

**AFRICAN UNION**

**African Committee of Experts on the  
Rights and Welfare of the Child**

**الاتحاد الأفريقي**



*"An Africa Fit for Children"*

**UNION AFRICAINE**

**Comité Africain d'Experts sur les Droits  
et le Bien-être de l'Enfant**

**UNIÃO AFRICANA**

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**CONCLUDING RECOMMENDATIONS BY THE AFRICAN COMMITTEE  
OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD  
(ACERWC) ON THE LIBERIA REPORT ON THE STATUTS OF  
IMPLEMENTATION OF THE AFRICAN CHARTER ON THE RIGHTS  
AND WELFARE OF THE CHILD**

## **I. INTRODUCTION**

The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) extends its compliments to the Government of Liberia and wishes to acknowledge with thanks receipt of the initial report on the status of implementation of the African Charter on the Rights and Welfare of the Child. The ACERWC, during its 23rd Session, considered Liberia' initial report which was submitted in accordance with the State Parties obligation under Article 43 of the African Charter on the Rights and Welfare of the Child (ACRWC).

The Committee commends the State Part for the delegate, Mr. Andrew G. Tehmeh, the Representative of the Government of Liberia and the Deputy Minister for Planning and Administration in the Ministry of Gender and Development for the open and constructive dialogue.

The Committee notes with appreciation that the State Party ratified the African Charter on the Rights and Welfare of the Child and took various initiatives to implement the rights and duties enshrined in the Charter. However, the Committee regrets that the report was submitted with considerable delay, which prevented the Committee from reviewing the implementation of the Charter by Liberia for some years after the ratification.

## **II. PROGRESS IN THE IMPLEMENTATION OF THE CHARTER**

The Committee commends the State Party on the following achievements;

- a. The adoption of the Children's Law which domesticates the Charter and Encompasses the General Principles of the Charter
- b. The formulation of the Education Act of 2011
- c. The adoption of the Act to amend the Penal Code of January 2006, called the Rape Law;
- d. The ratification of the Convention on the Rights of Persons with Disabilities (CRPD) in 2012
- e. National Policy on Girls' Education (2006)
- f. Education Master Plan 2000–2010 and the Education for All Action Plan

- g. The formulation of National Action Plan for Prevention and Management of Gender Based Violence and the provision of an endowment fund to provide support to survivors of gender based violence. The Sexual and Gender Based Violence Crimes Unit established in 2009 is also providing victim support services to women and children.
- h. The establishment of the Children's Protection Division at the Ministry of Gender and Development since 2005 to monitor the implementation of Children's Law, international and regional instruments in the nation, and the Child Protection Network (CPN) in the division which enhances cooperation and synergy among the government and different stake holders
- i. The formation of Women and Children Protection Sections in the Liberia National Police for the investigation, Prosecution and documentation of cases of child abuse.
- j. The formulation of the Child Protection Working Group (CPWG) comprised of the government and different stakeholders to deal with emergency situations of children affected by the Ivorian crises
- k. The creation of the Liberia Repatriation, Reunification and Resettlement Commission (LRRRC) which is mandated to address issues of separation due to internal displacement, armed conflict and natural disaster.
- l. The existence of Ad-hoc Adoption Authority established in 2009 for monitoring adoption cases as well as the Adoption Unit in the Ministry of Health and Social Welfare to conduct investigations.
- m. The program for the deinstitutionalization of children and promotion of family care by Ministry of Health and Social Welfare with the cooperation of other stake holders.
- n. The launching of Reaching Every District and Reaching Every Pregnant Woman (RED and REPW)) to address child morbidity and child mortality in all counties.
- o. The devising of Mental Health Policy and comprehensive psychosocial training manual to increase access to psychosocial support.
- p. The elimination of Maternal and neonatal tetanus (MNT)
- q. The initiation of Integrated Community Case Management (ICCM) to enhance the health care management of childhood.

### **III. AREAS OF CONCERN AND RECOMMENDATIONS**

#### **A. General measures of implementation**

Taking note of the fact that the state has taken different legislative measures, the Committee still regrets that there are customary laws which contradict with the

legislations of the State Party especially in terms of minimum age of marriage, sexual consent, adoption, and juvenile justice. The Committee urges the state to fill this gap by promoting the legislations and making them easy and understandable to the society. Further the State Party may take appropriate measures against customary laws inconsistent with legislations.

The Committee welcomes the adoption of Children's Law for a better protection of child rights. However the Committee has concerns regarding the implementation of the Law due to the fact that the structure devised by the Law is not compatible with the available human resource available for social welfare in the country. The Committee recommends that Liberia adopt a coherent policy framework to meet the welfare needs of children.

The Committee appreciates formation of the Children's Protection Division and the Women and Children Protection Sections; however it notes lack of financial and human resource in these units. The division is not capable to finance its own initiatives and the Women and Children Protection Sections are not accessible by majority of the population. The Committee recommends to the State Party to increase the budget allocated for both units to ensure their functionality. The Committee also recommends that the Women and Children Protection Sections need to be reachable by all communities including rural areas.

The Committee notes that there is only one Juvenile Court in Liberia. Most juvenile crimes are handled by Magisterial Courts which are not attended by lawyers or child rights professionals. In addition, the Committee is concerned that there is only one court specialized to handle rape cases. It is for this reason that the Committee hereby urges the government of Liberia to establish more Juvenile Courts and courts specialized for rape cases.

While appreciating the existence of the Child Welfare Committee (CWC) in Liberia, the Committee regrets that the state party has not invested in it and that most of its work is funded by NGOs. There is no budget allocated for the operation of the CWC. The committee recommends that the State Party may allocate sufficient budget to the CWC and look sustainable budget from other resources.

The Committee is concerned that the State Party is not able to provide updated data on child right issues due to lack of systemic data collection mechanisms. This hinders accessing information from the government. The Committee recommends to the state party to devise an efficient data collection mechanism.

The Committee acknowledges the establishment of the Child Rights Advancement Fund and also the budget allocated to child clubs and civil society organizations working on child rights by the Ministry of Gender and Development. But, the Committee is concerned that the Child Rights Advancement Fund is not yet established and the budget allocated for child clubs and civil societies is not properly utilized as a result of unaccountability. The Committee suggests that the State Party may expedite the launching of the Child Rights Advancement and also develop a transparent and efficient system for the utilization of the fund allocated for child clubs and civil societies.

### **B. Definition of child**

The Committee applauds the definition of the child provided under the Children's Law. However it has two concerns in this issue. The first is regarding the implementation of this definition in areas of marriage and labour especially in rural areas. The second issue is in relation to laws which contradict the Charter. The Inheritance and Customary Marriages Law and the Revised Rules and Regulations governing the Hinterland set the minimum age of marriage to be 16 and 15 respectively. The Committee recommends that the State Party harmonize its laws with the provisions of the Charter.

### **C. General principles**

#### ***On non-discrimination***

The Committee notes with concern the traditional and customary laws which discriminate between men and women when it comes to inheritance and property rights. Girls and children with disabilities are discriminated in schools and other places where social services are delivered because of the unsuitable facilities. In addition there exists discrimination of children living in Monrovia and rural areas due to the economic imbalance. Thus, the Committee recommends to the State Party to promote women equality and avoid cultural practices which discriminate against women. In addition, the Committee recommends that the state party may provide for facilities and build ramps in schools and other social service environments to ensure the inclusion of women and children with disabilities. The State Party may also distribute social services in rural areas.

#### ***On the best interest of the child***

The Committee recommends for the integration of the principle of the best interest of the child in the policies and plans of the State Party. The State Party shall promote and create awareness on this principle. It shall give training for professionals in government offices on the meaning of the best interest of the child as it is provided in the Charter.

### ***On survival and development***

The Committee notes with appreciation the effort of the State Party in reducing child mortality. Yet, the Committee regrets that many children still die from preventable disease such as malaria and typhoid. Furthermore, the Committee has concern on the death penalty applicable on children of age 16 and 17. The Committee recommends the State Party to take preventive measures on diseases which cause child mortality. It is also recommended to prohibit death penalty on children.

### ***On child participation***

The Committee has concern on the implementation of child participation. Even though the law provides for child participation in child clubs, there are no mechanisms put in place to ensure the establishment and regulation of child clubs. Moreover, there is no fund allocated for child clubs by the government. The Committee recommends the State Party to provide resources and budget to support activities of child rights clubs to allow children engage in peer education campaigns and advocacy with decision makers and public institutions. It is also recommended to provide structure for the child clubs for their functionality.

## **D. Political rights and freedoms**

The Committee appreciates the State party on its work in relation to name, nationality and registration of children. However, the fact that many children don't have birth certificate is a concern for the Committee as it hinders children from claiming nationality outside Liberia. Birth registration rates are still low and this is somewhat attributable to the sparsely distributed health care service especially in rural areas. In addition, there are constitutional provisions which deny Liberian citizenship on the basis of colour or racial origin. The Committee recommends to the State Party to repeal the constitutional provisions which deny Liberian citizenship. The State Party may also increase its effort to increase birth registration by raising public awareness on the advantages of birth registration and adopting a free and compulsory birth registration. It is also important to make health care services available in rural areas to enhance birth registration.

## **E. Family environment and alternative care**

### ***On Abuse and Torture***

The Committee acknowledges Liberia's effort in putting legislative ban on corporeal punishment in corrective facilities. But corporeal punishment remains legal and common

practice in schools, homes and in alternative care settings. Children fall out with their parents and move out of the home or dropped out of school as a result of corporal punishment. And the situation is not monitored and documented to reflect its magnitude and impact on children. Further, domestic violence is often regarded as an issue of family affairs, and mostly not dealt within the judicial settings. Thus the Committee recommends the State Party to ensure that corporal punishment is expressly prohibited by law and adequate mechanisms be put in place to monitor and enforce the law. It recommends the State to strengthen its enforcement institutions to be able to promote prevention of corporal punishment and domestic violence and more importantly to be able to effectively investigate and prosecute violence against children. The Committee also recommends Liberia to provide adequate protection for child victims of violence particularly those whose cases are going through legal proceedings by arranging free access to legal assistance, psychosocial and medical therapy and treatment for their quick recovery.

### ***On Parental guidance***

The Committee commends the inclusion of provisions that guarantee the rights of children to parents and the rights of parents over their children in the newly enacted Children's Law and the importance given to children's relationship with the family under the 2009 National Social Welfare Policy. However, the Committee has a concern about the issue of children separated from their families, those living in the streets and disowned children who don't get any maintenance from their father. Henceforth, the State Party shall offer a support for parental guidance and reunification system for disowned children and those separated from their families.

### ***On alternative care***

The Committee appreciates the launching of the Alternative Care Standard to serve as a policy guide to regulate alternative care arrangements for children. But there are indications that residential care institutions that were classified by the Independent Accreditation Committee (IAC) as substandard and not meeting government's standards continue to exist and receive subsidies from the government. Therefore, it is recommended to reinforce the alternative care monitoring mechanism, to prioritize family unit care system and have orphanages and other alternative care homes as a last resort.

### ***On family reunification***

The Committee appreciates the establishment of the Liberia Repatriation, Reunification and Resettlement Commission (LRRRC) to work with the international community in

addressing issues that caused separation and internal displacement arising from armed conflicts, civil strife or natural disasters. But there is a concern on provision of access to basic social welfare and services for refugee and internally displaced children. The Committee encourages the government of Liberia to take measures with CSO's to facilitate social welfare services to unaccompanied children.

### ***On adoption***

The Committee commends the State Party for the steps it has taken in regulating adoption by creating a National Commission on Adoption to examine domestic and inter-country adoptions. But the issue of traditional child fostering arrangements and exploitation of children as a consequence of informal adoption is not regulated. Thus Liberia should set a mechanism to ensure that all adoption set ups warrant the best interest of the child and expedite the enactment of Adoption law that has sufficient provisions to discourage or regulate informal type of adoptions or traditional fostering arrangements.

## **F. Health and welfare**

While acknowledging the Free Health Care Policy for children under 5, there is concern on the high rate of maternal and infant mortality. There is high maternal mortality rate which is 103 death per 1000 live birth; one of the highest in the world. Thus the Committee recommend the State Party to improve access to ante-natal care by recruiting trained caregivers at home or in clinics including care at delivery, and for new-born babies in well-resourced and adequately staffed health clinics in remote areas; ensure access to emergency obstetric care; set programs that encourage pregnant women to seek antenatal care and deliver babies at hospitals wherever possible or in facilities attended by trained professionals.

The Committee acknowledges the commencement of implementation of the "Water Supply, Sanitation and Hygiene" Strategic Plan for 2011-2017 by the State party. However, there is still a concern on the inadequate and substandard provision of drinking water, sanitation, and housing which affect the healthy development of children. Therefore the State Party should make all efforts to ensure provision of clean water, sanitation and housing across the country.

The Committee is concerned about the high proportion of poverty among the Liberian population living below the poverty line (80%) and in extreme poverty (48%). It is moreover concerned about the regional and gender disparities whereby children living

in rural areas and children in female-headed households are more poor and food insecure than children living in the capital city and children in male-headed households. The government of Liberia should make all efforts to improve on the quality of care and provide well equipped health care facilities and clinics including well trained health workers in rural areas and provide for free health service for poor children.

The Committee appreciates the State Party for the progress made in improving on primary healthcare services and also the efforts to eliminate Maternal and neonatal tetanus. But the Committee is concerned that many children are still dying from preventable diseases notably, the high levels of child morbidity and mortality, mainly attributable to malaria (67%), pneumonia (14%) and malnutrition (13%). Hence, the Committee recommends the State Party to strengthen system of monitoring nutritional and health conditions of children and promote positive nutritional practices at community level. This includes developing nutritional programs that can limit stunting and other forms of malnutrition.

There are indication that there is an increased use of breast milk substitutes in recent years and very low rate of breastfeeding among suckling mothers. The State Party should accelerate the promotion of breast-feeding and enforce the International Code of Marketing of Breast-milk Substitutes, also as a means to combat the high prevalence of infant malnutrition in the country.

The Committee notes that access to sexual and reproductive health services particularly for adolescents is very limited. Reports indicate that teenage pregnancy are alarming particularly in certain areas of the State party, including Grand Kru, River Gee, Lofa and Montserrado counties; there is also concern on the high incidence of teenage pregnancies as well as high level of clandestine abortions by adolescent girls. The Committee recommends the State Party to develop and adopt a national strategy on prevention of teenage pregnancy including adolescent-sensitive and confidential services; to revise the legislation on abortion notably with a view to guaranteeing the best interests of pregnant teenagers and avoiding teenage girls resorting to clandestine abortions at the risk of their lives;

There is a concern on widespread smoking, alcohol consumption, and drug use among adolescents and on the limited programs and services available for those affected by substance abuse. The State Party should coordinate with CSOs to develop strategic plan and programs to address drug abuse among children and adolescents including

rehabilitation of addicts, to build up participatory adolescent health programs that focus in particular on reproductive health rights and substance abuse.

The Committee appreciates the reconstruction of health facilities across the country as part of post war recovery and rehabilitation programs. But there are indications that many communities still lack access to basic health services particularly in rural areas. The Committee suggests for improved efforts to advance access to basic health care services for all children and pregnant women, particularly in rural by ensuring that primary health care system covers the whole country;

The Committee commends the State Party for the establishment the National AIDS Commission, chaired by the President and the State party's measures to increase the coverage and access to HIV testing clinics and the provision of anti-retroviral (ARVs) to pregnant women and children born to mothers with HIV. But, there is a concern on the uneven distribution of HIV testing, and ARVs to all children, teenagers, and pregnant women. Hence, the State Party should increase the comprehensive HIV information-education campaign; make stronger its efforts to ensure proper coverage of HIV testing and ARVs provision by giving a particular attention to pregnant adolescents in rural areas and children born to mothers with HIV, and seek technical assistance from the concerned International Organizations and CSOs.

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

There are indications that from the 60% of the signatory allocated from mining companies to the Ministry of Education under the 2011 Education Reform Act, 90% are spent on salaries and wages, and the remaining to promote tertiary education thus, limiting opportunities for all children to achieve universal primary and second cycle education. This is evident in the low rate of primary school enrolment, which is currently 37%, of which only one-third complete the primary school. Hence, the government of Liberia should take measure to ensure the necessary budget is allocated to primary education; and increase the availability of schools at all levels in particular in rural areas in order to ensure equal access to education to all children.

The views of parents, student and school administrators shows that there is no free and fair compulsory education in Liberia, in fact, in government schools, learning material have increased now a day with uniform cost ranging from \$10 USD to \$15 USD. The Committee recommends the State Party to monitor and enforce the free-of charge

compulsory education rights of children and punish teachers who push children out of school because of extra charges.

Gender disparity is still eminent in schools; showing girls school enrolment rate at 33% compared to the boys (98%) at the primary level. Gender based violence in schools including sexual harassment by teachers is a grave concern for girl child education. The State Party should increase efforts to improve on access of girls to education. This includes special initiatives that can motivate girls and their parents towards education. The State Party need also to finance teacher trainings and ensure provision of adequate training, including child rights, gender based violence and other emerging issues that teachers need to know how to deal with; ensure that all schools have effective child protection mechanisms including children's access to safe reporting points without any fear of repercussion.

The State should investigate thoroughly all complaints on violence in schools, and ensure that perpetrators are brought to justice and punished accordingly.

There is still high number of out of school children which accounts to 63%. Furthermore, there is lack of adequate facilities including public pre-schools for holistic early childhood development. The Committee urge the State Party to create motivating and child-friendly educational programs for children dropping school and for those who never attended schools so as to decrease the number of illiterate children.

## **H. Special protection measures**

### ***On Refugee, returnee and displaced children***

The Committee acknowledges the State Party for its commitment towards providing protection and necessary services for and facilitate reunification of refugee children including unaccompanied children under Article XII, section 5.1 and 5.2 of the Children's Law. It also appreciates the establishment of inter-agency Child Protection Working Group (CPWG) to address the issues of refugee children and their families from Côte d'Ivoire. However, there is a concern on regularization of the status of refugee children, in particular unaccompanied and separated children seeking asylum. The Committee recommends for additional strategies that can provide more assistance to refugee children in full compliance with international refugee and human rights law with focus being given to unaccompanied and separated children seeking asylum in order to ensure that their statuses are regularized and they can enjoy equal rights and opportunities as the Liberian children

There is a high concern about Liberian children in neighbouring countries who left because of the war and yet are not returned and integrated with their families. The government of Liberia should take all measures to look into the residual cases of Liberia children and youths who are still languishing in the neighbouring countries. This can be done by developing a special program to attract and support their return and reintegration into the Liberia society.

### ***On children in armed conflicts***

The Committee appreciates the State party for the inclusion of Article XII of Children's Law which explicitly prohibits children's involvement in armed or any other violent conflict, and criminalizes the recruitment or conscription of children into any form of military service. But armed groups in the on-going conflict of Cote d'Voire are recruiting and using Liberian children and youths along the borders. Thus the Committee recommends the State Party to put in place practical measures to prevent the recruitment and use of Liberia children and youths by arm groups operating in the border areas, in particular border areas with Cote d'Voire. This could be done by alarming community leaders and communities the danger their children will face, and by providing school and youth centres in the areas to keep children from the sight of the armed groups. The State Party should also take all efforts to retrieve those children who are already with the arm groups and provide them with the necessary psychosocial and reintegration support for their recovery.

### ***On children in conflict with the law***

The Committee appreciates the legislative measures to incorporate diversionary measures, the right to fair trial and training for personnel involved in juvenile justice into the Children's Law and fixing age of criminal responsibility at 16. For the better implementation of the law into practice, the Committee recommends the State Party to consider reforming its juvenile justice system to be able to implement the new Child Rights Law, the African Charter on the Right and Welfare of the Child and International Instruments that set minimum standards for juvenile justice. The reformation measure should focus on developing system that is correctional and rehabilitation oriented rather than retributive. Further the reformation should be backed by develop guidelines for dealing with children in conflict with the law who are under the age of criminal responsibility and incorporating practical guidelines on age verification for the benefit of adolescents without birth certificates; establishing well-resourced juvenile courts in all counties across the country and train the judges and other personnel working in the court.

Even though capital punishment and life imprisonment of children under the age of 18 years, corporeal punishment, torture and abuse is prohibited, the Penal Code, which contains provisions for death penalty and life imprisonment of children, has still not yet been repealed. The State Party should repeal the provision of the Penal Code that impose life imprisonment and death penalty for juveniles.

Children in pre-trial detention at the Monrovia Central prison are kept in the same environment where adults are also held. Hence, the Committee urges the State Party to create separate detention facility for children and ensure that detention is used as a measure of last resort.

In addition, the State party should take all the necessary efforts to strengthen the Child Welfare Committee and its partnership with the Police so that both can be working together to address juvenile cases from community perspective rather than institutional perspective; and develop legal aid policy that would guarantee the rights of juveniles to free legal representation.

#### ***On children of imprisoned mothers***

Article xxii section 6.1 of the Children's Law prohibits the imprisonment of expectant mother or a mother of a child below the age of 5 years and further provides that expectant convicted mothers shall be placed in a separate facility where she can continue to attend to her child with convenience. However, the Committee shows concern that there is a difficulty in translating the law into practice. Therefore, the Committee calls the State Party to place appropriate mechanisms at the police, prison or outside to be in readiness to effectively implement the Law for the best interest of the child.

#### ***On economic exploitation including child labour***

According to the Rapid Assessment survey on Situation of Child Labour in Rubber Plantations in Liberia conducted by ANPPCAN, over 70% persons living in rubber plantations were children with 52% being males and 18% being females. The ages of working children range from 5-17 with more boys of age group 10-14 engaged in child labour. The UNCRC Committee also in its recent concluding observation perceived that companies and businesses accept children to help their parents meet their contract production quotas under hazardous conditions. The Committee calls on the State Party to take measures against companies that recruit children under the working age; intensify public awareness on the dangers of child labour; undertake comprehensive

research to deepen knowledge and understanding in the root causes, prevalence and other realities of child labour and accordingly act on the root causes.

### ***On drug abuse***

There are indications that marijuana intake level y increased among young people and the drug itself is cultivated in Liberia with the involvement of young people who work in the farms that are usually hidden in the bush. Henceforth, the Committee urges the government of Liberia to strengthen its anti-drug policies and measures; and to carry out a survey to understand the prevailing realities of drug abuse, including mapping out of drug infected communities and develop strategies to address the issue given consideration to the best interest of the child, and focus on rehabilitation programs.

### ***On sexual exploitation and sexual abuse***

The Committee commends the Rape Law, which provides stiff penalty for perpetrators of sexual violence, and the creation of the Women and Children's Protection Sections within the Liberia National Police as a specialized unit for the investigation and prosecution of sexual abuse, Gender Based Violence and domestic violence are commendable. However, there is an increase of rape and persecution of perpetrators is very weak. Hence, the State Party should take all the necessary measures to investigate cases and bring perpetrators before justice as a means of ensuring children's right.

### ***On sale, trafficking and abduction***

The Committee appreciates the State Party for the enactment of the Anti-Trafficking Act in 2005. But, there is still widespread phenomenon of relocating children from rural areas to Monrovia for a variety of purposes including street vending, begging, and domestic servitude. According to Liberia Tier 2 Watch list, the country is a source, transit and destination country for young women and children subjected to forced labour and sex trafficking. Therefore, the Committee urges the government of Liberia to fully enforce the Anti-human Trafficking Act, to provide protection and other necessary support to victims of trafficking including those from another country, and to initiate inter-country co-operations with neighbouring countries to fight child trafficking.

### ***On harmful traditional Practices***

The Committee notes with concern the fact that practice of female genital mutilation/cutting and other harmful traditional practices are widespread across all four counties: Montserrado, Bomi, Lofa and Grand Cape Mount. The State party through

wider consultations should adopt a law that prohibit child FGM and ensure its implementation.

The African Committee of Experts on the Rights and Welfare of the Child takes this opportunity to renew to the Government of Liberia, the assurances of its highest consideration.