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## Country Report on Human Rights Practices for 2011 - Liberia

### EXECUTIVE SUMMARY

Liberia is a constitutional republic with a bicameral National Assembly. In November 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.

Among the most serious human rights abuses were those tied to 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 also were serious problems.

Other important human rights abuses included unlawful deprivation of life; mob killings; reported ritualistic killings and trial by ordeal; police abuse, harassment, and intimidation of detainees and others; arbitrary arrest and detention; official corruption; domestic human trafficking; and racial and ethnic discrimination.

Impunity was a serious problem despite 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

The government or its agents did not commit any politically motivated killings; however, there were reports that the government or its agents committed arbitrary or unlawful killings.

For example, Harris Williams, an Armed Forces of Liberia (AFL) soldier, allegedly killed Henry Freeman, a Liberia National Police (LNP) officer, on July 5 in a suspected personal dispute. The soldier was arrested and his case was pending at year's end.

There were reports of ritualistic killings in which body parts used in indigenous rituals were removed from the victim. The number of such killings was difficult to ascertain since police sometimes described such deaths as homicides, accidents, or suicides, even when body parts were removed.

On June 17, nine suspects in the 2009 ritualistic killing of Tomo Allison, a pregnant woman discovered in Harper, were released on bail and were awaiting trial at year's end.

## **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The constitution prohibits such practices as torture; however, police officers and other security officials abused, harassed, and intimidated persons, particularly during attempts to extort money on the streets.

In May a customs official working at Roberts International Airport was arrested and charged with robbery, aggravated assault, kidnapping, and criminal conspiracy allegedly for stealing cash and jewelry from a businessman.

Five AFL soldiers were relieved of their positions in Gbarnga for misconduct following allegations they had assaulted residents of the town in July.

Police brutality was referred to the attention of police commanders. The Professional Standards Division (PSD) 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, aggressive police action during arrests was identified as among the most common complaints of misconduct.

The Liberian National Police (LNP) conducted performance appraisals to foster professional development among officers and identify areas for improvement. The PSD drafted an anticorruption strategy to reduce corrupt practices within the LNP. The policy was submitted to the Inspector General's Office and was pending approval at the end of the year.

On February 13, LNP Commander Victor Boyah allegedly beat sports journalist Fombah Kanneh. Kanneh was filming alleged police brutality toward spectators after a soccer game at the Antoinette Tubman Sports Stadium. Boyah publicly apologized for his actions on February 17.

On April 4, jurors acquitted Deputy Speaker of the House Togbah Mulbah and seven alleged accomplices in the July 2010 beating case of LNP officer Lexington Beh, who had impounded a truck belonging to the lawmaker.

Despite being illegal, the practice of trial by ordeal, which involves actions such as 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. The government continued to conduct sensitization 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**

Inadequate provisions for food, sanitation, ventilation, temperature, lighting, basic and emergency medical care, and potable water contributed to harsh and 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. With the support of the International Committee of the Red Cross (ICRC), the Bureau of Corrections undertook rehabilitation activities to improve access to clean water and sanitation facilities at Monrovia Central Prison, as well as the Bondiway, Buchanan, Fishtown, Gbarnga, Harper, Kakata, Robertsport, Tubmanburg, and Voinjama facilities. The Bureau of Corrections reported approximately 20 prisoner and detainee deaths during the year.

The government made efforts to improve recordkeeping, including training court clerks in Montserrado County and issuing case registration log books.

Conditions for women prisoners were similar to those for men.

The UN and nongovernmental organizations (NGOs) continued to provide medical services and improve basic sanitary conditions.

According to statistics from the Bureau of Corrections, half the country's 1,601 prisoners were held at Monrovia Central Prison. This prison operated at more than twice its capacity due to the large number of pretrial detainees. The total prison capacity was 1,164 individuals, and the population included 52 women and 44 juveniles. Prisons remained understaffed. Men and women were held in separate cells in larger facilities but

were held together in some counties or cities that had only one detention cell. In many counties juveniles and adults were held together, and pretrial detainees generally were held with convicted prisoners.

Regular visitation hours and religious observances generally were respected. Officials from the Human Rights Division of the Ministry of Justice and Bureau of Corrections visited prisons to monitor conditions during the year. Internal reports and investigations into inhumane conditions were not accessible to the public.

The government permitted the 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, made regular visits to detainees held in police headquarters and prisoners in Monrovia Central Prison. The ICRC visited all 15 prisons and detention centers.

No ombudsman system was in place to serve on behalf of prisoners and detainees.

During the year the government and international partners continued renovations at several county 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 Ministry of Justice 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 7,775 United Nations Mission in Liberia (UNMIL) peacekeepers and 1,303 United Nations Police (UNPOL) officers had significant responsibility for maintaining security as the LNP takes on increasing responsibility. Approximately 459 UNPOL advisors and 844 officers in the UN Formed Police Units (armed foreign police detachments deployed in groups of 140 officers assigned to UNMIL) assisted with monitoring, advising, and training the LNP.

The LNP operated independently and retained arrest authority; however, UNPOL advisors regularly accompanied LNP officers on joint patrols around Monrovia. In addition to its regular force, the LNP comprised a Police Support Unit (PSU) that received additional training in weapons and crowd and riot control and the Emergency Response Unit (ERU). 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 force.

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. Low LNP salaries contributed to widespread corruption. Police had limited transportation, logistics, communication, and forensic capabilities, and 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 by UNMIL and others led to some improvement within the LNP.

An AFL disciplinary board investigates alleged misconduct and abuses by security forces. Lacking a court martial system, criminal cases were handed over to the LNP and Ministry of Justice for prosecution.

On April 11, the president convened a special independent committee of inquiry to investigate allegations that the LNP used excessive force to subdue a March 22 student demonstration. Students demonstrated in support of their teachers who were striking for promised salary increases. The task force recommended the deputy director of police be dismissed and the director of police suspended without pay for two months. On August 1, the president suspended the deputy director for one month and the director received a letter of warning.

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

The constitution requires warrants to make arrests and provides that detainees either be charged or released within 48 hours; however, arrests were often made without warrants, or warrants were sometimes issued without sufficient evidence, and 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 in practice 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, to an attorney provided by the state in criminal and civil cases, but the government did not always observe such rights.

Pretrial Detention: Although the law provides for the right of a defendant to receive an expeditious trial, lengthy pretrial and pre-arraignment detention remained serious problems. An estimated 79 percent of prisoners were pretrial detainees, in spite of the release of 594 during the year by the Fast Track Court to reduce overcrowding. The length of time detainees were held in pretrial detention varied, but averaged three to six months. Improved capacity for probation and ongoing police training helped reduce the number. 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, and the lack of transport, court facilities, attorneys, and qualified judges caused trial delays.

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

The constitution and law provide for an independent judiciary; however, judges and magistrates were subject to influence and corruption. Uneven application of the law and the unequal distribution of personnel and resources remained problems throughout the judicial system. A Professional Magistrates Training Program for 61 university graduates ended in July; they were to be placed in magisterial courts throughout the country to improve judicial efficiency and access but had not been deployed at year's end.

### **Trial Procedures**

Trials are public, and juries are used in circuit court trials but not at the magistrate level. The pool of jurors was limited by low literacy rates. Jurors were also subject to influence and corrupt practices, which undermined their effectiveness and neutrality. Under the constitution defendants have the right to be present, to consult with an attorney in a timely manner, and to have access to government-held evidence relevant to their case; however, these rights were not always observed. Defendants enjoy a presumption of innocence and 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, but many of these protections were not available to defendants who could not pay bribes or afford an attorney. Some local NGOs continued to provide legal services to indigent defendants and others who had no representation. There continued to be long delays in deciding cases.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

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

There is no specialized court to address lawsuits seeking damages for human rights violations. There is an independent 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. 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**

### **Status of Freedom of Speech and Press**

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

Freedom of Speech: Individuals could generally criticize the government publicly or privately without reprisal. However, libel and national security laws did place some limits on freedom of speech.

Freedom of Press: In Monrovia approximately a dozen newspapers were published during the year with varying degrees of regularity; six were independent dailies, and five were independent biweekly newspapers. The

government published the *New Liberian* newspaper. Due to the price of newspapers and transportation, the 55-75 percent illiteracy rate, and road conditions, newspaper distribution was largely limited to Monrovia.

Radio remained the primary means of mass communication, and stations mostly operated without government restrictions.

Although generally able to express a wide variety of views, some journalists practiced self-censorship, while the government and private citizens expressed concern that some journalists commonly accepted payments to publish articles and did not always check the accuracy of facts.

Violence and Harassment: President Sirleaf suspended Liberian Broadcasting System Director General Ambrose Nah on September 24. No official reason was given for the suspension.

On November 7, the Ministry of Information, Culture and Tourism and the Ministry of Justice petitioned the courts to close three media outlets linked to the opposition party Congress for Democratic Change, citing inflammatory and inciting language in the period before the November 8 elections and their coverage of a violent demonstration on November 7. The judge ordered the radio and TV outlets closed. On November 15, the judge declared the government had authority to shut down the media outlets based on their news content, but ordered they be reopened that same day.

On January 22, the Supreme Court ordered Rodney Sieh, editor of the newspaper *Front Page Africa*, arrested for contempt of court in an October 2010 case in which the court contended the newspaper published an inaccurate story. The Executive Mansion intervened, and Sieh was released on January 24.

Nongovernmental Impact: In October a journalist claimed opposition leader George Weah intimidated and ordered him to remove and destroy photos he had taken of Weah allegedly harassing a motorcycle driver while campaigning in Nimba County.

## **Actions to Expand Press Freedom**

The Ministry of Information, Culture and Tourism, in collaboration with the United Nations Development Programme (UNDP), initiated a short-term training program for rural female journalists. Under the program, female reporters and radio program producers were provided practical training at selected media institutions in Monrovia.

## **Internet Freedom**

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

## **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.

On November 7, law enforcement agents clashed with supporters of the opposition party Congress for Democratic Change (CDC) when CDC supporters, without a permit, left their headquarters to march into Monrovia. Other government agents and UN force personnel helped to end the violence, which resulted in one confirmed death. On November 14, the president convened a special independent committee of inquiry to investigate the violence; its investigation was ongoing at year's end. An initial report issued on November 25 recommended, and the president agreed, that Inspector General of Police Marc Amblard be relieved of command.

## **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. However, LNP and Bureau of Immigration officers occasionally subjected travelers to arbitrary searches and petty extortion at checkpoints.

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.

### 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 assisted in the voluntary repatriation of 1,762 Liberian refugees from other West African countries. It also assisted in the voluntary repatriation of 730 Ivoirian refugees.

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.

Temporary Protection: The government provided temporary protection to individuals who may not qualify as refugees under the 1951 refugee convention or its 1967 protocol. The government continued to provide protection to Ivoirian refugees who entered the country since November 2010. At year's end the UNHCR had registered 128,689 new Ivoirian refugees for a total of 135,208. UNHCR relocated nearly one-third of the refugee population to six refugee camps and 16 relocation villages by year's end.

## 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 state is highly centralized, and the head of state appoints county superintendents. Local governments have no independent revenue base and relied entirely on the central government for funds. As a result there were very limited government services outside of Monrovia. Local officials were provided funds through the County Development Fund, but in some cases county government officials allegedly misused these funds.

### Elections and Political Participation

Recent Elections: During the year Ellen Johnson Sirleaf won the national presidential election with 91 percent of the vote in a runoff election after her opponent, Winston Tubman of the Congress for Democratic Change (CDC), boycotted the second round of voting; voters also selected 15 senators and 73 representatives. The National Elections Commission (NEC) publicized its schedule for the conduct of national elections scheduled for October 2011. Sixteen candidates vied for the presidency; 865 candidates registered for the 15 contested Senate and 73 House of Representatives seats. On August 23, citizens voted on four issues during the National Referendum; the only measure that passed will allow legislative seats to be won by simple majority instead of absolute majority. The NEC conducted the national elections on October 11; international and national observers declared them to be free, fair, transparent, and credible, although some minor irregularities were noted. Because no presidential candidate won an absolute majority of 50 percent plus one, a runoff election was held on November 8. The NEC announced that President Sirleaf and the CDC's 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 also declared the November 8 runoff free, fair, and transparent, although marred by low turnout due to the previous day's violent protest and the boycott by the CDC.

Political Parties: Registration of political parties and independent candidates took place during the year; 30 parties were registered.

Participation of Women and Minorities: There were five female ministers and nine female deputy ministers. There were four women in the 30-seat Senate and seven women in the 64-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.

Muslims occupied senior government positions, including one minister, two deputy ministers, one senator, five representatives, one Supreme Court justice, and one county superintendent.

## Section 4. Official Corruption and Government Transparency

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 Ministry of Justice are responsible for exposing and combating official corruption. The LACC is empowered to prosecute any case that the Ministry of Justice declines to prosecute; however, its capacity to do so remained weak. During the year the LACC investigated 14 cases and recommended three for prosecution.

In July the Ministry of Justice dropped charges, over the LACC's objections, against former inspector general of police Beatrice Munah Sieh for irregularities in the procurement of uniforms.

On July 12, a former Liberia Telecommunications Authority chair was rearrested for alleged bail jumping in the 2010 case of his alleged misuse of \$71,022. That case ended in a hung jury, and he was awaiting a retrial.

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

The Ministry of Planning and Economic Affairs and the Ministry of Internal Affairs coordinate management of the County Development Funds. The funds were previously administered at the county level, but were frozen by President Sirleaf in 2010 due to evidence of frequent misuse.

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). 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. For example, in April an LNP officer was dismissed for extortion and harassment after an LNP investigation found the officer had extorted \$255 from an individual.

During the year the government continued to take steps to improve transparency.

The GAC continued its ministerial audits and referred findings to the legislature. On March 25, the president announced she was not renominating the auditor general for another term. The legislature did not recommend any cases to the Ministry of Justice for prosecution.

The Ministry of Finance published the national budget and quarterly financial results, and state-owned enterprises published financial statements. Periodic short-term advisors continued to support the Ministry of Finance 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. However, government ministries and agencies did not always adhere to public procurement regulations, particularly for natural resource concessions.

The 2010 Freedom of Information Act provides that the government should release government information not involving national security or military issues upon citizens' requests.

## 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.

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.

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; however, the INCHR had not commenced the Palaver Hut mechanism as proposed by the end of the year.

In January the Supreme Court nullified the TRC report's recommended 30-year ban on holding public office. The ban sought to bar listed individuals from holding elective or appointed public office for 30 years effective the date of the report. The court determined that the ban would deny those listed due process and was therefore unconstitutional.

## 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 only persons who are "Negroes" or of "Negro descent" can become citizens and own land.

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 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 245 rape cases were reported to the unit, of which 101 were prosecuted. 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, which includes Monrovia. In the seven cases prosecuted during the year, the government won five convictions.

The sexual and gender-based violent crimes unit within the Ministry of Justice continued to coordinate with the special court and collaborate with NGOs 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 obstructed prosecution of cases. Inefficiency in the justice system also prohibited 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.

Sexual Harassment: The law does not prohibit sexual harassment, and it remained a major problem, including in schools and places of work. Government billboards 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 has 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 contraceptive use 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 suggests cultural barriers or pressure from the women's partners. The maternal mortality rate was 994 deaths per 100,000 live births. Reducing maternal mortality was a priority of the government, and activities over the past four years included additional training of midwives, providing incentives to pregnant women, and a maternal home pilot project.

Discrimination: Women have not recovered from the setbacks caused by the war, when almost all schools were closed, and they were prevented from maintaining their traditional roles in the production, allocation, and sale of food.

Women and men enjoy the same legal status. Women can inherit land and property, receive equal pay for equal work, and own and manage businesses.

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

The law prohibits polygyny; however, 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 UN Security Council Resolution 1325 Secretariat (Women, Peace and Security) were generally 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, healthcare, and other basic needs. It is also intended to protect children from illegal child labor practices and harmful traditional practices.

Education: The legislature passed the New Education Reform Act of 2011, extending free and compulsory education in public schools from the primary (grades 1-6) through junior secondary (grades 7-9) levels. Despite this, many schools still charged informal fees to pay teachers and operating costs the government did not cover, which prevented many students from attending. 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 were often required to provide their own uniforms, books, pencils, paper, and even desks.

Although the official primary-school-age population is six to 15 years old, the war disrupted the education of many students, and as a result primary school students in the country ranged in age from six to more than 20 years old. While education reforms were ongoing, overaged 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 worsening 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 continued, and reports of sexual violence against children continued during the year. Civil society organizations reported continued incidents of rape of girls under 12, and there were 37 reported cases of child endangerment during the year, a statistic thought to greatly underreport the actual incidence.

Child Marriage: The Domestic Relations Law sets the minimum marriage age at 21 for men and 18 for women. However, Section 2.9 of 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. The recently passed National Children's Act sets the marriage age for all Liberians at 18.

Female Genital Mutilation: FGM 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, infibulation, was not practiced. The law does not prohibit FGM, and traditional institutions, such as the secret Sande Society, often performed FGM as an initiation rite, making it difficult to ascertain the number of cases. To combat harmful traditional practices like FGM, the government trained community leaders and women's groups during the year and provided training in alternative income-generating skills to FGM practitioners.

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 17 of 38 reported cases of statutory rape--this is likely a small fraction of the true extent of the problem--were tried during the year. Statutory rape is a first-degree rape 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, there were still children who lived on the streets in Monrovia. It was difficult to tell who were street children, former combatants, or internally displaced persons. Nearly all children older than 10 had witnessed atrocities during the 14-year civil war, and some children had committed atrocities.

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 adequate nutrition. They 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 outside these institutions.

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

Liberia 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. No laws mandate access to public buildings. 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. The National Commission on Disabilities conducted an assessment on eight special schools in the greater Monrovia area during the year; its results were pending.

The Journal of the American Medical Association published a Harvard Humanitarian Initiative study that concluded that 40 percent of the population had Post Traumatic Stress Disorder or other mental disabilities.

The government identified an estimated 16 percent of the population as disabled, but that number was believed actually to be higher due to 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; however, they did not always do so effectively.

Following the October 11 general election, the National Union of Organizations for the Disabled noted that persons with disabilities were frequently unable to enter polling places, and there was no provision of tactile ballot guides for the blind.

During the year the commission and ministry conducted a series of sensitization programs about persons with disabilities, but with limited effect. The commission also began work on a plan for the government's promotion of the rights of such persons in education, employment, and livelihood. The plan was pending completion at year's end. NGOs provided some services to persons with disabilities.

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

Although the law prohibits ethnic discrimination, racial discrimination is enshrined in the constitution, which provides that only "persons who are Negroes or of Negro descent" may be citizens and own land. 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 was 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 sodomy, and the culture is strongly opposed to homosexuality. "Voluntary sodomy" is a misdemeanor with a penalty of up to one year's imprisonment. There were no reported instances of violence based on sexual orientation. There were no civil society groups dedicated to lesbian, gay, bisexual, or transgender rights operating in the country.

## **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.

On December 22 and 23, youth seeking payment for their work in a short-term seasonal employment scheme rioted in Monrovia when some were denied payment because they were not listed on the employment roster or were inadequately paid. The payments were suspended until 2012 pending review of work logs and records. No deaths were reported, but there was damage to public and private property.

The LNP arrested six individuals in the April 15 mob killing of a Sierra Leonean national believed to have murdered their teacher the previous night.

In September a court indicted four persons in the February 2010 mob killing in Monrovia of an LNP officer who allegedly shot and killed a man, reportedly over a personal dispute.

# **Section 7. Worker Rights**

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

The law allows 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 but does not provide adequate protection due to

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. 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. However, the requirement to notify the Ministry of Labor of the intent to strike, and the ministry's resulting involvement, were thought to mitigate retaliation.

In general the government effectively enforced applicable laws, and workers exercised their rights in practice. 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. New negotiations were launched in the rubber sector, but no new collective bargaining agreements had been reached by year's end. Union power increased during the year through increased membership at major plantations; however, the largely illiterate workforce engaged in few economic activities beyond the subsistence level. Unions were independent of 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 forced or compulsory labor; however, such practices occurred.

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. However, 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. A 2011 International Labor Organization (ILO) report cited the southeastern region of the country for alleged practices of forced labor.

When victims were identified, the Women's and Children's Protection Section (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 and as such, no reliable figures were available on the number of children removed from forced labor.

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 nor 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 expected to supplement other laws and efforts.

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 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 Women and Children Protection Section were also charged with investigating and referring for prosecution allegations of child labor.

However, 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 in 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 (\$0.30) 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 their 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.

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. The government submitted the New Labor Law and Minimum Wage Bill to the legislature for passage in an attempt to modernize current labor laws and to strengthen the government's ability to deter violations.

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. Officials conducted unannounced visits to consistent violators to improve standards. Enforcement of standards and inspection findings were not always consistent.

Due to the continued severe economic problems, most citizens had to accept any work they could find regardless of wages or working conditions. The current minimum wage does not provide a livable income, and workers often found other activities, like street selling, to supplement their wages. Individuals working in the formal economy, estimated at 15 percent of the workforce, were afforded labor protections, although working conditions varied from workplace to workplace. Those in the informal economy, particularly in street selling and small-scale farming, often worked more than the 48-hour workweek and faced harsher working conditions.