



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Sixty-first session

### Summary record of the 1728th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 18 September 2012, at 10 a.m.

*Chairperson:* Mr. Zermatten

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*The meeting was called to order at 10.05 a.m.*

### **Consideration of reports of States parties**

*Second to fourth periodic reports of Liberia (CRC/C/LBR/2-4; CRC/C/LBR/Q/2-4; CRC/C/LBR/Q/2-4/Add.1)*

1. *At the invitation of the Chairperson, the delegation of Liberia took places at the Committee table.*

2. **Ms. Duncan Cassell** (Liberia) said that the years of war in Liberia had destroyed schools, hospitals, roads and infrastructure, broken up families across the country and displaced hundreds of thousands of Liberians. Women and children had been particularly affected. Many children had been recruited as soldiers, and children had been abused, exploited and deprived of years of education.

3. Several advances had been made since 2006, however, including the adoption of key legislation and policies in areas such as gender, youth and education, the establishment of entities for the protection of children's rights and the development of numerous services. The country's poverty-reduction strategy, which illustrated the Government's commitment to children's issues, had a strong focus on human development, education, health, water, sanitation, social protection, youth empowerment, gender, HIV/AIDS and child protection.

4. Without question, the most significant step towards implementing the Convention had been the adoption in 2011 of the Children's Law, which included a comprehensive bill of rights for children. Under that law, the best interests of the child must guide all Government decisions that affected children. The law specified the obligations of government agencies and ministries with regard to the rights of the child and mandated the establishment of a National Child Well-Being Council. Clear guidance had also been provided for the regulation of alternative care institutions and the establishment of children's forums and community-based child welfare committees.

5. Progress had also been made in the provision of services to children, including safe homes for victims of violence, counselling and rehabilitation centres for rape victims, new schools and improved health, water and sanitation facilities. Other developments included gradual improvements in the regulation of children's homes, the creation of alternatives to orphanages, the reunification of children with their families and the development of family-type community-based services for children deprived of parental care. Non-custodial measures were being explored for children in conflict with the law. Youth empowerment programmes had been put in place, and employment opportunities were opening up for young people.

6. However, Liberia continued to grapple with the problem of insufficient human and financial resources, which hindered the planning and coordination of policies to protect children's rights. Much work thus remained to be done in the area of budgeting, monitoring and data collection. Nevertheless, the Government's clear vision and strong leadership would help to ensure that the rights of children were fulfilled. Her Government would continue its efforts to implement the Children's Law, ensure that all Liberian children were registered at birth and that no child started life malnourished, provide education for children living in remote areas, improve social protection for vulnerable households and prevent poverty from being passed down from one generation to the next.

7. **Ms. Aidoo** (Country Rapporteur) said that the military coups, instability and civil war that had affected the country for years continued to encroach on children's rights in Liberia. Challenges included the still-fragile security situation in the country, disparities between urban and rural areas, gender inequality, high levels of illiteracy and the fact that an estimated 80 per cent of the population lived below the poverty line, with some 50 per

cent living in extreme poverty. Other constraints on children's rights included inadequate human resources in the area of health, education and social protection. Violence against women and girls was pervasive, and harmful customary practices, including early marriage, female genital mutilation and trials by ordeal, persisted. Notwithstanding those challenges, however, the Government was to be commended for its many significant achievements in recent years, including the adoption of the Children's Law and important amendments to the provisions of the Penal Code concerning rape.

8. In the light of the State party's experience with the effects of armed conflict on children and the sexual abuse and exploitation of children, especially girls, she failed to understand why Liberia had not ratified the Optional Protocols to the Convention, and she asked whether it had plans to do so. The Children's Law reportedly contained a series of relevant annexes, and she urged the delegation to make any such documents available to the Committee. She asked for clarification of the authority of the Children's Protection Division of the Ministry of Gender and Development and whether the Division was competent to coordinate children's policies across various sectors such as water, health and education. She would also like information on the extent of coordination between the Division and the Department of Social Welfare in the Ministry of Health and Social Welfare as well as on the budgetary resources set aside for such coordination. Further information on the National Child Well-Being Council's role in coordinating the Government's and partners' efforts to implement the Convention and the Children's Law would be useful. Further information was also needed on the civil society organizations involved in developing a national plan of action for children.

9. Given that the State party lacked a mechanism to track the allocation of public resources for children, she wished to know how it ensured that it was investing the maximum available resources in the protection of children's rights in accordance with article 4 of the Convention and the extent to which it had included children as a consideration in drawing up its budgets, as it had done for gender. What share of the debt relief from the Heavily Indebted Poor Countries Initiative had been allocated to children?

10. Lastly, she would be grateful for information on measures to increase knowledge about the rights of the child, including among children themselves. She asked whether a child-friendly version of the Convention existed, whether the Convention and the Children's Law had been translated into the principal local languages, how illiterate persons were informed about the rights of the child and whether there was systematic training of professionals at all levels based on the Convention and the Children's Law.

11. **Ms. Nores de García** noted that ratification of the Optional Protocols to the Convention was particularly vital to a country that had experienced so many years of armed conflict and asked whether the State party had taken any measures to prevent multinational rubber plantations from using child labour.

12. **Mr. Guráñ** said that he would like to know the current status of the country's national human rights institution, as the Committee had some concerns as to its credibility and independence. He would also appreciate details of the institution's structure and staffing. He asked whether personnel had been trained to consider children's complaints or whether there was an effective complaints mechanism within the institution. More information was needed on the role of the National Child Rights Observatory Group. It would also be useful to know whether progress had been made on data collection in the State party and to have more details of the indicators covering children. While some advances had been made in that area with the support of the United Nations Children's Fund (UNICEF), it was not clear what the State party had been doing on its own to ensure that a sustainable system of data collection was in place. The role of the Ministry of Gender and Development in that area was not clear, as it did not seem to be the appropriate

institution to engage in such a task; data collection might be better left to a national statistics agency, for example.

13. **Mr. Cardona Llorens** commended the State party for the steps it was taking to rebuild the State in the wake of conflict. He also welcomed its incorporation of the principle of the best interests of the child in the Children's Law. However, he wished to know what measures would be implemented to ensure that decision-makers knew how to take account of that principle and to train judges, teachers and other professionals working with children to take account of the best interests of the child at the individual level. He asked how the Government planned to ensure that its decisions, such as the adoption of budgets and legislative instruments, also took the best interests of the child into account.

14. **Mr. Kotrane** said that the Committee remained concerned that much of the State party's legislation contradicted the provisions of the Convention. In addition, many elements of customary law were at odds with domestic laws. According to the Children's Law, a child was defined as a person below the age of 18, but customary law provided that girls could marry at the age of 16, and marriage at the age of 14 was tolerated in the hinterland. He asked how the State party planned to harmonize its legislation and prohibit marriage under the age of 18 for both sexes. He requested additional information on the applicability of the Convention in domestic courts, particularly details of any cases in which it had been directly invoked. It would be useful to have clarification as to whether the courts could hand down the death sentence or life imprisonment to children between the ages of 16 and 18.

15. **Mr. Madi** requested updated information on the programmes the Government was implementing to eliminate discrimination against children, particularly girls, and the steps it was taking to ensure that children in rural areas had access to education and health care. He asked how public awareness was being raised about the harmful nature of traditional practices such as female genital mutilation. While welcoming the State party's efforts to increase the rate of birth registration, he urged the Government to focus on birth registration in rural areas and to remove the fine for late registration. He asked the delegation to explain why Liberian citizenship could be transferred to a child by birth only if both its parents were of African descent. He enquired whether a Liberian mother could transmit her citizenship to her children if she was married to a foreigner.

16. **Ms. Varmah** asked whether the State party had considered introducing birth registration facilities in hospitals, clinics and schools and setting up mobile birth registration systems. She wished to know whether the State party planned to take steps to raise parents' awareness of the need to register their children's births and to ensure that all births were medically attended. It would be useful to know whether the Children's Law prohibited the practice of changing a child's name or identity in an orphanage, as described in paragraph 129 of the periodic report. She would appreciate details of the measures the State party planned to take to implement the provision of the Children's Law that recognized freedom of expression as a human right for children (CRC/C/LBR/2-4, para. 131).

17. **Ms. Sandberg** asked what mechanisms were in place to uphold children's right to be heard in judicial and administrative proceedings that affected them, in accordance with article 12 of the Convention. She wished to know whether any programmes were being implemented to counter the expectation that girls would be less participative and autonomous than boys in society at large and in the taking of individual decisions.

18. **Mr. Koompraphant** asked whether there were any resources that the State party could mobilize to facilitate implementation of the Children's Law and what role local authorities might play in that regard. It would be useful to know how the State party intended to interpret and implement the Children's Law in cases where it contradicted

customary law and, in particular, what action would be taken if law enforcement officers or other authorities applied provisions of customary law that violated the Children's Law. He would welcome information on the entity that should be notified of acts of violence against children and the authority that dealt with such cases.

19. **Mr. Pollar** requested details of the registration process for non-governmental organizations (NGOs) and asked whether such registration was subject to periodic review. It would be useful to know how the Government regarded the existing legislation on civil society. He asked whether NGOs were required to meet any prohibitive requirements or pay a fee in order to register, and how easy it was for the authorities to refuse to register an NGO. He requested information on the capacity of Liberian NGOs and the degree to which they had participated in the preparation of the periodic report.

20. It would be useful to learn how the State party planned to tackle the prevailing view that children should not express their views, particularly girls. Given that the Government planned to set up forums through which children could participate in decision-making (CRC/C/LBR/2-4, para. 131), he wished to know whether a mechanism would be established to protect that process and what remedies would exist if that right was violated.

21. The Committee would welcome details of the steps the State party planned to take to increase children's right to privacy in all settings, including the family, alternative care and all institutional facilities. In that regard, he asked how the State party protected children's families and homes from arbitrary or unlawful interference. It would be interesting to learn whether children could receive letters at school without their being opened by others, and whether children in the State party had the right to confidential advice and counselling. He asked what controls were in place to ensure the confidentiality of information stored in medical and other records or files of children from birth onward.

*The meeting was suspended at 11.10 a.m. and resumed at 11.35 a.m.*

22. **Ms. Tah** (Liberia) said that the process of ratifying the two Optional Protocols to the Convention was under way. The Government planned to submit some of the annexes to the Children's Law for further constitutional review, particularly those provisions regarding the death penalty; the President had established a committee to undertake that task. In addition, the criminal justice sector was organizing a workshop to be held in November 2012 which would examine some of the laws that had not been addressed in the Children's Law. While article 9 of the Children's Law made reference to the inclusion in the Judiciary Law of the best interests of the child, the Ministry of Justice was aware that more specific instructions were needed. One of the aims of the workshop was to identify the precise amendments that should be made to the Judiciary Law and the Penal Code.

23. The Independent National Human Rights Commission had been slow to become fully operational. Much remained to be done to build capacity within the Commission. The possibility of appointing a focal point for children's rights within the Commission was under consideration. There was a need for greater coordination among the government agencies that worked with children. The Ministry of Justice had begun developing a specific programme to deal with children in conflict with the law, as opposed to children who were in need of assistance. In the light of the pilot project on Child Justice, there were plans to draft a bill to establish a permanent juvenile justice unit within the Ministry.

24. Many provisions of the Convention and other relevant human rights instruments had been directly incorporated in the Children's Law. The death penalty was a highly sensitive issue in Liberia. While there were many abolitionists, there was also a large sector of society that wished to retain the death penalty as a deterrent. There was no doubt that it would be abolished in the fullness of time, but the Government could not make any commitments as to when that would happen. The courts rarely imposed the death penalty,

and the President was not inclined to sanction the execution of adults; she would definitely not do so in the case of any child.

25. There were in fact discrepancies between customary and statutory law regarding the issue of the age of majority, and inconsistencies within the statutory legal system itself. The matter had been placed on the agenda of the forthcoming criminal justice workshop in November. Within the criminal justice system, the issue of age was indeed problematic, as offenders aged between 16 and 18 could be treated — and punished — as adults at the judge's discretion. The Judiciary Law would also be reviewed during the November workshop. The previous workshop had led to an amendment to the Jury Law which had extended the jurisdiction of magistrates, allowing them to refer children to community correction programmes instead of sending them to prison, and had established the role of probation officers.

26. Unlike such offences as murder or embezzlement, female genital mutilation was not always recognized throughout the world as a crime, as it was embedded in cultural practices. It therefore required a different approach, and the best advocates for abolition of the practice were the very people involved in the commission of such acts. Outreach efforts involving contact with communities and meetings between the Minister for Internal Affairs and community leaders had resulted in a commitment to change and cooperation on the part of local leaders and even the women involved in the practice. Cooperation and awareness-raising efforts at all levels formed part of a strategy to phase out the practice while avoiding controversy or confrontation.

27. With regard to the practice of trial by ordeal, she said that in April 2010 a convention had been organized to consider the harmonization of statutory and customary law in that area. Without access to courts during the war, people had turned to the customary law system, and efforts to overcome community resistance to the re-establishment of the rule of law called for regional consultation and community-based measures. The consultation process had produced a report, and measures had then been taken to inform local communities of the outcome, as it was important for the process to be inclusive. It was expected that the outcome would eventually lead to the introduction of new legislation. Liberia had also taken note of the experiences of other countries, such as Ghana and Malawi, with regard to the harmonization of customary and statutory legal systems.

28. **Ms. Aidoo** said that while efforts to work with practitioners of female genital mutilation were laudable, it was families and communities who actually fed the demand for such practices. She asked what efforts were being made to address the problem of demand rather than supply.

29. **Ms. Tah** (Liberia) said that traditional community leaders were frequently also parents who condoned the practice. Efforts were being made to reach the community as a whole while focusing on community leaders in view of their positions of authority within the community.

30. With regard to the issue of citizenship, namely the obsolete legislation stipulating that when a Liberian citizen married a foreigner, children of that union could choose their nationality upon reaching 21 years of age, she said that steps were being taken to overhaul that legislation, as citizenship should be determined at birth.

31. Corruption was a challenging and pervasive problem in Liberia. Following the period of war, which had turned norms and values upside down, Liberian society needed to be "re-socialized". Cases were being investigated, but the vast caseload, capacity issues and a shortage of specialist lawyers posed serious problems. The Ministry of Education had indicated that legal professionals would be trained to prosecute corruption cases, and the

authorities were taking steps to combat corruption, such as the measures for review of the payroll introduced by the new Minister of Finance.

32. The conscription of children was universally viewed as wrong. Arrests had been made in connection with the recruitment of child soldiers, both in Liberia and in neighbouring countries, such as Côte d'Ivoire, but the justice system lacked the capacity to process all cases. The Ivorian and Liberian Governments were working together to tackle the problem.

33. **The Chairperson** said that while the Children's Law was a vital piece of legislation, existing legislation and practices made it difficult for the Law's provisions to be fully implemented. Problematic areas, such as the persistence of the death penalty and corruption, remained. The State party needed to take comprehensive measures to integrate the provisions of the Convention into the national legislative framework and implement them in practice. The issue of the compatibility of national legislation with the Convention still needed to be addressed.

34. **Mr. Kotrane** welcomed the new legislation on children's rights but said that several difficulties remained with regard to its implementation, including the application of the death penalty to children under 18 and questions relating to adoption and citizenship. Much remained to be done to ensure that national legislation was compatible with the provisions of the Convention and that the latter's provisions were fully implemented.

35. **Ms. Cherue** (Liberia) said that births were registered in hospitals and clinics. Although attempts had been made to use mobile units, they had not been very successful. The main challenge was the registration of births which occurred outside medical facilities, involving traditional birth attendants. The authorities were working with nurses and midwives to register such births. Registration was free of charge for children up to the age of 13, and from the age of 14 upwards the fee amounted to approximately US\$ 7. Free health care was available in public medical facilities. Special measures had also been taken in respect of refugees from Côte d'Ivoire, and UNICEF had allocated 30 per cent of the funds required to provide free health care to refugees.

36. **Ms. Tarpeh** (Liberia) said that it was vitally important to disseminate information to rural areas: radio stations played an important role in that regard, broadcasting programmes on health, education and the rule of law, using simple, straightforward language. Radio stations also broadcast literacy programmes, and civil society organizations were involved in literacy work, including evening classes and courses aimed at those with school-age children. Radio stations also gave children a platform to address issues that concerned them, and to obtain information, allowing children's voices to be taken seriously.

37. She suggested that it might be appropriate for the State party delegation to include children when it next met with the Committee, as they could provide Committee members with an insight into the everyday life and concerns of children in Liberia.

38. **The Chairperson** drew attention to the lack of training for professionals working in the field of children's rights, especially in the area of child protection, and said that the problem was a fundamental one, as no progress would be made without properly trained staff to implement the provisions. He asked what measures were being taken in that regard. He also sought additional information on the steps being taken to ensure that children's voices were heard in the decision-making process, particularly in such areas as the public administration system, hospitals, schools and the social security system.

39. **Ms. Tarpeh** (Liberia) said that although the Children's Division of the Ministry of Gender and Development did indeed lack the necessary capacity to address such problems, it worked with other organizations, agencies and ministries. The Governance Commission was currently implementing a series of reforms, including changing the title of the Ministry

of Gender and Development to include child protection, in order to give the Children's Division greater authority, and was transferring the Social Welfare Department to the Ministry of Gender and Development in order to strengthen that department.

40. The Children's Law was currently being printed in vernacular form so that it could be disseminated and broadcast over the radio network. There were also ongoing efforts to raise awareness and to involve parents and civil society, including training in all 15 counties on the new Children's Law.

41. A written application to the Minister for Gender and Development was required for the accreditation of NGOs, and documents must be submitted to the Ministry of Planning and Economic Affairs, which would then accredit the organization.

42. UNICEF worked together with ministries and agencies in the field of children's rights in Liberia. Liberia had a Children's Parliament, with elections at the local and national levels. Children in the Parliament enjoyed freedom of expression and were able to attend all meetings, including budget hearings, to lobby the Government and to meet with the President. The Children's Parliament also took part in radio broadcasts on the subject of children's rights and, in cases of injustice, worked together with the Ministry of Justice to resolve them. Children were actively involved in the decision-making process and had access to an office in the Ministry of Gender and Development. The Children's Parliament worked with the National Child Rights Observatory Group, which needed to be restructured as a separate advocacy body and strengthened, and the Child Protection Network. The Children's Division had no data collection system of its own, but obtained its data from the Liberian Institute of Statistics and Geo-Information Services.

43. **Ms. Aidoo** suggested that the State party might wish to reconsider the name of the Child Protection Network, as the term "child protection" was often associated with responses to violations of children's rights. Given that the Convention covered a broad range of issues relating to children's well-being and development, it might be more appropriate to refer to "children" or "children's rights".

44. She asked whether the State party provided resources to local NGOs for addressing issues that the Government might not be able to tackle as effectively. Such an approach had proven effective in many countries.

45. She wished to know the status of the adoption bill that was being prepared and asked whether informal adoption and foster care provision were monitored by the Government. She also wished to know whether students and teachers in Liberia were being educated about children's rights and the Convention.

46. **Ms. Maurás Pérez** requested more information about efforts to improve adolescent health. She asked what steps were being taken to reduce pregnancy and abortion rates among girls, and whether support was provided to adolescent mothers who wished to continue their schooling. How was the national youth policy combating the alarmingly prevalent abuse by adolescents of toxic substances such as cocaine, marijuana and alcohol? What efforts were being made to combat HIV/AIDS?

47. Turning to the issue of poverty reduction, she asked how the State party integrated children's issues into its poverty-reduction strategy. She requested information, including statistics, on the effectiveness of the pilot cash-transfer scheme to help poor families.

48. **Ms. Al-Shehail** asked whether vocational education was offered to young people who dropped out of the compulsory education system.

49. **Mr. Koompraphant** asked what legal, administrative, social and educational measures were taken to prevent child abuse, particularly at home. What support was

provided to encourage parents to promote children's well-being, and to what extent were parents held liable for abusing children?

50. **Mr. Cardona Llorens** requested confirmation that under the Children's Law children with disabilities would be mainstreamed into the education system. In that connection, he asked whether resources were provided for measures such as providing specialized teacher training and building accessible schools. Referring to the low vaccination rates for children with disabilities, he enquired whether the State party conducted awareness-raising campaigns for parents of such children.

51. Turning to the issue of juvenile justice, he asked whether judicial workers dealing with children received appropriate training, whether there were special courts for children and whether detention centres, including those outside the capital, clearly separated children from adults.

52. **Ms. Lee**, noting that the State party's spending on education amounted to only 2.7 per cent of GDP, said that much more could and should be done to boost the prospects of the country's children, who were its future. Calling the low school enrolment and retention figures cited in the State party's written replies alarming, she asked what measures were being taken to improve the situation. She enquired whether Liberia had an early childhood development strategy and requested information on "bush schools" and how their existence affected attendance at State schools.

53. **Ms. Wijemanne** asked how the State party promoted school attendance by girls and women, and whether non-formal education was available for girls who had received no formal education. She asked whether health education was provided in schools to prevent pregnancy among girls and whether vocational training was available for school leavers.

54. Citing the high numbers of child runaways, who in some cases ended up in orphanages and other institutions, she asked how the State party protected the well-being of children in orphanages and how it ensured that adoptions took place in line with the Hague Convention on the Protection of Children and Cooperation in respect of Inter-Country Adoption.

55. **Mr. Madi** said that while the Committee recognized the State party's efforts to provide facilities for refugees, particularly those from Côte d'Ivoire, it was concerned about the welfare of the children who constituted nearly 60 per cent of those refugees. What facilities were provided to ensure the safety and well-being of unaccompanied refugee children? He also wished to know whether any asylum seekers among those refugees included children and, if so, how the authorities were dealing with those children.

56. **Mr. Pollar**, referring to article 11 of the Convention, on the illicit transfer and non-return of children abroad, said that while the State party's report focused on criminal aspects of the issue, he would like to have more information about how Liberia was addressing the civil aspects. For example, did the country have agreements with any other States for recovering illicitly transferred children?

57. Regarding former child soldiers, he asked what measures were being taken to ensure such children's long-term integration into society and prevent their re-recruitment.

*The meeting rose at 1.05 p.m.*