

Statement: UPR Pre-session on Liberia

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Delivered by: Tonieh A. Talery-Wiles

Commissioner

Independent National Commission on Human Rights (INCHR) – Liberia

Introduction and background of INCHR:

1. This statement is delivered on behalf of the Independent National Commission on Human Rights of Liberia (INCHR-Liberia) by Commissioner Tonieh A. Talery-Wiles, during the UPR pre-session 3rd cycle review. The INCHR-Liberia is an “A” Status National Human Rights Institution (NHRI) of Liberia established in 2005 by an Act of Legislature in conformity with the UN Paris Principles of 1993. Its mandate includes ensuring the implementation of the Truth and Reconciliation Recommendations. Special attention is given to women, children, persons with disabilities, LGBTIQ and other vulnerable/marginalized groups to ensure the voice of the voiceless is heard. The INCHR-Liberia serves as an observer on the National Human Rights Action Plan Steering Committee (NHRAPSC). Consequently, the INCHR participated in the consultations for drafting of the Government of Liberia 3rd Cycle UPR report, and provided technical support throughout the process. For the first time since the establishment of the INCHR, the Commission submitted a Human Rights situation statement to the UPR body.

2. Plan of the Statement

During the 2nd Cycle UPR review of Liberia, 186 recommendations were made by state parties covering a range of issues. 146 were accepted while 39 were noted by the GOL. The monitoring of the recommendations was done through the NHRAP Steering Committee which comprised of representatives from various Ministries, Agencies and Commissions including Civil Society.

This statement addresses the following issues: (1) Discrimination and Marginalization of Persons with Disabilities in Liberia-The National Commission on Disabilities(NCD), (2) Strengthening capacity and independence of the INCHR and highlights the impact of COVID-19 on human Rights in Liberia including a gender analysis of human rights.

i. Discrimination and Marginalization of Persons with Disabilities in Liberia

- A. Follow-up to the 2nd review:** During the 2nd cycle review of Liberia in 2015, several countries advanced recommendations to address issues affecting the Rights of Persons with Disabilities. Mali and Uruguay called for the ratification of the Optional Protocol to the Convention on the rights of Persons With Disabilities. Cote d’Ivoire called for the strengthening of the National body responsible for the protection of persons with disability against all forms of violations, and promote their full integration into society.
- B. New developments since the 2nd review :** The Ministry of Education has allocated minimum funds to support inclusive education. A 5 -Year National Action Plan on Disability has been launched on December 6,2018 and a Mental Health Policy to address mental disability was

launched on March 9th 2017. Despite these efforts, persons with disabilities still face numerous challenges with the NCD being challenged by inadequate budgetary allocation.

- C. Challenges include, lack of National Social Security benefits as the Social Security Law of Liberia only addresses the working class and there is limited access to employment and educational opportunities for persons with disabilities. Accessibility to public infrastructure remains a major challenge. Persons with mental disability live in deplorable conditions with very little access to medication and care. Mental health facilities and medication are lacking in the country with only one clinic in Monrovia(The JFK E.S. Grant Mental Hospital) dealing exclusively with mental health patients. The NCD is also challenged by low budgetary allocation in the National budget. The total amount budgeted for the NCD for fiscal year 2019/2020 is 243,254 USD, which is inadequate to support the various categories of disabilities and its nationwide activities.

D. Recommendations:

- a. It is therefore recommended that the issues of Persons With Disability be given priority during the upcoming UPR review;
- b. That GOL increases budgetary allocation to the NCD during the next fiscal year in 2021 and ensure that the amendment to the Act establishing the NCD presently before the Legislature be passed during the next legislative term;
- c. Provide adequate budgetary support for the implementation of the National Action Plan on Disabilities, Mental Health Act, and reactivate the Catherine Mills Mental Health and Rehabilitation Center Urgently.
- d. GOL ratifies the Optional Protocol to the CRPD by 2021 to enable individuals bring complaints before the Committee.

ii. **Strengthening capacity and independence of the Independent National Commission on Human Rights (INCHR)**

A. **Follow up from the 2nd review:** The INCHR continues to be challenged by low budgetary allocation, and weak independence to effectively execute its mandate. The GOL funds salaries and rent, but not programs and activities of the INCHR. During the 2nd cycle Universal Periodic Review of Liberia, several states advanced recommendations to GOL to address the independence and effective implementation of the INCHR mandate. Egypt called for the provision of adequate resources to the INCHR to enable it discharge its core mandate; France called for necessary measures to be taken to ensure that the INCHR complies with the Paris Principles; Portugal called for measures to develop internal governance procedures, and strengthen coordination of Human Rights Monitoring, investigation and field activities of the INCHR.

B. **New developments since the last review:** The INCHR has made progress in taking steps to raise awareness on human rights thru African Union and ECOWAS Human Right Days. A new NHRAP has been adopted and Human Rights indicators are integrated in the GOL Pro-Poor Agenda for Prosperity and Development. The GOL also made provisions to pay the INCHR membership/subscription to NHRI-WA and NHRI in 2017 and provided funding towards the implementation of the Truth and Reconciliation recommendation to construct two memorials. New Commissioners were appointed in 2016. To date, a substantive Chairperson has not been appointed. Human Rights Monitors are deployed in the 15 counties with regional offices established by the

INCHR. The reduction in budgetary allocation to Government institutions, with significant reduction in salaries severely impacted the INCHR. Also the preparation and disbursement of salaries have been centralized under the direct control of the Ministry of Finance and Development Planning, compromising the independence and integrity of the INCHR. As an integrity institution, the INCHR must maintain the highest standards at all times and ensure compliance with the Paris principles..

C. Recommendations: That States continue to give prominence to the INCHR-Liberia in the review process.

- a) That the GOL restores the INCHR administrative and financial autonomy, including management of its own payroll during the 2020 fiscal year.
- b) That GOL provides adequate budgetary allocation to the INCHR to perform its mandate.
- c) That GOL appoints a substantive Chairperson. (4 years without one) before the end of 2020.

iv. Impact of Covid-19 on Human Rights and gender analysis of Human Rights in Liberia

With the imposition of a state of emergency and a lock down on the country including other compulsory preventive measures such as hand washing, wearing of nose masks and a halt to public gathering, many market places and other economic activities were shut down posing more hardship on persons with disabilities and even the aging. The already fragile situation of these vulnerable population and no special provisions made for them, made it difficult to access food, health facilities and the face masks. Some who had hearing and sight impediments and even persons with mental disabilities were sometimes the subject of violence with the use of excessive force by state security. They were sometimes beaten severely for breaking curfew. Children and Aging women suffered more with children been used to take their disabled parents and relatives from vehicle to vehicle in the traffic and many times they were not wearing nose masks thus exposing them to the virus.

There is a need for the INCHR to engage more with state authorities to mainstream a human rights based approach into the implementation of the various measures to prevent and address COVID-19.

Thank you!!