against impoverished children from rural Liberia is commonplace. Some relatives or family friends visit rural communities and volunteer to take children to the cities for better opportunities such as enrollment into schools, an opportunity that is less available in rural Liberia. When brought to the cities, these children are exploited and are never given the opportunity to enroll in schools; instead, they are engaged in street selling, and other forms of violations including enticing them into prostitution. From May to August 2016, the Commission interviewed 213¹² children who are engaged in street selling, 147 (69%) of them informed that they were from outside of Montserrado County but have been brought to Monrovia by a relative or a family friend. This sad occurrence, if not curtailed will certainly leave many children deprived of their basic rights to education that is the cornerstone of child development because they are engaged in activities that do not permit them to embrace and achieve early primary education that is essential to their future development. Given Liberia's low human development index, trafficking in persons undermines not only low enrollment in schools, but it also exacerbates social problems such as high incidence of crimes as well as poor marketable skills often associated with lack of proper education during children's formative stages.

2.3. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

2.3.1 Right to Health

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

¹² Of these 213 children, 57 were females while 156 were males.

all. In spite of this clear roadmap, the realization of the rights to health in Liberia remains a tall order.

National budgetary allocation (\$54,622,599) to health remains relatively low. Infant and maternal mortality rates are 66/1000 and 725/100,000 respectively. 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. Both the Civil Service Standing Order and the Decent Work Act put the retirement age at 65 irrespective of occupation and ability of the elderly.

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 are still a distance away from many communities and road conditions have further compounded the problem. Essential drugs are sparingly available or in short supply. Health facilities are short of necessary medical personnel including medical doctors and equipment which generally undermine the delivery of quality health services across the country. Health personnel training curriculum does not include any module on human rights and health.

G.W Harley hospital, one of the biggest government referral hospitals in Nimba County has not been able to provide requisite medical treatment to patients due to the unavailability of basic laboratory testing materials used to diagnose patients' conditions like test kits and reagent. There is also a problem of insufficient supply of essential drugs and most patients are asked to procure their medication at local pharmacies.

Patients admitted at the Fish Town Hospital in Rivergee County sometimes go without food for as long as four days. According to a whistle blower patient, he had been hungry for four days. The hospital had not received food supplies for more than 5 months. The situation led to complication in the administering of drugs to some patients who family could not afford to feed the patients, thereby increasing the death rate at the hospital. The issue of inadequate staffing at the hospital is a major constraint. Whereas, a minimum of thirty six staff are required to effectively run the facility, the manpower at the hospital stood at 14 during the first quarter of 2016 with 8 nurses, 5 midwives and 1 laboratory technician.

Inadequate staffs, lack of utility vehicle, insufficient drugs for patients, as well as gasoline for the daily operation of the hospital are myriad of problems also identified at the CH Rennie Hospital during the second quarter of 2016. Patients were sent away without being attended to due to insufficiency of beds at the hospital. CH Rennie is the only government hospital in Margibi County with only 88 beds. Similarly, the G. W. Harley Hospital in Ganta, current capacity cannot accommodate all of the patients they receive on a daily basis. As a result, the hospital is facing serious over crowdedness and many patients are left unattended to due to lack of equipment in the laboratory. The absence of these materials has made doctors or lab technician unable to diagnosed patients illnesses.

2.3.2 Right to Education

The State is striving to ensure the realization of the rights to education. However, there remain huge challenges with respect to the availability, accessibility and quality of educational institutions and programs in Liberia. While the state is obligated to ensuring the realization of free primary education for all, 95 pre-primary and primary schools were outsourced to private institutions under the partnership schools for Liberia program. The program which is being piloted was introduced with limited consultation resulting into opposition to the program from the National Teachers Association of Liberia.

The Government of Liberia is providing budgetary support to these privatized institutions which reduces the number of public institutions and displaces pupils who could not be absorbed in their former primary schools due to new student per class quota. Primary education is a core minimum human rights obligation of the state and it must be compulsory, available and free to all. Privatization clearly undermines the realization of primary education for all where subvention to strengthen public education is being directed at subsidizing private education.

A dualistic education system exists between State Owned Schools and Privately Owned Schools on one hand and Urban Schools versus Rural Schools on the other hand. The quality of instructional staff and facilities in Privately Owned Schools by far surpass those of State-Owned Schools, understandably, students in privately owned schools fare by far better than their counterparts in State-owned schools who constitute the majority of the student population. The same story is true for schools situated in urban areas and those situated in rural communities. On average, rural schools attract less qualified instructional staff and classes are conducted in poor and dilapidated structures. Instructional time for schools in rural Liberia is dismally insufficient and irregular compared to instructional time for schools in urban Liberia. Across Liberia, there is little or no basic standard for schools, consequently, there exists huge disparities among schools of either category (Privately owned, Publicly Owned, Urban, Rural) with respect to instructional staff, the quality of facilities; no requirement for resource centers such as libraries or recreational facilities.

2.3.3 Right to Housing

The right to housing is constantly under threat in Liberia. Big concessions and land grabbing, as well as natural disaster (sea erosion) have denied many residents their rights to housing which are either wipe away by the expansion of concessions or sea erosion. Still other communities are being ejected out of contested land and housing destroyed. In April 2016, approximately 20,000 residents of the Fendell Community in Monsterrado County were forcibly evicted and made homeless by demolition of their homes to put the University of Liberia in possession of the tract of land which it is claiming. The residents have however collectively filed an action with the Civil Law Court claiming monetary damage of \$40million dollars. In spite of this, the homeless residents resolved to proceed to the ECOWAS Court for redress.

2.4 VULNERABLE GROUPS

2.4.1 Women's Right

Sexual and Gender-Based Violence (SGBV)

Despite huge investments in the fight against SGBV by the GoL and partners, the frequency of violent crimes, especially rape, against women and girls remains alarming. There are harsh penalties imposed for rape offenses, yet the occurrence is commonplace; regrettably, several observers have argued that SGBV is a wicked problem. Hardly a week passes without horrific violent SGBV crimes being reported. Societal perceptions about violent crimes against women have shifted a little to significantly curtail this anomaly.

A fifteen year old mentally retarded girl was reportedly raped by a 30 year old man in Tienpo- Wuwraken, Rivergee County. The alleged perpetrator was arrested by the women and Children Protection section (WACPS) of LNP. According to him, the victim is his lover. The Alleged perpetrator was officially charged and sent to the Fish town Magisterial Court for Prosecution. He is currently being held at the Fish Town Prison. Also a 14 year old girl was gang raped by two men ages 19-25 in Fish Town, Rivergee County. According to the victim, she had gone for tutorials at her study class teacher home when she was attacked and raped by two men identified as Anthony and Junior. The attack happened while she was reviewing her lessons and her instructor left to watch a football match. One of the suspects (Anthony) was arrested and held at the Police holding facility in Rivergee County. LNP officers were searching for the second suspect named Junior up to the compilation of this report.

In Grand Bassa County, a girl between the ages 14-16 died as a result of a gang rape, according to medical report. Police officers assigned in the area confirmed that the deceased had come to visit her sister, who was not present in the county upon her arrival; however, she met her sister's husband who lodged her in an empty room outside his house. During the Night hours, she was brutally raped by six men. The case was tried by the Circuit Court in Buchanan, Grand Bassa County and the accused were adjudged not-guilty.

In Nimba County, a two year old child was allegedly raped by a 34 year old man in Karnplay Community while a 5 year old girl was reportedly raped by an elderly man in Butaw Community and 12 year old girl from Bahn was also raped by a 25 year old man. Additionally, a pregnant woman, resident of Toweh's Town, was raped by a man aged 32-35; as a result, the victim had a miscarriage. Although these cases were registered with the LNP officers, the alleged perpetrators are still at-large.

Also in Nimba County, a 1year and 6months old girl was raped by a 34 year old man in Lapea. The case was reported by the victim's mother to the LNP Women and Children Protection (WACP) section. The perpetrator pleaded not guilty. The victim was admitted at the Ministry of Gender Children and Social Protection (MOGCSP) safe home for treatment, while the alleged perpetrator has been charged and sent to court. In another incident in Geanplay Town, Karnplay, Nimba County, a 8 months old baby girl was allegedly raped by a

19 year old man. The victim underwent treatment at the MOGCSP safe home in Nimba County. The perpetrator has been charged and forwarded to court for prosecution.

During the second quarter of 2016, the grand jury and Judge at the Zwedru Circuit Court unanimously found guilty and sentenced a 28 year old man to 8 years imprisonment for raping a 12 year old girl at the New Creek Gold Mining Camp, Konobo District in Grand Gedeh County.

A little girl between ages 12-16 was allegedly raped by a Ghanaian fisherman on May 22, 2016 in Greenville, Sinoe County. The perpetrator was on the run after the incident was reported. However, he has been apprehended by community dwellers and turned over to the LNP, where he admitted committing the crime. He has been formally charged and sent to court.

In Harper, Maryland County, a 13 year old girl was allegedly raped by her step father, age 41 whom she had lived with for the past six (6) years along with her mother. The case has been reported to the police by her mother; however the victims step father who is the key suspect is on the run.

In Harbel Margibi County, two cases of rape were also reported involving two victims ages 5 and 15. According to the 15 year old victim, she was raped by a 41 year old man and resulted into pregnancy. Subsequently another victim age 14 was raped by unknown men at a party she attended on 18th May 2016. The victim said she was intoxicated with alcoholic beverage during the party, and found herself on the streets the next morning and noticed she had been raped. Suspects from these cases are yet to be identified. According to LNP officers at the RIA Police Depot, it is difficult to apprehend the suspects due to the lack of logistics, especially vehicles.

2.4.2 THE RIGHTS OF PERSONS WITH DISABILITY

The Liberian Government through its National Legislature in mid-2012 ratified the Convention on the Rights of Persons with Disabilities. However, in 2016, some members of the disable community continued to experience discrimination in the education and health systems, in blatant violation of their human rights. For example, educational infrastructure and equipment suitable for disabled persons continues to be unavailable at primary, senior secondary and tertiary institutions to enhance the learning process, while special care remained unavailable to disable persons at clinics and hospitals across Liberia.

The minimum level of support which persons with disabilities continued to receive under the nation's education and health systems denies them the rights to adequate education and health services. The denial of persons with disabilities, particularly children, the right to education, caused some individuals with disabilities to attain low education than other children during the year under review.

The INCHR is also alarmed by the fact that the Government of Liberia continued to downplay the education of persons with disabilities, particularly children. Educating children

with disabilities is a significant investment in the sense that it lessens cost associated with welfare services and aid and relieves other members of the household from carrying said responsibilities. Such education on the other hand increases employment and productive activities.

2.4.3 CHILD LABOR

There is no organized government sanction on child labor (compulsory service in military or paramilitary, civil works), however, poor enforcement of regulations including those governing work and commercial activities tend to foster the practice of child labor. The frequency of children engaged in inappropriate work- related activities such as rock crushing, street selling and escorting blind persons, as well as begging, remains high. Children can be seen selling many kinds of merchandise around urban settlements such as Monrovia, Kakata, Gbarnga, Ganta, Harbel and Tubmanburg. Of all these urban centers, Monrovia, the capital remains the epic center for children engaged in inappropriate work such as selling between moving vehicles. To curb the huge number of children engaged in street peddling, the Government during the reporting year established a taskforce which comprised several ministries and agencies. To date, this Taskforce has achieved little or nothing in addressing its core mandate –raiding the streets of children engaged in commercial activities.

3.0 CONCLUSION AND RECOMMENDATIONS

3.1 Conclusion

The human rights situation in Liberia is progressing steadily with the development of democratic stability. The year 2016 witness the decline of strong international presence in promoting and protecting human rights and the attempt by the INCHR to fill the gaps. Though faced with varying capacity challenges, the INCHR stamped her presence in every county. The INCHR presence in the counties saw increase in the lodgment of complaints of human rights violations as well as monitoring, documenting, investigating and reporting. It is expected that as the INCHR strengthen her monitoring and investigation mechanisms, more cases of human rights violation will be tracked and redressed. This will place an even more compelling challenge to prevent the abuses and violations for human rights. Training, education and awareness will have to be designed to suit specific context and demands of each region or county based on the kinds and frequency of cases documented.

As the INCHR Board of Commissioners and Secretariat advance the promotion and protection of human rights in Liberia, the supports of the state and various stakeholders as duty bearers are necessary. The Legislative, Executive and Judiciary branches of Government must intervene vigorously to ensure the respect for human rights. This year report therefore concludes with several recommendations that should claim the attention of the State and other actors.

3.2 Recommendations

Recognizing that the disregard for human rights precipitated the 14 years of civil conflicts in Liberia, and that the respect for human rights remains central to the sustainability of our emerging democracy and national development, the INCHR advances the following recommendations:

1. The Government of Liberia and donor partners should provide support to the implementation of the INCHR Strategic Plan;
2. The Government of Liberia needs to provide support for INCHR adequate representation at international meetings and conferences;
3. The Government should provide funding for INCHR membership with International Organizations (GANHRI, NANHRI, etc.)
4. The Government should provide support to ensure that INCHR is represented in each county by a minimum of two staff and each of the 5 regions by a coordinator;
5. Provide support to enhance INCHR complaint handling capabilities;
6. The GoL should take steps to abolish the death penalty or sentencing
7. The Ministry of Justice should ensure the prosecution of Micheal Samukai and Samuel Nimely for the illegal possession of firearms and for attempted murder.
8. The Ministry of Justice must ensure the apprehension and prosecution of perpetrators of mob violence including the Daniel Nunu and Abraham Kolleh murder.
9. The Ministry of Justice/Liberia National Police must ensure the operationalization of the Civilian Oversight Board as directed by the Police Act;
10. The Government should established the National Preventive Mechanism against Torture
11. GoL must pass the Domestic Violence Bill, to make illegal the conscription into the traditional schools and consent a mandatory requirement;
12. GoL (Ministry of Health, Ministry of Internal Affairs and the National Traditional Council) should take steps to review the health implication of Female Genital Mutilation (FGM) and abolish the practice;¹³
13. The GoL must issue a moratorium on the further issuance of licenses for the opening of new/additional bush schools.
14. GoL must enforce the prosecution of perpetrators of trial by ordeal;

¹³ Maputo Protocol calls on all state parties to ensure the abolishment of FGM

15. The Ministry of Information, Culture and Tourism and the Law Reform Commission must work with the Press Union of Liberia to reform the defamation laws and make ELBC a public broadcaster
16. The GoL must improve support to health and education and ensure supervision of health and educational facilities and services across the country.¹⁴
17. Improve support for persons with disability and reduce their vulnerability¹⁵
18. Government should take action to rid the streets of street-selling-children

¹⁴ International Covenant on Economic, Social and Cultural Rights mandates state parties to take progressive actions in providing good health and quality education for its citizens

¹⁵ The Convention on the Rights of Persons with Disabilities urges governments to adequately cater for persons with disabilities

APPENDIX A: FINICIAL STATEMENT – YEAR END JUNE 2016

STATEMENT OF RESPONSIBILITIES

The Financial Statements as set out on pages x to xx have been prepared in accordance with the provisions of the Public Financial Management Act of 2009 and in compliance with the Cash Basis International Public Sector Accounting Standards (Cash IPSAS), adopted by the Government of Liberia.

In accordance with the provisions of the Public Financial Management (PFM) Act of 2009, I am responsible for the control of and accounting for public funds received, held, and expended for and on behalf of the INCHR.

Under the provisions of the same Act, I am required to prepare unaudited Final Account of the INCHR to be submitted to the Minister of Finance and Development Planning, Forty five days after the end of the year to which it relates. However, I have delegated the preparation of the unaudited Final Account to the Comptroller for my transmittal to the Minister, as provided in the attendant Regulations of the Public Financial Management Act of 2009. Accordingly, I am pleased to submit the required Annual Public Account of the INCHR in compliance with the PFM Act and its attendant Regulations. I have provided, and will continue to provide, all the information and explanations as may be required in connection with the financial statements presented therein.

In preparing these Financial Statements, the most appropriate accounting policies have been consistently applied and supported by reasonable and prudent judgment and estimates. To the best of my knowledge and belief, these Financial Statements agree with the books of accounts, which have been properly kept.

I accept responsibility for the integrity of these financial statements, the financial information they contain and their compliance with the provisions of the Public Financial Management (PFM) Act of 2009.

REPORT OF THE COMPTROLLER

Introduction

This Report provides information about the Commission’s activities undertaken and analysis of the cash receipts and payments (as well as financial performance) of the *INCHR* for the year ended June 30th 2016 and of its financial position as at that date.

Background

In adherence to the Universal Declaration of Human Rights adopted and proclaimed by the United Nations General Assembly Resolution 217 A (III) of the December 10, 1948 of which the Government of Liberia is a party and article XII of the Comprehensive Peace Agreement

signed in Accra on the 18th August 2003, the Government of Liberia on March 11, 2011 enacted into law “Independent National Commission on Human Rights (INCHR).

According to the Act, the Commission is to promote and protect the human rights of all through dissemination of information, educating public opinion and promoting awareness and respect for human rights; hear and consider compliant and petitions concerning human rights violations; submit opinions, recommendations, proposals and reports to the Government, senate and other competent bodies on an advisory basis on matters concerning the protection and promotion of human rights; promote and ensure the harmonization of national legislation with international human rights instruments; act as a source of human rights for the Government and people of the Republic of Liberia, among others. The Commission is also responsible to ensure the implementation of the TRC recommendations, particularly to directly supervise the palava hut, Reparation and Memorialization recommendations.

The Commission was challenged in its work to promote and protect human rights during the period under review due to inadequate government funding which impeded the recruitment of the requisite staff needed for the Commission to effectively monitor, investigate and report human rights violations. Notwithstanding, the INCHR succeeded in staffing and operationalizing two of its five Departments: the Department of Budget and Administration and Department of Education, Training and Information. It also recruited a few staff for the Department of Complaints, Investigation and Monitoring and contracted and deployed additional human rights monitors in few of the counties.

During this period, a full capacity assessment of the INCHR was undertaken, and as part of the consultancy, several institutional documents of the INCHR were revised, updated and developed. These include the INCHR Staff Hand Book, Standard Operating Procedures, Job Descriptions and Terms of Reference Manual and the INCHR Financial Procedures Manual, Procurement Policy and Petty Cash Policy. The INCHR also reviewed and broadened its Organogram to reflect current and future positions.

Further, the INCHR accelerated preparations for the National Palava Hut Program as recommended by the Truth and Reconciliation Commission (TRC) Report and highlighted as a Thematic Area in the National Reconciliation Roadmap, and initiated the construction of the first national memorial on a mass-grave site at Duport Road, Paynesville.

The report highlights a number of human rights violations, including the conditions of prisons, freedom of the press, harmful traditional practices, sexual and gender based violence especially rape and police brutality. The report also flags and draws attention to ritualistic killings, accusation of witch craft and youth based violence amongst others.

Incidents of statutory rape were alarming. Disappointingly, most of these cases were compromised because of relationships or by police and perpetrators and victims’ families. In 2015, there were mysterious deaths that still need to be fully investigated and the public informed of their outcome.

Some of those deaths were clearly ritualistic because of missing body parts, but up to the end of the reporting period there were no arrests because of lack of evidence. There were reports of police misconduct some of which were punished by dismissal and pending prosecution. There were incidents on police violence especially during arrests which went with impunity. Meanwhile, while several human rights violations were reported during the period under review, the INCHR notes that in 2015 there were no records available to INCHR on arbitrary arrests and detentions by government.

Finance of the Commission

Funding, Accountability and Transparency: The key source of funding of the INCHR is the Government of Liberia which is responsible to provide adequate funding for the operation and functions of INCHR. Article XIX section 1&2 of the Act creating the INCHR states: “That, in order to enhance the operational efficiencies and independence of the INCHR, the Government of Liberia shall ensure adequate resources and funding; following consultations with the National Legislature and the Director General of the Bureau of Budget” (Section 1) “That, the Commission, to exist and function as a fully independent body with respect to its administration and finances, it shall have financial allocations, autonomy, budgetary and shall not in any way be connected or placed within the budget of any other agency, ministry or institution of Government” (Section 2). Accordingly, its resources are administered in compliance with the financial management procedures of Liberia.

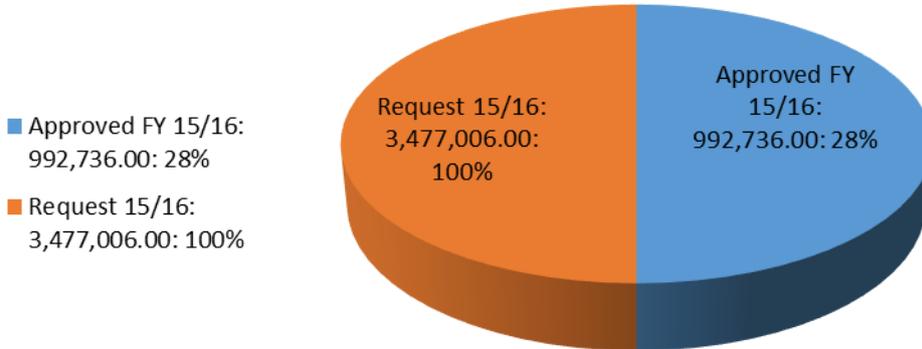
In this regard, the Commission adhered to the management procedures and employed skilled personnel to execute its financial and procurement functions.

In the last three fiscal years, the Government has underfunded the INCHR, thus making it difficult to fully establish its Departments and to carry out all its functions with high level of proficiency, and efficiency as provided in its Act of 2005. Despite the Commission has made several appeals with the Legislative and the Executive Branches of Government to provide adequate funding for the work of the INCHR, no concrete actions have been taken.

Funding of INCHR in 2015

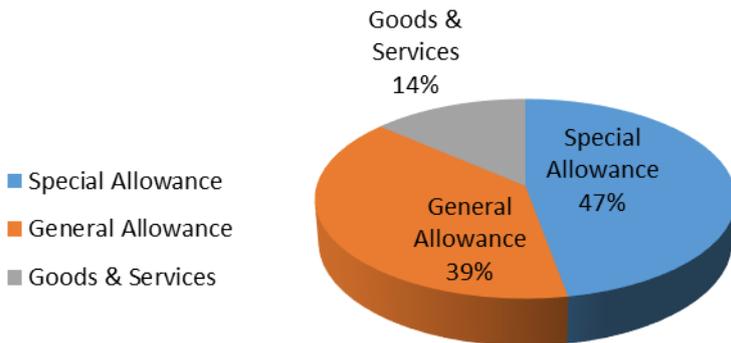
In 2015, the INCHR crafted and submitted a proposed budget of US\$3,477,006.00 (Three million four hundred seventy seven thousand six united states dollars for the Fiscal Year 2015/2016. Upon completion of the budget hearings, the National Legislature approved the annual appropriations of US\$992,736.00. This amounts to about 28 percent of the amount required and requested.

INCHR FINANCES: 2015-2016



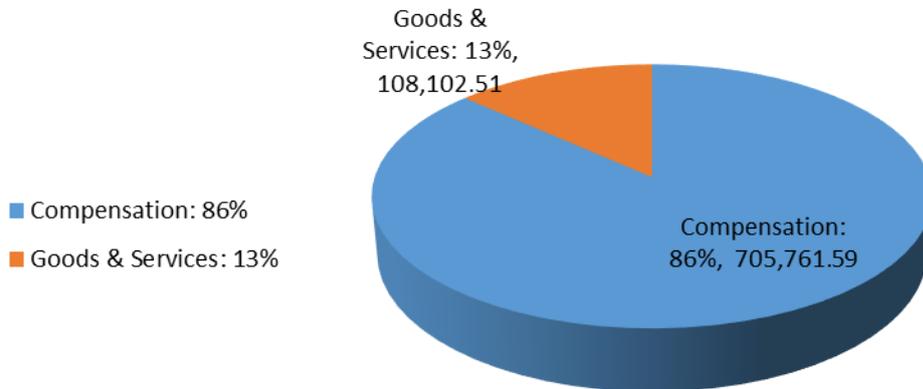
During the fiscal year 2015/2016, the Commission’s allocations of US\$ 992,736.00 are presented in the pie chart below. The pie chart hereunder depicts that out of the total approved allocations, special allowance account for 47% of the budget, general allowance account for 39% while goods & services account for 14%. The chart clearly shows that the Commission budget is compensation base instead of program base. It also indicate that there is not much funding provided for programs and as such, the Commission’s is unable to implement activities and programs that it has been task to undertake as stated in the Act establishing it.

FY 15/16 ALLOCATIONS

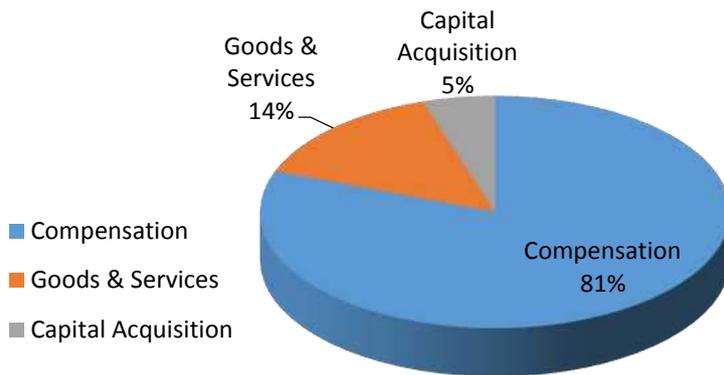


During the execution of the budget, the Commission’s receipts and expenditure trend were as follow: The Commission’s actual receipts for the fiscal period amounted to US\$ 813,102.51 representing 0.98% of the total allocation.

INCHR 15/16 RECEIPTS FROM MFDP



INCHR 15/16 EXPENDITURES

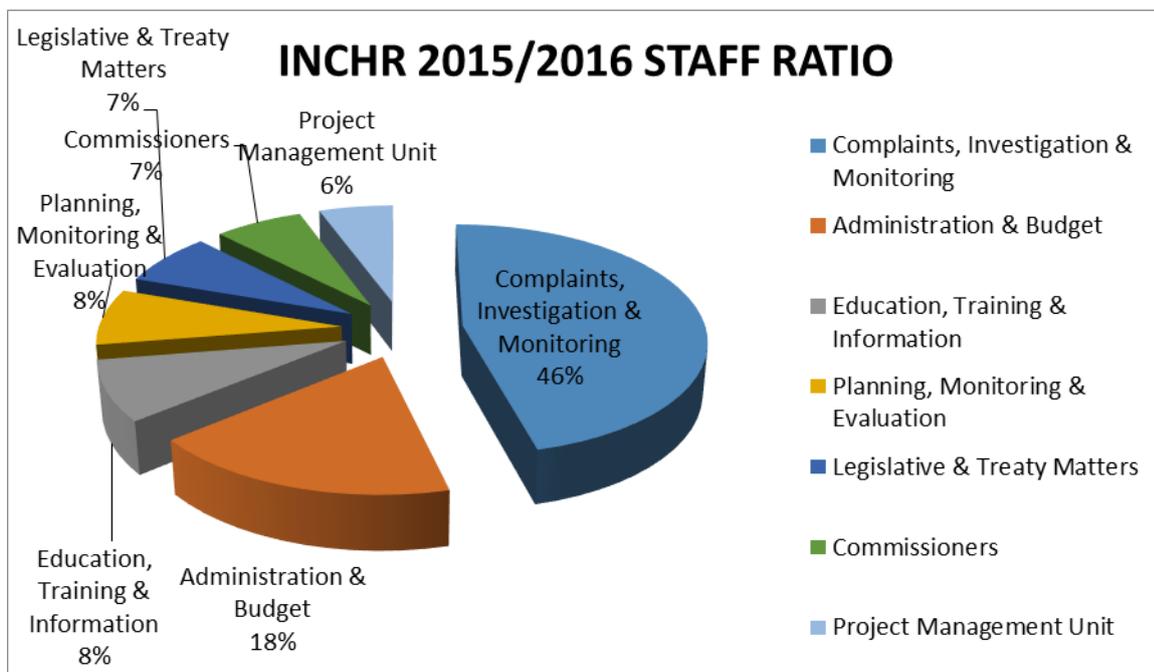


Projects and Activities Implemented in 2015 – Accomplishments: Despite inadequate funding, the INCHR made notable accomplishments during the reporting year. The INCHR partially operationalized three of its five Departments including: 1). Administration and Budget, 2). Education, Training and Information, and 3). Complaints Investigation and Monitoring. The Commission was able to employ the Director of Administration and Budget, and the Director of Education, Training and Information. In addition, the Commission employed seventeen (17) other personnel amongst them are Research/Documentation Officer, Accounts’ Clerk, Expeditor, Procurement Officer, Human Rights Monitors’ Coordinator, Human Rights Education Officers, a Human Rights Investigator, and ten (10) Human Rights Monitors. Others included ten (10) Human Rights Monitors deployed in three (3) Counties: Montserrat, eight (8), Gbarpolu, one (1), and Margibi one (1). Due to the inadequate

funding, the Commission was unable to acquire the needed number of Human Rights Monitors to cover the fifteen (15) Counties.

Moreover, in an effort to operationalize the Planning, Internal Monitoring and Evaluation Department and Legislative Assistance, Treaty Matters and Law Department, INCHR also contracted three (3) technical staff for only 5 months: a Legislative Officer, Program Officer and a Research Analyst paid from the consultancy fees allotted by the Ministry of Finance and Development Planning.

Given the inadequacy of funding in 2015, the Ministry of Finance and Development Planning accepted and approved the INCHR request to utilize the balance in special allowance allotment to underwrite the salaries of seventeen (17) contracted Human Rights Monitors and ten (10) support staff of the Secretariat. The Monitors were deployed in the counties covered by the five (5) Justice and Security Regional Hubs (fourteen counties). Despite the deployment of these monitors, their work has been hindered by lack of logistics and mobility to travel within the counties where they are deployed.



3.1 The Palava Hut Program-Sponsored by UN Peace building Fund (PBF): In addition to its statutory functions, Section 47 of the Truth and Reconciliation Commission (TRC) Report recommended that the Independent National Commission on Human Rights (INCHR) follow through on the implementation of its recommendations (findings) in the TRC Final Report of 30 June 2009.

It also assigned a few of the recommendations especially those related to transitional justice as directly the responsibility of the INCHR to implement including the palava hut talks, memorialisation, and reparations. In addition, the Government of Liberia Strategic Roadmap for National Healing, Peace building, and Reconciliation of December 2012 also articulated

these responsibilities assigned to the INCHR in the first three thematic areas of the Roadmap under Category 1 (Accountant for the Past): 1) Palava Hut Process 2) Memorialisation and 3) Reparation. A fourth thematic area was also assigned to the INCHR: 4) Diaspora and Reconciliation. Thus the implementation of Community-based Truth Telling and Atonement Project is one of the priority areas that INCHR leads and coordinates.

In 2014, with funding from the United Nations Peace building Fund (PBF) and the then Bureau of Crisis Prevention and Recovery (BCPR) of the United Nations Development Program (UNDP) based in New York, a Project Management Unit (PMU) was established by the INCHR to oversee the implementation of the National Palava Hut Project. As approved by the PBF Joint Steering Committee (JSC) in Liberia, the project set out to achieve the following:

- Strengthen the capacity of the INCHR to lead and coordinate the National Palava Hut Project;
- Conduct nationwide ethnographic studies which result will help define and develop methodology and operational guidelines for the Palava Hut;
- Conduct nationwide outreach to galvanize grass-root support, understanding and participation in the Palava Hut Project;
- Conduct Palava Hut process piloted in 2 communities; and
- Construct at least two regional memorials in hard hit war affected communities; particularly on mass grave sites where victims of the Liberian civil war are buried.

a. Staff Recruitment and Capacity-building

In 2014, the INCHR recruited six staff to set up the Project Management Unit (PMU) to implement the Palava Hut Project funded by the UN PBF and BCPR. Those recruited included a Project Manager, two Coordinators, Administrative Assistant and a Driver.

With the requisite staff recruited and the PMU established, the INCHR started the implementation of the National Palava Hut project and is poised to meet all its key outcomes. To begin the Palava Hut Project a few staff of the PMU underwent short-term training in four topics including: “Community Organizing for Social Change and Justice in Transition: Restorative Indigenous Approaches in Post-war Context”, Conflict Analysis, and Restorative Forms of Justice as well as Strategies for Trauma Awareness and Resilience (STAR – Level 1) at the Summer Peace building Institute (SPI) Program of the Center for Justice and Peacebuilding (CJP), Eastern Mennonite University (EMU), Harrisonburg Virginia, United States of America. A few of the PMU staff also underwent training in Monitoring, Evaluation and Result-based Reporting. This training was held at the Regional Security Hub of Gbarnga, Bong County and funded by the Liberia Peace building Office.

INCHR Major Achievements in 2015

Despite budgetary constraints, INCHR in 2015 made notable gains. Amongst them are the following:

- Established three (3) of the five statutory departments;
- Contracted two (2) consultants to conduct capacity assessment of the INCHR;
- Developed administrative documents including Standard Operation Procedures, Staff Hand Book with Code of Conduct, Organogram, Job Descriptions and Terms of Reference for existing and future post of the INCHR;
- Employed sixteen (16) personnel including two (2) Directors, 1 Chief Finance Officer, 1 Procurement Officer, 1 Accounts Clerk, 1 Research and Documentation Officer, 1 Human Rights Coordinator, 10 Human Rights Monitors, and 1 Human Rights Investigator;
- Contracted three (3) Technicians: 1 Program Officer, 1 Legislative Officer and 1 Research Analyst and eleven (11) Human Rights Monitors;
- Deployed twenty seven (27) Human Rights Monitors in the 15 Counties;
- Received and investigated seventeen (17) complaints of human rights violation;
- Investigated the Paynesville Motorcyclists Riot and made recommendations thereof to the Government of Liberia;
- Investigated Butaw Youth Riot perpetrated on the premises of Golden Veroleum Liberia (GVL), Sinoe County;
- Inspected seventy seven (77) detention facilities throughout the Country;
- Developed the Palava Hut Methodology and operational guidelines;
- Conducted Ethnographic Studies for the four (4) linguistic groupings of Liberia;
- Validated the reports of the Ethnographic Study;
- Celebrated the International Human Rights Day in collaborated with CSOs and UN Women in Liberia;
- Acquired land in Du Port road for the construction of the First National Memorial as recommended by TRC;
- Conducted groundbreaking for the construction of the First National Memorial on Du Port Road, Paynesville;
- In collaboration with UNMIL HRPS, installed three (3) suggestion boxes at the Monrovia Central Prison for used by inmates to communicate their conditions with appropriate institutions.

Conclusion

The Financial Statements for the year ended June 30th 2016 should be read in conjunction with the underlying notes and supplementary disclosures for better understanding and interpretation.

Signed:
James S. Paye/**Comptroller**

Date:

FINANCIAL STATEMENTS

FOR THE YEAR ENDED

JUNE 30TH 2016



STATEMENT OF CASH RECEIPTS AND PAYMENTS
(ALL PUBLIC FUNDS)

FOR THE YEAR ENDED 30th JUNE 2016

RECEIPTS BY TYPE AND PAYMENTS CLASSIFICATION BY NATURE

		US \$'000	US \$'000	US \$'000	US \$'000	US \$'000	US \$'000
<u>GENERAL FUND</u>							
RECEIPTS							
Authorized Allocation/Appropriation	4	813,864.10					
Other Receipts	5	22,667.00					
External Assistance:	6						
Grants From Multilateral Agencies							
Grants From Bilateral & Other Agencies							

		US \$'000	US \$'000	US \$'000	US \$'000	US \$'000	US \$'000
Supplies and Consumables		126,211.89					
TRANSFERS:	8						
Grants							
Other transfer payments							
CAPITAL EXPENDITURES:	9	43,999.00	-	-	-	-	-
Purchase/Construction of Property, plant and Equipment			-	-	-	-	-
Purchase of Financial Instruments			-	-	-	-	-
LOAN & INTEREST REPAYMENTS:	10						
Loan Repayments			-	-	-	-	-

		US \$'000	US \$'000	US \$'000	US \$'000	US \$'000	US \$'000
Interest Payments							
Other Payments	11		-	-		-	-
Total Payments - General Fund		882,737.97	0.00	0.00	0.00	0.00	0.00
Increase/Decrease in Cash		<u>(46,206.87)</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Cash at the beginning of the Quarter							
Foreign currency translation difference		<u>13,308.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Cash at the End of the Qtr - General Fund		39,135.57	0.00	0.00	0.00	0.00	0.00



FOR THE FINANCIAL YEAR ENDED 30 JUNE 2016

- RECEIPTS BY TYPE AND PAYMENTS CLASSIFICATION BY NATURE

- Budget Approved on the Cash Basis

	US \$'000	US \$'000	US \$'000	US \$'000	%	US \$'000
CASH INFLOWS						
Authorized Allocation/Appropriation	813,864.10	991,936.00	992,736.00	178,071.90	0.18	
Grants				-	-	
Borrowings				-	-	
Other receipts	22,667.00	21,000.00	21,000.00	5,173.00	0.23	
Total Cash Receipts	836,531.10	1,012,936.00	1,013,736.00	183,244.90	-	-
CASH OUTFLOWS						
Wages, Salaries and Other Employee Benefits	712,527.08	857,700.00	857,700.00	145,172.92	-	
Goods and Services Consumed	126,211.89	134,236.00	135,036.00	8,024.11	-	

Total held in Bank Accounts:				
Total Cash and Bank Balances at the end of the year (General Fund):			39,135.57	

The Accounting Policies and Notes set out on pages x to xx form an integral part of the financial statements.

NAME
HEAD OF AGENCY

Date:

NAME
COMPTROLLER

Date:

APPENDIX B: LIBERIA TREATY OBLIGATIONS

As presented below, Liberia is signatory to several international treaties / covenant and optional protocols> However, not all these treaties have been ratified or domesticated. In addition, Liberia is still very behind with her treaty reporting obligations. The matrix below shows the status on each of the treaties signed.

<i>Treaty</i>	<i>Date of Signature</i>	<i>Date of Ratification</i>	<i>Initial Report</i>	<i>Periodic Report</i>	<i>Last Report</i>	<i>Date Due</i>	<i>Treaty Body</i>
<i>International Convention on the Elimination of All Forms of Racial Discrimination 1969</i>	NA	1976	States must report initially one year after acceding to the Convention	Every two years	N/A	N/A	Committee on the Elimination of Racial Discrimination (CERD)
<i>International Covenant on Civil and Political Rights :1976</i>	1967	2004	States must report initially one year after acceding to the Covenant	Every four years	Dec. 9, 2016		Human Rights Committee
<i>Optional Protocol to the International Covenant on Civil and Political Rights :1976</i>	2004	NA	States must report initially one year after acceding to the Covenant	Every four years	Not yet	Not yet	Human Rights Committee
<i>Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the</i>	NA	2005	States must report initially one year after acceding to the Covenant	Every four years	Not yet	Not yet	Human Rights Committee

<i>abolition of the death penalty :1991</i>							
<i>International Covenant on Economic, Social and Cultural Rights :1976</i>	1967	2004	States must report initially within two years of accepting the Covenant	Every five years	N/A	JUNE 30, 2017	The Committee on Economic, Social and Cultural Rights
<i>Optional Protocol to the International Covenant on Economic, Social and Cultural Rights :2013</i>	NA	NA	States must report initially one year after acceding to the Covenant	Every five years	N/A	N/A	The Committee on Economic, Social and Cultural Rights
<i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment :1987</i>	NA	2004	States must report initially one year after acceding to the Convention	Every four years	N/A	OCT.22, 2005	Committee against Torture
<i>Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment :2006</i>		Not yet	States must report initially one year after acceding to the Covenant	Every four years	Not yet	Not yet	Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)
<i>Convention on the Rights of the Child :1990</i>	1990	1993	States must report initially within two years of accepting the Covenant	Every five years	Nov.9 2011	JAN.3, 2018	Committee on the Rights of the Child
<i>Optional Protocol to</i>	2004	Not yet	States must report	Report	Not yet	Not yet	Committee on the

<i>the Convention on the Rights of the Child on the involvement of children in armed conflict :2002</i>			initially within two years of accepting the Covenant	included in CRC report			Rights of the Child
<i>Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography :2002</i>	2004	Not yet	States must report initially within two years of accepting the Covenant	Report included in CRC report	Not yet	Not yet	Committee on the Rights of the Child
<i>Optional Protocol to the Convention on the Rights of the Child on a communications procedure :2014</i>	NA	Not yet	States must report initially within two years of accepting the Covenant	Report included in CRC report	N/A	N/A	Committee on the Rights of the Child
<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families :2003</i>	2004	Not yet	States must report initially one year after acceding to the Convention	Every five years	Not yet	Not yet	Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW)
<i>International Convention for the Protection of all Persons from Enforced</i>	NA	Not yet	Within two years of acceding to the treaty.		Not yet	Not yet	Committee on Enforced Disappearances

<i>Disappearance :2010</i>							
<i>Convention on the Rights of Persons with Disabilities :2008</i>	2007	2012	States must report initially within two years of accepting the Convention	Every four years.	Not yet	AUG. 26, 2014	The Committee on the Rights of Persons with Disabilities (CRPD)
<i>Convention on the Elimination of All Forms of Discrimination against Women :1981</i>	NA	1984	States must report initially one year after acceding to the Convention	Every four years	April 10, 2014		Committee on the Elimination of Discrimination against Women
<i>Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women :2000</i>	2004	N/A	States must report initially one year after acceding to the Covenant	Every four years			Committee on the Elimination of Discrimination against Women