

# **LIBERIA 2012 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Liberia is a constitutional republic with a bicameral National Assembly. In November 2011 Ellen Johnson Sirleaf of the Unity Party won a second term in multiparty presidential elections, which domestic and international observers considered generally free and fair. Security forces reported to civilian authorities.

The most serious human rights abuses were those tied to a lack of justice: judicial inefficiency and corruption, lengthy pretrial detention, denial of due process, and harsh prison conditions. Violence against women and children, including rape and domestic violence, and child labor were also serious problems.

Other important human rights abuses included unlawful deprivation of life under customary law; mob killings; ritualistic killings and trial by ordeal; police abuse, harassment, and intimidation of detainees and others; arbitrary arrest and detention; official corruption; human trafficking; and racial, ethnic, and lesbian, gay, bisexual, and transgender (LGBT) discrimination.

Impunity remained a serious problem despite intermittent government attempts to prosecute and punish officials.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibits practices such as torture and inhuman treatment; however, police officers and other security officials beat, abused, harassed, and

intimidated persons in police custody and also on the streets in attempts to extort money.

There were reports of police brutality. The Professional Standards Division was responsible for investigating allegations of police misconduct and referring cases for prosecution. Although the number of cases was not available at year's end, violent police action during arrests was the most common complaint of misconduct.

The Liberian National Police (LNP) conducted performance appraisals to foster professional development of officers and identify areas for improvement, and the LNP made small improvements. In July police authorities dismissed three officers for harassing and assaulting a woman in Thinker's Village in Maryland County. Authorities suspended an Emergency Response Unit (ERU) officer in Maryland County for three months after a police investigation found him liable for flogging and manhandling citizens.

The government continued to conduct campaigns focusing on efforts to harmonize the traditional and formal justice systems. In particular, campaigns focused on the types of cases that needed to be addressed in the formal justice system, such as criminal cases, including murder and rape, and those that could be resolved in either system, such as civil cases.

### **Prison and Detention Center Conditions**

Prison conditions were harsh and at times life threatening.

Physical Conditions: The local press, as well as Prison Fellowship Liberia, reported that prison officials threatened prisoners' lives, and prisoners were raped by other prisoners. Inadequate food, sanitation, ventilation, cooling, lighting, basic and emergency medical care, and potable water contributed to harsh, sometimes life-threatening, conditions in the country's 15 prisons and detention centers. Many prisoners supplemented their meals by purchasing food at the prison or receiving food from visitors. The Bureau of Corrections reported 10 prisoner deaths during the year. Seven resulted from illnesses associated with poor prison conditions and three from inmate violence.

According to the Bureau of Corrections, approximately half of the country's 1,930 prisoners were at Monrovia Central Prison (MCP). This prison operated at more than twice its capacity because of the continuing large number of pretrial detainees.

The total prison capacity of MCP was an estimated 400, but it held 989 individuals at year's end. The prison population included 15 women and 25 juveniles. Prisons remained understaffed, and prison staff were poorly paid.

MCP did not have a consistently working vehicle and often lacked the means to transport prisoners and detainees to court or hospital. Often prisoners reached court through the private support of judges or Prison Fellowship Liberia, which offered their vehicles. The UN and nongovernmental organizations (NGOs) continued to provide medical services and improve basic sanitary conditions. Medical care at MCP and other facilities was inadequate. NGOs provided antiseizure and mental health medications, but other needed medications, including those for malaria and tuberculosis, were replenished only when the stock of that medication was completely depleted. Since replenishment sometimes took weeks or months, inmates went without medication for lengthy periods. Observers noted that health care remained underfunded, and many persons, in prison or not, lacked basic healthcare and medications.

Authorities held men and women in separate cells throughout the country. In some counties and cities with just one detention center, officials held juveniles with adults and pretrial detainees with convicts.

Conditions for women prisoners were somewhat better than those for men, and women did not have to cope with the degree of overcrowding that men did. Women also had more freedom to move within the women's section of facilities.

Administration: Authorities generally respected regular visitation hours and religious observances. Officials from the Human Rights Division of the Ministry of Justice (MOJ), the Bureau of Corrections, and the International Committee of the Red Cross (ICRC) visited prisons to monitor conditions during the year. Internal reports and investigations into allegations of inhumane conditions were not accessible to the public.

The MOJ deemed recordkeeping on prisoners adequate, and the government continued to make efforts to improve recordkeeping, including training court clerks throughout the country and issuing case registration logbooks. One ongoing project established records rooms at LNP headquarters and police depots in Montserrado County (which includes the capital, Monrovia).

Authorities began to use alternatives to prison sentencing for nonviolent offenders, but no ombudsman system was in place to serve on behalf of prisoners and detainees. Authorities have started using probation as a presentencing option.

In September the UN Mission in Liberia (UNMIL) and the MOJ, through the Bureau of Corrections and Rehabilitation, trained 38 corrections officers in “Smart Security and Use of Non-Lethal Force.” The training took place at the National Police Academy in Paynesville.

A “fast track” court system was set up at the MCP to administer speedy trials; however, international donors cut funding support because of the lack of support for the new system by local magistrates and the minimal overall impact on population numbers such a system would have. The government continued to run the “fast track” court on an irregular basis, but the situation remained much the same.

Monitoring: The government permitted independent monitoring of prison conditions by local human rights groups, international NGOs, the UN, and the media. Some human rights groups, including national and international organizations, regularly visited detainees in police headquarters and prisoners in the MCP. During the year the ICRC visited all 15 prisons and detention centers, and ICRC visits were made in accordance with standard modalities.

Improvements: The ICRC provided hygiene requisites and medicine for 1,800 detainees in 14 detention facilities throughout the country and constructed an infirmary, an initial holding cell (for screening), and a patient shelter at the MCP. In addition, the Carter Center provided medications to treat malaria, epilepsy, mental health, and other common health problems in prisons.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention; however, the government did not always observe these prohibitions.

#### **Role of the Police and Security Apparatus**

The MOJ has responsibility for enforcing laws and maintaining order within the country, including overseeing the LNP and the National Bureau of Investigation. The Armed Forces of Liberia (AFL) provide external security but also have some domestic security responsibilities, primarily through the coast guard.

An estimated 7,000 UNMIL peacekeepers and 1,300 UN police officers (UNPOL) had significant responsibility for maintaining security, although the LNP took on increasing responsibility. Approximately 460 UNPOL advisors and 844 officers in the UN Formed Police Units (FPU) assisted with monitoring, advising, and mentoring the LNP. Approximately 1,200 UNMIL troops withdrew during the year; there were plans to reduce the number of foreign peacekeeping troops to 3,700 by the end of 2015. Three additional FPUs were expected to be deployed to bolster security while local civilian law enforcement capacity was being built.

The LNP operated independently and retained arrest authority. UNPOL advisors regularly accompanied LNP officers on joint patrols. In addition to its regular force, the LNP comprised a Police Support Unit (PSU) that received additional training in crowd and riot control, with the 20 highest-rated officers in each training class selected for weapons training. The ERU received specialized training and was charged with conducting special police operations in antiterrorism, hostage rescue, internal security, tactical anticrime, and search-and-rescue situations. The PSU and ERU were better trained and equipped than the regular LNP force.

Regular LNP officers remained poorly equipped, ineffective, and slow to respond to criminal activity, although the foot patrol program continued to show improvement in strategic areas. Police had limited transportation, logistics, communication, and forensic capabilities, and they did not have the capacity to investigate adequately many crimes, including murders. The lack of a crime laboratory and other investigative tools hampered police investigations and evidence gathering, which, in turn, hampered prosecutors' cases. Training and assistance by international donors supported some improvements within the LNP.

An AFL disciplinary board investigates alleged misconduct and abuses by military security forces. However, because the AFL lacks a military justice system, criminal cases were transferred to the LNP and MOJ for prosecution.

### **Arrest Procedures and Treatment While in Detention**

Police must have warrants to make arrests. The law provides that detainees either be charged or released within 48 hours; however, arrests often were made without warrants, or warrants were sometimes issued without sufficient evidence. Detainees, particularly the majority without the means to hire a lawyer, often were held for more than 48 hours without charge. Detainees generally were informed of

the charges against them upon arrest. Detainees have the right to prompt determination of the legality of their arrest, but this did not always occur. The law provides for bail for all offenses except first-degree rape, murder, armed robbery, and treason. Detainees have the right to prompt access to counsel, visits from family members, and if indigent, an attorney provided by the state in criminal and civil cases, but the government did not always observe such rights.

Arbitrary Arrest: President Sirleaf warned officers of the LNP to cease arbitrary arrest and detention of peaceful citizens based on the orders of government officials. She added that warrants must be issued by a competent court of jurisdiction at all times before an arrest is made. Despite the president's warning, there were reports throughout the year of arbitrary arrests.

Pretrial Detention: Although the law provides for the right of a defendant to receive an expeditious trial, lengthy pretrial and prearrest detention remained serious problems. An estimated 78 percent of prisoners were pretrial detainees, despite the release of 710 during the year by the Fast Track Court and 26 by the probation program to reduce overcrowding. The length of time police held detainees in pretrial detention averaged three to six months. The corrections system improved its capacity to implement probation and provided mentoring of prosecutors. Additional police training helped reduce the number of pretrial detainees. However, incarceration of new detainees kept prisons overcrowded. In some cases the length of pretrial detention exceeded the maximum length of sentence that could be imposed for the alleged crime. Judicial inefficiency, corruption, insufficient transport and court facilities, and poorly trained attorneys and judges contributed to trial delays.

#### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary; however, judges, magistrates, and jurors were subject to influence and corruption. Uneven application of the law and unequal distribution of personnel and resources remained problems throughout the judicial system. A professional magistrates' training program for 61 university graduates ended in July 2011. Magistrates were placed in courts throughout the country to improve judicial efficiency and access. During the year the same program trained 15 court clerks and five court reporters.

#### **Trial Procedures**

Trials are public. Juries are used in circuit court trials, but not at the magistrate level. The pool of jurors remained limited by the low literacy rate. Jurors also were subject to influence and corrupt practices, which undermined their effectiveness and neutrality. Under the constitution defendants have the right to be present, consult with an attorney in a timely manner, and have access to government-held evidence relevant to their case. However, these rights were not always observed. Under the penal code, defendants have the rights to be informed of their charges promptly and in detail, to a trial without delay, and to have adequate time to prepare their defense. These rights often were not observed. Defendants enjoy a presumption of innocence, and they have the right to an attorney and to confront or question witnesses against them, present evidence and witnesses on their behalf, and appeal adverse decisions. Many of these protections were unavailable to defendants unable or unwilling to pay bribes or afford an attorney. Some local NGOs continued to provide legal services to indigent defendants and others who had no representation. In August the Liberian National Bar Association announced its offer to the public to provide pro bono legal services to the indigent. Publication of judges' case decisions continued to be delayed for long periods.

In March a judge of the 13th Judicial Court in Kakata ordered the detention and subsequent investigation for bribery of the 12 jurors sitting in a drug-trafficking case. In July five jurors of Criminal Court "C," accused of attempting to receive bribes of 50,700 Liberian dollars (\$1,035) in return for a favorable verdict in the 72.5 million Liberian dollars (\$1,479,000) theft-of-property case, received sentences ranging from five to 30 days plus forfeiture of benefits.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

No specialized court exists to address lawsuits seeking damages for human rights violations. There is a separate civil law court in Monrovia, but circuit courts in each county function as both criminal and civil courts. Specialty courts, such as the tax court, probate court, and labor court also address civil matters. As with criminal courts, specialized courts were inefficient and in some cases corrupt. A commercial court with jurisdiction over debts incurred from commercial transactions opened in Monrovia in July 2011. Individuals may appeal their cases,

including human rights cases, to the Community Court of Justice of the Economic Community of West African States.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

The constitution provides for freedom of speech and press, and the government generally respected these rights in practice.

President Sirleaf endorsed and signed the World Association of Newspapers and News Publisher's Declaration of Table Mountain in Monrovia on July 21, committing to the core principles of a free press.

Freedom of Speech: Individuals could generally criticize the government publicly or privately without reprisal. Libel and national security laws placed some limits on freedom of speech.

Freedom of Press: It was common to charge a fee to publish articles, and the accuracy of statements was not always checked. Newspapers also depended on revenues from government and NGO-paid advertisements in the newspapers.

Although generally able to express a wide variety of views, some journalists practiced self-censorship.

Violence and Harassment: In March Mae Azango, a reporter for the daily *Front Page Africa* and *New Narratives*, a project supporting independent media in Africa, published an article about female genital mutilation/cutting (FGM/C). Threats against her and her daughter by supporters of the practice were not investigated by local officials and she was forced to go into hiding. Later in the year, other government leaders denounced the practice.

Censorship or Content Restrictions: Three newspapers (*Front Page Africa*, *The News*, and *Daily Graphics*) accused the five Supreme Court justices of diverting to personal use one million dollars intended for lower courts. In February the court

issued a writ of summons to the newspapers to appear before it for contempt. Editors from *The News* and *Daily Graphics*, speaking through their lawyer, apologized to the court, effectively practicing self-censorship in response to the court's action. The editor of *Front Page Africa* claimed that he could not find a qualified lawyer willing to represent him. The court gave him one week to reappear with an attorney.

### **Actions to Expand Press Freedom**

The Ministry of Information, Culture, and Tourism, in collaboration with the UN Development Program, initiated a short-term training program for rural female journalists. The program provided female reporters and radio program producers practical training at selected media institutions in Monrovia.

On July 21, President Sirleaf signed the Table Mountain Declaration, which calls for the repeal of the criminal defamation and insult laws regularly used against journalists.

### **Internet Freedom**

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. According to the International Telecommunication Union, 3 percent of the population used the Internet during 2011.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The constitution provides for the right of peaceful assembly, and the government generally respected it in practice.

The investigation was completed into the November 2011 clash in Monrovia between security personnel and Congress for Democratic Change (CDC) supporters that produced one confirmed death, and President Sirleaf dismissed the inspector general of police as recommended by the investigating committee. A

report issued during the year was not publicly released. The government took disciplinary action and revised procedures to reduce the likelihood of death and serious injury from police responses to mob violence.

In September two policemen sustained injuries following clashes with CDC supporters who had gathered for a “Peace and Reconciliation” march. Police authorities said the march was illegal as the marchers did not have a permit. One arrest was made as the crowd dispersed. In November the CDC organized an event to commemorate the violent November 2011 incident, and police worked cooperatively with the CDC, allowing the event to proceed without violence.

### **Freedom of Association**

The constitution provides for the right of association, and the government generally respected this right in practice.

#### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), other humanitarian organizations, and donor countries in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: Local and national law enforcement restricted in-country movement with numerous roadblocks and checkpoints. LNP and Bureau of Immigration and Naturalization officers occasionally subjected travelers to arbitrary searches and petty extortion at checkpoints.

Citizenship: The constitution provides for discrimination on the basis of race; only persons who are “Negroes” or of “Negro descent” can become citizens.

## **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government had an established system for providing protection to refugees and granted refugee status and asylum during the year.

Durable Solutions: During the year the UNHCR and the Liberia Refugee Repatriation and Resettlement Commission (LRRRC) assisted in the voluntary repatriation of approximately 29,380 Liberian refugees from other West African countries. The Land Commission's review of land disputes between returning landowners and internally displaced persons who took over their land during the civil war, and its review of disputes between villages trying to accommodate returning refugees, resulted in decreased violence during the year. Tribal elders also played a significant role in settling land disputes.

Temporary Protection: The government provided temporary protection to individuals who may not qualify as refugees. The government, with the UNHCR and other implementing partners, continued to provide protection to Ivoirian refugees who entered the country since November 2010. At year's end the UNHCR had registered 66,871 Ivoirian refugees, down by half from the previous year's numbers. The UNHCR relocated nearly one-third of the refugee population to six refugee camps and 16 relocation villages.

## **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through free and fair elections based on universal suffrage.

The government is highly centralized, and the head of state appoints county superintendents. Most local officials and offices had no independent revenue base and rely entirely on the central government for funds. Some counties were beneficiaries of revenue from mining and other concessions. Limited government resources and difficult operating conditions, particularly poor roads, meant that government services outside of Monrovia were very limited. Local officials received some funds through the County Development Fund, and the government in December distributed booklets to the counties outlining activities on which government funds were being spent in each county. The government and

international donors focused on decentralizing governance and the funding process. The executive and legislative branches continued to discuss additional legislation on constitutional reforms, including bills dealing with decentralization and a code of conduct for government officials.

### **Elections and Political Participation**

Recent Elections: In a November 2011 runoff election, Ellen Johnson Sirleaf won the national presidential election with 91 percent of the vote after her opponent, Winston Tubman of the CDC, boycotted the second round of voting. Voters also selected 15 senators and 73 representatives.

The runoff followed national elections held in October 2011 in which 16 candidates vied for the presidency and 865 candidates registered to pursue the 15 contested Senate and 73 House of Representatives seats. The National Elections Commission (NEC) conducted the national elections on October 11; international and national observers declared them to be free, fair, transparent, and credible, despite some minor irregularities. Because no presidential candidate won an absolute majority of 50 percent plus one vote, a runoff election occurred on November 8. The NEC announced that Sirleaf and Tubman would proceed to the second round as the top two vote-getters. On November 4, Tubman announced the CDC was boycotting the elections, citing unsubstantiated claims of widespread fraud. International and national observers declared the November 8 runoff free, fair, and transparent, although marred by low turnout due to the previous day's violent protest and the CDC boycott.

In August 2011 citizens voted on four issues during the National Referendum; the only measure that passed allows legislative seats to be won by simple majority instead of absolute majority.

During the year the government conducted two elections in Sinoe and Montserrado Counties that were deemed free and fair.

Political Parties: During the year 32 political parties and independent candidates registered with the government.

Participation of Women and Minorities: There were six female ministers of 21 cabinet ministers and nine female deputy ministers. There were four women in the 30-seat Senate and eight in the 73-seat House of Representatives. One female

associate justice sat on the five-seat Supreme Court. Women constituted 33 percent of local government officials and 31 percent of senior and junior ministers.

In a predominantly Christian country, one minister, two deputy ministers, one senator, eight representatives, one Supreme Court justice, and one county superintendent were Muslim.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law does not provide criminal penalties for official corruption, although criminal penalties exist for economic sabotage, mismanagement of funds, and other corruption-related acts. Officials engaged in corrupt practices with impunity. Low pay levels for the civil service, minimal job training, and few court convictions exacerbated official corruption and a culture of impunity. The government dismissed officials for alleged corruption and recommended others for prosecution. The Liberian Anti-Corruption Commission (LACC) and the MOJ are responsible for exposing and combating official corruption. The LACC is empowered to prosecute any case that the ministry declines to prosecute; however, the LACC remained a weak option because of underfunding, understaffing, and judicial bottlenecks. During the year the LACC investigated 16 cases and recommended eight for prosecution, resulting in one conviction.

In July, over the LACC's objections, the MOJ dropped charges against the former inspector general of police for irregularities in the procurement of uniforms. The LACC decided to prosecute, and the case remained pending before the court at the end of the year.

In July 2011 police rearrested a former Liberia Telecommunications Authority chairman for alleged bail jumping in the 2010 case of his reported misuse of 5.2 million LRD (\$106,000). The first trial ended in a hung jury. In August, after a second trial, he was found guilty and sentenced to six years in prison.

In September, following reports in the press and from NGOs about irregularities in the Forestry Development Agency's issuance of private use permits that authorized timber harvesting, President Sirleaf convened a Special Independent Investigative Body (SIIB) to draft a report with recommendations. At the end of the year, SIIB released the report to President Sirleaf. She subsequently released the report to the public, along with endorsement of SIIB's list of recommended corrective actions, including administrative dismissals of government employees and criminal prosecution of the most egregious actors in the government and private sector.

Judges were susceptible to bribes for awarding damages in civil cases. Judges sometimes requested bribes to try cases, released detainees from prison, or found defendants not guilty in criminal cases. Defense attorneys and prosecutors sometimes suggested defendants pay bribes to secure favorable rulings from or to appease judges, prosecutors, jurors, and police officers. The MOJ continued its calls to reform the jury system.

The Ministry of Planning and Economic Affairs and the Ministry of Internal Affairs coordinated management of the county development funds. The funds were previously administered at the county level but frozen by President Sirleaf in 2010 because of evidence of frequent misuse. They later were reauthorized and began to be administered at the county level. Each county managed its development fund through a project management committee headed by its county superintendent, with the Ministry of Internal Affairs providing oversight.

The government dismissed or suspended a number of officials for corruption. On July 6, the president dissolved the board of directors of the Liberia Petroleum Refining Company (LPRC) as recommended by the General Auditing Commission (GAC). The GAC cited board members' alleged acts of amending by-laws to allow them to accept payments in addition to their salaries for services to the LPRC. The board was reconstituted on July 11.

Police corruption was a problem. During the year the LNP investigated reports of police misconduct or corruption, and authorities suspended or dismissed several LNP officers. In April LNP authorities fired an officer for criminal activities and prohibited conduct. Another LNP officer was detained at the same time and was undergoing investigation on charges of fraud and theft for the alleged withdrawal of salaries of four other officers from Ecobank amounting to \$1,730.

During the year the government continued to take steps to improve transparency. The GAC continued its ministerial audits and referred findings to the legislature. However, the legislature did not recommend any GAC cases to the MOJ for prosecution. Although the GAC successfully prepared 13 audits, on March 25, the president announced she was not nominating the auditor general for another term. The Senate confirmed President Sirleaf's new nominee in August. Also in August President Sirleaf suspended 46 government officials, including one of her sons, for not declaring assets. The government lifted these suspensions after each official declared his/her assets to the LACC. However, citizens and the press could not

easily access officials' asset declarations, as release of the declarations remained at the discretion of the LACC.

The Ministry of Finance (MOF) published the national budget and quarterly financial results, and state-owned enterprises (SOEs) published financial statements, but many of these SOEs had not been audited for several years. Periodic short-term advisors continued to support the ministry and other government entities during the year. Advisers helped improve financial management, purchasing, and contracting practices and instituted financial controls that increased government revenues and helped to curb corrupt practices. Government ministries and agencies did not always adhere to public procurement regulations, particularly for natural resource concessions, or to government vetting procedures when hiring ministry officials. Concerns remained about the transparency of the finances of the country's state-owned enterprises and autonomous bodies.

The 2010 Freedom of Information Act (FOIA) provides that the government should release government information not involving national security or military issues upon request. However, some transparency advocates, including the head of the LACC, suggested that legislators needed to improve the FOIA law to ensure that citizens can access information to verify that government funds are properly spent and accounted for.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

UN and Other International Bodies: The government allowed international organizations and UN agencies such as the UNHCR, World Food Program, and UN Development Program to operate freely throughout the country. There were a few instances of conflict between UNMIL and the LNP, but overall the government worked well with the UN.

Government Human Rights Bodies: The Independent National Commission on Human Rights (INCHR) developed a one-year work plan, including the creation of the Palaver Hut mechanism, where community members come together in their

towns and villages to discuss their grievances and seek reconciliation at the community level. However, the INHCR had not commenced the Palaver Hut mechanism as proposed by the end of 2011.

President Sirleaf submitted one of four quarterly reports mandated by the Truth and Reconciliation Commission (TRC) Act on the government's progress in implementing TRC recommendations. In the report, submitted in January, the president stated the INCHR had devised a work plan under which it would begin to implement the TRC recommendations. No subsequent reports were submitted. Key national, county, and local government officials, including President Sirleaf and international organization representatives, discussed the National Reconciliation Roadmap in Gbarnga in the December Vision 2030 meeting.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution prohibits discrimination based on ethnic background, sex, creed, place of origin, disability, ethnic origin, or political opinion; however, the government did not enforce these provisions effectively. The constitution, however, enshrines discrimination on the basis of race, and as noted previously only persons who are "Negroes" or of "Negro descent" may become citizens and own land. Lebanese born in the country over several generations, for example, remained noncitizens based on this law.

Differences stemming from the country's civil war continued to contribute to social and political tensions among ethnic groups.

### **Women**

**Rape and Domestic Violence:** Rape is illegal but remained a serious and pervasive problem. The 2006 rape law legally defines rape but does not specifically criminalize spousal rape. The maximum sentence is life imprisonment for first-degree rape and 10 years for second-degree rape, and accused first-degree rapists are not eligible for bail. However, the government did not always effectively enforce the law. Judges had the discretion to impose less than the maximum sentence. The government and NGOs attributed increased reporting of rape to an improved understanding of what constitutes rape. The Sexual Pathways Referral program, a combined effort of the government and NGOs, improved access to medical, psychosocial, legal, and counseling assistance for victims. The Women's and Children's Protection Section of the LNP stated that approximately 369 rape cases were reported to the unit, of which 125 were forwarded to the court. Six rape

cases were actually prosecuted; there were five convictions and one acquittal. However, the true incidence of rape was believed to be much higher.

As mandated by the 2008 Gender and Sexually Based Violence Bill, the special court for rape and other violence has exclusive original jurisdiction over cases of sexual assault, including abuse of minors in Montserrado County.

The sexual and gender-based violence prosecution unit within the Ministry of Justice continued to coordinate with the special court and collaborate with NGOs and international donors to increase sensitization to sexual and gender-based violence issues.

There were 45 LNP Women's and Children's Protection Section (WCPS) offices, 21 of them outside Montserrado County. There were 217 WPCS officers, a third of whom were female, assigned throughout the country.

Outside of Montserrado County, the stigma of rape contributed to the pervasiveness of out-of-court settlements and negatively affected prosecution of cases. An inefficient justice system also prevented timely prosecution of cases, although local NGOs pushed for prosecution and sometimes provided lawyers to indigent victims. The government raised awareness of the issue of rape through billboards, radio broadcasts, and other publicity campaigns.

The law prohibits domestic violence; however, it remained a widespread problem. The maximum penalty for domestic violence is six months' imprisonment, but the government did not enforce the law effectively and generally treated cases, if reported, as either simple or aggravated assault. The government and the media made some efforts to publicize the problem, and several NGOs continued programs to treat abused women and girls and to increase awareness of their rights. LNP officers received training on sexual offenses as part of their initial training.

During the year the Ministry of Gender and Development organized workshops and seminars to combat domestic violence.

Female Genital Mutilation/Cutting (FGM/C): See below under Children.

Sexual Harassment: The law does not prohibit sexual harassment, which remained a major problem, including in schools and places of work. Government billboards and notices in government offices warned against harassment in the workplace.

Reproductive Rights: There are no laws restricting couples and individuals from deciding the number, spacing, and timing of their children; however, information and assistance on family planning topics was difficult to obtain, particularly in rural areas, where there were few health clinics. The government included family planning counseling and services as key components of its new 10-year national health and social welfare plan. A 2011 government-led survey found that contraceptive use was below 15 percent for three north central counties. However, approximately two-thirds of women surveyed said they wanted to use family planning methods. This low usage compared to high desire suggested that low incomes or cultural barriers impeded family planning efforts. Teen pregnancy has historically also been very high. In 2010 the maternal mortality rate was 770 deaths per 100,000 live births, and a woman's lifetime risk of maternal death was one in 24. Reducing maternal mortality was a priority of the government, and activities over the past four years included additional training of midwives and providing incentives to pregnant women to seek prenatal care and deliver at a hospital or clinic.

Discrimination: Women and men enjoy the same legal status. Under the law women can inherit land and property, receive equal pay for equal work, and own and manage businesses. In rural areas a woman's right to inherit land is often not recognized by traditional practices or traditional leaders. While progress was being made through programs that educate traditional leaders about women's rights, those rights were not universally enforced.

Women experienced some economic discrimination based on historic traditions, but the government promoted women in the economic sector through programs and NGO partnerships to conduct workshops and microcredit lending programs. A number of businesses were owned or operated by women.

While the law prohibits polygamy, traditional and religious customs permit men to have more than one wife. No specific office exists to ensure the legal rights of women, but the Ministry of Gender and Development and the Women, Peace, and Security Secretariat generally are responsible for promoting women's rights.

## **Children**

Birth Registration: Citizenship can be derived through parentage if at least one parent is a Liberian citizen or by birth in the country if the child is of "Negro" descent. If a child born in the country is not of "Negro" descent, the child cannot acquire citizenship. As a result, non-"Negro" residents, such as members of the

large Lebanese community, cannot acquire or transmit citizenship. The law requires parents to register their infants within 14 days of birth; however, fewer than 5 percent of births were registered.

In September the legislature passed the National Children's Act. The act sets the foundation for and promotes children's rights, including parental responsibilities to provide food, shelter, clothing, education, health care, and other basic needs. It is also intended to protect children from illegal child labor practices and harmful traditional practices.

Education: Although the legislature passed the New Education Reform Act in 2011, extending tuition-free and compulsory education in public schools from the primary (grades 1-6) through junior secondary (grades 7-9) levels, many schools continued to charge informal fees to pay for teacher salaries and operating costs that the government did not cover. These fees prevented many students from attending school. Under the law fees continued for secondary school, and the government was unable to provide for the needs of most schoolchildren. In both public and private schools, families of children often were required to provide their children's uniforms, books, pencils, paper, and even desks. The school year was delayed by three weeks because of protests over nonpayment of teachers' salaries and increases in tuition.

Although the official primary school-age population is six to 15 years of age, the civil war disrupted the education of many students; as a result, primary school students in the country ranged in age from six to more than 20 years old. While education reforms continued, over-age students continued to pose a significant challenge to an education system with limited resources. Girls accounted for fewer than half of all students in primary and secondary schools, with gender parity decreasing progressively with each subsequent grade. Among the most vulnerable and underserved groups in terms of access to education were those with special needs and marginalized youth (including vulnerable children). Although the government increased its budget allocation for education, it was unable to adequately compensate teachers, provide schools with needed resources, or offset the opportunity costs to families of sending their children to school.

Child Abuse: Widespread child abuse persisted, and reports of sexual violence against children continued during the year. Civil society organizations reported incidents of rape of girls under 12, and there were 50 reported cases of child endangerment during the year; the true incidence was believed to be much higher.

Child Marriage: The 2011 National Children's Act sets the marriage age for all persons at 18, while the Domestic Relations Law sets the minimum marriage age at 21 for men and 18 for women. However, the Equal Rights of the Traditional Marriage Law of 1998 permits a girl to marry at age 16. Underage marriage continued to be a problem, especially in rural areas, but statistics were not available.

Harmful Traditional Practices/Female Genital Mutilation/Cutting (FGM/C):

FGM/C was common and traditionally performed on young girls in northern, western, and central ethnic groups, particularly in rural areas. The most extreme form of FGM/C, infibulation, was not practiced. The law does not prohibit FGM/C, and traditional institutions, such as the secret Sande Society, often performed FGM/C as an initiation rite, making it difficult to ascertain the number of cases. To combat harmful traditional practices such as FGM/C, the government trained community leaders and women's groups during the year and provided training in alternative income-generating skills to FGM/C practitioners.

Government, NGO, and media attempts to report on and end the practice were fiercely resisted by supporters of the practice. Law enforcement agents reportedly resisted investigating intimidation and threats against anti-FGM/C activists.

During an August interview, the minister of internal affairs stated the government could not allow a cultural practice that is harmful to the human body. He also said the government could not place an outright ban on traditional practices but that such practices should be reformed. Officials did not actively seek a ban on FGM/C, but the government suspended the practice of the Sande across the country when school was in session.

Sexual Exploitation of Children: Young women and girls engaged in prostitution for money, food, and school fees. The minimum age for consensual sex is 18, and during the year the government tried 17 of 38 reported cases of statutory rape but that was likely only a small fraction of the true extent of the problem. Statutory rape is a first-degree offense, and the maximum sentence for perpetrators is life imprisonment. The law also prohibits child pornography, with a penalty of up to five years' imprisonment for violators.

Displaced Children: Despite international and government attempts to reunite children separated from their families during the civil war, some children, a mix of street children, former combatants, and internally displaced persons continued to live on the streets of Monrovia.

Institutionalized Children: Regulation of orphanages continued to be very weak. Many unofficial orphanages also served as transit points or informal group homes for children, some of whom had living parents who had given up their children for possible adoption. Orphanages had difficulty providing basic sanitation, adequate medical care, and sufficient nutrition. The orphanages relied primarily on private donations and support from international organizations such as UNICEF and the World Food Program, which provided food and care throughout the year. Many orphans lived without assistance from these institutions.

International Child Abductions: To address issues of child adoption and international child abduction, the government imposed a moratorium on international child adoption in 2009; the moratorium continued during the year.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

There was no significant Jewish community, and there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

Although it is illegal to discriminate against persons with physical and mental disabilities, such persons did not enjoy equal access to government services. While the constitution prohibits discrimination against persons with physical, sensory, intellectual, or other mental disabilities in the employment sector and provides for access to health care, this prohibition was not always enforced. Streets, schools, public buildings, and other facilities were generally in poor condition and inaccessible to persons with disabilities, although new curbs in Monrovia were built to be wheelchair accessible.

Many citizens had permanent disabilities as a result of the civil war. Persons with disabilities faced societal discrimination, particularly in rural areas. Children with disabilities had access to education; however, a 2008-09 survey found only 0.8

percent of students enrolled in school were identified as disabled. The Ministry of Education named a director of special education to address the needs of children with disabilities. However, the University of Liberia denied entrance to a blind man, asserting it did not have the resources to accommodate his needs in the classroom. The National Commission on Disabilities conducted an assessment on eight special schools in the greater Monrovia area during the year; its results were not available at year's end. The government included persons with disabilities in its December Vision 2030 development strategy national meeting and panel discussions.

The Journal of the American Medical Association published a Harvard Humanitarian Initiative study that concluded that 65 percent of the population had posttraumatic stress disorder or other mental disabilities.

The government identified an estimated 16 percent of the population as having disabilities, but the number was believed to be higher because of injuries inflicted during the civil conflict.

The National Commission on Disabilities and the Ministry of Health and Social Welfare were responsible for protecting the rights of persons with disabilities and took a few steps to do so. The commission completed its work plan for the rights of persons with disabilities and engaged the government in implementing the plan. The government ratified and submitted the UN Convention on the Rights of Persons with Disabilities. The commission was unsuccessful in getting statistics from the Ministry of Labor on disabled persons working in each government ministry and agency. The ministry provided employment opportunities for such persons under its short-term job program.

The commission also continued to work with the Ministry of Education to train teachers to help integrate disabled students into regular classrooms instead of separating them.

### **National/Racial/Ethnic Minorities**

Although the law prohibits ethnic discrimination, racial discrimination is enshrined in the constitution. Many persons of Lebanese and Asian descent who were born or lived most of their lives in the country were denied citizenship and property rights as a result of this discrimination.

### **Indigenous People**

The country has 16 indigenous ethnic groups; each speaks a distinct primary language and is concentrated regionally. Differences involving ethnic groups continued to contribute to social and political tensions.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits consensual same-sex sexual relations, and the culture is strongly opposed to homosexuality. “Voluntary sodomy” is a misdemeanor with a penalty of up to one year’s imprisonment. LGBT persons were cautious about revealing their sexual identities, and groups that supported the rights of LGBT persons did so quietly due to fear of retaliation.

In February the House of Representatives passed a bill that would punish same-sex sexual relations as a second-degree felony. A similar bill passed in the Senate as a first-degree felony with a maximum sentence of death. Both bills remained pending further action at year’s end.

Although same-sex marriage is not recognized, in July the Senate passed a bill that would penalize same-sex marriage as a second-degree felony with a penalty of 10 years’ imprisonment. Further action was pending at year’

There were press and civil society reports of harassment of persons perceived to be LGBT, but none were officially documented. Societal stigma and fear of official reprisal may have prevented victims from reporting violence or discrimination based on sexual orientation or gender identity. In October a law enforcement officer refused to investigate allegations of the beating of a gay man. The police subsequently arrested one gay man. Activists alleged that the LNP or other law enforcement agencies targeted or harassed those they believe to be LGBT.

There were a few civil society groups promoting the rights of LGBT individuals, but they maintained a very low profile due to fear of persecution.

### **Other Societal Violence or Discrimination**

There were no reports of societal violence against people with HIV/AIDS.

Mob violence and vigilantism, which resulted in part from the public’s lack of confidence in the police and judicial system, resulted in deaths and injuries. For

example, in August a mob of approximately 100 individuals assaulted two suspected robbers in Clara Town, Montserrado County, leaving one of the men dead and the other hospitalized with serious injuries.

There were reports of killings in which body parts were removed from the victim, a practice that could be related to ritual killings. The number of such killings was difficult to ascertain since police sometimes described such deaths as homicides, accidents, or even suicides, even when body parts were removed.

Five suspected ritualistic killings were reported from Margibi, Bong, and Grand Bassa counties by local newspapers, some verified by the LNP. On August 4, a 27-year-old woman was found dead in Lacky Town, Margibi County. Some of the woman's body parts were missing, and an investigation into whether this was a ritualistic killing was pending at year's end. In the same month, two children were found dead with vital body parts extracted; two arrests were made, and a police investigation continued. In September two boys were missing from an orphanage near Buchanan City and were later found dead, with body parts missing. Three persons working at the orphanage were arrested in connection with the incident and were in court custody awaiting further investigation and trial. While the police generally treated these crimes as homicides, the missing body parts suggested ritualistic killings.

Despite being illegal, the practice of trial by ordeal, which involves actions such as the drinking of sassywood, a toxic concoction, the placement of a heated metal object on a suspect's body, or the insertion of an extremity into hot oil to determine whether the defendant is innocent, reportedly continued in rural areas.

In May a 44-year-old woman died in Buah, Grand Kru County, after drinking a homemade sassywood concoction to prove her innocence of witchcraft. Two were arrested but not prosecuted, because police ruled the cause of death to be suicide. In June a 75-year-old Grand Gedeh County woman drank a sassywood concoction after being accused by a local church leader of witchcraft. She reportedly died. A third woman also reportedly died in June from sassywood ingestion in Grand Gedeh County.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law protects the rights of workers, except public servants and employees of state-owned enterprises, to form or join freely independent unions of their choice without prior authorization or excessive requirements. It allows unions to conduct their activities without interference by employers. The law provides that labor organizations and associations have the right to draw up their constitutions and rules with regards to electing their representatives, organizing their activities, and formulating their programs. The law also prohibits employers from discriminating against an employee because of membership in a labor organization. However, the law does not provide adequate protection because it has inadequate sanctions. The law prohibits unions from engaging in partisan political activity. It prohibits agricultural workers from joining industrial workers' organizations. Workers, except civil servants, have the right to strike, provided that the Ministry of Law is notified of the intent to strike. Collective bargaining is protected by law. With the exception of employees in state-owned enterprises and public servants, all workers have the right to organize and bargain collectively.

While the law prohibits antiunion discrimination and provides for reinstatement for workers dismissed for union activity, it allows for dismissal without cause if the company provided the mandated severance package. It also does not prohibit retaliation against strikers.

In general the government effectively enforced applicable laws, and workers exercised their rights in practice. Employees enjoy freedom of association, and they have the right to establish and become members of organizations of their own choosing without previous authorization or coercion. The Singapore-based NOS Shipping Company signed a collective bargaining agreement with the United Seamen Ports and General Workers Union of Liberia Seafarers Section in December 2011. On August 31, Arcelor Mittal Liberia and the United Workers Union of Liberia signed the company's first collective bargaining agreement, aimed at establishing a formal structure for regulating all aspects of the company and its employees' relationship. On November 6, Cocopa Rubber Plantation signed a collective bargaining agreement with the General Agriculture and Allied Workers Union of Liberia. Union power increased during the year through increased membership at major plantations; however, since only a small fraction of the workforce is employed in the formal sector, more than 80 percent of workers do not enjoy any formal labor protections. Unions were independent of the government and political parties.

There were no reports of discrimination or employer retaliation against strikers during the year.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor; however, the government did not effectively enforce such laws.

Families living in the interior sometimes sent young women and children to stay with relatives in Monrovia or other cities with the promise that the relatives would assist the women and children in pursuing educational or other opportunities. In some instances these women and children were forced to work as street vendors, domestic servants, or beggars on behalf of disabled or blind relatives.

Additionally, young women and children were subject to forced labor in rubber plantations and alluvial diamond mines. Forced labor continued despite efforts by NGOs and other organizations to eliminate the practice.

When victims were identified, the WCPS of the LNP, along with partnering NGOs, worked to reunite victims with their families in the interior or referred them to safe homes. Child labor was addressed as a child endangerment issue; as such, no reliable figures were available on the number of children removed from forced labor. The government took few steps to prevent or eliminate forced labor during the year.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the employment and apprenticeship of children under age 16 during school hours. The law does not provide for additional restrictions on working hours or for occupational safety and health. One of the provisions of the New Education Reform Act of 2011 addresses prior inconsistencies between the minimum employment age and compulsory educational requirements. The new compulsory education requirement extends through grade nine or until age 15, also the minimum employment age. The National Children's Act has provisions intended to protect children from the worst forms of child labor and was intended to supplement other laws and efforts. The act, signed in 2011, was disseminated in early 2012 through an extensive three-month rollout process, including training of concerned police and ministry officials.

The Child Labor Commission is responsible for enforcing child labor laws and policies. The commission coordinated efforts to provide scholarships for children to enroll in school. The government charged the Ministry of Labor's Child Labor Secretariat, the Ministry of Justice's Human Rights Division, the Ministry of Gender and Development's Human Rights Division, the Ministry of Health and Social Welfare's Department of Social Welfare, and the LNP's WCPS with investigating and referring for prosecution allegations of child labor.

The government did not effectively enforce child labor laws. The Child Labor Commission had inadequate staff and funding. Except for regularly scheduled sensitization and training activities, it undertook no significant actions to address child labor.

Child labor was widespread in almost every economic sector. In urban areas children assisted their parents as vendors in markets or hawked goods on the streets. During the year there were reports that children tapped rubber on smaller plantations and private farms. There were also reports that children worked in conditions that were likely to harm their health and safety, such as stone cutting or work that required carrying heavy loads. Some children were engaged in hazardous labor in alluvial diamond mining and agriculture.

International NGOs continued to work to eliminate the worst forms of child labor by withdrawing children from hazardous work and putting at-risk children in school. Other local and international NGOs worked to raise awareness of the worst forms of child labor.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The national law requires a minimum wage of 15 Liberian dollars (\$0.31) per hour, not exceeding eight hours per day, excluding benefits, for unskilled laborers. The minimum wage laws apply only to the formal economic sector. The law does not fix a minimum wage for agricultural workers but requires that they be paid at the rate agreed to in the collective bargaining agreement between workers' unions and management, excluding benefits. Skilled labor has no minimum fixed wage, and the minimum wage for civil servants was 5,600 Liberian dollars (\$114) per month. The law requires equal pay for equal work.

Families dependent on minimum wage incomes also engaged in subsistence farming, small-scale marketing, and begging.

The law provides for a 48-hour, six-day regular workweek with a 30-minute rest period for every five hours of work. The six-day workweek may be extended to 56 hours for service occupations and 72 hours for miners, with overtime pay beyond 48 hours. The law also provides for pay for overtime and prohibits excessive compulsory overtime.

The law provides for paid leave, severance benefits, and occupational health and safety standards. The law does not give workers the right to remove themselves from dangerous situations without risking loss of employment. Penalties were not sufficient to deter violations. In July 2011 the legislature merged the “Decent Work Bill” with the “Minimum Wage Law.” The merged bill was intended to improve worker incentives, expectant parent leave, and private sector minimum wage. In September the House of Representatives passed the combined Decent Work Bill, which was pending in the Senate at year’s end.

The Ministry of Labor’s Labor Inspection Department enforced government-established health and safety standards. The ministry had approximately 25 inspectors throughout the country to investigate allegations of labor violations. The department assigned these inspectors to supplement county labor commissioners in all counties, and they mainly monitored the formal sector. The department was grossly understaffed at the county level, and inspectors frequently lacked working vehicles. Although a few counties had assigned vehicles, most had only a motorbike. In instances of breach of standards, fines were imposed on violators but often were an insufficient deterrent. Delinquent violators were not regularly sent to the labor court. Enforcement of standards and inspection findings were not always consistent.

Most citizens were unable to find work in the formal sector and therefore did not benefit from any of the formal labor laws and protections. Informal sector workers, estimated at 85 percent of the workforce, faced widely varying, and often harsh, working conditions. Individuals working in the formal economy were afforded labor protections, although working conditions varied from workplace to workplace.