

LIBERIA 2013 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 multi-party presidential elections, which domestic and international observers considered generally free and fair. Authorities generally maintained effective control over the security forces. Security forces, however, committed human rights abuses.

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 police abuse, harassment, and intimidation of detainees and others; arbitrary arrest and detention; official corruption; human trafficking; racial and ethnic discrimination; discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons; unlawful deprivation of life under customary law; mob killings; and ritualistic killings.

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 allegedly beat, abused, harassed, and intimidated persons in police custody, or on the street in attempts to extort money.

For example, while a citizen was waiting to use an air pump at a service station, uniformed Liberia National Police (LNP) officers ordered him to move. The officers, directed by top-ranking LNP officer Gbor Phil Tougbay (assistant director of police for administration and professional standards) in a police vehicle, assaulted and beat him, removed his car battery, tore his clothes, handcuffed him to the back of the police pickup truck, threw him into the truck bed, and jailed him overnight. The same assistant inspector general of police was also involved in abusing a lower-ranked officer during the year and remained under investigation for both incidents. Also during the year an inspector at a local police station reportedly raped a woman who was visiting someone being held for questioning. This case was being prosecuted, and a trial date was set.

There were reports of police brutality. The professional standards division was responsible for investigating allegations of police misconduct and referring cases for prosecution. Violent police action during arrests was the most common complaint of misconduct. In August the minister of justice referred three cases of alleged senior-level police misconduct to the Independent National Commission on Human Rights (INCHR) for investigation.

The LNP conducted performance appraisals to foster professional development of officers and identify areas for improvement, and it made small improvements. On August 16, a special bulletin was drafted by Chief of Personnel Deputy Commissioner William Mulbah dismissing nine Emergency Response Unit (ERU) officers from the LNP. They were dismissed for being absent without official leave at different times between January and July for a total of 212 days. The LNP was also investigating an alleged rape case by one of the dismissed officers.

The government continued to conduct campaigns focusing on efforts to harmonize the traditional and formal justice systems. In particular, campaigns focused on cases that needed to be addressed in the formal justice system, such as criminal cases, including murder, rape, and human trafficking, 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 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 seven prisoner deaths during the year.

According to the Bureau of Corrections, approximately half of the country's 1,827 prisoners were at Monrovia Central Prison (MCP). This prison operated at more than twice its capacity because of the large number of pretrial detainees. The total MCP capacity was an estimated 400, but it held 922 individuals at year's end. The MCP population included 17 women and 16 juveniles. Prisons remained understaffed, and prison staff were poorly paid. The average wage of an officer was 7,200 Liberian dollars (\$90). Seventy additional correctional officers were hired during the year, but training was unlikely to occur until early 2014.

The MCP's one dedicated vehicle often was not operable, and as a result the MCP was frequently unable to transport prisoners and detainees to court or to a hospital. Prisoners were transported to or from court through the private support of judges or Prison Fellowship Liberia. The UN and nongovernmental organizations (NGOs) continued to provide medical services and improve basic sanitary conditions. Medical care at the MCP and other facilities was inadequate. NGOs provided medicines to treat seizures, skin infections, and mental health conditions, but other necessary 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 the national health-care sector remained underfunded, and most persons lacked basic health care and medications. During the year the government attempted to improve prisoner diet by supplementing the prisoners' rice-based diet with beans. Funding for the effort lapsed after several months.

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. According to the International Committee of the Red Cross (ICRC), this rarely occurred.

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 and the Bureau of Corrections and Rehabilitation (BCR) visited prisons and detention centers to monitor conditions during the year. They also worked with prison staff to improve the treatment of inmates and detainees, as well as their conditions of detention. Internal reports and investigations into allegations of inhumane conditions were not made public.

The Ministry of Justice 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. A project establishing records rooms at LNP headquarters and police stations in Montserrado County (which includes the capital Monrovia) continued.

Authorities used alternatives to prison sentencing for nonviolent offenders, but no ombudsman system operated on behalf of prisoners and detainees. During the year authorities also began a pilot project, successfully using probation as a presentencing option to relieve overcrowding.

A "fast track" court system was set up at the MCP in 2010 to administer speedy trials; however, international donors cut funding support because of the minimal impact the project had on overall population numbers. The government continued to operate the "fast track" court on an irregular basis and adjudicated 968 cases; of these, 863 detainees were released, 78 were convicted, and 27 were transferred to a different court.

The Corrections Advisory Unit of the UN Mission in Liberia (UNMIL) worked alongside the BCR to re-establish and strengthen the BCR to be accountable and uphold international standards. They provided full-time mentoring, advising, and capacity building, as well as refurbishment and rehabilitation of facilities, and frequently visited detention facilities.

Funding to feed prisoners, maintain prison facilities, and pay employees lapsed in the last quarter of the year.

Independent Monitoring: The government permitted independent monitoring of prison conditions by local human rights groups, international NGOs, the UN, the ICRC, diplomatic personnel, and the media. Some human rights groups, including national and international organizations, regularly visited detainees at police headquarters and prisoners in the MCP. The UNMIL Human Rights and Protection Section held prison monitoring training for more than 30 participants from the INCHR and other civil society organizations.

Improvements: The ICRC provided hygiene items to four prisons and essential medicines to all 15 prisons. The ICRC, with the Ministry of Justice, improved water and sanitation infrastructure for 1,168 detainees and was working to establish a prison health-care system.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention; however, the government did not always observe these prohibitions. Citizens continued to be arbitrarily arrested, assaulted, and jailed. Mob violence was also common.

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 more than 20 other law enforcement agencies. The armed forces provide external security but also had some domestic security responsibilities, primarily through the coast guard.

An estimated 5,940 UNMIL peacekeepers and 1,400 UN police officers (UNPOL) had significant responsibility for maintaining security, although the LNP took on increasing responsibility. Approximately 480 UNPOL advisors and 980 officers in the UN Formed Police Units (FPU) assisted with monitoring, advising, and mentoring the LNP. Approximately 1,060 UNMIL troops withdrew during the year. One of three additional FPUs was deployed to bolster security while local civilian law enforcement capacity was being developed. The second additional FPU was deployed in November 2013, and the third FPU was expected in early 2014. There were approximately 100-150 police officers in each unit.

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 had a Police Support Unit (PSU) that received additional training in crowd and riot control and the 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 activities. 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 adequately investigate many crimes, including homicides. 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. An international donor set up a new forensics lab and several staff members were trained.

An armed forces disciplinary board investigates alleged misconduct and abuses by military forces. Because the armed forces lack a military justice system, criminal cases were transferred to the LNP and Ministry of Justice for prosecution.

Arrest Procedures and Treatment of Detainees

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 criminal 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: Security forces continued to make arbitrary arrests, with increases during the holiday season, in an effort to reduce crime.

Pretrial Detention: Although the law provides for the right of a defendant to receive an expeditious trial, lengthy pretrial and prearraignment detention remained serious problems. An estimated 83 percent of prisoners were pretrial detainees, despite the release of 968 during the year by the Fast Track Court and the release of an unknown number of prisoners 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. Additional police training helped reduce the number of pretrial detainees. Incarceration of new detainees, however, 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, and magistrates were subject to influence and corruption. Uneven application of the law and unequal distribution of personnel and resources remained problems throughout the judicial system.

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 at their trials, consult with an attorney in a timely manner, and have access to government-held evidence relevant to their case. These rights, however, were not usually observed. Under the penal code, defendants have the right to be informed of the charges promptly and in detail. If a defendant, complainant, or witness does not speak or understand English, the court provides interpreters for the trial. Defendants have the right to a trial without delay and to have adequate time and facilities prepare their defense. These rights often were not observed. Defendants enjoy a presumption of innocence, and they have the right to confront or question adverse witnesses, present their own evidence and witnesses, 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. The Liberian National Bar Association continued to offer pro bono legal services to the indigent. Financial constraints remained a major challenge in recruiting experienced lawyers for this service.

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. The specialized court for sexual violence prosecuted very few perpetrators, with most suspects released. The releases often were related to a lack of evidence and suspected bribes. 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, although with some limits. President Sirleaf endorsed and signed the World Association of Newspapers and News Publisher's Declaration of Table Mountain in Monrovia in July 2012 committing the government 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.

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

Violence and Harassment: Journalists were sometimes subject to harassment. For example, in May the head of the presidential Executive Protection Service allegedly referred to journalists as “terrorists” and told a journalist, “Be careful, because you have your pens and we have our guns.” In response many newspapers in Monrovia printed black front pages, and radio and television stations halted programming for two hours.

Censorship or Content Restrictions: A radio talk show that accused the government of corruption and inefficiency was taken off the air twice during the year but was allowed to resume broadcasting after a few days.

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

Libel Laws/National Security: Outdated libel laws and a corrupt judicial system constrained the work of some journalists and media outlets reporting on high-profile government or public figures. In August a prominent journalist was jailed for failing to pay a judgment of 1.2 billion Liberian dollars (\$1.5 million) against him in a civil libel case filed by a former agriculture minister. The suit was eventually withdrawn but highlighted the need to amend libel laws, which President Sirleaf reaffirmed.

Internet Freedom

There were no government restrictions on access to the internet or reports that the government monitored e-mail or internet chat rooms without appropriate legal authority. According to the International Telecommunication Union, 3.8 percent of the population used the internet during 2012, a slight increase from 2011.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

There were no government restrictions on peaceful assembly or association.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at 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.

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 (BIN) officers occasionally subjected travelers to arbitrary searches and petty extortion at checkpoints.

Emigration and Repatriation: In August the Bureau of Immigration and Naturalization implemented a new policy for managing migration into the country and emigration by citizens.

In 2012 the UNHCR and the Liberia Refugee Repatriation and Resettlement Commission completed the voluntary repatriation from other West African countries of 29,380 Liberian refugees. This repatriation continued during the year, but incentive packages ended in 2012, and fewer Liberians returned than previously. Working with international donors and NGOs, the Land Commission reviewed land disputes between returning landowners and internally displaced persons who took over their land during the civil war – and disputes between villages accommodating returning refugees – resulting in decreased violence during the year. Tribal elders also played a significant role in settling land disputes.

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.

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 after November 2010. At the end of December, 58,852 Ivoirian refugees remained in Liberia. Ethnic tensions contributed to land conflicts along the borders. The UNHCR set a goal of repatriating 16,000 Ivoirian refugees by year's end. The UNHCR coordinated with the government to consolidate and relocate the refugee population to three refugee camps in Maryland, Nimba, and Grand Gedeh counties.

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 through free and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: In May citizens of Grand Bassa County elected a new senator to fill a vacant seat. International observers deemed the election free and fair.

In the November 2011 runoff presidential election, Ellen Johnson Sirleaf won the national presidential election with 91 percent of the vote 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. International and national observers declared the November runoff free, fair, and transparent, although marred by low turnout due to previous violent protest and the CDC boycott.

The runoff followed national elections held in October 2011 in which 16 candidates vied for the presidency and 865 candidates registered to vie for the 15 contested Senate and 73 House of Representatives seats. International and national observers declared the elections to be free, fair, transparent, and credible despite some minor irregularities.

Participation of Women and Minorities: There were six female ministers in the 21-member cabinet. There were five women in the 30-seat Senate and eight in the 73-seat House of Representatives. Two female associate justices 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

Corruption persisted during the year. The World Bank's most recent Worldwide Governance Indicators reflected that corruption was a serious problem.

Corruption: 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 declines to prosecute; however, the LACC remained a weak option because of underfunding, understaffing, and judicial bottlenecks. During the year the LACC received 25 cases, investigated 23 cases, and recommended four for prosecution, resulting in no convictions.

The government dismissed or suspended a number of officials for corruption. Auditor General Robert L. Kilby and General Services Agency Director General Pearlina Davis-Parkinson were dismissed for conflicts of interest. Deputy Justice Minister Freddie Taylor, Deputy BIN Commissioner Robert Buddy, former solicitor general Micah Wright, and BIN Border Patrol Chief Wilson Garpeh were dismissed for alleged involvement in human trafficking. Deputy Public Works Minister Victor B. Smith was suspended for allegedly violating the law but was reinstated a week later following an investigation. President Sirleaf dismissed the chairman and other board members of the Liberia Airports Authority amid corruption allegations. An assistant labor minister was also dismissed for issuing work permits to foreigners after allegedly taking bribes.

In July 2012, over the LACC's objections, the Ministry of Justice dropped charges against a former inspector general of police for irregularities in the procurement of

uniforms. The LACC decided to prosecute and subsequently obtained a conviction; the case was under appeal before the Supreme Court.

Although an investigation continued into alleged irregularities in the Forestry Development Agency's issuance of permits for timber harvesting, no indictments were issued against either private use permit operators or former Forestry Development Authority personnel. Despite the suspension of all private use permits, some logging companies continued to operate with other types of licenses.

Judges were susceptible to bribes to award 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 to appease judges, prosecutors, jurors, and police officers. The Ministry of Justice continued its calls to reform the jury system.

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. BIN suspended five of its officers for ethics violations and contravention of standard operating procedures.

The government continued to take steps to improve transparency. The General Auditing Commission (GAC) audited ministries and other government agencies, sending its reports to the legislature. Since 2008 the GAC submitted more than 70 reports to the legislature, none of which were reviewed or acted upon. The World Bank assisted the legislature to set up the Public Accounts Committee (PAC) Secretariat, a technical committee staffed by accountants and other auditing experts, which was charged with reviewing the backlog of GAC reports and recommending appropriate action to the legislature. By the end of the year, the PAC had conducted public hearings and reviewed seven GAC audit reports, and it planned to present summaries and recommendations to the legislature in January 2014. The president dismissed the auditor general for conflicts of interest.

Whistleblower Protection: Presidential Executive Order 22, issued in 2009 in advance of a planned submission of a whistleblower protection bill, remained in effect. It bans public and private employers from retaliating against those who disclose information about improper actions that are counter to public interest. It defines public interest disclosures as those revealing "illegality, criminality, breach of law, miscarriage of justice, danger to public health and safety, and damage to environment," as well as attempts at cover ups. The LACC had a whistleblower

program under which anyone could report acts of corruption or impropriety to the LACC with the promise of confidentiality.

Financial Disclosure: President Sirleaf issued Executive Order 38 in January 2012 requesting officials of the executive branch to make financial disclosures and declare their assets to the LACC. Many officials only did so after the president threatened dismissal if they did not comply. All officials of the executive branch declared their assets by year's end. The LACC initiated an asset verification process to review these declarations and in October summarized the results of the process, highlighting some discrepancies and instances of unexplained wealth accumulation. The LACC was not required to release the contents of the declarations, but it released aggregate information about officials' cooperation and the overall results of the asset verification process.

During the year the Ministry of Finance published the national budget and quarterly financial results, and individual state-owned enterprises published financial statements. Many of these enterprises had not been audited for several years. Periodic short-term advisors continued to support the ministry and other government entities. 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 often did not 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 state-owned enterprises and autonomous bodies.

Public Access to Information: The 2010 Freedom of Information Act (FOIA) provides that the government should release government information not involving national security or military issues upon request. Some transparency advocates, including the head of the LACC, however, suggested that legislators needed to improve the FOIA law to ensure that citizens could access information to verify that government funds were properly spent and accounted for. A local NGO won a court case after the LACC refused to give it access to the executive branch officials' asset declaration data.

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: There were a few instances of bureaucratic conflict between UNMIL and the LNP, but overall the government worked well with the UN.

Government Human Rights Bodies: In 2011 the INCHR developed a work plan including the creation of the Palaver Hut mechanism, through which community members would come together in their towns and villages to discuss grievances and seek reconciliation at the community level. The Palaver Hut mechanism, originally scheduled for implementation by the end of 2011, was launched in October 2012. The Palaver Hut submitted one report in 2012, but no subsequent reports were completed.

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

The constitution prohibits discrimination based on ethnic background, sex, creed, place of origin, disability, or political opinion; however, the government did not enforce these provisions effectively. The constitution, however, enshrines discrimination on the basis of race, since 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. According to the World Health Organization, 77 percent of women and girls had been the victim of sexual violence. 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. The government did not always enforce the law effectively. 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. Despite increased reporting, human rights groups claimed that the real prevalence rates were even higher, as many cases were not reported. 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 (WACPS) of the LNP stated that approximately 280 rape cases were reported to the unit, of which 83 were forwarded to Court E. Thirty-seven cases were forwarded to Criminal Court C. Four rape cases were actually prosecuted; there was one conviction, one acquittal, and two cases remained pending.

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

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 awareness of sexual and gender-based violence issues.

There were 52 WACPS offices, 21 of them outside Montserrado County. There were 210 WACPS 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, 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 outreach campaigns.

The law prohibits domestic violence; however, it remained a widespread problem. According to the World Health Organization, 33 percent of married women reported experiencing domestic violence. 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. But 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. Approximately two-thirds of women surveyed, however, 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 was historically also very high. According to the chief medical officer of the John F. Kennedy Medical Center in Monrovia, the country reduced its maternal mortality rate from 1,000 to 700 per 10,000 births and a woman's lifetime risk of maternal death was one in 24. Reducing maternal mortality remained a priority of the government, and activities in past 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. Women experienced discrimination in such areas as employment, credit, pay, education, and housing. In rural areas a woman's right to inherit land was often not recognized by traditional practice or traditional leaders. While progress was made through programs to educate traditional leaders about women's rights, authorities often did not enforce those rights.

Women experienced some economic discrimination based on cultural traditions. The government promoted women in the economic sector through programs and NGO partnerships to conduct workshops on networking, entrepreneurial skills, 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 enforce the legal rights of women, but the Ministry of Gender and Development and the Women, Peace, and Security Secretariat generally were 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 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.

Education: The law provides for tuition-free and compulsory education in public schools from the primary (grades 1-6) through junior secondary (grades 7-9) levels, but many schools charged informal fees to pay for teachers' salaries and operating costs that the government did not cover. These fees prevented many students from attending school. Under the law fees were required 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.

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. A total of 91 percent of children in primary school were over age. 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. The Civil Service

Agency led a civil service reform effort to introduce biometric identification and eliminate “ghost” employees from the schools and other government offices.

Women are historically undereducated, but the government sponsored campaigns countrywide to increase girls’ attendance at school. Government efforts resulted in more girls attending.

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

Forced and Early 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. The Equal Rights of the Traditional Marriage Law of 1998 permits a girl to marry at age 16. The government, in partnership with donors, operated an alternative basic education program for adults who had never received an education. The program also addressed life skills, such as health, hygiene, birth control, and ways to delay marriage. During the year the government released a Parent Teacher Association manual addressing delayed marriage and the importance of enrolling children in their proper grades. Underage marriage remained a problem in rural areas. According to a 2012 demographic health survey, 38 percent of women ages 20-24 were married or in a union before the age of 18. Sensitization efforts and mass media campaigns were conducted in target communities to educate citizens about the negative consequences of harmful traditional practices such as child marriage.

Harmful Traditional Practices/Female Genital Mutilation/Cutting (FGM/C): FGM/C was common and traditionally performed on young girls of northern, western, and central ethnic groups, particularly in rural areas. According to a 2007 demographic health survey, 58 percent of women and girls ages 15-49 had undergone the procedure. Mass campaigns against FGM/C over the last six years reduced this number, but exact data was unavailable. 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 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. 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 were exploited in prostitution in exchange for money, food, and school fees. The minimum age for consensual sex is 18, and during the year the government tried four of 216 reported cases of statutory rape, but that was probably 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 them up 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 the UN Children's Fund 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 adoptions in 2009. The moratorium remained in effect. 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/.

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 employment and provides for access to health care, these provisions were 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. The National Union of Organizations of the Disabled (NUOD) argued against the passage of new legislation that would allow schools to exclude children with disabilities from free and compulsory education.

The University of Liberia and other public schools discriminated against students with disabilities, arguing resources and equipment were insufficient to accommodate them. In 2012 a blind student passed the university's entrance exam but was denied entry on the basis that the university did not have proper equipment to support persons with disabilities. The NUOD sought redress, noting the privately run African Methodist University and United Methodist University admitted blind students.

Many citizens had permanent disabilities as a result of the civil war. Persons with disabilities faced societal discrimination, particularly in rural areas. Few children with disabilities had access to education; a 2008-09 survey found only 0.8 percent of students enrolled in school were identified as having disabilities. The government included persons with disabilities in its December 2012 Vision 2030 national development strategy meeting and panel discussions.

Students with serious disabilities were exempt from compulsory education.

National/Racial/Ethnic Minorities

Although the law prohibits ethnic discrimination, racial discrimination is enshrined in the constitution, which restricts citizenship and land ownership to those of "Negro descent." 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 activity, and the culture is strongly opposed to homosexuality. “Voluntary sodomy” is a misdemeanor with a penalty of up to one year’s imprisonment. No cases were reported during the year, and the law was largely ignored and rarely enforced. There was some discussion about amending the law. The newly amended Adoption Law prohibits same-sex couples from adopting children, whether they were foreigners or citizens. 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.

There were press and civil society reports of harassment of persons perceived to be LGBT. Societal stigma and fear of official reprisal may have prevented victims from reporting violence or discrimination based on sexual orientation or gender identity.

According to a report by a domestic civil society organization that supports LGBT rights, on October 12, two men in Monrovia were attacked by a mob who threatened to kill the two because they were suspected of “being gay.” The two men first attempted to report the threats and obtain protection at a local police station, but the threats continued and the two fled their homes.

On November 21, Human Rights Watch (HRW), in conjunction with Stop AIDS in Liberia (SAIL), an HIV/AIDS advocacy group, released a report, “*It’s Nature, Not a Crime*”: *Discriminatory Laws and LGBT people in Liberia*. The report described the legal and cultural contexts of LGBT discrimination and made broad recommendations to government and civil society regarding policy, legislation, law enforcement techniques, investigation of reports of violence, and education. HRW and SAIL also launched a joint awareness campaign highlighting the discrimination that the LGBT community faced.

A few civil society groups promoted the rights of LGBT individuals, but most 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 October a motorcyclist was hit by a bus, and a mob formed immediately. The mob then set the bus on fire, resulting in 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.

For example, in July the body of a three-year-old girl was found on Monrovia's Bushrod Island with several body parts extracted. The girl had been missing for five days.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers, except public servants and employees of state-owned enterprises, the right 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 regard 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. The law does not, however, 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. 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. In June the Malaysian palm oil company Sime Darby and the United Workers' Union signed the company's first collective bargaining agreement. The agreement focused on improving housing, health, and educational facilities; safe drinking water; latrines; and death benefits. On July 1, the Liberia Agriculture Company and United Workers' Union negotiated a new collective bargaining agreement targeting an increase in wages. The Salala Rubber Corporation and Cavalla Rubber Corporation both signed collective bargaining agreements in December 2012, with terms of three years, focusing on wages and benefits and improved housing and education benefits for employees' families.

Union power increased during the year through increased membership at plantations; however, only a small fraction of the workforce was employed in the formal sector, and more than 80 percent of workers did not enjoy any formal labor protections. Labor unions called on the legislature to pass laws that would improve work conditions across the country. Although issues of wages remained critical in agriculture sector bargaining, labor unions also shifted attention to other socioeconomic issues, such as better housing, health, and education facilities. 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, prostitutes, or beggars. Additionally, young women and children were subject to forced labor on rubber plantations and in gold mines, rock-crushing quarries, and alluvial diamond mines. Forced labor continued despite efforts by NGOs and other organizations to eliminate the practice.

When victims were identified, the Women and Children Protection Section 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; consequently, 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.

See the Department of State's *Trafficking in Persons Report* at 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. 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 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 WACPS 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 rock crushing or work that required carrying heavy loads. Some children were engaged in hazardous labor in alluvial diamond and gold mining as well as in the agriculture sector.

International NGOs worked 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.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The national law requires a minimum wage of 15 Liberian dollars (\$0.19) 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 salary for civil servants was 5,600 Liberian dollars (\$70) 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. The law 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 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 these 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.