



REPORT BY THE UNITED NATIONS IN LIBERIA

**LIBERIA UNIVERSAL PERIODIC REVIEW  
SECOND CYCLE**

**DECEMBER 2014**

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## A. Introduction

1. This report, prepared by the UN in Liberia including UNMIL, the UN Country Team (UNCT) and UNMEER focuses on recommendations made to Liberia in the 1<sup>st</sup> cycle of the Universal Periodic Review (UPR) in November 2010 and March 2011. It is an independent joint UN assessment of Liberia UPR record in implementing the 113 recommendations made including 72 accepted by the Government of Liberia. The report highlights progress made in the implementation of the recommendations as well as pending challenges. It supplements separate reports submitted by UN agencies in Liberia for consideration in the upcoming 2<sup>nd</sup> cycle UPR of Liberia scheduled for 4–15 May 2015.

## B. Emerging human rights issues

### 1. Ebola Crisis, State of Emergency and human rights violations

2. In August 6 2014, the President of Liberia declared the State of Emergency (SoE) for three months<sup>1</sup> to prevent the spread of the Ebola Virus Disease (EVD). Under the State of Emergency, the President acquired the power to suspend Constitutional rights including the right to procure certain labor or services (Article 12), appropriate private property ( Article 24),<sup>2</sup> limit freedom of movement (Article13), impose restrictions on certain religious practice likely to aid the spread of EVD s (Article 14) and impose restrictions on freedom of speech (Article 15) and assembly (Article 17),
3. However, the Government failed to inform State Parties to the ICCPR “of the provisions from which it has derogated and of the reasons by which it was actuated” as mandated by the ICCPR.<sup>3</sup>
4. UNMIL Human Rights and Protection Section (UNMIL HRPS), under its Ebola Rights Watch initiative, monitored human rights concerns arising from the Government’s implementation of the State of Emergency aiming at curbing the spread of EVD. During the period, illegal detention, torture, killings<sup>4</sup>, extortion of money<sup>5</sup>, discrimination<sup>6</sup>, stigmatization, and lack of access to health services, education and other basics were reported.
5. With the rise in the rate of EVD infections countrywide from June to November 2014, major health institutions were forced to shut down as many health workers became infected due to lack of Personal Protection Equipment (PPES) and shortage of expertise. For three months,

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<sup>1</sup> The State of Emergency (SOE) was declared on August 6, endorsed by Parliament on 8 August and formalized on 12 August. The SoE period formally ended on 11 August 2014.

<sup>2</sup> See, President’s Letter to President Pro-Tempore and Members of the House Senate dated October 1, 2014.

<sup>3</sup> Article 4(3) of ICCPR.

<sup>4</sup> There were at least two (2) instances of killing of civilians by the Police using excessive force in the name of ‘maintaining curfew’ or ‘quarantining’.

<sup>5</sup> UNMIL HRPS documented at least 15 incidents of extortion of money and illegal detention in check points.

<sup>6</sup> UNMIL HRPS documented incidents of discrimination and stigmatization of vulnerable groups in Ebola crisis. Health workers and Ebola victims including their family members were, in some instances, denied accommodation. Some religious leaders made remarks that LGBT people were responsible for spreading Ebola in Liberia and LGBT activists had to hide themselves to protect their life.

patients suffering from non-EVD-related diseases were denied access to hospitals and many were returned to their homes where they died unattended by medical practitioners. In June 2014, schools were ordered closed and have remained suspended even as this report is being prepared. Needless to say, the impact on the enjoyment of the right to education has taken a serious blow.

6. One of the most serious human rights violations took place in the West Point community on 19 and 20 August 2014, a poor Monrovia neighborhood. There, security forces shot into the crowd protesting the Government's decision to quarantine the neighborhood. Three were injured as a result, one seriously. He later died because of the serious wounds he had sustained. The Independent Commission on Human Rights investigated the incident and found that security forces had flogged civilians with batons and exercised excessive force on the demonstrators. In the report, INCHR also attributed the death of a wounded demonstrator to lack of timely and appropriate treatment.<sup>7</sup> A Government established Board of Enquiry also investigated the case and made recommendations but the findings are yet to be made public.<sup>8</sup> The Government reportedly already has taken disciplinary action against the suspected AFL soldiers.<sup>9</sup> INCHR has recommended that a criminal investigation be conducted into the matter, but no action has been taken so far. This incident highlights serious concerns regarding the level of preparedness of security forces to effectively handle mass protests, crowd control and ensure accountability for human rights violations.

**Recommendations:** *Implement INCHR's recommendations on the West Point incident of August 2014; conduct effective criminal investigation and ensure -those involved are held accountable for human rights violations committed.*

## 2. Elections and Human Rights

7. After the President postponed the senatorial elections from 14 October 2013 due to the Ebola situation, the National Elections Commission (NEC) set a new date of 16 December, following consultation with stakeholders and Legislative endorsement. On 24 November, a so-called 'Concerned Group of Eminent Citizens', leaders of two political parties, and a Liberian civil society group, Justice and Public Interest Consortium of Africa (JUPICA), filed petitions for writ of Prohibition before the Supreme Court to halt the holding of the elections. The Supreme Court ruled against the petitions with two dissenting opinions but advised that time lost during the hearing process be compensated. The NEC subsequently scheduled, and held, the elections on

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<sup>7</sup> INCHR submitted its report to the President on 28 October 2014 and published it on 5 November 2014, at a press meeting.

<sup>8</sup> The Board established by the Minister of Defence submitted the report on 9 September which has not yet been formally published.

<sup>9</sup> The Government issued a statement on 5 November 2014, informed about disciplinary actions against 5 army personnel. The actions include: reduction in rank, 30 days of correctional custody, 30 days of detention, letters of severe reprimand; and forfeiture of 2/3 salary for 3 months.

20 December. Meanwhile, the President on 3 December issued Executive Order 65 restricting rallies, demonstrations and parades starting from the date of issuance up to 30 days after the announcement of the elections. On 6 December, the Supreme Court issued a stay order suspending the enforcement of the Executive Order. However, the Government and LNP have made remarks that they would enforce the order in contravention of the court order. Though justification given for the restriction was to contain Ebola spread, this infringes severely on fundamental rights in the context of the electoral process. Concerns had also been raised over the human rights implication of conducting elections with EVD still prevalent in several counties, and freedoms still restricted including, freedom of speech, assembly, and movement.

8. With all the difficulties, the senatorial elections were conducted on 20<sup>th</sup> December as scheduled and the recorded voter turnout was only 25.8 percent according to the provisional result published by the Electoral Commission on 24<sup>th</sup> December 2014.

## **C. Major policy interventions and programmes by the Government aimed at protecting human rights:**

### **1. Government's strategies and programmes**

9. In 2012, the Government, based on the findings and conclusions of the Poverty Reduction Strategy (PRS I), adopted the Agenda for Transformation (AFT) 2012-30. AFT focuses on five key areas: peace and rule of law, economic transformation, human development, governance and public institutions, and cross-cutting issues as child protection, gender, human rights, among others. In 2012 Government launched the Strategic Roadmap on National Peacebuilding, Healing and Reconciliation 2012-30. The Roadmap covers 12 areas<sup>10</sup> of intervention under three broad headings: accounting for the past, managing the present and planning for the future. The Palava Hut Programme, recommended by the Truth and Reconciliation was launched in 2013. This is the mechanism to ensure some measures of accountability is achieved through truth-telling and accountability for lesser crimes committed during the conflict.
10. In a related development, from 2011-2014, Liberia has been implementing a Joint Justice and Security Programme which aims at enhancing access to justice and security at regional and county levels through the establishment of Justice and Security Regional Hubs. One of the regional Hubs (hub 1) has been operational since 2013 and work is in progress in Hub 2 and 3. With the deployment of human rights monitors with women's and children's desk attached, human rights have begun to feature prominently in the concept of the hub.<sup>11</sup> Peace Building

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<sup>10</sup> 12 areas for intervention are: a) Community based truth telling, b) memorialization, c) reparation, d) political dialogue, e) diaspora, f) conflict prevention and mediation, g) women's recovery and empowerment, h) children, i) social cohesion, j) inclusive people's history, k) collective identity, l) transformative education system. (See, Strategic Roadmap for National Healing and Reconciliation 2012-30 P. 2)

<sup>11</sup> Components of the hubs includes: Security, justice sector, corrections, human rights, community advisory services, public outreach and public information, alternative dispute resolution mechanism and reconciliation and conflict management.

Fund (UNPBF) is providing financial support to establish the Hubs and support staff, including human rights monitors.

11. In December 2013, a National Human Rights Action Plan 2013-18 that prioritizes thematic human rights including compliance with international human rights obligation, was launched. Also in March 2014, the Anti-Human Trafficking Action Plan- 2014-19, renewable every five years, was launched for more effective fight against trafficking in human beings.
12. These strategies and programmes are geared towards improving socio-economic conditions, strengthening the rule of law and ensure access to justice. However, the implementation of these initiatives has been slow and access to justice for rural communities and vulnerable groups has remained a serious challenge.

**Recommendation:** *Ensure people's participation in the implementation of strategies and programmes including monitoring and evaluation.*

## 2. Law and policy reform

13. In August 2012, the Government established a six member Constitutional Review Committee (CRC) to review the 1986 Constitution of Liberia. The CRC mandate is to: 'arrange public debates on the various provisions of the Constitution, considering as appropriate, *inter alia*, national policies on decentralization, and identifying other provisions in need of amendment'. 2014 was set as the initial deadline for the completion of the task, but so far, the task is yet to be completed, not least because of EVD and the fact that the process has to be inclusive and widely consultative. The timeframe was simply inadequate not to mention the impact of intervening realities. However, the Committee has been able to complete consultations with various interest groups and people in the counties but the document remains in draft form awaiting finalization. The INCHR has made a submission to the Committee highlighting important human rights aspects to be addressed in the review process.
14. Concerns have been raised that, given the premium attached to traditional values and belief systems, some of which are very human rights unfriendly, the process falls short of sufficiently integrating human rights principles into the framework. Factors such as insufficient timeframe to conduct comprehensive consultations, inadequate civic education and the selective nature of the reviews, are some of the points that suggest many Liberians may not be pleased with the outcome.
15. The Children's Law 2011 came into force in 2012. The Law introduces various measures for the protection of the rights of the child. To further strengthen protection of children in contact or in conflict with the law, in June 2014, Government launched the Diversion Guidelines which outline procedures for the diversion of children in conflict with the law away from the formal justice system as provided for in the 2011 Children's Law. The Ethical Guidelines for Professionals Working for Children in Conflict or in Contact with the Law which regulates the actions professionals working with children was also adopted in 2012.

**Recommendation:** *Ensure comprehensive review of the Constitution applying human rights based approach with a view to reflect people's aspirations and making a human rights compliant*

*constitution; establish mechanisms to effectively implement the laws and policies to protect the rights of the child.*

## **D. Recommendations made in the UPR 1<sup>st</sup> Cycle- progress and remaining challenges:**

### **1. Implementation of international human rights obligation**

16. The Government ratified the Convention on the Rights of Persons with Disability in 2012 and in September 2013, adopted a strategy to implement the Convention. However, there was no progress with regard to the ratification of two Optional Protocols to the Convention on the Rights of the Child (CRC), Optional Protocol to the International Covenant on Economic Social and Cultural Rights (ICESCR), First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), Optional Protocol to the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD) and Convention for the Protection of All Persons from Enforced Disappearance.
17. The Children's Law 2011 which entered into force in 2012 domesticates significant provisions of the CRC. That law has also amended some other laws to ensure primacy of the best interest of the child.<sup>12</sup> These amendments prohibit, among other measures, subjection of a child to harmful cultural practices, including childhood marriage, exposing the child to harmful or hazardous work likely to violate or endanger the child's bodily integrity, life, health, dignity or interfere with the child's education, welfare and holistic development. These measures have been significant contributions to the protection of children but Liberia still lacks required mechanisms and capacity to effectively implement these laws.
18. Liberia submitted 7<sup>th</sup> and 8<sup>th</sup> report to CEDAW in 2014 and 2<sup>nd</sup> and 4<sup>th</sup> report to CRC in 2012. Apart from these two conventions, no reports have been submitted as required by the core human rights instruments of which Liberia is a party.
19. In a bid to establish a sustainable mechanism for the fulfillment of treaty obligations, in March 2014, the Ministry of Justice in collaboration with other Ministries, national human rights institutions and civil society organizations, drafted a National Strategy on Treaty Obligations and submitted the same for review and approval by the Cabinet. The strategy is still pending with the Cabinet. The Strategy aims at establishing government-led coordination mechanisms to systematically respond to international human rights obligations, including ratification,

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<sup>12</sup> Chapter 51 (B) (Section 51.21) relating to the registration of birth; Section 14,16,17 and 18 of Penal Law amended and new Section 20 added to ensure duty of care, protection or support of the child by guardians and prohibit harmful practices; Section 11.42, 11.53, and 11.97 of Chapter 11 of the Judiciary Law amended to enumerate rights of a child deprived of liberty; Domestic Relations Law, Title 9 amended and Chapter 3, Section 3.10 of The Descendent Estates Law revised to bar the dispossession of a child of her or his inheritance.

domestication, treaty reporting, UPR and implementation of recommendations made by international human rights mechanisms. The strategy has also prioritized backlog treaty reports.

20. Liberia still observes de-facto moratorium on death penalty although by November 2014, 9 male convicts were on death row in various prisons in the country. Liberia's abstention<sup>13</sup> from the UN General Assembly Resolution on a Moratorium on the use of Death Penalty in December 20, 2013, has engendered doubts about Liberia's commitment to uphold the moratorium.<sup>14</sup> In 2013, the Ministry of Justice initiated a draft bill to amend Section 11. 21 of Judiciary Law to give way to inclusion of a provision that would prohibit infliction of death sentence and life imprisonment on children<sup>15</sup> but no action has been taken towards enacting the bill into law.

**Recommendation:** Cabinet to fast track the endorsement of National Treaty Reporting Strategy. Establish human rights focal points in all Ministries and government agencies and prioritize backlog treaty reports including domestication and ratification.

## 2. Transitional justice including implementation of TRC recommendations

21. The Truth and Reconciliation Commission (TRC) submitted its report in 2009 with recommendations, including establishment of an Extra-ordinary Criminal Tribunal for Liberia; accountability through domestic criminal prosecutions and public sanctions.<sup>16</sup>
22. The TRC Act (2005) requires the President to submit to the legislature quarterly progress reports on the implementation of the TRC recommendation. On March, August 2010 and January 2011 respectively, the President issued the reports but the contents of these reports were less about actual implementation and more about actors the President had wanted to engage in the process of implementation of the TRC recommendations. Barely a week following the release of the third quarterly report on 14 January 2011, the Supreme Court, in the matter of Archie Williams, ruled that "the portion of section 48 of the TRC Act directing mandatorily that the President implements all of the recommendations of the TRC is unconstitutional, of no legal effect and therefore unenforceable..." With this ruling, the President stopped issuing quarterly reports raising speculations that it was due to the Supreme Court's ruling. However, in July 2014, the President wrote to the national Legislature updating the body on progress made towards implementation of the TRC recommendations. Although the report has not officially been disseminated, it is believed the President has taken the decision to resume reporting, including on implementation of the TRC recommendations on criminal accountability.
23. The President's reports and government policy documents issued after the release of the TRC recommendations demonstrate the relevance of the TRC recommendations for "achieving justice, reconciliation and continued economic, social and political rehabilitation" and that "true

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<sup>13</sup> <http://www.un.org/News/Press/docs//2012/ga11331.doc.htm>

<sup>14</sup> [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/67/176](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/67/176)

<sup>15</sup> Section 51.3 of Penal Law prohibits death penalty on children but provision of life imprisonment continues to exist.

<sup>16</sup> These recommendations on 'public sanction' were challenged in the Supreme Court. The Court, in 2011, decided that TRC did not have authority to compel the President to implement the recommendations and Section 14.3 of the TRC was unconstitutional.



reconciliation in Liberia is currently hindered by inadequate accountability for human rights violations committed during the civil war-and this all need to be addressed.”<sup>17</sup>

24. In the area of national reconciliation, on 17 October, 2013, the President launched the Palava Hut<sup>18</sup> Programme and INCHR, the implementing agency, followed through by holding in December 2013, the “National Palava Hut Technical Forum” to discuss the modalities of implementation. The forum which consisted of traditional leaders, Liberian academics, civil society and members of the international community, agreed to a) conduct in-depth ethnographic study of the Liberia’s Palava Hut System, its methodology and the manner in which the “Palava Hut Talks” will be held; b) establish shared knowledge regarding commonalities and differences in the practice of the Palava Hut and c) develop a harmonized Palava Hut methodology. During discussions, traditional leaders averred that decisions at the Palava Hut will be final and not subject to review, a statement which raised concerns about possible abuse of the process.
25. A year has passed since the forum agreed on measures to be taken to ensure uniformity in the implementation of the Palava Hut. Attempts to recruit experts to conduct Palava Hut study and develop appropriate methodology have not progressed since. While many factors were responsible for the delay, including lack of a clear vision on the part of INCHR necessitating implementation of the Palava Hut, government’s slow response to transitional justice issues and, perennial scarcity of resources have been major causes. The EVD outbreak which has devastated the country to near paralysis in all areas of endeavor, has been felt especially in the area of national reconciliation, truth-seeking and accountability..

***Recommendation:*** Government to strengthen the capacity of INCHR and provide Ministerial support to implement the Palava Hut Programme; continue dialogue at the national level to establish a mechanism for accountability with regard to human rights violation committed in the past.

### 3. Violence against women and children

26. Violence against women and children and weak access to justice remain major causes of concerns as number of incidents reported continues to be high. In 2013, Liberia National Police (LNP) recorded 1127 incidents of domestic violence. Of this, only 226 saw alleged perpetrators charged; 630 cases were withdrawn and 271 cases were under investigation. Also in 2013, a total of 431 cases of rape were reported and only 140 cases went to courts while 291 cases were still pending or under investigation. According to statistics released by the Ministry of Gender, Children and Social Protection, from January to September 2014, a total of 942 cases were reported. Of this number, 450 were rape cases. Domestic violence, which also manifests in persistent refusal to report incidents to government authorities, battering and abandonment of spouses, accounted for 467 cases. A total of 25 cases were due to harmful traditional practices and related forms of violence. Montserrado County reported the highest instances of violations (477) compared to the remaining 14 Counties (465). Sexual violence against children between

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<sup>17</sup> Agenda For Transformation Page 46.

<sup>18</sup> Palava Hut is a community based mechanism recommended by the TRC (Raphael please elaborate)

the ages of 0-12 years was the highest, 401 of 450 rape cases reported. It should be noted that reported data may far outweigh incidents that are privately settled and never brought to the attention of law enforcement authorities. UNMIL HRPS monitoring reveals that most of the cases that go to courts are acquitted due to lack of evidence.

27. The practice of Female Genital Mutilation (FGM) targeting mainly children is widely accepted and often encouraged in many Liberian traditional communities despite Penal Law Section 16.15 which prohibits practices that endanger bodily integrity, life, and health of a child. The Ministry of Internal Affairs has not yet taken full advantage of this law to fight FGM. Instead, the Ministry has been issuing general circulars outlining conditions that must be fulfilled in order for cultural practitioners to acquire the licenses to perform initiation rites, including FGM on consenting cultural recruits or their guardians.<sup>19</sup> The Children's Law 2012 has introduced new approach and principles of handling children's issues but the law is little known to actors working with children in conflict or in contact with the law as it has not been popularized and circulated. Other efforts to boost child protection include the promulgation of a bill, the "Domestic Violence Act, 2013", still pending at the National Legislature and the establishment of the "Child Justice Section" within the Ministry of Justice. These measures, if supported and popularized, will add another layer to the existing mechanisms focused on the rights of children in contact and/or in conflict with the law.
28. Some civil society groups have stepped forward to challenge established cultural norms and institutions by increasing public awareness campaigns against FGM especially in counties where the practice is prevalent. While FGM is off discussion limits in many communities, people have begun to speak out publically against the practice and its sponsors, the *Zoes*<sup>20</sup> and traditional leaders associated with secret societies.
29. One segment of the victim population, the survivors of gender based violence, experience unique difficulties accessing the justice system. Poor and socially disconnected, these victims have no leverage to make the justice system work for them. Such cases are kept in the dockets for prolonged periods and ultimately dropped. A survivor of sexual violence often has no recourse but to go to traditional system.
30. In a positive development, the first basic forensic lab has been launched in Monrovia to address the chronic challenge of limited prosecution of rape incidences. Towards the end of 2013, 36 tests were conducted. A significant improvement was also observed with regards investigation of rape cases. Additionally, the LNP were trained by the UN in interview techniques for victims and suspects of SGBV.
31. Another mechanism which will strengthen the victim protection system in Liberia is the "National Anti-human Trafficking Action Plan 2014" and its Standard operating Procedures (SOP) which has already been adopted. However, the implementation of these initiatives remains a concern despite the establishment of a task force.

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<sup>19</sup> See, Circular no. 12 and 13 of the Ministry of Internal Affairs issued in 2013 and 2014.

<sup>20</sup> Zoes are involved in performing FGM (Leetor Raphael to check

**Recommendations:** Enforce Section 16.15 of the Penal Law (amended by the Children's Law) which prohibits harmful practices against children; enhance the capacity of police to investigate cases of domestic violence and rape; fast track the enactment of the Domestic Violence Act; ensure institutional mechanism with resources to implement the National Anti-human Trafficking Action Plan.

#### 4. Refugees

32. On June 2012, the Government of Liberia, upon the decision of a Magistrate Court, refouled 41 prima facie refugees from Cote d'Ivoire, ostensibly without regard to due process. The Magistrate completed the proceeding in haste without providing opportunities for defense and appeal in accordance with the Liberian law. Also, in February 2014, 21 Ivoirians were forcefully returned to Cote d'Ivoire without regard to due process and relevant provisions of international refugee law, namely the principle of non-refoulement. The returned refugees have been charged with criminal acts in Cote d'Ivoire but there have been serious delays in the trial proceedings.
33. Seven other Ivoirians with prima facie refugee status accused of non-political crimes including mercenarism, murder, rape, arson, theft of property and criminal conspiracy, have been undergoing extradition proceedings in a Court in Monrovia since 2013. These individuals are suspected to have been involved in the incident in which seven peacekeepers were killed in July 2011 at the Liberia/Cote d'Ivoire borders. (detailed information has been provided by UNHCR on this aspect)

**Recommendation:** Ensure speedy trial for those who are facing criminal charges in Liberian Court. Promote respect to human rights principles and international refugee law.

#### 5. National Human Rights Action Plan

34. The National Human Rights Action Plan (NHRAP) launched in December 2013, incorporates the national strategy for the implementation of the Convention on the Rights of Persons with Disabilities. The NHRAP aims at reinvigorating Liberia's commitment to respect defend and promote human rights and set priorities for a number of human rights issues. The NHRAP gives credence to the recommendations of the UPR and other international human rights monitoring mechanisms. The NHRAP has set a number of priorities which include: permanent moratorium on death penalty; access to justice and legal reform; rights of persons deprived of liberty; rights to fair and speedy trial; right to participate; right to education, employment, adequate standard of living, water, housing, social security, health; women's right; children's rights; rights of persons with disabilities; and human rights education.
35. Coordinated by the Ministry of Justice and represented by government ministries, INCHR and civil society, a coordination committee has been established to ensure the implementation of the plan. But due to lack of political will by the Government and lack of budgetary support, the implementation of the Plan is taking a slow motion.

**Recommendation:** Support and strengthen the existing coordination mechanisms led by the Ministry of Justice and allocate resources for the implementation of the Plan.

## 6. Socio economic cultural rights

36. Realization of basic socio-economic rights for the people remains a serious concern. According to a Report on the Socio Economic Impacts of Ebola in Liberia,<sup>21</sup> the spread of the Ebola virus has hit hard on the already challenged socio-economic condition. Self-employment activities have been seriously affected due to the closure of popular markets.<sup>22</sup> General economic activities such as domestic food production, mining, hospitality, transport services have slowed down and many Liberians have lost their jobs. These dynamics have exacted additional challenges to the employment market. Real GDP growth for 2014 was expected to decline from 5.9 to 2.5 percent but current reviews suggest no more than 1 percent growth.<sup>23</sup> Access to basic commodities was seriously affected by restriction of movement, closure of local markets, price hike and obstruction of commodities supply routes from the counties.
37. The Right to access health services is one of the areas of concern. During the reporting period, normal health facilities were not effectively functioning and the situation remains unchanged at the time this report was drafted. Because EVD has struck fear in the country there were reports that hospitals were denying admission and care to patients desperately in need of medical attention including to pregnant women, people suffering from heart attack, or patients requiring urgent health condition. In addition to all-consuming fear of EVD, health workers were not paid timely or in any manner commensurate with the hazardous condition they were exposed to. Of the 342 health workers who contracted EVD, 172 died.<sup>24</sup> At one point in October 2014, health workers went on a go-slow action to express their frustration with their working condition.
38. From all indications, the EVD outbreak has reverted achievements in many areas of life in Liberia and the education sector has been one among many casualties of the “disaster”. All schools, training centers or any social action that brought people together was either officially ordered shut down or was shunned. It is estimated that 1.4 Million students have been forced to stay home. Many have already taken up jobs and some would opt not to return to school when the danger of EVD finally clears out.
39. In response to the EVD outbreak, the set-up of the first emergency health mission, the UN Mission for Ebola Emergency Response (UNMEER) provides vital coordinated support to Liberia national effort to fight Ebola. UNMEER is ensuring rapid and efficient action under ground-level leadership to stop the spread of the disease, treat the infected, ensure essential services, preserve stability and prevent the spread to other countries. During the period under review, UNMEER works closely with government, national structures, humanitarian and other international actors, the private sector and civil society. It has laid ground for further enjoyment of the right to health in a context of very poor health infrastructures.

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<sup>21</sup> A Report by the Liberian Institute Statistic and the World Bank Report on 19 November 2014 ([http://www.worldbank.org/content/dam/Worldbank/document/Poverty%20documents/Socio-Economic%20Impact%20of%20Ebola%20on%20Households%20in%20Liberia%20\(final\).pdf](http://www.worldbank.org/content/dam/Worldbank/document/Poverty%20documents/Socio-Economic%20Impact%20of%20Ebola%20on%20Households%20in%20Liberia%20(final).pdf))

<sup>22</sup> According to the Report before the Ebola crisis, over 30 percent of working household heads was self-employed but as of this survey, this came down to just above 10 percent.

<sup>23</sup> Liberia Economic Stabilization and Recovery Plan (Draft) October 2014.

<sup>24</sup> Data published on November 21 by the Ministry of Health, Liberia

40. In its coordination role, UNMEER works with actors to ensure access to treatment for Ebola patients. Field crisis management teams are being deployed to the most affected counties in Liberia, supporting County Health Teams and other partners.
41. While UNMEER's engagement created a new momentum to the right to health, there is still a need not only to stop the outbreak and address stigma attached and discrimination of the affected populations but also to acknowledge the current fragile and collapsed health system which cannot help government to fulfil its obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR).

**Recommendations:** *Develop programme to provide education through radio to bridge the current gap in education; develop long term recovery plan to ensure access to health, education and employment. It is imperative to progressively build in Liberia a health system that is capable of responding to emergencies – a stronger health system to prevent and protect the population against future risks. This should be a critical element of the post Ebola agenda.*

## 7. Justice System

### a. Judiciary, access to justice

42. In March 2013, the Supreme Court and the Ministry of Justice, in collaboration with UN and other partners, held a National Criminal Justice Conference to address structural weaknesses in the justice system. Various recommendations were made including development of a civilian oversight mechanism for security agencies; development of a stronger oversight mechanism for the courts; enhancement of professionalism within justice sector institutions; development of a national policy for the use of Alternative Dispute Resolution (ADR); review of basics principles governing arrests by police; review of bail implementation by magistrate courts; collection data on obstacles to accelerating processing of cases involving civil society partners; exploration of ways to maximize effectiveness of plea bargains in Liberia; development of a legal aid policy for indigents and establishment of para legal services; and development of a national civic education programme to inform public about their rights and responsibilities in relation to the justice system.
43. Meticulously implemented, the above recommendations have the potential of reforming the judicial system, but a lack of political will has delayed the process of implementation.
44. Also in 2013, management and accountability structures within the police, prosecution and the judiciary were reviewed and progress has been noted in these areas. In November 2013, The Supreme Court issued an order expanding the membership of the Judiciary Inquiry Committee and the Grievance and Ethics Committee of the Judiciary to include non-lawyers. The objective was to promote transparency, oversight and accountability. The office of the Court Administrator charged with oversight responsibility of court staff has also been reorganized, and additional staff recruited to strengthen the office. Court inspectors have been appointed to monitor courts. These attempts to reform were further strengthened in 2014 by the enactment of the Code of Conduct for Public Officers.
45. To strengthen access to justice in the Counties, the first Justice and Security Hub was launched in 2013 and plans are underway to establish Hubs 2 and 3 in two more regions. Also, in 2013,

Government appointed county attorneys and public defenders in all counties to ensure speedy and quality prosecution and defense. Some of these positions were financially supported under the UN PBF. Sustainability of all these initiatives remains a concern as this requires government's support not only for the positions but also for running the Hubs.

46. In the same vein, in 2013, Liberia also undertook legal reforms to ensure access to justice and speedy trial. Since then, four laws have entered into force. The jury system was reformed; the jurisdiction of magisterial courts expanded, and criminal offences and sentencing were re-classified. Due to resource constraints arising from poor planning, Jury law has not yet been implemented. As referred to elsewhere, the Juvenile Justice Section of the Ministry of Justice has continued to implement the Diversion Pilot Programme which aims at reducing the number of children in pre and post-trial detention by refocusing attention on alternatives to prosecution and custodial sentences. About 26 juvenile offenders benefitted from the Diversion programme in 2013. Currently, UNICEF is providing financial support to the Section but long term sustainability remains a challenge.
47. Despite these policy reforms and positive initiatives, chronic challenges remain in the justice sector, including: prolonged pre-trial detention, weak supervision and accountability mechanism. Magistrates continue to send unnecessarily people to prison instead of invoking the provision on bail where applicable. Corruption is endemic, staff members do not have the necessary qualifications, and poor record keeping remains the habit. Because of these shortcomings, collaboration and coordination with justice sector actors remain very weak. Also contributing to poor functioning of the justice system includes failure of prosecution to produce witnesses and evidence in court and poor crime investigations. The new law extends the jurisdiction of magistrates but there is fear it may be misused.

***Recommendations:*** *The Judiciary and Ministry of Justice to ensure implementation of the resolutions of the National Criminal Justice Conference of 2013 and the recommendations of the Management and Accountability Review of 2013 and provide necessary resources for their implementation; Strengthen accountability mechanism across the justice sector institutions by enhancing supervision and ensuring action against officials who violate procedures, rules and code of conduct; Ensure sustainability of Justice and Security Hubs through allocation of a core operational budget; and absorb staff of Child Justice Section of MOJ within the government payroll.*

## **b. Prison**

48. By May 2014, the total prison population in Liberia was 1946, out of which 1398 were pretrial detainees. As EVD began to spread, in June 2014. A Government Task Force headed by the Ministry of Justice was set up to, among other functions; reduce the number of pre-trial detainees. In September, the Chief Justice instructed magistrates to apply alternative measures including releasing on bail detainees charged with petty crimes. In the same vein, the Solicitor General instructed County Attorneys not to issue writ of arrest for petit crimes. These initiatives helped reduce the number of pretrial detainees to 1080. The reduction was by 26 percent by

May 2014. In October, Liberia witnessed a noticeable decrease in the number of EVD infected persons. With that, the old practice of locking people up for little or no legal basis, rear its head and the prison population shot up from the low of 1027 to 1600 by the end of November, 2014.

49. Prisons in Monrovia, Buchanan, Harper, Bopulu and Bondiway, hold more prisoners than their capacity would warrant. A prison is under construction in Cheesmanburg to de-congest Monrovia Prison Central Prison but due to the spread of EVD, the project has been put on hold. Meanwhile, chronic shortage of food supply to prison populations remains a concern. Cells and other facilities continue to rate below acceptable levels of hygienic and sanitation. The Prisoners' health care plan has been adopted into the National Health Policy for Liberia but implementation may prove a challenge. Attempts have been made to draft a separate law for the corrections system but the initiative has died down.

**Recommendation:** Expedite formulation of a separate legal frame work which ensures human rights friendly corrections system in Liberia; improve basic prison standard with adequate supply of basic needs of prisoners; expedite the construction of the Cheesmanburg facility to decongest the Monrovia Prison; sustained efforts to be undertaken to reduce the pre-trial detention population following the EVD crisis and ensure that cases of pre-trial detainees are processed timely.

### c. Police

50. During the reporting period, UN supported the drafting of Gender training manual for security sector. The document has successfully been integrated into the national training academy curriculum. Also, in partnership with Liberia National Police (LNP), a module on law enforcement and child safety was developed. One thousand and four police officers, 688 recruits and 316 drawn from the specialized Police Support Unit benefited from training on human rights. Thirty five police officers from 15 counties were trained and provided with support to organize community town hall meetings in 68 districts in 2013. As well, 76 LNP and the Bureau of Immigration and Naturalization (BIN) officers were trained at the Ghana Institute of Public Administration & Management to enhance management and leadership capability.
51. During the reporting period, the number of disciplinary cases filed with the LNP Professional Standard Division (PSD) increased significantly. In 2013 and 2014, 522 cases were received by the IGP office for investigation. One hundred and nine (109) cases were completed; 214 are still under review, whilst 188 cases referred to the PSD for investigation are pending. Disciplinary action was taken against 43 Officers for various acts of misconduct. Other efforts geared at strengthening the PSD have been pursued with the development of a database that will track disciplinary and criminal cases involving police officers. The office facilities for the PSD has been enhanced with the establishment of dedicated space that should ensure confidentiality.
52. These efforts notwithstanding, Liberia National Police (LNP) continue to lack capacity in many areas including logistics and expertise to effectively respond to crimes and security concerns. Law enforcement officers are poorly paid, discouraged by very poor working conditions and low motivation. In most counties, LNP depends on UNPOL/UNMIL for mobility and other support. There have been reports of LNP personnel extorting money from civilians besides endemic acts

of corruption. Internal monitoring and supervision mechanism is weak and allows offenders to walk away with impunity undeterred. LNP officers have been observed hesitating to intervene in criminal matters involving traditional actors and acquiescing to prompts urging officers not to investigate cases of rape and of suspected ritual killings.

**Recommendation:** Expedite the passage of the draft Police Act ensuring that its provisions are human rights compliant; allocate adequate budget to progressively recruit more police; providing reasonable mobility and communication facilities and to run the offices including providing better access of police to communities; ensure the establishment of a civilian oversight body for the security sector as committed by the Government in the Agenda for Transformation and further develop and strengthen internal accountability mechanism within the LNP

## 8. Human rights emanating from traditional practices

53. Human rights monitoring by UNMIL HRPS continues to reveal prevalence of human rights violations by cultural practitioners.<sup>25</sup> Violations monitored include,<sup>26</sup> torture, forceful initiation into traditional societies, illegal arrest and detention, extortion, killings, accusation of witchcraft<sup>27</sup> and infliction of 'sassewood'<sup>28</sup> or trial by native ordeal. As already noted above in this report, the Ministry of Internal Affairs has been issuing directives and guidelines to regulate traditional practices,<sup>29</sup> but nothing to suggest the ministry was committed to making a lasting change in the work of cultural actors. In most instances, traditional actors have continued to operate unobstructed and incidents of serious crimes, including ritual murder, have continued despite the circulars. For example, in 2012 and 13, at least 5 suspected cases of ritual murder were reported. Most of these cases have ended up without proper investigation and conclusion.<sup>30</sup>

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<sup>25</sup> These practices are prevalent mostly in Bong, Lofa, Grand Cape Mount, Bomi, Grand Bassa, River Gee, Nimba, Bong and Montserrado Counties. ( See Circular no. 13 of the Ministry of Internal Affairs issued on June 2, 2014)

<sup>26</sup> For example, a woman was ordered gang rape by traditional *poro* society in April 2014 in Grand Cape Mout County and some of the perpetrators have been charged to court. An allegation of rape by traditional actors in River Gee County in November 2014 is under investigation.

<sup>27</sup> Worst example of accusation of witchcraft occurred in December 2013, whereby 14 Children (5 males, 9 females) ages 8-14 were accused of witchcraft by the Wissetoken Community in River Gee. The children were in the compound of a prophet in Wissetoken community for prayers and purification.

<sup>28</sup> *Sassewood* practice was outlawed by the Supreme Court of Liberia through a judicial pronouncement in 1916 and 1935 (Jedah v. Horace, decided on May 6, 1916 (2LLR 266 (1916));Tenteah v. Republic of Liberia, 7 LLR 63 (1940)

<sup>29</sup> Circular no. 13 of June 2, 2014 among others instructed to "uphold and protect human rights of citizens and residents within Republic of Liberia to move and live freely." Circular no.12 of January 15, 2013 acknowledged 'certain individuals in some localities of the country are in the habit of subjecting other people to certain cultural practices and rituals without consent' and directed that 'a person using force or intimidation to compel another person to yield to, or to be initiated into, any tribal ritual or traditional practice is taking a risk and could be arrested, charged and prosecuted for violation of civil and human rights.' In July 2014, the Ministry instructed to halt all traditional activities including by *sande* and *poro* societies until further notice to control Ebola spread.

<sup>30</sup> See, Penal Law Section 20 ( Amended by the Children's law)



**Recommendations:** *Implement the provision of Penal Law Section 16.15 (amended by Children's Law) which has outlawed harmful practices against children, the guidelines of the Ministry of Internal Affairs regulating traditional practices and Supreme Court decision on the practice of sassewood.*

## 9. The Independent National Commission on Human Rights

54. The Independent National Commission on Human Rights established in 2011, still operates at minimal capacity. It has been functioning with a secretariat supporting only clerical and administrative staff. With the support from UN Peace Building Fund (UNPBF), 14 human rights monitors were deployed in 8 counties between 2012 and 2014. Because the Commission is weak, lacks mechanisms to guide field staff to collect information, receive, analyze and produce periodic internal and external information, reports have not been up to expected standards.
55. As pointed out above, INCHR in 2014 conducted an investigation of the West Point incident and made recommendations to the Government. Some of the recommendations have been accepted by the Government. The INCHR Act mandates that INCHR publishes human rights reports annually. However, no such reports have been published to date as per the mandate.
56. The INCHR runs on a thin, government-provided budget that barely covers minimal administrative cost. The INCHR monitors are paid by the UN PBF, not the Government. INCHR, therefore, lacks funding to deploy substantive staff capable of coordinating human rights monitoring and investigation field activities, and human rights education programmes.
57. The tenure of the INCHR Commissioners ends in October 2015 and the Chief Justice of Liberia, in consultation with civil society organizations, will call for expression of interest by persons recommended by peers to fill in the membership of the Commission. The process is competitive as nominees will undergo vetting by a Committee of Independent Experts (ICE) formed by the Chief Justice as required by INCHR Act (2005). If past experiences were instructive, the choice of commissioners has been challenging due to lack of transparency.

**Recommendation:** *Government should ensure adequate funding to carry out core mandate of the Commission and ensure the process of selection of new Commissioners commences timely and transparent manner with due regard to the provisions of the INCHR Act.*

## 10. Civil society

58. The National Civil Society Council of Liberia (NCSCCL) was established in 2012. By 2013, the Council established local council chapters in all the 15 counties of Liberia. In November 2013, NCSCCL held a two-day human rights thematic dialogue in Monrovia which decided to establish a human rights platform under the NCSCCL structure. Civil society and the Independent National Commission on Human Rights (INCHR) have collaborated over issues of human rights monitoring and reporting, capacity building and promotion. The National Union of Organizations of the Disabled (NUOD) is a civil society network that empowers persons with disabilities and advocate for the implementation of CRPD and inclusion of PWDs. However, inadequate capacity of CSOs to engender sustainable initiatives and local ownership remains a challenge. Mostly, CSOs are based in Monrovia and some in the counties. The county based CSOs are weak in terms of

technical knowledge, vision and basic logistics to operate. Consequently, there is little or no impact in the promotion and protection of human rights.

**Recommendation:** *structured dialogue between CSOs and Government aimed at addressing issues of protection of human rights defenders and journalists, and providing the political will for an enabling environment for CSOs operation.*

## **E. Capacity building and technical support by the UN**

59. The United Nations Country Team (UNCT) in Liberia has been providing capacity building and technical support to the Government within the framework of “One Programme”- 2013-17. The Programme has four broad areas of support: peace, security and rule of law; sustainable economic transformation; human development and inclusion; and governance and public institutions, all in line with the Government’s development framework- the Agenda for Transformation.
60. UNMIL HRPS/OHCHR has been providing technical support to establish a sustainable coordination mechanism within the Government in the area of international human rights obligations. Strengthening of the institutional capacity of national human rights institutions and capacity building support to civil society in the area of human rights monitoring, reporting and advocacy are also ongoing. Other support includes technical support to the Ministry of Justice on the implementation of the National Human Rights Action Plan and human rights training to security agencies on Human Rights Due Diligence Policy.
61. UN’s engagement, among others, is geared towards integrating human rights in its support to the government of Liberia. The justice, corrections and police components of UNMIL have been providing technical support including mentoring, training, logistic and other supports to the respective government institutions to enhancing their operational capacity.
62. The UN Mission for Ebola Emergency Response (UNMEER) provides vital coordinated support to Liberia national effort to fight Ebola.
63. UNDP is providing programme support to implement Joint Justice and Security Programme under which various training and capacity building support was provided to judiciary, prosecution services, LNP, BIN, Corrections and other institutions. UNICEF is involved in promoting children’s rights through programmatic support to the Government in a number of areas.

**END/**