**ALTERNATIVE NGO REPORT ON LIBERIA**

**TO THE UN COMMITTEE ON THE RIGHTS OF THE CHILD**

**BY DEFENCE FOR CHILDREN INTERNATIONAL – LIBERIA SECTION**

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***13-year-old girl reunified with family in Liberia from Sierra Leone*  © 2011 Defence for Children International - Liberia Section**

**MONROVIA, LIBERIA**

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1. **Introduction**

This Alternative NGO Report on Liberia focuses on the following thematic areas of the Convention on the Rights of the Child:

1. General Measures of Implementation;
2. Special Protection Measures, with special focus on Children’s Rights in Juvenile Justice, and the Involvement of Children in Armed Conflict;
3. Basic Health and Welfare, with special focus on Harmful Traditional Practices.

The report was developed by Defence for Children International - Liberia Section (DCI-Liberia), in cooperation with The African Network for the Protection against Child Abuse and Neglect (ANPPCAN) Liberia and Plan Liberia. **We would have liked to produce more, and more timely, to the UN Committee on the Rights of the Child (CRC), and we will do so in the future.** To this end, the aim of DCI-Liberia is to establish a national child rights NGO coalition in Liberia in the course of 2012. Such a coalition will serve as watchdog, but also partners, to the Government, in our joint commitment to respect and ensure children’s rights in Liberia, still a fragile State.

**Defence for Children International - Liberia Section (DCI-Liberia)** promotes and protects the rights of children, and serves as watchdog on the Government to keep the promise. Programmatic areas include child protection, juvenile justice and the rights of girls. DCI-Liberia, a strong advocate and lobbyist for the passing of the Children’s Act into law, aims to strengthen the development, implementation and enforcement of all policies and laws to protect children’s rights.

# The African Network for the Protection against Child Abuse and Neglect ANPPCAN Liberia was founded in late 2001. It is the National Chapter of ANPPCAN, a Pan-African rights organization registered as a National NGO in Liberia. ANPPCAN Liberia runs programs pressing for positive change in promoting the rights of minorities especially children and women. ANPPCAN Liberia being democratized is a membership organization open to all. ANPPCAN Liberia does have a reservoir of qualified and dedicated staff and volunteers with multiple experiences in child rights protection; child/woman rights advocacy and community mobilization, educational programs and management. As a grassroots non-for profit organization, it enjoys the massive support of the community, which adds an impetus in its effective reawakening social mobilization campaigns in stimulating positive change in creating a child friendly environment that sustains the maximization of the full potentials of children. Volunteers from the communities contribute immensely towards the actualization of ANPPCAN Liberia’s programs by being involved in the planning, implementing, monitoring and evaluation stages being mindful that in the end, the communities take full ownership of the project through benefit sustainability.

One of the key activities of **Plan Liberia** is its involvement in Plan’s ‘Because I am a Girl’ Campaign to fight gender inequality, promote girls' rights and lift millions of girls out of poverty. Since 2007, Plan International has being carrying on the BIAAG campaign. One key activity is the publication of research based annual reports which show the status of girls and women in the world. Across the world, girls face double discrimination due to their gender and age, leaving them at the bottom of the social ladder. Research has shown that girls: are more likely to suffer from malnutrition; be forced into an early marriage; be subject to violence or intimidation; be trafficked, sold or coerced into sex trade; or become infected with HIV. Each year, Plan produces a ‘Because I am a Girl’ Report, in the run up to 2015, the target year for the Millennium Development Goals. Each report provides tangible proof of the inequalities that still exist between boys and girls.

Plan's vision is of a world where children can go to school in safety and expect a quality learning experience without fear or threats of violence. The ‘Learn without Fear’ Campaign targets three of the most common and damaging forms of violence in schools: sexual violence, bullying and corporal punishment. The campaign places special focus on the 50 developing countries in Africa, Asia and Latin America in which Plan works. Key aims of the campaign include: Persuading governments to outlaw all forms of violence against children in school, and to enforce those laws; Working with school leaders and teachers to create violence-free schools and promote alternative discipline methods to corporal punishment; and, Creating a global momentum for change, including increased resources from international donors and governments to tackle violence in schools in developing countries.

1. **General Situation[[1]](#footnote-1)**

It is estimated that approximately 47% of the population of Liberia is under age 15. The concept of ‘child protection’ is gradually taking root in Liberia (see Annex 1: Ethical Guidelines for Professionals Working With Children in Contact or in Conflict With the Law). This is enormously due to the robust campaign launched by Non Governmental Organizations in keeping the Government and Communities on their toes in fulfilling the promise of providing a protective conducive environment which enables children to realize their true potentials. In a country that has its values entrenched on cultural practices which in some instances deny children their fundamental human rights, departing from the past has not been that easy. With concerted efforts, the situation of children in Liberia is more favorable today compared to the last two decades, but much is still wanting. The Government of Liberia has taken some great steps in recent years. The launching of the Child Rights Law by the President, the Educational Reform Act, the passing of the Anti Rape Law and the Inheritance Law, the setting up of Criminal Court to try sexual violence cases, and the creation of a Women and Children Unit at the Liberia National Police, and the Youth Policy are all laudable initiatives. In spite of these strives, child protection still remains a challenge for Liberia due to, for example, lapses in the socio-legal protection system, harmful cultural practice and sparse resources (funding opportunities, etc) for important actors such as local NGOs.

Liberia has a GDP per capita estimated at US$190.2, making it one of the poorest countries in the world. Poverty is pervasive and is particularly acute in rural areas. It is estimated that 1.7 million Liberians live in poverty. About 1.3 million people live in extreme poverty, equivalent to 48 percent of the population. Poverty is higher in rural areas (67.7 percent) than in urban areas (55 percent). The country’s infrastructure was severely damaged by the war. Access to electricity, improved water and sanitation facilities, adequate housing, and decent roads is severely limited. Only 25 percent of Liberians have access to safe drinking water, and 15 percent have access to human waste collection and disposal facilities. There is only around 700km of paved road surface, almost all of which is damaged, and 1600 km of unpaved roads, which are mostly in need of repair. Farm-to-market access is of paramount concern. Many parts of the country remain cut off during the rainy season. It takes at least an hour for rural dwellers to access a food market, or the nearest potential transport option. The limited railway network has not been operational for nearly 20 years. Food insecurity is high in Liberia and is evident in the poor nutritional status of the population including children.

Health systems are in a state of disrepair. Life expectancy at birth is 45 years. Few communities have a health facility within the community. In general, healthcare is more accessible and of better quality in urban areas than rural areas. It is estimated that two out of five Liberian children are growth-stunted. Almost 20 percent are underweight. Anaemia, vitamin A deficiency and low body weight are serious factors contributing to child and maternal morbidity and mortality. The main health factors contributing to the high level of maternal mortality include the acute shortage of skilled labour, inadequate emergency obstetric care, inefficient referral systems, and poor nutritional status of pregnant women, high fertility rates and extremely high numbers of teenage pregnancies. Moreover, less than half of births are attended to by health professionals. Liberia’s educational system is beginning to improve, but remains weak. About 70 percent of schools were damaged or destroyed during the war. Most schools lack books and other basic equipment. Many teachers have little or no training. Teacher attendance is low, at least partly due to low wages. There are substantial rural-urban differentials in education.

Child labor in Liberia is rampant in almost all sectors. The majority of children engaged in worst forms of child labor are found in commercial and subsistence agriculture, domestic work, mining, commercial sex or prostitution, transport and hawking (selling in the streets). The Labor Law 18A, Section 74 (1956) sets the minimum age for work at 16 years. Children under age 16 are prohibited from working during the school day and may only work for wages if the employer can demonstrate that they are attending school regularly and have a basic education. Labor recruiters are permitted to hire children between ages 16 and 18 for occupations which the Ministry of Labor determines are not harmful to children’s physical and moral development. The law does not establish adequate prohibitions against the involvement of children in hazardous activities. In particular, the law does not prohibit the use of children in work that exposes them to sexual, physical, and psychological abuse; takes place underground or in confined spaces; and involves the transport of heavy loads, all of which occur in sectors where Liberian children work. Furthermore, the law does not provide a comprehensive list of hazardous activities in Liberia that are forbidden to children under age 18***.***

An analysis of the factors that contribute to child labor in the above sectors indicates that wide spread poverty, unemployment, orphan hood related to HIV/AIDS and in some communities cultural beliefs and practices push children into worst forms of child labor. Despite the free primary education policy, the reality on the ground is that most families cannot meet the basic needs of their children and as such they have to fend for their living by engaging in child labor as alternative source. Most do not access education of any kind and those who do drop out before they complete the school program.

According to the Rapid Assessment on Situation of Child Labor in Rubber Plantations in Liberia in 2005 conducted by ANPPCAN Liberia with support from UNICEF Liberia, over 70% living in rubber plantations were children with 52% being males and 18% being females, school enrolment, especially at primary level has declined largely due to the factors mentioned above. The ages of working children range from 5-17 with more boys of age group 10-14 engaged in child labor as reflected in the rapid assessment.

The majority of children who complete primary education do not transit to secondary school. This leaves many children with no option except to turn to child labor. The lack of vocational training centers or institutions has contributed a lot in child labor since many children have any other way of gaining skills. Linked together it is found that the costs of providing secondary education and skills training are high, and as such this prohibits children from joining secondary school or vocational training. It is therefore not surprising that many children resort to child labor as an alternative. The majority of girls will turn to domestic work and commercial sex as alternatives while both boys and girls will either work in commercial agriculture, informal sector – hawking on the street, transport, mining and others in fishing.

Lack of food, poor school environment which include overcrowded classrooms, lack of toilets, lack of sanitary towels, teenage pregnancies, early marriages, sexual harassment and excessive punishment have been cited as other factors that push children into worst forms of child labor.

The impact of child labor, especially in its worst forms, on children is glaring across all sectors. Apart from denying children their right to education, child labor has detrimental effects on children ranging from affecting their physical health to psychological, social and moral well being. Children exposed to hazardous work at an early age have been found to be stunted in growth, suffer from depression and anxiety, engage in criminal activities, get sexually abused, and abuse drugs and alcohol and work under deplorable and abusive conditions, among others. Children working in domestic work suffer from depression and anxiety while some are forced into criminal activities such as theft and a significant number end up as hard core criminals commonly known as juvenile offenders. In recent studies, children in commercial sex have been found to abuse drugs as well. They work for long hours and are not paid for their labor. Those working in agriculture are exposed to all sorts of dangerous chemicals and agents that affect their health. Montserrado County as the transit point, has a larger number of children working as domestic laborers, transporters, hawkers and an equally significant number of girls are engaged in commercial sex.

The geographically isolated counties in the South East are particularly vulnerable to chronic food insecurity. Female-headed households and the children who live in them are also more food insecure and spend a greater proportion of their income on food than male-headed households. The harsh economic realities that characterizes the general situation for Liberians is exacerbated in, for example, the difficult to reach south eastern counties of River Gee and Grand Kru, where children are living in vulnerable situations. These include: orphans; children living with extended families; children living on their own including children who migrate to other towns and villages for the purposes of work and education; girls particularly vulnerable to sexual abuse and exploitation, resulting in high numbers of pregnant girls and young mothers. Significant numbers of children are involved in hazardous work in gold mining communities in the two counties. The nature of the work they are involved in impacts on the children’s education and health including deaths from mining accidents. Economic hardships of parents have been identified as the main push factor leading children to work in mines to earn money to support themselves and their families. Furthermore, development opportunities for girls are hampered. The high numbers of teenage pregnancies highlights the symptoms of a wider problem of sexual abuse and exploitation of underage girls through exchange of sex for grades by teachers in schools and exchange of sex for money and resources by older men, and contributes to high rate of maternal mortality in Liberia. Support to girls facing abuse through appropriate medical, psychosocial and legal care and security for victims is limited, and completely absent in most remote communities in the two counties. Children who migrate for the purpose of education, especially senior and junior high school, face problems with meeting basic needs such as food, accommodation and school supplies. Most of the parents of these children remain uninvolved in Parent Teacher Associations because they are not available in the new locations. Poverty makes it difficult for these families to maintain and provide support for their children studying away from home. Adolescent girls living away from families and regular support networks, without adequate means of sustenance, are vulnerable to sexual abuse and exploitation. Adolescent girls and boys studying away from home are more likely to drop out from school through their engagement in exploitative work in the mines or pregnancies. There are inadequate provisions and support to children under five and older in rural communities. When parents and care givers go about their daily work, many of these children are left unattended. There is a lack of play or recreation activities to support younger children’s development.

1. **General Measures of Implementation**

Concluding Observations 2004

*Legislation*

*9. The Committee is concerned that some provisions of the existing legislation and some of*

*customary law are not consistent with the principles and provisions of the Convention.*

*10. The Committee recommends that the State party undertake a comprehensive*

*review of legislation in order to ensure that its domestic legislation conforms fully to the*

*principles and provisions of the Convention.*

Achievements

In September 2011, the **Children’s Law** was finally approved following much debate since 2006 (see Annex 2: Children’s Law of 2011). Advocacy and lobby by Civil Society strongly contributed to its content and final passing. Indeed, this **Bill of Child Rights** is viewed to be highly significant. It is holistic, dealing with Child Survival, Development, Protection and Participation including as regards Children’s Rights in Child Protection and in Juvenile Justice. It defines the roles of state and non-state actors, and provides operational standards. It recognizes and stipulates parental responsibilities, and defines the obligations of the government to respect and ensure the rights of children. It takes into account the African Charter on the Rights and Welfare of the Child including its reference to children’s responsibilities. It contains provisions on harmful practices, for example,Article VI on the Child’s Responsibilities, Culture and Tradition prohibits marrying a child under the age of 18 years. Article IX sets standards in juvenile justice, such as the rule that at every stage of investigation and prosecution involving a child, diversionary measures shall be considered. This section also states that a child shall not be subjected to a pre-trial detention including remand, unless all other measures for dealing with the child pending trial have been exhausted.

Mention should also be made here of the decentralization of the National Children Assembly at the level of the fifteen political sub-divisions of the country, in order for their views to be heard nationwide.

Concerns

There are high hopes that the Children’s Law will improve the child rights situation including child services delivery. The children of Liberia have in the past suffered from abuse, exploitation, neglect, conflict and violence, and they continue to suffer. Liberian progress towards a middle income status by 2030 will require not only economic growth but also a robust commitment to human development and the respect for human rights. The Children’s Law is a critical step forward. The sooner it is fully implemented, the quicker Liberia will evolve into a just society with shared prosperity. However, its implementation still faces many challenges.

Recommendations

In the implementation process of the Children’s Law, it is therefore vital that Civil Society remains in dialogue with the government, monitors its implementation and holds the government accountable.

1. **Special Measures of Protection, with special focus on Juvenile Justice, and the Involvement of Children in Armed Conflict**

Concluding Observations 2004

*[Juvenile justice]*

*66. The Committee is concerned that the juvenile justice system does not conform to international norms and standards. While noting that the minimum age for criminal responsibility is set at 16, the Committee is concerned that children under the age of 16 are nevertheless held criminally responsible in juvenile court procedures. In particular, it is concerned about the lack of separate detention facilities for persons below the age of 18 and the poor living conditions in these facilities. The fact that capital punishment and imprisonment without possibility of release can be applied under Penal Law to children aged 16 and 17 years at the time the crime was committed is also a major issue of concern for the Committee.*

*67. The Committee recommends that the State party continue its efforts to reform the system of juvenile justice in line with the Convention, in particular with articles 37, 40 and 39, and other United Nations standards in the field of juvenile justice, including the*

*United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Guidelines for Action on Children in the Criminal Justice System.*

*68. As part of this reform, the Committee recommends that the State party:*

*(a) With regard to the minimum age of criminal responsibility, make sure that children under 16 years of age who have committed an offence and are dealt with through the present procedure only face protective and educative measures;*

*(b) In the light of article 37, subparagraph (a), urgently amend the Penal Law to ensure that neither capital punishment nor life imprisonment without possibility of release can be imposed for offences committed by persons below the age of 18;*

*(c) Take all necessary measures to establish juvenile courts and appoint trained juvenile judges in all regions of the State party and ensure that all children accused of a crime are accorded their right to due process;*

*(d) Take all necessary measures to establish separate detention facilities for juveniles, including through technical cooperation.*

*8. Optional Protocols to the Convention on the Rights of the Child*

*69. The Committee notes that the State party has not ratified the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child*

*pornography and on the involvement of children in armed conflict.*

*70. The Committee recommends that the State party ratify the Optional Protocols to*

*the Convention on the Rights of the Child on the sale of children, child prostitution and*

*child pornography, and on the involvement of children in armed conflict.*

Achievements

As mentioned above, the Children’s Law contains specific standards regarding juvenile justice (see Annex I: Children’s Law of 2011, Article IX).

Concerns

The implementation of the recent Children’s Law’s specific standards regarding juvenile justice still faces many challenges. In the implementation process, it is therefore vital that Civil Society remains in dialogue with the government, monitors its implementation and holds the government accountable. Importantly, for example, a national policy on diversion is still lacking.

Furthermore, 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.

Juvenile Justice Reform is crucially necessary in Liberia, as well as UN technical advice and assistance in such reform efforts which should be requested by our Government.

Here follows a listing of the some of the main ongoing challenges identified by Civil Society regarding Children’s Rights in Juvenile Justice:

* Prolonged pre-trial detention of juvenile offenders beyond the statutory period.
* Lack of resources resulting in untimely intervention into juvenile cases at justice system and community level.
* Lack of vehicle at police stations or depots resulting in escape of perpetrators of rape and other offences because they are not timely pursued.
* Juvenile referred to juvenile rehabilitation homes for psychosocial interventions prior to Family Tracing and Reunification (FTR) is denied the process because of inadequate facilities.
* Donor driven rehabilitation homes rendering services are not capacitated to urgently respond to the current case load of offenders admitted within the justice system.
* Lack of local adequate community structures such as the Child Welfare Committees (CWCs) and Women Groups to respond and prevent child right violations at community level.
* Parents of offenders in most instances escape from restitution of the value of damaged or stolen items because they do not have capacity to underwrite the cost associated with the item.
* Children incarcerated into prolonged pre-trial juvenile detention cell at the Monrovia Central Prison are referred to the Monrovia City Court for trial instead of the Juvenile Court.
* Most Juveniles incarcerated at the fall between the ages of 14-15 years at the Monrovia Central Prison; while the age of criminal responsibility is 16 years, however according to the penal code.
* Juvenile offenders are held in pre-trail detention between 1-12 months without been trialed in a court of competent jurisdiction.
* Age determinations are most often determined at the discretion of officers of the Women and Children Section (WACPS) of the Liberia National Police. However, this process often results in confrontations between parents of juveniles, social workers and police on age determination.
* Corruption of Minors is a situation where two minors are involved in a situation where one is an offender and the other is victim. There are instances where children in such situations are referred to a rehabilitation home for other forms of interventions. However, in similar situations when these acts occur, the juvenile offender is referred to the Juvenile Court and subsequently sent to the Monrovia Central Prison in pre-trial detention. Meaning, there is no standard procedure for the police or within the criminal justice system.
* Some parents compromise cases financially due to their financial influence.
* Lack of adequate logistical support to respond timely to rape cases, such as vehicle to the Liberia National Police cause perpetrator to escape the crime scene.
* Lack of adequate juvenile rehabilitation homes to accommodate the case load of children in contact and in conflict with the law.
* In the follow-up process, it is experienced that cases of child offences are seen recycling at the level of the justice system. This is simply attributed to the break down in family structures contributing to the lack of parental control. Apparently, this situation has contributed immensely to the acceleration of Teen age pregnancies, Sexual Exploitation and Abuse, Child Labor, etc. Moreover, children at early ages (15-18 years) are seen as bread winner for the family. Additionally, early responsibilities of children situation contribute to them not reaching their full potential.
* Follow-ups conducted on juveniles have proven that at least 40% of the case load are requesting assistance in vocational training or the introduction of a Micro Loan for Parents of juveniles.
* There are no national Guidelines on Diversion for duty bearers in the juvenile justice system.
* Lack of child friendly laws within communities’ norms intended to assist duty bearers in the implementation of their activities.
* Lack of proper system to adequately record all cases involving perpetrators/Child offenders at Women and Children protection Section at various zones and depots.
* There is a high level of local prejudice against human right work in the communities indicating that we are attempting to incite children against their parents or elders under the disguise of being a child rights advocate.
* Most Police officers and Magistrates are not trained in the administration of Juvenile Justice.
* In the follow-up process, it is experienced that cases of child offences are seen recycling at the level of the justice system. This is simply attributed to the break down in family structures contributing to the lack of parental control.
* Child offenders referred to the juvenile rehabilitation homes for other forms of psychosocial interventions are being denied reunifications due to the refusal of their parents/Guardians.
* There are no separate detention facilities for children in conflict with the law in Liberia.
* Juvenile offenders can be sentenced to Life time imprisonment and to sentences of 10-11 years (see: adult case load at the Monrovia Central Prison).

Recommendations

Juvenile Justice:

* Address the root causes to prevent juvenile delinquency (e.g. peer pressure, inability of parents to meet their responsibilities regarding their children’s survival, development and protection, etc.), through measures such as counseling for parents.
* Empower and institutionalize Child Welfare Committees (CWCs) and other community level structures, e.g. to visit the police stations on a regular basis for networking and information sharing purposes and to resolve minor criminal offences, such as Theft of Property, Simple Assault, Fighting, Persistent Non-Support, Disorderly Conduct, Damaged to Property Misapplication of Entrusted Property, etc.
* Support persistent awareness raising and capacity building of local stakeholders to address prejudice in communities.
* Support training for police officers, magistrates and other professionals in the administration of Juvenile Justice.
* Promote the introduction of child friendly laws into local communities norms intended to impact duty bearers’ activities.
* Support the creation of separate juveniles’ records system at police stations, zones and depots etc of the Liberia National Police.
* Provide free legal services including for (prolonged) Pre-Trial detainees at the Monrovia Central Prison.
* Request UN technical advice and assistance to guide juvenile justice reform in Liberia.

Involvement of Children in Armed Conflict:

* Ratify the Optional Protocol on the involvement of children in armed conflict as soon as possible.

1. **Basic Health and Welfare, with special focus on Harmful Traditional Practices**

Concluding Observations 2004

*Early marriages*

*51. The Committee recommends that the State party amend the Revised Administrative Law Governing the Hinterland by raising the age of marriage to similar ages defined in the New Domestic Relations Law in order to prevent early marriages. It also recommends to the State party that it take measures to ensure that when under age girls are married, they continue fully enjoying their rights as set out in the Convention. The Committee also recommends that the State party develop sensitization programmes, involving community and religious leaders and society at large, including children themselves, to curb the practice of early marriages.*

*Harmful traditional practices*

*53. The Committee urges the State party to take immediate steps to end the practice of female genital mutilation, inter alia, by creating and enforcing legislation and through the implementation of programmes sensitizing the population about its harmful effects. The Committee recommends that the State party take advantage of the efforts in this regard made by other States in the region.*

Achievements

The Government of Liberia has formed a National Gender Based Violence (GBV) Task Force, as well as a GBV Secretariat within the Ministry of Gender and Development. Advocacy and lobbying by civil society organizations led to the passing of the Rape Bill and the Inheritance Bill into Law, and the crafting of the Girl Education Policy and the National Gender Policy. In 2008, Liberia developed its Poverty Reduction Strategy Paper and enacted reforms putting it on track for the Heavily Indebted Poor Countries Initiative (HIPC) Completion Point in 2010. Major donors, including USAID and the World Bank, concentrate on establishing a stable democracy, changing the culture of impunity, systematic corruption and poor governance, closing gaps in access to quality education and health care, expanding economic opportunity through agricultural enterprise and natural resources management, and helping to rebuild essential infrastructure and sources of renewable energy.

The National Child Protection Network includes 36 governmental agencies, international organizations and non-governmental organizations. Protection, education and participation are very important for the fulfillment of the rights of (adolescent) girls in Liberia. Problems include high teenage pregnancy rates, FGM/C, exploitation of girls including hawking, domestic work and sexual exploitation, high disparity between girls and boys in post primary education, low transition rates of girls from primary to secondary education.

The role that the civil society in Liberia plays to empower women and girls, promote change in perceptions on harmful practices, and effect socio-economic and policy change is important. Civil society adds value to already existing government programs, including the National GBV Action Program, the Liberia Educational Trust Program for Girls, the National Youth Policy and the National Gender Policy, which promote the rights of children, girls and women, particularly in the areas of protection against violence and access to education. The relationship between the state and civil society in Liberia is cordial. Each complements the work of the other. Through its advocacy and watchdog role, civil society keeps the Government on its toes in the running of affairs by State. There is no limitation on the freedom that civil society exercises in carrying out its activities. National NGOs and human rights organizations form an integral part of the civil society in Liberia.

ANPPCAN, DCI-Liberia, FAWE, the Association of Female Lawyers of Liberia (AFFEL), the Women NGO Secretariat (WONGOSOL) and the Women Peace Network (WIPNET) are among the leading civil society organizations that are making great efforts in advocating for laws, policies and practices favorable to women and girls in Liberia. However, many CSOs are struggling with problems like lack of capacity (human resource, logistics, finance), lack of institutional framework, weak organizational structure, donor driven programmes, poor coordination and lack of long term strategic plans.

Concerns

In western Liberia, for example, the practice of female genital mutilation/cutting and other harmful traditional practices is widespread across all four counties: Montserrado, Bomi, Lofa and Grand Cape Mount. In Lofa, a survey found a teenage pregnancy rate of 68% among girls aged 15-19. In Grand Cape Mount, members of the Sande society were carrying out FGM. In Monsterrado, many girls are vulnerable to hawking, domestic work and sexual exploitation, whereas many boys are exposed to exploitative work on plantations and in mines. Bomi faces a high disparity between boys and girls in post primary education. Only a small number of girls successfully make the transition from primary to secondary education.

According to the Minister of Gender and Development, an adolescent girl living in Liberia:

* Has probably not been to primary school (the net primary school enrolment for girls stands at only 39%);
* Is unlikely to go on to secondary school (just 14% of girls of secondary school age are enrolled in secondary education);
* Is at high risk of being illiterate (24% of adolescent girls and young women aged 15-24 in the country);
* Has a high risk of suffering rape (the most frequently reported crime, with girls aged 10-14 the most frequent victims of rape);
* Probably has limited knowledge of HIV and AIDS (only 21% of adolescent girls and young women aged 15-24 have comprehensive knowledge of HIV and AIDS);
* Has a high probability of either being married or in union (40% of women aged 20-24 in Liberia were married before age 18);
* Faces the strong likelihood of being pregnant (the adolescent birth rate for girls aged 15-19 stands at 221 per 1,000 – the second highest rate in the world).

Some of the underlying causes of these disturbing facts and figures are:

* A school environment that is not friendly or safe for girls;
* Low expectations from families and community due to the traditionally held belief that boys are superior;
* Poverty;
* Lack of awareness of education laws, policies or GBV plan of action;
* Low self esteem; and

Traditional Bush Schools are still operating in Liberia. Boys attend the Poro while girls attend the Sande. Besides being a cultural issue, it is also use a political weapon in wooing votes by some politicians. As the result, many politicians shy away from discussing or taking steps in curtailing the practice for fear of losing votes. This practice is not only harmful in that it does not only affect children medically, mentally, and physically but retards their education as they are forcefully taken away from school to attend the bush school. The participatory and freedom of choice rights of children are not upheld in most instances by this practice.

Involvement in ‘bush schools’ affects school attendance as the partakers have to remain in the bush school for the entire training period. Furthermore, full initiation into the secret society for girls and boy entails undergoing FGM and other rituals and upon graduation, most girls and boys do not continue their education and end up in early marriages. Although the Ministry of Internal Affairs, responsible for licensing the operation of these societies, say that participation in ‘bush schools’ should be voluntary; there seems to be a contrast on the ground. It is true that Liberia joins the rest of the world February 6 every year in commemorating the day against FGM; much effort should be made in mobilizing communities and urging the State to put a halt to this menace and take a concerted step in restoring the rights of children against these traditional practices.

Recommendations:

* Government should develop an integrated social protection system for the fulfillment of the rights of women and children in Liberia.
* CSOs should be empowered to conduct projects and capacity building efforts at local level to promote the rights of girls and women.
* Government should strengthen the enforcement of laws and policies that protect girls and young women, also at local level.
* CSOs should increase advocacy and lobbying for the passage of the Children’s Act into law and its implementation.
* Government should support alternative income generating activities for women’s livelihood, such as soap making, tailoring, baking, and agriculture, as an alternative to performing FGM/C.
* Government should provide scholarship for girls’ enrollment in schools.

Annex 1

Ethical Guidelines for Professionals Working With Children in Conflict or in Contact With the Law

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**January 2012**

1. **Introduction**

Since the onset of the civil war in Liberia and the resultant effects thereby, child rights issues have emerged at the forefront of national priority. Significant reforms continue in terms of legislation, policies and services established to promote the protection and welfare of children. The House of Representatives passed the Children’s Bill in June 2010, and the Senate passed the Bill in November 2011. Liberia is among the 191 countries that have adopted the United Nations Convention on the Rights of the Child. On July 4, 1993, Liberia ratified the UN Convention on the Rights of the Child.

The Convention, which is essentially a children’s “bill of rights,” focuses on child protection. Under the Convention, all actions concerning a child must take into account his or her best interests; the State is obliged to protect children from any form of discrimination and to take positive action to promote their rights. Furthermore, each child has the right to express his or her opinion freely and to have that opinion taken into account in any matter or procedure affecting said child. It further obligates state parties to take all appropriate measures to protect children from all forms of physical or mental violence, injury or abuse, while in the care of parent(s), legal guardian(s) or any other person who has care of the child. Liberia has also ratified the African Charter (full title), which speaks on the same issues.

Recognizing that abuse and exploitation of children occurs worldwide, professionals working with children are obligated to protect children from **all** forms of physical or mental violence, injury or abuse, neglect, maltreatment or exploitation, including sexual abuse.

These National Guidelines are intended to improve the ability of professionals, including agencies and individuals, working with children in conflict or in contact with the law to recognize and report child abuse, and to be aware of child protection procedures and practices. Each organization should designate a specific staff member to ensure that procedures are in place to protect children in line with these National Guidelines. Effective child protection will occur in a context where comprehensive training, supervision, adequate resources, and support services for families and children complement these Guidelines.

While these guidelines address both children in conflict with the law and children in contact with the law, they apply especially in the child justice/criminal justice context, and particularly for the former group of children. A child in conflict with the law refers to a child who allegedly committed an act, which if committed by an adult, would be criminal. A child in contact with the law is any child in need of protection, including but not limited to victims—including abused and neglected children, child witnesses, and any child affected by crime. Often, children who come in conflict with the law are also in need of care and protection.

We hope that these National Ethical Guidelines will encourage professionals to report concerns or suspicions to the Women and Children Protection Section of the Liberian National Police and the Bureau of Social Welfare of the Ministry of Health and Social Welfare. Among professionals that may encounter a child in the criminal justice context are:

the judge, lawyer, caregiver, case manager, educator and school authority/administrator, mentor, social worker, peace officer (including police, probation and correctional officers), advocate, counselor, medical professional, community leader, as well as personnel of all nongovernmental organizations that work with children, including childcare institutions.

These standards apply generally to all of these multifaceted roles mentioned above, although some provisions may be most applicable to specific professionals and based on the nature of the professional relationship.

NOTE: These Guidelines are in no way meant to supersede provisions in the Children’s Law, but are meant to highlight those principles therein which apply in the criminal justice context.

1. **GUIDELINES**

**PROFESSIONAL RESPONSIBILITY TO**

**CHILDREN IN CONFLICT OR IN CONTACT WITH THE LAW**

STATEMENT 1

Professionals working with children must respect their dignity and ensure their wellbeing at all times. Each child in such situation must be treated with respect, acceptance and dignity.

STATEMENT 2

Professionals working with children must protect each child's right to privacy and confidentiality except when such confidentiality would cause harm to the child or others, when agency guidelines state otherwise, or under other stated conditions (e.g. customary or statutory laws, or professional standards of conduct). This principle also applies to written records. Professionals should inform children of the limits of confidentiality prior to the onset of the relationship.

STATEMENT 3

In accordance with the above, if the profession suspects that danger or harm may occur to the child in the professional relationship or to others as a result of the child's behavior, the professional must act in an appropriate and professional manner to protect the safety of those individuals. This may involve seeking consultation, supervision, and/or breaking the confidentiality of the relationship.

STATEMENT 4

Professionals should, define in collaboration with the child, the purpose, goals, and nature of the relationship prior to its onset as well as inform the child of the limitations of the proposed relationship.

STATEMENT 5

Professionals working with children should recognize that power and status are unequal, and may therefore increase the risk of harm or exploitation. This is especially true of relationships outside of the professional relationship. **Sexual relationships with children are prohibited.**

STATEMENT 6

Where applicable, the professional should recognize the child's right to receive, refuse or terminate services.

STATEMENT 7

Professionals working with children in contact with the law should provide services without discrimination or preference based on age, ethnicity, culture, race, disability, gender, religion, sexual orientation or socioeconomic status.

STATEMENT 8

Professionals working with children in contact with the law should be aware of their own cultural backgrounds, beliefs, and values, and recognize that differences may impact the professional relationship.

**V. Definition and Recognition of Child Abuse**

**Purpose**

This portion outlines the principal types of child abuse, and offers guidance on how to recognize them. Child abuse can be categorized into four different types: neglect, emotional abuse, physical abuse and sexual abuse. A child may be subjected to one or more forms of abuse at the same time.

**Definition of Child**

In these National Guidelines "*child*" means a person under the age of 18 years, excluding a person who is or has been married.

**Definition of Neglect**

Neglect can be defined in terms of an *omission*, where the child suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, and medical care.*Harm* can be defined as the ill-treatment or the impairment of the health or development of a child. Whether harm is *significant* is determined by the child’s health and development as compared to the health standard of a child of similar age. In such case we should rely on a standard set by the Social Welfare Department of the Ministry of Health and Social Welfare.

Neglect generally becomes apparent in different ways *over a period of time* rather than at a specific point. For instance, a child who suffers a series of minor injuries is not having his or her needs for supervision and safety met. A child whose ongoing failure to gain weight or whose height is significantly below average may be experiencing lack of adequate nutrition. A child who consistently misses school may be experiencing deprivation of intellectual stimulation. The *threshold of significant harm* is reached when the child's needs are neglected to the extent that his or her well-being and/or development are severely affected.

**Definition of Emotional Abuse**

Emotional abuse normally occurs in the *relationship* between a care-giver and a child rather than in a specific event or pattern of events. It occurs when a child's need for affection, approval, consistency and security are not met. Unless other forms of abuse are present, it rarely manifests in terms of physical signs or symptoms. Emotional abuse may manifest in terms of the child's behavioral, cognitive, affective or physical functioning. Examples of emotional abuse of children include: 'anxious' attachment, non-organic failure to thrive, unhappiness, low self-esteem, educational and developmental underachievement, and oppositional behavior. The *threshold of significant harm* is reached when abusive interactions dominate and become *typical* of the relationship between the child and the parent/caregiver, or one involved in a professional relationship.

**Definition of Physical Abuse**

Physical abuse is any form of non-accidental injury or injury which results from willful or neglectful failure to protect a child.

**Definition of Sexual Abuse**

Sexual abuse occurs when another person uses a child for his/her gratification or sexual arousal or for that of others.

**Types of Sexual Abuse include the following**:

* Exposure of the sexual organs or any sexual act intentionally performed in the presence of the child.
* Intentional touching or molesting of the body of a child, whether by a person or object, for the purpose of sexual arousal or gratification.
* Masturbation in the presence of a child or the involvement of the child in an act of masturbation.
* Rape, which is forced sexual intercourse with a child with penetration to the vagina, mouth or anus.
* Sexual exploitation of a child includes inciting, encouraging, propositioning, requiring a child to solicit, or to engage in, prostitution or other sexual acts. It also occurs when a child is involved in exhibition, modeling or posing for the purpose of sexual arousal, gratification or sexual act (on film, videotape or other media); or the manipulation, for those purposes, of the image by computer or other means.

**Recognizing Child Abuse**

Child abuse can often be difficult to identify and may present in many forms. Early detection is important and professionals working with children should share their concerns about child protection or welfare with colleagues, preferably those in senior line management positions.

**Guidelines for Recognition**

The ability to recognize child abuse depends as much on a professional’s willingness to accept the possibility of its existence as it does on their knowledge and information. There are commonly three stages in the identification of child abuse:

**Stage One: Considering the Possibility**

The possibility of child abuse should be considered if a child appears to have suffered a suspicious injury for with no reasonable explanation; if the child seems distressed without obvious reason or displays persistent or new behavioral problems; or if the child displays unusual or fearful responses to parents/caregivers.

**Stage Two: Looking for Signs of Abuse**

Signs of abuse can be physical, behavioral, or developmental. They can exist in the relationship between children and parents/caregivers or between children and other individuals. A cluster or pattern of signs is likely to be more indicative of abuse. Children who are being abused may hint that they are being harmed and sometimes make direct disclosures. Disclosures should always be taken seriously; less obvious signs could be gently explored with the child, *without direct questioning*. Play situations such as drawing or story telling may reveal information. Attention to use of such methods is important and may require adequate and specialized training, as the potential for error is highly likely. Some signs are more indicative of abuse than others: Most signs are nonspecific and must be considered in the child’s social and family context. It is important to remain open to alternative explanations for physical or behavioral signs of abuse. Sometimes, a specialist’s assessment may be required to determine if particular concerns constitute abuse.

**Stage Three: Recording of Information**

If there is suspicion of abuse, it is important to establish the grounds for concern by obtaining as detailed information as possible. The professional should record observations accurately and should include dates, times, names, locations, contexts and any other relevant information.

**Points to Remember**

The severity of a sign does not necessarily equate with the severity of the abuse. Severe and potentially fatal injuries are not always visible. Emotional and/or psychological abuse tends to be cumulative and effects may only be observable in the longer term. The professional should carefully explore signs or indicators of abuse with the child, paying particular attention to explanations inconsistent with signs of abuse.

1. **OTHER DEFINITIONS**

* A juvenile is a child who is under the age of 18 years (Reliance: Constitution of Liberia, The Juvenile Procedural Code,)
* Children who come in contact with the law are those children who are victims of violence or have witnessed serious crimes.
* Counselling is a helping process where the counsellor helps the client cope with his/her problem.
* Prostitution is the act of engaging in sexual intercourse or performing other sex acts in exchange for money, or of offering another person for such purposes.
* Confidentiality refers to privacy, discretion and secrecy.
* Discrimination refers to treating people differently through prejudice. It is unfair to treat one person or group differently because of prejudice due to race, ethnicity, age, religion, or gender.

1. **SIGNATURE AND PENALTY**

All professionals who are recruited to work with children in contact or in conflict with the law in the criminal justice context must sign these guidelines as follows:

I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Institution, Agency, Ministry) do hereby agree that I will abide by the above guidelines and in the event that I violate any of the codes or principles, I will be prosecuted.

1. See, for example, *EXPANDING PROTECTION TO ENHANCE OPPORTUNITIES FOR DEVELOPMENT OF GIRLS AND BOYS IN RIVER GEE AND GRAND KRU COUNTIES OF LIBERIA*, Save the Children, 2010. [↑](#footnote-ref-1)