



**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**

Initial reports of States parties due in 1995

LIBERIA

[7 May 2002]

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Abbreviations

| | |
|-------|---|
| ACS | American Colonization Society |
| AEP | Assisted Enrolment Programme |
| ALP | Accelerated Learning Programme |
| BAWI | Board of Accreditation for Welfare Institutions |
| CDR | Crude death rate |
| CEDE | Center for Democratic Empowerment |
| CEDAW | Convention on the Elimination of All forms of Discrimination Against Women |
| CHAL | Christian Health Association of Liberia |
| CRC | Convention on the Rights of the Child |
| EPI | Expanded Programme on Immunization |
| FGM | Female genital mutilation |
| FOCUS | Forerunners of Children's Universal Rights for Survival, Growth and Development |
| GDP | Gross domestic product |
| ICRC | International Committee of the Red Cross |
| INGO | International non-governmental organization |
| LCHR | Liberia Commission on Human Rights |
| LEC | Liberia Electricity Corporation |
| LMB | Liberia Medical Board |
| LRRRC | Liberian Refugee Repatriation and Resettlement Commission |
| MHSW | Ministry of Health and Social Welfare |
| MOH | Ministry of Health |
| MPEA | Ministry of Planning and Economic Affairs |
| NACP | National AIDS Control Programme |

| | |
|---------|---|
| NAWOCOL | National Women Commission of Liberia |
| NGO | Non-governmental organization |
| NRRC | National Reunification and Reconciliation Commission |
| OCAM | Organization for Children and Adolescent Mothers |
| PHL | Public Health Law |
| TNIMA | Tubman National Institute of Medical Arts |
| UNDP | United Nations Development Programme |
| UNFPA | United Nations Population Fund |
| UNHCR | Office of the United Nations High Commissioner for Refugees |
| UNICEF | United Nations Children's Fund |
| VOF | Voice of the Future |
| WCAC | Women and Children Coordination Affairs Unit |
| WHO | World Health Organization |
| WODAL | Women Development Association of Liberia |

I. GENERAL INFORMATION

A. Land and people

Geographic situation

1. Liberia is a country in transition from a war-induced, complex emergency situation to recovery and development. The general condition is that of a lack of basic life-sustaining necessities, including physical infrastructure and professional personnel (brain drain), resulting in a prolonged period of returning to pre-war levels and movement towards development.
2. Liberia is located on the bulge of the west coast of Africa, a subregion laden with several socio-economic and political difficulties that present a formidable challenge to national development. Nevertheless, the subregion also presents an opportunity for the fostering of national and international goodwill toward rebuilding the capacity of the country, to assure its primary role of protecting human rights, particularly those of children and women.
3. The total area of Liberia is 111,370 km², situated north of the equator (see annex, map of Liberia). Liberia is bounded on the north by Guinea, the south by the Atlantic Ocean, to the east by Côte d'Ivoire and on the west by Sierra Leone. Liberia has a coastline of 579 kilometres. The Liberian border with Guinea is 515 kilometres, with Côte d'Ivoire, 615 kilometres, and with Sierra Leone, 254 kilometres.¹
4. The country generally has tropical rainforest vegetation, characterized by a predominance of leguminous trees and small volume of timber trees. These natural resources, together with the tropical rainforest, not only provides the major export-earning base for the Liberian economy but also ensure the livelihood of the majority of the rural population, especially the women, who make up about 75-80 per cent of farm labour and are the chief source of food security and the nutritional needs of children.
5. There are two climatic seasons in Liberia, the dry and the rainy seasons, with each covering about six months. The former runs from November to April, while the latter spans May to October.
6. The peak agricultural or farming season is from November to April, but this varies slightly from one region to the other. This is the high period for farming activities that require all human resources of the family, including the children, who are trained to perform various chores according to their ages. These chores usually involve driving away birds and insects that destroy the rice and, for the older children 15 and upward, planting crops and cutting bushes.

Main ethnic groups

7. There are 16 major ethnic groups in Liberia. The ethnic groups, in alphabetical order, are as follows: Bassa, Belle, Dahn (Gio), Dei, Gbandi, Gola, Grebo, Kissi, Kpelle, Krahn, Krao (Kru), Lorma, Mandingo, Mahn (Mono), Mende, and Vai.

8. The population is spread throughout the country in 14 major administrative areas, called counties, and listed below is the figure of population distribution for the 16 districts. The official language of Liberia is English. Most Liberians speak one of the 16 ethnic languages listed below.

Table 1
Population distribution per tribal languages

| District | Male | Female |
|------------|---------|---------|
| Bassa | 145 443 | 145 563 |
| Belle | 5 399 | 5 309 |
| Dahn (Gio) | 82 230 | 88 693 |
| Dei (Dey) | 3 572 | 3 932 |
| Gbandi | 39 558 | 29 795 |
| Gola | 41 528 | 41 750 |
| Grebo | 95 507 | 92 768 |
| Kissi | 44 255 | 40 406 |
| Kpelle | 203 453 | 204 713 |
| Krahn | 39 150 | 40 192 |
| Kru | 76 213 | 75 872 |
| Lorma | 39 935 | 38 761 |
| Mandingo | 57 057 | 50 129 |
| Mono | 74 410 | 74 867 |
| Mende | 8 911 | 7 451 |
| Vai | 37 098 | 38 947 |

Source: 1984 population and housing census, MPEA.

9. After 153 years of cross-cultural intermarriages, interactions and tribal associations which have resulted in a homogenous society, a child's traditional heritage in many cases can easily be linked to several tribes, which provides several opportunities for the child's socio-cultural development.

Demographic characteristics of Liberia

10. Liberia's population currently stands at 2.6 million and is growing at an annual rate of 2.4 per cent.² Women account for 50.1 per cent of the population, while men account for 49.9 per cent. Women of childbearing age, 15-49 years, constitute 43 per cent of the female population and 21.5 per cent of the national population.

Age structure

11. The population is young: over half (55.6 per cent) is below the age of 20 years. Children less than 15 years old account for 46.8 per cent of the population, children less than 5 years account for 14.4 per cent. Children 0-9 years constitute approximately 66.5 per cent of the total child population. Child-dependency stands at 94.0 and old-age dependency is 6.9. Thus, the total dependency in the population is high, 100.9: this means that, for every 100 adults of

working age, there are about 100.9 persons to be fed, clothed, educated and provided medical care and leisure. The dependency burden is actually much heavier, in view of the very high unemployment rate.

Population growth and distribution

12. Liberia's population growth pattern is influenced by five factors: (a) the widespread practice of polygamy, particularly in rural Liberia; (b) the large proportion of women of reproductive age; (c) the practice of early marriages - approximately 50 per cent of Liberian girls marry by the age of 16; (d) high fertility, of 6.3 children per woman; and (e) the generally low utilization of contraceptive services.

13. Average household size in urban areas is eight persons, but four persons in rural areas. This suggests that the pattern in rural to urban migration has changed over the last 25 years. In 1974, only 29 per cent of the population lived in urban areas; by 1984, the proportion had increased to 39 per cent. The situation has worsened on account of: (a) post-coup wage increases for the public sector employees, most of whom were in the urban areas; (b) attractive social life such as cinemas, nightclubs, football games, particularly in Monrovia. The urban centres were also considered as safe havens, compared to rural areas.

Population size

14. Projections based on pre-war population parameters indicated that Liberia's population was expected to stand at 3.6 million and growing at an annual rate of 3.4 per cent. The actual population size would, however, not be known until a census is conducted. This is because the seven-year civil war had affected the levels and patterns of fertility, mortality, marriage and international migration, in ways that were not factored into the population's estimation process.

Migration: rural and urban distribution

15. International migration into Liberia is very minimal and does not contribute significantly to population growth. For instance, in 1974, only 3 per cent of the total population were non-citizens. In 1984, this figure had risen slightly, to 3.4 per cent.

16. The internal migration problem has two scenarios - urban to rural and rural to rural movements of the population. Rural-urban migration has been a problem because the urban area has more opportunities (educational, health, employment, etc.) than the rural setting.

17. This rapid urbanization trend, of productive people losing cultural ties with local communities, while lacking in functional literacy, numeracy and commercial skills, and taking longer than normal time for assimilation and acculturation in urban centres, has two undesirable consequences: (a) promoting social vices in urban areas, slums, decay, and crime; and (b) undermining rural production and income generation on account of the premature and unplanned loss of productive labour on farms in rural communities. Given the lack of skills of the migrants, and the inability of the formal sector of the economy to rapidly create jobs, as well as inadequate support to promote informal trading and other micro-income generating activities, social stability may in the long run be compromised.

Mortality, life expectancy

18. Besides population structure and its dynamics, the components of population growth are crucial for the analysis and formulation of policies and practices for the improvement of living conditions. In this regard, fertility and mortality rates are critical. The crude birth rate (CBR), declining relative to the pre-war period, is now estimated to be 16 births per 1,000 population per year. The crude birth rates for urban and rural areas are 18.2 and 15, respectively. While the birth rate has declined, the crude death rate has increased relative to its pre-war level. The death rate is 23.5 deaths per 1,000 population per year. The crude death rates for males and females are virtually identical, at 23.6 and 23.5, respectively. The crude death rates in the rural areas is higher at 27.7 than the urban areas (19.3).

19. The leading causes of mortality in children are mainly preventable causes: neonatal tetanus (23 per cent), acute respiratory infections (18 per cent), and malaria (15 per cent).³ Infant mortality stands at 117 per 1,000 live births (male: 119 per 1,000 and female 114 per 1,000) and under-five mortality stands at 163 per 1,000 live births.⁴ These high rates place Liberia among the 10 most underdeveloped countries in the world. The maternal mortality rate of 578 women per 100,000 live births is also an indication of serious safe motherhood and child-survival problems in post-war Liberia.

20. Life expectancy at birth was estimated at 56 years in 1995 and 58 years in 1996, with females estimated at 60 years and males at 55 years. The national fertility rate of 6.3 is very high; it is the sixth-highest in West Africa, compared to Ghana's 5.5 and Cape Verde's 4.1.

Socio-economic and cultural indicators

21. The Liberian economy consists essentially of a strong traditional agrarian sector comprising largely of subsistence farmers (75 per cent women), with an average farm size of one and a half hectares, and a relatively modern sector, comprising rubber, timber and mining industries which together account for only 7 per cent of GDP but 70 per cent of public sector revenue and 60 per cent of total external trade in the 1980s, i.e. before the war. Presently, iron-ore mining activities have ceased, but mining of precious minerals, rubber and logging have become lead export commodities. For example, rubber exports in 1998 were equivalent to 67 per cent of total exports volume. In fact, in the 1997-1998 periods, agriculture, including forestry, constituted 77 per cent of GDP, with rubber, timber and rice registering very strong growth relative to the previous year's rates.

22. The manufacturing sector is rather small and contributed 8 per cent to GDP in 1980, 13 per cent in 1995 and 8 per cent in 1998. The economy has of late been registering steady growth as a result of recent policy reforms introduced by the Government. In the last two years, for instance, GDP increased to 22.7 per cent of the pre-war level and to 29.8 per cent in 1998. Total revenue also increased by 48.6 per cent over the 1997 amount of US\$ 27.6 million to US\$ 53.7 million in 1998.

23. On the other hand, the poor performance of the financial sector since the crisis, is a contributing factor of the slow growth of the economy. Of the more than 10 banks that were operating in Liberia before the war, only 5 are now operating. This is mainly due to the impact of the war.

Per capita income and inflation

24. In the 1970s, less than 1 per cent of the population accounted for more than 60 per cent of national income. By the 1980s, per capita income declined by 2.5 per cent per annum. In 1998, GDP per capita fell dramatically, by 60 per cent. The percentage of the population at that time estimated to be below the poverty line was 80 per cent (IMF; CCA).⁵

25. Unemployment, which was more than 50 per cent on the eve of the civil crisis, catapulted to at least 80 per cent during the crisis. During the latter part of the 1980s, inflation rose by nearly 10 per cent. In the first two years of the crisis, inflation increased by more than 400 per cent. The agriculture work force that had accounted for 86 per cent for the total work force in 1970 declined to 70.6 per cent of the total work force by 1996.

26. The debt burden of Liberia is estimated at 3.1 billion United States dollars, which accounts for about 189 per cent of GNP. This condition takes a heavy toll on the rights of the child in terms of financing critical areas of health, education, food security, environment, political participation, protection and governance. With the decline of the quality of life, and standard of living, poverty has become widespread. According to the UNDP *Human Development Report 1996 and 1997* Liberia ranked 158th and 156th respectively, out of a total 174 countries.

27. According to the Ministry of Planning and Economic Affairs' statistical reports and studies (1995), the illiteracy rate (average) of males is 60 per cent, and for females 74 per cent. Overall, the illiteracy rate in Liberia is 67 per cent. With an increasing number of women being heads of household, that is, an increase from 16 to 19 per cent, the assumption is that a large number of illiterate females pose a critical factor in the entrenchment of poverty for women and their families. This situation is a major bottleneck to the development of children in Liberia.

B. General political structure

Political history and framework of the country

Pre-colonial or indigenous period

28. The pre-colonial or indigenous period was characterized by the coexistence of various politically segmented ethnic groups that occasionally united on matters of common interest. No strong central indigenous political structures were developed, as was the case with pre-colonial Nigeria or Ghana.

29. The political unit that can best be likened to a modern political structure and which was most prevalent in pre-colonial Liberia was the "Compound", made up largely of related family group(s). The Compound-head wielded power that was more domestic than political but also when the need arose had authority for administering "law and justice" over the members of the Compound. The Compound-head ruled in consultation with a council of advisers or elders comprised mostly of the "Zoes", or "high priests" of the Compound or land.

30. It is also important to note that, in the northern and central regions, attempts were made to form loose confederations among several clans and/or chiefdoms, but these attempts were short-lived, with shifting and negligible success. Along the coast, particularly in the south-east, the tribes engaged in extensive travelling and seafaring, thus putting them more into contact with other indigenous Africans and with European explorers and slave traders.

Colonial period (1822-1839)

31. The colonial period is an epoch when the first group of settlers arrived in Liberia, from the United States of America, and they established themselves along the Liberian coast. The group responsible for this migration was the American Colonization Society (ACS). Primary among the reasons for migrating to Africa were:

- To minimize the possibilities for racial blending as more slaves became freed;
- To curtail the problem of unemployment, with its attending social unrest and instability;
- To establish a beachhead for Christianizing or civilizing people in Africa;
- To declare independence.

32. ACS acquired from the indigenous chiefs of the Bassa and Dey chiefdoms its first settlement (piece of land), the cape of Montserrado, and the present-day site of Monrovia, between 1821 and 1823. The acquisition of this settlement was followed by the acquisition of additional settlements by the settlers or colonialists. These additional settlements included the Virginia-Caldwell, Brewersville, Royesville, Louisiana, Clay Ashland, and other settlements. Also, other colonization societies in America acquired lands and established other colonies: Maryland settlement, Sinoe and Bassa settlements. The settlers had the right to elect members of the colonial council and to choose a deputy governor to assist the Colonial Agent. The colonial Government was headed by an Agent appointed by ACS or parent groups in the United States. The first colonial constitution, instituted in 1825 in the Monrovia Colony, provided for some participation of the settlers in the Government.

The Commonwealth period (1839-1847)

33. Upon arrival in Liberia, the settlers began a process of establishing a Government on the model of what they saw in the United States of America.

34. The colonies - Monrovia, Bassa and Sinoe - formed a Commonwealth of Liberia in 1839 through a new Constitution that provided for the settlement to be headed by a governor to be likewise appointed by ACS. The Constitution gave the settlers the right to elect or be elected to the position of deputy governor, and to enact laws, subject to veto by the governor. They were also allocated seats on the Colonial Council and in 1840 were extended the right to elect or be elected governor. During this period, the court system was installed, the franchise defined, laws enacted, and internal administrative machinery established. Unfortunately, the indigenous people were excluded from participation in decision-making, as they were not bonafide citizens of the Commonwealth.

35. Twenty-five years after its establishment, Liberia declared independence in 1847. The Constitution of 1847 marks the beginning of the Republic of Liberia.

Type of Government

System of governance

36. Liberia has a democratic republican form of Government whereby “All power is inherent in the people” (article 1 of the Liberian Constitution). The Constitution provides a unitary Government comprised of three branches: legislative, executive and judicial.

37. The governmental institutions and their respective functions are as follows:

(a) The legislative branch is comprised of the House of Senate and the House of Representatives. The House of Senate is headed by the President “protempore” who presides in the absence of the President of the senate (the Vice President of the Republic), Senators are elected two senators per county, for a term of nine years by registered voters. The House of Representatives is headed by the “speaker”. The Representatives are elected by their constituencies for a period of six years. Each constituency is based on population, geographic and other factors. The number of representatives from each county is equal to the county’s 16 constituencies. The chief function of the legislative branch is law making.

(b) The executive branch is headed by the President of the Republic, who is elected by registered voters in the Republic for a six-year term, along with a Vice President. The chief function of the executive branch is to execute or administer the law. The executive branch therefore comprises several different machineries to assist the President with his job, at both the national and local levels.

National-level machineries include essentially ministries, autonomous agencies, and public corporations/enterprises, whose heads are appointed by the President with the advice and consent of the Senate. At the local subdivisional level, the machineries essentially include local administration at the county, district, chiefdom, clan, city, borough, township, etc. The administrative heads of the counties and districts are appointed by the President with the House of Senate’s advice and consent, while those of the chiefdoms, clans, cities, etc. are elected by the local population involved.

(c) The judicial branch is headed by the Chief Justice of the Supreme Court who serves along with four associate justices. The Chief Justice is appointed for life by the President with the advice and consent of the Senate. The judiciary is chiefly responsible to interpret the law and to administer justice or the adjudication of justice.

C. General legal framework

38. The judicial framework of Liberia consists of the judiciary, the circuit courts, magisterial and juvenile courts, and the justice of the peace courts. The judiciary system operates in all of the political subdivisions of the country.

39. The administrative framework is headed by the Minister of Justice who, as Chairman of Joint Security, collaborates with the Ministers of Defence and National Security, the National

Security Agency and the Liberia Human Rights Commission to ensure a free and transparent dispensation of justice for all. The Ministry of Justice is charged with the enforcement of law to promote and enhance the protection of human rights. Human rights are rights inherent in every human being.

40. It is the duty of the Minister of Justice to institute all legal proceedings necessary for law enforcement. The minister supervises the activities of the Liberia National Police, the Bureau of Immigration and Naturalization, the correctional system and the treatment of prisoners through the Rehabilitation Department.

41. The roles and responsibilities of these agencies are as follows:

(a) The Liberia National Police preserves the peace, protects life and property; ensures the recovery of lost or stolen property; arrests violators of the law; prevents crime; enforces all laws and ordinances; testifies in court; defends and upholds the laws of the State; protects human and legal rights of persons; assists and protects detainees;

(b) The Bureau of Immigration and Naturalization is in charge, under the direction and control of the Ministry of Justice for administration of the law, relative to naturalization, admission, deportation and registration of aliens;

(c) The Liberian National Fire Service oversees the operation of an effective firefighting organization and takes all necessary measures for fire prevention and control.

Defence

42. Subject to the authority and direction of the President of Liberia, as Commander-in-Chief, the Ministry of National Defence has complete authority over the Armed Forces of Liberia, including all matters relating to their training and development of an army in terms of preparedness and effectiveness. The President shall however, make all military appointments. The Ministry of Defence supervises operations of the militia and coordinates its activities with the national defence programme.

43. The National Security Agency coordinates the activities of all security and law-enforcement services in all joint operations.

44. The Liberian Human Rights Commission functions independently to further ensure and implement the basic and fundamental rights of its citizens. The Commission does this by investigating complaints by Liberian citizens, as enshrined in the Constitution and statutory laws of the Republic of Liberia and of international human rights treaties and conventions to which the Republic of Liberia is a signatory, and by liaising with the Government officials charged with the enforcement of human rights.

45. In Liberia, the Constitution guarantees to each citizen and resident certain basic and fundamental rights. As a signatory to various international treaties and conventions which re-emphasize and reconfirm these basic rights, the Government of Liberia is treaty-bound to guarantee, promote, and protect the rule of law.

46. Remedies available to safeguard human rights are: (a) habeas corpus; (b) mandamus; and (c) prohibition.

47. The human rights instruments that are parts of the national legal system are the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, which were ratified in 1993 and 1998 respectively. The African Charter on Human and Peoples' Rights and ILO Convention No. 187 concerning the Worst Forms of Child Labour are presently before the legislature for ratification.

D. Information and publicity

48. The Government of Liberia has supported and continues to support public awareness in respect of the various human rights instruments ratified, through activities of related governmental and NGO institutions, in collaboration with the Ministry of Information and Cultural Affairs.

49. The Ministry of Information is responsible for formulating policies for communication, which includes the print and electronic media. In the execution of its duties, it maintains close contact with all ministries and agencies of Government, as well as with NGOs for information dissemination purposes.

50. With regard to children-related activities, the International Children's Day of Broadcasting programme is a noticeable example of the collaboration on information dissemination regarding children's human rights activities in particular, and on Convention awareness and implementation, through the print, electronic and traditional channels.

51. Programmes that have increased awareness throughout the country are:

(a) Immunization, in particular polio eradication, nutrition and iodine-deficiency awareness, and on HIV/AIDS, and family life that includes reproductive life;

(b) Special celebrations of the Day of the African Child (16 June) and International Children's Day of Broadcasting (12 December) which allows for children to share their views on human rights and national issues through public interviews mostly targeting Government officials, including the President, other activities include debates, essays, arts, among others;

(c) NGOs and other human rights groups are engaged in increased awareness activities through the distribution of pamphlets, literature and the Convention lecture series and debates.

Dissemination and translation of the Convention

52. Measures to translate the Convention on the Rights of the Child and the Universal Declaration of Human Rights include translation into the various local vernaculars - example, Vai, Kpelle, Bassa and simple Liberian pigeon-English. While the translation process is ongoing, it is slowed by impediments of inadequate human, logistical and financial resources. Other government machinery that translates the Convention on the Rights of the Child are the ministries of Youth and Sports, Health and Social Welfare, Education, and Internal Affairs.

53. The Government institution responsible for preparing the report on the Convention is the Ministry of Planning and Economic Affairs, through its Women and Children's Affairs Coordination (WCAC) Unit. This unit was established in 1994 to ensure and coordinate the mainstreaming of gender issues, in particular women and children empowerment programmes, into the national planning, programme and budgetary processes.

54. The main objectives of the WCAC unit are:

(a) To collaborate with relevant institutions in ensuring that the interest of women, children and their families as well as persons in difficult situations, refugees and the internally displaced are articulated at the national and international levels;

(b) To ensure that the capacities of various machineries relative to women and children are built and strengthened;

(c) To formulate and ensure the enactment of policies and guidelines that promotes social, economic and political empowerment in terms of gender equality;

(d) To ensure the effective implementation and reporting on the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of the Child.

II. SPECIFIC INFORMATION AND ASSESSMENT OF CHILD RIGHTS

A. General measures of implementation (art. 4)

55. Even though the civil war has hindered smooth implementation of the Convention since its ratification in 1993, some measures are already being undertaken by the Government to harmonize its provisions with other existing national laws. The Public Health Law of Liberia is an excellent example.

56. Besides the Public Health Law, there exist provisions on child abuse, child welfare, custody, and adoption within the Penal Code and Domestic Relations Laws that are harmonized with the Convention in regards to the definition of a child.

57. The publication of the principles and provisions of the Convention is being carried out through all available channels, both governmental as well as NGOs and civil society institutions, such as Voice of the Future (VOF), The Child Mirror newspaper, and the Child Art Festival. However, despite these positive initiatives, which still do require urgent attention to ensure a smooth and effective implementation of the process, much has to be done to accomplish complete translation of the Convention into local vernacular - example, Vai, Kpelle Bassa and simple Liberian pigeon-English. While this process is ongoing, there are challenges such as inadequate human, logistical and financial resources.

58. As a means of promoting rural-community involvement and a wider media coverage, the Government, through the operation of social and welfare programmes, in conformity with the Convention, is strengthening the capacity of the rural network machineries of the print and electronic media, the national cultural drama troupe, civic organizations. In particular, women and youth groups, and the Bong County Child Rights Promotion Initiative among others.

59. In 1999 a baseline study was commissioned by the Government in collaboration with the Eminent Persons' Group on Children, representing civil society, UNICEF and the international community to assess the welfare of children and their families for the development of a National Plan of Action for children. This activity was critical for the formulation of policies and the mainstreaming of children issues and concerns into the Government plans.

B. Definition of the child

60. The definition of the "child" varies according to several factors relative to culture or the laws. Generally, a child is regarded as a person who has not reached his/her maturity. The stage of maturity is often described as the state or time of being of full legal age to make critical life-sustaining decisions, paramount of which is voting.

61. The Convention defines a child as any person below 18 years of age, except as otherwise provided by national laws.

62. The Liberian Constitution does not provide a definition of who is a child. It merely provides for ages in terms of particular circumstances such as the voting age. Chapter 8, article 77 states that "every Liberian not less than eighteen years of age, shall have the right to be registered as a voter and to vote in public elections and referenda".

63. Other statutory definitions provided are:

- *Working age*: "The age of working under the labour law is not less than 16 years; work is defined as employment of services for fixed wages or salaries over a period or output";
- *Marriageable ages*: the New Domestic Relations Law (chap. 2, sect. 2.2) states that, "Marriageable age for male is set at 21 and for females at 18 years. Under the Revised Administrative Law Governing the Hinterland, marriageable age is set at 15 years";
- *Age of criminal responsibility*: the age of criminal responsibility under the New Penal Code, (chap. 4, sect. 4.1) is set at 16 years. Furthermore, under this law a person below 18 years is considered "a minor" and not a "child". The legal and general definition of the word "minor" relates to legal competence or prohibition against certain acts until a greater age is attained. The terminology, minor, cannot be synonymous to that of a child, as the law imputes reasoning to a minor rather than a child.
- *Recruitment in the armed forces*: prior to the Liberian coup d'état in 1980, Liberia had a regular army and a paramilitary called the Militia. The Militia was established as a result of the Legislative enactment, which stated, "Every able-bodied male citizen of the age sixteen up to the age of fifty was compelled to register in the Militia". The present age of recruitment in the Liberian Army is 16 years.

64. As a means of solving the difficulties imposed by the variations in the definition of “the child”, which are not always in the best interest of the child, a legislative process is being put in place to harmonize these Laws with the Convention’s definition of a child.

C. General principles of the Convention

Non-discrimination (art. 2)

65. There is no law or policy in Liberia that discriminates against “the child”. The Constitution of Liberia, chapter II, articles 11 to 26 inclusively, deals with the protection of the fundamental rights of every person. With regard to the issue of discrimination, article 11 section 6, states that “all persons, irrespective of ethnic background, race, sex, creed, place of origin or political opinion, are entitled to the fundamental rights and freedom of the individual, subject to such qualifications as provided for in this Constitution”.

66. Besides this constitutional provision, there are other provisions within the Alien and Nationality Law, which speak of the criteria for citizenship. The Penal Code on criminal discrimination states that “except insofar as otherwise expressly required or permitted by law, any public servant or other person who, in the conduct of the government or of any educational enterprise, place of worship, Labour union, hospital, cafe, hotel, restaurant, transportation facility, housing facility, or business or public accommodation generally, either commits or omits doing an act or threatens to do an act to the prejudice of another person because of his or his spouse’s race, colour, clan, tribe, national origin or religion, is guilty of a first-degree misdemeanour”.

67. Despite the existence of these administrative laws, there still exist the need to promulgate policies that would ensure implementation of programmes that safeguard the rights of children and their families, especially post-war peace-building and reconciliation programmes.

The right to life, survival and development (art. 6)

68. Article 20 (a) of the Constitution of Liberia provides for the protection of the right to life; it states: “No person shall be deprived of life, liberty, security of the person, property, privilege or any other right except as the outcome of a hearing judgment consistent with the provision laid down in this Constitution and in accordance with due process of law.”

69. It affirms that all persons are born equally free and independent and have certain natural, inherent and inalienable rights. Among these rights are the rights of enjoying and defending life and liberty, of pursuing and maintaining the security of the person and of acquiring, possessing and protecting property, subject to such qualification as provided for in the Constitution.

70. The right to life of the Liberian child is viewed within the context that Liberia is just emerging from a devastating civil war in a subregion that is unstable. In this regard, it becomes appropriate in the best interest of the child to put into place social reform programmes including peace building that involve policymakers, the children themselves, as well as civil society thereby ensuring transformation to a culture of peace.

71. In furtherance of the right to life, abortion or any action that interferes with the life of an unborn child is illegal in Liberia. However, there have been reports of criminal abortions both in rural and urban areas in the country. To combat this, more support is being given to programmes such as family life and family planning education, targeting especially the adolescent.

72. Furthermore, there are several administrative agencies constituted by the Government of Liberia to ensure life and growth of the child. These include the Bureau of Social Welfare and the National Social Security Agency. The programmes of the Bureau included the formulation and approval of the nutritional policy on breast-feeding, immunization, HIV-AIDS control and prevention.

73. In addition, there are other institutions involved in the provision of services that protect life and promote growth and survival of women and children; these include the various religious and civic institutions to include: the Women's Development Association of Liberia (WODAL), the National Women's Commission of Liberia (NAWOCOL), Save the Children, Children Assistance Program (CAP), Liberia Commission on Human Rights (LCHR), Voice of the Future (VOF), and FOCUS.

74. There are however, several factors affecting the growth and development of the child, especially the "girl child". These include female genital mutilation and early marriage, which endanger the health status of girls and lower their social, economic and political chances in life. In some instances, a girl child can be engaged for marriage while she is still within the womb, by traditional bride-price payments to the parents. There and then the future of the unborn girl child has already been circumscribed. This practice, although legally abolished some years ago by the Government, persists in some parts of the country.

75. Other factors include the reluctance of people to change their cultural norms and practices; traditional societies, which interrupt formal school programmes, and inadequate resources to support awareness programmes necessary for the enhancement of child survival and development.

76. The plans of Government to address these problems include, among others, the resuscitation of communication in particular, rural information networks and educational institutions throughout the country.

D. Civil rights and freedoms

Name and nationality (art. 7) and preservation of identity (art. 8): Civil and legal identity

77. The Convention regards the legal status of children as fundamental in protecting their rights. This includes the right to legal cultural identity, the right to a name, nationality, to know and be cared for by one's parents, as well as the preservation of such identity.

78. In consonance with these articles, the Liberian Constitution article 27 (b) provides a legal right of the child to nationality birth registration. The Public Health law requires that all births be recorded at the time of birth, and that such registrations be done within 14 days of birth. The

name, date of birth, nationality, sex and parents names are to be recorded. In the event that the child is not born in a hospital or a health facility, the name of family relations other than parents who were present at birth of child shall be recorded.

79. Also under the laws of Liberia, cultural identity in the Alien and Nationalization Law provides that, "A citizen of Liberia at birth shall be any person who is a Negro, or of Negro descent born in Liberia and subject to the jurisdiction thereof and a person born outside Liberia whose father (i) was born a citizen of Liberia, (ii) was a citizen of Liberia at the time of the birth of such child, and (iii) had resided in Liberia prior to the birth of such child."

80. Other laws that complement the process include the Public Health Law (subchap. 8, sect. 51.21). Its requirements complement the constitutional provision of article 27 (b) making mandatory the recording of birth within 14 days of birth. The law also provides that, where there is no physician, midwife or person acting as midwife in attendance upon the birth of a child, it is the duty of the father or mother of the child, the householder or owner of the premises where the birth occurred, within 14 days after the date of such birth, to inform the local Registrar of Births, and file the required report.

81. Birth registration is the community's first recognition of a child's legal existence. Children have a right to a birth certificate, and, in any case, they must be registered to gain access to the country's basic services. In simple terms, birth recording and certification are the sine qua non for guaranteeing the fundamental rights of children. In the absence of it, the very existence of the child becomes an issue, as it relates to the identity, nationality, and most of all his rights to adequate protection under the law.

82. It is mandatory as birth registration is taken seriously by the Government. Irrespective of citizenship, every birth is by policy required to be registered.

83. Yet despite these policies, children's rights to identity and nationality through the process of registration are hampered by the following factors:

(a) The inadequate awareness among a large segment of the population about the policy, practice and the importance of recording births;

(b) Inadequate infrastructures: hospitals, roads, and transportation facilities for the systematic recording of birth;

(c) High illiteracy rates amongst the population, especially the traditional birth attendant who cannot compile birth records for onward transmission to the Ministry of Health and Social Welfare.

84. To curtail some of these challenges, well-baby clinics and health posts are also mandated to record birth dates when children are brought in for treatment. Other traditional methods such as the description of major events that occurred when the child was born are being increasingly utilized to ensure that all children are registered.

Freedom of expression (art. 13)

85. Generally, freedom of expression exists in Liberia. However, the freedom of expression of children is usually guided by parents/guardians in the best interest of the child.

86. Chapter 3, article 15 (a) of the Liberian 1986 Constitution states that “Every person shall have the right to freedom of expression, being fully responsible for the abuse thereof. This right shall not be curtailed, restricted or enjoined by Government save during an emergency declared in accordance with the Constitution.”

87. Children have the right to free speech in the form of debates, public programmes and social gatherings. However, in the best interest of the child, the freedom of expression is guarded by parents and adults. Normally children are not usually consulted on matters which affect them.

88. In this regard, the post-war experience shows a gradual change in this attitude due to the cross-pollination of cultural ideas brought about by refugees and internally displaced situations. Child rights advocacy and public sensitization activities have also been causal factors. All efforts are being made to encourage these positive trends through more community sensitization and public awareness campaigns.

89. Children participate in radio programmes, essay contests, peer conflict management in schools and communities, in artistic contests sponsored by educational authorities and international organizations. Other positive activities are the appointment of a Youth Advisor to the President of Liberia, Voice of the Future child advocacy newspaper the Child Mirror, and children’s parliamentary activities, which were held for the first time in Liberia by the children of Bong County. It is highly anticipated that, through the strategy of decentralizing the Convention implementation, children’s parliamentary activities are to be institutionalized.

Access to appropriate information (art. 17)

90. The Liberian Constitution guarantees the free flow of information and material from diversified sources, national and international, except for laws protecting State security, public morality, etc. It places no restriction on the kind of information and material that are to be disseminated. But it requires individuals to be mindful of the abuse of the freedom guaranteed by this provision of the Constitution.

91. The mass media disseminate information and material that are of social and cultural benefit to the child in Liberia. However, these programmes appear to be limited both in scope and depth. Many media institutions lack technical equipment, and the mobilization of resources, including funds, for programming. Another critical challenge is the inadequacy of trained personnel to formulate, design and programme children’s programmes.

92. Chapter 3, article 15 (b), (c), (d) of the Constitution on freedom of speech and flow of information states:

(a) The right encompasses the right to hold opinion without interference and the right to knowledge. It includes freedom of speech and of the press, academic freedom to receive and to impart knowledge and information and the right of Liberians to make such knowledge available. It includes non-interference with the use of the mail, telephone and telegraph. It likewise includes the right to remain silent.

(b) In pursuance of this right, there shall be no limitation on the public right to be informed about the Government and its functionaries.

(c) Access to State-owned media shall not be denied because of any disagreement with or dislike of the ideas expressed. Denial of such access may be challenged in a court of competent jurisdiction.

93. Although the lack of resources have affected the operation of the State-owned broadcasting station, the Government is encouraging alternative initiatives through UNICEF, FOCUS, Forerunners of Children's Universal Rights for Survival, Growth and Development, Don Bosco Homes, and other NGOs to improve the limitation imposed by prevailing conditions, such as inadequate communication facilities. Libraries for children, programmes and movies censor board will ensure the provision for educational movies for children. Presently, the movies censor board has been reactivated and strengthened to carry out its mandate.

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

94. Chapter 3, article 14 of the 1986 Liberian Constitution states: "All persons shall be entitled to freedom of thought, conscience and religion and no person shall be hindered in the enjoyment thereof except as may be required by law to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. All persons who, in the practice of their religion, conduct themselves peaceably, not obstructing others and conforming to the standards set out herein, shall be entitled to the protection of the law. No religious denomination or sect shall have any exclusive privilege or preference over any other, but all shall be treated alike: and no religious tests shall be required for any civil or military office or for the exercise of any civil right. Consistent with the principle of separation of religion and State, the Republic shall establish no State religion."

95. The above Constitutional provision has been generally adhered to. In other words, religion and its practices are guaranteed by the Constitution. Everyone is at liberty to worship as he/she pleases, as long as he/she does not infringe on the rights of others.

96. Children tend to pursue religion through the guidance of their parents, who direct them in the exercise of their rights. Similarly, Government has and continues to have the need to protect the child against adverse religious practices.

97. Children are increasingly being encouraged to explore, discover and seek answers to fundamental questions, such as what, why, how, who, when and where, as a means of exercising those rights that ensure their growth and that they develop as future leaders.

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

98. The Government of Liberia recognizes the rights of its citizens and all within its borders to freely assemble. These rights are enshrined in chapter 3, article 17, of the Constitution which states that: “All persons, at all times, in an orderly and peaceable manner, shall have the right to assemble and consult upon the common good, to instruct their representatives, to petition the Government or other functionaries for the redress of grievances and to associate fully with others or refuse to associate in political parties, trade unions and other organizations.”

99. The children of Liberia are free to assemble and associate and this is demonstrated by the establishment of several child and youth organizations nationwide, including: the Federation of Liberian Youth, the Liberian Girl Guides Association, the Boy Scouts of Liberia, the Liberia National Students Union, Young Christian Students, the Red Cross Society, Verity Christian Fellowship, the National Muslim Youth Council, Glee Clubs, the high school inter-sport league, the YMCA and YWCA, youth summer programmes and Hi- Ys.

100. As child rights advocacy groups, all of the aforementioned encourage democratic practices. Children are informed of their rights, duties and responsibilities. The Government communicates with them through dialogues, debates, radio programmes and parades. Increasingly, children’s concerns are being given priority both at home and by the Government.

Protection of privacy (art. 16)

101. The Liberian Constitution recognizes the right of citizens to privacy. It states that “no person shall be subjected to interference with his privacy of person, family, home or correspondence except by order of a court of competent jurisdiction”.

102. The limitation imposed on implementation is due to the breakdown of law and order during the civil war. Other factors are: inadequate training facilities, inadequate human resource development and lack of awareness of some law enforcement personnel and of the general public of their rights.

103. Presently, Government and its partners have sponsored and are continuing to sponsor training workshops for security agencies, e.g. through the International Committee of the Red Cross, UNICEF and USAID training of the police.

104. Civic education programmes are held by NGOs to enhance people’s awareness. Government, through its Good Governance programme, has established a forum for public education, as well as improved Government mechanisms, e.g., training of magistrates, Justice and Peace’s juvenile justice.

Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37)

105. The Liberian Constitution prohibits torture or other cruel, inhumane or degrading treatment or punishment of all persons, including children.

106. In this regard, chapter 3, article 21 (e) of the Liberian Constitution of 1986 states: “No person charged, arrested, restricted, detained or otherwise held in confinement shall be subject to torture or inhumane treatment; nor shall any person except military personnel be kept or confined in any military facility; nor shall any person be seized and kept among convicted persons or treated as a convict, unless such person first shall have been convicted of a crime in a court of competent jurisdiction”.

107. There have been and continue to be a few violations of this constitutional provision, due to some level of insecurity still existing in the society, as a result of the civil war. However, when such situations have been brought to the attention of the Government, notably by the human rights NGOs, the Government has taken swift corrective measures.

108. There has been an increase in the number of children in conflict with the law, however there is no widespread torture, arrest and imprisonment of children in Liberia. However, in response to the growing concern in civic society and in Government, allowances have been made in the judiciary for the treatment of children involved in conflict with the law. Juvenile courts have been established to specifically deal with children and child-related cases. Prison service, however, needs reforms to permit separate detention of children.

Rehabilitation

109. The age of criminal responsibility as well as the sentencing of children by capital punishment are being reviewed in keeping with growing international practice, and the respective rules on administration of juvenile justice.

E. Family environment and alternative care

110. There exist legislative, legal and administrative processes or procedures for ensuring the well-being and best interest of children within the home and those in institutional care. The Domestic Law (subchap. A, subs. sec. 4.1), as well as the Penal Law under chapter 4, sections 31.3 and 32.1, guarantee these rights. The Bureau of Social Welfare of the Ministry of Health and Social Welfare has adopted accreditation guidelines pertaining to standards and criteria for orphanages and welfare institutions throughout the country as one of the key implementation strategies to this provision.

Parental guidance (art. 5) and parental responsibilities (art. 18, para. 1 and 2)

111. The Liberian Domestic Relations Law recognizes the responsibility of the parents and guardians for the care and welfare of their children. The Law (subsect. 4.1) recognizes husband and wife as joint natural guardians; but the father is paramount upon separation.

112. The Law states the following:

“A married woman is a joint natural guardian with her husband of the minor children of their marriage while they are living together and maintaining one household. Each such parent shall, however, be equally charged with their care, nurture, welfare and education.”

“However, in the event when such parents are living in a state of separation, the father shall be the custodian of the minor children of the marriage as against the claim of any person whomsoever. But if he is unable or morally unfit to perform his parental, legal, moral and natural duties towards his children, or for any other reasons he fails or neglects to perform such duties, upon petition to a circuit court for a writ of habeas corpus or other appropriate relief and a showing in the proceedings thereon of such inability, moral unfitness or failure on the part of the father, the minor children of the marriage shall be entrusted to the mother or some other person who is capable of performing such duties. If the father is dead or absent, the mother shall have custody of the minor children of their marriage, unless it is established that she is unable or unfit or failing to perform her duties toward them.”

113. The difficulties encountered by the State in ensuring the implementation of this provision are embedded within socio-cultural and economic factors. Critical among these are the practice of polygamy and the low earning capacity of parents, complemented by the increase in the number of female heads of household, as well as the war-induced separation of families and the resultant breakdown within the family structure.

114. To solve some of these problems, the Government has increased the minimum wage of civil servants and, through NGO initiatives, introduced family empowerment initiatives for economic self-sustainability, through micro-credit and grants as well as agriculture including gardening and cash crop farming.

Separation from parents (art. 9)

115. It is not a practice in this country to separate a child from his/her parents. Whenever a situation arises where it becomes difficult for both parents to live together (that is, in the event of a separation of the parents and a dispute arises as to who should have legal custody of the child), the State ensures protection of the child in its best interest.

116. In Liberia, placing a child in the custody of one of the parents does not in any way prevent that child from maintaining direct contact with the other parent. Also, if a child is separated from his/her parents, for whatever reason, there is no law that prevents that child from maintaining a direct contact with either one of the parents or both. The exception in this is always in the best interest of the child. Again, when it comes to civil law marriages, these rules are observed. However, in the case of customary marriages, the interests of the women are often compromised due to fact that they are under customary laws and thereby considered as the “property” of their husband, who paid a dowry for them.

117. Presently, the Association of Female Lawyers of Liberia (AFELL) has presented a bill on the “Devolution of Estate and Divorce Rights” to the legislature, which will give to rural women the same basic human rights in marriage as women under statutory marriage.

118. Generally, whenever a separation occurs as a result of an action initiated by the Liberian State, the children or relatives or persons affected, are informed through general public means, which is most frequently through print media - especially a newspaper.

119. Protection is found in various provisions of the law according to the nature and internal situation. As under the Law on Parental Guardians (art. 5, 18) for example, in the event of death, war, and divorce, the Probate Court has territorial jurisdiction over the appointment of guardians for the child. In instances where the inheritance of property is involved, the best interest of the child is the overriding factor in the courts' decision.

120. Additionally, due to the civil war, there is a large number of children separated from their parents as abandoned, orphaned, and displaced children. Within the context for programmes for training and rehabilitation, etc. of war-affected children in difficult circumstances, the issue of children separated from their parents is being handled.

Family reunification (art. 10)

121. In chapter 3, article 13 of the Constitution, Liberia guarantees the free movement of peoples.

122. States parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

123. The law on the fundamental human rights states that "every person lawfully within the Republic of Liberia shall have the right to move freely throughout Liberia, to reside in any part thereof and to leave there from subject, however, to the safeguarding of public security, public order, public health or morals or the rights and freedoms of others".

124. Traditionally in Liberia, children migrate along with their parents for socio-economic and political reasons. For their social advancement such as educational pursuit, they may reside with either relatives or guardians who are economically abled to maintain, and nurture their growth and development.

125. For the purpose of guaranteeing and promoting the rights set forth in the Convention, States parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

126. Local and international organizations in collaboration with the Government of Liberia have undertaken various initiatives to reunite the children with their families. In the event that immediate reunification is not possible, due to death or instability of family members, children are placed temporarily in homes or institutions, where their welfare is attended to until they are reunited.

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

127. The recovery of maintenance for the child is an uncommon practice in Liberia. However, the law states: "In any action brought to declare the nullity of a void marriage, or to annul a voidable marriage, or for a divorce, the Domestic Relation Law of Liberia recognizes the State's responsibility to ensure that parents fulfil their obligation to their offspring, whether in terms of care, education and maintenance".

128. In this regard, the Custody and Maintenance of Children of Marriage Law, (subsection 9.5) states:

“If an issue is presented concerning the custody of or right to visitation of any minor child of the marriage or concerning the care, education and maintenance of any such minor child or of any child of the marriage twenty-one years of age or older who is unable to maintain himself and is or is likely to become a public charge, the court must give such direction between the parties for the custody, care, education and maintenance of any such child or the parties, as, in the court’s discretion, justice requires, having regard to the circumstances of the case and of the respective parties and to the best interests of the child. Such direction may make provision for the education and maintenance of such child out of the property of either of both of its parents. Such direction may require the payment of a sum or sums of money either directly to the wife or to third persons for goods or services furnished for such child, or for both.”

129. The Government of Liberia recognizes the right of every child to a standard of living adequate for his/her development. However, the Government’s programmes to directly assist families who lack the capacity to provide the basic necessities for their children are inadequate, especially given the civil crises that has exacerbated strenuous economic situation.

130. The Liberian people recognize the importance of early childhood development. As a consequence of this recognition, parents or guardians strive to provide the basic necessities for their children within the limit of their abilities.

131. The Domestic Relation Law is, however, silent on the issue of parents who reside outside of Liberia. As a result, the system to undertake the recovery of maintenance for the child from parents or other persons having financial responsibility for the child whether within Liberia or abroad is non-existent. This has led to the inability of families to pursue these matters when such a situation does exist.

132. Traditionally, through the extended family system, the welfare of a child is entrusted to the care of economically secured relatives or close family friends as guardians. This takes place as a means of ensuring the best interest of the child, in terms of the child’s social growth and development. While the practice has its advantages, it does have some drawbacks in terms of breaking social-cultural linkages between the child and his natural parents and the traditional culture.

Children deprived of family environment (art. 20)

133. The State provides for alternative care for the children who cannot reside with their parents, thus ensuring their protection and care. In this regard, children who are in conflict with the law, i.e. juvenile delinquents, are usually entrusted to foster parents or placed in institutions for rehabilitation, following which, they are usually united with their parents. Similarly, abused children are provided social welfare services including trauma counselling. Concomitantly, the extended family system in Liberia takes care of most unfortunate developments in the life of

such a child. However, in the case of a refugee child, the Office of the United Nations High Commissioner for Refugees (UNHCR), in Liberia, the Liberian Refugee Repatriation and Resettlement Commission (LRRRC) and other humanitarian institutions in the country do provide basic necessary assistance.

Adoption (art. 21)

134. Liberia recognizes adoption to be a part of the process of child development. There are adoption laws and procedures as well as competent authorities in place to implement the laws. In all adoptions, the law requires that the best interest of the child should be of paramount concern to those involved in the adoption proceedings.

135. There are two types of adoptions in Liberia: informal and civil. In informal adoptions, a relation, a ward, a neighbour or a friend takes in a child to rear. In this situation, there is no formal agreement since the courts are not involved. The only requirement is the consent of the parents/guardians. The child can be returned to its natural parent upon request of parents or child. The civil (formal) adoption is the one that requires the processing of documents through the Court.

136. In Liberia, formal adoption is not a common practice, mainly because of the extended family tradition. However, the Domestic Relation Law of Liberia provides safeguard standards and procedures for adoption, and they have been used intermittently.

137. The law does not prohibit inter-country adoption. There are instances of missionaries and persons of good will adopting Liberians and taking them to reside abroad. In such instances, the Liberian adoption laws prevail since the adoption occurs in Liberia.

138. There is no known evidence that Liberia has concluded arrangements or agreements, whether bilateral or multilateral, to ensure that in the event of inter-country adoption, competent authorities or organs carry out the placement of the child in another country.

139. The Liberian Constitution forbids exploitation of children in whatever form. When an inter-country adoption results in financial gain for those involved in it, it amounts to economic exploitation and a criminal act. In instances like these, the State will take appropriate measures to ensure that such an act does not take place either in Liberia or with Liberia's participation.

140. In the event that a petition for adoption is withdrawn, the provision on withdrawal of consent to adoption (subsect. 4.65), specified that: "Withdrawal of any consent filed in connection with a petition for adoption hereunder shall not be permitted except that the court, after notice and opportunity to be heard is given to the petitioners, and to the person seeking to withdraw consent, may, if it finds that the best interests of the child will be furthered thereby, issue a written order permitting the withdrawal of such consent. The entry of the final order of adoption, however, renders any consent irrevocable."

Elicit transfer and non-return (art. 11)

141. The Penal Code Law of Liberia prohibits the kidnapping, illicit transfer, or non-return of children. The State has the mechanism through the Ministry of Justice to arrest and prosecute persons who are engaged in such practices.

142. Liberia has signed several bilateral and multilateral agreements that directly or indirectly protect fundamental rights and prohibits the illicit transfer and non-return of children abroad. Liberia is a signatory to the Universal Declaration of Human Rights and the Convention on the Rights of the Child. These basic rights are enshrined in the Liberian Constitution as fundamental rights.

143. Being that the practice of transfer and non-return is not common, the State mechanism to effectively control the situation tends to be more reactive than proactive. Therefore, the necessary awareness, sensitization and training programmes targeting law-enforcement officers, prosecutors and the general public are to be put into place to address the situation.

144. Meanwhile, current efforts to address these problems are hampered by the Government's limited resources as a post-war country with a complex development situation.

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

145. Liberian law protects children against all forms of abuse; however, the law allows for corporal punishment as a corrective measure in the best interest of a child. Even though punishment is permitted under the law, the degree, and timing, are guided by the law. Frequency violators, parents or other are usually punished by the law. It is important to mention that the law takes into consideration the fact that under the Convention, the use of corporal punishment infringes on the rights of children.

146. If force is used for the purpose of safeguarding or promoting the child's welfare, including prevention and punishment for misconduct and the maintenance of proper discipline, the law ensures that the force used for these purposes is not to cause or be known to create a substantial risk of causing death, serious bodily injury, disfigurement or degradation. In the event this occurs, the parent is taken to court.

147. There are also administrative measures to deal with situations of child abuse. However, some of these measures are compromised as a result of some adverse social cultural practices, the lack of education and information on these measures. It is a common practice to seek harmonization of these grave offences outside of the legal framework where violators are prosecuted and punished. For example most cases are taken out of court to be handled instead by the family.

148. The Penal Code (sect. 16.4 of the article on endangering welfare of children) states: "A parent, guardian, other person supervising the welfare of a child under eighteen commits a misdemeanor of the first degree if he knowingly endangers the child welfare by violating a legal duty of care, protection or support as specified in section 11.11 (d) of the judicial law."

Periodic review of placement (art. 25)

149. The Health Law of Liberia gives the Ministry of Health and Social Welfare (MHSW) the responsibility to handle welfare issues in Liberia. The Bureau of Social Welfare has a Board of Accreditation for Welfare Institutions (BAWI) to serve as a control mechanism for the

establishment of welfare institutions and for ensuring their proper management and standards through which MHSW is able to monitor the activities of orphanages and welfare institutions.

150. The Bureau of Social Welfare has five divisions that monitor the needs and services provided to children, the disabled, elderly and other vulnerable groups through monitoring and bi-weekly visits to homes. The trained social workers ensure the welfare of the children.

151. The result of war has increased the numbers of displaced and disadvantaged children. Due to these increases, the Bureau's logistic and trained human resources are inadequate to meet the growing demand. Even with assistance from related NGOs and donors, most basic needs for survival are still not being attended to adequately.

F. Basic health and welfare

Principal legislative, judicial, administrative or other measures in force

152. The Government of Liberia recognizes that the provision of the necessary care and protection for the child starts before birth, and continues up to and through age 17, during which period several fundamental issues and factors are brought to bear with regards to the right of the child to attain the highest possible standard of health care. Besides, the Penal Code Law and the Public Health Law (PHL) of Liberia also provide guarantees for the health of the nation's children.

153. There are numerous specific provisions relevant to the welfare of children. For example, chapter 12, section 14 of PHL classifies several diseases as "notifiable", and thereby they must be reported upon diagnosis within the territorial limits of Liberia, whether on land, in vessels or aircraft. These diseases include: (a) diarrhoea in neonates; (b) neonatal impetigom; (c) measles; (d) tetanus (including neonatal tetanus); (e) poliomyelitis; (f) mumps; (g) thrush (in children 1 to 17 years); (h) tuberculosis; (i) pertussis; and (j) sexually transmitted diseases (gonorrhoea, syphilis, chancroid, etc). This provision creates the necessary environment for early detection, proper prevention and effective control of communicable diseases.

154. Additionally, chapter 13, sections 16 and 17, provide for the issuance of a health certificate, while chapter 15, sections 2 through 4, provides for registration of birth within the 14 days of birth. These provisions allow for proper and adequate planning of services for children and mothers, including health and medical care, and appropriate health information dissemination.

155. The Ministry of Health and Social Welfare is the Government's institution responsible for the coordination, regulation, supervision of health, medical and social welfare services in Liberia. The responsibilities of the Bureau of Social Welfare are the following:

(a) To cooperate with the judicial system in its administration of the law relating to juvenile delinquency, and with any other agencies of the Government authorized to administer institutions or activities concerned with social welfare;

(b) To originate and participate in programmes for the promotion of child welfare and for prevention of juvenile delinquency;

(c) To the extent provided by law, to oversee the care of juvenile delinquents and homeless children in foster homes, hostels, and vocational institutions;

(d) To improve rehabilitation knowledge and its application, to increase the nation's supply of trained rehabilitation manpower and to promote public understanding about the needs and ability of handicapped people.

156. Furthermore, every training institution, private or public, including high schools and colleges, with at least 50 students enrolled, is required by law to operate a health facility run by either a physician or a registered nurse. This provision also calls for compulsory medical examination of all students on admission, and annually for every re-admission (PHL, chap. 51, 65-66).

157. This enabling legislation provides the general legal framework for the maintenance of the rights of children in Liberia to the highest standard of health and medical care possible.

Institutional infrastructure for implementing policy

158. The Ministry of Health and Social Welfare has in place several programmes and strategies to translate the legal provisions into practical realities for the improvement of the health of the nation. During this crucial period of post-war health reconstitution, the ministry has reconstituted the County Health Teams, and is strengthening the capacity of the teams through short courses, workshops and seminars (MOH reports), and the reactivation of the primary health care activities in the counties. In addition, specific policies and plans have been either revised or developed for several programmes as enumerated under article 24 below.

Survival and development (art. 6, para. 2)

159. The provisions for the necessary care and protection start before birth, and continue up to and through age 17. During this period, several fundamental issues and factors are brought to bear on the right of the child to attain the highest standard of health care and education possible. Prominent among these are: (a) the multi-factor determinants of the health of mothers and children; (b) the factors acting on the environment of both mother and children; (c) complex behavioural factors; and (d) socio-economic factors influencing health.

160. Prior to the civil war, Liberia did not have a formal established institution that dealt with refugee matters, though it provided assistance to persons, including children, who entered Liberia seeking refuge. The assistance and protection accorded such persons were usually in keeping with internationally acceptable standards.

161. The surest way of ensuring the development of the child is through education. Toward this end, the Government instituted a Compulsory Education Policy in 1912. The policy sought to make elementary education in public schools free and compulsory for all children of school-going age. In addition, a free-education law was enacted in 1973 to include junior high school education. The law also limited the payment of fees in public schools at the secondary level to registration fees only. In spite of this policy, the illiteracy rate in Liberia is unacceptably high (70-80 per cent).

Disabled children (art. 23)

162. The Government of Liberia recognizes the rights of every mentally or physically disabled child to enjoy a full and decent life with dignity. Prior to the civil war, the Government operated a rehabilitation centre that catered to mentally disabled persons, including children. The facility, which was located in Montserrado County, was severely damaged during the civil war and has not been in operation since then.

163. However, there are limited facilities rendering special care for disabled children in the area of education, health and recreation. Schools and public buildings are not designed to accommodate disabled persons. There are two specialized schools for the blind and the deaf. At the moment, only the school for the deaf is partly functional.

164. In this light, facilities and services are being provided both for the care and rehabilitation of disabled children. These include the programmes of the "Group of 77". The Government during the 1970s established the Group of 77 under the Office of the Vice-President of the Republic for the purpose of supervising the welfare of the disabled persons. The Group's activities and operations are limited to the physically disabled, mainly located in Monrovia. Members of the Group include children, the Cheshire Home School for Deaf and the school for the visually handicapped.

165. While the above-mentioned institutions and programmes are providing relevant assistance to ease the critical humanitarian situation, the number of disabled children as a result of the war has increased. In 1997, the findings of a UNDP-commissioned assessment on the needs of the injured and disabled in Liberia reported a prevalence of 16.4 per cent. This high prevalence, above the WHO global estimate, is due to the seven years of war. It is estimated that disability relating to war and the war-culture in Liberia is 12.7 per cent.

166. Therefore, there is a great need for more facilities to cater to children in especially difficult circumstances, especially where they reside. Efforts are being made through collaboration with international organizations, including United Nations agencies, USAID and UNICEF to produce orthopaedic and other rehabilitative services. Again, this is an area of concern that requires more collaborative support. The need for both physical rehabilitation and human resources development is pressing and therefore cannot be overemphasized.

Health and health services (art. 24)

167. The Government recognizes the right of the child to enjoy the highest attainable standard of health. The Government enacted a series of laws, otherwise known as the Public Health Law of Liberia, to ensure that parents/guardians pay particular attention, at an early stage, to the health needs of their children. The laws provide general and specific guidelines in relation to the health of the child. One such law is the Compulsory Immunization Law that covers children between the ages of two months to six years. This law seeks to encourage parents/guardians to immunize their children against polio, and other communicable diseases, such as measles, yellow fever, diphtheria, pertussis, tetanus, smallpox and tuberculosis.

168. In order to meet the health needs in post-war Liberia, the Ministry of Health and Social Welfare has either revised or developed new comprehensive, holistic and integrated health programmes that include: (a) the Expanded Programme on Immunization (EPI); (b) the National AIDS and STDs Control Programme (NACP), (c) the Tuberculosis and Leprosy Control Programme, (d) the Malaria Control Programme (nicknamed, “Roll-Back Malaria”); and (e) the Onchocerciasis Control programme. Other child-related programme areas with specific policies and guidelines include: the Family Health Division, the Information-Education-Communication Division, the Environmental Health Division and the Epidemiological Surveillance Division.

169. Childhood disease control (including diarrhoea diseases) activities are also being reactivated and implemented. The policy on the Revolving Drug Fund (RDF) is suspended given the complex post-war financial difficulties that have engulfed the Liberian people in general. Physical renovation of health facilities and support to health manpower development institutions are amongst the priorities of Government in this immediate post-war period.

The health care delivery system

Health facilities

170. Within this complex situation, the Ministry of Health and Social Welfare and UNICEF assessed the critically damaged health facilities. The assessment indicated the following: 266 of the 490 pre-war health facilities were damaged. At the end of 1997, only 68 of the 266 facilities had been reactivated. In 1998, 144 of the 266 public health facilities had been reactivated (see table 2 below).

Table 2

Health facilities before and after the war

| Type of health facility | 1988 public | Total | Reactivated facilities | | | |
|-------------------------|-------------|-------|------------------------|----------|--------|----------|
| | | | Public | Per cent | Public | Per cent |
| Hospitals | 30 | 17 | 4 | 23.5 | 7 | 41.2 |
| Health centres | 130 | 27 | 8 | 29.6 | 15 | 55.6 |
| Health post/clinic | 330 | 222 | 56 | 25.2 | 122 | 55.0 |
| Total | 490 | 266 | 68 | 78.3 | 144 | |

Source: Liberia Health Sector Assessment (1997 by WHO/MOH) and Liberia Health Sector Analysis (1999) by UNICEF/MOH.

171. In urban areas, the Government efforts to reduce this imbalance have been limited by inadequate resources.

172. In terms of complementary medicine that involves herbalist healers, the Ministry of Health and Social Welfare established a Division of Complementary Medicine in the 1980s in recognition of this important alternative health-care system. Traditional medical practitioners continue to enjoy the confidence of the people of Liberia. Bone “setters” and the traditional midwives are the two categories of alternative-care medical practitioners recognized as part of the national health-care delivery system at the community level at the moment. These services are utilized mostly by rural dwellers, especially in the event of inaccessibility to modern health facilities.

Health personnel

173. One of the key factors that determine quality of health care is the availability of properly trained health personnel. In the public sector, the total number of trained professionals experienced a decline of 70 per cent, from 2,033 in 1989 to 609 in 1998 (MOH reports). This does not include the trained traditional midwives (see table 3 below).

Table 3
Health personnel by category

| Category | 1989 | 1998 | Per cent |
|---------------------------|-------|------|----------|
| Medical doctors (MD) | 260 | 32 | 87.7 |
| Registered nurses (RN) | 668 | 185 | 72.3 |
| Physician assistants (PA) | 254 | 120 | 52.8 |
| Certified midwives (CM) | 401 | 134 | 66.6 |
| Laboratory technicians | 105 | 43 | 59.0 |
| Licensed practical nurses | 345 | 95 | 72.5 |
| Total | 2 033 | 609 | 70.0 |

Source: Liberia Health Sector Analysis, 1999, UNICEF/MOH

174. Of the total 260 medical doctors registered with the Liberia Medical Board (LMB) in 1989, only 32 were registered by 1998, and by April 1999, a total of 105. Besides, of this figure, only 43 per cent are specialists in various diseases: 3 per cent are obstetrician/gynaecologists and 11.1 per cent are paediatricians. The rest are general practitioners, whose services are fortunately very useful and crucial in community-based mother and child-care facilities.

175. The implementation of health programmes has not been fully successful on account of the lack of resources, limited health facilities, bad roads, cultural practices and poverty. Less than 30 per cent of the population has access to health care. Infant and child mortality in Liberia is among the highest in the world. Additionally, less than 20 per cent of children are fully immunized.

176. The Government health programme is presently concentrating on capacity-building of medical-training institutions, including the Tubman National Institute of Medical Arts (TNIMA), and the A.M. Dogloitti Medical College among others. Again, while collaborating with donors and other partners, the flow of resources continues to be inadequate, thereby imposing serious handicap.

Social security and child-care services and facilities (art. 26 and art. 18, para. 3)

177. Liberia's social security coverage is not comprehensive enough to cover other areas, including social insurance. Social security covers only those who are actively employed and the benefits are limited to the Employment Injury Scheme. There is a pension scheme that covers those who have contributed to the scheme and are retired. The social security scheme does not include unemployment benefits.

178. In particular reference to children, section 89.24 of decree No. 14 creating the National Social Security and Welfare Corporation of Liberia, states that:

“A child shall be entitled to a child's allowance if:

- (a) One of the child's parents is dead;
- (b) The child resided with or was maintained by that parent;
- (c) And that parent had paid at least fifty (50) monthly contributions;

(d) A child allowance shall be paid until the child attains 18 years of age or so long as the child continues education in an approved educational institution until 21 years of age.”

179. There exists a limitation in the implementation of this decree due to the lack of public awareness to the decree. Therefore, most children do not benefit. Besides this, the procedure for receiving benefit under the scheme is constrained by bureaucracy.

Standard of living (art. 27, paras. 1 -3)

180. The Government of Liberia recognizes its responsibility to ensure that parents and others responsible for children are empowered to fulfil their role of providing material and other support for their children. Therefore, as a lead employer, the Government undertook some adjustment in salaries to lessen the hardship on public employees. Other exercises will involve pension and other retirement benefits schemes in order to introduce some improvement in their standard of living.

Nature and extent of cooperation

181. Several non-governmental as well as bilateral and multilateral organizations have been very actively supportive of the initiatives of the Government. In the United Nations system, UNICEF has been the pacesetter in working with Government on programmes and issues relating to children. UNICEF's support for the revitalization of the County Health Teams, the mass immunization activities and promotion of healthy nutritional practices, support to education revitalization and awareness of the Convention are obvious examples.

182. The United Nations Population Fund (UNFPA) has been actively working with the Family Health Division of the Ministry of Health and Social Welfare in the designing, planning and implementation of strategies and programmes for safe motherhood. WHO continues to support many of the programmes of the Ministry, relating to health care in accordance with the Bamako Initiatives (primary-health care 1978 and 1987). WHO supports training institutions that provide manpower for various health programmes.

183. Other organizations that are buttressing the initiatives of Government in child-health care activities include the European Union, USAID, Save the Children, Médecins Sans Frontières, Merlin, Africare and Child Aid Direct, to name a few. Some of the prominent local institutions include the Christian Health Association of Liberia (CHAL), Family Planning Association (FPAL), National Red Cross Society (NRCS), and the Medical Emergency Relief Cooperative International (MERCİ).

184. Overall, the Government of Liberia recognizes and highly appreciates this cooperation and appeals for greater assistance to enable it to meet its increasing demand for health facilities and services.

185. Liberia recognizes that, unless it undertakes to promote and encourage international cooperation with the view to achieving the full realization of the rights recognized in the present article, its commitment to abiding by provisions of the Convention will be in doubt.

G. Education, leisure and cultural activities

186. The educational system of Liberia has been gravely weakened by the ravages of the seven-year war. Consequently, the damaged infrastructure, the brain drain, inadequate logistics, teaching and learning materials all contribute to the difficult learning condition for the Liberian child.

187. As such, the various educational institutions are finding it difficult to effectively cater to the educational needs of the country.

Legal context and institutional framework

188. The Ministry of Education is the principal custodian for the preservation and transmission of culture and technology and remains committed to directing and/or guiding the process of innovation and change within the education and training sector of Liberia. The ministry's major policy goal is directed towards the provision of educational opportunities to the citizens of the country.

189. To achieve its objectives, the ministry is organized into three departments each headed by a Deputy Minister:

- (a) *Department of Administration:* (personnel, finance, communication and procurement);

Functions: Provision of technical staff services, conduct of fiscal affairs, managing physical facilities, contracts, procurement and custody of the distribution of supplies and equipment.

- (b) *Department of Instruction:* (curriculum, teacher training, basic and secondary education);

Functions: Responsible for effecting development and direction of primary and secondary education. Planning of curriculum, selection of instructional material, setting up of criteria and determination of professional qualification of teachers, supervision, monitoring and evaluation of instruction, certification and licensing of teachers and accreditation of schools.

- (c) *Department of Planning/Development and Research:* (planning management of system and data analysis and education facilities);

Functions: Responsible for the preparation of plan, conduct of research, design and development programmes for all aspects of education and training, including preparation of master-development plans, preparation of annual budget and statistical report.

190. Nine major bureaux are each headed by an Assistant Minister. The bureaux are directly responsible to address educational needs, as follows:

(a) The Bureau of Primary Education is directly responsible for supervising all primary schools and is required to ensure that basic materials and logistics are provided to facilitate their smooth operation. This bureau also supervises pre-primary schools to ensure they perform to standard;

(b) The Bureau of Secondary Education supervises all County and District Education Officers to ensure that they perform in line with job specification. This bureau is also responsible to ensure the placement of teachers in Government schools;

(c) The Bureau of Teacher Education, Accreditation and Certification is required to regulate of teacher-training institutions, to ensure that standards are maintained as stipulated by the Ministry;

(d) The Bureau of Vocational and Technical Education supervises the vocational and technical programmes of the ministry. It is also required to identify areas for the establishment of vocational and technical schools;

(e) The Bureau of Planning has the mandate to plan the programmes necessary to meet the education and training needs of youth.

(f) The Bureau of Curriculum, Textbook and Research is required to develop curriculum and to produce competitive textbooks for schools, as well as to conduct research activities for the Ministry.

Education, vocational training and guidance education (art. 28, of the Convention)

191. The Government of Liberia recognizes the educational needs of its citizens, be it formal or informal. In this context, article 6 of the constitution states: “The Republic shall, because of the vital role assigned to the individual citizen under this constitution for the social, economic and political well-being of Liberia, provide equal access to educational opportunities and facilities for all citizens to the extent of available resources. Emphasis shall be placed on the mass education of the Liberian people and the elimination of illiteracy.”

Early childhood education

192. The Government attaches great importance to early childhood education as a foundation for sound moral and academic advancement. The Ministry of Education has therefore emphasized the need for qualified nursery and kindergarten teachers and the provision of basic materials and conducive environment for beginners.

193. In addition, the Government over the years has adopted policies and guidelines, including the Education Law created in 1912, which made primary education free and compulsory. The new Education Law of 3 June 1973 included provision for junior high school education. It limits the payment of fees in public schools at the secondary level to registration fees, which are to be determined by the Ministry of Education. The law makes it a misdemeanour punishable by six-months’ imprisonment or a fine of \$500 for any principal or teacher who collects or attempts to collect money from a pupil other than that authorized by statute.

194. Section 3.1 of the Education Law states that: “Every parent, guardian or other persons having control of any child between the ages of six and sixteen years shall cause such child to attend a recognized public or private school regularly during the entire time the school is in session, provided such parents or guardians have the means to meet the minimum requirements of the school ... The law on completely free education at the elementary and junior high school levels shall be left dormant during the next five years.”

195. As a means of ensuring the rights of each child to education, the Government has encouraged free education up to the high school levels. Section 3.13 of the Education Law of 3 June 1973 provides the following facilities:

(a) Elementary schools and junior high schools (“No tuition or fees shall be assessed or collected in the public elementary schools or junior high schools.”);

(b) High schools (“No tuition shall be charged pupils in the high schools. Students will, however, be charged a registration fee to be determined by the Ministry of Education.”)

196. In the implementation of the provision of the Education Laws of 3 June 1973, with reference to policies on compulsory education and its availability, much has been done through Ministry of Education programmes, such as the Assisted Enrolment Programme (AEP) and the Accelerated Learning Programme (ALP).

197. AEP was launched on 2 September 1998, as part of the Government of Liberia's decision to prioritize education within the context of the National Reconstruction Programme (NRP). The basic framework for AEP is based on guidelines developed by the Ministry of Education on the Government of Liberia "Special Back-to-School" initiative in 1999 to, inter alia, stimulate increased enrolment, especially for over-aged war-affected children, thereby discouraging the tendency of dropping out of school.

198. In terms of their achievement, the two programmes, AEP and ALP, have had immediate and dramatic impact on both the size and structure of the demography of schools nationwide. According to the results of the preliminary impact assessment, primary school enrolment grew from 291,243 as at June 1998 to 434,671 in November (an increase of 49 per cent); while secondary school enrolment increased from 29,378 in June 1999 to 56,184 in November (an increase of 91 per cent).⁶

199. There was also an increase of 43 per cent in the number of teachers (both qualified and unqualified) from 10,908 in June to 15,601 of the same period. Other achievements include the completion of the compressed curriculum and development and training of teachers and printing of manuals, as well as career guidance at the high school and college levels. Career guidance is being reactivated to include elementary and junior high levels.

200. The country is constrained by available resources, which makes it difficult to reopen existing institutions or to establish new ones. However, the Government is collaborating with national and international organizations that are undertaking reconstruction and rehabilitation activities, including refurbishing of schools, vocational and technical institutions, teacher training institutions and the provision of instructional materials and supplies. These activities are ongoing in all counties.

201. Another programme which is significantly increasing the awareness of the citizenry of their rights to education, especially children, is the Mass Literacy Campaign Programme. The National Mass Literacy Programme was launched on 8 September 1998, on the theme "Each One Teach One". Its aim is to reduce the illiteracy rate from 70 per cent to about 35 per cent by the year 2001. This initiative is envisaged as a national call for the participation of each literate citizen to make at least one other person literate.

202. Particular efforts are made to forge new partnerships and alliances for vocational training for ex-combatants, including adolescent child soldiers. The partners involved are Phelps Strokes, EZE, ICCO, Don Bosco, CAP, LOIC, and OCAM.

203. Despite positive achievements, there are some challenges to the implementation of these programmes. These include inadequate resources for speedy renovation and rehabilitation of schools and roads, inadequate support for capacity-building for teachers and the provision of other incentives. Other challenges are usually derived from culture and traditions, which

imposed barriers that hinder the formal educational process of the child, especially the “girl child”, from obtaining formal education, for example, early marriage and cultural schooling.

Vocational training

204. The emphasis in free education has been more on general education than vocational education. However, within the context of article 6 of the Liberian Constitution, vocational training and guidance are provided through both Government and private institutions. There is generally no restriction on making educational information available.

Aims of education (art. 29)

205. The Liberian educational system seeks to develop and ensure that every child attains the fullest potential in life. It also seeks to develop respect for positive cultural and national values as well as civic responsibilities in local communities.

206. In this regard the Educational Law of Liberia describes the educational philosophy of Liberia as embedded within the policies, principles and law enacted or stressed by former policy makers. These philosophies laid emphasis on personal growth and development, responsible citizenship, cultural appreciation, curriculum diversification, universal education, national unification and international understanding. As a means of attaining these goals and objectives, the school as an institution is to serve as a conduit for imparting democratic ideals, including social, political, moral, spiritual and economic reforms. Within this context, policy statements, including principles insured by successive leaders, have established the framework for the formulation of these educational policy guidelines.

207. Given the above, the Liberian educational philosophy aims at developing the whole child including his moral, cultural, physical and intellectual well-being. Additionally, lessons learned from the civil crises have motivated emphasis on respect for human rights and fundamental freedom, peace, tolerance as well as respect for the natural environment. The growing concern for human rights and the environment, to a large extent, are post-war positive developments, which need to be encouraged.

208. The Ministry of Education’s responsibilities in this mission entail the management and provision of educational services across the country. Education is ranked second in terms of Government’s capital investment. However, there is a critical need for increased investment. All efforts are being made to increase the education budget to at least pre-war level, as soon as the resources are available.

Leisure, recreation and cultural activities (art. 31)

209. The Government recognizes the rights of children to rest and leisure, to engage in play and recreational activities appropriate to their ages. The Constitution of Liberia provides, in article 11, section A, for the fundamental rights of all citizens, including the rights of the child to enjoy life and liberty, which includes leisure, recreation and cultural activities. Furthermore, article 5 (b) of chapter 3 of the Constitution states: “The Republic shall preserve, protect and

promote positive Liberian culture, insuring that traditional values which are compatible with public policy and national progress are adopted and developed as an integral part of the growing needs of the Liberian society.”

210. To give effect to these constitutional provisions, the Government has established two institutions, namely, the Ministries of Youth and Sports, and Information, Culture and Tourism, as legal frameworks for mainstreaming these fundamental, socio-cultural issues with regards to children and youth development in the Government’s planning and budgetary processes.

211. The mandates of these institutions are: the Ministry of Youth and Sports has the direct functions of developing the social and national conscientiousness of Liberian youth (including the children) and of educating them, morally and physically. The Ministry of Information, Culture and Tourism is responsible for directing and supervising all matters relating to information programmes, both internal and external and all programmes and activities relating to culture and tourism in Liberia.

212. Under the authority of the Ministries of Information, Education, and Youth and Sports, there are organizations, both governmental and non-governmental, that carry out activities that prepare children in terms of the above activities. Moreover, the Ministry of Education’s curriculum includes gender equality, family life education and civic education.

213. Additionally, the Ministry of Youth and Sports, in collaboration with other ministries and international NGOs, joins in activities surrounding the celebrations of national and international programmes for children, i.e. the Day of the African Child, promotion of awareness activities on the Convention on the Rights of the Child, as well as recreation programmes nationwide.

214. Liberia respects the rights of children to promote their cultural and artistic life. The encouragement of young people to engage in cultural and artistic activities is shared by the Ministry of Information, Cultural Affairs and Tourism, the Ministry of Youth and Sports and the Ministry of Education. These institutions pursue a number of activities, prominent among which are sporting events, cultural troupes and artistic contests.

215. Most schools have cultural troupes, gala day festivities, sports meets and beauty pageants. At the national level, the State supports a national cultural centre located just a few miles outside Monrovia, the capital city, where boys and girls who are desirous of fostering their traditional cultural practices are encouraged to go. Additionally, there are other cultural troupes that are managed by private individuals that contribute to the growth, development and maintenance of Liberian cultural heritage.

H. Special protection measures

216. The Government of Liberia recognizes the right of all citizens to the protection of the law. Article 11 (c) of the 1986 Liberian Constitution states that: “All persons are equal before the law and are therefore entitled to the protection of the law.” By Acts of legislation, the Government of Liberia has constituted a number of public agencies with the Ministry of Justice as the lead agency for ensuring the protection of life and property for all persons within the territorial confines of Liberia, as well as abroad in collaboration with Liberian foreign missions.

Children in situations of emergency

Refugee children (art. 22)

217. Since its founding as a place of refuge for individuals fleeing persecution, Liberia has provided assistance to all persons, including children, seeking refuge in keeping with international standards. Since 1951 when the Republic of Liberia became a party to the Convention relating to the Status of Refugees, it has continued to be a safe haven for refugees fleeing either persecution or any other condition that necessitates forced migration and the search for refuge.

218. Prior to the civil war, Liberia did not have a formal established institution that dealt with refugee matters. In 1993, an act of the national legislature created the Liberian Refugee Repatriation and Resettlement Commission (LRRRC) to provide protection to men and women who fled in search of safety during the civil war. In particular, section 2 of the LRRRC Act refers to protection of any child of the refugee population under the age of 18 years.

219. The estimated population of refugee children is 48,303 (49.6 per cent males and 50.4 per cent females). Children accounted for 51.25 per cent of the total refugee population.

220. Within the scope of its limited resources, Liberia, in collaboration with both local and international organizations, is catering to the situation of these refugee children by providing protection, food, shelter, clothing, education, medical, water, sanitation needs and recreational facilities. The tracing of parents and guardians, with the aim of reunifying refugee children, constitutes a major component of this assistance. It should be noted that Government partnership in the protection and welfare of refugees also extends to the large number of Liberian children wishing to return home. Given this large influx of returnees, the need for requisite and additional assistance to cope with the situation is very crucial.

Children in armed conflicts (art. 38) including physical and psychological recovery and social reintegration (art. 39)

221. Prior to the civil war, children had never been involved in armed conflicts. Liberia defence law prohibits the recruitment of persons into the army below the age of 16. Despite this provision of the law, a large number of persons below the legal age were conscripted by the various factions into their fighting forces.

222. The rehabilitation and reintegration of these former child soldiers, whose exact number is not known, is one of the critical concerns of the Government of Liberia. To address this concern, the National Veterans' Programme was established.

223. Additionally, in collaboration with the United Nations and other international organizations and local NGOs, trauma counselling, vocational skills training, literacy programmes as well as an economic reintegration package in the form of small credit schemes to this category of children are being provided.

224. Further, non-governmental organizations, such as the Don Bosco Homes, the Children's Assistance Programme (CAP), the Organization for Children and Adolescent Mothers (OCAM), Mother Pattern's Women in Health and Development Programme and Abused Women and

Girls (AWAG), Liberia Opportunities Industrialization Center (LOIC) and Lutheran World Federation/World Service (LWF/WS) operate programmes addressing the physical or psychological plight of children who are victims of neglect, exploitation or sexual abuse, torture or any other forms of cruel, inhumane or degrading treatment or punishment.

225. In addition to programmes targeting former child soldiers, in collaboration with local and international NGOs, support is also provided to support the War Affected Youth Programme (SWAY) which focuses on war-affected children. Complementary public programmes include the Ministry of Education's implementation of the Accelerated Learning Programme and the Ministry of Youth's Agricultural and Vocational Youth Training Programme. As a result of these and other efforts the level of social reintegration is enhanced.

Children in conflict with the law

The administration of juvenile justice (art. 40)

226. In Liberia, every individual accused of or alleged to have committed an offence or who is recognized as having infringed the penal law, is presumed innocent until proven guilty before a court of competent jurisdiction. This provision of the law also applies to children who have attained the age of criminal responsibility. There is no ex post facto law in Liberia; no one can be punished for committing an offence that was not prohibited by law at the time of its commission. The Constitution of Liberia provides that anyone accused or alleged of committing an offence shall be promptly informed of the charges against him/her, of his/her right to remain silent and the right to counsel. The Constitution also provides that the accused shall not be compelled to give testimony or confess guilt, and he/she shall have the right to confront or cross-examine adverse witnesses as well as the right to appeal.

227. The law provides that the accused shall have the right to an interpreter if he/she cannot understand or speak English or the language being used by the court and guarantees the right to privacy of an accused person.

228. The Penal Law of Liberia places the age of criminal responsibility at 16 years. This means anyone below age 16 cannot be made liable for any criminal act committed by him/her since he/she is presumed to be innocent.

229. Article 21 (h) of the Constitution of Liberia stipulates that "in all cases, the accused shall have the right to speedy, public and impartial trial by a jury of the vicinity ...". Juvenile cases are held in a juvenile court and are held in camera. The establishment of juvenile courts as stipulated within the New Judiciary Law ensures that the provisions of the Constitution are appropriately applied to children.

230. The court's procedure provides for due process of law, and stipulates that "all special proceedings thereunder concerning juveniles shall be dealt with in separate hearings and without a jury. The general public shall be excluded from the hearing".

231. Even though the act creating the first juvenile court was enacted in 1971 to handle cases involving children in conflict with the law (which was previously handled by magisterial courts), the first juvenile court in Liberia was established in 1997. These courts exist presently in three counties, with plans to expand to the rest of the country. However, issues such as separate detention facilities for children are yet to be addressed.

232. The Government, in collaboration with USAID, United Nations agencies and NGOs, is providing both financial and technical support for the training of magistrates and other court officers. To further ensure the protection of child returnees, who may be found in conflict with the law, magisterial courts in the bordering counties were also strengthened to further ensure the protection of child returnees who may be found in conflict with the law.

Children deprived of their liberty, including any form of detention, imprisonment or placement in custody setting (art. 37 (b), (c) and (d))

233. Children in Liberia are usually not deprived of their rights. The Penal Code (chap. 11.42) stipulates that “no juvenile under the age of sixteen (16) years shall be detained or placed in any prison, jail, lockup or police station except for good cause upon an order of a judge of a juvenile court in which the reasons therefore shall be specified”.

234. In Liberia, anyone having probable cause to believe that a juvenile is within the purview of the code may file a petition against the child. This petition originates with the police, who may dispose of the case or forward said petition to the juvenile court. The peace officer (police) may take the juvenile in protective custody without a warrant and this is not to be construed as an arrest.

235. Due to the inadequacy of detention facilities, it has been difficult to separate children from adults when placed in detention. However, efforts are on the way in collaboration with the relevant NGOs to construct juvenile cells and transit points. Besides being deprived of their liberties by the courts, parents as a form of punishment or discipline at times detain their children in an isolated area of the home. Most frequently within their rooms.

The sentencing of juveniles, in particular the prohibition of capital punishment and imprisonment (art. 39 (a))

236. Liberian law prohibits a juvenile from undergoing capital punishment and imprisonment. The Penal Law, chapter 4.1, states that “a person is not criminally responsible for his behavior when he is less than sixteen years of age. In any prosecution for an offense, the lack of criminal responsibility by reason of immaturity is an affirmative defense. A person under sixteen years of age who commits an act, which would be an offense if committed, by a person over eighteen, shall be subject to provision of Juvenile Court Procedure”.

237. In Liberia, juveniles are afforded all the rights and privileges provided for adults in the criminal process, i.e. the rights to remain silent, to counsel, to a speedy trial, among other rights.

238. Chapter 11.7 of the Penal Law provides for the disposition of juvenile delinquents. “The Court by order duly entered, [can] make said disposition by repatriating the juvenile to the village of the native residence; requiring restriction or the payment of a fine; suspending judgment, continuing the proceeding, probation, or placing the child in the custody and care of a youth vocational training institution.”

239. Furthermore, on the issue of a capital offence, chapter 31.1 (12), states: “The Court shall sentence a person who has been convicted of a capital offence to death by hanging.” However, the Liberian Criminal Procedure Law states that when the defendant is under the age of sixteen years, no sentence shall be imposed except for non-capital offence.

Children in situation of exploitation, including physical and psychological recovery and social reintegration (art. 39)

Economic exploitation, including child labour (art. 32)

240. The Labour Law states that the age for work is not less than 16 years.

241. The major work activity of children is petty trading, which is not traditionally considered as child labour in Liberia. These activities are considered as assistance to their parents, or guardians who are not financially able to maintain and support a family and educate the children.

242. However, activities of children who are considered “working children” may be classified as street trade and domestic work.

243. It is not a practice in Liberia for children to be employed and paid for services rendered. However, even though studies have shown that 23.9 per cent of children trade or work for parents as a part of the children’s domestic duties, the Government does not see this as harmful, but considers it as a part of discipline to make the children thrifty, self-sufficient and responsible citizens.

Drug and alcohol abuse (art. 33)

244. The Penal Law prohibits the sale or serving of alcoholic beverages to children, as well as the employment of children in the sale of alcohol. The law is however silent on the issue of the purchase of alcoholic drinks and cigarettes by children.

245. Regarding the purchase of drugs, the Public Health Law of Liberia deals only with the regulation of drugs by pharmacists, hospitals, Government and wholesale dealers. There is no specific reference to children on the regulation, sale and trafficking of drugs. The law simply makes it a felony in the first degree for anyone to sell narcotic drugs without written prescription from a physician or veteran. Also, it is unlawful for an unauthorized person to be in possession of drugs. Unauthorized possession is considered as a misdemeanour of the second degree.

246. The Government, in collaboration with local and international NGOs, is implementing public awareness and sensitization programmes in an effort to reduce or subsequently eliminate the demand for alcohol and illicit drugs from Liberian society. The National Inter-Ministerial Drug Commission, in collaboration with the Ministry of Education, has developed an anti-drug curriculum for all schools, which came into effect during the academic year 2000.

247. Other programmes include drug and alcohol prevention and drug rehabilitation education and counselling. The Liberian Police also provides a radio programme to the community on “alcohol and you”. Besides these programmes, the Government is building the capacity of law enforcement officers on drug enforcement.

Sexual exploitation and sexual abuse (art. 34)

248. The New Penal Code of Liberia protects children below the age of 16 years against sexual exploitation and sexual abuse. The law states in part that a male who has sexual intercourse with a female who is not his wife has committed rape if the female is less than 16 years of age, provided the male is 16 years or older.

249. Sexual inducement of children is a crime under the law. Sexual coercion of children is a crime in that an adult male brings undue pressure on a minor child.

250. The Penal Law of Liberia (chaps. 14.76, 14.27, 14.78) speaks about sexual abuse of wards, sexual assault, rape and sexual crimes against children. These articles state the following:

- *Sexual abuses of wards* (art. 14.76) “A person who has sexual intercourse with another or any person who engages in deviate sexual intercourse when the parties to such act are not married to each other, has committed a first-degree misdemeanour if:
 - (a) The person is in official custody or detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over the other person; or the actor is his or her guardian or acted as the guardian.
 - (b) The other is less than twenty-one years and the actor is his or her guardian or acts as the guardian.”
- *Sexual assault* (art. 14.27): “A person who knowingly has sexual contact with another person or causes such other to have sexual contact with him or her, when they are not married to each other has committed a second-degree misdemeanour if:
 - (a) The other person is less than twenty-five years, provided that the actor is sixteen years of age or older;
 - (b) The other person is less than twenty-one years of age and the actor is his or her parent, guardian or acts as his guardian;
 - (c) The other person is less than sixteen years of age and the actor is at least five years older than the other person is.”
- *Rape* (art. 14.78): General provision relating to sexual crimes against the person as to age, states, “when the criminality of conduct depends on the child being below the age of sixteen, it is of no defense that the actor did not know the child’s age or actually believed the child to be older than sixteen”.

251. As a result of the civil conflict, which led to the breakdown in the family structure and massive separation of families into displaced external and internal situations, anecdotal evidence depicts an increase in sexually abused persons, especially women and children “the girl child”.

Other forms of exploitation (art. 36)

252. The Penal Law makes provision for prostitution as a felony or misdemeanour depending on the nature of the case. Article 18.3 of the Penal Code states that, “Any person who facilitates or promotes prostitution has committed a third degree felony if he or she purposely causes another to become or remain a prostitute by force or threat, or the prostitute is the actor’s wife, child or ward or a person for whose care, protection or support the actor is responsible, or the prostitute is in fact less than sixteen years of age.”

253. Overall, sexual exploitation is frowned upon and condemned in any form within Liberian society. However, this differs on a case-by-case basis. Within the context of the traditional extended family scenario, most cases are handled outside of court where the perpetrator is fined according to custom or forced into marriage with the victim. Whereas, when the case is taken to court, the suspect is charged, tried and when found guilty bears the full weight of the law.

254. Furthermore, as a means of dealing with war-induced sexual violence against children and women, Government, in collaboration with several NGOs and women’s groups has instituted several trauma-counselling programmes that include medical assessment and vocational skills training. Research activities in the area of violence against women and children, particularly the girl child, is being carried out nationwide to enable the Government to undertake appropriate legal actions, rehabilitation projects and educational programmes.

255. In spite of this legal provision, there is seemingly a high incidence of child prostitution as evidenced by the number of children found on the streets and in brothels.

256. While the Penal Law of Liberia protects children against all forms of exploitation, there do exist some forms of exploitation. Socially and economically, children are being exploited when they are married at early ages, taken advantage of by well-off persons in the society or used as sex workers. In their homes, children are exploited when they live with people who do not offer them opportunities for advancement but use them exclusively to conduct difficult and strenuous domestic chores at all times.

257. To eliminate these unwholesome situations, much is being done to ensure that children, in particular wayward children and abandoned children, who are vulnerable, are not victimized. Special programmes run by religious institutions, women’s NGOs as well as other local and international organizations, provide shelter and counselling. Vocational skills can make them self-sufficient. Guardianship is needed until children are reunited with their families and other Government interventions should increase after the reactivation of transit points.

Sale, trafficking and abduction (art. 35)

258. The Constitution protects all persons from abduction in any form. The Penal Code (subchap. C, art. 14.50) states:

“A person is guilty of kidnapping if he unlawfully removes another person from his place of residence or business, or a substantial distance from the vicinity where he is found, or he unlawfully confines another for a substantial period in a place of isolation, with any of the following purposes:

- (a) To hold for ransom or reward;
- (b) To use as a shield or hostage;
- (c) To hold him in a condition of involuntary servitude;
- (d) To facilitate commission of any felony or flight thereafter;
- (e) To inflict bodily injury on or to terrorize the victim or another; or
- (f) To interfere with the performance of any governmental or political function.

“Kidnapping is a felony of the first degree, unless the actor voluntarily releases the victim alive and in a safe place prior to trial, in which case it is a felony of the second degree.

“A removal or confinement is unlawful within the meaning of this section if it is accomplished by force, threat, or deception, or, in the case of a person who is under the age of 14 or incompetent, if it is accomplished without the consent of a parent, guardian or another person responsible for general supervision of his welfare.”

259. Section 14.51 on felonious restraint states:

“A person commits a felony of the third degree if he knowingly:

- (a) Restrains another unlawfully in circumstances exposing him to risk or serious bodily injury; or
- (b) Restrains another with the purpose of holding him in a condition of involuntary servitude.”

260. Even though these situations are not prominent in Liberia because of extended family ties, there are domestic situations that result in the abduction of a child by one parent. In most instances, the cases are external and take a longer time to handle because of diplomatic protocols and bureaucracies.

261. There is little evidence of abduction, sale or trafficking in children, for whatever purpose, in Liberia. There is, however, the story of a young lady who was taken away from her parents in 1991, by a foreign national working with one of the United Nations agencies, under the pretext of assisting her, but who eventually ended up exploiting her.

262. Domestic legislation does not deal sufficiently with crimes such as domestic abduction, kidnapping, baby-snatching and the sale and trafficking of children. There is a general lack of information in this area and data needs to be collected. Additionally, parents as well as children need to be educated about these crimes.

Children belonging to a minority or an indigenous group (art. 30)

263. Article 11 (a) of the Constitution of Liberia stipulates that “all persons are born equally free and independent and have certain natural, inherent and inalienable rights, among which are the right of enjoying and defending life and liberty, of pursuing and maintaining the security of the person and of acquiring, possessing and protecting property, subject to such qualifications as provided for in this Constitution”.

264. The situation of children belonging to a minority or an indigenous group is not familiar to Liberia. Each ethnic group has equal rights under the law. The religious and ethnic tensions in the country are the outgrowth of the civil war. Prior to the civil war, the various ethnic and religious groups in Liberia lived in relative harmony. But the role played by certain ethnic groups during the civil war gave rise to ethnic and religious tensions. Peace building and conflict resolution activities are being undertaken in collaboration with the Government.

265. The National Reunification and Reconciliation Commission (NRRC) was established in 1997 to ensure reconciliation and peaceful coexistence. NGOs, especially women’s and youth groups, are implementing appropriate peace-building and promotion programmes under the sponsorship of INGOs such as LWS/WF, the Christian Health Association of Liberia (CHAL), UNICEF, the Centre for Democratic Empowerment (CEDE), etc. The Government is taking concrete steps to adequately address the problem of ethnic and religious differences that exist amongst some of the ethnic groups, which have not manifested themselves into open conflicts.

Notes

¹ Ministry of Education, Education Sector Review (2000): VII, pp. xi-xii.

² Ministry of Planning and Economic Affairs (MPEA).

³ Ministry of Health and Social Welfare.

⁴ Ministry of Planning and Economic Affairs (MPEA). Ibid.; p. 5.

⁵ United Nations, Liberia United Nations System Common Country Assessment, 1997.

⁶ Ministry of Education, 1998-1999.

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