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2009 Human Rights Report: Liberia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

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Liberia is a constitutional republic with a population of approximately 3.5 million. In 2005 Ellen Johnson Sirleaf won multiparty presidential elections, which domestic and international observers considered generally free and fair. Since the 2003 signing of the Comprehensive Peace Agreement, which ended the 1989–2003 civil war, the UN Mission in Liberia (UNMIL) peacekeepers and UN international police (UNPOL) have had primary responsibility for maintaining security. Efforts to select and train personnel for the Armed Forces of Liberia continued. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently.

Mob violence and land disputes resulted in deaths, and ritualistic killings occurred. Police abused, harassed, and intimidated detainees and citizens. Prison conditions remained harsh, and arbitrary arrest and detention occurred. Judicial inefficiency and corruption contributed to lengthy pretrial detention and denial of due process. Some incidents of trial by ordeal were reported. The government restricted the press. Corruption and impunity were endemic through all levels of government. Violence against women, including rape, was a problem, and domestic violence was widespread. Some ethnic groups continued to practice female genital mutilation (FGM). Child abuse and sexual violence against children were problems, and a few cases of human trafficking were reported. Racial and ethnic discrimination continued, and instances of child labor were reported, especially in the informal sector.

During the year the Truth and Reconciliation Commission (TRC) completed public hearings, solicited further input from county representatives and nongovernmental organizations (NGOs), and publicly released its Final Report to the government on the 1989-2003 civil war. Volume I, the Preliminary Findings, included a list of "most significant" warring factions and presented key recommendations for the future.

RESPECT FOR HUMAN RIGHTS

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 any politically motivated killings; however, on June 29, Senator Sumo Kupee (Lofa County) was accused of the ritualistic killing of a boy in Bong County. The Ministry of Justice did not prosecute the senator, citing lack of evidence, and Kupee remained free at year's end.

On July 14, eight plantation police officers of the Liberian Agricultural Company beat a man to death. The officers were arrested and awaiting trial at year's end.

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On February 5, Senator Roland Kaine was acquitted due to insufficient evidence of ordering the June 2008 killings of 21 youths in Grand Bassa County in connection with a land dispute. Of the 15 others accused in the incident, eight were found guilty and six were acquitted. Critics charged that the acquittals were a result of a weak judiciary and cited poor case preparation by the prosecution.

The investigation into the August 2008 incident in which Special Security Service agents fired on alleged thieves, resulting in one death, was closed, and no action was taken against the perpetrators.

Land disputes--exacerbated by pressure from returning landowners and refugees as well as unclear land titles--resulted in numerous deaths during the year.

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. In January women in Bong County complained to President Sirleaf that ritualistic killings were on the rise, and on July 13, a high school girl was found dead in Maryland County with body parts missing. The government treated such killings as homicides and investigated them accordingly, although there were no prosecutions during the year. Protests against such killings occurred and sometimes resulted in riots, injuries, and deaths.

There were continuing reports of mob violence. On June 12, a mob burned down a police station in Harper, resulting in the death of a detainee. In August angry mobs in Monrovia beat to death two suspected criminals.

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, but there were reports that police officers and security officials employed them. Police sometimes abused, harassed, and intimidated persons, particularly during attempts to extort money on the streets. Several cases of reported police brutality were referred to the attention of police commanders. Fourteen police officers were suspended for misconduct in May, and five officers were dismissed in August for unethical behavior.

After a near collision on January 18 between the vehicles of former government official Prince Toe and House Speaker Alex Tyler, Tyler's bodyguards allegedly followed Toe to his church, pulled him out of the building, beat him in front of the speaker, and stole two kilograms of gold he had in his possession; it was unclear why Toe was taking two kilograms of gold with him to church. Toe claimed police briefly detained him after the beating until a local clergyman intervened for his release. On January 21, the Monrovia Magisterial Court issued a writ of arrest against Speaker Tyler on charges of aggravated assault and criminal solicitation; however, the arrest warrant was withdrawn for "procedural errors" after the justice minister intervened. No action had been taken against Tyler by year's end.

LNP officers abducted and beat an NGO employee (see section 5).

Several incidents involving the alleged abuse and mistreatment by high-level officials in 2008 came to light during the year. In June 2008 Senator Nathaniel Innis allegedly beat a young woman for making noise in his neighborhood, and in December 2008 Deputy Minister of Public Works Roderick Smith allegedly ordered the beating of General Auditing

Commission auditor Winsley Nanka after Nanka demanded more documents to verify earlier documents submitted by the ministry.

During the year UNMIL completed its investigation into the 2007 beating by LNP officers and UNMIL peacekeepers of students and journalists. No action was taken against police or peacekeepers.

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 telling the truth, continued in rural areas. Despite President Sirleaf's 2007 vow to punish perpetrators of trial-by-ordeal, no perpetrators were punished during the year.

Mob violence and vigilantism--which resulted in part from the public's lack of confidence in the police and judicial system--resulted in injuries.

During the year the UN Office of Internal Oversight Services and the UNMIL Conduct and Discipline Unit investigated two reports of sexual exploitation and abuse by UNMIL staff. One case remained under investigation at year's end; the second ended with the suicide of the accused perpetrator.

Prison and Detention Center Conditions

Conditions in the country's 14 prison facilities were harsh and in some cases life threatening. Women and juveniles were subject to abuse by guards and other inmates. Half the country's 1,420 prisoners were held at Monrovia Central Prison, which operated at four times its capacity due to the large number of pretrial detainees. The prison population included 14 women and 64 juveniles. Prisons remained understaffed.

Several mass escapes from prison occurred during the year, including the January 16 escape of prisoners from Sanniquelle Prison, the April escape of 40 prisoners from the Palace of Corrections in Zwedru, and the May escape of numerous prisoners from Monrovia Central Prison. Prison officials blamed collusion by prison guards, and an investigation was ongoing at year's end.

During the year some counties without adequate prison facilities transferred their prisoners to Monrovia. The government relied on the World Food Program and various NGOs to provide food to the prisons. The UN and NGOs continued to provide medical services. During the year both the government and international partners continued renovations at several county prisons. Men and women were held together in some counties or cities with only one prison cell. In many counties juveniles and adults were held together, and pretrial detainees were generally held with convicted prisoners.

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 to prisoners in Monrovia Central Prison. The permanent representative of the UN Security Council toured Monrovia Central Prison during the year, and in October the International Committee of the Red Cross (ICRC) toured all 14 prisons in the country.

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 and oversees the LNP and the National Bureau of Investigation. An estimated 10,000 UNMIL peacekeepers and 1,300 UNPOL officers had primary responsibility for maintaining security. Approximately 500 UNPOL officers and 850 officers in the UN Formed Police Units (armed foreign police detachments assigned to UNMIL) assisted with monitoring, advising, and training the LNP. Since 2004 a total of 3,800 LNP officers, including 300 during the year, have been recruited, screened, trained, and deployed--primarily to Monrovia; 1,200 of those officers had deployed to the counties by year's end. The LNP operated independently and retained arrest authority; however, the Special Security Service, which is responsible for the security of presidential and senior government officials, UNPOL, and armed UN Formed Police Units, accompanied LNP officers in joint patrols around Monrovia. The LNP Women's and Children's Protection Section (WCPS) continued to establish offices outside Monrovia during the year.

Members of the Emergency Response Unit (ERU), which was established in 2008, received specialized training and were armed, unlike most other LNP patrol officers. The ERU was charged with conducting special police operations in antiterrorism, hostage rescue, internal security, tactical anticrime, and search and rescue. The ERU increased its membership from 139 officers in 2008 to 288 by year's end.

LNP officers were poorly equipped, ineffective, and slow to respond to criminal activity, which resulted in an increase in armed robberies during the year. LNP salaries were low and not always paid on time, contributing to widespread corruption. Police had limited transportation, logistics, communication, and forensic capabilities and did not have the capacity to adequately investigate many crimes, including murders.

During the year the LNP investigated reports of police misconduct or corruption, and authorities suspended or dismissed several LNP officers. For example, in August five LNP officers were dismissed for unethical behavior. On September 3, the chief of patrol was indicted for looting the house of a private prosecutor who had filed a civil suit against him earlier.

No action was taken against the deputy commissioner for criminal investigations or the chief of narcotics, both of whom were indicted by a grand jury in December 2008 for theft and making false statements. The chief witness against the deputy commissioner for criminal investigations was deported on January 9 on national security grounds; observers attributed the deportation to government efforts to protect the deputy commissioner.

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, warrants were not always based on sufficient evidence, and detainees, particularly those 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 right is ignored. The law provides for bail for all offenses except 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, but the government did not protect such rights for all detainees.

Police arbitrarily arrested demonstrators (see section 2.b.).

LNP officers attempted to arbitrarily arrest, and subsequently abducted and beat a staff member of an international NGO (see section 5).

Although the law provides for the right of a person who is charged to receive an expeditious trial, lengthy pretrial and prearrest detention remained serious problems. An estimated 85 percent of prisoners were pretrial detainees, 600 of whom were released during the year as a result of the Fast Track Court to reduce prison overcrowding. However, with the

incarceration of new detainees, prisons remained overcrowded. In some cases the length of pretrial detention exceeded the maximum length of sentence that could be imposed for the crime. Trial delays were caused by judicial inefficiency and corruption, as well as lack of transport, court facilities, attorneys, and qualified judges.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the judicial system was corrupt and largely nonfunctional (see section 4). Judges were subject to political, social, familial, and financial pressures. By law magistrates must be lawyers; however, most were not. A partial strike by associate justices of the Supreme Court conducted over three months exacerbated judicial inefficiency.

The judiciary is divided into four levels, including justice-of-the-peace courts, magistrate courts, circuit and specialty courts, and the Supreme Court. In 2005 the Supreme Court ordered the closure of all justice-of-the-peace courts; however, some still operated during the year since no replacement courts had been established. The Supreme Court appointed judges to counties outside of Montserrado County, where the capital is located, but many judges and magistrates continued to abandon their posts, preferring to remain in Monrovia. In 2008 the Fast Track Court was established to relieve prison overcrowding, and magistrates rotated weekly to serve on this court. The newly formed military, which adopted a Uniform Code of Military Justice, did not have a functioning court system.

On February 24, a special court for rape and other forms of sexual violence opened in Monrovia (see section 6).

Uneven application of the law and the unequal distribution of personnel and resources remained problems throughout the judicial system. Some judges were unable to hold court due to lack of security, supplies, equipment, or a courthouse. There was no effective system to provide public defenders in rural areas; however, government officials worked with international aid agencies to set up functional public defenders, raising the national total to approximately 17 qualified prosecutors and 13 public defenders; four of the 13 public defenders were responsible for cases in Montserrado County, where one-third of the population resided.

Traditional forms of justice administered by clan chieftains and recognized by the Ministry of Internal Affairs remained prevalent in some localities. Chiefs, assisted by a jury of elders, dealt with village problems and conflicts. No written records were kept in traditional courts, and "trial-by-ordeal" was sometimes used to establish guilt.

Trial Procedures

Trials are public, and juries are used in circuit court trials but not at the magistrate level. 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, to confront or question witnesses against them, present evidence and witnesses on their behalf, and to 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 indigents 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 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. NGOs and the

government continued to establish mediation centers that worked on reducing court caseloads. There is no specialized court to address lawsuits seeking damages for human rights violations. As with criminal courts, specialized courts were inefficient and corrupt.

Property Restitution

Despite a 2007 ruling that the disputed land in Nimba County currently occupied by Gio and Mano persons should revert to the original Mandingo owners, no action had been taken by year's end to assist the Mandingos in removing squatters. Even persons who could afford to take land disputes to a court trial had difficulty removing squatters from their property since judicial enforcement was weak; efforts to make other acceptable land available were ongoing at year's end.

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 of the press, and the government generally respected these rights in practice; however, a few journalists were arrested for criticizing the president, and there were some reports of security officials harassing journalists during the year.

Individuals could criticize the government publicly or privately without reprisal.

During the year the government closed two newspapers. In February authorities closed the *New Broom* newspaper because it had not registered with the Ministry of Information. After discussions with the ministry, the newspaper was allowed to resume publishing, but was closed again in August for again failing to properly register. In August the ministry also closed the *Bi-Lingual* newspaper for improper registration. Critics charged that the government rarely enforced registration laws unless a media outlet criticized the government.

In September President Sirleaf sued the *New Broom* for 357.5 million Liberian dollars (\$7.28 million) for reporting that she had accepted a bribe of 143 million Liberian dollars (\$2.91 million). The president also called for the closing of the newspaper for "deliberately and blatantly" violating the public trust. The case was pending at year's end.

In December security forces arrested the publisher and printer of *The Plain Truth* newspaper and charged them with sedition and libel against the president; in a December 9 article the newspaper claimed that the government was supplying arms to Guinean rebels, a charge the government characterized as "beyond human imagination."

The independent media was active and expressed a wide variety of views without restriction; however, journalists commonly accepted payments to publish articles, and did not always fact-check their sources.

In Monrovia there were approximately a dozen newspapers that 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 elsewhere in the country, newspaper distribution generally was limited to the Monrovia region.

Unlike in the previous year, there were no reports that individuals had been bribed to kill newspaper publishers.

During the year the prosecution closed the investigation into the 2007 security force beatings of journalists at the University of Liberia; no action was taken against the perpetrators.

Radio remained the primary means of mass communication, and stations operated without government restrictions. UNMIL Radio and Star Radio provided nationwide coverage. In addition there were 13 independent radio stations that regularly broadcast in Monrovia and reached neighboring counties, including the government station LBS. There were approximately 24 community radio stations that provided a combination of local programs and relay of programs in Monrovia.

On January 12, at the end of a soccer match, police stopped a Radio Star sports reporter, who had his press credentials in his pocket instead of on his chest. Police subsequently pushed and kicked the reporter. When another reporter rushed to the scene and began taking pictures of the incident, police seized and damaged the camera. The police officer later apologized.

During a May 13 interview, the senate president pro tempore objected to questions asked by Truth Radio journalist Solomon Ware, charging that the questions were offensive. When Ware repeated questions about prematurely adjourning a legislative session against the disapproval of the Senate, the president pro tempore struck Ware with the back of his hand.

There were three local television stations; however, television was limited to those who could afford to purchase sets, generators, and fuel to provide electricity. For those persons and businesses with satellite capability, CNN, BBC, Skynews, Al Jazeera and SABC Africa generally were available.

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. Due to high cost and lack of infrastructure, less than 1 percent of the country's inhabitants used the Internet, according to International Telecommunication Union statistics for 2008. High illiteracy also limited public exposure to the Internet.

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; however, LNP officers forcibly dispersed demonstrators during the year, resulting in injuries.

On March 2, police forcibly dispersed demonstrators in Gbarnga and arrested several persons. The demonstrators, who were protesting an alleged ritualistic killing, had burned down a police station. Although there were no civilian injuries, several UNMIL peacekeepers were injured. Several demonstrators were on trial at year's end for destruction of property.

Freedom of Association

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

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice. Christianity was the dominant religion, and most meetings, including official government meetings, began and ended with prayers;

however, both Christian and Muslim prayers were sometimes included. Islamic leaders complained of discrimination against Muslims.

On August 29, members of the Presidential Task Force to clean up Monrovia used batons to forcibly disperse Muslim vendors who had set up food stalls near the Benson Street Mosque in celebration of Ramadan. On August 30, President Sirleaf apologized for the incident and disbanded the task force. Sirleaf and the acting mayor of Monrovia, who also headed the task force, visited the mosque on September 1 and met with Muslim leaders.

Societal Abuses and Discrimination

Despite frequent interaction between the Christian majority and Muslim minority, some tension existed. The Inter-Religious Council promoted dialogue among various religious groups.

There were reports of ritualistic killings--the act of killing for body parts for use in traditional rituals--throughout the country (see section 1.a.).

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

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf.

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) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the government did not use it.

Internally Displaced Persons (IDPs)

The program for permanent resettlement of internally displaced persons was officially closed in October 2008, and there were no reports of IDPs during the year.

Protection of Refugees

The country is a party to the 1951 Convention Relating to the Status of Refugees, its 1967 Protocol, and the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. The government has established a system for providing protection to refugees and granted refugee status and asylum during the year. In practice, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention or the 1967 Protocol. The government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. During the year the government assisted 405 refugees from Sierra Leone and provided them access to naturalization.

Between April 2008 and March 2009 the UNHCR assisted in the voluntary repatriation of 10,046 Liberian refugees from west African countries. Since 2004 a total of 168,792 Liberians have returned out of a total registered refugee population of 233,264.

Land disputes between returning land owners who fled the war and IDPs who took over their land as well as between villages trying to accommodate returning refugees resulted in violence and death during the year.

The trial over the May 2008 killing of two persons in a land dispute between the residents of Wetchuken Village and Rock Town was transferred to Zwedru and resulted in the conviction of seven men, who were serving life sentences at 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 periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

In 2005 Ellen Johnson Sirleaf won the national presidential elections with 59.4 percent of the vote in a runoff election; voters also selected 30 senators and 64 representatives.

The state is highly centralized. The law provides that the head of state appoint county superintendents. Local governments had no independent revenue base and relied entirely on the central government for funds. As a result there was very limited government functioning outside of Monrovia. Local officials were provided funds through the County Development Fund but in many cases these were misused.

During the year the National Elections Commission (NEC) revoked the licenses of 10 political parties for violating the constitution and election laws; all 10 had failed to maintain headquarters in Monrovia and had not presented their financial statements to the NEC. The leaders of most of the affected parties, known locally as "briefcase" parties, lived abroad and only returned to the country prior to elections. Twenty registered parties remained, although only 10 of them were represented in the legislature.

There were six female ministers, 12 female deputy ministers, five women in the Senate, nine women in the House of Representatives, five female county superintendents, and several female mayors, including the acting mayor of Monrovia. There were two female Supreme Court associate justices. Women constituted 33 percent of local government officials and 31 percent of senior and junior ministers.

On January 29, the nine female members of the House filed a formal motion of discrimination against Speaker J. Alex Tyler for sidelining them in his recent reshuffle of committee heads. Male House members responded by assigning the issue to the dormant and ineffective Committee on Claims and Petitions. Female legislators then demanded an open debate in plenary, but the majority of men voted for procedural motions to prevent such a debate. The women, who vowed not to cooperate with the men in future House actions, continued to push for a "fairness bill" in the legislature, which would require at least 30 percent of the candidates running for legislative seats to be women.

Muslims occupied senior government positions, including one minister, one deputy minister, three senators, six representatives, one Supreme Court justice, and one county superintendent.

Section 4 Official Corruption and Government Transparency

The 2008 Anticorruption Act, which established the Liberian Anti-Corruption Commission (LACC), does not provide criminal penalties for corruption, which remained systemic throughout the government. Official corruption was exacerbated by low pay levels for the civil service, lack of job training, and a culture of impunity. On October 8, the auditor-general said that boards of directors of public corporations in the country were being used as "cover-ups" to justify illegal transactions.

The LACC and the Ministry of Justice are responsible for exposing and combating official corruption, but it was unclear whether the commission or the ministry had responsibility for prosecuting corruption cases. The LACC, which had a minimal budget and insufficient staff, had completed no corruption investigations by year's end.

Judges regularly received bribes or other illegal gifts from damages that they awarded 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 that defendants pay a gratuity to appease or secure favorable rulings from judges, prosecutors, jurors, and police officers.

Despite her strong emphasis on decentralization, President Sirleaf urged the legislature during the year to withdraw from allocating and implementing local development projects financed by County Development Funds; such funding was intended to support local projects to reduce poverty. The move to reclaim centralized executive administration of local development projects was widely seen as a result of inadequate management at the local level, which often funneled development funds to support political interests rather than to reduce poverty.

The government dismissed or suspended a number of officials for corruption. For example, on September 5, President Sirleaf dismissed the managing director of the state-owned Liberia Petroleum Refining Corporation (LPRC) after an investigation revealed alleged irregularities in awarding a no-bid 1.75 billion Liberian dollars (\$36 million) concession.

In October President Sirleaf dismissed the assistant superintendent for development in Grand Cape Mount County, for his alleged responsibility in the disappearance of more than 4.37 million Liberian dollars (\$90,000) from the Grand Cape Mount County Development Fund. An investigation was ongoing at year's end.

On April 30, a unanimous jury found former transitional government chairman Gyude Bryant, Representative Edwin Snowe, Senator Richard Devine, and two other officials innocent of economic sabotage and theft. Gyude Bryant was accused of spending almost 49 million Liberian dollars (\$1 million) of LPRC funds illegally. To date, the government has been unsuccessful in every corruption case it has brought against present and former officials.

Eleven corruption cases remained pending at year's end, including the 2007 embezzlement cases of David Zarlee, J.D. Slinger, and former finance minister Kamara.

During the year the government continued to take steps to improve transparency. In December the president signed an executive order protecting whistleblowers, which provides that those who successfully report on corruption receive 5 percent of the amount retrieved.

The legislature passed a Public Financial Management Act, designed to reduce financial mismanagement and lack of accountability within government agencies. The Ministry of Finance published the national budget and quarterly financial results, and state-owned enterprises published financial statements. International financial controllers, placed in key ministries and state-owned enterprises under the Governance and Economic Management Assistance Program, which began to phase out operations in September. Controllers 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 with natural resource concessions.

The law requires all elected officials to publicly disclose their finances, and President Sirleaf began an enforcement campaign during the year and disclosed her own finances; however, few officials followed her lead.

The law provides for "no limitation on the public right to be informed about the government and its functionaries," but little government information was available, and there were few procedures for obtaining it.

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.

There were three coalitions of human rights groups: the National Human Rights Center of Liberia with nine member organizations; the Network of Human Rights Chapters with eight groups; and the Human Rights and Protection Forum, an umbrella organization of 70 to 80 groups. Approximately 40 groups, including members of the three coalitions, formed a civil society collective called the National Civil Society Organization. These coalitions sought to increase public discussion of human rights problems. Civil society NGOs continued to develop.

During the year the government worked to facilitate the free and safe passage of relief supplies by international NGOs and permitted visits by a UN panel of experts, the ICRC, and various UN agencies.

The nine commissioners appointed in 2007 by the president to the government's Independent National Human Rights Commission (INHRC) still awaited confirmation by the legislature at year's end.

Security officials abused NGO personnel. For example, on April 26, in Nimba County, two LNP officers and several private security agents attempted to arrest a staff member of the international NGO EQUIP-Liberia over a land dispute. The staff member was later abducted, beaten, and doused with pepper-water in his eyes. In August he was abducted again, held for 18 hours, and released. No arrests had been made by year's end, although a Ministry of Justice investigation was pending.

The case against former president Charles Taylor, whom the government in 2006 transferred to the Special Court for Sierra Leone in The Hague to face war crimes charges, was ongoing at year's end.

The TRC publicly released Volume I of its Final Reports on events in the country between 1979 and 2003. The Commission found that all warring factions used child soldiers, kept sexual slaves, and committed other violations of domestic human rights law as well as international criminal, human rights, and humanitarian law, including war crimes violations. The TRC determined that prosecutions were necessary to promote justice and reconciliation and to fight impunity, but maintained it would not recommend anyone for prosecution who truthfully admitted all wrong doings under oath. The TRC deemed reparations at the individual and community levels were needed to restore human dignity and declared a general amnesty for all children and those who committed lesser crimes.

TRC commissioners initially withheld the names of perpetrators recommended for prosecution because they feared for the safety of TRC staff and their families. However, the report published a list of warring factions and divided them into "significant Violator Groups" and "Less Significant Violator Groups" based on the number of violations reported to the TRC. Listed among significant violator groups were the National Patriotic Front of Liberia, Liberians United for Reconciliation and Democracy, Liberia Peace Council, Movement for Democracy in Liberia, United Liberation Movement, Armed Forces of Liberia, United Liberation Movement-K, Independent National Patriotic Front of Liberia, United Liberation Movement-J, and Anti-Terrorist Unit. The Consolidated Final Report contains lists of "Most Notorious Perpetrators" (116 names), "Names of Persons (Perpetrators) Not Recommended for Prosecution" (38 names), "Recommended for Domestic Prosecution" (44 names), "Recommended for Public Sanctions" (44 names, including President Sirleaf), and "Individuals Recommended for Prosecution for Economic Crimes" (26 names and 19 corporations).

The TRC made two significant recommendations in Volume I: 1) a special domestic court should be set up to prosecute the alleged perpetrators the TRC determined were responsible for "egregious" crimes, "gross" human rights violations, and "serious" violations of humanitarian law; and 2) the INHRC would manage a National Palava Hut Forum to establish Palava Hut Committees in the country's 64 legislative districts to promote reconciliation at the local level. Committee representatives would meet at a national conference to foster collective unity.

The TRC completed its public hearings and held a national convention in June to finalize the report. The report was completed in draft form on July 1. In September the legislature tabled debate on the report's recommendations until the new session in 2010. The Consolidated Final Report was released in December.

Effectiveness of the TRC, which has been hampered by poor management, staff shortages, and disharmony among commissioners, improved during the year, although conflicts between commissioners continued.

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 or own land. Differences stemming from the country's civil war continued to contribute to social and political tensions among ethnic groups, notably the Congos, Krahn, Mano, Gio, and Mandingo.

Women

Sentences for rapists range from seven years to life imprisonment, and accused rapists are not eligible for bail; however, the government did not effectively enforce the law. The law does not specifically criminalize spousal rape. The WCPS unit of the LNP stated that approximately 240 rape cases were reported to the unit during the first six months of the year, of which 129 were prosecuted; approximately 275 rape cases were reported in the previous year.

As mandated by the 2008 Gender and Sexually-Based Violence Bill, the special court for rape trials opened in Monrovia on February 24. The court has exclusive original jurisdiction over cases of sexual assault, including abuse of minors. According to Deweh Gray, head of the Association of Female Lawyers of Liberia, the court was established in response to the slow progress of rape cases in the existing courts. During the year the Liberia Rural Women Network, a rural women's group, called for the establishment of special rape courts in all 15 counties, instead of only Montserrado.

Outside of Montserrado Country, 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 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 cases, if reported, were generally treated 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. In 2007 the Gender Based Violence Secretariat completed a national action plan, and during the year the Ministry of Gender and Development organized workshops and seminars to create awareness of such violence.

Although prostitution is illegal, it was widespread.

The law does not prohibit sexual harassment, and it was a major problem, including in schools and places of work.

There are no laws restricting couples and individuals from deciding freely and responsibly the number, spacing, and timing of their children; however, information and assistance on family planning topics relevant to these issues was difficult to obtain, particularly in rural areas, where there were few health clinics. In Bong County, for example, women had to walk from one to four hours to reach a clinic, while in River Cess and Grand Kru counties, the walk could take one or two days. In Bong County 86 percent of women surveyed reported knowing about contraception, although only 35 percent reported using it, and only 20 percent had requested information or treatment about sexually transmitted diseases. There was no indication of discrimination in diagnosis or treatment of sexually transmitted infections, including HIV.

Women have not recovered from the setbacks caused by the war, when many schools were closed and they were prevented from maintaining their traditional roles in the production, allocation, and sale of food at year's end. Thousands of women remained displaced, preventing them from pursuing livelihoods or education.

Women and men enjoy the same legal status. Women can inherit land and property, receive equal pay for equal work, and were allowed to own and manage businesses. A number of businesses were female-owned or -operated.

The government prohibits polygyny; however, traditional laws 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 was generally responsible for promoting women's rights.

Children

Citizenship can be derived through parentage or by birth in the country if both parents are of African descent; however, if the parents are not of African descent, their child--even if born in the country--will not acquire Liberian citizenship. As a result, residents not of African descent, such as members of the large Lebanese community within the country, could not acquire or transmit Liberian citizenship. The law requires parents to register their infants within 14 days of birth; however, less than 5 percent of births were registered. In May the government announced that it had resumed registering births following a 19-year interruption resulting in large part from the civil war. During the year the government reestablished registration centers in five of the country's 15 counties.

While primary education is compulsory and free, many schools still charged informal fees to pay unpaid teachers and to cover operating costs that ultimately prevented many students from attending. Fees continued for secondary school, and the government was unable to provide for the needs of the majority of children. In both public and private schools, families of children often were asked to provide their own uniforms, books, pencils, paper, and even desks. For primary education, the overall national gender ratio was 53 percent boys and 47 percent females, although significant gaps favoring boys remained in a few counties.

Widespread child abuse continued, and reports of sexual violence against children increased during the year. According to a December 9 UNMIL report, 66 percent of girls between the ages of 10 and 19 had been raped; 20 percent of victims were under 10 years of age. Civil society organizations reported increased incidents of rape of girls under 12, and there were 37 cases of alleged child endangerment during the first six months of the year.

FGM traditionally was 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 specifically prohibit FGM. Two FGM practitioners were sentenced to life imprisonment after some of their victims died as a result of FGM. Traditional institutions, such as the secret Sande Society, often performed FGM as an initiation rite, making it difficult to ascertain the number of cases.

During the year there were reports that young women and girls engaged in prostitution for money, food, and school fees. Statutory rape is prohibited, and 63 cases were brought to court in the first six months. The minimum age for consensual sex is 18, and statutory rape is prosecuted. Child pornography is also prohibited by law, with a penalty of up to five years' imprisonment for violators.

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 IDPs. Nearly all children had witnessed atrocities during the 14-year civil war, and some children had committed atrocities.

The government continued to close unregistered orphanages during the year; however, 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 appropriate diet. They 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 outside these institutions.

Trafficking in Persons

The law prohibits trafficking in persons; however, there were police reports that persons were trafficked to, from, and within the country, particularly for domestic work and other labor. Although no national database on trafficking exists, there were 39 trafficking victims identified between March 2008 and February 2009, according to the National Anti-trafficking Task Force. Young women and children were at a particularly high risk for trafficking, especially orphans or children from extremely poor families. Trafficking victims often were subjected to harsh living and working conditions.

Traffickers enticed their victims with promises of a better life. Victims generally were not related to traffickers, although they were often from the same village. Parents of trafficking victims were persuaded that their children would have better food and educational opportunities and would eventually return home.

Penalties for trafficking range from one year to life in prison. Monetary restitution to victims is also provided for in the law. The law was widely disseminated among law enforcement personnel, although lawyers and judges were often unfamiliar with it. The ministries of justice and labor have primary responsibility for combating trafficking, but enforcement efforts were weak, and there were no convictions for trafficking during the year. The government cooperated with other governments on trafficking cases and extradited two traffickers to Guinea in September.

The government had limited capacity to provide services to victims; however, NGOs and church groups provided shelter for abused women and girls, including trafficking victims.

International NGOs, local NGOs, and churches worked with the government to raise awareness about trafficking, and the WCPS continued to address trafficking issues. The National Anti-trafficking Task Force appointed by the president in 2006 continued to meet during the year; however, it had no program budget. The task force held a three-day workshop for government officials and NGOs during the year.

The State Department's annual *Trafficking in Persons Report* can be found at www.state.gov/g/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. Many citizens had permanent disabilities as a result of the civil war. Persons with disabilities faced societal discrimination, particularly in rural areas; however, unlike in the previous year, there were no reports that babies with deformities were sometimes abandoned.

The Ministry of Health and Social Welfare is responsible for protecting the rights of persons with disabilities. During the year the ministry conducted a series of sensitization programs for government social workers about persons with disabilities. 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 or 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 the right to own property as a result of this racial discrimination.

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 was strongly opposed to homosexuality. "Voluntary sodomy" is a misdemeanor with a penalty of up to one year's imprisonment; however, no convictions under the law occurred in recent years. There were no reported instances of violence based on sexual orientation. There were no lesbian, gay, bisexual, or transgender organizations in the country.

Other Societal Violence or Discrimination

There were no reports of societal violence based on sexual orientation or against persons with HIV/AIDS.

Section 7 Worker Rights

a. The Right of Association

The law allows workers to freely form or join independent unions of their choice without prior authorization or excessive requirements. The law also provides workers, except members of the military, police, and civil service, the right to associate in trade unions, and workers exercised this right in practice. The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law prohibits unions from engaging in partisan political activity. Workers, except members of the civil service, have the right to strike. Union power increased during the year through increased membership at major plantations; however, the country's largely illiterate workforce engaged in few economic activities beyond subsistence level.

The law does not prohibit retaliation against strikers; however, there were no such incidents during the year.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected by law, and these laws were effectively enforced. With the exception of civil servants, all workers have the right to organize and bargain collectively.

The law does not prohibit antiunion discrimination, but there were no reports of such discrimination during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment and apprenticeship of children under the age of 16 during school hours; however, child labor was widespread in almost every economic sector. The government did not effectively enforce child labor law, and there were inconsistencies between the minimum employment age and compulsory educational requirements. For example, the minimum age for children to work at sea is 15. 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 were tapping rubber at smaller plantations and private farms. There were also unconfirmed reports that children were forced to work 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 the alluvial diamond industry and in agriculture.

The Ministry of Labor's Child Labor Commission was responsible for enforcing child labor laws and policies; however, the commission was understaffed and conducted only two investigations during the year, neither of which resulted in any prosecutions or convictions. There were no government programs to prevent child labor or to remove children from such labor; however, 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 about the worst forms of child labor.

e. Acceptable Conditions of Work

The national law requires a minimum wage of approximately 15 Liberian dollars (\$0.20) per hour, not exceeding eight hours per day, excluding benefits, for unskilled laborers. The law does not fix a minimum wage for agricultural workers but requires that they be paid at the rate agreed 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 raised during the year from 4,200 Liberian dollars (\$85) to 5,600 Liberian dollars (\$114) per month.

The relatively scarce minimum wage jobs did not provide a decent standard of living for a worker and family. 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 per five hours of work. The six-day workweek may be extended to 56 hours for service occupations and to 72 hours for miners, with overtime pay beyond 48 hours. The law also provides for pay for overtime and it prohibits excessive compulsory overtime.

The law provides for paid leave, severance benefits, and safety standards, but enforcement was targeted solely at foreign-owned firms that generally observed these standards.

The Ministry of Labor lacked the ability to enforce government-established health and safety standards. The law does not give workers the right to remove themselves from dangerous situations without risking loss of employment.

Due to the country's continued severe economic problems, most citizens were forced to accept any work they could find regardless of wages or working conditions.