

AFRICAN UNION

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



UNION AFRICAINE

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

الاتحاد الأفريقي

*"An Africa Fit for
Children"*

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**REPORT OF THE ACERWC ON THE FOLLOW-UP MISSION CONDUCTED
TO MONITOR THE IMPLEMENTATION OF ITS CONCLUDING
OBSERVATIONS AND RECOMMENDATIONS TO THE REPUBLIC OF
LIBERIA**

06-08 NOVEMBER 2019

JANUARY 2020

- I. **Purpose of the Mission:** The purpose of the Mission was to monitor the level of implementation of the concluding observations and recommendations issued by the African Committee of Experts on the Rights and Welfare of the Child (ACERWC/the Committee) to the Government of Liberia in 2013 following the consideration of the latter's initial report on the implementation of the African Children's Charter.
- II. **Objectives of the ACERWC in this Mission:** The Mission aimed at undertaking a constructive dialogue with representatives of the Government of Liberia to learn about the progress achieved, challenges faced, and opportunities in the implementation of the concluding observations and recommendations. The ACERWC also intended to bring stakeholders together to boost collaboration between the Government, UN agencies, CSOs, and other stakeholders. Moreover, the Committee sought to enhance and accelerate the implementation of its recommendations.
- III. **Expected outcomes:** The Mission provides for an opportunity to the Government of Liberia to appreciate its progress in implementing the recommendations and thereby learn best practices that can be used by the ACERWC in its further engagement with other State Parties. Moreover, the Mission creates an opportunity for the Government to identify and address its challenges in implementing the recommendations of the Committee. Finally, the Mission also enhances the continued commitment from the Government of Liberia to implement the recommendations and the Charter as well as to submit its periodic report in a near future.
- IV. **Delegation:** The Delegation of the ACERWC was composed of Hon. Marie-Christine Bocoum, First Vice-Chairperson of the ACERWC and Special Rapporteur on Child Marriage and Harmful Practices; Hon Aver Gavar, Member of the ACERWC and Special Rapporteur on Violence against Children; Ms. Catherine Maina, Senior Social worker, Mr. Ayalew Getachew Assefa, Senior Child Protection Officer; Ms. Samrawit Getaneh Damtew, Legal Researcher; and Mr. Solomon Samson, Communication Assistant.
- V. **Methodology:** The Mission engaged in constructive discussions and bilateral meetings with representatives the Government, UN Agencies and CSOs; workshops as well as direct observations to identify the achievements and challenges in relation to implementation of the concluding observations and recommendations.

VI. Mission activities

1) Courtesy Calls

On the first day of the mission, 6 Nov 2019, the Delegation paid courtesy calls to H.E Lydia Sherman, Deputy Minister of Children and Social Protection from the Ministry of Gender, Children and Social Protection and the Acting Minister of the Ministry of Foreign Affairs. During its brief meetings, the Committee introduced the purpose of its visit as well as some developments in the Committee and the African Union such as the ongoing campaign to end child marriage and launching of the Saleema initiative to end Female Genital Mutilation in Africa.

2) Consultation with Various Ministries and other stakeholders

The Committee undertook consultations with representatives of various Ministries and partners organizations on 6 and 7 Nov 2019, including:

- Ministry of Gender, Children and Social Protection
- Ministry of Education
- Ministry of Health
- Ministry of Justice
- Liberia Refugee Repatriation and Resettlement Commission
- National Human Rights Commission
- UNICEF
- Plan International
- Save the Children

3) Workshop on the situation of children in Liberia

As part of its Mission, the Committee organized a consultative workshop on the implementation of its concluding observations and recommendations and the situation of children's rights and welfare in Liberia. The Workshop brought together representatives from a wide range of Government Ministries, partner organizations and a pool of CSOs with the aim to assess the implementation of the concluding observations and recommendations and identify gaps that can be improved through coordinated efforts. With a keynote address from the First Vice-Chairperson of the Committee, Hon Marie-Christine Bocoum, the Workshop was officially closed by the Minister of Gender Children and Social Protection Hon. Williametta Edourda Saydee-Tarr.

VII. MAJOR FINDINGS OF THE MISSION

After undertaking the above-mentioned activities, the Delegation of the ACERWC identifies the following issues as forming part of its major findings.

7.1. On General Measures of Implementation

i. Reporting on the implementation of the African Children Charter (Submission of Periodic Report)

The Committee recalls that the first periodic report of the Government of Liberia on measures taken for the implementation of the ACRWC was due in 2017. However, it was noted that even though the Government has finalized preparations to submit its periodic report to the UNCRC, it has not taken any steps towards submitting its periodic report to the ACERWC.

ii. Legislative Measures

The Committee notes that various legislative measures have been taken to enhance protection of the rights of children. These include: the enactment of Adoption Law and establishment of adoption units at the Ministry of Gender, Children and Social Protection; the enactment of the Descent Work Act of Liberia 2015, enactment of the Domestic Violence Act of 2016, enactment of the Affirmative Act and Inclusive Education Policy 2018 and the ratification of the Protocol to the African Charter on the Human and Peoples' Rights on the Rights of Women in Africa. The Committee also noted the establishment of a Law Reform Commission.

iii. Institutional measures and coordination:

The Committee notes the establishment of the Ministry of Gender, Children and Social Protection in 2014 to address the issue of children protection and welfare. However the Government is yet to expedite the operationalization of the National Child Well-being Council with a clear mandate and adequate human, financial and technical resources. Furthermore, lack of a systematic data collection mechanism remains to be a challenge.

iv. Child Friendly Budgeting:

The Committee notes that there is no clear link between child right laws and budget hence making it difficult to implement child rights laws. Furthermore the Ministry of Gender, Children and Social Protection is under resourced heavily and reliant on partner funding.

7.2. On the Definition of the child and other age related requirements

The Committee notes that customary laws and inheritance law regarding the age of marriage have not been harmonized with the Charter and the

Children's Law of Liberia. Accordingly the age of marriage for women is lowered to 16 with parental consent.

7.3. General Principles

i. Right to life survival and development:

The Committee notes that the provision of Penal code providing for death penalty and life imprisonment for children aged 16 and 17 is still not repealed. However the Committee notes that in 2014, the Ministry of Justice initiated a bill to abolish the death penalty and life imprisonment for juvenile offenders, which is currently being considered through a consultative process.

ii. Participation of the child:

The Committee notes the existence of Children's Forum and Children's Clubs to enhance child participation. However there is no budgetary allocation for Children's Forum, hindering their effectiveness.

7.4. Civil Rights and Freedoms

i. Birth registration:

The Committee notes that only 25 % of children under the age of 5 have birth certificates. However progress has been achieved by the Government in increasing the rate of birth registration and certification in collaboration with UNICEF and World Bank, by enhancing accessibility of birth registration centers.

ii. Nationality

The Committee observed that the Constitution provides that Liberian nationality can only be given to people with Negro descent, leaving many non-Negros who have settled in the country at risk of statelessness. The Committee further notes that in addition to discrimination based on race in acquisition of nationality, transfer of citizenship from mother to child raises an issue of gender based discrimination. It is noted that women do not have the right to transfer citizenship, if a Liberian woman has a child with a foreigner she can not transfer her citizenship to her child, but this doesn't apply to men, a Liberian man who has a child with a foreigner can transfer his citizenship to his child.

iii. Protection from abuse:

The Committee notes that even though the Teachers and Administrators Code of Conduct prohibits corporal punishment, it is not prohibited by law; the practice is not outlawed in the family and alternative environment setting. Recent court cases regarding corporal punishment indicate an attitude that corporal punishment is seen as necessary to discipline children.

7.5. Family environment and alternative care

The Committee notes the adoption of Guidelines on Kinship Care, Foster Care and Supported Independent Living, the inclusion of the process of inter-country adoption in the Adoption law as well as the establishment of the adoption's unit at the Ministry of Gender, Children & Social Protection and the lifting of the moratorium placed on international adoptions in 2015. The Committee further notes that after the establishment of a Committee that monitors alternative care institutions, 63 out of 140 orphanages were closed down.

7.6. Health and welfare

The Committee notes the following developments in the area of health and welfare; 70 to 80 % coverage of basic immunization rate; training of community health assistants to reduce maternal mortality; promotion of family planning to reduce teenage pregnancy; establishment of national HIV/AIDS control program by the Ministry of Health; increase in HIV testing; establishment of National Malarial Control Program; adoption of National Mental Health Policy to deal with substance abuse, including rehabilitation, training and services; promotion of exclusive breastfeeding; and establishment of school clinics in two provinces. The Committee further also notes the establishment of midwifery schools to address teenage pregnancy challenges by provide maternal care for young women and girls.

The Committee however notes that stunting is a challenge in the country. The challenge is exacerbated when it is linked to teenage pregnancy due to the fact that young mothers giving birth are not in a capacity to sustain the child.

7.7. Education and leisure

The Committee notes the following developments in the field of education; budgetary allocation for basic (lower & upper) education schools; piloting of sexuality education curriculum; tackling of sexual and gender based violence in schools; school feeding program establishment; after school tutorial classes to improve gender parity in education; WASH community engagement in schools and adoption of inclusive education policy.

However the Committee notes the following challenges in education; overage enrollment where children enroll for the first time at the ages of 11 and 12; lack of prioritization of early childhood education; lack of implementation of inclusive education policy; lack of school structure for children with disabilities in rural areas; imposition of non-tuition fees in schools for the purpose of purchasing stationary; and outdated national policy on girls education. The Committee also notes challenge with regards to re-entry of adolescent

mothers to school and cases of banning pregnant girls from attending education and exams.

7.8. Special measures of protection

i. Refugee/asylum seeking children and child trafficking:

The Committee notes the establishment of the Liberian national police to investigate human trafficking cases and the launching of the National Action Plan Against Trafficking. The Committee also notes the placing of internally displaced children in safe homes or foster care while family tracing is ongoing as well as the provision of resettlement packages (Cash, food & non-food items) to returnees upon arrival or point of entries and to unaccompanied children.

ii. Children in conflict with the law:

The Committee notes the establishment of the Child Justice Unit under the Ministry of Justice; the development of Juvenile Diversion Guideline and subsequent launching of a Juvenile Diversion Program in all 15 counties to ensure that detention of children remain a matter of last resort, and that children are channeled away from formal judicial proceedings using restorative justice approach.

However the Committee notes that children who are 16 years and above can be sentenced with capital punishment and the lack of separate facility for juveniles at Monrovia Central Prison. The Committee further notes that there is still only one juvenile court in the Country.

iii. Children of incarcerated mothers/primary caregivers:

The Committee notes that mothers in conflict with the law do not face incarceration for petty offences, and if the mother is incarcerated for other offences the child is given to immediate family member.

iv. Sexual abuse and exploitation:

The Committee notes the following developments in combating sexual abuse and exploitation; decentralization of Women and Children Police Services across the 15 counties with the establishment of 72 offices nationwide with officers trained locally and internationally on women and children protection and sexual and gender based violence; provision of psychosocial services to children, availability of free legal services for children in 7 counties; the establishment of additional two courts specialized on rape cases; and the launching of the Spotlight initiative with a 4 year plan and sensitization around the reporting mechanism.

However the Committee notes that rape and other sexual abuse remains to be a critical issue in the country with 65% of the victims being adolescent,

Women and Children protection units at police stations are run by men thus limiting the number of reported rape cases exacerbated by stigma associated with reporting rape. The Committee also notes that transactional sex and sex for grades in schools is a problem in the country despite the existence of a Teacher Code of Conduct and the non-functionality of reporting mechanism in schools as those who receive reports, such as school principals are at times the perpetrators.

v. Child labor:

The Committee notes the adoption of the National Plan of Action on Elimination of Child Labor in 2019; development and validation of list of hazardous work for children in Liberia, to protect children from harmful work; and the protection of legally employed children from hazardous work through attestation of collective bargaining agreements.

vi. Harmful practices:

The Committee notes that there is no explicit ban on Female Genital Mutilation (FGM) and the practice is prevalent in the country in various forums including in attachment with traditional schools.

vii. Actions points

Considering the above-mentioned findings, the Committee recommends the State Party to expedite the implementation of the outstanding recommendations of the Committee, contained in the Concluding Observations and Recommendation issued in 2013. In particular the Committee urges the Government to:

- a) Submit its periodic report to the Committee on the status of the implementation of the ACRWC;
- b) Harmonize customary and statutory marriage laws with the Charter;
- c) Repeal provisions of the penal code imposing death penalty and life imprisonment on children;
- d) Ban corporal punishment in all settings and undertake awareness creation activities to introduce positive disciplining;
- e) Amend the constitution to ensure that children are not discriminated based on their or their parent's race, gender or any other prohibited ground in the Charter, in acquisition of nationality and ensure that nationality laws do not render any child stateless or at risk of statelessness;
- f) Ratify the Hague convention on inter-country adoption;
- g) Undertake budgetary restructuring to ensure effective utilization of available budget in realization of rights and welfare of children and enhance collaboration with non-Governmental stakeholders;

- h) Ensure effective coordination between the various Governmental actors working on child rights and welfare in counties and nationally through the Ministry of Gender, Children and Social Protection;
- i) Establish effective national data collection mechanism;
- j) Eliminate all fees in primary education (basic education) by ensuring the purchase of the necessary school stationary and books;
- k) Ensure the availability and accessibility of youth/child sensitive and age appropriate sexual and reproductive health information and services to prevent teenage pregnancy and HIV/AIDS and other STI/STD among adolescents;
- l) Undertake measures to ensure that pregnant girls and adolescent mothers are given the necessary support to continue their education;
- m) Implement the inclusive education policy and ensure that children with disabilities in urban and rural centers enjoy their right to education;
- n) Establish juvenile courts in more counties and increase the number of rape courts;
- o) Train female police members to be part of the women and children protection police unit to increase reporting on rape;
- p) Identify and address root causes of rape and other sexual abuse; and
- q) Explicitly ban FGM and take other measures to eradicate the practice.