

CHILD SOLDIERS

INTERNATIONAL

“Working to stop the use of child soldiers worldwide”

Liberia

**Report to the Committee on the Rights of the Child
in advance of the examination of Liberia’s second, third and fourth
periodic reports on the
Convention on the Rights of the Child**

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Who are child soldiers?

Child Soldiers International considers the term child soldier to be equivalent to the following description of children associated with armed forces or groups:

A child associated with an armed force or armed group refers to any person below 18 years of age who is, or who has been, recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, spies or for sexual purposes. It does not only refer to a child who is taking, or has taken, a direct part in hostilities.

Child Soldiers International was formerly the **Coalition to Stop the use of Child Soldiers**. Child Soldiers International is an international human rights research and advocacy organization. Child Soldiers International seeks to end and prevent the military recruitment and use in hostilities of child soldiers (boys and girls below the age of 18), and other human rights abuses resulting from their association with armed forces or groups. It seeks the release of child soldiers from armed forces or groups, promotes their successful return to civilian life and accountability for those who recruit and use them. Child Soldiers International promotes global adherence to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

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Contents

Introduction and principal recommendations.....	1
Article 38	2
Security Sector Reform.....	2
<i>Armed Forces of Liberia</i>	2
<i>Liberian National Police</i>	3
Accountability.....	5
Article 39	7
Disarmament, Demobilization, Rehabilitation and Reintegration Program.....	7

Introduction and principal recommendations

Child Soldiers International submits this report for consideration by the Committee on the Rights of the Child (the Committee) in view of its examination of Liberia's second, third and fourth periodic reports under the Convention on the Rights of the Child (the Convention) at the Committee's 61st session.

This report was compiled through primary research gathered during a mission to Liberia in March 2011, followed up by desk-based research of available secondary sources. On the basis of the information gathered, this report summarizes Child Soldiers International's concerns about Liberia's implementation of some of its obligations under the Convention, including in relation to:

- The vetting and recruiting procedures used to ensure that recruits to the Armed Forces of Liberia and the Liberian National Police are over the age of 18 years.
- The current low rate of birth registration and certification and the impact it has on age verification.
- The failure to hold accountable those individuals responsible for serious human rights violations during the Liberian conflicts, as well as those suspected of involvement in the 2010 - 2011 post-election violence in Côte d'Ivoire.
- The impact of the disarmament, demobilization, rehabilitation and reintegration program.

In light of these concerns, and noting with regret that Liberia has not yet ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict that it signed in 2004, Child Soldiers International makes the following recommendations for immediate action by Liberia:

- Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.
- Maintain rigorous age verification and vetting procedures for the Armed Forces of Liberia and the Liberian National Police, including by ensuring that sufficient funds and personnel are allocated to the Division of Vetting and Intelligence Section.
- Endeavour to quicken the pace of Universal Birth Registration and certification, to ensure that they can be used as reliable proof of age.
- Provide extensive training for judges, prosecutors, defence counsel and investigators on the Children's Law, including its provision related to the criminalization of recruitment and use of children.
- Investigate and prosecute those suspected of grave human rights violations, including the unlawful recruitment of children or their use in hostilities.

In this briefing Child Soldiers International has also identified various issues that would benefit from the provision of additional information by the Liberian government.

Article 38

Security Sector Reform

Armed Forces of Liberia

The 2003 Comprehensive Peace Agreement, which brought an end to the second Liberian war, required the restructuring of the Armed Forces of Liberia (AFL) - with the United States of America designated to take a lead role in its reorganization - and the creation of a new AFL command structure.¹ The Peace Agreement provided that the new AFL could draw its members from the ranks of pre-existing forces and the civilian population.² However, it was subsequently determined that the 13,600 strong army would be entirely disbanded, demobilized and rebuilt from scratch by the US to form a smaller 2,000 strong force, with the screening process excluding former military personnel.

Whilst the decision to rebuild the AFL from scratch contributed to considerable delays in its restructuring,³ it also provided an opportunity to significantly reform its makeup⁴ and establish concrete measures to end the recruitment of under-18s into the armed forces. Although the minimum voluntary recruitment age into the armed forces was legislated at 16 at the time,⁵ a policy decision was made to only accept candidates over the age of 18. DynCorp International, a US private military contractor, was awarded the contract for recruiting, vetting and training the new AFL, which began in January 2006. With annual birth registration between 2000 - 2010 standing at only 4 per cent⁶ and a general scarcity of documentation, the verification of a potential recruit's age, combined with the difficulty of authenticating other basic information (such as identity, education, prior history), required the application of stringent screening and vetting methods.

Applicants were asked to provide two pieces of identification⁷ and three references. These were subsequently cross-checked by vetting teams who performed extensive interviews with the candidate, referees, nominated individuals and family members, whilst also conducting detailed research in each candidate's village, neighbourhood and school. In an attempt to guarantee thoroughness, applicants were vetted individually at the rate of just three to five applications per researcher, per week. The public were also encouraged to anonymously report any reason that could discount a particular candidate, whilst a further final review of each file was undertaken by the committee in charge of recruitment, the Joint Personnel Board.

The success of the broader military reform process remains to be seen.⁸ However, with only 5 per cent of AFL members being under the age of 25 in March 2011,⁹ it appears that the vetting process has

¹ Comprehensive Peace Agreement Between the Government of Liberia and the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) and Political Parties Accra, 18 August 2003, Part Four, Article VII (1)(b), available at www.usip.org/files/file/resources/collections/peace_agreements/liberia_08182003.pdf.

² Comprehensive Peace Agreement, 18 August 2003, Part Four, Article VII (1)(b).

³ The demobilization of the AFL was completed in December 2005 and the USA launched its recruitment and restructuring program in January 2006.

⁴ Among other things, it provided a unique opportunity to re-establish public trust by disassociating the new AFL from former military personnel who had committed human rights abuses and atrocities.

⁵ 1956 National Defence Law.

⁶ As recorded by UNICEF, available here http://www.unicef.org/infobycountry/liberia_statistics.html#94.

⁷ For example high school certificates, birth certificates, church or school cards, all of which could help give an indication of age but also required cross-checking.

⁸ In 2011 there were reports of a 14 percent attrition rate (due to death, dismissal and desertion, the latter partly caused by low pay, poor working conditions and dehumanising treatment) among AFL members, and incidents of ill-discipline and misconduct, including harassment of civilians, altercations with the national police (including the murder of one police officer), and criminal activity. See Twenty-third progress report of the SG

succeeded in preventing the recruitment of under-18s to the armed forces. To the knowledge of Child Soldiers International, this is one of the few examples of international support to security sector reform that effectively addressed the issue of age verification.

The challenge for the Liberian government, having assumed responsibility for the development of the new army in 2010, is to maintain those high standards of recruitment and vetting.

The 2008 National Defense Act specifies that all enlistment into AFL is voluntary¹⁰ and open only to those over the age of 18.¹¹ However, this welcomed development needs to be backed up by a recruitment process where age verification is effectively carried out. The Liberian Ministry of Defence's Division of Vetting and Intelligence Section which now has charge of the process has a considerably lower budget and limited personnel¹² and logistical capacity, particularly as its reach beyond the capital, Monrovia, is limited. Information gathered by Child Soldiers International in March 2011 indicates that the Division of Vetting and Intelligence Section had intended to reduce expenses by reconsidering previous applicants to the AFL who had failed the written or shooting test,¹³ highlighting that some vetting standards may have already slipped. Despite the reduced capacity of the Division of Vetting and Intelligence Section, President Johnson Sirleaf announced plans to recruit at least 300 more AFL members in January 2011.¹⁴ Child Soldiers International does not have information on how this recruitment process has been, or will be, managed and further clarification would be welcomed.

It is necessary to ensure that the age verification and vetting processes are strictly and effectively applied, particularly as the 2010 Universal Birth Registration Process¹⁵ aimed at drastically increasing birth registration and certification across Liberia, has encountered severe delays, ensuring that it will still be several years before birth certificates are deemed a reliable proof of age.

Liberian National Police

Article VIII of the Comprehensive Peace Agreement required the restructuring of the Liberian National Police (LNP), along with various other security services.¹⁶ Responsibility of LNP reform fell to the United Nations Civil Police (UNCIVPOL) component of the United Nations Mission in Liberia (UNMIL).¹⁷ Unlike the complete restructuring of the AFL, police reform was built on existing

on the UN mission in Liberia, UN Doc. S/2011/497, 5 August 2011, paragraphs 26-28; International Crisis Group, *Liberia: How sustainable is the Recovery*, Africa Report No. 177, 19 August 2011, page 11.

⁹ Child Soldiers International interview with AFL officers, Monrovia 29 March 2011.

¹⁰ An Act to Repeal the National Defense Law of 1956, the Coast Guard Act of 1959, and the Liberian Navy Act of 1986 and To Establish the New National Defense Act of 2008, 21 August 2008 [hereinafter National Defense Act], Chapter 7, Section 7.4

¹¹ National Defense Act, 21 August 2008, Chapter 7, Section 7.2.

¹² When established, the Division of Vetting and Intelligence Section was staffed by only 21 civilians.

Interviews with senior staff of the Division of Vetting and Intelligence Section in 28 March 2011 indicated that there were plans to increase the number of staff to 30.

¹³ Child Soldiers International interview with senior staff of the Division of Vetting and Intelligence Section, Monrovia, 28 March 2011.

¹⁴ International Crisis Group (ICG), *Liberia: How sustainable is the Recovery*, Africa Report No. 177, 19 August 2011, page 11.

¹⁵ In July 2010, the Ministry of Health and Social Welfare with the support of its Department of Vital Statistics, UNICEF, UNFPA, UNHCR, the World Bank and Plan-Liberia launched the Universal Birth Registration process, the aim of which was to register and provide birth certificates to all children in Liberia, approximately 1.6 million of them, by the end of 2011. For example see http://www.unicef.org/wcaro/2009_5526.html.

¹⁶ Comprehensive Peace Agreement, 18 August 2003, Part Four, Article VIII.

¹⁷ Comprehensive Peace Agreement, 18 August 2003, Part Four, Article VIII(5).

personnel and absorbed many of the members, functions and responsibilities of other security forces that operated during the two armed conflicts.¹⁸

Due to budgetary limitations the vetting and recruitment practices employed by UNCIVPOL required that vetters handle five application dossiers per day.¹⁹ In light of the aforementioned difficulty of age verification and scarcity of reliable identity documents, it is unclear how UNCIVPOL vetters were able to accurately ensure that each LNP applicant was over the age of 18, as required by section 4.2 of the LNP Recruitment Procedure Policy manual.²⁰

It is also unclear to Child Soldiers International which Liberian governmental body will take over responsibility for LNP recruitment, vetting and training and how the process will be adequately resourced and funded once UNMIL's mandate expires in September 2012.²¹

Recommendations

Child Soldiers International recommends that Liberia is requested to provide detailed information from official sources on:

- The methods currently used to verify that applicants to the Armed Forces of Liberia and the Liberian National Police are over the age of 18, in particular details on what identification and age verification documents are required to join.
- The breakdown by age of all current members and applicants of both the Armed Forces of Liberia and the Liberian National Police.
- The current rate of birth registration and certification across Liberia, and the methods in place to fulfil the aims of the Universal Birth Registration Process.
- The procedures in place to hand over responsibility for the recruitment and vetting of the Liberian National Police to the Liberian government.

Child Soldiers International recommends that Liberia is encouraged to:

- Maintain rigorous age verification and vetting procedures, including by ensuring that sufficient funds and personnel are allocated to the Division of Vetting and Intelligence Section.
- Endeavour to quicken the pace of Universal Birth Registration and certification, to ensure that they can be used as reliable proof of age.
- Ensure that all members of the Armed Forces of Liberia and the Liberian National Police are informed of the international and national laws that criminalize the recruitment and use of children.

¹⁸ Such as the 'paramilitary and police-like forces at the two airports, the National Port Authority, the Liberian Telecommunications Corporation and the Liberian Petroleum Refining Company, as well as other Taylor-era militias such as the Anti-Terrorist Unit and the LNP's own Special Operations Division...the Drug Enforcement Agency and the National Bureau of Investigation', International Crisis Group, *Liberia: Uneven progress in security sector reform*, No 148, 13 January 2009, page 17.

¹⁹ ICG, *Liberia: Uneven progress in security sector reform*, No 148, 13 January 2009, page 17.

²⁰ LNP Administration Policy Manual: *Recruitment Procedure Policy*, 13 October 2004.

²¹ Special report of the Secretary-General on the United Nations Mission in Liberia, UN Doc. S/2012/230, 16 April 2012, paragraph 1

Accountability

Section 22, article III of the 2011 Children's Law protects children (defined as under-18s) from involvement in armed or any other violent conflict, and criminalizes the recruitment or conscription of children into military service by the Ministry of Defence.²² Accordingly the penal law of Liberia has been amended to include a crime of child recruitment, as follows 'a person commits a first degree felony if she or he recruits or enlists any child for purposes of engaging in violent conflict. Where the recruitment is for the purpose of supporting and not for directly engaging in the conflict, the person is guilty of a second degree felony.'²³

This legislation is a necessary step to achieve accountability for unlawful recruitment and use of children. However, despite considerable foreign investment focused on strengthening the rule of law, the Liberian criminal justice system remains subject to severe capacity and resource constraints – with a limited number of trained judges and lawyers, and only one juvenile court in existence²⁴ – and is continuously undermined by allegations of corruption, and unprofessional and abusive behaviour.²⁵ These factors have ensured an inability to hold perpetrators of serious human rights abuses (including unlawful recruitment and use of children) accountable, and do little to reduce the well established climate of impunity in Liberia.²⁶ With the judiciary unable to effectively punish those who have recruited and used under-18s in conflict, there exists little deterrent to discourage future perpetrators.

Despite the recent conviction by the Special Court of Sierra Leone of former Liberian President Charles Taylor for, amongst other crimes, recruiting children under the age of 15 years and using them to participate actively in the Sierra Leonean conflict,²⁷ little progress has been made to investigate and prosecute those responsible for serious human rights violations during the Liberian armed conflicts. This is in part due to the aforementioned restrictions on the justice system, but can also be attributed to a lack of political will to prosecute suspected perpetrators,²⁸ particularly as numerous high level officials have been recommended for prosecution for gross human rights violations by the Truth and Reconciliation Commission (TRC).²⁹

The TRC made wide ranging recommendations aimed at holding individuals accountable, providing redress and reparations to child victims (amongst others), and going some way to protecting children in Liberia from future human rights abuses.³⁰ Its key recommendations included establishing an

²² Children's Law of Liberia, September 2011, Article III, sections 22.1 and 22.2.

²³ Section 16.14, An Act to amend sections 14, 16, 17 and 18 of the Penal Law, Title 26, Liberian Code of Laws revised and to add thereto a new section 20.

²⁴ Amnesty International, *Good intentions are not enough: the struggle to reform Liberia's prisons*, September 2011, page 14, available here: <http://www.amnesty.org/en/library/asset/AFR34/001/2011/en/b5b302eb-69bc-4f10-9993-9ef96fcd319a/af340012011en.pdf>

²⁵ See Human Rights Council, Report of the Working Group on the Universal Periodic Review, Liberia, UN Doc A/HRC/16/3, 4 January 2011; United States Agency International Development (USAID), Evaluation of Rule of Law Programs In Liberia, April 2009, available here: http://pdf.usaid.gov/pdf_docs/PDACO233.pdf

²⁶ For example see Amnesty International, *Taylor verdict sends message that no-one is above the law*, 26 April 2012, <http://www.amnesty.org/en/news/taylor-verdict-sends-message-no-one-above-law-2012-04-26>; HRW, *World Report 2011; Liberia*; International Centre for Transitional Justice, *Beyond the Truth and Reconciliation Commission: Transitional Justice Options in Liberia*, May 2010, page 19 <http://www.ictj.org/sites/default/files/ICTJ-Liberia-Beyond-TRC-2010-English.pdf>.

²⁷ 26th April 2012 judgment of Trial Chamber II of the Special Court for Sierra Leone. Full judgment is available here: <http://www.sc-sl.org/LinkClick.aspx?fileticket=EGbW%2BCH/wbE%3D&tabid=107>

²⁸ USAID, *Evaluation of Rule of Law Programs in Liberia*, April 2009, page 2.

²⁹ Republic of Liberia, Truth and Reconciliation Commission (TRC of Liberia), June 2009, Consolidated Final Report, sections 12-13, available here: http://trcofliberia.org/resources/reports/final/volume-two_layout-1.pdf.

³⁰ For example it recommended that the Government of Liberia must 'make re-recruitment of child soldiers impossible' and that it should 'closely monitor recruitment into the newly reconstituted Armed Forces of Liberia

extraordinary criminal tribunal for Liberia to prosecute the most notorious perpetrators; domestically prosecuting individuals who committed egregious violations; barring individuals from public office for 30 years; and establishing Palava huts, a traditional justice mechanism, to supplement the courts in bringing reconciliation.³¹ Nearly three years after the TRC published its consolidated report there are signs that some of its recommendations are being acted on, with the National Palava Hut Program due to be launched nation-wide this year.³² However, the pace of implementation remains slow, with minimal support for the creation of an extraordinary criminal tribunal, and Liberia's criminal justice system still being unable or unwilling to prosecute individuals in proceedings that meet international standards of fair trial.

In 2004 and 2005 there were reports of former Liberian fighters, including children and ex-child soldiers then over 18 years of age, being recruited as mercenaries for use in Côte d'Ivoire.³³ The renewed armed conflict in the 2010 - 2011 Ivorian post-election crisis also affected Liberia: with reports of Liberian mercenaries, including unconfirmed accounts of the presence of up to 100 Liberian children aged between 14 and 16 years (including girls), crossing into Côte d'Ivoire to participate in the armed conflict; a high level of arms proliferation in the border regions; and over 160,000 Ivorians seeking refuge in the remote border areas.³⁴ In June 2012, Human Rights Watch reported that the Liberian government had failed to prosecute individuals in Liberia (some currently held in custody) accused of participating in the armed conflict in Côte d'Ivoire, including those suspected of involvement in the recruitment and use of children.³⁵

Recommendations

Child Soldiers International recommends that Liberia is requested to provide detailed information from official sources on:

- What steps have the government taken to ensure that those suspected of recruitment and use in hostilities of children are brought to justice?

Child Soldiers International recommends Liberia is encouraged to:

- Provide extensive training for judges, prosecutors, defence counsel and investigators on the Children's Law, including its provision related to the criminalization of recruitment and use of children.
- Conduct effective and systematic investigations into recent reports of child recruitment and use by armed actors operating on the border with Côte d'Ivoire, and bring to justice those individuals in Liberian territory suspected of serious human rights abuses during the Ivorian post-election crisis in 2010 - 2011.
- Take essential steps to implement the issues raised and recommendations made by the Truth and Reconciliation Commission, particularly those related to accountability for grave human rights violations, including unlawful recruitment of children and their use in hostilities.

and ensure that none of the recruits is younger than 18", TRC of Liberia, Volume Three: Children, the Conflict and the TRC Children Agenda, Section 7 Recommendations, <http://trcofliberia.org/>.

³¹ TRC of Liberia, June 2009, Consolidated Final Report, sections 12-16.

³² Liberian Daily Observer, *64 District Committees for Palava Hut Talks*, 24 January 2012, available here: <http://www.liberianobserver.com/index.php/news/item/260-64-district-committees-for-palava-hut-talks>.

³³ For example see HRW press release, *Côte d'Ivoire: Government Recruits Child Soldiers in Liberia*, 29 October 2005, available here: <http://www.hrw.org/news/2005/10/28/c-te-divoire-government-recruits-child-soldiers-liberia>.

³⁴ Twenty-third progress report of the Secretary-General on the United Nations mission in Liberia, UN Doc. S/2011/497, 5 August 2011, paragraph 18; HRW, *Liberia: Ivorian Government foes wage, plot attacks*, 6 June 2012, available here: <http://www.hrw.org/news/2012/06/06/liberia-ivorian-government-foes-wage-plot-attacks>.

³⁵ HRW, *Liberia: Ivorian Government foes wage, plot attacks*, 6 June 2012, available here: <http://www.hrw.org/news/2012/06/06/liberia-ivorian-government-foes-wage-plot-attacks>.

Article 39

Disarmament, Demobilization, Rehabilitation and Reintegration Program

The Disarmament, Demobilization, Rehabilitation and Reintegration Program (DDRRP) was provided for in the Comprehensive Peace Agreement,³⁶ and took place between December 2003 to December 2004. A total of 101,000 persons, among them approximately 11,000 children, were disarmed and demobilized, exceeding the initial total estimate of 38,000³⁷ which had been originally budgeted for.³⁸

The high number of applicants to the initial stages of the DDRRP created a severe funding shortage of US \$39 million for the rehabilitation and reintegration aspects of the program, ensuring that large numbers of former child soldiers did not receive vocational training or education,³⁹ subsequently putting them at greater risk of unemployment and making them more vulnerable to re-recruitment. Reports also indicate that certain design elements of the DDRRP ensured that former commanders retained contact with, and control over, ex-child soldiers.⁴⁰

The current economic instability in Liberia, high rates of serious crime, and unemployment and homelessness, particularly among ex-combatants, only exacerbate the risk of re-recruitment. The TRC recommended the creation of strategies aimed at providing additional channels of reintegration for former child soldiers who were excluded from the DDRRP, and also highlighted the need for more vocational training and education to assist the rehabilitation of former child soldiers.⁴¹ However, it is unclear whether these recommendations have been implemented.

Recommendations

Child Soldiers International recommends that Liberia is requested to provide detailed information from official sources on:

- Whether there exist any measures that continue to assess the long term reintegration and psychosocial needs of former child soldiers and other conflict affected children.
- What measures are being taken to prevent the recruitment and use of children in the border regions between Liberia and Côte d'Ivoire.

³⁶ Comprehensive Peace Agreement, 18 August 2003, Part 3, Article VI, and Part 9, Article XXXI.

³⁷ United Nations Mission in Liberia website: <http://unmil.org/2content.asp?sub=6&main=20&pgt=2>

³⁸ HRW, *Youth, Poverty and Blood: The Lethal Legacy of West Africa's Regional Warriors*, March 2005 Vol. 17, No. 5 (A), page 50.

³⁹ 47,000 ex-combatants were exposed to the risk of not receiving job training or education, HRW, *Youth, Poverty and Blood: The Lethal Legacy of West Africa's Regional Warriors*, March 2005 Vol. 17, No. 5 (A), page 53.

⁴⁰ For example see: HRW, *Youth, Poverty and Blood: The Lethal Legacy of West Africa's Regional Warriors*, March 2005 Vol. 17, No. 5 (A), pages 47, 48.

⁴¹ TRC of Liberia, June 2009, Volume Three: Appendices Title II: Children, the Conflict and the TRC Children Agenda.

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