

# **LIBERIA 2018 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Liberia is a constitutional republic with a bicameral national assembly. The country held presidential and legislative elections in 2017 that domestic and international observers deemed generally free and fair; the first round of voting for the presidency and 73 seats in the House of Representatives occurred in October followed by a presidential runoff election in December. Days after the presidential runoff election, the National Elections Commission (NEC) declared the Coalition for Democratic Change candidates George Weah president and Jewel Howard-Taylor vice president for a six-year term. Vacated Senate seats held by the president and vice president prompted by-elections on July 31 that were peaceful and credible. Likewise, on November 20, by-elections to fill two other vacated seats were peaceful and credible.

Civilian authorities generally maintained effective control over the security forces, although lapses occurred.

Human rights issues included extrajudicial killings by police; arbitrary and prolonged detention by government officials; harsh and life-threatening prison conditions; undue restrictions on the press; criminal libel despite progress to enact legislation decriminalizing press offenses; official corruption; lack of accountability in cases of violence against women due to government inaction in some instances, including rape, domestic violence, and female genital mutilation/cutting (FGM/C); trafficking in persons; criminalization of consensual same-sex sexual conduct; violence targeting lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and child labor, including its worst forms.

Impunity for individuals who committed atrocities during the civil wars, as well as for those responsible for current and continuing crimes, remained a serious problem; the government made intermittent but limited attempts to investigate and prosecute officials accused of current abuses, whether in the security forces or elsewhere in the government. Corruption at all levels of government continued to undermine public trust in state institutions.

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

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were several reports that the government or its agents committed arbitrary or unlawful killings. On April 29, a zone commander for the Liberia National Police (LNP), Roosevelt Demann, shot and killed an unarmed civilian, Beyan Lamie, when Lamie attempted to flee after a confrontation. An LNP investigation determined that Lamie posed no danger to Demann at the time. In September, Demann was found guilty of murder and sentenced to 25 years in prison. Demann's legal counsel filed an appeal with the Supreme Court. The case is reportedly on the docket for March 2019.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution prohibits practices such as torture and inhuman treatment. Sections 5.1 and 5.6 of the penal code provide criminal penalties for excessive use of force by law enforcement officers and address permissible uses of force during arrest or while preventing the escape of a prisoner from custody. Nonetheless, police and other security officers allegedly abused, harassed, and intimidated persons in police custody, as well as those seeking police protection. Unlike previous years, the LNP did not report any cases of rape or sexual assault by police officers.

In a report released in August, the Liberian Independent National Commission on Human Rights (INCHR) reported that in August 2017, a corrections officer at Harper Central Prison severely beat a pretrial detainee for refusing to get the officer water from a nearby creek. After an internal investigation, the Bureau of Corrections and Rehabilitation (BCR) suspended the officer for one month.

The UN Mission in Liberia (UNMIL), which closed its mission in March, had received four reports of alleged sexual exploitation and abuse for the year. All incidents reported during the year occurred in 2016 or earlier, and all investigations were pending. Three reports of sexual exploitation were filed against a military contingent member from Namibia, a member of the UN police from Gambia, and a military observer from Ethiopia. The fourth report implicated four individuals from Nigeria; three military contingent members for alleged sexual exploitation and one military contingent member for rape. The United Nations substantiated

three of the six cases from the previous year and repatriated the accused individuals, including one report against a military contingent member from Nepal accused of sexual assault, one report against a military contingent member from Nigeria accused of a sexually exploitative relationship, and one report against a military contingent member from Ghana accused of sexual exploitation. The remaining reports were still under investigation as of November.

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

Prison conditions were harsh and at times life threatening due to overcrowding, failing infrastructure, and inadequate medical care. Prisoners and independent prison monitors often noted that prisons had inadequate food.

Physical Conditions: Inadequate space, bedding and mosquito netting, food, sanitation, ventilation, cooling, lighting, basic and emergency medical care, and potable water contributed to harsh and sometimes life-threatening conditions in the 15 prisons and one detention center. Many prisoners supplemented their meals by purchasing food at the prison or receiving food from visitors in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners. The BCR sometimes used farming to supplement food rations. According to the BCR, the government's food allocation is sufficient to meet daily calorie requirements, and both the allocation to prisons and distribution to prisoners were tracked by the BCR and were available upon request. The BCR reported that poor road conditions during the rainy season frequently delayed food delivery in the southeast, during which time prison superintendents supplemented normal rations with locally grown food and donations from family and friends of inmates.

The BCR reported six prisoner deaths through August 29. According to the BCR, the deaths were due to medical reasons, like tuberculosis or malaria, and none resulted from prison violence or mistreatment of prisoners.

Gross overcrowding continued to be a problem. The BCR reported the prison population in the country was almost twice the planned capacity. In seven of the 16 BCR facilities, detention figures were 100 to 450 percent more than planned capacity. According to the BCR, approximately one-half of the country's 2,426 prisoners were at the Monrovia Central Prison (MCP). MCP's official capacity is 374 detainees, but the prison held 1,180 in December, of whom 76 percent (901) were pretrial detainees. As of August 29, the prison population countrywide included 60 women, of whom 21 were assigned to the MCP, which also held 10 male juveniles, all of whom were in pretrial detention. The BCR administration

complained of understaffing. No comprehensive staffing document existed to verify BCR staffing claims.

In some locations, the BCR relied on the LNP to provide court and medical escorts; other locations relied on court officers to transport prisoners to court; still other locations reportedly called the county ambulance to transport prisoners and escorts to the hospital or placed prisoners on the back of motorcycles. There were reports that the BCR also used the superintendent or the county attorney's vehicle to transport prisoners. The MCP lacked adequate vehicles and fuel for its needs; some staff reportedly paid for fuel themselves.

The Ministry of Justice funded the BCR, which did not have a specific funding allocation beyond those funds under the national budget. The BCR lacked funds for the maintenance of prison facilities, fuel, vehicle maintenance, cellular or internet communications, and regular and timely payment of employees, which remained a government-wide problem. According to the INCHR, prison conditions were not in compliance with the country's own legal standards for prisons. According to Prison Fellowship Liberia (PFL), most prisons and detention facilities were in unacceptable condition and often had leaking roofs, cracks in the walls, limited or no lighting, and in some cases lacked septic tanks or electricity.

Medical services were available at most of the prisons but not on a daily or 24-hour basis. The only location where medical staff was available Monday through Friday was at the MCP. Medical staff at the MCP only worked during the day. Health-care workers visited most other prisons and detention centers one to two times per week; they were not always timely, and facilities could go weeks without medical staff.

The Ministry of Health and county health teams had primary responsibility for the provision of medicines. The budget of the Ministry of Justice included a small line item to supplement medicines to cover those that the Ministry of Health could not provide. The Carter Center and Don Bosco Catholic Services provided some medical services, medicines, nutritional supplements, food, and related training to improve basic conditions at the MCP. The nongovernmental organization (NGO) Partners in Health and the Ministry of Health generally provided health services to facilities. The supply chain for medicines was weak throughout the country; prison medical staff often did not have access to necessary medicines. NGOs and community groups also provided medicines to treat seizures, skin infections, and mental health conditions. The ministry and county health teams replenished medications to treat malaria and tuberculosis only when stocks were exhausted.

Since replenishment sometimes took weeks or months, inmates often went without medication for lengthy periods.

There were reports of inadequate treatment for ailing inmates and inmates with disabilities. At the MCP the BCR worked to identify individuals with special needs, including those with tuberculosis, through screening provided by the Ministry of Health and Partners in Health. Although the law provides for compassionate release of prisoners who are ill, such release was uncommon. By law prisoners must be extremely ill for authorities to take up the request for release on compassionate grounds; prisoners sometimes died waiting for authorities to review their cases. Authorities determined whether to release an ill prisoner on an ad hoc basis, and most were quarantined after presenting symptoms rather than being released. As a result inmate health in prisons and the BCR's ability to respond and contain diseases among the prison population was poor.

Authorities held men and women in separate cellblocks at the MCP, but in counties with smaller detention facilities, authorities designated a single cell for female prisoners and held juveniles in the same cellblock with adults. In Barclayville police manage one cell and the BCR manage another, as there are only two cells in the station; there is no designated cell for females or juveniles. Except at the MCP, which had a juvenile cellblock, children were mostly held in separate cells within adult cellblocks. Because many minors did not have identity documents at the time the court issued commitment orders, they were sometimes misidentified as adults by the courts, issued confinement orders as adults, and therefore held in adult cellblocks. There were also reports by NGOs and observers of inmates in the juvenile facility reaching age 18 who were not transferred to the adult population. According to the PFL, prison staff sometimes held adults with juveniles in the juveniles' smaller cells. Pretrial detainees were generally held with convicted prisoners.

Conditions for women prisoners were somewhat better than for men; women inmates were less likely to suffer from overcrowding and had more freedom to move within the women's section of facilities. According to the INCHR female inmates' personal hygiene needs were often not addressed. Many female detainees lacked sanitary items unless provided by family; occasionally NGOs donated these items, but stocks ran out quickly.

Administration: The BCR has its own training staff, which as of September conducted one in-service training and five specialized training sessions for a small number of officers. The BCR increased use of its own data collections and

systems. Intake reporting expanded to capture data regarding prisoners with mental and physical disabilities. National records officers communicated (via telephone) weekly with facility records officers to collect updated information, and share a monthly roll with county attorneys; however, the transfer of records to Monrovia remained inadequate.

The PFL stated that prison staff sometimes misappropriated food intended for prisoners. Unlike in 2017 the BCR did not report investigations of staff for corruption in the distribution of food.

Independent prison monitors sent complaints of prison conditions and allegations of staff misconduct to the BCR. The BCR stated it would conduct internal investigations into each complaint, but it was unclear if the BCR actually did so.

Authorities sometimes used alternatives to prison sentencing for nonviolent offenders, but courts failed to make adequate efforts to employ alternatives to incarceration at the pretrial stages of criminal proceedings. Courts issued probationary sentences in some cases for nonviolent offenders. Magistrates, however, continued to sentence prisoners convicted of minor offenses to long terms, for cases in which probation prisoner rights advocates believed might have been more appropriate. Public defenders continued to use a plea-bargaining system in some courts. The law provides for bail, including release on the detainee's own recognizance. The bail system, however, was inefficient and susceptible to corruption. No ombudsman system operated on behalf of prisoners and detainees.

The government did not make public internal reports and investigations into allegations of inhuman conditions in prisons. The BCR sometimes made prison statistics publicly available. Although not systematically implemented, BCR media policy dictated release of information, including in response to requests from the public.

The BCR removed a corrections officer and a nurse from their positions after they were caught stealing from a prison pharmacy in July; as of September the BCR turned over the nurse's case to the Ministry of Health and the officer was suspended pending termination.

Independent Monitoring: The government permitted independent monitoring of prison conditions by local human rights groups, international NGOs, the United Nations, diplomatic personnel, and media. Some human rights groups, including

domestic and international organizations, visited detainees at police headquarters and prisoners in the MCP. The INCHR had unfettered access to and visited all facilities. The PFL also had unfettered access to facilities.

Improvements: During the year the BCR reorganized its gender unit so that it was directly involved in the recruitment and training of corrections officers. The BCR reorganized the centralized investigation unit, an independent unit that investigates allegations against corrections staff and recommends disciplinary action, so that investigative officers no longer perform corrections duties. It also expanded the probation department by adding 25 probation officers. The Robertsport Central Prison facility opened in May, with a cellblock for female inmates and a greater number of cells.

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

The constitution prohibits arbitrary arrest and detention and the law provides for the right of any person to challenge in court the legal basis or arbitrary nature of their detention, but the government did not always observe these prohibitions and rights. The arbitrary arrest, assault, and detention of citizens continued.

Police officers or magistrates frequently detained citizens for owing money to a complainant. During site visits to the nine operating magistrate courts in Montserrado County, several city solicitors reported that magistrate court judges unilaterally issued writs of arrest without approval or submission by the city solicitors. The court administrative assistants reported this issue to the solicitor general for further action. At the opening of the October term of the Supreme Court, the minister of justice announced that one of the government's top priorities for judicial reform was the curtailment of magistrate judges' ability to arrest persons independently, without involvement or investigation by the LNP or other organs of government.

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

The Ministry of Justice has responsibility for enforcing laws and maintaining order through supervision of the LNP and other law enforcement agencies. The armed forces, under the Ministry of National Defense, provide external security but also have some domestic security responsibilities, specifically coastal patrolling by the Coast Guard.

Civilian authorities generally maintained effective control over the security forces, although lapses occurred. The government has mechanisms to investigate and punish abuse. The INCHR reported that violent police action and harassment during arrests were the most common complaints of misconduct. The LNP's Professional Standards Division (PSD) is responsible for investigating allegations of police misconduct and referring cases for prosecution. There were instances during the year in which civilian security forces acted with impunity. A 2016 police act mandates establishment of a civilian complaints review board to improve accountability and oversight, but as of December, the board had not been constituted.

An armed forces disciplinary board investigates alleged misconduct and abuses by military personnel. The armed forces administer nonjudicial punishment. In accordance with a memorandum of understanding between the ministries of Justice and National Defense, the armed forces refer capital cases to the civil court system for adjudication. In 2017 the legislature passed the Uniform Code of Military Justice, but as of November the armed forces had not set up courts of inquiry or military tribunals.

### **Arrest Procedures and Treatment of Detainees**

In general, police must have warrants issued by a magistrate to make arrests. The law allows for arrests without a warrant if necessary paperwork is filed immediately afterwards for review by the appropriate authority. Nonetheless, arrests often were made without judicial authorization, and warrants were sometimes issued without sufficient evidence.

The law provides that authorities either charge or release detainees within 48 hours. Detainees generally were informed of the charges against them upon arrest and sometimes brought before a judge for arraignment within 48 hours. A detainee's access to a hearing before a judge sometimes depended on whether there was a functioning court in the area. Those arraigned were often held in lengthy pretrial detention. Some detainees, particularly among the majority who lacked the means to hire a lawyer, were held for more than 48 hours without charge. The law also provides that, once detained, a criminal defendant must be indicted during the next succeeding term of court after arrest or, if the indicted defendant is not tried within the next succeeding court term and no cause is given, the case against the defendant is to be dismissed; nevertheless, cases were rarely dismissed on either ground.



In 2016, the Ministry of Justice established a public defender's office at the MCP and subsequently deployed additional public defenders to courts around the country. There are 33 public defenders across the country; the Ministry of Justice assigned 12 public defenders to Montserrado County and one or two public defenders for each of the other counties. Under the public defender program, each police station maintains an office of court liaison that works with the public defenders' office in each county. Magistrates or police officers are responsible for contacting the public defender in cases where individuals are arrested on a warrant, whereas the court liaison officer is responsible for contacting the public defender when warrantless arrests are made.

The law provides for bail for all noncapital or drug-related criminal offenses; it severely limits bail for individuals charged with capital offenses or serious sexual crimes. Bail may be paid in cash, property, insurance, or be granted on personal recognizance. The bail system was inefficient and susceptible to corruption. Detainees have the right to prompt access to counsel, visits from family members, and, if indigent, an attorney provided by the state in criminal cases. The government frequently did not respect these rights, and indigent defendants appearing in magistrate courts--the venues in which most cases are initiated--were rarely provided state-funded counsel. Public defender offices remained understaffed and underfunded, and some allegedly charged indigent clients for their services. Although official policy allows detained suspects to communicate with others, including a lawyer or family member, inadequate provision of telephone services resulted in many inmates being unable to communicate with anyone outside of the detention facility. House arrest was rarely used.

Arbitrary Arrest: Security forces continued to make arbitrary arrests. In September the deputy minister for information ordered the arrest of a media liaison officer in the Legislative Budget Office for allegedly video recording the deputy minister dancing at a local bar. He was released without charge less than a day later.

Pretrial Detention: Although the law provides for a defendant to receive an expeditious trial, lengthy pretrial and prearraignment detention remained serious problems. Pretrial detainees accounted for approximately 63 percent of the prison population across the country. As of August, those arrested for sexual and gender-based violence (SGBV) crimes and armed robbery constituted the fastest-growing categories of pretrial detainees.

Ineffective management of court schedules, lack of fully implemented plea bargaining, insufficient resources for preparation, hearings, and trials, unavailability of counsel at the early stages of proceedings, and detainee lack of understanding of the law all contributed to prolonged pretrial detention. As of December 19, data provided by the BCR showed a pretrial detainee population of 1,664. According to law pretrial detainees should not be held for more than two successive terms in court without a trial. Approximately 25 percent of detainees were held longer than two terms in court; at the MCP approximately 38 percent of detainees were held longer than two terms.

Circuit courts used supervised pretrial release programs in conjunction with the Magistrate Sitting Program (MSP) to help reduce the number of pretrial detainees in the prison system. The MSP was established to expedite the trials of persons detained at the MCP, but was not widely used outside Monrovia. The MSP also suffered from poor coordination among judges, prosecutors, defense counsels, and corrections personnel; deficient docket management; inappropriate involvement of extrajudicial actors; and a lack of logistical support. From January to December, the MSP dismissed the cases of and released 509 of 568 pretrial detainees.

The corrections system continued to develop its capacity to implement probation. In some cases, the length of pretrial detention exceeded the maximum length of sentence that could be imposed for the alleged crime. A shortage of trained prosecutors and public defenders, poor court administration and file management, inadequate police investigation and evidence collection, and judicial corruption exacerbated the incidence and duration of pretrial detention.

With UNICEF support, the Ministry of Justice and the Ministry of Gender, Children, and Social Protection (MGCSP) established procedures to divert many juvenile offenders from the formal criminal justice system and place them in a variety of safe homes and “kinship” care situations. The program has dramatically decreased the number of minors in detention. From January to July, the program released 83 children from detention and an additional 331 cases were mediated to avoid confinement.

Detainee’s Ability to Challenge Lawfulness of Detention before a Court: Persons arrested or detained, regardless of whether on criminal or other grounds, are entitled to challenge in court the legal basis or arbitrary nature of their detention and to obtain prompt release. The government frequently did not respect these rights, and the court system lacked the capacity to process promptly most cases. Additionally, many clients lacked the means to hire private attorneys.

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

The constitution provides for an independent judiciary, but judges and magistrates were subject to influence and engaged in corruption. Uneven application of the law, limited and unequal distribution of personnel and resources, lack of training, the small number of courts in rural counties, and a poor road network remained problems throughout the judicial system. Advocacy groups often reported that some judges only appear for a fraction of a court term, limiting the number of adjudicated cases per term.

Corruption persisted in the legal system. Some judges accepted bribes to award damages in civil cases. Judges sometimes solicited bribes to try cases, grant bail to detainees, or acquit defendants in criminal cases. Defense attorneys and prosecutors sometimes suggested defendants pay bribes to secure favorable decisions from judges, prosecutors, and jurors, or to have court staff place cases on the docket for trial.

While the Supreme Court has made provision through the establishment of the Grievance and Ethics Committee for the review of unethical conduct of lawyers and has suspended some lawyers from legal practice for up to five years, the public has brought few cases due to fear of retribution. Complaints of corruption and malpractice involving judges' conduct may be brought to the Judicial Inquiry Commission. Both the Grievance and Ethics Committee and the Judicial Inquiry Commission lacked appropriate guidelines to deliver their mandates effectively.

The government continued efforts to harmonize the formal and traditional customary justice systems, in particular through campaigns to encourage trial of criminal cases in formal courts. Traditional leaders were encouraged to defer to police investigators and prosecutors in cases involving murder, rape, and human trafficking, as well as some civil cases that could be resolved in either formal or traditional systems. The Carter Center ran a program that seeks to strengthen access to justice for historically marginalized rural citizens with the goal of creating a functional and responsive justice system consistent with local needs, practices, and human rights standards. From January to June, the center trained 942 traditional leaders on the law, dispute resolution, and good governance practices.

### **Trial Procedures**

By law trials are public. Circuit court proceedings, but not magistrate court proceedings, may be by jury. In some cases, defendants may select a bench trial. Jurors were sometimes subject to influence and corrupt practices that undermined their neutrality. Defendants have the right to be present at their trials and consult with an attorney in a timely manner. Defendants have the right to be informed of charges promptly and in detail. If a defendant, complainant, or witness does not speak or understand English, the court provides an interpreter for the trial. The justice system does not provide interpreters throughout the legal process. For example, there are no sign-language interpreters or other accommodations provided for the deaf, and rarely is interpretation available unless paid for by the defendant. Defendants also have the right to a trial without delay and to have adequate time and facilities to prepare their defense, although these rights often were not observed. Defendants are presumed innocent, and they have the right to confront and question prosecution or plaintiff witnesses, present their own evidence and witnesses, and appeal adverse decisions. The law extends the above rights to all defendants; however, these rights were often not observed and were rarely enforced.

Some local NGOs continued to provide legal services to indigent defendants and others who had no representation. In February the Association of Female Lawyers of Liberia launched a legal aid project to promote and protect the rights of women, children, and indigent persons in two counties. The Liberian National Bar Association also continued to offer pro bono legal services to the indigent through legal aid clinics.

### **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. Individuals or organizations may seek civil remedies for human rights violations through domestic courts or through administrative mechanisms, which include out-of-court conferences, hearings concerning labor disputes at the Ministry of Labor for workers' rights, and other grievance hearings at the Civil Service Agency of Liberia. While there are civil remedies for human rights violations through domestic courts and adverse decisions in human rights cases may be appealed, the majority of human rights cases are brought against nonstate actors. Human rights violations are generally reported to the INCHR, which refers

cases to relevant ministries, including the Ministry of Justice. In some cases, individuals and organizations may appeal adverse domestic decisions to regional human rights bodies after all domestic redress options have been exhausted. While there is an Economic Community of West African States (ECOWAS) Court of Justice to address human rights violations in member states, few citizens could afford to access this court. In May a group from Nimba County reportedly filed a human rights lawsuit before the ECOWAS court on behalf of the Mandingo ethnic group. The \$500 million suit reportedly stemmed from a long-standing land dispute.

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

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

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

#### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of speech and press, and the government generally respected these rights, although with some unofficial limits.

Freedom of Expression: Individuals could generally criticize the government publicly or privately, but criminal libel and slander laws and national security laws placed limits on freedom of speech.

Press and Media Freedom: Independent media were active and expressed a wide variety of views, but due to a lack of funding, they were often overshadowed by privately owned media outlets with partisan leanings. Some media outlets and journalists allegedly charged fees to publish some articles. According to the Press Union of Liberia (PUL), laws prohibiting criminal libel against the president, sedition, and criminal malevolence as well as high fines associated with civil suits were sometimes used to curtail freedom of expression and intimidate the press. Self-censorship was widespread, and some media outlets avoided addressing subjects like government corruption both due to fear of legal sanction and in order to retain government advertising revenue. Court decisions against journalists often involved exorbitant fines, and authorities jailed journalists who did not pay the fines.

Violence and Harassment: Law enforcement officers occasionally harassed newspaper and radio station owners because of their political opinions and reporting, especially those that criticized government officials. Government officials also harassed and sometimes threatened media members for political or personal reasons. In February the legislative press pool stated that Sergeant-at-Arms of the Senate Toe C. Toe bit Austin Kawah of Prime FM during a disagreement regarding entering Senate chambers, and that Representative Munah Pelham-Youngblood assaulted *FrontPage Africa* journalist Henry Karmo during an open session at the Capitol. According to the press pool, Youngblood attacked Karmo for reporting a story that was critical of the lawmaker. On November 21, the *Daily Observer* reported that Representative Solomon George allegedly threatened to order the beating of two journalists from the legislative press pool for “insulting” the legislature.

During a joint press conference marking the conclusion of the UN Peacekeeping Mission in Liberia (UNMIL) with UN Deputy Secretary-General Amina Mohammed on March 22, President Weah rebuked BBC and Associated Press journalist Jonathan Paye-Layleh for being “against him.” President Weah’s response followed a question from Paye-Layleh regarding whether he would support establishing a war crimes court. Days later the president’s press secretary released a statement to clarify that Weah’s remarks were a reminder that while Weah was advocating for human rights, Paye-Layleh and other journalists “were bent on undermining his [Weah’s] efforts by depicting a positive image of the carnage” during the country’s civil wars. PUL suggested that the president’s comments directed at Paye-Layleh could endanger journalists and promote self-censorship.

Censorship or Content Restrictions: Although generally able to express a wide variety of views, some journalists practiced self-censorship to avoid possible criminal charges. Journalists and media directors also practiced self-censorship to maintain advertising revenue from the government, the largest advertiser in the country. There were several reports that politicians and government agencies offered “transportation fees” to journalists to secure coverage of events.

In June the government announced the suspension and review of all media licenses issued between January 1 and June 18. According to a press release from the Ministry of Information, Cultural Affairs, and Tourism, the reason for the suspension was to investigate irregularities such as the duplication of transmission frequencies to radio and television broadcasters. PUL stated that the move was

meant to intimidate media and halt the opening of a radio station by a critic of the government.

Libel/Slander Laws: There were several reports that libel, slander, and defamation laws constrained the work of journalists and media outlets reporting on high-profile government or other public figures. On April 9, the Civil Law Court ordered staff from *FrontPage Africa* to appear in court. The government then briefly detained at least seven journalists and forced the newspaper's office to close temporarily. The court's decision resulted from a \$1.8 million civil defamation lawsuit filed against the newspaper for publishing a paid advertisement concerning the administrators of a deceased politician's estate that it retracted before the suit.

PUL advocated for decriminalizing libel and slander and eliminating prison terms for persons unable to pay large fines. PUL also continued efforts to self-regulate the media and ensure adherence to standards including investigation and settlement of complaints against or by the press. PUL's National Media Council, launched in 2017 to address court cases against the media, mediated six cases during the year.

On May 31, President Weah submitted a bill repealing sections of the penal law on criminal libel against the president and other government officials, sedition, and criminal malevolence. In July the House of Representatives unanimously approved the bill. As of November the bill was awaiting Senate review. This bill, if passed, would help bring the country into compliance with the Table Mountain Declaration, which calls for the repeal of criminal defamation and "insult" laws across the African continent.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content and there were no reports the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 8 percent of the population used the internet in 2017.

There were reports of government officials threatening legal action and filing civil lawsuits to censor protected internet-based speech and intimidate senders.

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

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

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

The constitution provides for the freedoms of assembly and association, and the government generally respected these rights. The Ministry of Justice required permits for public gatherings and obtaining a permit was relatively easy.

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

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

According to Office of the UN High Commissioner for Refugees (UNHCR), the country was host to 9,149 refugees from Cote d'Ivoire and 71 others of diverse nationalities. July flooding in Montserrado, Margibi, and Grand Bassa counties affected more than 52,000 persons, but most internally displaced persons (IDPs) have since returned to their homes. The Liberia Refugee Repatriation and Resettlement Commission (LRRRC) and the National Disaster Commission in the Ministry of Internal Affairs are responsible for responding to natural disasters and supporting affected persons.

The law forbids the forced return of refugees, their families, or other persons who may be subjected to persecution based on race, religion, nationality, political opinion, or membership in a particular social group, and the government generally respected those rights for refugees. The government provides a prima facie mode of recognition for Ivoirian refugees, meaning Ivoirian refugees arriving in Liberia because of the 2011 postelectoral violence in Cote d'Ivoire do not have to appear before the asylum committee to gain refugee status; the status is granted automatically.

Those denied asylum may submit their case to the appeals committee of the LRRRC. Asylum seekers unsatisfied with the appeals committee ruling can seek judicial review at the Supreme Court. The Alien and Nationality Law of 1974, however, specifically denies many of the safeguards for those wishing to seek asylum in the country under the Refugee Convention.



The government cooperated with UNHCR, other humanitarian organizations, and donor countries in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Unlike in previous years, officials did not receive reports of traditional practitioners targeting and discriminating against refugees. UNHCR reported improved relationships between refugees and the local population.

In-country Movement: Unlike previous years, there were no reports of LNP and Bureau of Immigration and Naturalization officers subjecting refugees to arbitrary searches and petty extortion at official and unofficial checkpoints.

### **Protection of Refugees**

Refoulement: The LRRRC and UNHCR reported that seven Ivoirian refugees were still in custody, pursuant to a request for extradition from the government of Cote d'Ivoire that alleged their involvement in "mercenary activities." The case has continued since 2013, and bail requests have failed. The refugees' lawyers were given access to only limited information on the case. Three of the seven refugees were brothers, the youngest only 16 years old at the time of arrest. UNHCR provides subsistence allowances, legal support, and medical and psychosocial support to refugees in custody.

Freedom of Movement: Refugees enjoyed freedom of movement, since the country did not have a mandatory encampment policy. Government policy stated refugees wishing to receive material assistance should move to one of the three refugee camp locations in Bahn Town, Nimba County; Zwedru, Grand Gedeh; and Harper, Maryland County.

Employment: The law prohibits non-Liberian citizens from obtaining work permits when Liberian citizens are available to perform the labor but this law was generally not enforced. Refugees seeking employment in the formal sector need a work permit from the Ministry of Labor. UNHCR paid the requisite fee.

Durable Solutions: During the year the government resettled, offered naturalization, and assisted in the voluntary return of refugees. Voluntary repatriation of Ivoirian refugees, which resumed in 2015 following a 16-month suspension due to Ebola concerns, continued. According to UNHCR, as of September approximately 7,638 Ivoirian refugees had voluntarily returned to Cote

d'Ivoire; 849 were repatriated during the year. UNHCR and the LRRRC assisted those returning and supported 840 Ivoirian refugees who opted for local integration. In July the government naturalized 371 former Sierra Leonean refugees.

Temporary Protection: The government provided temporary protection to individuals who may not qualify as refugees. The government, with UNHCR and other implementing partners, continued to provide protection to Ivoirian refugees who entered the country after November 2010. According to UNHCR, as of September 9, 202 Ivoirian refugees remained in the country.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: The country held presidential and legislative elections in October 2017. A runoff presidential election was scheduled for November, but it was delayed due to a legal challenge to the October results. The Supreme Court ruled in a 4-1 decision in December 2017 that there was insufficient evidence presented by the appellant political parties (Unity Party and Liberty Party) to justify a rerun, which quelled rising tensions around the country. The court ordered the NEC to schedule the runoff in accordance with the constitution and specified some remedial actions to be taken by the NEC, such as cleaning up duplications in the final registration roll of voters. The NEC scheduled the presidential runoff election for December 2017. Senator George Weah won the presidential runoff in elections that were generally considered free and fair. In the first round, in October 2017, 75 percent of citizens voted, and 56 percent participated in the runoff elections.

According to a report by the National Democratic Institute (NDI), the 2017 general elections saw peaceful youth involvement in the campaign process, as opposed to the 2005 and 2011 general elections when political parties and candidates used young supporters to initiate disturbances and violent protests.

On July 31, the country held by-elections to fill Senate seats vacated by the president and vice president. The elections were peaceful and credible, but there

was low voter turnout; 29 percent of eligible voters cast ballots in Bong County while 15 percent of eligible voters cast ballots in Montserrado County. On November 20, the country held by-elections to fill two legislative vacancies; elections were credible and peaceful, although a November 17 scuffle between supporters of two opposing candidates resulted in one individual being taken to the hospital and subsequently released.

Participation of Women and Minorities: No laws limit participation of women, members of minorities, or both in the political process, and they did participate. Some observers believed traditional and cultural factors limited women's participation in politics as compared with the participation of men. Women participated at significantly lower levels than men as party leaders and as elected officials. Election law requires that political parties "endeavor to ensure 30 percent" female participation. While this provision has no enforcement mechanism, there was a 16 percent uptick in the number of female candidates listed for the legislative race of the 2017 election cycle. The NEC reported that women represented 49 percent of all voters during the first round of presidential and legislative elections, but as of December had not released final numbers.

Muslim citizens were active participants in the 2017 elections, but faced discrimination as both candidates and voters. NDI observers reported numerous instances of hate speech against Muslim candidates including by fellow candidates. Moreover, several Muslim groups noted other forms of discrimination when trying to register to vote, including a group of women in hijab who were told they had to remove their head coverings completely for their registration photo, when non-Muslim women wearing traditional head coverings were not told to remove them. The case was raised to the level of the NEC, which promptly issued guidance to NEC staff to allow women to wear the hijab in registration photos. The Liberian Muslim Women Network did not report any issues related to identification photos since the election. Discrimination also occurred against the Mandingo ethnic community. NDI received reports that some polling staff prevented Mandingo voters from registering or voting and accused them of being noncitizens.

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

The law calls for integrity in government service and enumerates multiple offenses related to corrupt acts by officials, including making false statements, tampering with public records, obstruction of justice, bribery, intimidation, and abuse of office. The law does not provide explicit criminal penalties for corruption by government officials, although criminal penalties exist for economic sabotage,

abuse of office, bribery, obstruction of justice, and other corruption-related acts. The government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Corruption persisted throughout the government, and the World Bank's most recent *Worldwide Governance Indicators* reflected that corruption was a serious problem. There were numerous reports of government corruption during the year.

The mandate of the Liberia Anti-Corruption Commission (LACC) is to prevent, investigate, and prosecute cases of corruption among public officials. On February 13, *FrontPage Africa* reported that LACC Commissioner Augustine Toe accused LACC Chairman James Verdier of financial impropriety and mismanagement of funds. In a press statement, Verdier denied the allegations. It is unclear if the allegations were investigated.

According to the Center for Transparency and Accountability in Liberia (CENTAL), during the year President Weah appointed heads of the Liberia Extractive Industries Transparency Initiative and the Internal Audit Agency without the required recruitment and vetting processes. CENTAL also suggested the direct presidential appointments outside established procedures undermined the independence of those anticorruption agencies.

Corruption: Low pay for civil servants, minimal job training, and little judicial accountability exacerbated official corruption and contributed to a culture of impunity. The government dismissed or in some instances suspended officials for alleged corruption and recommended others for prosecution. The government generally failed to charge higher-ranking officials with corruption and tended to recommend prosecution against low-level civil servants, but there were some exceptions. In February the Rivercess County Circuit Court found Senator Milton Teahjay guilty of misappropriating development funds during his 2009-2014 tenure as superintendent of Sinoe County. The court ordered the senator to pay \$50,000 in restitution within nine months or face imprisonment; the LACC confirmed that he paid. Prosecutors from the LACC expressed concern, however, that the judge did not rule on more serious crimes in the senator's indictment, including charges of economic sabotage, criminal conspiracy, criminal facilitation, and misapplication of entrusted property. In November the government arrested and filed charges against senior officials at the National Housing Authority for allegedly extorting money from a Burkinabe company. As of December a court date had not yet been set.

On March 29, Global Witness released a report on Exxon Mobil's 2013 purchase of an oil block off the country's coast. The report called on the government to investigate several former and current officials involved in the \$120 million purchase of Block 13 for corruption and wrongdoing. President Weah established a special presidential review committee to investigate the allegations in the Global Witness report and vowed that anyone involved in corruption "will be dealt with according to the law." In May the House of Representatives endorsed the findings of the committee. The committee made several recommendations, including that those implicated be required to make restitutions to the government. As of September it was unknown if any of the committee's recommendations were followed.

Police corruption remained a problem. The LNP investigated reports of police misconduct or corruption, and authorities suspended or dismissed several LNP officers. The most prevalent form of police corruption was the solicitation of "on the spot" fines at roadblocks for traffic offenses. The PSD reported cases of bribery for traffic offenses, and authorities suspended or dismissed several LNP officers for misconduct. On April 10, the LNP dismissed a LNP officer for tampering with a criminal investigation into the death of a woman. The LNP officer allegedly investigated the case without authority and then detained and extorted money from suspects in the case.

Financial Disclosure: By law senior political appointees must declare their assets to the LACC before taking office and upon leaving. There are administrative sanctions for noncompliance. Financial disclosures are not made public unless the official making the declaration chooses to release them. From January to June, only one government official filed an asset declaration. In July President Weah filed the asset declaration to the LACC and Vice President Howard-Taylor filed a week later. According to the LACC, approximately 56 percent of officials in the executive branch had declared their assets by the end of the year. On December 6, President Weah gave members of his cabinet a one-week deadline to file asset declarations or face punitive action. As of December the LACC reported that all cabinet-level officials had declared their assets, although some had declared after the deadline.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating, and publishing their findings on

human rights cases. Government officials were generally cooperative and responsive to the views of these groups.

The government has not implemented the majority of the recommendations contained in the 2009 Truth and Reconciliation Commission (TRC) report. The law creating the commission requires that the president submit quarterly progress reports to the legislature on the implementation of TRC recommendations; however, since taking office in January, President Weah has failed to submit quarterly reports.

Government Human Rights Bodies: The Ministry of Justice, Human Rights Protection Unit convened coordination meetings that provided a forum for domestic and international human rights NGOs to present matters to the government, including proposed legislation. The UN Office of the High Commissioner for Human Rights acted as an independent check on the actions of the government in line with its mission to monitor human rights violations in the country.

The INCHR has the mandate to promote and protect human rights, investigate and conduct hearings on human rights violations, propose changes to laws, policies, and administrative practices and regulations, and counsel the government on the implementation of national and international human rights standards.

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

### **Women**

Rape and Domestic Violence: Rape is illegal, but the government did not enforce the law effectively, and rape remained a serious and pervasive problem. The law's definition of rape does not specifically criminalize spousal rape. Conviction of first-degree rape--defined as rape involving a minor, rape that results in serious injury or disability, or rape committed with the use of a deadly weapon--is punishable by up to life imprisonment. Conviction of second-degree rape, defined as rape committed without the aggravating circumstances enumerated above, is punishable by up to 10 years in prison.

A specialized sexual violence court (Court E) has exclusive original jurisdiction over cases of sexual assault, including abuse of minors, but it was limited in effectiveness by having only one of two authorized judges presiding. According to the MGCSP, rape accounted for more than 60 percent of total SGBV cases

reported. SGBV against persons younger than the age of 18 accounted for 77 percent of cases referred to the MGCSP. Observers believed the true incidence of statutory rape was even higher than the number of rape cases reported.

On August 5, a 13-year-old girl died after three of her male neighbors allegedly gang-raped her. The girl, who lived in a rural area, suffered from severe bleeding during a two-week period and died before her family could arrange transportation to the nearest health-care facility. The girl's father told the press that his daughter was initially afraid to report the crime because the men threatened to kill her if she told anyone. Police arrested one of the alleged rapists, but as of September the remaining two suspects remained at large.

The government operated two shelters for SGBV victims, victims of trafficking in persons, and others in need of protection. The Sexual Pathways Referral Program, a combined initiative of the government and NGOs, improved access to medical, psychosocial, legal, and counseling assistance for victims. The MGCSP assigned a gender counselor to each county office to increase public awareness of SGBV crimes and refer victims to assistance. LNP officers received training on sexual offenses as part of their initial training.

An overtaxed justice system also prevented timely prosecution; delays in prosecution caused many victims to cease cooperating with prosecutors. Victims' families sometimes requested money from the perpetrators as a form of redress because of mistrust in the formal justice system. Authorities often dropped cases due to a lack of evidence. The Women and Children Protection Section (WACPS) of the LNP reported that courts dropped 50 percent of reported domestic violence cases due to lack of evidence. The ability to collect and preserve evidence of SGBV crimes was also insufficient. On April 10, UNMIL turned over a DNA analysis machine to the MGCSP to strengthen efforts to investigate and prosecute SGBV crimes.

The government raised awareness of rape through billboards, radio broadcasts, and other outreach campaigns. International organizations like The Carter Center and UN Women also engaged the public through awareness campaigns.

Although outlawed, domestic violence remained a widespread problem. In October *Front Page Africa* reported that a man in Grand Bassa County was arrested for attempting to force himself onto his wife and beating her to death when she resisted. The maximum penalty for conviction of domestic violence is six months' imprisonment, but the government did not enforce the law effectively.

The WACPS received reports on 737 cases of domestic violence between January and July, a 32 percent increase above the 560 cases reported during the same period in 2017. Government and civil society officials suggested that enhanced awareness and confidence in reporting contributed to the increase, however, the number still only captured a fraction of domestic violence crimes committed.

Female Genital Mutilation/Cutting (FGM/C): A 2013 UNICEF study estimated that 66 percent of girls and women ages 15 to 49 had undergone FGM/C and the practice remains widespread. On January 19, then President Ellen Johnson Sirleaf issued an executive order to protect women against domestic violence and prohibit FGM/C of all persons younger than age 18 and persons older than 18 without their consent. The executive order has the effect of law but is only valid for one year unless ratified by the legislature. Prior to the executive order, the government maintained that a 2011 law protecting children against all forms of violence also proscribes FGM/C, but the law did not specifically prohibit FGM/C. The penal code also prohibits causing bodily harm with a deadly weapon. No FGM/C perpetrators were prosecuted during the year.

There was movement toward limiting or prohibiting the practice of FGM/C. Government officials routinely engaged the public, specifically traditional leaders, to underscore the government's commitment to eliminate FGM/C. The Ministry of Justice and the MGCSP, along with international partners and NGOs, advocated for legislation for an outright ban of FGM/C. The government routinely decried FGM/C in discussions of violence against women, although there remained political resistance to passing legislation criminalizing FGM/C because of the public sensitivity of the topic and its association with particular tribes in populous counties. NGO representatives stated there was little political will within the legislature to take on the issue of FGM/C. In May House Speaker Bhofal Chambers reportedly criticized western countries for classifying FGM/C as a human rights violation. Instead, he suggested that sex reassignment surgery practiced in western countries is a human rights violation. The speaker also reportedly said FGM/C was in line with traditional beliefs so it cannot be a violation of human rights.

The Sande and Poro societies--often referred to as "secret societies"--combine traditional religious and cultural practices, and engage in FGM/C as part of their indoctrination ceremonies. In December, 25 representatives of the societies participated in a conference on FGM/C organized by Women and Solidarity Incorporated. The head of the traditional council of Bong County said, "Practitioners are ready to listen but there's need to engage traditional leaders at



the community level.” The head of the National Traditional Council promised to halt Poro and Sande society activities during the academic year, so as not to prevent young inductees from attending school. The council also undertook an inventory of all existing chapters of the secret societies, also called “bushes” or “groves,” and the head of the council requested local chiefs refrain from opening additional chapters.

For more information, see Appendix C.

Other Harmful Traditional Practices: According to a 2015 UN assessment, accusations of witchcraft were common and often had “devastating consequences” for those accused, including trial by ordeal, known locally as “sassywood,” and in some cases, large fines for simple mistakes like inadvertently spilling food when trying to serve it, which is interpreted as a sign of witchcraft. Authorities often failed to investigate or prosecute cases involving trial by ordeal.

Trial by ordeal included: forcing the ingestion of poison; hanging the accused from a tree by the arms or feet for extended periods of time; requiring the accused to retrieve an item from a pot of hot oil; heating a metal object until it glows red and then applying it to the accused’s skin; beatings; rubbing chili pepper and mud into the accused’s bodily orifices (including the vagina); depriving the accused of food and water; requiring the accused to sit in the sun or rain for extended periods; forcing the accused to sit on hot coals; forcing the accused to ingest food or nonfood substances to induce severe vomiting, diarrhea, and other illnesses; and forcing women to parade naked around the community.

There were multiple cases of life-threatening violence against persons accused of witchcraft during the year. On September 4, police reportedly arrested a woman for allegedly poisoning and killing her nine-year-old daughter. She allegedly poisoned her daughter due to “disgrace” because the community accused the girl of using witchcraft to kill two community members. Police arrested the woman and she was charged with murder and release of destructive forces; she remained in prison awaiting trial at year’s end.

Sexual Harassment: The Decent Work Act prohibits sexual harassment in the workplace, but it remained a significant problem at work and in schools. Government billboards and notices in government offices warned against harassment in the workplace. The MGCSP and the Ministry of Education trained school administrators, students, and parents from seven of the 15 counties to

identify warning signs and report incidents of sexual harassment and violence in schools.

Coercion in Population Control: There were no reports of coerced abortion, or involuntary sterilization. For estimates on maternal mortality and contraceptive prevalence, see Appendix C.

Discrimination: By law, women may inherit land and property, are entitled to equal pay for equal work, have the right of equal access to education, and may own and manage businesses. By family law, men retain legal custody of children in divorce cases. In rural areas traditional practice or traditional leaders often did not recognize a woman's right to inherit land. Programs to educate traditional leaders on women's rights, especially on land rights, made some progress, but authorities often did not enforce those rights.

## **Children**

Birth Registration: Liberian nationality law stipulates that children of "Negro" descent born in the country to at least one Liberian parent are citizens. Children born outside the country to a Liberian father are also Liberian citizens. Nevertheless, they may lose that citizenship if they do not reside in the country prior to age 21, or if residing abroad they do not take an oath of allegiance before a Liberian consul before age 23. Children born to non-Liberian fathers and Liberian mothers outside of the country do not derive citizenship from the mother. If a child born in the country is not of "Negro" descent, the child may not acquire citizenship. Non-"Negro" residents, such as members of the large Lebanese community, may not acquire or transmit citizenship. The law requires parents to register their infants within 14 days of birth, but fewer than 24 percent of births were registered. Even more women than usual did not give birth at health facilities during the Ebola crisis, resulting in thousands of unregistered births. The government acknowledged this problem and with the help of UNICEF took steps to register these children. For additional information, see Appendix C.

Education: The law provides for tuition-free and compulsory education in public schools from the primary (grades one-six) through junior secondary (grades seven-nine) levels, but many schools charged informal fees to pay teachers' salaries and operating costs the government did not fund. These fees prevented many students from attending school. By law fees are required at the senior secondary level (grades 10-12).

Girls accounted for less than one-half of all students and graduates in primary and secondary schools, with their proportion decreasing progressively at higher levels. Sexual harassment of girls in schools was commonplace, and adolescent girls were often denied access to school if they became pregnant. Nonetheless, the country made significant progress in narrowing the gender gap at all levels of education, especially in primary school where the gender parity index went from 88 girls per 100 boys in 2008 to 95 girls for every 100 boys in school in 2017. Students with disabilities and those in rural counties were most likely to encounter significant barriers to education. Only 14 percent of girls in rural areas completed primary school.

Child Abuse: Child abuse was a widespread and persistent problem, and there were numerous cases reported throughout the year. For example, in January a woman burned her young niece's hands after she ate leftover food without permission. The child's hands were so severely burned that doctors had to amputate several fingers. Police arrested the woman and she was tried and convicted of aggravated assault on a minor. In July she was sentenced to two years in prison.

Numerous reports of sexual violence against children continued, and the government engaged in public awareness campaigns to combat child rape. According to the MGCSP, more rape cases were reported in the 13-to-17 age group than in any other age group. On April 27, police arrested a man after he allegedly raped a 15-year-old girl. He reportedly offered the girl chocolate and French fries before he allegedly raped the girl after she fell asleep. The LNP charged the man with statutory rape, and he was imprisoned awaiting trial as of November.

The MGCSP reported removing children from the immediate reach of the perpetrators and placing them in safe homes. In 2017 the MGCSP launched a "child hotline" to report crimes against children. As of November the government had not established a call-answering command center or provided a vehicle to respond to calls. Staff was responsible for taking calls on personal telephone lines while working and at home, and they could not always respond.

In October *ProPublica* reported allegations that Macintosh Johnson, an employee of the More than Me girls academy in Monrovia, had sexually assaulted or raped up to 30 of the academy's students, including on the academy's property, and possibly impregnated and transmitted HIV to a number of victims. Johnson was charged with rape and faced trial in 2015; a hung jury resulted in a mistrial, and

Johnson died in prison in 2016 awaiting retrial. After the *ProPublica* report was released, the government established an interministerial committee to investigate the matter.

Early and Forced Marriage: The 2011 National Children’s Act sets the minimum marriage age for all persons at 18, while the Domestic Relations Act sets the minimum marriage age at 21 for men and 18 for women. The Equal Rights of the Traditional Marriage Act of 1998 permits a girl to marry at age 16. For additional information, see Appendix C.

With UNICEF support the MGCSP continued the “End Child Marriage” campaign that began in 2016. During the year the MGCSP communicated with traditional leaders and community members in five counties in their local dialects to raise awareness of the illegality and harm of child marriage.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography, and authorities generally enforced the law, although girls continued to be exploited in commercial sex in exchange for money, food, and school fees. Additionally, sex in exchange for grades was a pervasive problem in secondary schools, with many teachers forcing female students to exchange sexual favors for passing grades. The minimum age for consensual sex is 18. Statutory rape is a criminal offense that has a maximum sentence if convicted of life imprisonment. The penalty for conviction of child pornography is up to five years’ imprisonment. Orphaned children remained especially susceptible to exploitation, including sex trafficking.

Infanticide or Infanticide of Children with Disabilities: There were cases of infanticide. According to the Ministry of Justice’s Human Rights Protection Unit, children with disabilities were often stigmatized, abandoned, neglected, and exposed to risks (including death). Persons with disabilities suffered torture, and inhuman or degrading treatment or punishment. The National Union of the Organization of the Disabled (NUOD) reported that families sometimes abandoned or refused to provide medical care to children with mental disabilities because of the taboo associated with the conditions or fear that the community would label children with disabilities as witches.

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 IDPs--continued to live on the streets of Monrovia.

**Institutionalized Children:** Regulation of orphanages continued to be very weak and many lacked adequate sanitation, medical care, and nutrition. The MGCSP conducted periodic monitoring of children in orphanages to ensure provision of basic services. Orphanages relied primarily on private donations and support from international organizations such as UNICEF and the World Food Program for emergency food and medical and psychological care. Many orphans received no assistance from these institutions. The MGCSP ran a transit center for vulnerable children, including abandoned and orphaned children that provided for basic needs until reunification with relatives.

Since the country did not have a designated facility for their care, juvenile offenders outside of the MCP were routinely held in separate cells in adult offender cellblocks. Guidelines existed and steps occasionally were taken to divert juveniles from the formal criminal justice system and place them in a variety of safe homes and “kinship” care situations.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>

### **Anti-Semitism**

There was a small 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/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The constitution prohibits discrimination against persons with disabilities, but these prohibitions were not always enforced. Government buildings were not easily accessible to persons with mobility impairment. Sign language interpretation was often not provided for deaf persons in criminal proceedings or in the provision of state services.

Persons with disabilities faced discrimination in employment, housing, access to all levels of education, and health care. Activists for the persons with disabilities reported that property owners often refused housing to disabled persons. Others claimed that some health-care providers refused to treat persons with disabilities.

According to NUOD persons with disabilities were more likely to become victims of SGBV.

Few children with disabilities had access to education. Public educational institutions discriminated against students with disabilities, arguing resources and equipment were insufficient to accommodate them. Some students with disabilities attended specialized schools mainly for the blind and deaf--but only through elementary school. Students with more significant disabilities are exempt from compulsory education but may attend school subject to constraints on accommodating them. In reality few such students were able to attend either private or public schools.

The right of persons with disabilities to vote and otherwise participate in civic affairs is legally protected and generally respected. Generally, the inaccessibility of buildings posed problems for persons with limited mobility wishing to exercise these rights.

The law requires that the NEC, to the extent practical, make registration and voting centers accessible to persons with disabilities. Despite educational sessions held by the NEC on the issue, persons with disabilities faced challenges during the voter registration and voting periods, including lack of access ramps, transportation to voter registration and polling centers, and mobility assistance at polling centers. The NEC, however, did offer tactile ballots for the visually impaired. The MGCSP and the National Commission on Disabilities are the government agencies responsible for protecting the rights of persons with disabilities and implementing measures designed to improve respect for their rights.

### **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.” While persons of Lebanese and Asian descent who were born or who have lived most of their lives in the country may not by law attain citizenship or own land, there were some exceptions.

## **Indigenous People**

The law recognizes 16 indigenous ethnic groups; each speaks a distinct primary language and is concentrated regionally. Long-standing disputes regarding land and other resources among ethnic groups continued to contribute to social and political tensions.

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

The law prohibits consensual same-sex sexual activity. “Voluntary sodomy” is a misdemeanor with a penalty for conviction of up to one year’s imprisonment. Lesbian, gay, bisexual, transgender, and intersex (LGBTI) activists reported LGBTI persons faced difficulty in obtaining redress for crimes committed against them, including at police stations, because those accused of criminal acts used the victim’s LGBTI status in defense of their crime. In November Representative Clarence Massaquoi of Lofa County introduced a bill that would amend the penal code to criminalize “same-sex practices.” The proposed bill was not discussed before the legislature went on recess in December.

LGBTI persons continued to record instances of violent attacks, harassment, and hate speech by community and church leaders. LGBTI victims were afraid to report the crimes to police due to fear that police would detain or abuse them because of their sexual orientation or gender identity. LGBTI victims were also afraid to report due to possible retribution from community and family members. For example, a woman reported that her husband beat her and then refused to take her for medical treatment when he found out she was transgender. The victim did not report the crime to police because she was afraid her husband would publically identify her as transgender. LGBTI persons rarely reported rape cases to police due to fear and social stigma surrounding both sexual orientation and rape.

Authorities of the LNP Community Services Section noted improvements in obtaining redress for crimes committed against LGBTI persons due to several training sessions on sexual and reproductive rights. Police sometimes ignored complaints by LGBTI persons, but LGBTI activists noted improvements in treatment and protection from police after LNP officers underwent human rights training.

On January 20, a group of persons in Monrovia reportedly harassed and assaulted five members of the LGBTI community. The group tore the clothes off their bodies and stole their personal belongings and money. Cases of abuse of LGBTI persons may be reported via the Ministry of Justice's Human Rights Protection Unit, the National AIDS Commission, and the INCHR. LGBTI persons were cautious about revealing their sexual orientation or gender identities in public. A few civil society groups promoted the rights of LGBTI individuals, but most groups maintained a low profile due to fear of mistreatment. After moderating a public event for the International Day Against Homophobia, Transphobia, and Biphobia in May, a program assistant for the organization Stop AIDS in Liberia received numerous telephone calls threatening his personal safety.

LGBTI individuals faced discrimination in accessing housing, health care, employment, and education. There were several reports from LGBTI activists that property owners refused housing to members of the LGBTI community by either denying applications or evicting residents from their properties. In 2016 the Liberia Business Registry denied registration to an NGO promoting LGBTI rights for "activity which is not allowed in Liberia." As of December the registration request continued to be denied.

There were press and civil society reports of harassment of persons on the basis of their real or perceived sexual orientation or gender identity, with some newspapers targeting the LGBTI community. Hate speech was a persistent issue. Influential figures such as government officials and traditional and religious leaders made public homophobic and transphobic statements. For example, a prominent religious leader, Saint Solomon Joah, reportedly threatened to take a police officer with him to a stakeholder's dialogue on LGBTI rights to arrest members of the LGBTI community in May. In June Joah reportedly called for the arrest of all LGBTI persons, said homosexuality was criminal and ungodly, and called persons in a same-sex marriage "dogs."

An advocacy organization reported that during the year, a member of the LGBTI community seeking a scholarship offered by Representative Solomon George of the national House of Representatives was told by an office staff member that the representative did not support gay rights and would not give out a scholarship to such persons. The LGBTI community member also reported that the representative's refusal was because he "acts like a female."

The Ministry of Health has a coordinator to assist minority groups--including LGBTI persons--in obtaining access to health care and police assistance. Civil



society groups trained 62 LNP officers on human rights as part of an effort to educate police on the rights of these communities. Members of the LGBTI community often called upon trained LNP officers, known as protection officers, to intervene in cases of harassment and violence.

### **HIV and AIDS Social Stigma**

The law prohibits “discrimination and vilification on the basis of actual and perceived HIV status” in the workplace, school, and health facilities, with conviction of offenses punishable by a fine of no less than L\$1,000 (\$6.67).

The most recent demographic and health survey in 2013 found no measurable change since 2007 in popular attitudes, which remained broadly discriminatory, toward those with HIV. HIV-related social stigma and discrimination discouraged people from testing for their HIV status, thus limiting HIV prevention and treatment services. According to a Joint UN Program on HIV/AIDS report released in July, an estimated 40,000 persons were living with HIV in the country, with approximately 2,300 new cases reported in 2017. Children orphaned because of AIDS faced similar social stigma.

Government ministries developed, adopted, and implemented several strategic plans to combat social stigma and discrimination based on HIV status. The Ministry of Labor continued to promote a supportive environment for persons with HIV and held a workshop in November to discuss the issue. The Ministry of Education continued implementation of its strategic plan to destigmatize and safeguard HIV-positive persons against discrimination.

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

The penal code classifies mob violence as a crime. Nevertheless, mob violence and vigilantism, due in part to the public’s lack of confidence in police and the judicial system, often resulted in deaths and injuries. Although mob violence usually targeted alleged criminals, it was difficult to determine underlying reasons since cases were rarely prosecuted.

There were also reports of continued stigmatization of Ebola survivors and their families and health-care workers who had worked in Ebola treatment facilities. According to the Ebola Survivors Network, survivors and their families confronted discrimination from landlords, neighbors, health-care providers, and employers.

Ritual killings reportedly increased during the 2017 election cycle but declined during the year. It is difficult to ascertain exact numbers since ritual killings were often attributed to homicide, accidents, or suicide. There were reports of killings in which perpetrators removed body parts from the victim, a practice possibly related to ritual killings. In August a man allegedly killed a seven-year-old boy in an apparent ritualistic killing. The LNP arrested the suspect but days later he escaped from police custody and as of November was still on the run. According to a press release from the LNP, in response to the suspect's escape the LNP suspended 10 officers for periods ranging from two weeks to two months; the LNP indefinitely suspended two additional officers and charged them with obstructing government functions.

## **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 freely form or join independent unions of their choice without prior authorization or excessive requirements. It allows unions to conduct their activities without interference by employers, parties or government. 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 Liberia Labor Congress (LLC), however, wanted the process leading to the certification of labor unions by the Ministry of Labor revisited. According to the LLC, the Ministry of Labor certified several union organizations that were unable to represent adequately the interest of their members.

The law provides for the right of workers in the private sector to bargain collectively. Public-sector employees and employees of state-owned enterprises are prohibited under the Civil Service Standing Orders from organizing into unions and bargaining collectively, but instead may process grievances through the Civil Service Agency grievance board. Representatives from the Ministry of Labor, the LLC, and the Civil Servants Association stated that the Standing Orders appeared to conflict with Article 17 of the constitution, which affords the right to associate in trade unions. The law also provides for the right of workers to conduct legal strikes, provided they have attempted to negotiate to resolve the issue and give the Ministry of Labor 48 hours' notice of their intent. The law also prohibits antiunion discrimination and the issuance of threats against union leaders. The law requires reinstatement of workers fired for union activity. The law prohibits unions from

engaging in partisan political activity and prohibits agricultural workers from joining industrial workers' organizations. The law prohibits strikes under certain circumstances as follows: if the disputed parties have agreed to refer the issue to arbitration; if the issue is already under arbitration or in court; and if the parties engage in essential services as designated by the National Tripartite Council comprising the Ministry of Labor, Liberian Chamber of Commerce, and the Liberian Labor Union. The National Tripartite Council has not published a list of essential services.

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 provides the mandated severance package. It also does not prohibit retaliation against strikers whose strikes comply with the law if they commit "an act that constitutes defamation or a criminal offense, or if the proceedings arise from an employee being dismissed for a valid reason."

In general the government endeavored to enforce applicable laws in the formal sector, and workers exercised their rights. Employees enjoyed freedom of association, and had the right to establish and become members of organizations of their own choosing without previous authorization or coercion. The law, however, does not provide adequate protection, and some protections depend on whether property damage has occurred and is measurable. Penalties were inadequate to deter violations. Administrative and judicial procedures were subject to lengthy delays or appeals and to outside interference.

Union influence continued to increase during the year through increased membership at plantations; there were reports of union-led protest actions in a number of concession areas including plantations, leading to work stoppages or disruptions for days. Labor unions called on the government to enforce laws that would improve work conditions across the country, particularly the Decent Work Act.

In April the Ministry of Labor, Liberia Revenue Authority, and the Liberia Immigration Service conducted a joint nationwide labor inspection exercise to ensure employers complied with the Decent Work Act and all other existing labor laws.

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

The law prohibits all forms of forced or compulsory labor. Resources, inspections, and remediation were inadequate. The law prescribes a minimum sentence of one year's imprisonment for conviction of the trafficking of adults but does not prescribe a maximum sentence; these penalties were not sufficiently stringent to deter violations.

The government did not effectively enforce the law, and forced labor occurred. Families living in the interior of the country sometimes sent young women and children to stay with acquaintances or relatives in Monrovia or other cities with the promise that the relatives would assist the women and children to pursue educational or other opportunities. In some instances these women and children were forced to work as street vendors, domestic servants, or beggars. There were reports of forced labor in rubber plantations, gold mines, and alluvial diamond mines. Forced labor continued despite efforts by the government, NGOs, and other organizations to eliminate the practice.

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

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

Under the Decent Work Act, most full-time employment of children younger than age of 15 is prohibited. Children older than age 13 but younger than age 15 may be employed to perform "light work" for a maximum of two hours per day and not more than 14 hours per week. "Light work" is defined as work that does not prejudice the child's attendance at school and is not likely to be harmful to a child's health or safety and moral or material welfare or development as defined by law. There is an exception to the law for artistic performances, where the law leaves the determination of work hours to the minister of labor. Under the act children age 15 and older are not allowed to work more than seven hours a day or more than 42 hours in a week. There are mandatory rest periods of one hour, and the child may not work more than four hours consecutively. The law also prohibits the employment of children younger than age 16 during school hours, unless the employer keeps a registry of the child's school certificate to illustrate the child attended school regularly and can demonstrate the child was able to read and write simple sentences. The law prohibits the employment of apprentices younger than age 16. The compulsory education requirement extends through grade nine or until age 15.

The law provides that an employer must obtain a permit from the Ministry of Labor before engaging a child in a proscribed form of labor. It was unclear, however, whether such permits were either requested or issued.

According to the law, “a parent, caregiver, guardian, or relative who engages in any act or connives with any other person to subject a child to sexual molestation, prohibited child labor, or such other act, that places the well-being of a child at risk is guilty of a second-degree felony.”

The Child Labor Commission (NACOMAL) is responsible for enforcing child labor laws and policies, although it did not do so effectively, in large part due to inadequate staff and funding. As a result, while labor inspectors were trained on child labor issues, none was specifically assigned to monitor and address child labor. The government charged the National Steering Committee for the Elimination of the Worst Forms of Child Labor (National Child Labor Committee)--comprising the Ministry of Labor’s Child Labor Secretariat (which includes NACOMAL); the Ministry of Justice’s Human Rights Protection Unit; the MGCSP’s Human Rights Division; and the LNP’s Women’s and Children’s Protection Section--with investigating and referring for prosecution allegations of child labor; however, inspections and remediation were inadequate. Although the National Child Labor Committee convenes regular meetings, coordination of their activities remained a serious challenge. In March 2017 the NACOMAL convened a national conference aimed at reaching a consensus with all stakeholders--including government, private sector, and labor advocates--to eliminate child labor through sustained commitment and partnership. This was the first such conference that convened all of the necessary stakeholders, and resulted in the validation of the *National Action Plan on Child Labor* (NAP). As of December, however, the NAP had not been endorsed by the government.

The law penalizes employers that violate the minimum age provision of child labor laws with a fine of L\$100 (\$0.67), and imprisonment until the fine is paid. The law also penalizes parents or guardians who violate this minimum age provision with a minimum fine of L\$15 (\$0.10) but not more than L\$25 (\$0.17), and imprisonment until such fine is paid. These penalties were insufficient to deter violations.

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. There were reports that children tapped rubber on smaller plantations and private farms. There were also reports that children worked in conditions 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. Some children in Monrovia, particularly girls, worked in domestic service after being sent from rural communities by their parents or guardians. There were also reports of children working in garages and shops, and selling goods on Monrovia streets.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

Section 2.4(b) of the Decent Work Act prohibits discrimination with respect to equal opportunity for work and employment and calls for equal pay for equal work. The government did not in general effectively enforce the law.

Discrimination in employment and occupation occurred with respect to gender, disability, HIV-positive status, sexual orientation, and gender identity. The law does not explicitly prohibit discrimination in hiring based on gender, and women experienced economic discrimination based on cultural traditions resisting their employment outside the home in rural areas. Anecdotal evidence indicates women's pay lagged behind that for men. LGBTI individuals and those with disabilities faced hiring discrimination, and persons with disabilities faced difficulty with workplace access and accommodation (see section 6, Persons with Disabilities).

#### **e. Acceptable Conditions of Work**

The Decent Work Act, which specifies amounts in U.S. dollars, requires a minimum wage of \$0.43 per hour (increased from \$0.17 prior to the Decent Work Act's passage), or \$3.50 per day (not exceeding eight hours per day), excluding benefits, for unskilled laborers. This applies to the informal economic sector including domestic, agricultural, and casual workers. The minimum wage for the formal economic sector is \$0.68 per hour, or \$5.50 per day (not exceeding eight hours per day), excluding benefits. While labor protections are not enforced in the informal sector, the law does fix a minimum wage for agricultural workers, and allows that they be paid at the rate agreed in the collective bargaining agreement between workers' unions and management, excluding benefits (provided the amounts agreed to should not be less than the legally stipulated minimums).

The minimum wage was greater than the World Bank's poverty income level of \$1.90 per day. Many families paid minimum-wage incomes were also engaged in subsistence farming, small-scale marketing, and begging. According to the 2016 Household Income and Expenditure Survey, 50.9 percent of citizens lived below the poverty line.

The law provides for a 48-hour, six-day regular workweek with a one hour rest period for every five hours of work. The Decent Work Act stipulates that ordinary hours may be extended by collective agreement up to an average of 53 hours during an agreed upon period, as well as to 56 hours for workers in seasonal industries. The law provides for overtime pay and prohibits excessive compulsory overtime.

The law provides for at least one week of paid leave per year, severance benefits, and occupational health and safety standards; the standards are up to date and appropriate for the intended industries. Workers could not remove themselves from situations that endangered health or safety without jeopardizing their employment, and authorities did not effectively protect employees in this situation. Penalties were not sufficient to deter violations. For certain categories of industries, however, the law requires employers to employ safety and health officers and establish a safety and health committee in the workplace.

The Ministry of Labor's Labor Inspection Department enforced government-established health and safety standards. These standards were not enforced in all sectors, including the informal economy. Every county has a labor commissioner, and depending on the county, one to two labor inspectors. These inspectors are responsible only for monitoring labor in the formal sector and there is no system for monitoring the informal sector. The number of inspectors was not sufficient to enforce general compliance.

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. The vast majority (estimated at 80 percent) had no other option than to work in the largely unregulated informal sector, where they faced widely varying and often harsh working conditions. Informal workers included rock crushers, artisanal miners, agricultural workers, street sellers, most market sellers, domestic workers, and others. In the diamond and gold mines, in addition to physical danger and poor working conditions, the industry is unregulated, leaving miners vulnerable to exploitive brokers, dealers, and intermediaries.