



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Consideration of reports submitted by States parties under article 44 of the Convention

Combined second, third and fourth periodic reports of States  
parties due in 2009

**Liberia\***

[5 August 2009]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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## List of acronyms

ACRC	African Charter on the Rights and Welfare of the Child
BPHS	Basic Package of Health Services
CAFF	Children Associated with Fighting Forces
CBOs	Community Based Organizations
CCF	Christian Children's Fund
CPN	Child protection Network
CWC	Child Welfare Committee
CWIQ	Core Welfare Indicator Questionnaire
DBH	Don Bosco Homes
DDRR	Disarmament, Demobilization, Rehabilitation and Reintegration
GBV	Gender Based Violence
GDP	Gross Domestic Product
HIMS	Health Information Management System
ILO	International Labour Organization
INCHR	Independent National Human Rights Commission
INGOs	International non-governmental organizations
IRC	International Rescue Committee
LDHS	Liberia Demographic Health Survey
LNP	Liberia National Police
LPRS	Liberia Poverty Reduction Strategy
MCC	Monrovia City Corporation
MIA	Ministry of Internal Affairs
MICAT	Ministry of information, Culture and Tourism
MoD	Ministry of Defense
MoE	Ministry of Education
MoF	Ministry of Internal Affairs
MoFA	Ministry of Foreign Affairs
MoGD	Ministry of Gender and Development
MoHS	Ministry of Health and Social Welfare
MoJ	Ministry of Justice
MoL	Ministry of Labor
MoPEA	Ministry of Planning and Economic Affairs
MoPW	Ministry of Public Works

MoYS	Ministry of Youth and Sports
NACROG	National Child Rights Observatory Group
NBI	National Bureau of Investigation
NGOs	Non-governmental organizations
PRSP	Poverty Reduction Strategy Paper
SC UK	Save the Children United Kingdom
TRC	Truth and reconciliation Commission
UNDP	United Nations Development Programme
UNESCO	United Nations Education Scientific Culture Organization
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNMIL	United Nations Mission in Liberia
USA	United States of America
USAID	United States Aid for International Development
WATSAN	Water and Sanitation
WHO	World Health Organization

## I. Introduction and preparation of the report

1. Liberia submitted its initial report to the Committee on the Rights of the Child seven years late, on 7 May 2002.<sup>1</sup> The Committee discussed that report in May 2004. This was one year after the country's long civil war. The country was then under a transitional government. The Committee invoked its recommendation on the submission of periodic reports to allow Liberia to submit a consolidated periodic report.<sup>2</sup>

2. Subsequent to the Committee's discussion of the country's initial report, a democratically elected Government was installed in January 2006. Since then, the Government, led by Her Excellency Madam Ellen Johnson-Sirleaf, has spearheaded the quest for a recovery from the country's two most recent civil wars. The first civil war was between 1989 and 1996. The second occurred between 1999 and 2003.

3. Since its installation, the Government has been developing and implementing policies, legislation, and programmes to help the country fully recover from the years of civil war. In this quest, the international community have significantly supported the Government. Many of the initiatives have also been to consolidate development-related gains and achieve the aspiration of current and future people of Liberia. Her Excellency Madam Ellen Johnson-Sirleaf has articulated the vision for the country with the child very much at the centre:

Together we shall build a Liberia where a child can live in safety, go to a school with qualified, dedicated teachers, get the medicine they need when they are sick, trust the police to deal with them honestly, and study by electric light at night. A Liberia where that child's parents can use their road to get their goods to market, can communicate with their family in other counties, and can participate in a local government vested with increasing responsibility and resources. Together we have figured out where we want to go. We must now work together to get there.<sup>3</sup>

4. In the course of developing and implementing initiatives on peace and development, the Government has also advanced the interests of children. Primarily, the Government developed and implemented an Interim Poverty Reduction Strategy,<sup>4</sup> and developed a full Poverty Reduction Strategy in 2008.<sup>5</sup> The strategy has four pillars: – enhancing national security, revitalizing the economy, strengthening the rule of law, and rehabilitating infrastructure and delivering basic service. There is no contestation in the country that each one of these pillars is significantly dependent on at least optimum child well-being. Based on the PRS, the country's 15 counties have developed development plans, for more decentralised development work.

5. At the time of compiling this report, the House of Representative had unanimously passed a Children's Law.<sup>6</sup> The House of Representative Committee on Gender Equity and Child Development initiated and championed this law.

6. Such legislative and policy developments have taken place amidst evidence of demographic changes. The Country's 2008 Census provisional results showed that the

<sup>1</sup> CRC/C/28/Add.21.

<sup>2</sup> CRC/C/15/Add.236.

<sup>3</sup> Quoted in Bureau of the Budget, National Budget for the Fiscal Year 1 July, 2008 to 30 June, 2009 (Monrovia; Bureau of the Budget, 2008), at 46.

<sup>4</sup> Republic of Liberia, 'Interim Poverty Reduction Strategy' (Monrovia; Liberia, 2006).

<sup>5</sup> Republic of Liberia, 'Poverty Reduction Strategy' (Monrovia; Liberia, 2008).

<sup>6</sup> Children's Bill 2009.

population had risen to 3,489,072 from 2,101,628 in 1984.<sup>7</sup> A demographic health survey conducted in 2007 has shown that 47 per cent of the population was aged 15 or below. Over half, 55.2 per cent, were aged below 19<sup>8</sup> in the country's 15 counties. The counties are sometimes, as in this report, grouped in regions, as follows.

Table 1  
**Population in the regions and counties of Liberia**

Region	Counties	Population density	Population	
			Female	Male
Greater Monrovia/ Montserrado	Monrovia	1 553	558 973	585 833
North Western	Gbarpolu	22	39 382	44 376
	Grand Cape Mount	65	62 133	66 922
	Bomi	108	40 229	41 807
North Central	Bong	97	39 382	44 376
	Nimba	105	235 388	232 700
	Lofa	70	139 971	130 143
South Central	Margibi	198	99 789	99 900
	Grand Bassa	73	112 978	111 861
South Eastern A	River Cess	30	32 002	35 360
	Sinoe	27	50 184	54 748
	Grand Gedeh	31	61 084	65 062
South Eastern B	River Gee	34	31 958	35 360
	Grand Kru	38	29 330	27 776
	Maryland	154	65 679	70 725
<b>Average population density/total population</b>		<b>93</b>	<b>1 724 517</b>	<b>1 764 555</b>

*Source:* Liberia Institute of Statistics and Geo-Information Services (LISGIS) [Liberia], 2008 National and Housing Population Census: Preliminary Results (Monrovia, Liberia, 2008), at 5 and 8.

7. The Government has been developing new policies, laws, and programmes, partly because of the support from the international community. The support is mainly due to the international community's appreciation of the leadership's commitment to democracy and sound macro-economic management. Consequently, the country is on course to qualifying for the status of a Highly Indebted Poor Country (HIPC).

8. The country's debt/export ratio has been high. Following the war, the country's external debt in Net Present Value was estimated at USD 4.5 billion in 2006, mostly consisting of accumulated arrears of debt service payments. The debt burden has been

<sup>7</sup> Liberia Institute of Statistics and Geo-Information Services (LISGIS) [Liberia], 2008 National and Housing Population Census: Preliminary Results (Monrovia, Liberia, 2008).

<sup>8</sup> Liberia Institute of Statistics and Geo-Information Services (LISGIS) [Liberia], Ministry of Health and Social Welfare [Liberia], National AIDS Control Program [Liberia], and Macro International Inc. 2008. *Liberia Demographic and Health Survey 2007*. Monrovia, Liberia: Liberia Institute of Statistics and Geo-Information Services (LISGIS) and Macro International Inc.

above the Heavily Indebted Poor Countries (HIPC) benchmark of 150 per cent. Total external debt relative to exports of goods and services was at 196.7 per cent.

9. An arrangement to share some of the debt was agreed in 2007, resulting in AfDB lifting sanctions, normalize relations with the country, and consider the country for a HIPC status. The Government paid UA1.62 million (1 per cent), donors contributed UA48.24 million or 29.7 per cent, while UA112.55 million or 69.3 per cent was drawn from the Post-Conflict Country Facility (PCCF), to finance arrears.

10. In addition to developing a Poverty Reduction Strategy (PRS) in 2008 for the period of 2008 to 2011, the country has been implementing a Poverty Reduction Strategy Facility/Extended Facility Programme. As of April 2009, the Government was in addition developing a Medium Term Fiscal Framework (MTEF). A pledge of between US\$250 to US\$300 million by a donor forum for the first year of the PRS implementation underlined trust in the country’s macro-economic management.

11. As the economy recovers, it is still very much propped by donor funding. The PRS was developed with a recognition that debt transfers will continue to be a significant contribution to the economy. Donor transfers as a percentage of GDP amounted to 229.5 per cent in 2007, rising to 236.7 per cent in 2008. As a result, much of what the country can do to improve child well-being is predicated on support from donors.

12. The contributions of donors have assisted in the economy’s gains under the Government Economic Management Action Plan (GEMAP). Having declined by over 30 per cent mainly as a result of the war in 2003, real GDP increased from 2.6 per cent in 2004 to 9.4 per cent in 2007, as security, good governance, and economic and social recovery gradually consolidated.

Figure 1: The Rise of GDP



13. This report is on the progress the country has made in implementing the Convention on the Rights of the Child. The preparation of the report was participatory. The process was synchronized with the development of the PRS and the Children’s Law. Wide and deep participation was a feature of both those processes. In addition to Government and civil society stakeholders, community members, and children participated. In their inputs, they expressed their aspirations, evaluated the way Government was responding to such aspirations, noted challenges, and made recommendations. The consultations on the development of the Children’s Law, in particular, were based on the need to realize the Convention, which that law seeks to incorporate into Liberia’s legal system.



14. There were additional steps taken to ensure that there was due participation especially for the preparation of this report. An inter-ministerial committee was established, chaired by the Minister of Gender and Development, Honourable Vabah Gayflor, to lead and oversee the process. This committee consisted of all members of the Cabinet's Social Committee plus the Ministry of Justice. This Committee provided leadership and oversight of the process. It also acted as the official voice for the process, provided advice to the technical teams preparing the report; and presented the report to Cabinet before submission to the United Nations.

15. Further, an Inter-Ministerial Technical Coordination Committee consisted of representatives from all ministries of Liberia's Government, the Judiciary, and the Legislature. The Ministry of Gender and Development coordinated this Committee. One of its roles was to provide technical support to the respective members of the Inter-Ministerial Committee. The Committee's role involved supervising officers who designated as reporting focal points for the report. The Committee was to supervise the reporting focal points in their respective Ministries as they collected and reported data for the report. The Committee was further expected to provide technical inputs into the report preparation process and validate draft reports.

16. Each reporting focal point had to respond in a timely fashion to the data collection tools and further inquiries made by the team analyzing the data. Each was to collect required information and documents to provide data related to the Concluding Observations and the general implementation of the Convention on the Rights of the Child. The focal points were further to provide their own technical inputs, and validate the draft reports.

17. In addition to the Committees and the focal points, there was a national-level children's reference group, which consisted of the leadership of the Children's Parliament. One role of the Children's Reference Group was to solicit views and information on the experiences of other children in Liberia. A second role was to represent the interests, experiences in the enjoyment of child rights, and voices of other children in Liberia. Lastly, the Children's Reference Group had a role to validate draft reports.

18. The report follows the guidelines issued by the Committee on the Rights of the Child for periodic reports<sup>9</sup> in structure and content. Based on the update of the status on state reporting, this report covers Liberia's, second, third, and fourth periodic reports.<sup>10</sup>

## **II. General measures of implementation**

### **A. Measures in response to concluding observations**

19. The Committee on the Rights of the Child made several recommendations for Liberia regarding the general measures of implementation of the Convention.

#### **Legislation**

20. The Committee on the Rights of the Child recommended that Liberia undertake a "comprehensive" review of legislation to ensure that domestic legislation conforms to the Convention.

<sup>9</sup> CRC/C/58/Rev.1.

<sup>10</sup> CRC/C/50/2.

21. The House of Representative Committee on Gender Equity and Child Development, assisted by UNICEF and working with Government and civil society partners, undertook such a review as an initial process in the preparation of a new Children's Law. By April 2009, the legislation had been unanimously passed in the House of Representatives and was in the Senate. When passed in that House, it would be sent to the President for assent before coming into operation later in 2009.

#### **National plans of action**

22. The Committee's recommendation about a national plan of action was that the country should develop, adopt, and implement, a national plan of action in line with General Assembly Resolution S-27/2, concerning the platform of action contained in a *World Fit for Children*.

23. No plan of action has been adopted, following these recommendations. This was largely because of instability and fragility existing in the country when the plan should have been prepared. The current Government assumed office in 2006 and quickly embarked on a process to steer the country towards recovery. After completing developing the PRS in 2008, the Government has already started developing plans that are specific. There is expectation that the country will at least develop an implementation plan for the Children's Law when it comes into force.

#### **Coordination**

24. Having noted that the children's unit in the Ministry of Gender and Development was weak, the Committee on the Rights of the Child urged Liberia to make the unit operational. In addition, the Committee asked the country to provide sufficient human resources for coordination work to realize child rights.

25. The Children's Unit in the Ministry became operational in 2005 and upgraded to the status of a Division in 2008. Its role is to ensure the protection of children's rights at national and county levels, advocate for child rights, advise Government on children's rights, coordinate programmes on child well-being, and monitor child rights violations. The Unit has 13 child welfare officers deployed in the country's 15 counties. The Unit works within the framework of the PRS and closely with the Child Protection Network (CPN), is a forum of child protection agencies working in the country.

26. There has been improving coordination at national and county levels through the work of gender coordinators, who work under the Ministry. At the community level, the Government has encouraged civil society organizations to form and work with child welfare committees.

27. No nation-wide survey of child welfare committees has been done, to establish the number of child welfare committees in the country. IRC, however, conducted a survey of child welfare committees in Lofa County, which has a population of 270,114. IRC found that there were 60 child welfare committees in that county. Other than such information, there is widespread knowledge that there are many child welfare committees in the country, established with the assistance of various non-governmental organizations.

#### **Independent monitoring**

28. The Committee on the Rights of the Child urged Liberia to provide adequate resources for the work of the Independent National Commission on Human Rights (INCHR) so that it could effectively carry out its monitoring and evaluation roles. There was a further recommendation that the INCHR should have power to investigate complaints and violations of children's rights and address them in a child-sensitive manner.

29. So far, the work of the INCHR has been on general human rights, with no particular dedicated human and organizational resources and plans on child rights. The work of the Commission has been hampered further by a long period when no commissioners were in place and some improper management of funds and other resources.<sup>11</sup>

30. Nevertheless, in the PRS, the Government has pledged to “provide resources and otherwise enable the INCHR to fulfil its mandate to ensure protection of human rights throughout Liberia”.<sup>12</sup> Budgetary allocation to the Commission increased by 19.8 per cent in the 2008/2009 financial year, but this was from a low base of US\$247,597 in the 2007/2008 financial year.<sup>13</sup>

31. To help strengthen the monitoring of child rights violations, the Government and its civil society child protection partners formed the National Child Rights Observatory Group (NACROG), chaired by the Ministry of Gender and Development. Its role is to investigate, monitor, and report the violation of child rights. NACROG has since its inception in 2005, issued three annual reports, for 2005, 2006, and 2007. NACROG, receives and investigates, refers, and tries to resolve complaints about child rights violations. In 2007, NACROG received 438 complaints, 116 of which were about the rape or defilement of children.<sup>14</sup>

32. As there is no independent public organization with the legal authority to investigate complaints about child rights and take necessary action, an independent Child Well-being Council will be established under the Children’s Act. It will provide oversight, monitoring, and evaluation of governmental and other work on child rights and act as an ombudsperson for children. Its composition will include members from Government, civil society, a professionally qualified chief executive, and chairperson of the national children’s forum.<sup>15</sup>

### **Resources for children**

33. The shortage of resources for children has been a persistent challenge in the country. Indeed the Committee on the Rights of the Child recommended that the country should “prioritize budgetary allocations to ensure the implementation of economic, social, and cultural rights of children” particularly for children “belonging to economically disadvantaged groups”.

34. Government budgetary allocation to the social and community services is amongst the highest, among all sectors. Figure 1 shows national budget allocation per sector for the 2007/2008 and 2008/2009 financial years.<sup>16</sup>

<sup>11</sup> Report of the Auditor General on the Independent National Commission on Human Rights for the Fiscal Year Ended 2006/2007 (Monrovia; Office of the Auditor General, 2008).

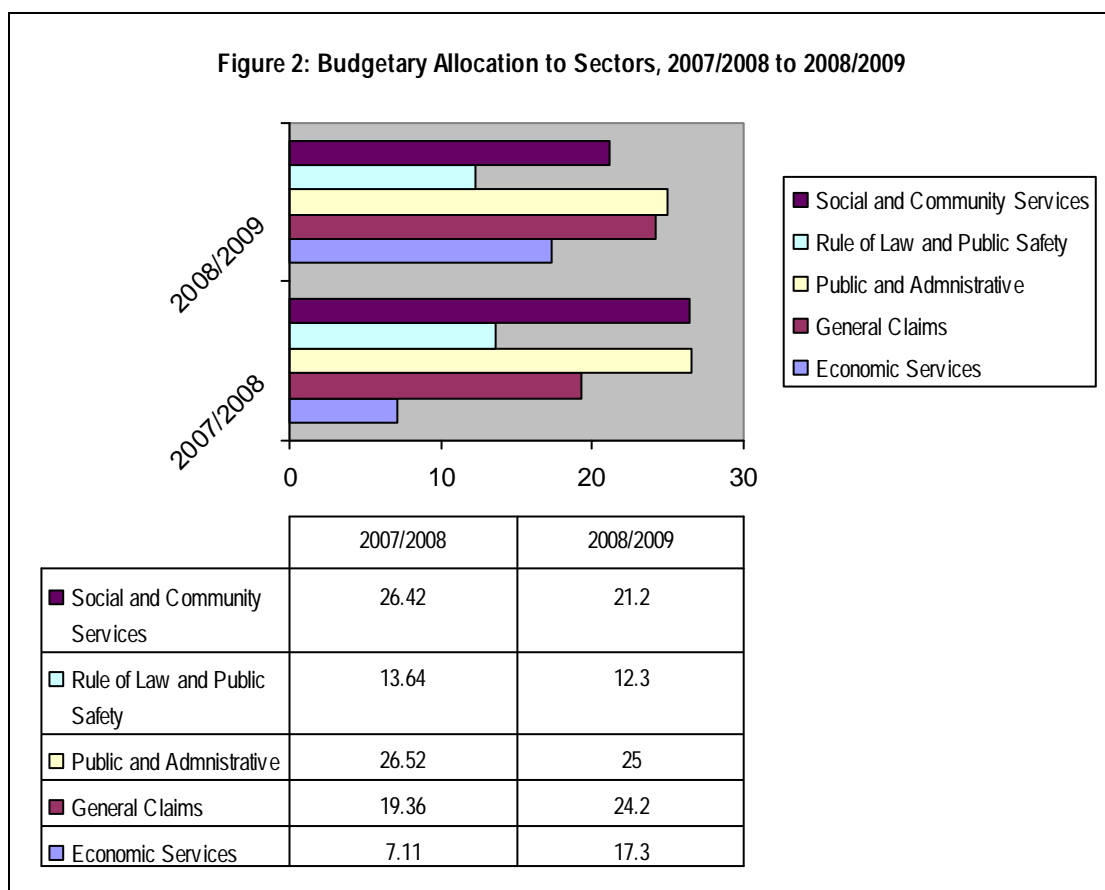
<sup>12</sup> Republic of Liberia, ‘Poverty Reduction Strategy’ (Monrovia; Liberia, 2008), p. 92.

<sup>13</sup> Bureau of the Budget, National Budget for the Fiscal Year 1<sup>st</sup> July, 2008 to 30 June, 2009 (Monrovia; Bureau of the Budget, 2008).

<sup>14</sup> NACROG-Liberia, Child Rights Violations: A Comprehensive Response Required : A Situation Report, (Monrovia; NACROG, 2007).

<sup>15</sup> Children Bill, Part XI, sections 116 and 117.

<sup>16</sup> Bureau of the Budget, National Budget for the Fiscal Year 1<sup>st</sup> July, 2007 to 30 June, 2008 (Monrovia; Bureau of the Budget, 2007) and Bureau of the Budget, National Budget for the Fiscal Year 1 July, 2008 to 30 June, 2009 (Monrovia; Bureau of the Budget, 2008).



*Source:* Bureau of the Budget, National Budget for the Fiscal Year 1st July, 2007 to 30 June, 2008 (Monrovia; Bureau of the Budget, 2007) and Bureau of the Budget, National Budget for the Fiscal Year 1st July, 2008 to 30 June, 2009 (Monrovia; Bureau of the Budget, 2008).

35. In the Social and Community Services sector, there are twelve other departments and agencies. The largest share of the sector budget goes to the Ministry of Education. Table 2 presents an example how the sector budget of US\$59,053,381 was distributed to the 15 ministries and agencies in the 2008/2009 budget.

**Table 2**  
**Social and community services budget distribution**

<i>No.</i>	<i>Ministry/agency</i>	<i>% of sector budget</i>
1	Education	47.43
2	Health and Social Welfare	36.25
3	Youth and Sports	6.77
4	National Food Assistance Agency	0.07
5	Agricultural and Industrial Training Bureau	0.23
6	Gender and Development	1.84
7	Monrovia City Corporation	1.61

<i>No.</i>	<i>Ministry/agency</i>	<i>% of sector budget</i>
8	Liberia Repatriation, Rehabilitation, Reintegration, Commission	1.06
9	National Commission on Disarmament, Demobilization, Reintegration, and Repatriation	2.31
10	National Commission on Disabilities	0.42
11	National Veteran Bureau	0.50
12	Liberia Agency for Community Empowerment	0.71
13	National Housing Authority	0.80
		<b>100.00</b>

*Source:* Bureau of the Budget, National Budget for the Fiscal Year 1 July, 2008 to 30 June, 2009 (Monrovia; Bureau of the Budget, 2008).

36. The allocation to the social and community services sector decreased in the 2008/2009 financial year, as the economic services sector's share of the budget significantly increased. There are two reasons for the increase in the share of the budget for the economic services sector. The first is that two Ministries, Labour, and Public Works were reassigned to the economic services sector. The second reason is that the Government hopes that greater investment in the economic services sector will help multiply resources, which can in turn be applied to the social and community services and other sector.

#### **Data collection**

37. Another area that the Government concedes the need for improvement is data collection in relation to child rights. The Committee recommended that a system of data collection and indicators covering all children be developed. The county was asked to seek technical assistance from UNICEF.

38. The Child Protection Network intends to work with the Ministry of Gender and Development to establish a central data bank on child well-being within the Ministry. There have however not been pledges for funding from the organizations that constitute the Child Protection Network or, indeed, any other organization. The Government is pleased that several organizations have expressed interest in having such a central data bank. The Government will lobby several organizations to have such goodwill translated into practice.

#### **Dissemination of the Convention**

39. The review that preceded the drafting on the new Children's Law confirmed the importance of a recommendation made by the Committee on the Rights of the Child. The Committee urged Liberia to take "additional efforts in the dissemination of the Convention", training, and teaching on its provisions. Liberia was further urged to develop "a culture of knowledge and respect for human rights in all sectors of the population".

40. Indeed the review by the House of Representative Committee on Gender Equity and Child Development confirmed that the knowledge of child rights in the country was low, even among some child rights practitioners.

Table 3

#### **Convention-based awareness campaigns**

<i>1. Theme of campaign</i>	<i>2. Number of campaigns</i>
3. Child trafficking and inter-country adoption	4. 164
5. Sexual exploitation and abuse	6. 175

7. Prevention of recruitment and re-recruitment of children associated with fighting forces	8. 127
9. The Convention on the Rights of the Child in general	10. 248

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*Source:* Ministry of Gender and Development, 2009.

41. The new Children’s Law will establish a child rights education fund. Under it, the Government will establish a child rights education committee. The role of that committee will be to oversee the disbursement of financial support to civil society organizations and others to carry out child rights education in communities, schools, work places, and other key areas of Liberia’s life.<sup>17</sup>

42. The work of the child rights education committee will build on much work that has been carried out already. For example, over the years, the Government has been disseminating the concluding observations of the Committee on the Rights of the Child made following the discussion of Liberia’s initial report. In 2005, with the support of UNICEF, 5,000 copies of the Concluding Observations were produced and the same number of copies reproduced in each year from 2006, 2007, and 2008. They were distributed in schools, clinics, the Legislatures, and among child protection agencies. The Ministry of Gender and Development has also distributed copies of a Convention-based booklet on rights and responsibilities.

## **B. Additional measures to implement the Convention**

43. Despite significant constraints, the Government has made progress on the implementation of the Convention. The implementation constraints have related to financial and human resources, a road network that was largely inaccessible in 2005 and 2006, and communities that were still re-bonding and reforming after the war.

44. The factors that have helped with the implementation of the Convention have included the peace and stability in the country and greater participation and visibility of children in the formulation of development policies, legislation, and programmes. Other key factors have been increasing prioritisation of children’s interests by civil society organizations and a political leadership that encourages the development of a human rights culture.

### **Policy-related measures to implement the Convention**

45. There have been a number of policies directly relating to the realisation of child rights. Of the 19 Ministries, the Ministry of Health and Social Welfare, Education, Labour, and Youth and Sports have formulated such policies. This may be because the mandates of these four ministries directly relate to child well-being or basic social services. A possible reason may be that other Ministries view child well-being as a responsibility of these Ministries. Table 4 below indicates the policies that are directly related to child well-being.

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<sup>17</sup> Children’s Bill, article 11, sections 104 and 105.

Table 4  
**Convention-related policies by Ministry**

<i>11. Ministry</i>	<i>12. Policy, strategy or plan</i>	<i>13. Year</i>	<i>14. Convention-focused elements</i>
15. Education	16. National Policy on Girls Education	17.	18. Encouragement of the enrolment, retention, and educational attainment of girls in schools
19. Health and Social Welfare	20. National Health Sector Policy	21. 2006	22. Recognition that health as a universal right and focuses on primary health care
23. Labour	24. National Plan of Action to against Human Trafficking	25. 2008	26. Coordination of efforts to combat human trafficking which mostly involves children
27. Youth and Sports	28. National Youth Policy for Liberia: A Framework for Setting Priorities and Executing Actions	29. 2005	30. Promotion of youth participation in the national decision-making process and input into national and community programmes and initiatives

#### **Legislative measures taken for implementation**

46. The Government has passed several pieces of legislation, some of which directly relate to child well-being. Table 5 gives the key pieces of legislation, passed by the Legislature since 2005, that directly pertain to child rights.

Table 5  
**Convention-related legislation**

<i>Year</i>	<i>Legislation</i>	<i>Pertinent prescription about children</i>
2005	An Act to Establish the Truth and Reconciliation Commission (TRC) of Liberia	Article III, section 4.f to address the experiences of women, children and vulnerable groups, paying particular attention to gender based violation, as well as to the issues of child soldiers, providing opportunities for them to relate their experiences.
2005	An Act to Establish the Independent Human Rights Commission	Article III, section 2(b) includes the following definition of human rights that the Commission is to “protect and promote”: “the rights, liberties or freedoms conferred on, guaranteed to persons by an agreement, treaty or convention to which the Republic of Liberia as a party.
2005	An Act to Amend the New Penal Code Chapter 14 Sections 14.70 and 14.71 and to Provide for Gang Rape, 2005	Section 3 provides that rape and the gang raping of a person under 18 is a strict felony punishable by life imprisonment.

<i>Year</i>	<i>Legislation</i>	<i>Pertinent prescription about children</i>
2005	An Act to Ban Trafficking In Persons within the Republic Of Liberia, 2005	Section 1 and 2 makes provision for the punishment of child trafficking, child pornography, forcing or servile marriages, delivery of children for exploitation, and abuse of position.
2008	An Act to Repeal the National Defence Law of 1956, the Coast Guard Act of 1986 and to Establish the National Defence Act of 2008	Section 7.2 of Chapter 7 provides that eligibility for service in the armed forces of Liberia is restricted to those aged between 18 and 35.

47. The Children's Law will incorporate the principles of the Convention on the Rights of the Child. It will add that the best interests of the child should be the primary consideration in all decisions and actions that may affect current and future children at all levels. It will further give direction with regard to work on child rights by demanding a multi-sectoral and holistic approach.<sup>18</sup> Whilst encouraging African traditions and customs which are compatible with the Convention on the Rights of the Child, the new Act, like the Convention and the ACRWC, will require that any customs, traditions, and practices that may harm the child should stand prohibited.<sup>19</sup>

48. The new law will stipulate duties for parents, community leaders, service providers, and political and policy functionaries. Child welfare committees at the community level will be allowed to make demands on local government systems and functionaries to advance child rights. Children's forums will be created at various levels of society with the opportunity to refer matters to members of the House of Representatives, the Senate, and an independent National Child Welfare Council.<sup>20</sup>

49. The new law will further improve accessibility to remedies in cases of child rights by allowing any person to bring an action to enforce child rights irrespective of whether her or his own rights have been infringed.<sup>21</sup> Organizations acting in solidarity with any child will similarly be allowed to bring an action to enforce child rights.

### **Programmes and projects to implement child rights**

50. Government programmes that directly relate to the implementation of child rights pertain more to basic social services ministries or those that have explicit mandates to work on child rights or child well-being. In this regard, policies on children have related to areas where the Government has established policies such as in health, nutrition, and girls' education.

51. An appreciable contribution in the forms of programmes and projects has been from international development agencies, international non-governmental organizations, and local non-governmental organizations. Many of such agencies have either supported Government initiatives or implemented projects directly or in collaboration with other locally-based partners. Examples of such organizations have included UNICEF, SC UK, WHO, UNFPA, MOHSW/SW, CHT, LPMM, WVI, AFRICARE, EQUIP, CAP, MSF,

<sup>18</sup> Children's Bill, article II.

<sup>19</sup> Ibid., article III(38).

<sup>20</sup> Ibid., article 11.

<sup>21</sup> Ibid., article XII.



ACF, MERLIN, SC-UK, MDM, BAG, TDS, MERCI, HUMEDICA, IRC, ICRC, IMC, and AHA.

### Training in child rights

52. Training on child rights or related matters has been the commonest strategy adopted by NGOs and Government departments, to enhance capacity for the implementation of the Convention. Table 6 shows the number of people trained on child rights through the Ministry of Gender and Development.

Table 6  
Convention-related training by Ministry and role of trainees

Nature of training	Nature of trainees	Numbers trained, 2005–2007												
		2005			2006			2007			2008			
		Total	F	M	Total	F	M	Total	F	M	Total	F	M	
Child rights and protection	Law enforcement officers	<b>1 762</b>												
Child protection	Children	<b>250</b>	100	150	<b>140</b>	120	120	<b>400</b>	150	250	<b>274</b>	142	132	
Sexual exploitation and abuse	Children	<b>250</b>	125	125	<b>400</b>	200	200	<b>150</b>	71	79	<b>274</b>	137	145	
Gender-based violence	Children	<b>300</b>	150	150	<b>350</b>	175	175	<b>150</b>	99	51	<b>274</b>	123	151	
Leadership training for child rights	Children				<b>75</b>	35	40	<b>150</b>	63	87	<b>274</b>	137	129	
Fundamental human rights	Children				<b>1 392</b>			<b>1 315</b>			<b>1 800</b>			
Prevention of gender-based violence	Children				<b>1 943</b>			<b>1 695</b>			<b>1 400</b>			
Legal instruments of child protection	People in general	<b>600</b>			<b>280</b>			<b>450</b>			<b>450</b>			
Monitoring and reporting child rights violations	People in general	<b>600</b>												
Foster care and alternative care	People in general	<b>280</b>			<b>240</b>									
Sexual exploitation and abuse	People in general	<b>240</b>			<b>240</b>			<b>450</b>			<b>450</b>			
Gender-based training for peer advocates	People in general	<b>250</b>			<b>240</b>			<b>450</b>			<b>450</b>			
FTR and follow up	People in general				<b>155</b>									
Prevention and response to gender-based violence	People in general				<b>920</b>			<b>990</b>			<b>980</b>			
Protection – international instruments	People in general							<b>955</b>			<b>732</b>			

Nature of training	Nature of trainees	Numbers trained, 2005-2007												
		2005			2006			2007			2008			
		Total	F	M	Total	F	M	Total	F	M	Total	F	M	
Community mental health and psychosocial well-being: the concept of care														450

Source: Ministry of Gender and Development records.

53. Table 6 shows that significant training has been accorded to children, though not much has been on the Convention or child rights as such. It is difficult to indicate the effectiveness of the trainings, as post-training monitoring has not been systematically done. When a child rights-based data system is established, the Government and its partners will be able to trace the effect of various trainings related to the realisation of child rights.

**Coordination mechanisms**

54. The current policy and legislative framework places coordination on the implementation of child rights upon the Ministry of Gender and Development. The Act creating that Ministry requires the Ministry to establish “an inter-ministerial policy coordinating committee, relevant tasks forces and bodies” to ensure that the interests and concerns of women “are addressed in a holistic manner”.<sup>22</sup>

55. In addition to advising Government on matters affecting the welfare of children, the Ministry has effectively to coordinate gender-mainstreaming efforts in the country. This is to ensure the centrality of the perspectives of both men and women in the following matters: policy formulation, legislation, resource allocation, planning, and outcomes of policies and programs. The focus, the law adds, has to be on gender equality, the empowerment of women and development of children.<sup>23</sup>

56. At the central level, the Ministry of Gender and Development consists of a Department of Planning and four bureaux respectively on planning, administration, legal affairs, and public affairs and documentation. It is at the county level, however, where the Ministry has strong chances for effective coordination, as the inter-ministerial policy committee at the national level is not very active.

57. At the country level, the Ministry works through coordinators. The gender coordinators are charged with “directing and translating the Ministry’s programmes into strategic and result-oriented initiatives to facilitate the advancement of rural women and development of children”.<sup>24</sup>

58. The challenge is huge, as development planning is yet to be fully holistic and multi-sectoral. In addition, service delivery is still largely sectoral. An even greater challenge is that at the community level, social cohesion was weakened by the civil wars. Child Welfare

<sup>22</sup> An Act to Amend the Executive Law Title 12 for the Establishment of A Ministry of Gender and Development.

<sup>23</sup> Children’s Bill, Article.

<sup>24</sup> An Act to Amend the Executive Law Title 12 for the Establishment of A Ministry of Gender and Development, section 38.6.

Committees, new features largely established by NGOs, for example, express frustration at the lack of cooperation from other community members.

59. The Ministry of Gender and Development's gender coordinators, however, are in short supply in the light of what children, women, and communities expect from these service providers. In 2005, the Ministry of Gender and Development employed and deployed 12 Gender Coordinators. The number stayed static until 2007, when the Ministry employed two more. As of April, 2009, there was one gender coordinator per county. This is insufficient especially considering that some counties are larger or with more people than others.

### **Resources for children**

60. In the allocation of resources, both adults and children confirm that adults, especially males, take precedence over children. The gender imbalance in resource allocation also pertains to responsibilities to use resources to nurture children. For example, the law does not require primary responsibility from a father of a child born out of wedlock.<sup>25</sup> On its part customary law allows polygamy. The practice of polygamy, acceptable among many people in Liberia, tends to reduce the amount of resources that a father would devote to a child.

61. Although a woman may apply for a putative father to make a contribution towards the maintenance of a child born out of wedlock, such applications are rare. Less rare are applications against persistent non-supporting fathers. These are made to the Ministry of Gender and Development, which tries to help a woman recover some contribution from a neglectful father. The Ministry received 53, 124, 148, and 218 respectively in 2005, 2006, 2007, and 2008.

62. The Ministry resolves the majority of such applications and refers difficult ones to the Women and Children Protection Section of the Liberian Police. Of the total of 543 for these years, 446 were resolved, representing 82 per cent over a period of four years. Of the remaining applications, 10 were referred to the Women and Children Protection Section of the Liberian National Police and 85 were indicated as pending.

63. Another group of children who may lack resources because of legal or cultural norms are those orphaned. Not many people use the law on inheritance, either because of legal illiteracy or due to its complexity. The New Inheritance Law provides that if a deceased person is survived by a spouse and one or more lineal descendants, the spouse receives \$5,000 outright and half of the remainder.<sup>26</sup> The residue is distributed into as many equal shares for the class of recipients in the nearest degree of consanguinity.<sup>27</sup> The balance is similarly distributed until the estate is exhausted. If the deceased person is survived by her or his children only, with no surviving spouse, the entire estate is shared equally to the children. If the children have children of their own, the direct descendants receive as many equal shares as possible and the balance is shared in the same way to each class of recipients by degree of consanguinity.<sup>28</sup> If a person dies after making a will, however, his or her intentions prevail.<sup>29</sup> Such testamentary freedom may result in the exclusion of access or sufficient access to the estate for a child, which often leads to child poverty.

<sup>25</sup> An Act Adopting a New Domestic Relations Law, Title 9 of Liberian Code of Laws Revised, section 23.

<sup>26</sup> Decedents Estate Law, Part I, Chapter 3, section 3.2.

<sup>27</sup> *Ibid.*, sections 3.2 and 3.4.

<sup>28</sup> *Ibid.*, sections 3.2 and 3.4.

<sup>29</sup> *Ibid.*, Subchapter C, section 2.21.

64. The Inheritance Law extends these rights of a woman married under the marriage Act to women married under customary law, who constitute the majority of mothers in the country. The Ministry of Justice considers that by so doing, the law accords property rights to a child who has lost one or both parents. A major problem for many children who lose one or both parents though is economic poverty, as the majority will have little to inherit even if the law was respected and enforced.

65. Poverty is critical for the enjoyment of child rights in the Liberian context. The Core Welfare Indicator Questionnaire (CWIQ) in 2006 showed that 64 per cent of the population lived below the national poverty line.<sup>30</sup> The percentage of those living in extreme poverty was also large, at 48 per cent. Such figures indicate the magnitude of the challenges for of the Government in ensuring that there are adequate resources for progressive child well-being.

66. In this regard, Liberia's social and community services sector is key in ensuring that children enjoy their rights in a context of poverty. In that sector, three Ministries are crucial for the direct implementation of the Convention on the Rights of the Child in Liberia. These are the Ministries of Education, Health and Social Welfare, and Gender and Development. Of the three Ministries, the MoGD receives the least proportion of the budget, largely because its role is regarded as relating predominantly to coordination of gender mainstreaming and child well-being activities. For example, in the 2007/2008 financial year, the Ministry was allocated 0.5 per cent of the budget. In the 2008/2009, the allocation declined to 0.36 per cent, though the actual amount allocated, US\$1,084,447 was 8.9 per cent higher than that allocated to the Ministry in the 2007/2008 budget. However, the rate of increase had declined in the 2008/2009, from 29.62 per cent in relation to the 2007/2007 budget. In contrast, in the 2006/2007 budget, 8 per cent was allocated to the Ministry of Education.

67. Although the resources available for the Government to allocate for basic social services or child well-being are meagre, the country's Audit Commission has underlined the need to improve transparent budgeting. The Auditor General has noted that it is difficult "to review the fiscal outturn reports against an applicable standard".<sup>31</sup> This is because the Government is yet to adopt "an internationally accepted accounting frame work for preparing and presenting financial and related information" and statements of income, expenditure, and cash flows are rarely provided. The other reason is that many Government Ministries and departments are yet to develop practices that use budgeted work plans.

68. In the National Budget, the major objects fall within the following four categories:

- Personnel expenditure
- Goods and services
- Transfer and subsidies
- Capital expenditure equipment

69. These categories are reflected under each programme or project in each Ministry. One major object, "goods and services", most directly represents budgeting lines that are most direct to indicators related to the enjoyment of child rights for the child. Though

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<sup>30</sup> LISGIS, Core Welfare Indicator Questionnaire (CWIQ) Survey Report, (Monrovia; LISGIS, 2007.

<sup>31</sup> Office of the Auditor General, Report of the Auditor General on the Fiscal Accounts of the Government of Liberia (Expenditure) for the Fiscal Years 2005/6 & 2006/7 (Monrovia; Office of the Auditor General, 2006) at page 5; Also, Office of the Auditor General, 'The 2007/2008 Draft National Budget, R. L. Review, Analysis And Recommendations', (Monrovia; Office of the Auditor General, 2007.

specific in nature, the budget lines do not generally show the output-related functions for which the funds were set aside in relation to work on the realisation of child rights.

70. The National Budget is neither presented by functions connected to the indicator under the specified objects. The objects most directly connected to the indicator tend to be “goods and services”, though the budget largely shows procurements and the cost of services. The following table exemplifies the budgeting style in Liberia. The table shows percentages of expenditures dedicated to activities directly related to addressing the key indicator.

Table 7  
**Child health programmes and goods and services in the budget of the Ministry of Health and Social Welfare (MoHSW),  
 (2007/2008 to 2008/2009)**

<i>Age group and indicator</i>			<i>Programme objectives and budget lines</i>		<i>Budget proportion</i>			
			<i>Programme and budget</i>		<i>% of goods and services budget to Ministry Budget</i>			
<i>Age group</i>	<i>Key indicator</i>	<i>Value</i>	<i>Objectives directly related to child rights realization</i>	<i>Name</i>	<i>2008/09 % of budget to Ministry Budget</i>	<i>Types of goods and services</i>	<i>2007/08</i>	<i>2008/09</i>
Under 5	Under 5 mortality rate	110	Increase HIV treatment to 2,000 persons	Curative services		<ul style="list-style-type: none"> <li>• Fuel &amp; lubricants for vehicles:</li> <li>• Vehicle servicing, maintenance &amp; repairs</li> <li>• Spare parts</li> <li>• Drugs &amp; medical consumables</li> <li>• Office materials &amp; services</li> <li>• Printing &amp; publication services</li> <li>• Residential property rental/lease</li> </ul>		
			Increase DPT3 to 90% and measles to 92%		67.6	<ul style="list-style-type: none"> <li>• Telephone, fax, Internet, postage, courier</li> <li>• Fuel &amp; lubricants for generators</li> <li>• Domestic means of travel</li> <li>• Domestic daily subsistence allowance</li> </ul>	19.5	11.8
			Supervise 40% delivery cases					
			Reduce malaria infant mortality by 20%					
			Ensure 70% of drugs availability for preventing and curing TB disease					
			Increase the cure of tuberculosis by 85%					

<i>Programme objectives and budget lines</i>					<i>Budget proportion</i>			
<i>Age group and indicator</i>				<i>Programme and budget</i>		<i>% of goods and services budget to Ministry Budget</i>		
<i>Age group</i>	<i>Key indicator</i>	<i>Value</i>	<i>Objectives directly related to child rights realization</i>	<i>Name</i>	<i>2008/09 % of budget to Ministry Budget</i>	<i>Types of goods and services</i>	<i>2007/08</i>	<i>2008/09</i>
			Increase access to capacity building of households and communities by 70% consistent with the basic package of health services	Preventive services		<ul style="list-style-type: none"> <li>• Routine repairs &amp; maintenance of equipment</li> <li>• Membership dues &amp; fees international organizations insurance for vehicles</li> <li>• Fuel &amp; lubricants for vehicles</li> </ul>		
			Implement minimum integrated package of health services at the community level by 70% in line with the national health plan			<ul style="list-style-type: none"> <li>• Vehicle servicing, maintenance &amp; repairs:</li> </ul>		
			Build the capacity of 10,000 community health workers			<ul style="list-style-type: none"> <li>• Spare parts</li> <li>• Food &amp; catering services</li> <li>• Office materials &amp; services</li> </ul>		
					11.5	<ul style="list-style-type: none"> <li>• Printing &amp; publication services</li> <li>• Telephone, fax, Internet, postage, courier</li> <li>• Fuel and lubricants for generators</li> <li>• Domestic means of travel</li> </ul>	5.8	4.7

<i>Programme objectives and budget lines</i>					<i>Budget proportion</i>			
<i>Age group and indicator</i>			<i>Programme and budget</i>			<i>% of goods and services budget to Ministry Budget</i>		
<i>Age group</i>	<i>Key indicator</i>	<i>Value</i>	<i>Objectives directly related to child rights realization</i>	<i>Name</i>	<i>2008/09 % of budget to Ministry Budget</i>	<i>Types of goods and services</i>	<i>2007/08</i>	<i>2008/09</i>
						<ul style="list-style-type: none"> <li>• Domestic daily subsistence allowance</li> <li>• Domestic incidental allowance</li> <li>• Foreign means of travel</li> <li>• Foreign daily subsistence allowance</li> <li>• Vehicle insurance</li> <li>•</li> <li>• Fuel &amp; lubricants for vehicles</li> </ul>		
	% of children under 5 registered		Establish birth registration centers in 500 health facilities	Vital statistics		<ul style="list-style-type: none"> <li>• Vehicle servicing, maintenance &amp; repairs</li> <li>• Spare parts</li> <li>• Office materials &amp; services</li> </ul>		
			Establish birth registration centers in 300 communities			<ul style="list-style-type: none"> <li>1 • Printing &amp; publication services</li> <li>• Domestic means of travel</li> <li>• Domestic daily subsistence allowance</li> <li>• Routine repairs &amp; maintenance of</li> </ul>	0.55	0.54



<i>Programme objectives and budget lines</i>						<i>Budget proportion</i>		
<i>Age group and indicator</i>				<i>Programme and budget</i>			<i>% of goods and services budget to Ministry Budget</i>	
<i>Age group</i>	<i>Key indicator</i>	<i>Value</i>	<i>Objectives directly related to child rights realization</i>	<i>Name</i>	<i>2008/09 % of budget to Ministry Budget</i>	<i>Types of goods and services</i>	<i>2007/08</i>	<i>2008/09</i>
						equipment		
						<ul style="list-style-type: none"> <li>• Routine repairs &amp; maintenance of property – buildings</li> <li>• Vehicle insurance</li> </ul>		

71. Thus, the country's acute need to respond to the manifestations of ill-health is reflected in Curative Services Programme receiving the greatest share of the ministry budget, at 67.6 per cent.

72. The Government further uses the Budget to improve indicators on education. In relation to children aged 5 to 9 and 9 to 14, the total primary school net enrolment/attendance ratio is 37.3. The female enrolment ratio is 37.1. In secondary schools, the total enrolment and female enrolment ratios are much lower at, 15.2 and 14.2 respectively. The Government has two projects to address these indicators, one on primary education and the other on secondary education.

73. For its Primary Education Programme under the Ministry of Education, the Government's budgeted for the provision of free and compulsory primary education in the country for than 1,045,988 pupils in about 2,240 public primary schools. The Government further budgeted for the Accelerated Learning Programme to cover 150,000 over-age students. The proportion of the Primary Education Project constituted 22.8 per cent of the Ministry's allocated budgeted. Goods and Services accounted for 3.7 per cent of the 2008/2009 budget, down from 4.8 per cent in the 2007/2008 budget. The budget for the Secondary Education Project amounted to 11.9 per cent of the Ministry's budget in the 2008/2009 National Budget. Goods and Services were estimated to cost 4.5 per cent of the Ministry's budget, compared to 3.1 per cent in the previous financial year.

74. For children aged 14 to 18, gender-based violence is a key problem, which is partly being addressed with the funds allocated by the National Budget to the Ministry of Gender and Development. The percentage of females aged 15 to 19 experiencing physical violence was 39.2 in 2007. The Ministry of Gender, through the National Budget, planned in 2008/2009 to achieve two objectives related to gender-based violence. Under its Research and Technical Services Programme, the Ministry planned to "monitor, coordinate, and evaluate all activities of the three programs of the Ministry, the children development, women empowerment, Gender Based Violence activities and safe homes will be achieved". The total budget for the Research and Technical Services Programme constituted 32.5 per cent of the Ministerial Budget. Just one in every 10 Dollars was set aside for goods and services in 2008/2009, compared to 11.8 per cent in the 2007/2008 financial year. There was however, no budget line in the National Budget for the work to address another problem of children aged 14 and 1: Nearly 4 in very 10 women aged 20 to 24 indicated that they were married by the age of 18. The proportion is higher in rural areas where nearly half of such women indicated being married by the age of 18, at 48.6 per cent, compared to 24.9 per cent for urban areas.

75. The National Budget shows that the Government's own responses raised from revenue are applied to operational and staffing requirements. Due to resource constraints, development cooperation organizations have significantly assisted the Government's in the improvement of child well-being in the country. For example, IRC, which receives support from various organizations, disbursed US\$75,964,457, indicated as 50 per cent direct costs for child well-being work and 50 per cent indirect costs. Save the Children UK. Save the Children UK contributed a total sum of £144,555 between 2005 and 2008. This amount was advanced to the Ministries of Health and Social Welfare, Gender and Development, and Education. The Government used the money to procure drugs and food items, renovate clinics and schools, training of personnel in welfare institutions, and incentives for health staff and teachers.

76. Through its programmes of cooperation with the Government, UNICEF's budget was \$7,575,462 in 2005. Just over half of this budget, 54 per cent, was utilised in that year. In 2007, UNICEF worked with a budget of \$10,709,203.70, utilising 79 per cent of this amount. In 2008, UNICEF had a budget of \$27.3 million. The organization utilised 71.9 per cent of this amount, with a balance of \$7.7 million being rephrased to 2009.

### Partnerships for child rights

77. The support received from partners has towards the increased knowledge and direct implementation of the Convention, as the number of organizations working child rights increases. Excluding the United Nations organizations in the country, the Ministry of Gender and Development lists 29 civil society organizations that work on child rights in the country. Many of such organizations approach child rights holistically though the majority focus on child protection.

78. The notable civil society organizations that work on publicizing the Convention and child rights nationally include UNICEF, Save the Children-UK, NACROG, and the Women Lawyers Association.

## III. Definition of the child

79. Over half of Liberia's population are children. Table 8 based on figures from the LDHS, shows the population of people aged nineteen and below by age and rural/urban distribution. Nearly half, 47.2 per cent of the entire Liberian population are aged between less than 5 and 14.

Table 8  
Age structure of Liberia's rural and urban population

Age	Percentage								
	Urban			Rural			Total		
	Female	Male	Total	Female	Male	Total	Female	Male	Total
<5	13.3	15.7	<b>14.4</b>	18.7	20.6	<b>19.6</b>	<b>16.6</b>	<b>18.8</b>	<b>17.7</b>
5-9	15.0	14.7	<b>14.9</b>	16.6	17.4	<b>17.0</b>	<b>16.0</b>	<b>16.4</b>	<b>16.2</b>
10-14	15.3	16.3	<b>15.8</b>	10.8	12.9	<b>11.9</b>	<b>12.6</b>	<b>14.1</b>	<b>13.3</b>
15-19	11.2	9.1	<b>10.2</b>	6.4	7.0	<b>6.7</b>	<b>8.2</b>	<b>7.8</b>	<b>8.0</b>

*Source:* Liberia Institute of Statistics and Geo-Information Services (LISGIS) [Liberia], Ministry of Health and Social Welfare [Liberia], National AIDS Control Program [Liberia], and Macro International Inc. 2008. Liberia Demographic and Health Survey 2007. Monrovia, Liberia: Liberia Institute of Statistics and Geo-Information Services (LISGIS) and Macro International Inc.

80. Although the LDHS did not use 18 as the end of an age bracket, it is reasonable to infer that children constitute a large component of the population of Liberia. Based on the LDHS, UNICEF indicates that of the 3.5 million people in Liberia, 1.8 million are under the age of 18.

81. Eighteen years, like in the Convention, is the age that Liberia's statutory law generally uses to define a child. Exceptions to this position are in the Domestic Relations Act, which refers to a child as a person under 21 and in the amended Inheritance Law, where the age of marriage was raised from 14 to 16 in 2003. The new Children's Law will amend the Domestic Relations Act by replacing the words "twenty-one" with "eighteen" and substituting the word "minor" with "child".

82. There are however, distinctions between statutory law and customary law, which generally regard a person as mature upon attaining puberty, especially with regard to girls. This view was reflected in the Hinterland Act, which allowed child marriages by stipulating that a girl could marry at 14.

83. Although the new Children's Law will seek to underline that a child is a rights holder, this view is still inferior in Liberia. Instead, the dominant ethos is that of the child as a resource or lesser human being who has to be controlled and benefit from benevolence. Traditional customs such as bride price and inconsiderate use of the child's labour reflect the image of the child as a resource. Children indicate that they feel neglected and used by parents and other adults. Certain adults, including some in child protection organizations, thought that child rights could cause irresponsibility in children. The misunderstanding is that child rights are about children asserting their unlimited wishes and whims against adults and other forms of authority.

84. This fear has for long been reflected in the legal system, which, before the new Children's Law, made no specific recognition of child rights, except through reference to the Convention on the Rights of the Child in the Act establishing the Ministry of Gender.<sup>32</sup> One example of the law reflecting the notion of the child as a resource was the New Domestic Relations Law. That law referred to the "custody" of the child by parents and guardians<sup>33</sup> and not the child's right to reside with both or one parent.

85. The new Children's Law will repeal such legal notions. It will stress that the child is a rights holder.<sup>34</sup>

## **IV. General principles**

86. Liberia has, since the end of the war, increased its efforts to advance the principles of the Convention, realising the need for a human rights culture in the country.

### **A. Response to concluding observations**

87. The Committee on the Rights of the Child made five recommendations on the Convention's general principles in its concluding observations, following the discussion of Liberia's initial report.

#### **Non-discrimination**

88. The first two recommendations related to the principle of non-discrimination. The Committee urged Liberia to be in full compliance with article 2 of the Convention and adopt a strategy to eliminate all forms of discrimination particularly against vulnerable groups. There was also a special request for this report to indicate measures that were taken as a follow-up on the Durban Declaration and Programme of Action as adopted by the World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance. Liberia had to take into account general comment No. 1 on article 29 of the Convention.

89. The country has responded to these recommendations by enshrining in the new Children's Law the principle of non-discrimination to apply specifically to children. Unfortunately, there was no systematic follow up on the Durban Declaration, due to personnel turnover. This agenda will be incorporated in the child rights education programmes envisaged by the new Children's Law.

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<sup>32</sup> An Act to Amend the Executive Law Title 12 for the Establishment of A Ministry of Gender and Development.

<sup>33</sup> An Act Adopting a New Domestic Relations Law, Title 9 of Liberian Code of Laws Revised.

<sup>34</sup> Children's Bill 2009, article III.

**Right to life**

90. The third recommendation on general principles related to the right to life. The Committee on the rights of the Child urged Liberia to amend the Penal Law in accordance with article 37(a) of the Convention and abolish the death penalty for offences committed by children under 18.

91. The new Children's Law has abolished the death penalty and life imprisonment for children who offend against the law.

**Respect of the views of the child**

92. The fourth recommendation on general recommendations, related to the respect of the views of the child, has largely been addressed through children's parliaments and active participation of children in the formulation of key policies and programmes. A notable example was the active participation of children in the development of the country's Poverty Reduction Strategy and the new Children's Law. The new Law will build on such experience to establish children's forums at the community, country, and national levels and to provide linkages with the work of the Legislature. It will also provide for the establishment of a National Child Well-being Council.

93. Another example relates to the formation of the Children's Parliament at the national level and Assemblies in all 15 counties. These Parliaments participate in advocacy about the importance of the principle and the realisation of child rights in general. The Liberian Children's Parliament meets every quarter.

**Best interests of the child**

94. The last recommendation on general principles was that Liberia had to review its laws with a view fully to incorporate the principle of the best interests of the child.

95. The House of Representative Committee on Gender Equity and Child Development led a review of the laws as an early stage in the process to develop and pass the new Children's Law. Two key findings of that review were that, firstly, the observance and implementation of the law was weak and, secondly, that the principle of the best interests of the child was weakly enshrined in the law and Liberia's cultural fabric.

96. The Law will enshrine the principle of the best interests of the child as determinant in all decisions and actions at all levels of society. Drawing on good practices from other jurisdictions, the Law will indicate key factors that need to be taken into account to arrive at a proper balance of short, medium, and long-term best interests of the child.<sup>35</sup> The Government and its partners then hope to work with the child rights education committee that will be established under the law to implement child rights education in the country.

**B. Additional measures to implement the general principles of the Convention**

97. Despite positive changes to comply with child rights principles, the Government recognizes the need for more efforts.

<sup>35</sup> Children's Bill, article II, section 4.

### Best interests of the child

98. During the consultations for the PRS and the Children's Law, many children indicated that their societies were yet satisfactorily to consider the best interests of the child as a primary consideration in all decisions and actions that may affect present and future children. They indicate that the interests of the child were viewed as appendages to the interests of adults. Indeed, the general view is that parents know best regarding the best interests of the child. This is despite some reflection of the principle in the law in the law. The New Domestic Relations Law requires judicial decision making in matters of the "custody", adoption, and maintenance of the child to be in the child's best interests.<sup>36</sup>

99. One hope is that the Children's Law, when in force, will help make the application of the principle of the best interests of the child more encompassing, not only in the legal system, but in homes and other societal units as well. This is because the principle will be required to influence the decisions of judicial functionaries, other service providers, and child welfare committees, which work directly with families. It will become the principle to use to resolve any doubts or conflicts in the law. For these reasons, the Children's Law will stipulate an example list of factors to be taken into account to determine the proper balance of the child's short and long term best interests.

### Non-discrimination

100. With regard to the principle of non-discrimination, the Constitution prohibits discrimination.<sup>37</sup> The enactment of the Children's Law will add another law that specifically enshrines this principle.

101. In practice, discrimination against girls is widespread, based on gender stereotypes. In general, Liberian societies prefer boys to attend school as girls are advanced into marriage, in many cases at very tender ages. In addition to girls, other groups of children facing discrimination include children with disabilities and orphaned children. As the Minister of Gender and Development wrote in the 2009 *State of the World's Children*,<sup>38</sup> the country has many challenges to create a supportive environment for adolescent girls. Many have not been in schools and of those who have been, few enter secondary school. Only 14 per cent of school of girls of secondary school age were enrolled in secondary schools.

102. In its attempts to eliminate discrimination against girls, the Government has already started developing and implementing programmes projects designed specifically to address discrimination among children are National Policy on Girls Education and the Mental Health Policy.

### Right to life, survival, and development (arts. 2, 3, 6, and 12)

103. The country has laws to guide actions to prevent unnecessary deaths among children. The law addresses health related issues, particularly on health administration, control of communicable diseases and conditions,<sup>39</sup> environmental sanitation,<sup>40</sup> regulation of health standards in public and private institutions,<sup>41</sup> regulation of drugs including control

<sup>36</sup> An Act Adopting a New Domestic Relations Law, Title 9 of Liberian Code of Laws Revised, Subchapter A.

<sup>37</sup> Constitution of the Republic of Liberia, Chapter III, article 11.

<sup>38</sup> UNICEF, *State of the World's Children 2009* (New York; 2009), at 64.

<sup>39</sup> Public Health Law, Title 33 of the Liberian Code of Laws Revised, Part II.

<sup>40</sup> *Ibid.*, Part III.

<sup>41</sup> *Ibid.*, Part IV.

of narcotic drugs,<sup>42</sup> and registration of births and deaths.<sup>43</sup> In all these areas, however, the country continues to face many challenges that stem from a low resource base.

104. The Government is further mindful of the need for the child's optimum development. The view that every child has a right to be cared for by both parents and grow up in a familial environment is widely accepted in the country. However, this is adversely affected by high incidents of separation among parents, early pregnancies, and single-parenthood. 48.7 per cent of women aged 20 to 24 were found to have been married before they were 18 years old in 2007. Both children and adults confirm that parental skills are often inadequate in Liberia and that this is adversely affecting the development of children.

105. The leading causes of child death in Liberia are malaria, diarrhoea, and acute respiratory infections. The following table indicates the Programmes and projects implemented by the Government and its partners against these diseases.

106. In addition a policy currently being developed on reproductive health will have as one aim to seek to prevent post abortion complications through, among other measures, integration of reproductive health issues into school and youth programmes. Post abortion complication is one major cause of maternal mortality.

#### **Respect for the views of the child (art. 12)**

107. The Government encourages greater compliance with the principle that the views of the child should be respected at all levels. The Government shares the view that children should participate in all spheres at various levels, according to their evolving capacities. Since the end of the war, the Ministry of Gender and Development has been establishing Children's Parliaments or assemblies. As at the end of 2008, there was one at the national level and one in each of the 15 counties. In addition, the Ministry of Gender and Development facilitated the formation of 226 children's clubs.

108. The Ministry of Gender reported in April 2009 that there were child rights and youth clubs in only 6 of the 15 counties. The distribution of the clubs among the six counties was as follows: Montserrado, 28 clubs; Bong, 43; Bomi 3; Margibi, 4; Gbarpolu, 6; and Grand Gedeh, with 33.

109. The Children's Law will seek to make such foras more influential in policy making and service delivery by requiring gender coordinators to establish representative children's foras at the community, district, county, and national levels.<sup>44</sup> The foras at the community level will work with child welfare committees, whilst those at the district and local government levels will work with local government authorities to ensure that local decisions and service delivery services are effective and efficient in advancing the realization of standards in the Convention.

110. In addition to the children's Parliaments, Assemblies, or forums, there is a progressive emergence of youth clubs and many workshops involving children. The records of the Federation of Liberian Youth (FLY), a grouping of civil society youth organizations in Liberia show that these organizations work mostly in Montserrado County, with at least one county, Grand Kru, having neither a registered or associated youth organization. The following table shows the distribution of youth organizations registered with FLY as of April, 2009.

<sup>42</sup> Ibid., Part V.

<sup>43</sup> Ibid., Part VI.

<sup>44</sup> Children's Bill, article 11, sections 123 to 126.

Table 9  
**Number of youth organizations registered or associated with the Federation of Liberian Youth (FLY)**

<i>Region</i>	<i>Counties</i>	<i>General population</i>	
		<i>Registered</i>	<i>Associated</i>
Greater Monrovia	Montserrado	24	30
	Gbarpolu	2	0
	Grand Cape Mount	4	0
North Western	Bomi	5	
	Bong	3	0
	Nimba	1	0
North Central	Lofa	1	0
	Margibi	5	0
South Central	Grand Bassa	1	0
	River Cess	3	
	Sinoe		
South Eastern A	Grand Gedeh	3	0
	River Gee	3	0
	Grand Kru	0	0
South Eastern B	Maryland	5	0

*Source:* FLY.

111. As child participation increases, the hope is that the child's voice in Liberia will become less suppressed or highly controlled. The general current belief is that children do not understand or are incapable of forming plausible ideas. Others believe that the child must be seen and not heard. On its part, the law, prior to the Children's Law, did not require the views of the child or her or his participation even in the divorce of her or his parents or during her or his adoption.<sup>45</sup>

112. The Government, mainly through the Ministries of Gender and Development and Youth and Sports is determined to ensure that child participation is in the best interest of the child. Ironically, there is widespread participation of children in matters that are not significantly for their best interests. There are many examples of children participating in activities and practices controlled by adults or designed to benefit adults' control of children and women. Such examples include secret societies, some of which exact female genital mutilation.

113. There are also adverse beliefs that sometimes result in the loss of life and fear among children. Examples are beliefs in witchcraft or mysterious activities in which some children are said to participate. An example of a mysterious belief and practice is *niji*, where people, including children, are believed to disappear into the Ocean. In this way, the disappearance of children is explained and sometimes justified. Another example is the ritualistic killing of children. NACROG expressed grave concern in 2006 about this problem. In its report for December 2004 to December 2005, the observatory group noted

<sup>45</sup> An Act Adopting a New Domestic Relations Law, Title 9 of Liberian Code of Laws Revised, Chapter 4, Subchapter C, Parts I and II.



that ritualistic killing was very manifest towards and during the 2005 elections. In its words:

“As Liberia made progress towards holding elections, a very serious negative scenario emerged. Innocent children were targeted by unknown persons for ritualistic purposes. What was most astonishing was that even in cases where the perpetrators were apprehended, justice was tampered with. We recount with immense interest the case study of little Mcdouglas Daniels of Grand Bassa County and Achibald Dankai of Nimba County who were both victims of ritualistic killings with no real action against perpetrators. Up to the point of releasing this report, information filtering from such areas as Maryland County and parts of the South East still speak of ritualistic killings.”<sup>46</sup>

114. Certain calendared events focus on complying and advancing the principle that the views of the child should be respected. Such events include the International Day of Child Broadcasters and the Day of the African Child, during which boys and girls take prominent roles.

115. In addition to the International Day of Child Broadcasters and the Day of the African Child, children have taken part in key national activities. Participation in the development of the PRS was complemented by key roles in the Accountability and Participation Week in September 2008. During that week, children worked with Save the Children UK to learn more about the benefits expected to accrue to children from various programmes. An investigation by children of child abuse in 10 schools resulted in the Ministry of Education ordering a review of the Education Law with a view to develop a code of conduct for teachers. Children further participated, with the assistance of Save the Children UK, in the process to develop a social welfare policy for the country in 2008.

116. However, participation for children is often contested. Many adults still want to treat the child, especially the girl child, as a subject of control. In addition, many regard the girl as primarily a reproductive and sexual object. Girls are expected to be less participative and autonomous than boys in decision-making and actions. Even boys, as was established in both the PRS process and the review that preceded the Children’s Bill, hold strong views that girls need less autonomy. Instead, the view is that girls need to be subjected to cultural and kin control. A girl raped in Liberia is more likely than the perpetrator to be blamed for provoking the rape. The violation of the right that every adolescent must not be sexually abused hence is often justified, as girls and women should be mindful that boys and men seek sexual gratification.

117. Such adverse tendencies among some people are decreasing because of the strong drive against rape and other forms of sexual abuse of girls and women. The amendment to the Penal Code to make rape a strict offence has been followed by high profile advocacy campaigns against the practice.

## **V. Civil rights and freedoms (arts. 7, 8, 13–17 and 37 (a))**

118. Although the country’s Constitution enshrines many civil liberties, there is no child rights-specific legislation expressing or applying such freedoms to children, until the

<sup>46</sup> NACROG-Liberia, *Child Rights Violations: A Comprehensive Response Required: A Situation Report*, (Monrovia; NACROG, 2006).

Children's Law comes into force. The realisation of such civil liberties still faces many challenges in Liberia because of cultural perceptions.

## **A. Response to concluding observations**

119. The Committee on the Rights of the Child made two recommendations related to civil rights and freedoms.

### **Name and nationality**

120. The first recommendation was on "name and nationality". Liberia was to change article 27 of the Constitution and the Alien and Nationalisation Law, which together restrict the granting of citizenship based on colour or racial origin.

121. The Government is yet to take legislative measures to comply with this recommendation because the matter has not been nationally debated. Through the PRS, nevertheless, the Government has pledged to "review and revise government policies, laws and the Constitution to establish rational frameworks for better governance to strengthen and enhance the effectiveness and efficiency of public institutions and functionaries".<sup>47</sup>

### **Birth registration**

122. The second recommendation by the Committee related to low registration of births in the country. The Committee suggested the use of mobile registration units, increased outreach activities, and awareness-raising campaigns, free issuance of certificates, and seeking international assistance from UNICEF and other partners.

123. Birth registration for children aged below 5 was very low in 2007, at 3.6 per cent. The Government sought assistance from UNICEF and Plan Liberia who provided US\$900,00 to intensify the registration of children in 2008. The Ministry of Health reported in 2009 that 2151 children under 5 were retrospectively registered in 2008, under the strategy. The financial assistance was also partly used to develop a birth registration strategy and work plan was.

124. People in the South Central Region tend to register their children more commonly than people in the other regions. There were 6.8 per cent of children under the age of 5 registered in that region, compared to 1.0 per cent in the South Eastern B Region. Nationally, the LDHS found that only 3.6 per cent of children under the age of 5 were registered in 2007. There are more people registered in urban areas, at 5.3 per cent, than in rural areas, at 2.8 per cent. , though these are mostly in the urban areas.

125. In 2008, the Ministry of Health and Social Welfare issued a total of 20,511 birth certificates. Of these 74.7 per cent were issued to people aged 15 and above. Just over one in every ten were issued to children under 5 years old, while, 14.8 per cent went to children aged 5 and 14. The main barrier to birth registration, the LDHS found, is that many people do not regard it as an important right.

## **B. Other measures on civil rights and freedoms**

126. The Government has taken further measures to advance the civil liberties of children. In that process, children themselves have been instrumental.

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<sup>47</sup> Republic of Liberia, 'Poverty Reduction Strategy' (Monrovia; Liberia, 2008), p. 89.

**Name and nationality (art. 7)**

127. Every child in Liberia is given a name. The law that regulates the registration of children is the Public Health Law, which stipulates that the registration of a child's birth must be affected within the first 14 days after the child's birth.<sup>48</sup> As already shown, the registration of children in Liberia continues to be low.

128. The Government has planned to intensify birth registration, pledging in the PRS to establish "birth registration centres in all health facilities and 300 communities nationwide by 2010 as part of basic package of health services."<sup>49</sup>

**Preservation of identity (art. 8)**

129. Although every child is named in Liberia, there has developed a practice among certain orphanages whereby a child's name or identity may be changed.<sup>50</sup> Under the Children's Law, regulations will be implemented to prevent such practices, as part of a regime to ensure minimum standards among alternative childcare institutions.

**Freedom of expression (art. 13)**

130. Freedom of expression for children is much suppressed as children are understood to be seen but not heard and incapable of forming sound decisions. The general view is that children must listen. This notion is most prevalent in rural areas and more against girls than boys are. This is despite that the Constitution grants freedom of expression for every person.<sup>51</sup>

131. The Children's Law will not just recognized freedom of expression as a human right for children. It will also provide for forums through which children can participate in decision making and demanding the enjoyment of the rights, her or his evolving capacities, her or his best interests, parental guidance, national security, or public order, public health or morals or the rights and freedoms of other people."<sup>52</sup> These considerations were thought to be necessary to avoid complaints that child rights have in some cases made children unruly or irresponsible.

**Freedom of thought, conscience and religion (art. 14)**

132. The Constitution generally provides for civil liberties, including the freedom of thought and conscience, for everybody.<sup>53</sup> However, because children are largely viewed not as holders of rights and lacking in capacity, these freedoms are very much predicated on the freedoms and decisions of parents and other adults. The Children's Law will prohibit forcing a child to adopt any religion; subject in part to the child's evolving capacities and parental guidance.

**Freedom of association and peaceful assembly (art. 15)**

133. Liberia is experiencing increasing participation of children in various activities through youth clubs and other forums. The Children's Law will specially guarantee freedom of association for children.

<sup>48</sup> Public Health Law, Title 33 of the Liberian Code of Laws Revised, Subchapter B section 51.21.

<sup>49</sup> Republic of Liberia, 'Poverty Reduction Strategy' (Monrovia; Liberia, 2008), p. 120.

<sup>50</sup> UNMIL, 'Human Rights in Liberia's Orphanages' (Monrovia; UNMIL, 2007).

<sup>51</sup> Constitution of the Republic of Liberia, Chapter III.

<sup>52</sup> Children's Bill, article 11.

<sup>53</sup> Constitution of the Republic of Liberia, Chapter III.

134. The new law will further add that every school and local authority should “facilitate the formation of children’s rights clubs and other forums for the expression of views of children to advance child rights enjoyment and social justice, environmental management, and other matters that may be of interest to children”.<sup>54</sup> The Ministry of Education has a duty under the new law to ensure that the teaching of child rights is included in curricular for teacher training and primary and secondary schools.

135. To avoid unnecessary conflicts and fears between children and parents with regard to child rights, the new law will provide that each school should ensure that child rights education extends to parents through the participation of local school committees. The law will further make it clear that the attendance of any child at meetings, workshops, assemblies, or any other forum should be subject to the attendance of classroom teaching and overall best interests of the child.<sup>55</sup>

#### **Protection of privacy (art. 16)**

136. The child’s right to privacy is regarded as less important for the child than it is for adults in Liberia. Practice varies from parent to parent as to whether to respect their children’s privacy. Usually, people in Liberia respect the privacy of other people’s children. The general view is to preserve this norm.

137. The establishment of the Women and Children’s Protection Section within the Liberia’s National Police is helping to increase the knowledge that children’s privacy needs to be protected. The Section handles cases involving children in a confidential and sensitive manner from which others, such as in the media, are learning.

138. However, to avoid the frustration of genuine professional decisions and actions of service providers such as teachers, the new law does not prevent “parents, teachers, social workers, and other service providers from carrying out their rightful duties or professional functions in the protection and general well-being of the child”.<sup>56</sup>

#### **Access to appropriate information (art. 17)**

139. Access to different forms of information remains an acute need, particularly for children in rural areas. There is, for example, very little knowledge about child rights, even amongst those in the Children’s Parliaments.

140. The opportunity offered by the International Day of Broadcasters is well-seized by children and organizations that work with them. The Day helps to enhance not only the need to have views heard, but the importance of information and communication channels for children. Otherwise the major avenues of mass media communication, print, radio and television, are largely controlled by adults.

141. The new Children’s Law will require the Ministry of Information, Culture, and Tourism progressively to work with the Ministry of Education and other Ministries “to mobilize and provide information and technology for the development of knowledge and skills for children”.<sup>57</sup>

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<sup>54</sup> Children’s Bill, Article II, section 21.2.

<sup>55</sup> *Ibid.*, section 21.5.

<sup>56</sup> *Ibid.*, section 23.2.

<sup>57</sup> *Ibid.*, section 19.3.

### The right not be subjected to torture or other cruel, inhuman or degrading treatment

142. The Government has worked to reduce violence and other cruel behaviour against children. Through the training of teachers and humanitarian workers, the Government has attempted to reduce institutional violence. For example, between 2006 and 2008, 230 teachers and 150 humanitarian workers were trained on the prevention of sexual exploitation and abuse. There were 60 mass campaigns against child institutional violence and 40 meetings to promote the concept of child-friendly schools.

143. Section 5.8 of the Penal Law of Liberia allows the use of force by parents or guardians or teachers to discipline children below 18 years. Such force, however, must not be designed to cause or be known to create a substantial risk of causing death, serious bodily injury, disfigurement or degradation. Despite this proviso, instances of severe violence against children are often reported and noted. UNMIL, in its human reports, has documented many of such instances. Forms of violence meant to discipline children have included tying a child's hands together, beating, burning part of the child's body, and forcing a child to eat the excrement of a sibling.

144. Although corporal punishment is widely practised and explained in Liberia, the view of the Government expressed through the new Children's Law is that children should not be treated with violence. Currently, however, many people smack or inflict corporal punishment on children. This happens in the home and the community, usually by parents and guardians. Corporal punishment is administered in schools. It is also very common in secret and initiation ceremonies.

145. Corporal punishment and other forms of physical violence against children by carers and service providers is largely a result of the need to control and discipline the child and decreasing effective parental skills. Not many parents and care givers know of many effective ways to discipline children.

146. The general toleration and ability to explain violence against children, particularly girls, is reflected in some of the cases reported to the Police or observed by UNMIL and NACROG. Table 10 singles out practices, observed by NACROG, that are criminal offences and tend to exemplify cruelty to children.

Table 10

#### Offences related to cruelty to children as observed by the National Child Rights Observatory Group (NACROG) in 2007

Offence	Number of cases		
	Male	Female	Total
Rape (including gang rape)	0	121	121
Abandonment	12	17	29
Torture	9	12	21
Others (including ritualistic killing, child trafficking, murder, abduction, forced marriage, and sodomy)	5	4	9
Physical abuse	5	8	13
Violence related injury	3	8	11

Source: NACROG.

147. The Government is concerned about the incidents of sexual and gender based violence in the country. Table 11 shows that of the number of cases handled by the Women and Children Section, the majority are on gender-based violence.

Table 11  
**Gender-based violence cases handled by the Women and Children Protection Section (WACPS), 2006 to 2008**

<i>Status of cases</i>	<i>Number of cases</i>		
	<i>2006</i>	<i>2007</i>	<i>2008</i>
<b>Total handled</b>	<b>1 936</b>	<b>2 668</b>	<b>2 352</b>
Gender-based violence cases handled	374	424	707
Gender-based violence cases sent to court	221	202	272
Gender-based violence cases pending	143	207	235
Gender-based violence cases withdrawn	10	5	200

*Source:* Women and Children Protection Section, 2009.

148. Thus, there was a 26.7 per cent increase in the number of gender-based violence's cases handled by the Women and Children Protection Section of the Liberian National Police in 2007. In 2008, the rate of increase jumped to 66.7 per cent, reflecting the general prevalence of such crimes in the country and people's increased accessibility to the services of the Section. The 2007 LDHS showed that 44 per cent women aged between 15 and 49 indicated that they had "experienced physical violence since the age of 15".<sup>58</sup>

149. Of the 1469 cases on sexual abuse handled by the LNP in 2006, 30 per cent were against children. In 2007, the LNP handled 2668 cases on sexual abuse and 35 per cent of those were against children. The number of sexual abuse cases again increased in 2008, to 3423, 25 per cent of which were against children.

150. The Government has taken strict and strong legislative measures to prevent and punish violence against children and gender-based violence in general. A law on Rape, for example, was passed in 2005 to close loopholes against a person who may sexually penetrate "any opening" of a child or "any opening" of a non-consenting adult.<sup>59</sup> Hence rape and the gang raping of a person under 18 is a strict felony punishable by life imprisonment.<sup>60</sup> Any slight penetration on any opening is sufficient.

151. In the same year, the Anti-Trafficking Law made provision for the punishment of child trafficking, child pornography, forcing or servile marriages, delivery of children for exploitation, and abuse of position.<sup>61</sup> Such provisions were in addition to earlier ones in the Penal Law, which had created crimes against sexual assault, sexual abuse of wards, and facilitation or promotion of prostitution.<sup>62</sup>

<sup>58</sup> Liberia Institute of Statistics and Geo-Information Services (LISGIS) [Liberia], Ministry of Health and Social Welfare [Liberia], National AIDS Control Program [Liberia], and Macro International Inc. 2008. *Liberia Demographic and Health Survey 2007*. Monrovia, Liberia: Liberia Institute of Statistics and Geo-Information Services (LISGIS) and Macro International Inc.

<sup>59</sup> An Act to Amend the New Penal Code Chapter 14 Sections 14.70 and 14.71 and to Provide for Gang Rape, 2005, sections 3 and 2, replacing Chapter 14 sections 14.70 and 14.71 of the Penal Code.

<sup>60</sup> An Act to Amend the New Penal Code Chapter 14 Sections 14.70 and 14.71 and to Provide for Gang Rape, 2005, section 3.

<sup>61</sup> An Act to Ban Trafficking In Persons within the Republic Of Liberia, 2005, sections 1 and 2.

<sup>62</sup> The New Penal Code, Chapters 14.76, 14.77, and 14.78.

152. The Children's Law will place duties on the Ministry of Gender and Development progressively to "facilitate parental guidance programs aimed at developing the capacity of parents to discipline and guide their children without use of any form of violence". The hope is that such programmes will contribute towards a shift towards no tolerance on violence against children.

153. The Government recognizes the need for diligence in the implementation of the new Children's Law, if violence against children is to be prevented and punished. Some have noted that the implementation of the law in Liberia is generally weak. The reasons include poor understanding of duties on part of law enforcement officers and cultural norms. For example, UNMIL often report that law enforcement officers tend to disregard the Rape Law.<sup>63</sup> Further, accused persons are often released when the Police come under pressure from the accused relatives, family members and community leaders. The Children's Law will respond to such neglect of duties by making it a criminal offence for a law enforcement officer to fail to investigate, prosecute or punish a crime against a child. Meanwhile, the Government and its partners are continuing with campaigns against violence.

## **VI. Family environment and alternative care (arts. 5, 9, 11, 18, paras. (1) and (2), 19–21, 25, 27, para. (4) and 39)**

154. Following the war, the Government and its partners have been occupied with remedial measures to ensure that children live with their parents and families. Issues such as adoption and the institutionalisation of children have taken much time and effort.

### **A. Response to concluding observations**

155. The Committee on the rights of the Child made a number of recommendations related to the child's environment and alternative care of the child, following Liberia's initial report.

#### **Parental responsibilities**

156. The Committee recommended that the Government, in collaboration with religious and community leaders, should initiate policies, laws and policies against gender stereotypes and unfair roles between men and women in sharing parental responsibilities.

157. The Government has been working on a national social welfare policy, which when implemented, will help respond to these recommendations. In addition to awareness campaigns that the Ministry of Gender and Development have and will be implementing, the Children's Law will be an additional measure in tackling this problem. The new law will clarify that biological parents have primary and joint duties to nurture, maintain, and guide a child, subject to financial and other capacities.<sup>64</sup>

#### **Adoption**

158. The next set of recommendations on family and alternative care was on adoption. The Committee on the Rights of the child urged Liberia to reduce and eliminate informal

<sup>63</sup> UNMIL Human Rights Section, Quarterly Report on the Human Rights Situation in Liberia August – October 2006 (Monrovia; UNMIL, 2006).

<sup>64</sup> Children's Bill, Article IV, section 28.

adoptions, ratify the Hague Convention No. 33 on the Protection of Children and Cooperation in Respect of Inter-country Adoptions, and inform the public about the possibilities of formal adoption.

159. In 2008, the President established a Commission to examine domestic and inter-country adoptions and make recommendations. The Commission consulted stakeholders and communities. By April, 2009, the Commission had submitted its report to the President. In the meantime, an ad hoc Central Adoption Authority was established in 2009. On its part, the Children's Law included provisions on the principles of both domestic and inter-country adoptions.

#### **Children deprived of a family environment**

160. With regard to children deprived of a family environment, the Committee made five recommendations. Firstly, it asked Liberia to strengthen family tracing programmes. Second, it called for planning for alternative care for separated children, "making use of the extended family, foster care, and alternative family structures." Third, Liberia was asked to adopt legislation "in order to issue quality standards and establish a monitoring system" regarding institutional care of children. Particular focus was to be on orphanages and increasing allocation to such institutions and provide training for their staff. Fourth, it asked Liberia to bring non-orphaned children living in institutional homes back to their families, subject to the best interests of the child. Lastly, the Committee asked the country to seek assistance from partners such as UNICEF.

161. The Government worked with UNICEF and others on family tracing, reuniting children with their families. Rules and regulations on minimum standards for institutional or alternative care have already been drafted and will be used as soon as the Law comes into operation. The draft minimum standards require commitments on the training of staff. In addition, there is a draft code of conduct for all those that will work on child protection.

#### **Abuse and neglect**

162. There were four recommendations made by the Committee on the Rights of the Child regarding child abuse and neglect. Liberia was explicitly to "prohibit corporal punishment in all places, including in the family, in schools and other institutions and childcare settings." Second, the country was required to investigate cases of violence, using a judicial procedure and in a child-friendly and privacy-respecting manner. Third, Liberia was to provide services for the psychological recovery of victims of rape and other forms of violence, neglect, and exploitation against children. Fourth, to meet these recommendations, Liberia was asked to seek assistance from UNICEF, WHO, and other partners.

163. The Government worked with UNICEF, Save the Children-UK, and others to help establish a Women and Children Protection Section in the National Police in 2005. The aims of the Section include properly investigating cases of violence and neglect against women and children. The Section helps integrate children in their homes and temporarily places some in alternative care institutions. The Section commenced its work in Monrovia, but by 2009, it had branches in all the counties of the country. UNICEF and Save the Children-UK continue to support the operations of the Section through provision of technical and financial assistance and training.

### **B. Other measures on family environment and alternative care**

164. In addition to the measures to respond to the concluding observations on family and alternative care, Liberia has taken policy, legislative, and programmatic measures to



improve the well-being of children in such settings. The key ones, in this regard, were still undergoing finalisation stages in 2009: the National Welfare Policy and the Children's Law.

#### **Parental guidance (art. 5)**

165. The Government is concerned that the lack of sufficient parenting skills among young parents who grew up or were born during the wars may lead to cycles of poor parenting for future generations. This is especially so because children are now growing amidst increased sources of modern communication channels and media and peer pressure. There are growing challenges though, as parental skills increasingly become lacking among Liberia's population. This has been one result of the long period of wars, which also disrupted the social transfer of parenting knowledge and skills.

166. During the wars, parental authority and power was forcibly or unwittingly transferred from many parents, relatives, and relations towards warlords, commanders, and young people. Then, many young people developed new images of personhood that were different from those in civilian social settings.<sup>65</sup> Such new assumption of new images often meant quick maturity into adulthood and loss of childhood. Young people become fathers and mothers, often without sufficient parental skills.

167. The Children's Law will recognize parental guidance as a right for every child. The Law will further prescribe a duty for every parent or carer. It will require that the Government and others implement programmes on parenting skills.

#### **Parental responsibilities (art. 18, paras. 1 and 2)**

168. The current law, in its reflection of cultural perceptions, is riddled with contradictions regarding the optimum development of the child. The New Domestic Relations Law states that a married woman is a natural joint guardian with the father of her child if she is residing with her husband.<sup>66</sup> This entails that the two are equally charged with the care, nurture, welfare and education of the child. Unmarried parents or parents that are not residing together, therefore, do not have such joint and natural guardianship.

169. If the parents are not residing together or are otherwise separated, the Law describes the father as the "custodian" of the child.<sup>67</sup> The mother or any other person, may upon application to court get "custodianship" of the child only when the father is morally unfit or unable to "perform his parental, legal, moral and natural duties towards" the child.<sup>68</sup> Otherwise a mother has primary rights to reside and take care of her child only when the father is dead. In contrast to expressed aspirations that there must be consequences if parents fail in their duty to provide nurture to the child, the New Domestic Relations Law provides neither sanctions nor any other course of action.

170. The new Children's Law will stipulate parental duties regarding the care of children. There are also stipulated duties to support parents on part of communities, services providers, local governments, and national government departments mandated to advance the rights of the child. Currently, non-governmental organizations provide such support. The NGOs work directly with communities, child welfare committees, and the private

<sup>65</sup> Ibid.

<sup>66</sup> An Act Adopting a New Domestic Relations Law, Title 9 of Liberian Code of Laws Revised, Chapter 4, section 4.1.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

sector. Many people, however, cannot afford childcare services provided by the private sector. In addition, such services and facilities are predominantly urban-based.

### Separation from parents (art. 9)

171. The war resulted in the separation of many children from their parents and families. This was largely the proportion of people displaced at least once during the conflict was high, at 86 per cent. Even after the war, cases of children being separated from their parents and families are not rare. Families make arrangements or give away their children to relatives or people who may provide for them, usually in expectation of household or trading services from the child. Thus, the 2007 LDHS showed that 18 per cent of children in Liberia live with neither biological parent even though both parents were alive. Over 3 in 10 households, 30.7 per cent, reported fostering a child.

172. One concern on part of the Government is that there are incidents of children running away from home because of either violence or neglect. Many of such children are those whose parents have agreed with a relative or any other person to provide for the child in return for labour. The following table shows that children who run away from their homes constitute the greatest number of those received by THINK in Monrovia. THINK is a safe home that receives such children from the Liberian National Police.

Table 12

### Children who ran away from parents/carers as registered by the Police and as received by THINK

Case	Received by THINK		
	2006	2007	2008
Missing	18	10	26
Domestic violence	3	20	14
Attempted suicide		5	1
Escape from attempt of ritualistic killing		2	
Lost and found	3	20	0
Abandoned	7	12	1
Delinquent	12	30	52
In need of parenting	2	15	0
In conflict with the law	11	25	26
Neglect	1	5	0
In need of safety	0	25	10
Forced marriage	2	0	2
Trafficked	1	15	1
Attempted rape	1	0	0
Stealing	0	0	3
Runaway	27	161	99

Source: THINK Records.

### Family reunification (art. 10)

173. Since the end of the war, the Government and its partners have been engaged in family reunification programmes for those children that were separated from their parents

or homes. Working with UNDP and UNICEF, the Government implemented the Disarmament, Demobilisation, and Reintegration Programme. The Programme commenced in December 2003 and had disarmed 103,912 persons by December 2004. The number of children demobilised was 11,780. Of these, 2,738 were girls while 9,042 were boys. A 2007 study found that 99 per cent of demobilised children were reunified with their families.<sup>69</sup>

#### **Recovery of maintenance for the child (art. 27, para. 4)**

174. A common complaint among women is that although many men tend to father children with multiple partners, too many do not provide for their children. Indeed, the 2007 LDHS showed that more children lived with only their mothers even though their fathers were alive, at 18 per cent, compared to 8 per cent.

175. Before the Children's Law comes into effect, the law is characterized by contradictions and lack of effective enforcement. The Penal Law only makes it a "misdemeanour of first degree" if a parent or caregiver knowingly endangers a child's welfare through the "violation of a legal duty of care, protection or support."<sup>70</sup> In this regard, the legal duties are breached in the following three cases:<sup>71</sup>

- Failure adequately to supply food, clothing, shelter, education, or medical or surgical care despite being financially able or offered such means
- Subjecting or likely to subject a child to serious harm from improper guardianship and conduct
- Abandoning or deserting the child

176. Before the Children's Law comes into effect, the law is characterized by contradictions and lack of effective enforcement. The Penal Law only makes it a "misdemeanour of first degree" if a parent or caregiver knowingly endangers a child's welfare through the "violation of a legal duty of care, protection or support."<sup>72</sup> In this regard, the legal duties are breached in the following three cases.<sup>73</sup>

177. This means not only that the offence is treated as minor, but that the parent or caregiver has to have a guilty intention to breach these duties. It also entails that the parent or caregiver is entitled to plead the defences of financial inability or that the harm suffered by the child is not serious.

178. The Children's Law will make the law tougher against fathers and other parents that neglect to maintain their children. It will provide that it is sufficient to prove the offence by showing unreasonable failure to provide or pay for adequate food, clothing, or housing for the child or unreasonable failure to make adequate provision for the proper health and care of the child.

179. The new law makes it will clarify that it is the child's right to have contact with her or his biological parent. It will require the Ministry of Health and Social Welfare to receive complaints from a child's primary caregiver. The Minister will be empowered to take steps to recover maintenance from the neglectful parent. Further, a child welfare committee will be able to summon any parent or caregiver who contravenes duties to maintain or care for

<sup>69</sup> UNICEF, *Impact Evaluation of the Reintegration Programme for Children Associated with Fighting Forces (CAFF) in Liberia* (UNICEF; Monrovia; 2007).

<sup>70</sup> An Act Adopting a New Domestic Relations Law, Title 9 of Liberian Code of Laws Revised.

<sup>71</sup> Penal Law, section 16.4 and the Judicial Law, section 11.11 (d).

<sup>72</sup> An Act Adopting a New Domestic Relations Law, Title 9 of Liberian Code of Laws Revised.

<sup>73</sup> Penal Law, section 16.4 and the Judicial Law, section 11.11 (d).

her or his child and issue instructions or recommendations to her or him to safeguard the child's best interests.

#### **Children deprived of a family environment (art. 20)**

180. The Government and its partners have adopted a strategy of assessing and documenting children in alternative care. In 2009, this strategy revealed that there were around 3,000 children in orphanages, whose parents were alive. The Child Protection Network, as a forum was working in 2009 to assist the Government with a coordinated response regarding those children.

181. The number of children deprived of a family environment in Liberia has been increasing. A large group of such children are those that are orphaned. In 2004, UNAIDS, UNICEF, and the USAID had estimated that the number of orphaned children in Liberia would increase from 230,000 in 2003 to 290,000 by 2010, representing 13 per cent of all children for each year. However, the 2007 LDHS showed that 7.1 and 7.3 of the children surveyed were respectively male and female children with one or two parents dead. The rural/urban split of orphaned children showed that more lived in urban areas, 7.7, compared to 6.3 in rural areas.<sup>74</sup>

182. The rural/urban differences are partly because the capacity to care for non-biological children is thought to increase with access to economic resources – generally higher in urban areas. Thus 1.7 per cent of households in urban areas reported caring for a child whose both parents had died, compared to 1.4 per cent for rural households. There were however more rural households, 10.5 per cent reporting having a single orphaned child in the household, compared to 9.6 per cent for urban households.<sup>75</sup>

183. As one consequence of increasing numbers of orphaned children, the numbers of orphanages and similar institutions in Liberia has escalated. However, not all the children in such institutions are orphaned or lacking families. A UNMIL study noted that the number of orphanages in the early years of the war grew eleven times in two years, from 10 in 1989 to 121 in 1991.<sup>76</sup> Six years later, NACROG found that there were 6,389 children in orphanages, most of whom were not orphaned. For example, in later 2006, over 900 children that were institutionalized by the International Christian Fellowship Ministry were reunified with their families. The Task Force on Orphanages recommended that 80 of the orphanages that housed these children had to be closed due to poor standards.

184. The UNMIL study of 79 orphanages found much violation of human rights. The child's right to life was under threat in most of these orphanages, as sanitation and health standards were poor. Some orphanages changed children's names thereby violating the child's right to an identity. There was hasty resort to institutionalization, with the majority of the children in the orphanages studied having been separated from their families. Most children had limited access to information and lacked freedom of expression. Living conditions in some orphanages threatened the children's rights to health, adequate standard of living, and food and water. There was no evidence that children received any information of what constituted abuse or exploitation, rendering their rights to be protected from abuse and exploitation illusory. Most caregivers in the orphanages were not certified as fit and safe to care for children in institutions. Any education provided to the children

<sup>74</sup> Liberia Institute of Statistics and Geo-Information Services (LISGIS) [Liberia], Ministry of Health and Social Welfare [Liberia], National AIDS Control Program [Liberia], and Macro International Inc. 2008. *Liberia Demographic and Health Survey 2007*. Monrovia, Liberia: Liberia Institute of Statistics and Geo-Information Services (LISGIS) and Macro International Inc.

<sup>75</sup> Ibid.

<sup>76</sup> UNMIL, 'Human Rights in Liberia's Orphanages' (Monrovia; UNMIL, 2007).

was of very poor quality. With active adoption agencies in the country, there was strong indication that some orphanages were working as holding houses for easy in-country and inter-country adoptions that were not in the best interests of the child.<sup>77</sup>

185. The tendency towards the institutionalization of children and the poor standards within orphanages is despite the existence of laws and guidelines regarding such institutions and the well-being of orphaned children. The Constitution enshrines many civil liberties. The Public Health Law requires orphanages to be accredited. Under the law, every institution is subject to inspection regarding the “fitness and adequacy” of the institution’s premises, equipment, rules and bye-laws, administration of medical care, and other standards.

186. The Department of Social Welfare developed policy guidelines in 1999.<sup>78</sup> The guidelines, in part, discourage institutionalization and encourage reunification with biological parents and families. Minimum standards followed the policy guidelines in 2006.<sup>79</sup> Both sets of rules are largely ignored by institutions. There is now a renewed attempt to develop and implement minimum standards as contained in and developed under the Children’s Law.

187. The training of care givers has largely complemented such efforts. For example, 170 care givers and 60 proprietors of institutions have been trained in alternative care. There have been efforts, with the financial and logistical assistance from UNICEF, WHO, INGO, and Save the Children UK, to assess and document all children in alternative care. The purpose is to reunify most children with their families. Through this process, 78 children were reunified by 2009.

#### **Adoption (art. 21)**

188. The Government shares the view that adoption should be a last resort and to be allowed only in the child’s best interests. Since the end of the war, however, and as a result of parental failure to provide for their children, informal and formal adoption has become a matter for public debate. Inter-country adoptions, with children being adopted mostly to the United States of America, are very noticeable.

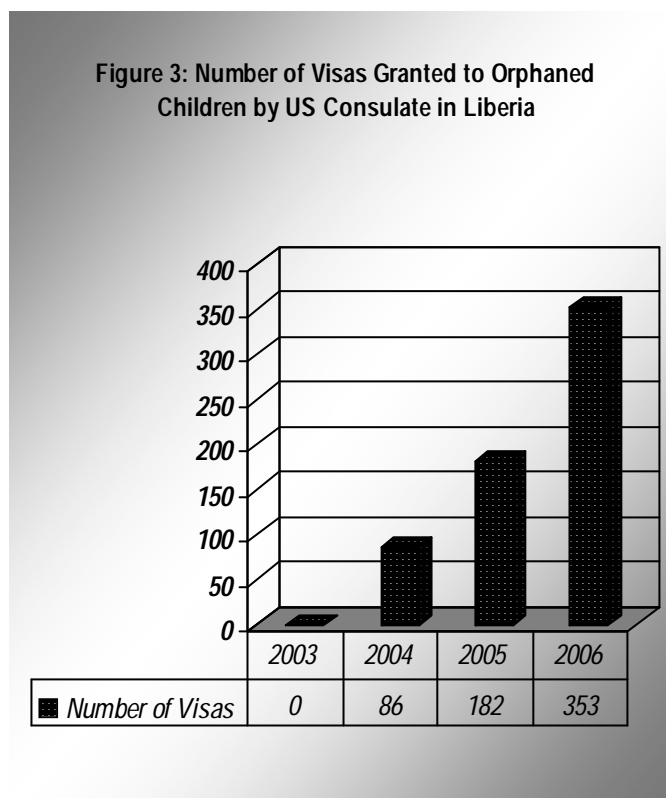
189. Adoptions, particularly inter-country adoptions in Liberia, are characterized by contradictions in the way its associated systems work. There is no repository for adoption records, making it difficult to access comprehensive data on the matter. Actors involved in adoption decline to give data on adoptions. When they do, they issue conflicting data. This may be an indication that there may be cases that are processed clandestinely or not exactly within the official system. For example, the Ministry of Health reported that Acres of Hope had facilitated 22 adoptions between 1 January and 31st July 2006, Americans for African Adoption, Angels of Heaven Outreach, Plan for the Children, West African Children Support Network, and independent individuals had respectively facilitated 2, 6, 17, 8, and 11. In contrast, only Acres of Hope matched the figure given by the Ministry of Health and Social Welfare. West African Children Support Network provided no information. On their part, Americans for Christian Adoption, Angels of Heaven Outreach, Plan for the Children respectively reported 7, 0, and 0.

<sup>77</sup> Ibid.

<sup>78</sup> Ministry of Health and Social Welfare, ‘Policy Guidelines for Minimum Conditions and Standards for Social Welfare Institutions’ (MoHSW; Monrovia, 1999).

<sup>79</sup> Child Protection Network, ‘Minimum Standards for Operating Child Welfare Institutions in Liberia’ (MoHSW; Liberia, 2006).

190. Further discrepancies appear when figures from the Ministry of Health and Social Welfare are compared with those from the American Consulate in relation to visas granted for children described as orphans. For example, the Ministry indicated that there had been 68 inter-country adoptions to the USA between 1 January and 31st July, 2006. The figures from the USA State Department, however, indicate that although accurate and comprehensive figures may be lacking, inter-country adoptions have been increasing since the end of the war, reaching 353 in 2006, as Figure 3 shows.



191. Although the legal forum for adoptions is the probate court,<sup>80</sup> the dominant view and practice is that the Ministry of Health and Social Welfare has the mandate to handle adoptions.

192. Researchers have found that many children involved in inter-country adoptions are not eligible for adoption, as some adoption agencies fabricate field work reports to justify adoptions. At one point in 2007, the National Bureau of Investigations reported that at least 50 cases were being investigated on suspicion that parental consent had been obtained through fraud or misleading information. Indeed, in many cases, parents do not give informed consent. In the context of economic poverty, the fee charged by adoptive agencies, around US\$ 12,335 per child in 2007 makes adoption fairly lucrative.

<sup>80</sup> An Act Adopting a New Domestic Relations Law, Title 9 of Liberian Code of Laws Revised, Chapter 4.

**Illicit transfer and non-return (art. 11)**

193. There were cases of forcible recruitment, transportation, keeping, and transfer of children during the war. With the end of the war, there are no longer reports of such cases. Among children, however, there are fears of being abducted for ritualistic killings.

194. There is growing concern that there may be child trafficking rings operating in Guinea, Cote d'Ivoire, and Liberia. UNMIL reported the case of the arrest of a 21 year old man from Guinea offering a 6 year old girl for sale in December, 2007, in Ganta, Nimba County. The reported price was US\$ 5,000. UNMIL also reported that the Liberia Police arrested a 16-year-old Senegalese girl from Cote d'Ivoire on the border between Liberia and Cote d'Ivoire with an 8-month old baby girl stolen from Liberia on 15 May, 2008. Also reported arrested were two people who facilitated the abduction to take her to Cote d'Ivoire. Five Nigerians aged between 21 and 32 years were arrested on 22 May 2008 for attempting to smuggle a 5-year old Liberian boy to Cote d'Ivoire. UNMIL further reported that in June 2008, the Office of the Labour Commissioner in Lofa County reported finding 85 children aged between 10 and 17 years at the residences of two persons in Voinjama. The children were from Liberia, Sierra Leone, and Guinea.

195. The Government and its partners have been taking measures to curtail the problem. The Anti-Trafficking Law makes provision for the punishment of child trafficking, child pornography, forced or servile marriages, delivery of children for exploitation, and abuse of position.<sup>81</sup> The Government has drafted a law on to ban trafficking of persons within Liberia. In addition, the Task Force against Human Trafficking is now implementing its plan of action.<sup>82</sup>

**Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)**

196. The Government and its partners have accomplished much to reintegrate children that were demobilised after the war. Assisted by partners such as UNICEF, the Government implemented the Reintegration Programme for Children Associated with Fighting Forces. The Programme aimed at social and economic reintegration, community reintegration, and education through vocational skills and apprenticeships. In addition to helping establish 293 child welfare committees, the programme contributed towards the formation of 228 children's clubs and 193 youth clubs to facilitate greater participation for the children.

197. As of April 2007, 217 of the child welfare committees, 163 of the children's clubs, and 35 of the youth groups were still active. The results included 50 per cent of the children associated with the fighting forces being returned to school. In addition, many possess vocational and business skills and apprenticeship and work-related experiential knowledge. An evaluation of the programme certified that the children were well accepted and appreciated in their communities, following the programme.

198. A less successful result was with regard to the economic reintegration, largely because of the poor economic situation obtaining in the country. Currently, the Truth and Reconciliation Commission (TRC) and the Women and Children Protection Section of the Police do significant rehabilitation work. The Truth and Reconciliation Commission is required to:

[A]ddress the experiences of women, children and vulnerable groups, paying particular attention to gender based violation, as well as to the issues of child

<sup>81</sup> An Act to Ban Trafficking In Persons within the Republic Of Liberia, 2005, sections 1 and 2.

<sup>82</sup> Anti-Human Trafficking Task Force, National Plan: Anti-Human Trafficking Task Force (Monrovia; Government of Liberia).

soldiers, providing opportunities for them to relate their experiences, addressing concerns and recommending measures to be taken for the rehabilitation of victims of human rights violations in the spirit of national reconciliation and healing.<sup>83</sup>

199. In its work so far, 35 children have given testimony before the TRC, as the Commission visited various counties. On its part the Women and Children Protection Section's work includes counselling to survivors of sexual and other forms of abuse.

#### **Periodic review of placement (art. 25)**

200. Although there have been a growing number of alternative childcare institutions in Liberia, there is still no legal requirement for periodic review of alternative placement. Occasionally, officials from the Ministry of Health and Social Welfare undertake inspections on institutions. However, such inspections and reviews are rarely systematically implemented.

201. The Children's Law will recognize periodic review as a right for every child in alternative placement. There will be a duty on the Ministry of Health and Social Welfare to update its records of the situation of every child in alternative care at least once every four months.

## **VII. Basic health and welfare**

202. The destruction wrought by the wars affected the country's health delivery systems and services. For example, in 1990, the country had 30 hospitals, 50 health centres, and 330 clinics. After the war, and having restored some facilities, the country had 18 hospitals, 50 health centres, and 286 clinics functioning at minimal levels in 2006.

203. The work to rebuild the health system is done largely with the help of international and national partners. Most of the health facilities in the country function only with the support of faith-based organizations and NGOs.

### **A. Responses to concluding observations**

204. The Government has taken steps to respond to the recommendations made by the Committee on the rights of the Child on the basic health and welfare of the child.

#### **Children with disabilities**

205. In its concluding observations, the Committee made a set of recommendations on the realisation of the rights of children with disabilities in Liberia. The Government had to ensure that policies and programmes for children with disabilities were to be developed based on "adequate and comprehensive data." The country was to review the situation of children with disabilities regarding their "access to suitable health care, rehabilitation programmes, education services, and employment opportunities." The country had to carry out studies to assess the causes of disability in order to come up with right strategies. Liberia was to have regard to the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and of the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69).

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<sup>83</sup> An Act to Establish the Truth and Reconciliation Commission (TRC) of Liberia, 2005, Article III, section 4.f.



206. The Government was to allocate adequate resources to “strengthen services for children with disabilities” provide support to their families, and train relevant professionals. On education, Liberia was to strengthen inclusive education policies and programmes, train teachers, and make schools accessible. In addition, the country was to sensitise the public on the rights of children with disabilities. To do all these, the Government was to seek assistance from UNICEF, WHO, and other partners.

207. The country established a National Commission on Disabilities. It has a separate budgetary allocation, which in 2008/2009 constituted 0.42 per cent of the social and community services sector. The Commission has not been able to undertake studies and a situation analysis on children with disabilities, due to budgetary constraints. Data, as in the rest of Liberia, remains a huge limitation to develop programmes and policies based on accurate data. The Commission was however, with assistance of UNMIL, working to develop a policy in 2009.

208. In addition, the Children’s Law will respond to some of the UN Committee’s recommendations. The Law, when passed, will enshrine rights for children with disabilities. Firstly, the child with disabilities has to “enjoy a full and decent life, in conditions that ensure dignity, promote self-reliance, and facilitate the child’s active participation in the community.”<sup>84</sup> Secondly, such a child has to enjoy a right to “special care that is conducive to the child’s achieving the fullest possible integration and individual development.” Thirdly, the child with disabilities will have to have “access and benefit from an inclusive education system offering education that is responsive and supportive to the child’s learning needs and talents in a participative and non-discrimination manner.” County local government authorities, supported by Central Government, will be required to provide:

“to children with disabilities and those responsible for their care, free appropriate assistance to ensure that such children have effective access to and receive education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in an environment that is physically and socially friendly.”<sup>85</sup>

209. The hope is that these provisions will help strengthen the work of the Commission on Disabilities.

### **Health and health services**

210. The Committee on the Rights of the Child made four recommendations on health and health services. First, Liberia was urged to develop and implement “comprehensive policies and programmes” and increase resources for child health, particularly for children in rural areas. Second, the country was to work to increase access to health services; reduce incidence of maternal, child, and infant mortality; prevent and combat malnutrition especially for vulnerable children; promote proper breastfeeding practices; and increase access to safe drinking water. Third, the country was encouraged to continue to address the lack of health staff through training, recruitment, retraining. Lastly, the country had to find additional ways of collaboration with, among others, UNICEF, and WHO.

<sup>84</sup> Children’s Bill, Article VII, section 42.

<sup>85</sup> Ibid.

211. The country, through the Ministry of Health and Social Welfare has attempted to respond to these recommendations. The Ministry has developed a policy and platform of action to increase general health and child health.<sup>86</sup> The goals and strategies proposed in the National Health Policy and Plan have been embedded in the country's Poverty Reduction Strategy.

212. From this National Health Policy and Plan, a number of policy and strategy documents have been drafted or completed. These include the definition of a Basic Package of Health Services to be delivered free at the point of service delivery (BPHS) and a Child Survival strategy, A Road Map for the acceleration of the reduction of maternal mortality has also been completed as has a Reproductive Health Policy, a Nutrition policy, a community health policy. A Health financing policy has been drafted. Pooled funding has been created and organizations such as the Global Fund and GAVI have provided increased funding.

213. With a health workforce ratio of only 0.18 per 100,000 people, mainly because of the war, goal one of the NHPP is to build the country's human resources in health. The MOH&SW has thus strengthened its human resources department and is currently developing a comprehensive human resources policy and plan. Among the strategies is the development of training programmes, and placing 6,000 health workers on incentive packages. A rapid assessment in 2006 estimated that the country had 4,000 full time and 1,000 part time staff, distributed unevenly against rural areas. Over one in three, 36 per cent of the total health personnel are health aides and traditional birth attendants, underlining the acute shortage of skills for the delivery of health.

214. The second goal is to expand access to the Basic Package of Health Services (BPHS) to 70 per cent of existing functional health facilities, restoring ambulance services to increase access to referral health centres, and establish 50 basic emergency obstetric and neonatal care centres and strengthen comprehensive emergency obstetric and neonatal care services in 15 hospitals by 2010. By 2009, all the country's 458 clinics and 58 health centres were providing BPHS. A programme on Integrated Management of Neonatal and Childhood Illnesses and Infant and Young Child Nutrition was underway by 2009.

215. The third goal is to rehabilitate health infrastructure, which will include the rebuilding of and renovation of 205 health facilities nationwide by 2010.

216. Fourthly, the Ministry will strengthen health financing, through inter alia, the development of a National Health Financing Policy and Strategic Plan by the end of 2009.

217. Fifthly, the Ministry has planned to develop support systems, such as the establishment of a Health Management Information System (HMIS) Unit, a national blood bank, and a national reference laboratory.

218. On water and sanitation, the Government has set the goal of increasing access to safe drinking water from 25 per cent to 50 per cent by 2012. This will be achieved through, firstly, the rehabilitation of 90 per cent of existing water points in rural communities, schools and health centres and the construction of 700 bore holes and 800 hand dug wells for rural areas, 100 spring catchment-fed systems in rural hill towns, and 2,000 bio-sand filters in inaccessible rural communities. An Integrated Water Resources Management Policy has also been completed.

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<sup>86</sup> Ministry of Health and Social Welfare, National Health Policy and National Health Plan 2007–2011 (Monrovia; Government of Liberia; 2007).

219. Secondly, the Government will work to increase access to human waste collection and disposal facilities from 15 per cent to 40 per cent, including 35 per cent of the rural population. This will be done partly through the rehabilitation of 100 per cent of the Monrovia sewerage system, rehabilitation of 3,000 existing communal latrines in schools, hospitals, and clinics, construction of 10,000 communal and institutional latrines in schools, health centres and public buildings, and assisting families in the construction of 50,000 household latrines in rural communities.

220. Thirdly, the Government will strive to ensure the sustainability of 90 per cent of water and sanitation facilities in the country. This will be done partly through the strengthening and establishment of WATSAN committees and building their capacity through workshops and sensitizations.

221. By April, 2009, work on all these plans was underway, with the assistance of international development partners and local NGOs. The Government has planned to take stock at the end of each year to gauge progress.

### **Adolescent health**

222. The Committee on the Rights of the Child asked the Government to take into account general comment No. 4 on adolescent health and development and undertake a participatory situation analysis of adolescent health problems in the country to guide the formulation of policies. Third, Liberia was to strengthen “sexual and reproductive health education, mental health, and adolescent-sensitive counselling services and support for adolescent mothers, and make these services accessible to adolescents.” Lastly, the Government was expected to take all measures necessary to prevent teenage pregnancies.

223. In 2007, UNFPA and The Population Council used data from the Liberian Demographic Surveys to produce an in-depth report on adolescent experiences in the country.<sup>87</sup> One aim of that situation analysis was to mirror the many diversities among children and young people to enable the development of more focussed programmes and projects.

224. Partly using the results of the situation analysis, a reproductive health policy has been finalized. The following organizations were assisting the Government in this task: with the assistance of UNFPA, UNICEF, WHO, Africare/Liberia, Equip, Liberia Prevention of Maternal Mortality, Mediciens du Monde, Merlin, PSI, SC-UK, and USAID Rebuilding Basic Health Services in Liberia.

225. In addition, the Ministry of Youth and Sports, with the participation of the youth, has developed a national youth policy. It defines youth as people between 14 and 35. Its aim is to promote youth participation in the national decision making process and input into national and community programmes and initiatives. The PRS has indicated that the Government is considering taking steps to ensure that “constitutional reforms protect fundamental freedoms and rights including property, reproductive, economic and security rights.”<sup>88</sup>

### **Early marriages**

226. The Committee on the Rights of the Child made three recommendations related to early marriages. The Government was to develop and implement sensitisation programmes against the practice. It was further to amend the Revised Administrative Law Governing the

<sup>87</sup> The Population Council and UNFPA, “The Adolescent Experience In-Depth: Using Data to Identify and Reach the Most Vulnerable: Liberia 2007 3 2007.” 2008. New York: Population Council.

<sup>88</sup> Republic of Liberia, ‘Poverty Reduction Strategy’ (Monrovia; Liberia, 2008), p. 167.

Hinterland by raising the marriageable age from 15 to 18, to bring that law in line with the New Domestic Relations Law. Furthermore, the Government was to ensure that when underage children are married, they “continue fully enjoying their rights as set out in the Convention.”

227. The efforts to develop a reproductive health policy are, in part, aimed at reducing child marriages. The LDHS established that by the age of 18, 48 per cent of girls begin childbearing. In Lofa County, a survey on reproductive health undertaken in 2007 found a teenage pregnancy rate of 68 per cent among girls aged 15 to 19.

228. The Children’s Law, when it comes into force, will amend the Revised Administrative Law Governing the Hinterland by raising the marriageable age from 15 to 18. Attempts to guarantee that girls who become pregnant continue with schooling were fiercely resisted during the consultation process to enact the Children’s Law. The view was that such a change in the law would be signalling that promiscuity among pupils was tolerable.

### **Harmful traditional practices**

229. The Committee on the Rights of the Child urged Liberia to end the practice of female genital cutting. The Committee suggested that this would be done through enacting and enforcing legislation and sensitization programmes.

230. Initial drafts of the Children’s Law contained a provision to prohibit the practice among children below 18. It was however removed when the Bill was discussed in the Legislature on the understanding that such a measure would be unpopular in the country. This is because a significant section of the country still respects the practice and regards it as essential as a right of passage.

231. It creates a felony of second degree if a person subjects a child to any of the following harmful traditional practices. These are expressed as:

- Facilitating the marriage of any person when she or he is still under the age of 18
- Forcing one person to marry another person
- Betrothing a child into marriage or a promise for marriage
- Giving over a child to work for a relative

232. Significantly, the Children’s Law will provide that an offence will be committed if a person subjects a child to:

“Any other cultural rite, custom or tradition that may inflict physical, psychosocial, or emotional pain to the child or otherwise violate or endanger her or his bodily integrity, life, health, dignity, education, welfare, or holistic development.”<sup>89</sup>

### **HIV/AIDS**

233. The Committee on the Rights of the Child encouraged Liberia to continue strengthening efforts to prevent and treat the effects of HIV/AIDS. The country was urged to “pay attention” to children infected with HIV and those orphaned because of AIDS through “providing adequate psychological and material support and by involving the community”.

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<sup>89</sup> Children’s Bill, Article XII, section 138.

234. In the PRS, the Government has made HIV and AIDS crosscutting in its development plans and work. The PRS has integrated strategies on HIV and AIDS. In 2008, the House of Representative passed a law on HIV/AIDS. It amends the Public Health Law. The legislation was by April 2009, awaiting discussion and passing in the Senate, before proceeding for a presidential assent.

235. The amendment Law will focus on information, education, testing, and surgical matters. It tackles issues of confidentiality, the right to privacy, and other civil liberties related to a person infected with HIV. The Law s more specificity to the general provisions in other parts of the Public Health Law, such as chapters 13 and 14. The Law directs focus on key environments in the prevention of HIV/AIDS, such as prisons. The Law further enshrines and applies the principle of non-discrimination.

236. In the same year, efforts on policy reform yielded an instrumental result when the country developed an HIV/AIDS National Strategic Framework for the period 2009 to 2013. With the assistance of UNICEF, the Liberian Business Coalition against AIDS was launched, to contribute towards fighting HIV/AIDS. The Government and its partners have continued, since 2005, to place priority in their advocacy and communication work on prevention of HIV infections among young people, PMTCT, paediatric care, treatment, and care for orphaned and vulnerable children.

## **B. The situation and other measures on basic health and welfare**

237. In addition to the measures that responded to the concluding observations, the Government has taken further steps to implement the Convention in relation to basic health and welfare.

### **Children with disabilities (art. 23)**

238. Until the Children's Law is passed, there are insufficient legal provisions to safeguard the rights of such children. The Education Law excludes such children from compulsory education if it is impracticable to have them in schools.<sup>90</sup> The Children's Law will amend this provision, require the implementation of a policy of inclusive education, and enshrine the human rights of such children, in line with the Convention. The Children's Law will further include parents of children with disabilities among parents who must receive special assistance from the State.<sup>91</sup>

239. To respond to the erosion of family and social networks occasioned by the long years of war, the Government worked on the formulation of a National Social Welfare Policy and Plan. This plan, when implemented, will focus, among other areas, on disabilities. The PRS has mainstreamed sensitivity to disability, pledging that the Government will implement this strategic framework in a "manner sensitive to the needs of women, children, and persons with disabilities, and to the challenges of environmental degradation and HIV and AIDS."<sup>92</sup>

240. Two Government bodies responsible for the well-being of children with disabilities are the Ministry of Health and Social Welfare and the Commission on Disabilities.

<sup>90</sup> Education Law, Title 10 of the Laws of Liberia Revised, Chapter 1, section 1.

<sup>91</sup> Children's Bill, Article IV, section 30.

<sup>92</sup> Republic of Liberia, 'Poverty Reduction Strategy' (Monrovia; Liberia, 2008), p. 19.

241. On its part, the Ministry of Education enrolls children with disabilities. In 2009, there were the following children with disabilities in Liberia’s preschools, primary, and secondary schools.

Table 13  
**Children with disabilities in pre-primary, primary, and senior high schools**

Schooling level	Enrolment by disability									
	Boys					Girls				
	Visual	Hearing	Physical	Other	Total	Visual	Hearing	Physical	Other	Total
Preschool	376	814	481	246	<b>1 921</b>	311	664	290	205	<b>1 470</b>
Primary	461	588	539	228	<b>1 861</b>	361	457	357	181	<b>1 356</b>
Senior high school	93	42	94	30	<b>259</b>	50	13	40	14	<b>117</b>
<b>Total</b>	<b>930</b>	<b>1 444</b>	<b>1 114</b>	<b>504</b>	<b>4 041</b>	<b>722</b>	<b>1 134</b>	<b>687</b>	<b>400</b>	<b>2 943</b>

Source: EMES, Ministry of Education, School Census 2009 (Monrovia; Ministry of Education, 2009).

242. Thus of the total of 6,984 boys and girls at the three levels of education, 42.1 per cent were girls. Hearing impairments constituted the commonest disability among boys and girls, at 36.9 per cent.

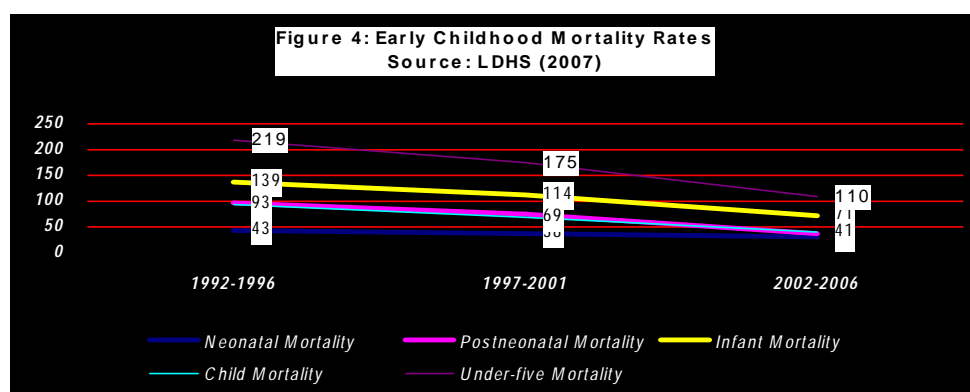
243. There is no policy on inclusive education as such. However, the Children’s Law will require the Ministry of Education to develop and implement a policy for the better implementation of inclusive education for the benefit of children with disabilities.

**Health and health services (art. 24)**

244. There are many challenges to get a responsive health system that adequately responds to health needs in a sustainable manner. Many of the country’s health facilities, are being significantly serviced by assistance from international partners. These partners are assisting as the country transits from fragility and their assistance is hence temporary.

**Mortality among children and mothers**

245. Subject to an expressed doubt in the quality of the data gathered, the Demographic Health Survey in 2007 showed that there had been a dramatic drop in child mortality in Liberia to 110 deaths per 1,000 births. The latest indicators are well below the average for Sub-Saharan Africa.



246. There are, however, significant disparities determined largely by economic well-being and mothers' education status. For example, under-five mortality rate in rural areas for the period 1997 to 2007 was 146 per 1,000 live births, contrasted with 131 per 1,000 live births in urban areas for the same period. For the same period, post-neonatal mortality was 62 per 1,000 live births, while it was 47 per 1,000 live births in the country's urban areas. The level of education of mothers is another strong determinant of child mortality in the Liberia, with the under 5 mortality rate being 151 per 1,000 live births among mothers with no education, compared to 119 per 1,000 live births among mothers with secondary and higher education. Similarly, with regard to economic status of parents, the under 5 mortality amongst the highest wealth quintile was 117 per 1,000 live births, compared with 138 per 1,000 live births for the lowest wealth quintile for the 1997 to 2007 period.

247. In contrast to the dramatic drop in infant mortality, maternal health indicators have shown that the situation has deteriorated. The 2000 LDHS survey showed a maternal mortality ratio of 578 deaths per 100,000 live births. The 2007 LDHS survey showed that this ratio had increased to 994.

#### **Access to health services**

248. The work to rehabilitate health centres continues. In 2007, 25 PHC clinics (Montserrado 1, Bomi 5, Maryland 4, Lofa 15) were rehabilitated taking to 385 the number of operational clinics. This provided an additional access of 10 per cent (321,500) of the population. By 2008, an additional access of 8 per cent was achieved. This leaves only 17 per cent of the health facilities as non-functional.

249. There have also been improvements with regard to other health services. The coverage, for example, of Impregnated Treated Nets has improved from 3 per cent to 33 per cent, according to the 2008 the Malaria Indicator Survey results.

250. The situation, however, remains fraught with challenges. Government is concerned about the disparity in prenatal care coverage between women in urban and rural areas. The LDHS found that 76 per cent of women in urban areas made four or more prenatal care visits while 61 per cent of women in rural areas did so. Urban women received prenatal care earlier than rural women did: 70 per cent of urban women saw a provider for prenatal care early in the pregnancy, compared with 53 per cent of rural women. The reasons for these disparities are, partly, less accessibility of health services and lower literacy rates in rural areas than in urban areas. The National Health Policy, within the scope of the PRS, attempts to address these issues.

251. Just over one in three births, 36 per cent took place in a health facility between 1999 and 2000. In 2007, 37 per cent of births in the five years preceding the 2007 LDHS took place in a health facility, mostly in public sector facilities. As many as 61 per cent of births were delivered at home. While more than 6 in every 10 babies in urban areas were born in a health facility, only 26 per cent of babies in rural areas were born in health facilities. In Monrovia, the indicator is 70 per cent, compared to 31 per cent or less for other regions. While the proportion of births delivered in a health facility was 64 per cent among mothers with at least secondary education, only 28 per cent of births by mothers with no formal education were delivered in health facilities. Among those in the lowest wealth quintile, the corresponding proportion was 18 per cent, compared with 70 per cent for those in the highest wealth quintile.

252. The Government is further concerned about disparities on supplements and vaccination during pregnancies. As many as 71 per cent of women did not take worm medicine during pregnancy, while 87 per cent took iron supplements during pregnancy. Most women, 95 per cent in urban areas took iron tablets or syrup during pregnancy, compared with 82 per cent of women in rural areas. Over 9 in ten, 91 per cent of urban

births in Liberia were protected against tetanus. The indicator was 72 per cent for rural births. There were further significant differences by region, with 94 per cent of births in Monrovia being protected against neonatal tetanus. In contrast, in the rural South Eastern B region, as many as 49 per cent of recent births were not protected against neonatal tetanus.

253. Too many babies were not born in health facilities. Over half, 54 per cent of births in Liberia were not delivered with the help of a health professional. Similarly, 56 per cent of mothers did not receive postnatal care within four hours of delivering. Over 7 in every 10, 73 per cent of mothers in urban areas received postnatal care within two days of delivery, compared with only 53 per cent of women in rural areas. The corresponding indicator is 76 per cent for Monrovia, but only 41 per cent for the South Eastern A region.

### **Nutrition and feeding practices**

254. The Government recognizes that there is still much work to improve nutrition, breastfeeding, and feeding practices for children.

255. Nearly four in every ten, 39 per cent of children under five are stunted, while 8 per cent are wasted. Nearly two in every ten, 19 per cent in this age group are underweight. Boys, 42 per cent, are more likely to be stunted than girls, at 37 per cent. Stunting is more common in rural (43 per cent) than urban areas (31 per cent), with levels exceeding the critical threshold in the counties of the South Eastern B and North Central regions, at 45 per cent. In contrast, wasting is more common in urban Monrovia, at 10 per cent, compared to the rest of the country. Levels of all forms of malnutrition increase with age, and with the exception of stunting are highest in the 6–23 month age group.

256. Almost a half of child deaths in Liberia are associated with stunting. It is estimated that in the absence of adequate policy and programmes, more than 3,000 children a year will die as a result of wasting and more than 7,000 will die as a result of stunting. Stunting also has an immense impact on the future productivity of children. If current levels of stunting in children remain unchanged, the net present value of the productivity losses resulting from stunting in early childhood will exceed \$80 million, annually.

257. Although most children are breastfed from birth, the coverage of recommended infant and young child feeding practices, such as exclusive breastfeeding is low. While 87 per cent of newly born babies are being breastfed within a day, only 29 per cent of infants less than 6 months were exclusively breastfed. The 2007 Demographic Health Survey established that only one in four Liberian children were being fed in accordance with acceptable infant and young child feeding practices.

258. Poor infant feeding practices account for the progressive increase in malnutrition levels in Liberian children. It is estimated sub-optimal breastfeeding accounts for over 83,000 episodes of acute respiratory tract infections and diarrhea in Liberian children annually. Well over half, 57 per cent of children aged between 6 and 59 months did not receive enough vitamin A supplement, while 83 per cent of children age 6–59 months did not receive an iron supplement in the seven days preceding the LDHS.

### **Vaccination coverage**

259. Although the Government has been unable to make significant contribution to the cost of vaccines for child health, it has worked with its partners to ensure as much coverage as possible. Liberia has now been declared Polio-free (2008). Measles is no longer a major cause of morbidity and mortality among children. The following table shows the coverage levels by vaccine from 2004 to 2008 (children 0–11 months).



Table 14  
**Percentage of children aged 12 to 23 months receiving specific vaccines**

<i>Vaccine</i>	<i>Year</i>				
	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
BCG	63	82	89	86	92
DPT1	78	99	100	105	106
DPT2	66	80	90	89	92
DPT3/Penta3	31	87	88	88	92
Polio 0	28	37	50	40	51
Polio 1	52	93	95	99	106
Polio 2	37	83	92	85	95
Polio 3	33	77	87	84	92
Measles	40	94	94	95	95
Yellow Fever	13	98	86	88	92
Vitamin A, 1st dose	56	75	42	74	73

*Sources:* LDHS for 2007, Ministry of Health and Social Welfare, Vital Statics (Monrovia; Ministry of Health and Social Welfare, 2008) and UNICEF.

### **Water and sanitation**

260. The Government is working with its partners to improve sanitation and access to safe drinking water. There are still enormous challenges in challenges. Nearly one in every three households in Liberia, 35 per cent, does not have an improved source of drinking water. While over eight in every ten, 82 per cent of households in urban areas had improved sources of drinking water, only 56 per cent of households in rural areas had such sources.

261. In its work on water and sanitation, the Government is addressing gender disparities mainly through training for community members. This is necessary because women are more likely collect water for the home than men do. In half of the households, adult women collect water for the household, while only 11 per cent of the households had male adults who indicated in 2007 that they collected water.

262. In general, following the war, the Government is addressing the decline in the proportion of households that have access to safe and clean water. Over eight in every ten households, 82 per cent do not treat their water and only 16 per cent treat their drinking water with bleach or chlorine. There has been a drop of the proportion of people using piped water, from 11 per cent to 7 per cent between 2000 and 2007. Similarly, the proportion of households getting drinking water from a tube well or borehole decreased from 16 to 3 per cent.

263. The efforts of the Government and its partners are beginning to yield results. The proportion of households getting water from a protected dug well or spring has increased from 28 to 56 per cent. Similarly, the proportion of households getting water from “unprotected dug wells, unprotected springs, and surface water” has decreased from 38 to 30 per cent.<sup>93</sup>

<sup>93</sup> Liberia Institute of Statistics and Geo-Information Services (LISGIS) [Liberia], Ministry of Health and Social Welfare [Liberia], National AIDS Control Program [Liberia], and Macro International Inc.

264. There are still enormous challenges about household sanitation. Only 10 per cent of Liberian households use “an improved, unshared toilet facility, and 90 per cent have access to “a non-improved” facility. As many as 55 per cent of households in the country do not use any toilet facility.

#### **Harmful traditional practices**

265. There are still certain traditional practices in Liberia that may be harmful to a child. These are mostly in the form of secret societies. Examples include the Sande Society, which is for girls’ initiation and involves the cutting of part of the female genitalia. Another example is the Polo Society, which is for boys, mostly in North Western and Central counties. Sassy wood involves the use of the poisonous bark of the sassy wood tree in a trial by ordeal. There is also Kwe/Bodio, which is another secret society associated with rituals.

266. Although the rites of passage such as Sande are dreaded by children, they continue to be practised. Increasingly, for Sande, the age for initiation seems to be decreasing, as the practice encounters some resistance from campaigners. Despite campaigns against the practice, it persists in both rural and urban areas. For example, in August 2006, 20 girls and women were subjected to the practice on Bushrod Island in Monrovia. In the same year, in a community called Kpala, a Clan Chief was keeping more than 15 children pending initiation. On 15th September 2008, the UNMIL human rights officers facilitated the release of a 13-year old girl who had been abducted by members of the Sande Society in Grand Cape Mount County and subjected to the cutting of her genitalia against her will. Two years later, in August 2008, UNMIL reported facilitating the release of 15 girls from a Sande community in Marvekondou village, Voinjama District.

267. The Ministry of Internal Affairs has drafted a policy to recognize these practices and seek to regulate the standards that should obtain in the secret societies concerned. The policy proposes the creation of a Bureau for Culture and Custom, which, if the policy is approved, will regulate standards in secret societies. The draft policy also provides descriptions and roles of the various actors in the secret societies.

268. Another set of controversial traditional practices are early and forced marriages and child betrothal. In 2006, NACROG quoted a study that showed that the prevalence of child marriages in four counties, Bassa, Bong, Nimba, and Lofa, were respectively 6 per cent, 30 per cent, 30 per cent, and 35 per cent. The LDHS found that in 2007, among women aged 25 to 49, “almost half (46 per cent) had married by age 18, and three-quarters were married by the age of 22.”<sup>94</sup>

269. The Inheritance and Customary Marriages Act, which was passed in 2003, still allows for customary marriage of girls from the age of 16. This contradicts the Domestic Relations Law, which sets 18 as the legal age of marriage. The Government hopes to develop a strategy to deal with such culture-related challenges. Currently though, the Government encourages schooling, especially for girls. This is one way in which children are protected from harmful traditional and cultural practices.

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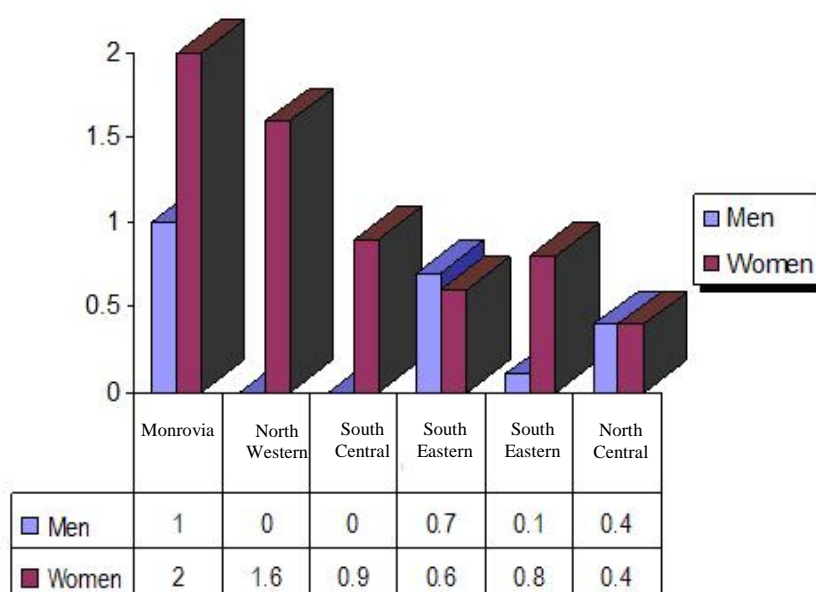
2008. *Liberia Demographic and Health Survey 2007*. Monrovia, Liberia: Liberia Institute of Statistics and Geo-Information Services (LISGIS) and Macro International Inc, p. 21.

<sup>94</sup> Liberia Institute of Statistics and Geo-Information Services (LISGIS) [Liberia], Ministry of Health and Social Welfare [Liberia], National AIDS Control Program [Liberia], and Macro International Inc. 2008. *Liberia Demographic and Health Survey 2007*. Monrovia, Liberia: Liberia Institute of Statistics and Geo-Information Services (LISGIS) and Macro International Inc, page 108.

## HIV/AIDS

270. As the Government is attempting to rebuild its health system, facilities, and services, HIV/AIDS is emerging as a new threat against child and general well-being and development ... The 2007 LDHS indicated that 1.5 per cent of Liberian population aged 15 to 49 was infected with HIV. The prevalence was higher among women, at 1.8 per cent, compared to 1.2 among men of the same age range. The risk was higher in urban areas, at 2.5 per cent, compared to 0.8 per cent for rural areas. Amongst the young people aged, 15 to 24, 1.6 per cent of the women were infected, compared to 0.5 per cent for men.

**Figure 5: HIV Prevalence among Youth**



271. Comprehensive knowledge about HIV and AIDS was low, as of 2007. The LDHS found that while 89 per cent of women and 93 per cent of men knew about AIDS, only 19 per cent of women and 32 per cent of men were respectively classified as having “comprehensive knowledge”.<sup>95</sup>

272. Strategies against the threat have included counselling and testing. In 2007, the LDHS was simultaneously conducted with HIV/AIDS testing, from which the HIV prevalence figures were obtained. In 2008, 22,612, were tested, of which 3.2 per cent were HIV-positive. Within the country’s 26 PMTCT sites, 34,632 pregnant women received counselling. However, within the PMTCT initiative, only 40 per cent of eligible women received the full PMTCT complete package.

## Adolescent health

273. Amongst young people, women tend to have sex at a younger age than young men do, 17 per cent and 9 per cent respectively. By age 18, 4 in every 5 young women and over

<sup>95</sup> Liberia Institute of Statistics and Geo-Information Services (LISGIS) [Liberia], Ministry of Health and Social Welfare [Liberia], National AIDS Control Program [Liberia], and Macro International Inc. 2008. *Liberia Demographic and Health Survey 2007*. Monrovia, Liberia: Liberia Institute of Statistics and Geo-Information Services (LISGIS) and Macro International Inc, page 190.

half of young men accepted having had sex. The analysis done by the Population Council and UNFPA found in 2007 that by age 15, 10.8 per cent of females had been married. By the age of 18, the 37.9 had been married.<sup>96</sup> Nearly 2 in every five girls aged 15 to 18, 19.2 per cent indicated that they had ever been married.

274. The LDHS found that young women in rural areas are more likely to be initiated into having sex before the age of 15 than their counterparts in Monrovia and those who are more educated. The LDHS further established engagement in higher risk sex among young people. Of the women aged 15 to 24 who had had sex in the 12 months prior to the survey, 59 per cent of the women stated that they had engaged in higher-risk sex.

275. The Government and its partners have now finalized a policy on reproductive health, which will include adolescent health. The policy extends existing programmes and introduce new ones. Services that that involve adolescents and young people, such as the provision of information on STI and HIV prevention, will be scaled up under the proposed policy.

## **VIII. Education, leisure and cultural activities**

276. The education component receives the greatest budgetary share among the departments in the social and community services sector to indicate the importance the Government places on it. There is a special commitment to ensure the education of girls, as exemplified by the 2005 Girls Education Policy. This policy was simplified into Liberian English in 2008.

### **A. Responses to concluding observations**

277. The Committee on the Rights of the Child made seven recommendations related to realising the child's rights on education, leisure, and cultural activities. First, the country had to prioritize the construction and reconstruction of schools in the country. Second, Liberia had to ensure that there was equal access to education for boys and girls in both rural and urban areas. Third, the Government had to design accelerated learning and vocational training for young people who had missed formal schooling. Fourth, Liberia was urged to improve the quality of education partly through the proper training of teachers. Fifth, the Government was to "improve the education system" to achieve the aims of education stipulated in article 29 of the Convention. Sixth, the Government was to increase the participation of children at all levels. Lastly, the Government was directed to seek assistance from UNICEF, UNESCO, and others to improve the education system in the country.

278. Available data shows that 107 primary schools were reconstructed and 50 were constructed by 2007. In attempting to improve quality, the Government has been working with its partners to create a child-friendly learning environment, introduced a reward system for employees and encourages role-play in teaching methods. Further, the Ministry of Education has trained 6,393 male and 280 female teachers.

279. Education continues to be one of the priority areas for the Government, taking a significant proportion of the national budget allocated to the Social and Community Services. In the 2008/2009 budget, for example, education received 47.43 per cent of the social and community services sector.

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<sup>96</sup> The Population Council and UNFPA, "The Adolescent Experience In-Depth: Using Data to Identify and Reach the Most Vulnerable: Liberia 2007 3 2007." 2008. New York: Population Council. At 35.

## B. Other measures on education, leisure and cultural activities

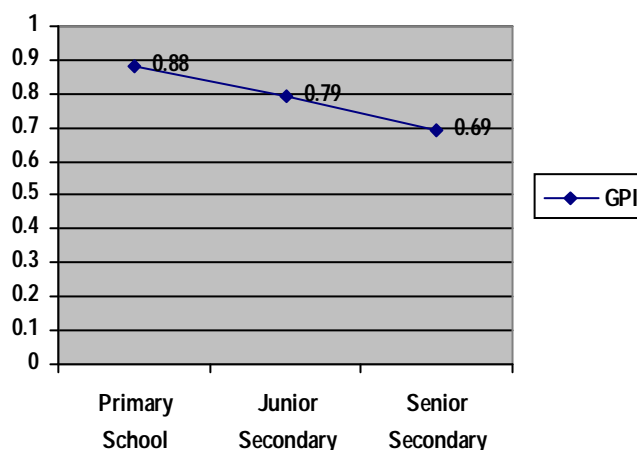
### State of education (art. 28)

280. Many children's lives are nurtured by parents who are illiterate or possess low education. Disparities based on gender and urban/rural split are significant factors determining education and literacy levels in Liberia. While 42 per cent of women had never been to school as assessed in 2007, the corresponding proportion among men was 18 per cent. The median year of education for women is 1.6, whilst it is 5.8 for men. More people who have had formal education are resident in Monrovia, with the North Western Region having 60 per cent and 39 per cent of men who have never been to school. The proportion of people who had been to secondary school among the poorest quintile was only 5 per cent, compared to 58 per cent among those in the richest quintile.

281. Literacy levels are also lower among women. Just over 4 in 10, 41 per cent of women were literate in 2007, compared to 70 per cent among men. Over 4 in 10, 42 per cent of women aged 15 to 19 were illiterate in 2007, compared to 27 per cent of men of the same age range.

282. Such disparities are further reflected in enrolment rates for primary and secondary schools. Partly as a result of the war, enrolment dropped, from 72.9 per cent in 2000 to 48.5 per cent in 2006. For girls, the decline was from 72.5 per cent to 35.5 per cent. From 2000 to 2002, the proportion of pupils starting grade 1 and reaching grade 5 was 34.6 per cent for boys and 26.6 per cent for girls, as boys are generally preferred to be in school.<sup>97</sup> In 2008, an annual school census showed that the Gross Enrolment Ratios were 98 per cent and 33 per cent respectively. The Gender Parity Index (GPI) in primary schools was 0.88 for girls. However, the Net Enrolment Ratio for girls was 34 per cent, compared to 36 per cent for boys. The GPI declines with increased level of education, indicating that girls are less likely than boys to proceed with education.

Figure 6: GPI in Liberia's Education System



<sup>97</sup> UNICEF, *State of the World's Children 2008* (New York; 2007).

283. The following table shows proportions of children who should be in school, based on calculations from the

Table 15  
**Boys and girls aged 7 to 18 not in school**

<i>Region</i>	<i>Counties</i>	<i>Girls</i>	<i>Boys</i>
Greater Monrovia/Montserrado	Monrovia	32.6	25.5
North Western	Gbarpolu	67.1	52.1
	Grand Cape Mount	53.5	65.1
	Bomi	59.1	40.7
North Central	Bong	64.4	64.3
	Nimba	52.9	48.8
	Lofa	54.3	38.8
South Central	Margibi	50.7	40.2
	Grand Bassa	65.1	65.1
South Eastern A	River Cess	67.4	65.7
	Sinoe	58.1	51.6
	Grand Gedeh	49.0	43.7
South Eastern B	River Gee	40.5	31.0
	Grand Kru	58.4	42.8
	Maryland	43.6	35.4
Urban		34.8	28.9
Rural		58.4	48.5
National		47.1	40.3

*Source:* The Population Council and UNFPA, “The Adolescent Experience In-Depth: Using Data to Identify and Reach the Most Vulnerable: Liberia 2007 3 2007.” 2008. New York: Population Council, at 29.

284. Thus, close to half of school-going age girls, 47.1 per cent, were not enrolled in school, with the proportion rising to 58.4 per cent in rural areas. There are significant disparities among the counties, with over two in three girls and nearly two in every three boys aged 7 to 18 not enrolled in River Cess. In contrast, Montserrado had 32.6 and 25.5 of respectively girls and boys not enrolled.

285. These disparities are despite a relatively favourable legal framework. The Education Law provides that primary education must be compulsory, for children aged between 6 and sixteen.<sup>98</sup> Of course, this means that children aged between 16 and 18 are not entitled to enjoy this benefit.

286. The corresponding obligation of the parent or caregiver does not apply to children “whose physical or mental condition renders his attendance impracticable” or in respect of a child who has completed “the school course”.<sup>99</sup> Children with disabilities, according to this provision do not have a right to compulsory education. Although the law threatens a fine of US\$ 10 for wilful neglect to send a child to school, it is impracticable as many

<sup>98</sup> Education Law, Title 10 of the Laws of Liberia Revised, Chapter 1, section 1.

<sup>99</sup> Ibid.

parents are economically poor. The United Nations in Liberia estimated in 2006 that 76.2 per cent of the population lived below US\$ 1 per day. Over half of the population, 51.2 per cent was estimated to live in extreme poverty, US\$ 0.5 per day. Latest Government figures show that 64 per cent of the population lived below the national poverty line.<sup>100</sup> The percentage of those living in extreme poverty is still large by the national estimates, at 48 per cent.

287. The Government's attempt to improve the quality of education has also involved training of teachers, as the system is still relying on many untrained teachers. Table 16 presents the numbers of untrained and trained teachers at pre-primary, primary, and secondary levels.

Table 16  
**Pre-primary and primary teachers trained between 2005 and 2009**

Schooling level	Teachers deployed					
	All teachers			Trained teachers		
	Female	Male	Total	Female	Male	Total
Pre-primary	5 197	6 581	<b>11 778</b>	1 766	1 626	<b>3 392</b>
Primary	2 641	19 612	<b>22 253</b>	1 246	7 706	<b>8 952</b>
Junior secondary	372	7 856	<b>8 228</b>	212	4 543	<b>4 755</b>
Senior secondary	127	3 525	<b>3 652</b>	68	1 850	<b>1 918</b>
<b>Total</b>	<b>8 337</b>	<b>37 574</b>	<b>45 911</b>	<b>3 292</b>	<b>15 725</b>	<b>19 017</b>

Source: Ministry of Education's Responses.

288. Over seven in every ten, 72.2 per cent, of teachers in pre-primary school remain untrained. At primary school level, 59.2 per cent of teachers are untrained. The situation is less severe in secondary schools where 42.2 per cent and 44.5 per cent are untrained respectively at junior and senior secondary schools.

#### **Aims of education (art. 29)**

289. The goals of education in Liberia are guided by the "philosophy of Liberia education", articulated by one of the country's former Presidents, W.V.S Tubman in 1965, partly in the following terms:

"Out total education programme must be such that it will motivate in the learner, a respect for the dignity of labour; instil in them a desire for learning; and desire to obtain self reliance and the fulfilment of self realization. Furthermore, the programme must be based on the irrevocable belief that universal education is not only desirable but essential for the success of a democratic society."<sup>101</sup>

290. Thus, the goals of education in Liberia miss some of the goals expressed in article 29 of the Convention. The current aims of education do not state expressly as an aim that education must further contribute towards the respect for human rights, parents, cultural identity, language national values, and other civilizations. They also fall short of the

<sup>100</sup> LISGIS, Core Welfare Indicator Questionnaire (CWIQ) Survey Report, (Monrovia; LISGIS, 2007).

<sup>101</sup> E.g., Bureau of Curriculum and Text Books Research, Department of Instruction, Ministry of Education, Liberia National Curriculum Revised 1996 (Monrovia; Ministry of Education, 1996), at page iii.

requirement that education must prepare the child for “responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.” In the same vein, there is no explicit aim for education to help the child develop respect for the natural environment. All these aims were however expressed as additional aspirations by both children and adults during the review.

291. The curriculum is over 12 years old. The Government hopes to review the curriculum, including its objectives. The coming into effect of the new Children’s Law will provide both duties and framework to revise the country’s curriculum.

#### **Rest, leisure, recreation and cultural and artistic activities (art. 31)**

292. Both Children and the Government in Liberia recognize that play and recreation are important for the well-being. During the processes to develop the Children’s Law and the PRS, children often ranked recreation and play top amongst their needs. The many years of war disturbed the enjoyment of this right for many.

293. The Children’s Law will require the Ministry of Youth and Sports progressively to “work with local government authorities through the Ministry of Internal Affairs and other Ministries to provide and maintain, accessible, safe, and acceptable recreation centres and facilities for communities and towns”.<sup>102</sup>

294. The Ministry of Youth and Sports has already started to establish the recreation centres for children in the country’s districts. The Ministry has already established one recreation facility for children under 18 in each of the following districts: Grand Bassa, Tubmaburg, Montserrado, and Margibi. The plan is to extend such centres to the rest of the districts in the 15 counties.

## **IX. Special protection measures (arts. 22, 30, 32–36, 37 (b–d), 38, 39 and 40)**

295. The emergency that Liberia went through during the war years and the continued fragility of the situation means that much work on the implementation of the Convention is on special protection measures. In this task, the Government has coordinated the efforts mainly through the Child Protection Network, CPN, which groups child protection agencies in the country.

### **A. Response to concluding observations**

296. The recommendations contained in the concluding observations were on child soldiers, refugee and displaced children, substance abuse, sexual exploitation, and juvenile justice.

#### **Child soldiers**

297. The Committee on the Rights of the Child made three recommendations related to child soldiers. It urged Liberia to take steps to have “all child abductees and combatants released and demobilised” and properly rehabilitate and reintegrated. The country had to limit recruitment into armed forces to those over 18. Liberia had to develop a programme

<sup>102</sup> Children’s Bill, article III, section 18.2.



on the rehabilitation, reintegration, and reconciliation to benefit children.<sup>103</sup> Lastly, the Committee urged Liberia to assist displaced children to be reunited with their families.

298. As indicated, the Disarmament, Demobilisation, and Reintegration Programme disarmed 103,912 persons by December 2004, including 2,738 girls and 9,042 boys. Over 90 per cent of these were successfully reunited with their families and integrated socially and economically, ensuring that there was necessary reconciliation with community members.

299. The new law on armed forces prescribes that no person below 18 should be recruited into armed forces, a requirement that will be repeated in the Children's Law.<sup>104</sup>

### **Refugee and displaced children**

300. As the country's initial report was discussed soon after the end of the long civil war, the Committee on the rights of the child made many recommendations related to refugee and internally displaced children. For these children, the country was asked to provide assistance to meet their needs, prevent their sexual exploitation, facilitate reintegration, and protect them from forced conscription. The country was to seek assistance from, UNHCR and UNICEF, among others.

301. When the war ended, an important part of the work of the Government and its partners was to facilitate the return of internally displaced persons and refugees to Liberia and their communities. The Government worked with LRRC and UNHCR to facilitate return and reintegration in 2004. As of 06 December 2005, 253,570 internally displaced persons had been assisted. About 48,663 families were involved. In 2005 253,570 internally displaced persons and 44,064 refugees returned. In 2005, 44,064 refugees returned home. This left about 110,000 still residing in Liberia's neighbouring countries. About 4,275 children entered reintegration programmes.

302. Much was accomplished through the Disarmament and Demobilisation for Children Associated with Fighting Forced in Liberia. The 9,042 and 2,738 together represented 11 per cent of individuals who were disarmed through the programme in the country. The programme, which was the first to pay a transitional safety allowance, had many partners including UNDP, UNICEF, and child protection agencies in the country.

303. Though very successful in demobilising and reintegrating the girls and girls, the programme could not meet two challenges. The first was significantly to break command relationships between the children and their former military superiors. The second was to respond to demands from communities that the education services provided to the demobilised children should also benefit other children in communities. The key constraints related to budgetary resources and the short time within which the programme had to be implemented.

304. Challenges remain. There is still a shortage of the supply of psychosocial counselling skills. In addition, there are still children, such as those on and in the street and those in orphanages who remain separated from their original families. Liberia still has refugees from Sierra Leone and other neighbouring countries.

<sup>103</sup> An Act to Repeal the National Defense Law of 1956, The Coast Guard of 1956 and the Liberian Navy Act of 1986 and to Establish the New National Defense Act of 2008, Chapter 7, section 7.2.

<sup>104</sup> Children's Bill 2009, Article III, Section 27.2.

**Sexual exploitation of children**

305. The Committee on the Rights of the Child made four recommendations to Liberia, about sexual exploitation. Liberia was asked to undertake a situation analysis, gathering quantitative data on the sexual exploitation of children. The second recommendation was that such data should then be used to develop relevant programmes and policies. The third was to develop programmes on counselling, rehabilitation, and reintegration of girls engaged in prostitution. The last recommendation on the sexual exploitation of children was to seek international assistance from ILO-IPEC and UNICEF, among others and engage in bilateral and regional cooperation.

306. The introduction and publicity surrounding the Rape Law, has galvanized partners to fight the sexual exploitation of girls, though much work still needs to be done. There is strong political will, led by the President, to ensure that girls and women are free from rape and sexual violence.

**Substance abuse**

307. Having noted an increase in substance abuse, the Committee on the Rights of the Child recommended the establishment of programmes to “combat substance abuse by children, including the provision of psychosocial assistance for addicts”. To this end, Liberia was to seek technical cooperation from WHO and UNICEF, among others.

308. Liberia is yet to develop a Government programme against substance abuse, in line with these recommendations. The PRS, however, has envisaged the merging of the Government’s Drugs Enforcement Agency with the Liberian National Police. The aim will be to strengthen “counter-narcotics capability” through training, logistics, and modern equipment.

**Juvenile justice**

309. The last set of recommendations by the Committee on the Rights of the Child about special protection measures related to juvenile justice. After commending Liberia on its efforts to reform the juvenile justice system, the Committee recommended a set of tenets that had to be part of that reform. First, it urged Liberia to ensure that children under the age of 16 committing an offence “face only protective and educative measures.” Second, it recommended that the Penal Law be amended to ensure that neither life imprisonment without possibility of release nor capital punishment could be imposed on a child under 18. Third, it advised the country to establish juvenile courts, appoint trained juvenile judges in all regions, and ensure due process for children accused of being in conflict with the criminal law. Fourth, it advocated to Liberia to establish separate detention facilities for juveniles.

310. There is one juvenile court in the country, based in Monrovia. However, the Judiciary Law allows all magistrate courts to sit as juvenile courts in cases of need. The Penal Law was amended making the age of criminal responsibility to be 16. There is currently one juvenile judge. Separate detention centres for children are yet to be established.

311. The Children’s Law will amend the Penal Law to abolish life imprisonment without release and capital punishment for children. The new law further incorporates diversionary measures, the right to a fair trial, training for personnel involved in juvenile justice, and other measures in line with the Committee’s general comment on Juvenile Justice.

## B. Further measures on special protection

312. Since the end of war, the Government has worked with its partners to strengthen the protection of children in the country. Starting with the economic, education, and social integration of children who were associated with fighting forces, the efforts have gradually extended to other child protection areas, such as juvenile justice and the institutionalisation of children.

### Refugee children (art. 22)

313. Liberia still has refugees from Sierra Leone and other neighbouring countries. UNHCR figures, which are not disaggregated according to age and sex, indicate that there were 54,940 refugees, asylum-seekers, and returnees that it knew about in Liberia in 2007. Table 17 shows the distribution of this population by country of origin, as given by Committee on the Rights of the Child.

Table 17

### Number of refugees, asylum-seekers, and returnees in 2007

<i>Type of population</i>	<i>Population per country of origin</i>	
	<i>Country of origin</i>	<i>Number of people</i>
Refugees	Côte d'Ivoire	6 900
	Sierra Leone	3 600
	Various	40
Asylum-seekers	Various	100
Returnees to Liberia	Sierra Leone	17 300
	Ghana	14 600
	Guinea	6 100
	Côte d'Ivoire	5 800
	Various countries	500

*Source:* UNHCR, UNHCR Global Report 2007 – Liberia, <http://www.unhcr.org/publ/PUBL/484900e32.pdf>.

314. The prospects of more refugee children coming into the country are real, considering that Liberia is bordered by countries that have recently been unstable. As peace is consolidated, more people are returning to the country, from neighbouring countries and more distant countries such as the USA.

### Children in armed conflict (art. 38)

315. In line with the law, the armed forces in Liberia are prohibited from recruiting children under 18. The Children's Law will further create a first-degree felony if a person recruits or enlists any child for purposes of engaging in or supporting violent conflict. The Ministry of Defence, further, has established a children's protection unit.

316. However, there have been indications that some children may have been recruited to fight in wars going on neighbouring countries. NACROG noted in its 2006 that there were reports of such cases concerning at least Grand Gedeh and Lofa counties (NACROG, 2006).

**Children in conflict with the law**

317. The Government has, since the end of the war, worked to reform the juvenile justice system, to bring it in line with international standards in the law and practice.

**Administration of juvenile justice (art. 40)**

318. A notable step in the administration of juvenile justice was the establishment of a Women and Children Protection Section within the Liberian National Police, which started its operations in 2005. The Section’s activities include investigating and prosecuting all forms of cases against women and children, reunifying children with parents, referring survivors to safe homes, providing a 24-hour service to the public, and creating awareness for child protection.

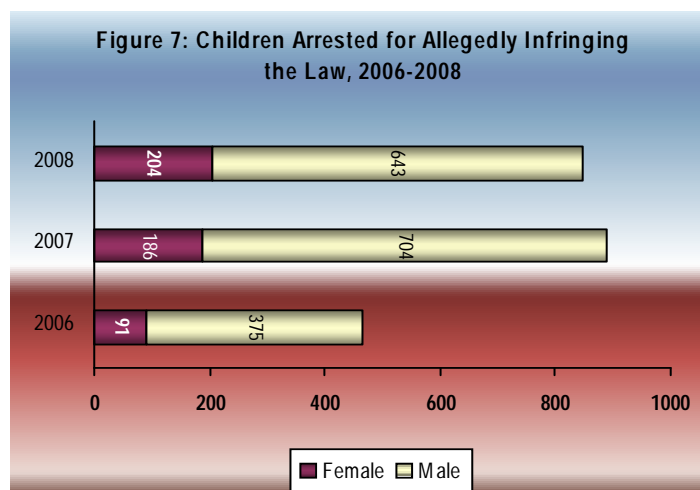
319. Drawing on experiences from Sierra Leone and Ghana, the section replaced the former Juvenile Unit and Sexual Assault Unit. Initially, 46 officers were trained, out of which 15 were selected as trainers. The section, through support from UNICEF, has trained a total of 275 investigators. Considering that 60 per cent of cases involving children occur in Monrovia and its county of Montserrado, 48 female and 82 males have been deployed in 16 stations in that county. A total of 145 officers, 40 females and 105 males, have been deployed in the remaining 14 counties, where they work from stations rehabilitated with support from UNICEF, UNMIL, UNHCR, and the Norwegian Government.

320. The Children’s Law will further amend the Judiciary Law in section 11.7. It will provide that the staff of a rehabilitative facility should “promote and facilitate frequent contacts of the child with the wider community”.<sup>105</sup>

321. The Judiciary Law will further be amended in section 11.97 to prohibit the use of evidence relating to fingerprints, deoxyribonucleic acid otherwise known as DNA, and other biological attributes of the child” for any other purpose “apart from that of proving the alleged offence. In the same vein, there will be a requirement to destroy within five years court records concerning a child in criminal case.

**Children deprived of liberty**

322. The following figure shows the number of children arrested for infringing the law.



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323. The common offences for children are arrested are simple assault, aggravated assault, criminal mischief, theft, and disorderly conduct. Once arrested and upon investigation, children can be held for up to 24 hours before being charged or released.

324. However, NACROG has observed that many children are illegally detained. The group observed that 191 children, 33 girls and 158 boys, were illegally detained in 2007.

325. The process to reform the juvenile justice system continues in the country, not only with regard to administration, but also to safeguarding the rights of children who may be in conflict with the criminal law. The Children's Law will amend Chapter 11 of the Judiciary Law in section 11.32. It will require that "any allegation that a child has committed a criminal offence should first be referred to or considered by a probation officer who will determine whether the case can be resolved through reconciliation or mediation measures through a child welfare committee or other informal or non-legal forums or processes." The Children's Law will further amend Chapter 11 of the Judiciary Law in section 11.43 by enshrining the rights of every child deprived of liberty, including the right to prompt access to legal and other assistance and to maintain contact with her or his family.

326. The major challenge to implement this law will relate to low human resources. In 2006, there were only 2 probation officers in the country. As of April 2009, there was one left.

327. Section 11.52 of Chapter 11 of the Judiciary Law will be amended to enshrine the child's right to a fair trial, which shall include the following rights:

"Not to be charged with an offence on account of any act or omission committed or omitted at a time when the commissions or omission did not constitute a criminal offence

To be presumed innocent

To have any charge and its consequences promptly explained to her or him

To be provided with an opportunity to be heard and answer any allegations in any proceedings

To be accorded legal or other appropriate assistance

To a prompt decision on the child's action to challenge the legality of the deprivation of her or his liberty

To have her or his privacy respected throughout all stages of the proceedings

Not to be compelled to give testimony or to confess or acknowledge guilt

To have witnesses against her or him present for examination

To have an opportunity to examine witnesses

To receive free interpreter services upon request

To appeal to the Court of law if dissatisfied with the decision of the juvenile court"

### **The sentencing of juveniles**

328. Desirable sentencing of juveniles is adversely affected by lack of proper training among magistrates, who handle criminal offences against juveniles outside Monrovia.

### **Physical and psychological recovery and social integration**

329. There are no data on reported cases of abuse and maltreated children during arrest and detention or imprisonment. However, NACROG and UNMIL issue periodic reports on

human rights violations. These reports document incidents of the abuse and maltreatment of children within the legal system, mostly because of stereotypes against children and lack of knowledge of the law and legal procedures by officials.

330. Examples from UNMIL's August 2008 report illustrate the point that the legal system in Liberia can harass children instead of helping them to recover from trauma. UNMIL reported that on 9th August 2008 a justice of the peace beat up a 17-year-old child suspected of having committed theft. That child was detained for two days during which he was not given food. UNMIL further reported that on 19 August 2008, in Grand Gedeh County, "a man accused of statutory rape was acquitted during a public hearing," despite that the New Rape Law provides that such trials should be in camera. UNMIL reported that in the same county, a 22-year-old man suspected of having raped a 15-year-old girl was "released by the LNP after being threatened by the community members demanding his release." UNMIL further received reports that a County Attorney demanded US\$ 30 from two boys aged 12 years sodomized by their male teacher. The teacher was later released because there was lack of medical evidence.

### **Children in situations of exploitation**

331. The child's vulnerability to abuse, neglect, and exploitation is despite the existence of numerous provisions on the statute book, some of which are very strict and progressive.

332. The Rape Law for example closes most loopholes against a person who may sexually penetrate "any opening" of a child or "any opening" of a non-consenting adult.<sup>106</sup> Hence, rape and the gang raping of a person under 18 is a strict felony punishable by life imprisonment.<sup>107</sup> Any slight penetration on any opening is sufficient.

333. The Penal Law creates crimes against sexual assault, sexual abuse of wards, and facilitation or promotion of prostitution.<sup>108</sup>

334. The law however is often disregarded in implementation because of poor understanding of official enforcement duties, lack of legal knowledge, and the dominance of cultural perspectives regarding the dignity of children and women. For example, a UNMIL report on rape found that the Rape Law was disregarded by law enforcement officials.<sup>109</sup>

### **Economic exploitation, including child labour (art. 32)**

335. Liberia has ratified 24 ILO Conventions. Directly related to children, the country has ratified the ILO Convention on the Worst Forms of Child Labour Convention (ILO Convention No. 182), but not the ILO Convention on Minimum Age for Admission to Employment (ILO Convention No. 138). Otherwise, it has ratified all ILO core Conventions, except the Convention on Equal Pay (ILO Convention No. 100).

336. Nevertheless, the country's major challenge on the economic exploitation of children relates to child labour. The commonest worst forms of labour are rubber tapping and trading. These practices are, often at the direct instance of parents or caregivers wanting to supplement their labour and incomes. NACROG quoted a rapid assessment it jointly conducted with the African Network for the Prevention and Protection against Child

<sup>106</sup> An Act to Amend the New Penal Code Chapter 14 Sections 14.70 and 14.71 and to Provide for Gang Rape, 2005, sections 3 and 2, replacing Chapter 14 sections 14.70 and 14.71 of the Penal Code.

<sup>107</sup> An Act to Amend the New Penal Code Chapter 14 Sections 14.70 and 14.71 and to Provide for Gang Rape, 2005, section 3.

<sup>108</sup> The New Penal Code, Chapters 14.76, 14.77, and 14.78.

<sup>109</sup> UNMIL, 'Human Rights in Liberia's Orphanages' (Monrovia; UNMIL, 2007).

Abuse and Neglect in June 2005 that the education of children on rubber estates was threatened partly by child labour. That assessment had established that 40 per cent of children of school-going age on four plantations in four counties had dropped out of school. Over one in 5, 23 per cent had never attended school. Only 27 per cent were in school.<sup>110</sup> In 2007, NACROG examined use of children in trading, mostly on the street. The group found that “90 per cent of the children involved in this practice were not residing with their parents.<sup>111</sup> Instead, they were residing with either relatives or others intent on using the children for trading. Such users of child labour persuade the children’s parents in rural areas that the children would attend school whilst in the urban area.

337. The Government has established a National Commission on Child Labour. IRC is among the organizations that have funded the activities of the Commission, which advocates against child labour. Some of its activities have included radio drama and jingles, and advertisements on billboards. SC-UK has further trained the members of the Commission.

338. In addition, the IRC in collaboration with the Ministry of Labour and three local NGOs has been implementing project called Countering Youth and Child Labour through Education (CYCLE). Funded by UDDOL, the project commenced in 2005. The IRC and its implementation partners implement the project in three counties, Montserrado, Nimba, and Lofa, focusing on nine communities. The project aims at shifting children in exploitative and worst forms of labour into education and training. The project works mainly through advocacy at the community level, direct provision of support with learning materials, uniforms, and fees. The project further tracks attendance, and facilitates joint visits to schools involving IRC and Government officials and PTA members. As of April, 2009, the project had enrolled children and young people as follows:

Table 18

**Enrolment into school of children in exploitative situations under the Cycle Project**

<i>Education level</i>	<i>Children and young people enrolled</i>		
	<i>Female</i>	<i>Male</i>	<i>Total</i>
Primary	6 166	5 654	<b>11 820</b>
Junior secondary	576	487	<b>1 063</b>
Senior secondary	272	230	<b>502</b>
ALP	580	576	<b>1 156</b>
Skills training	431	151	<b>582</b>
Vocational training	78	89	<b>167</b>
<b>Total</b>	<b>8 114</b>	<b>7 176</b>	<b>15 290</b>

*Source:* IRC.

339. These numbers, from the nine communities of the project, are indicative of the problem nation-wide. The Cycle Project is due to end in September 2009. The Government hopes that the project can be continued and extended to other areas.

<sup>110</sup> NACROG-Liberia, Child Rights Violations: A Comprehensive Response Required: A Situation Report, (Monrovia; NACROG, 2006) at 8.

<sup>111</sup> NACROG-Liberia, Child Rights Violations: A Comprehensive Response Required: A Situation Report, (Monrovia; NACROG, 2007).

**Drug and substance abuse**

340. Drug and substance abuse is more of a problem among boys than among girls. Table [ ] shows the number of children apprehended by the police for drug and substance abuse.

341. Section 16.6 of the Penal Law outlaws the selling or serving alcoholic beverages to any person under the age of 18.

**Sexual exploitation and sexual abuse (art. 34)**

342. During the war, girls were used as sexual objects for male fighters.<sup>112</sup> After the war, girls continue to be subjected to the threat, and too frequently, the reality of defilement and rape.

343. For 2005, NACROG reported that rape and the defilement of children was its most documented violation of child rights in the country.<sup>113</sup> For 2006, the observatory group reported that 75 per cent “of abuses monitored, reported, and/or documented were associated with rape and other forms of sexual violence against children.”<sup>114</sup> In that report, NACROG reported that children as young as 2 years had been defiled. Two girls aged 4 and 13 had died as a result being raped. For 2007, NACROG documented 106 “rape cases”, 83 of which resulted in no further action.

**Other forms of exploitation (art. 36)**

344. There are no data on the number of children trafficked for other purposes such as labour. Within the country, however, some parents give away their children to relatives and others to be used in trading, household, and other forms of labour.

**Sale, trafficking, and abduction (art. 35)**

345. NACROG and others have long suspected that some of the country’s orphanages and expressed charities for children may be conduits for child trafficking. As late as 2009, there had been reports of suspected schemes to sale or traffic children. One such instance involved the one person tricking parents of 30 children to be transferred into the care of a “mission.” The children ended up at a centred run by the Ministry of Peace, not the Mission that was initially mentioned. Government officials and certain child protection agencies including UNICEF intervened resulting in the placement of the children under the temporary care of Don Bosco Homes.

346. The perception of the threat of child trafficking has resulted in not only a new law, but also a national plan. The Anti-Trafficking Law makes provision for the punishment of child trafficking, child pornography, forcing or servile marriages, delivery of children for exploitation, and abuse of position.<sup>115</sup> The National Plan on Anti-Human Trafficking is the work of the National Task Force for the Prevention of Trafficking Persons, an inter-ministerial team established under section 1 of the Act to Ban Trafficking within the Republic of Liberia. The seven members of the Task Force are the Ministers of Labour, Justice, Health and Social Welfare, Foreign Affairs, and Internal Affairs as well as the Inspector General of the Liberian National Police and the Commissioner for the National Bureau of Investigations. The Minister of Labour chairs the Task Force.

<sup>112</sup> Sumo Booker et al, *They Grew Up in the Fighters’ World ...* (Medicins Du Monde; 2007).

<sup>113</sup> NACROG-Liberia, *Child Rights Violations: A Comprehensive Response Required: A Situation Report*, (Monrovia; NACROG, 2006), 5.

<sup>114</sup> NACROG, 2006.

<sup>115</sup> An Act to Ban Trafficking In Persons within the Republic Of Liberia, 2005, sections 1 and 2.



347. The plan has spelt out roles for the seven member Government institutions of the Task Force and other key agents such as the Ministry of Education, Ministry of Transport, the National Security Agency, and non-governmental organizations. The Government departments and organizations involved will set aside resources to counter trafficking, rehabilitate, and reintegrate those that are rescued or repatriated.

348. There is anecdotal evidence by UNMIL and NACROG that those in control of traditional and other secret societies often abduct children to force them to go through an initiation ceremony and other rites of passage.

349. Attempts to initiation ceremonies have so far proved difficult though the Children's Law will contain legal provisions to supplement the current law on the trafficking and punish the abduction of children. It will provide that a person convicted under the Trafficking Law or any penal law prohibiting the abduction or trafficking of children should be placed on a child offenders' register and not allowed to render direct work services to children. There will further be a punishable offence for parents, carers, or childcare institutions that cause the seduction or prostitution or abduction of a child.<sup>116</sup>

#### **Children belonging to a minority or an indigenous group**

350. There are at least 16 ethnic groups among Liberia's 3.5 million people. These are the Bassa, the Belle, the Dahn (Gio), the Dei, the Gbandi, the Gola, the Grebo, the Kissi, the Kpelle, the Krahn, the Krao, the Kru, the Lorma, the Mandingo, the Mahn (Mono), the Mende, and the Vai.

351. The country's Constitution demands equality among the country's ethnic groups.<sup>117</sup> However, linguistic, cultural, and ethnic identities have perversely been used to maintain social divisions, exclusion, and enmities. Such manipulation of ethnicity partly explains the political factions that have existed in the past and been central to the country's long civil war, which has adversely affected child well-being.

#### **Children working on the street**

352. NACROG observed for the year 2007 that the counties of Montserrado, Nimba, and Grand Bassa have the highest incidents of children working on the street. No credible data exists, though it is known that most of such children have households from which they operate.

353. The law's response is to treat such children as neglected.<sup>118</sup> This allows a petition to court for regulation or instructions to the child's home or for the removal of the child from her or his home.<sup>119</sup> This however is not practised well, due to low staffing and legal awareness levels among law enforcement personnel.

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<sup>116</sup> Children's Bill, Article XII, section 136.

<sup>117</sup> Constitution of the Republic of Liberia, Article 27 (b).

<sup>118</sup> Penal Code, Chapter 16, section 16.4.

<sup>119</sup> Judicial Law, section 11.11.