

Liberia: Human Rights Commission Act of 1997

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Comments This is the official text. The Act was signed by the President of Liberia on 27 October 1997 and was subsequently repealed on 11 March 2005 by the [Act to Repeal the Act of 1997 Creating the Liberia Commission on Human Rights and to Create the Independent National Commission on Human Rights of Liberia 2005](#).

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What the Justice and Peace Commission has been emphasizing is that people's views and aspirations must be the basis of government policies, decisions and actions. Peoples' participation in public affairs, particularly in matters that affect their lives, is the essence of democracy and good governance.

Towards this end, the Justice and Peace Commission commends President Charles G. Taylor and the Government of the Republic of Liberia for the decision to open the Human Rights Commission Act to public debate and input before it is signed into law. In furtherance of its mandate, as well as the government's decision to allow public debate and input, the Justice and Peace Commission is pleased to publish the Act for public scrutiny. We encourage people to publish their views or send them to the Information Department, Justice and Peace Commission, and they will be made public. Identities will be concealed, if requested.

AN ACT TO CREATE A LIBERIAN HUMAN RIGHTS COMMISSION

PREAMBLE

WHEREAS, the Constitution of the Republic of Liberia guarantees to each citizen and resident, certain basic and fundamental human rights; and,

WHEREAS, the Liberian Government is also a signatory to various international treaties and conventions which re-emphasize and re-confirm these basic guarantees; and,

WHEREAS, it is also the policy of Government that those guarantees be promoted and protected under the rule of law; and,

WHEREAS, to further ensure and implement these guarantees, there is a need to create and constitute an independent commission pursuant to the laws of the Republic of Liberia;

NOW, THEREFORE,

IT IS ENACTED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
REPUBLIC OF LIBERIA IN LEGISLATURE ASSEMBLED:

ARTICLE I

NAME

There is hereby established a Commission on Human Rights under the name and style: "THE LIBERIAN COMMISSION ON HUMAN RIGHTS."

ARTICLE II

Location of Office(s)

The Principle office of the Commission shall be located in the City of Monrovia, County of Montserrado, Republic of Liberia. The Commission shall have the right to establish, maintain and terminate other offices and branches anywhere within or without the Republic of Liberia.

ARTICLE III

Powers

The Commission shall have the power to contract; to acquire, hold, and dispose of property; to solicit funding both locally and externally and to use the said funds as may be necessary and appropriate to carry out the declared functions of this Act.

ARTICLE IV

FUNCTIONS OF THE COMMISSION

The functions of the Commission shall include the following:

- i. To investigate complaints by Liberian citizens and foreign residents that allege violations of their fundamental rights and liberties as enshrined in Constitution and statutory laws of the Republic of Liberia and of international Human Rights treaties and conventions to which the Republic of Liberia is a signatory.
- ii. To engage in research and to establish an effective human rights education program at both the formal and informal levels throughout the country, with the view of educating Liberians on issues of human and fundamental liberties so that they can individually empowered to identify; assert the protection of these rights.
- iii. To be authorized to conduct hearings and make findings of facts which will be cognizable before courts of competent jurisdiction for review in keeping with relevant constitutional provisions and statutory laws.
- iv. To be authorized to take all such corrective measures as are appropriate to remedy situations of human rights violations brought to the attention of the Commission through means that are deemed to be faire; proper and effective including, but not limited to counselling, mediation, negotiation and/or legal action as private attorney generals.
- v. To liaise with the UN Human Rights Center in Geneva, the African Commission on Human and peoples Rights in Banjul, Amnesty International and other intergovernmental and non-governmental organizations and bodies with the view of promoting and enhancing the work of the Commission.
- vi. To liaise with the relevant Governmental officials charged with the enforcement of human rights to further

promote and enhance the protection of these rights.

vii. To seek and obtain financial and other assistance from national and international Institutions to enable the Commission to carry out its work.

viii. To prepare annual reports for dissemination locally and internationally as to the general status of human rights in the country.

ix. To do any and all things legally necessary and appropriate in carrying out these declared objects and purposes.

ARTICLE V COMMISSION-COMPOSITION

The President shall, by and with the consent of the Senate, appoint a five(5) member Commission composed of a Chairman, a co-chairman and three members.

The Chairman shall be the administrative head of the Commission.

ARTICLE VI COMMISSION-RULES OF PROCEDURE

The Commission shall establish its rules of procedure for its operations including the filing and investigation of complaints brought before it.

ARTICLE VII COMMISSIONERS-REPLACEMENT

Where a commissioner dies, resigns, is removed from office or is incapacitated and/or unable to perform the functions of his or her office, the President shall, by and with the consent of the Senate, appoint a replacement to fill the vacancy thus created.

ARTICLE VIII COMMISSION-DECISIONS

All decisions of the Commission shall be arrived at on a basis of consensus with such decision being reduced to writing and signed by all of the members.

ARTICLE IX COMMISSION-TENURE OF THE MEMBERS

Each member of the Commission shall hold office for a period of five(5) years during good behaviour. The procedure for the removal of any member(s) of the Commission shall be the same as that provided for the removal of Supreme Court Justice or circuit court judges under Article 71 of the Liberian Constitution.

The Commissioners shall not be eligible to hold any other public office.

ARTICLE X

NON-POLITICAL STATUS

The Commission is expressly prohibited from engaging in any political activities of any form, including but not limited to influencing legislation, use of political propaganda, campaigning to influence public opinion in favour of our opposed to specific candidates for public offices.

ARTICLE XI NOT-FOR-PROFIT STATUS

Other than agreed salaries, allowances and benefits, authorized by the Commission; no additional pecuniary benefit shall be enjoyed by the members or persons associated with the Commission. This provision is not to be construed as preventing the payment of reasonable compensation to full time employees of the Commission for services rendered.

ARTICLE XII TAX EXEMPT STATUS

Pursuant to sections 2.5 and 13.10 of the Revenue and Finance Law; volume VI Liberian Gods of Laws Revised, as amended, and such other laws as may hereinafter be enacted with respect to entities similarly situated as the Commission, the Commission shall register with the Ministry of Finance as Tax exempt entity. Notwithstanding the above, the accounts of the Commission showing receipts and expenditures shall always be opened to inspection by any official(s) so designated by the Minister of Finance.

ARTICLE XIII DISSOLUTION

In the event of the dissolution of the Commission, its net assets shall be distributed only to a legally registered charitable instituting within the Republic of Liberia as shall be designated by the Ministers of Finance and Health & Social Welfare and /or their successors.

ARTICLE XIV Applicability of the Associations Law of 1976

In so far they shall not be inconsistent with any of the terms and provisions of this Act, the provisions of the Not-For-Profit provisions of the Associations Law of 1976 or such amendments of the said Not-For-Profit provisions of the Associations law as may be made by the legislature may be available to the Commission in its discretion as fully as to any entity organized under the provisions of the said not-for-profit provisions of the Associations Law of 1976.

ARTICLE XV Indemnification

The Commission shall indemnify any person who is a party to or is threatened to be made a party to any threatened, pending or contemplated action, suit or proceeding, whether criminal, administrative or investigative (other than an action by or in the right of the Commission) by reason of the fact that such person is or was an officer, employee or agent of the Commission or was serving at the request of the Commission, as an officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against expense, (including attorneys fees), judgements, fines, amounts paid in settlement, actual or reasonably

incurred by him or her in connection with such suit and/or proceeding if such person acted in good faith and in a manner he or she believed was in the best interest of the Commission; and with respect to any criminal action or proceeding, had no reasonable cause to believe that his or her conduct was unlawful. The termination of an action, suit or proceeding by judgement, settlement or upon a plea of nolo contendere or its equivalent shall not of itself create a presumption that the person did not act in good faith and in a manner which he or she believed was in the best interest of the Commission, and with respect to any criminal action of proceeding, had reasonable cause to believe that his or her conduct was unlawful.

ARTICLE XVI

Effective Date

This Act shall become effective immediately upon publication in handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING

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