

ACCESS TO JUSTICE FOR CHILDREN: LIBERIA

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I. What is the legal status of the Convention on the Rights of the Child (CRC)?

A. What is the status of the CRC and other relevant ratified international instruments in the national legal system?

The Constitution of Liberia does not explicitly determine the status and authority of the international instruments. International treaties must be implemented through additional legislation in order to become part of the Liberian legal system and have the force of law in the country.¹

B. Does the CRC take precedence over national law?

The CRC depends on national law for implementation, thus it does not take precedence over national law. In the case of inconsistencies between national law and CRC norms, as in the cases of the minimum legal age of marriage and certain issues related to adoption and juvenile justice, national law prevails over the CRC.²

Furthermore, the Constitution is the supreme and fundamental law of the country and any treaties inconsistent with it shall be void and of no legal effect³.

C. Has the CRC been incorporated into national law?

The CRC has not been directly incorporated in national law.⁴ However, many of its provisions have been enshrined in subject-specific legislation including the Children's Law, the Penal Code, the Education Reform Act, the Act to Ban Trafficking in Persons within the Republic of Liberia, an Act to Establish the Independent Human Rights Commission, an Act Adopting a New Domestic Relations Law, Title 9 of Liberian Code of Laws Revised and an Act to Establish the Truth and Reconciliation Commission of Liberia 2005.⁵

D. Can the CRC be directly enforced in the courts?

¹ Child Rights International Network ("CRIN"), Liberia: National Laws. Available at: <http://www.crin.org/resources/infodetail.asp?ID=30280> (last accessed 12 February 2014).

² Committee on the Rights of the Child, *Concluding Observations on the combined second to fourth periodic report of Liberia*, CRC/C/LBR/CO/2-4, 13 December 2012. Available at: <http://www.ohchr.org/EN/countries/AfricaRegion/Pages/LRIndex.aspx>

³ Constitution of the Republic of Liberia, Article 2. Available at: http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_126725.pdf

⁴ Committee on the Rights of the Child, *Concluding Observations on the combined second to fourth periodic report of Liberia*, CRC/C/LBR/CO/2-4, 13 December 2012. Available at: <http://www.ohchr.org/EN/countries/AfricaRegion/Pages/LRIndex.aspx>

⁵ Child Rights International Network ("CRIN"), Liberia: National Laws. Available at: <http://www.crin.org/resources/infodetail.asp?ID=30280> (last accessed 12 February 2014).

The CRC cannot be directly enforced in the courts. Instead, the CRC's rights and guarantees can only be enforced through national law.

E. Are there examples of domestic courts using or applying the CRC or other relevant international instruments?

There do not appear to be instances of a domestic court using or applying the CRC or any other relevant international instrument.

II. **What is the legal status of the child?**

A. Can children and/or their representatives bring cases in domestic courts to challenge violations of children's rights?

The Constitution guarantees the right of every person to access court if any of the rights granted under the Constitution or any legislation or directives are constitutionally contravened. Furthermore, anyone injured by an act of the Government or any person acting under its authority shall have the right to bring suit for appropriate redress.⁶

In civil cases, anyone under the age of 21 ("infants")⁷ is permitted to sue only through a representative.⁸ If an infant already has a general or testamentary guardian, he or she brings the case on behalf of the infant. If the guardian fails to do so, or if the court finds that the guardian has an interest adverse to the infant, the court is required to appoint a guardian *ad litem*, *sua sponte*, or upon application of a friend or relative of the infant or the infant himself or herself if he or she is fourteen or older.⁹ If the infant does not have a general or testamentary guardian, he or she can sue via his "next friend" or a guardian *ad litem*. Application for the appointment of a guardian *ad litem* is made in the court where the matter is to be brought or pending.¹⁰

Moreover, Judiciary law guarantees the right to file a petition in the appropriate juvenile court if the child is in need of care and protection necessary for his or her well-being¹¹.

B. If so, are children of any age permitted to bring these cases by themselves in their own names/on their own behalf, or must the case be brought by or with the assistance of a representative?

In the context of civil cases, anyone under the age of 21 ("infants")¹² is permitted to sue only through a representative.¹³

⁶ The Constitution, Article 26.

⁷ Liberian Code of Laws Revised, Title 8 – Decedent's Estates Law, § 101.11(y). Available at: <http://www.liberlii.org/lr/legis/codes/delt8lcolr476/>

⁸ Liberian Code of Laws Revised, Title 1 – Civil Procedure Law, § 5.12. Available at: <http://www.liberlii.org/lr/legis/codes/cplt1lcolr470/>

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ Liberian Code of Laws Revised, Title 17 – Judiciary Law, § 11.32 (1972)

¹² Liberian Code of Laws Revised, Title 8 – Decedent's Estates Law, § 101.11(y).

¹³ Liberian Code of Laws Revised, Title 1 – Civil Procedure Law, § 5.12.

C. In the case of infants and young children, how would cases typically be brought?

As mentioned above the law defines “infant” as any person under the age of 21. The law does not have specific provisions for young children in regard to bringing suits.

D. Would children or their representatives be eligible to receive free or subsidised legal assistance in bringing these kinds of cases?

If a child complainant classifies as an indigent person, he or she is provided with an attorney by the court and becomes entitled to a free transcript of the record for an appeal.¹⁴ Additionally, “an indigent person is not liable for the payment of any costs or fees unless a recovery is had in his favor, in which event the court may direct him to pay out of the recovery all or part of the costs and fees, a reasonable sum for the services of his attorney, and any sum expended by the Government.”¹⁵ To qualify as indigent, the child’s representative, on behalf of the child, must make a motion to proceed as an indigent person and include an affidavit that details his or her income and property, states that he or she is unable to pay the costs and fees of the case; states “sufficient other facts so that the merits of his contentions can be ascertained”; states whether any other person is interested in the outcome of the case; and if so, whether that person is able to pay the costs.¹⁶

Furthermore, if the parent or other person legally responsible for juvenile’s care is financially unable to retain his or her own counsel, the court will assign a law guardian. He or she shall enjoy the right to be so represented at every stage of the proceeding from the time of his or her being taken into custody, or if not so taken, from his or her initial appearance and submission to the jurisdiction of the juvenile court, and such right shall continue through appeal and post-adjudication proceedings, if any.¹⁷

E. Are there any other conditions or limits on children or chosen legal representatives bringing cases (e.g., would a child's parents or guardian have to agree to a case being brought)?

The legislation does not lay down conditions requiring a child’s parents or guardian to agree to a case being brought in court.

III. How can children’s rights violations be challenged before national courts?

A. If there is a potential violation of the Constitution or other principles established in domestic law, or with the CRC or other relevant ratified international/regional instruments, how can a legal challenge be brought?

¹⁴ Liberian Code of Laws Revised, Title 1 – Civil Procedure Law, § 65.2.

¹⁵ Ibid.

¹⁶ Liberian Code of Laws Revised, Title 1 – Civil Procedure Law, § 65.1.

¹⁷ Liberian Code of Laws Revised, Title 17 – Judiciary Law, §11.91 (1972)

See above Section II.A. about bringing the legal challenge in court.

Regional Mechanisms

Individuals, including child victims, his/her parents or legal representatives, groups, or NGOs recognised by the African Union may submit complaints (known as “communications”) to the African Committee of Experts on the Rights and Welfare of the Child (“African Committee”) about violations of the African Charter on the Rights and Welfare of the Child (“African Children’s Charter”).¹⁸ All available domestic remedies must have been exhausted before bringing a case to the African Committee.¹⁹ The complaint must include, amongst other things, the name of the person filing it or, in the case of an NGO, the name of the legal representative, and whether or not the complainant wishes to remain anonymous and the reasons for this.²⁰ The African Committee will investigate the complaint and decide on the merits of the case, and make recommendations to the State, which may include compensation to the victim(s) and measures to prevent recurrence of the violation.²¹

Individuals, groups or NGOs may submit complaints (known as “communications”) to the African Commission on Human and Peoples’ Rights (“African Commission”) about violations of the African Charter on Human and Peoples’ Rights (“African Charter”).²² All available domestic remedies must have been exhausted before bringing a case to the African Commission.²³ The complaint must include, amongst other things: the name of the person filing it or, in the case of an NGO, the name of the legal representative; whether or not the complainant wishes to remain anonymous and the reasons for this; and the name of the victim, in a case where he/she is not the complainant.²⁴ The African Commission will investigate the complaint and decide on the merits of the case, and make recommendations to the State, which may include compensation to the victim(s) and measures to prevent recurrence of the violation.²⁵ If the case relates to serious or massive human rights violations or if the Commission considers that the State is unwilling to comply with its recommendations in the case, the

¹⁸ African Charter on the Rights and Welfare of the Child (“African Children’s Charter”), Article 44, available at:

<http://acerwc.org/the-african-charter-on-the-rights-and-welfare-of-the-child-acrwc/acerwc-charter-full-text/>.

For more information about communications, see: <http://acerwc.org/the-committees-work/communications/>.

¹⁹ African Committee of Experts on the Rights and Welfare of the Child, ‘Communications’, available at:

<http://acerwc.org/the-committees-work/communications/>.

²⁰ War Resisters’ International, Quaker United Nations Office Geneva, Conscience and Peace Tax International and the CCPR Centre, ‘African Committee of Experts on the Rights and Welfare of the Child: communication procedure’, 2012, available at:

<http://co-guide.org/mechanism/african-committee-experts-rights-and-welfare-child-communication-procedure>

²¹ Ibid.

²² African Charter on Human and Peoples’ Rights (“African Charter”), Article 55, available at:

<http://www.achpr.org/instruments/achpr>.

²³ Ibid., Article 56(5).

²⁴ Rules of Procedure of the African Commission on Human and Peoples’ Rights of 2010, Rule 93, available at: <http://www.achpr.org/instruments/rules-of-procedure-2010/>.

²⁵ War Resisters’ International, Quaker United Nations Office Geneva, Conscience and Peace Tax International and the CCPR Centre, ‘African Commission on Human and Peoples’ Rights: communication procedure’, 2012, available at:

<http://co-guide.org/mechanism/african-commission-human-and-peoples-rights-communication-procedure>.

Commission may refer the complaint to the African Court on Human and Peoples' Rights.²⁶

Individuals can bring complaints about violations of human rights that occur in any Member State of the Economic Community of West African States (ECOWAS) to the Community Court of Justice.²⁷ This includes acts or inaction of Community Officials which violate the rights of individuals.²⁸ There is no requirement to exhaust domestic remedies, therefore individuals do not need to pursue national judicial remedies before filing a case with the Community Court of Justice.²⁹ There are, however a number of conditions: the complaint must not be anonymous or be pending before another international court,³⁰ representation by an agent or lawyer is required,³¹ and any action by or against a Community Institution or the Member State must be brought within three years of when the right of action arose.³² Judgments of the Court of Justice are binding on the Member States, Institutions of the Community, individuals and corporate bodies.

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B. What powers would courts have to review these violations, and what remedies could they offer?

Liberian law provides for restitution, compensation or another appropriate remedy for victims as compensation for the harm they have suffered.³⁴

In terms of available remedies, injunctions and restraining orders appear available to child plaintiffs. The standard for a temporary restraining order is whether the plaintiff can show “that immediate and irreparable injury, loss, or damages will result unless the defendant is restrained before a hearing can be had.”³⁵ A preliminary injunction is also available when “it appears that the defendant threatens or is about to do, or is doing or procuring or suffering to be

²⁶ Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights, Article 5, available at:

<http://www.achpr.org/instruments/court-establishment>; Rules of Procedure of the African Commission on Human and Peoples' Rights of 2010, Rules 84(2) and 118, available at:
<http://www.achpr.org/instruments/rules-of-procedure-2010>.

²⁷ Supplementary Protocol A/SP.1/01/05, Articles 3 and 4, available at:

http://www.courtceowas.org/site2012/pdf_files/supplementary_protocol.pdf; Protocol on the Community Court of Justice, Articles 9(4) and 10(d), available at:
http://www.courtceowas.org/site2012/pdf_files/protocol.pdf.

²⁸ Ibid., Article 4; Protocol on the Community Court of Justice, Article 10(c).

²⁹ War Resisters' International, Quaker United Nations Office Geneva, Conscience and Peace Tax International and the CCPR Centre, 'ECOWAS Community Court of Justice', 2012, available at:
<http://co-guide.org/mechanism/ecowas-community-court-justice>.

³⁰ Supplementary Protocol A/SP.1/01/05, Article 4; Protocol on the Community Court of Justice, Article 10(d),

³¹ Protocol on the Community Court of Justice, Article 12.

³² Supplementary Protocol A/SP.1/01/05, Article 3; Protocol on the Community Court of Justice, Article 9(3).

³³ Revised Treaty of the Economic Community of West African States, Article 15(4), available at:
http://www.courtceowas.org/site2012/pdf_files/revised_treaty.pdf.

³⁴ The Carter Center & Ministry of Justice of Liberia, *Prosecutor's Handbook on Sexual Assault and Abuse Protection*, 28-29. Available at:
http://www.cartercenter.org/resources/pdfs/peace/conflict_resolution/liberia/SGBV-ProsecutionHandbook-v1.pdf

³⁵ Liberian Code of Laws Revised, Title 1 – Civil Procedure Law, § 7.64.

done, an act in violation of the plaintiff's rights respecting the subject of the action, and tending to render judgment ineffectual or in any action where the plaintiff has demanded and would be entitled to a judgment restraining the defendant from the commission or continuance of an act which, if committed or continued during the pendency of the action, would produce injury to the plaintiff."³⁶

In addition to damages available to victims in civil proceedings, Circuit Courts may provide restitution to victims at two stages in the criminal process: (i) sentencing; and (ii) when the court suspends a convicted person's sentence or sentences him/her to be placed on probation.³⁷ This compensation to the victim is enforced in the same way as a civil judgment.³⁸

C. Would such a challenge have to directly involve one or more individual child victims, or is it possible to challenge a law or action without naming a specific victim?

It does not appear that it is possible to challenge a law or action without naming a specific victim.

D. Is any form of collective action or group litigation possible, with or without naming individual victims?

While class actions appear to be available under the Civil Procedure Code,³⁹ the test for whether a case may be brought as a class action is when "joinder is impracticable due to the [number of the claims], the[] absence [of the plaintiffs] from the jurisdiction, or otherwise."⁴⁰ If this standard is met, one or more persons whose claims are representative of the claims of all and who will fairly and adequately protect the interests of all may sue.⁴¹ There is no indication that class actions can be pursued without naming individual victims.

E. Are non-governmental organisations permitted to file challenges to potential children's rights violations or to intervene in cases that have already been filed?

It does not appear that non-governmental organizations are permitted to file challenges to potential children's rights violations or intervene in a case that has already been filed.

IV. **Practical considerations.** Please detail some of the practical issues, risks and uncertainties that might be involved in bringing a case to challenge a violation of children's rights, such as:

³⁶ Liberian Code of Laws Revised, Title 1 – Civil Procedure Law, § 7.61.

³⁷ The Carter Center & Ministry of Justice of Liberia, *Prosecutor's Handbook on Sexual Assault and Abuse Protection*, 28-29. Available at: http://www.cartercenter.org/resources/pdfs/peace/conflict_resolution/liberia/SGBV-ProsecutionHandbook-v1.pdf

³⁸ *Ibid.*

³⁹ Liberian Code of Laws Revised, Title 1 – Civil Procedure Law, § 5.91.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

A. Venue. In what courts could a case be filed (e.g., civil, criminal, administrative, etc.)? What would the initial filing process entail?

For certain cases involving juveniles (children under the age of 18)⁴², the appropriate venue is a juvenile court, which has exclusive original jurisdiction over particular matters.⁴³ The two explicit examples of this are: (i) cases “concerning any juvenile who is alleged to be a neglected child and for whom the court is petitioned to regulate his home, or if necessary to remove him therefrom, so that his needs are properly cared for”; and (ii) “wards of the court,” which are “special proceedings concerning any juvenile who is alleged to be in need of care and protection necessary for the well-being and whom the court is petitioned to adjudicate a ward of the court.”⁴⁴ If there is no juvenile court in the relevant county, the magisterial court can exercise jurisdiction for matters ordinarily decided by the juvenile courts.⁴⁵

Civil cases can be brought in the county in which one of the parties resides, is regularly employed, or has a regular place of business when the action is commenced.⁴⁶ Civil cases should first be brought to magistrate courts as justice of the peace courts are supposed to be limited to civil actions up to \$50 for recovery of assets and \$100 for debt payments.⁴⁷ Magistrate courts, on the other hand, can exercise jurisdiction in actions for the recovery of money or chattel, or to obtain payment of debt for an amount up to \$2,000.01.⁴⁸ Circuit courts hold original jurisdiction over all other cases.⁴⁹

A civil action is commenced in a court of record by filing a complaint or petition with the clerk and issuance of the appropriate writ.⁵⁰ Upon the filing of the complaint, the clerk of the court issues a writ of summons.⁵¹ Additionally, the plaintiff must file an application for issuance of the summons called the “written directions”.⁵² The summons must then be served on the defendant. In a court not of record, a civil action is commenced by making an oral complaint to the justice or magistrate and the issuance of the appropriate writ.⁵³

For criminal cases, the proper jurisdiction for the prosecution of an offense is the county in which the offense occurred.⁵⁴

B. Legal aid / Court costs. Under what conditions would free or subsidised legal aid be available to child complainants or their representatives through the court system (i.e., would the case have to present an important legal question or demonstrate a likelihood of success)? Would child complainants or their representatives be expected to pay court

⁴² Liberian Code of Laws Revised, Title 17 – Judiciary Law, § 11.11(a) (1972)

⁴³ Liberian Code of Laws Revised, Title 17 – Judiciary Law, § 11.21 (1972).

⁴⁴ *Ibid.*

⁴⁵ Liberian Code of Laws Revised, Title 17 – Judiciary Law, § 10.1 (1972).

⁴⁶ Liberian Code of Laws Revised, Title 1 – Civil Procedure Law, § 4.1.

⁴⁷ Liberian Code of Laws Revised, Title 17 – Judiciary Law, § 8.3 (1972).

⁴⁸ Liberian Code of Laws Revised, Title 17 – Judiciary Law, § 7.3 (1972).

⁴⁹ Liberian Code of Laws Revised, Title 17 – Judiciary Law, § 3.2 (1972).

⁵⁰ Liberian Code of Laws Revised, Title 1 – Civil Procedure Law, § 3.31.

⁵¹ Liberian Code of Laws Revised, Title 1 – Civil Procedure Law, § 3.32.

⁵² Liberian Code of Laws Revised, Title 1 – Civil Procedure Law, § 3.34.

⁵³ Liberian Code of Laws Revised, Title 1 – Civil Procedure Law, § 3.31.

⁵⁴ Liberian Code of Laws Revised, Title 3 – Criminal Procedure Law, § 5.1.

costs or cover other expenses?

See above Section II.D. about legal aid to indigent child plaintiffs and legal representation in juvenile court.

C. Pro bono / Financing. If legal aid is not available, would it be possible for child complainants or their representatives to obtain legal assistance from practising lawyers on a pro bono basis, through a children's rights organisation, or under an agreement that does not require the payment of legal fees up front?

The availability of pro bono representation for children in Liberia is unclear.

D. Timing. How soon after a violation would a case have to be brought? Are there any special provisions that allow young adults to bring cases about violations of their rights that occurred when they were children?

The statute of limitations for actions based on personal injuries is generally three years after the time the right to relief has accrued.⁵⁵ However, if the right to relief accrues in favor of an infant and would otherwise expire before he reaches the age of 21, the statute of limitations is tolled for one year after he reaches the age of 21 or for five years after the expiration of the time limited for commencing the action, whichever occurs first.⁵⁶

In terms of criminal cases, there is no statute of limitations for capital offenses.⁵⁷ The statute of limitations for a felony is five years after the commission of the crime, while the statute of limitations for a misdemeanor is three years.⁵⁸

E. Evidence. What sort of evidence is admissible/required to prove a violation? Are there particular rules, procedures or practices for dealing with evidence that is produced or presented by children?

In civil cases, the burden of proof is on the plaintiff and the standard is a preponderance of evidence.⁵⁹ A child under twelve is prohibited from testifying against his or her parents or any person with whom he or she resides, except where the child's interest is involved.⁶⁰ Typical evidence often involves physical evidence gathered from the victim and suspect.

In the case of prosecution for sexual abuse, after the victim visits a clinic and consents, the police may request that his or her clothes and underwear be submitted as evidence.⁶¹ Also, with consent, the police may take pictures of the victim's injuries.⁶² Obtaining evidence from a suspect is more complicated, and

⁵⁵ Liberian Code of Laws Revised, Title 1 – Civil Procedure Law, § 2.11.

⁵⁶ Liberian Code of Laws Revised, Title 1 – Civil Procedure Law, § 2.62.

⁵⁷ Liberian Code of Laws Revised, Title 3 – Criminal Procedure Law, § 4.1.

⁵⁸ Liberian Code of Laws Revised, Title 3 – Criminal Procedure Law, §§ 4.1 - 4.2.

⁵⁹ Liberian Code of Laws Revised, Title 1 – Civil Procedure Law, § 25.5.

⁶⁰ Liberian Code of Laws Revised, Title 1 – Civil Procedure Law, § 25.18.

⁶¹ The Carter Center & Ministry of Justice of Liberia, *Prosecutor's Handbook on Sexual Assault and Abuse Protection*, p. 67. Available at:

http://www.cartercenter.org/resources/pdfs/peace/conflict_resolution/liberia/SGBV-ProsecutionHandbook-v1.pdf

⁶² *Ibid.*

absent consent, requires that the police obtain a warrant.⁶³

Moreover, the proceedings concerning juveniles are conducted at separate hearings and without a jury. The hearing is conducted in private and the general public is excluded. Only such persons who have a direct interest in the case or in the work of the court are allowed to attend the proceedings.⁶⁴

F. Resolution. How long might it take to get a decision from the court as to whether there has been a violation?

The average time-frame for the resolution of a case in Liberia is unclear.

G. Appeal. What are the possibilities for appealing a decision to a higher court?

The right to appeal in criminal cases is guaranteed by Criminal Procedure Law.⁶⁵ The Supreme Court of Liberia is the court of final resort and has jurisdiction of all appeals.⁶⁶ Appellate jurisdiction for decisions of the juvenile courts, and magistrate courts assuming juvenile court jurisdiction, belongs to the circuit court in the county in which the court sits.⁶⁷

H. Impact. What are the potential short-term and long-term impacts of a negative decision? Is there a possibility for political backlash or repercussions from a positive decision?

Public perception of police corruption is such that a negative decision could potentially trigger a resort either to mob violence or vigilantism as citizens attempt to take justice into their own hands.⁶⁸

I. Follow up. What other concerns or challenges might be anticipated in enforcing a positive decision?

Police corruption significantly hinders the enforcement of decisions as discussed below.

V. Additional factors. Please list any other national laws, policies or practices you believe would be relevant to consider when contemplating legal action to challenge a violation of children's rights.

Despite the foregoing, “[m]ost Liberians still rely on traditional justice,” which is not necessarily consistent with national law.⁶⁹ Moreover, while police are crucial to the enforcement of the Children’s Law and the statutorily recognized

⁶³ *Ibid.*

⁶⁴ Liberian Code of Laws Revised, Title 17 – Judiciary Law, § 11.52 (1972)

⁶⁵ Criminal Procedure Law, Chapter 24.

⁶⁶ Liberian Code of Laws Revised, Title 17 – Judiciary Law, § 2.2 (1972).

⁶⁷ Liberian Code of Laws Revised, Title 17 – Judiciary Law, § 10.3 (1972).

⁶⁸ Human Rights Watch, “*No Money, No Justice*”: *Police Corruption and Abuse in Liberia*, at 24, 2013, Available at: http://www.hrw.org/sites/default/files/reports/liberia0813_forUpload_0.pdf (last accessed 12 February 2014).

⁶⁹ Pewee Flomoku & Counsellor Lemuel Reeves, *Formal and Informal Justice in Liberia*, 23 ACCORD 44, 45 (19 Mar. 2013).

rights of the child, Human Rights Watch recently concluded that the lawlessness and abuse inflicted on ordinary Liberians hinders the enforcement of law and investigation of wrongdoings.⁷⁰ Human Rights Watch further believes that “[t]he police force is riddled with corruption and a lack of professionalism and accountability.”⁷¹ A 2012 survey of Liberians indicates that the public perceives the most corrupt institution in the country to be the police, closely followed by the courts.⁷²

Police corruption often has a devastating effect on victims trying to protect themselves and assert their legal rights. “[A]rrests . . . are often done through bribes and extortion.”⁷³ Indeed, the police often “extort money at every stage of an investigation, whether for a common crime or a government rights violation.”⁷⁴ Further, victims are reluctant to report crimes to the police because of the demands to pay bribes.⁷⁵ Despite their official illegality, it is a common practice to pay to register cases in Liberia.⁷⁶ Moreover, “[v]ictims of crimes are also often asked to transport the police to the scene of the crime, or to pay for such transport.”⁷⁷ Even after a child victim asserts his or her rights and a prosecutor succeeds in winning a guilty verdict, corruption can undermine justice as people can be released from custody regardless of their guilt or innocence after paying to the police.⁷⁸

All of this led Human Rights Watch to conclude, “[a]s a result of police malfeasance, those who wish to pursue justice are denied that right. Similarly, those who should be held accountable for their crimes – notably those with enough resources to pay their way out – routinely escape accountability, and could pose a security threat to others.”⁷⁹ Perhaps as a response to the public’s deep distrust of the police, justice in Liberia is often sought through mob violence and vigilante groups.⁸⁰

Relevant Laws:

- The Children's Law of 4 February 2012;
- The Penal Code of 17 January 2006;
- The Education Reform Act of 8 August 2011;
- The Act to Ban Trafficking in Persons within the republic of Liberia of 14 June 2005;
- An Act to Establish the Independent Human Rights Commission 2005;
- An Act Adopting a New Domestic Relations Law, Title 9 of the Liberian Code of Laws Revised; and

⁷⁰ Human Rights Watch, “*No Money, No Justice*”: *Police Corruption and Abuse in Liberia*, at 24, 2013, Available at: http://www.hrw.org/sites/default/files/reports/liberia0813_forUpload_0.pdf (last accessed 12 February 2014).

⁷¹ *Ibid.*

⁷² *Ibid.*

⁷³ *Ibid.* p. 20.

⁷⁴ *Ibid.*

⁷⁵ *Ibid.* p. 21.

⁷⁶ *Ibid.*

⁷⁷ *Ibid.* p. 22.

⁷⁸ *Ibid.* p. 23.

⁷⁹ *Ibid.* p. 24.

⁸⁰ *Ibid.*

- An Act to Establish the Truth and Reconciliation Commission of Liberia 2005.⁸¹

Relevant Policies:

- The National Health and Social Welfare Plan;
- The National Plan of Action against Trafficking;
- The National Youth Policy for Liberia;
- The National Youth Action Plan;
- The National Social Protection Policy and Strategy.⁸²

This report is provided for educational and informational purposes only and should not be construed as legal advice.

⁸¹ Child Rights International Network (“CRIN”), Liberia: National Laws. Available at: <http://www.crin.org/resources/infodetail.asp?ID=30280> (last accessed 12 February 2014).

⁸² Committee on the Rights of the Child, *Concluding Observations on the combined second to fourth periodic report of Liberia*, CRC/C/LBR/CO/2-4, 13 December 2012. Available at: <http://www.ohchr.org/EN/countries/AfricaRegion/Pages/LRIndex.aspx>