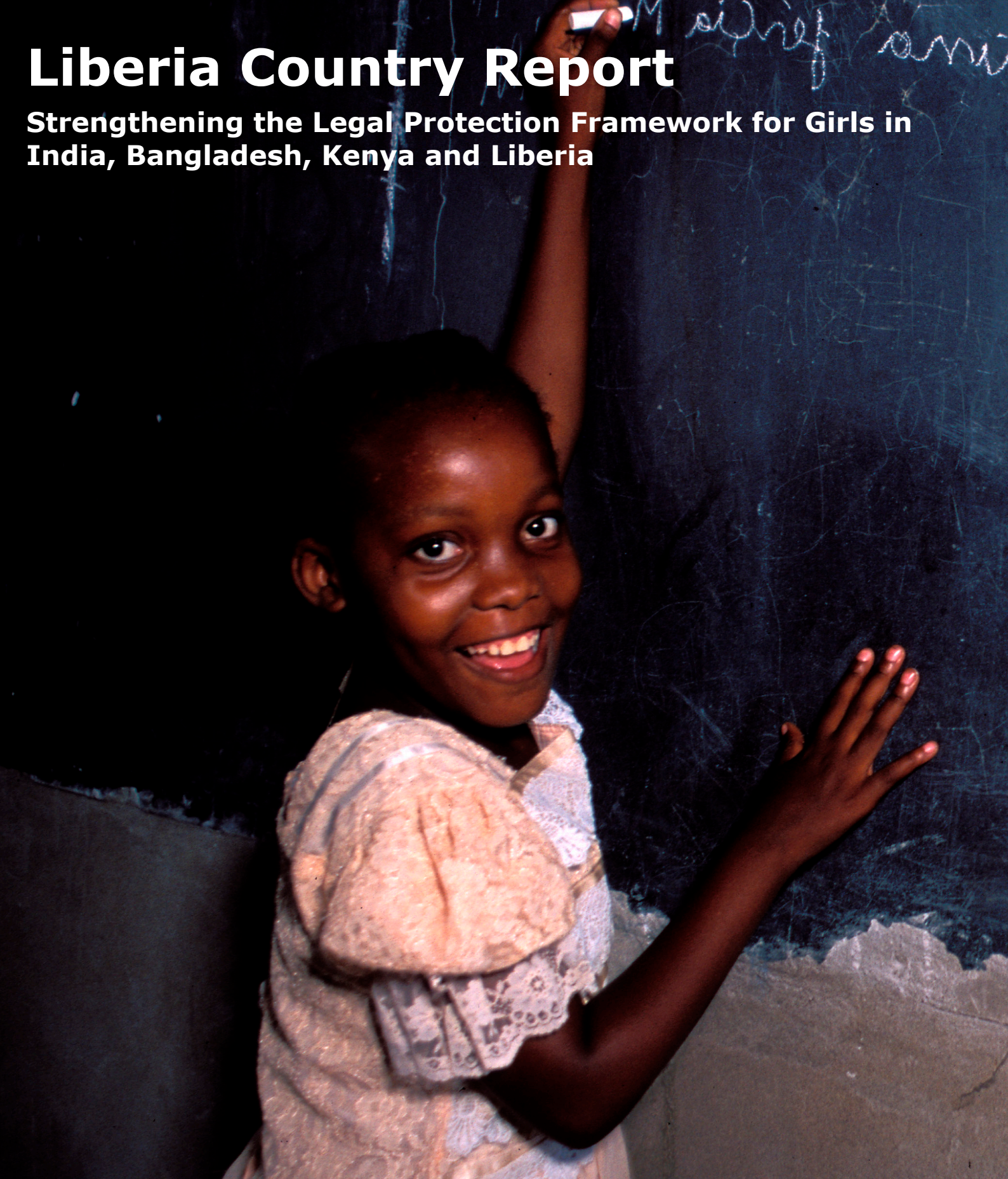


Liberia Country Report

Strengthening the Legal Protection Framework for Girls in
India, Bangladesh, Kenya and Liberia



International Development Law Organization
Organisation Internationale de Droit du Développement

STRENGTHENING THE LEGAL PROTECTION FRAMEWORK FOR GIRLS IN INDIA, BANGLADESH, KENYA AND LIBERIA – LIBERIA COUNTRY REPORT

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International Development Law Organization (IDLO)

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ABOUT THE PROGRAM

In order to gain a deeper understanding of the factors that support or inhibit the enhanced legal protection of girls, IDLO is implementing a two-year research project in India, Bangladesh, Liberia and Kenya. In these countries, IDLO aims to compile comprehensive, accurate and strategic information regarding the level of protection afforded to girls in the areas of birth registration, access to education, access to property, child labor, child trafficking, commercial child sexual exploitation, and child marriage. The resulting comparative analysis will provide a basis for informed action in each of the four countries with respect to strengthening domestic legal protection frameworks and the capacity of key protection agents to access justice and enforce girls' legal rights.

PARTNERSHIPS

This program is being implemented by IDLO in partnership with local NGOs in India, Bangladesh, Kenya and Liberia:

India: [HAQ Centre for Child Rights \(www.haqcrc.org\)](http://www.haqcrc.org)

HAQ Centre for Child Rights is an organization based in New Delhi, India, dedicated to the recognition, promotion and protection of the rights of children. In pursuit of its mandate, HAQ undertakes research and documentation; is actively involved in public education and advocacy; serves as a research and support base for individuals dealing with children at every level; and provides legal support to children in need.

Bangladesh: [BRAC \(www.brac.net\)](http://www.brac.net)

BRAC is a development organization based in Dhaka, Bangladesh. It is dedicated to poverty alleviation and empowerment of the poor, and manages a range of core programs in economic and social development, health, education, and human rights and legal services.

Kenya: [Children's Legal Action Network \(CLAN\) \(www.clan.or.ke\)](http://www.clan.or.ke)

CLAN is a Kenya-based organization working to enhance justice for children by advocating for children and protecting and enhancing children's rights and welfare through the provision of free legal aid and related services. An essential component of CLAN's mission entails working with frontline service providers, including the Government, civil society organizations, families and children.

Liberia: [Women NGOs Secretariat of Liberia \(WONGOSOL\)\(www.wongosol.org\)](http://www.wongosol.org)

WONGOSOL is an organization committed to the creation of a vibrant Liberian society by developing and strengthening the role of women's organizations and groups and enhancing the effectiveness of women's organizations through proper coordination at all levels to promote peace and security, women's development, gender equality and women's human rights.

DONOR SUPPORT

This research is being supported by the Bill & Melinda Gates Foundation (www.gatesfoundation.org) and the Nike Foundation (www.nikefoundation.org). The findings and conclusions contained within are those of the authors and do not necessarily reflect positions or policies of the Bill & Melinda Gates Foundation or the Nike Foundation.

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Acronyms

Acquired Immune Deficiency Syndrome	AIDS
African Charter on the Rights and Welfare of the Child	ACRWC
Central Organization of Trade Unions	COTU
Child Sex Tourism	CST
Community Based Organization	CBO
Community Child Labor Committees	CCLC
Convention on the Elimination of All Forms of Discrimination Against Women	CEDAW
Deoxyribonucleic Acid	DNA
District Child Labor Committees	DCLC
Early Childhood Development	ECD
Education for All	EFA
Federation of Women Lawyers	FIDA
Female Genital Mutilation	FGM
Food and Agriculture Organization	FAO
Gender Parity Index	GPI
Gross Enrollment Rate	GER
Human Immunodeficiency Virus	HIV
International Covenant on Civil and Political Rights	ICCPR
International Covenant on Economic, Social and Cultural Rights	ICESCR
International Labor Organization	ILO
Millennium Development Goals	MDGs
Ministry of Education, Science, and Technology	MoEST
National Steering Committee to Combat Trafficking in Persons	NSCCTP
Orphans and Vulnerable Children	OVC
Primary Completion Rate	PCR
Sexually Transmitted Infections	STIs
United Nations Children’s Fund	UNICEF
United Nations Convention on the Rights of the Child	CRC
United Nations Joint Programme on HIV/AIDS.	UNAIDS

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Introduction

Background

Poverty has a female face in many parts of the developing world. Of the 1.5 billion people living on US\$1/day or less, 70 percent are female.¹ Girl children, in particular, represent an extremely vulnerable group in many societies, often existing outside the rule of law and, in some cases, domestic laws and enforcement mechanisms themselves serving as a source of oppression.

The age-old Chinese proverb that 'women hold up half the sky' has long been an aspiration rather than a reality for many of the world's girls. Systematic disadvantage 'over a wide range of welfare indicators' including health, nutrition and the burden of household tasks,² has perpetuated gender disparities and inequalities, particularly in the developing world. Gender discrimination greatly interferes with a girl's ability to develop and, ultimately, their ability to live their lives in dignity. From a long-term economic development perspective, discrimination against girls means that a significant proportion of the population will be unable to participate in the economy as productive adults. Conversely, improvements in women's economic positions have proven to have a positive spin-over effect on the social welfare of their children.³

In order to gain a deeper understanding of the factors that support or inhibit the enhanced legal protection of girls, IDLO partnered with local organizations in India, Bangladesh, Kenya and Liberia to carry out a six month review of the legal protection framework for girls in these countries, as part of a broader two-year research project. IDLO and its local partners focused on the following seven factors as key to enhancing the economic and legal empowerment of girls:

1. Access to birth registration;
2. Access to education;
3. Access to property rights;
4. Protection from child labor;
5. Protection from trafficking;
6. Protection from commercial sexual exploitation; and
7. Protection from underage marriage

It should be noted that there is a causal connection between 'means of protection' and 'protection risks' in that poor access to birth registration, education and property rights (all regarded as means of protection) have the potential to increase exposure to protection risks such as child labor, trafficking, commercial sexual exploitation and underage marriage. Moreover, there is also often a causal link between risk factors and means of protection as, for example, underage marriage or trafficking can lead to diminished possibilities for access to education.

¹ Plan, *Because I Am a Girl: The State of the World's Girls* (2007) 85.

² Center for Global Development, *Girls Count: A Global Investment and Action Agenda* (2008) 2.

³ Free the Children, *Child Labour*, <<http://www.freethechildren.com/getinvolved/geteducated/childlabour.htm>> at 16 June 2009.

Research Objective

To compile comprehensive, accurate and strategic information on how best to enhance the legal protection of girls through legal empowerment approaches in four target countries in the areas of birth registration, access to education, access to property, child labor, child trafficking, commercial child sexual exploitation and child marriage.

Methodology

The starting point for the analysis was a desk review of relevant literature, followed by in-depth field research conducted in each of the four target countries. The strategy for ensuring inter-country comparability was to employ the use of closed questions (i.e., questions that give a limited number of predefined responses across each survey).

Given that mothers were found to be the principal carers for their daughters, the target survey sample in each of the four countries was composed of mothers classified as 'poor', living in rural or peri-urban communities, with at least one daughter aged less than 10 years.

Following the administration of the survey, project partners conducted in-depth interviews and focus group sessions with survey participants and other relevant stakeholders including staff of service delivery organizations, community leaders, community groups (in particular women's community groups), legal aid organizations, advocacy groups focusing on the rights of women and children, and government agencies involved in both the delivery of legal and protection services.

Criteria for survey participants:

- Women classified as 'poor'
- Living in a rural or peri-urban community
- Have at least one daughter less than ten years old

The objective of these focus groups was to further examine actual experiences with the justice system to bring out more detailed information about the protection of girl children in practice, and obtain ideas about possible entry points for improving protection. The focus group sessions also allowed for an informal discussion on issues that arose during the survey.

Finally, partners conducted stakeholder validation workshops with local child protection actors (including government officials, representatives of non-governmental organizations and scholars) to present the findings of their research, solicit feedback and generate ideas for intervention.

Central research questions

1. Is the legal and supporting administrative framework adequate in each of the seven thematic areas?

This question enabled an examination of the alignment between the domestic legal protection frameworks in the target countries and the international legal protection framework.

2. Is the legal framework implemented effectively? Are adequate legal services provided?

Even in cases where the law itself provides for suitable protection, implementation is likely to be variable. As such, this question was aimed at enabling analysis of the strengths and weaknesses of the system, including identifying the key obstacles to

improved effectiveness.

3. Are mothers able to access legal protection for their daughters?

By examining the extent to which mothers, who are often the principal carers for their daughters, are able to access protection, this question assisted in determining the factors that affect mothers' ability (or inclination) to provide protection.

4. What social services do mothers utilize?

In order to be able to integrate legal services into established community services, it was important to understand the most commonly accessed and effective services.

5. What are the best strategies for improving legal protection?

This final question helped reveal how existing legal services can be built to enhance legal protection for girls.

Outputs

The research has underpinned the generation of this Liberia country report, together with three similar country reports that detail the key protection issues facing girls, the socio-cultural factors that impact upon protection and potential interventions to enhance the legal protection framework for girls in each target country. It is hoped that a comparative analysis of this information, to be published separately, will contribute to forming a basis for informed action with respect to strengthening domestic legal protection frameworks and the capacity of key protection agents to access justice and safeguard the legal rights of girls.

Executive summary

Birth registration

Acknowledging the importance of birth registration, Liberia recently pledged its commitment to reforming governmental processes and procedures to make birth registration more accessible for all. Such efforts, particularly moves toward decentralizing the birth registration system and waiving fees for retrospective registration, have resulted in increasing rates of certification and registration. Despite such progress, significant gaps and ambiguities in national legislation remain. Moreover, widespread ignorance on the importance of birth registration and the procedures in place is particularly evident. In this regard, awareness-raising campaigns highlighting the benefits of and incentives for registering the birth of a child are recommended. The revised age at which registration can occur should be widely publicized, as well as the linkages between social services and birth registration.

Education

Liberia's President, Ellen Johnson Sirleaf, has pledged her Government's commitment to prioritize the education of children.⁴ Reform of the education system following nearly two decades of civil war, however, has proven difficult, particularly with regard to heightening the accessibility of quality education. As a result of the conflict, an entire generation of children were deprived of an education, with 56 percent of girls and 39 percent of boys having never attended school.⁵ A loss of trained and experienced teachers, failing infrastructure and desiccated roads are among the many concerns that must be addressed. Likewise, addressing high dropout rates and encouraging underprivileged girls to continue their education from primary into secondary school, is a key objective. Finally, despite sound awareness on the importance of education for girl children, traditional beliefs still operate to discriminate against girls and perpetuate attitudes that girl children are less worthy of an education than males.

Property rights

Despite significant reform of the national legal system governing women's access to property rights in Liberia, further work is required to ensure equal access and gender neutrality in cases brought before the courts. Customary laws and traditional views regarding women and property ownership are a particular hindrance to the full enjoyment of rights, as this system represents the dominant legal framework for the majority of Liberians. Improving women's access to justice will also require enhanced awareness regarding the national laws and state-funded legal aid services.

Child labor

Child labor in almost every economic sector is widespread, in large part due to extreme poverty.⁶ Although the Liberian Government has increased the protection afforded to children in its national labor legislation, effective enforcement of such laws remains a serious challenge. Insufficient awareness on the risks and potential ramifications of

⁴ S Crowe, *Formerly abducted into rebel forces, a Liberian girl makes a new start*, UNICEF, <http://www.unicef.org/girlseducation/liberia_38466.html> at 18 May 2010.

⁵ Liberia Institute of Statistics and Geo-Information Services (LISGIS), the Ministry of Health and Social Welfare (MOH), and the National AIDS Control Program (NACP), *Liberia Demographic Health Survey, 2007*, 20.

⁶ US Department of State, <<http://www.state.gov/g/drl/rls/hrrpt/2007/100489.htm>> at 27 May 2010.

harmful forms of child labor, among both legislators and parents, is a particular problem.

Child trafficking

After being placed on the US Department of State's "Tier 2" trafficking level, much work has been undertaken to increase the protection afforded to Liberia's most vulnerable children, particularly girls, from trafficking. The Liberian Government has made significant efforts to meet the minimum standards for the elimination of trafficking, including through legislation providing for prosecution and punishment. Additional steps that should be taken include the ratification of the *Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*. Liberia also needs to provide victims of trafficking with greater protection, particularly through the removal of criminal sanctions that can be imposed under immigration laws, and also through expanding rehabilitation and reintegration support services. Law enforcement officials, particularly judges, should be targeted in education and awareness-raising initiatives so as to eliminate the complicity of Government personnel in child trafficking.⁷ Greater public awareness on the risks and prevalence of child trafficking in Liberia is also needed.

Commercial sexual exploitation of children

While legislative reform has strengthened the legal protection framework shielding girls from commercial sexual exploitation, a lack of efficient enforcement mechanisms renders such protection largely ineffective. For example, despite criminalizing legislation, prostitution remains widespread with the key risk group being young girls.⁸ Notwithstanding the inherently clandestine nature of child commercial sexual exploitation, nearly 72 percent of survey respondents were concerned about the issue of CSEC, and 88 percent considered it a problem or a major problem in their communities.⁹ To this end, greater awareness on the importance of and modalities for reporting incidences of commercial child sexual exploitation is needed.

Child marriage

Despite strict punishments provided for in national legislation, enforcement and subsequent prosecution of cases of child marriage has proven difficult. Similar to the rights of women and girls to property ownership and inheritance, the framework governing child marriage is largely regulated by customary law. Increased efforts on the part of the Government are thus required to bring customary practices into alignment with national law and international standards. To this end, the proposed amendments to the *Children's Law*, in particular increasing the minimum legal age for marriage from 15 years to 18 years, would significantly increase the level of protection afforded to girls. Legislative reform should also extend to providing greater accountability of those involved in solemnizing child marriages. Finally, it is essential that education and awareness-raising initiatives focus on modifying parental attitudes toward child marriage, in particular by highlighting the significant implications that child marriage has on the social, mental, physical and reproductive well-being and development of young girls.

⁷ US Department of State, *Traffic in Persons Report* (2009) Office to Monitor and Combat Trafficking in Persons, <<http://www.state.gov/g/tip/rls/tiprpt/2009/123137.htm>> at 7 June 2010.

⁸ US Department of State, *Human Rights Report: Liberia* (2009).

⁹ WONGOSOL survey.

Section 1

Country profile

LIBERIA COUNTRY REPORT



The Republic of Liberia, covering approximately 111,369 square kilometers, is situated on the West coast of Africa, sharing its borders with Cote d'Ivoire, Guinea and Sierra Leone.¹⁰ The country has a total population of 3.9 million, of which roughly 50 percent are below the age of 18 years.¹¹ The skewed nature of the population's age is explained by Liberia's low life expectancy (58 years), which can also in turn be explained by the increasing prevalence of HIV/AIDS and severe poverty which perpetuates a lack of access to safe drinking water, healthcare and nutrition.¹² Approximately 85 percent of Liberians are of Christian faith, with Islam the second most dominant religion (12 percent).

Liberia has only recently emerged from fourteen years of devastating civil war, which not only claimed over 200,000 lives but also left the country in economic ruin and overrun with weapons.¹³ The provision of protection for those most vulnerable has thus proved to be, at the least, problematic. Moreover, with an estimated 80 percent of its population living below the poverty line,¹⁴ Liberia continues to struggle through a difficult reconstruction and restoration period.

The agriculture sector makes up 70 percent of the national workforce, with the mining and timber industries remaining essential to the strength of the economy. With Liberia claiming 40 percent of West Africa's rain forests, the forestry sector also plays a significant role in the economy. Liberia's revenues, however, are largely derived from rubber exports and its maritime registry program.¹⁵ Despite slow growth recorded in 2009, as a result of the global financial crisis, GDP growth has been projected to rise approximately 6.9 percent in 2010, and 7.7 percent in 2011.¹⁶ Nonetheless, poverty, high unemployment, corruption and ethnic and religious tensions continue to threaten the socio-political and economic stability of the country.

In the first elections held since the end of the civil war in 2003, Africa's first democratically elected female president, Ms Ellen Johnson-Sirleaf was inaugurated into the Liberian presidency in January 2006. Her victory marked a significant shift in attitudes, particularly those commonly held towards women. The President has pledged her commitment to raising the level of protection currently afforded to girls, and placed particular emphasis on ensuring greater access to quality education in Liberia.¹⁷

The girl child in Liberia

Liberia's patrilineal society vests men with key decision-making responsibility within families, while women are charged with principal responsibility for child care and domestic duties.¹⁸ Such representations of men and women contribute to the resilience of male-dominated power structures and can adversely influence the self-perceptions of

¹⁰ US Department of State, *Background Note: Liberia* (2010) <<http://www.state.gov/r/pa/ei/bgn/6618.htm>> at 1 June 2010.

¹¹ UNICEF, *At a glance: Liberia Statistics*, <http://www.unicef.org/infobycountry/liberia_statistics.html> at 27 May 2010.

¹² Ibid.

¹³ BBC News, *Liberia Country Profile*, <http://news.bbc.co.uk/2/hi/africa/country_profiles/1043500.stm> at 1 June 2010.

¹⁴ Ibid.

¹⁵ US Department of State, above n 10.

¹⁶ African Economic Outlook, *Liberia* (2010) <<http://www.africaneconomicoutlook.org/en/countries/west-africa/liberia/>> at 1 June 2010.

¹⁷ Crowe, above n 4.

¹⁸ Committee on the Elimination of Discrimination against Women (CEDAW), 'Concluding Observations of the Committee on the Elimination of Discrimination against Women - Liberia' Forty-Fourth Session, 2009, CEDAW/C/LBR/CO/6.

females.¹⁹ Discrimination towards women and girls, combined with the general lack of legal and institutional protection for children, places the Liberian girl child under a crippling double disadvantage. Girl children in Liberia endure discrimination in multiple facets of daily life. She is less likely than her male counterpart to attend primary or secondary school²⁰ and is therefore at greater risk of lacking the vital skills necessary to be able to effectively contribute to the workforce and in turn achieve economic independence and overall empowerment.

Liberia's commitment towards the girl child

Liberia has recognized the vulnerability of the girl child. Its commitment towards improving the welfare of girls has been expressed through various international treaties, national laws and policies that the Government has ratified and/or promulgated with regards to children.²¹ Liberia has signed and ratified the *Convention on the Rights of the Child (CRC) 1989*, and is therefore accountable to the Committee for ensuring progress towards the greater protection of children. On 1 December 2009, Liberia also ratified the *African Charter on the Rights and Welfare of the Child (ACRWC)*, signalling its further commitment to children.

Liberia is a State Party to a number of additional international treaties and conventions pertaining to gender equality and child rights, including the *Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) 1979*, the *International Covenant on Civil and Political Rights (ICCPR) 1966*, and the *International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966*. The Government has also acceded to the *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women, and Children, supplementing the United Nations Convention against Transnational Organized Crime 2000*.

Despite such efforts made by Liberia, effective implementation, monitoring and enforcement of the provisions within both national and international legal instruments remains largely inadequate. Liberia therefore still has significant challenges ahead in terms of providing sufficient protection to its girl children, while also focusing its efforts to reconstruct and develop the social, political and economic landscape of the country.

¹⁹ E Orchardson-Mazrui, 'Impact of Cultural Perceptions on Gender Issues' in C Creighton and F Yeike (eds.), *Gender Inequalities in Kenya*, UNESCO (2006).

²⁰ UNICEF, above n 11.

²¹ See Annex I.

Section 2

Birth registration

Key findings

- With less than four percent of children under five years of age having been issued with a birth certificate as at 2007,²² birth registration in Liberia represents a fundamental protection concern for girls.
- Despite a recent commitment to reform, significant gaps in the national legislative and policy framework governing birth registration remain and represent key impediments to significantly improving registration rates.
- The significant lack of awareness on both the procedures in place and on the importance of, and benefits associated with birth registration, are particular areas of concern.

Birth registration

Birth registration is the first point of contact between a child and the state. It is the first and fundamental right in and of itself.²³

Birth registration is an official recognition of a child's existence, enabling the enforcement of the right to a name, nationality and familial relations.²⁴ Birth registration acts as a bridge to other fundamental rights, providing protection against age-related exploitation and abuse. For governments, an effective system of birth registration is a vital tool in development planning. Such information ensures that decisions relating to health, education and other social services are based on informed statistics and complement pressing societal needs.²⁵

Birth registration in Liberia

During the Liberian civil war, the country's civil registration system collapsed.²⁶ Although in principle a system for birth registration has since been established,²⁷ the Ministry of Health and Social Welfare is yet to re-establish facilities for the documentation and recording of data in a systematic manner.²⁸ In the absence of such mechanisms, the Government has encountered difficulty in collecting data on births in public and traditional health centers and home births. Consequently, there is a dearth of accurate and comprehensive statistical information on birth registration, particularly gender disaggregated data.

However, according to the Liberia Demographic and Health Survey (LDHS) conducted in 2007, less than four percent of children under five years of age had been issued with birth certificates.²⁹ Total birth registration was estimated at approximately 15 percent.³⁰ It should be noted that this is in stark contrast to the results of the survey where 45.9

²² LISGIS, MOH and NACP, above n 5, 20.

²³ A Bequele, 'Universal Birth Registration: The Challenge in Africa' (paper prepared for the Second Eastern and Southern Africa Conference on Universal Birth Registration, Kenya, 26 – 30 September 2005).

²⁴ See eg: Convention on the Rights of the Child, 20 November 1989, New York, (entered into force 2 September 1990) article 7(1) and UNICEF & The Innocenti Centre, 'Birth Registration and Armed Conflict' (2007) <<http://www.unicef-irc.org/publications/pdf/insight-br-eng.pdf> > at 10 March 2010.

²⁵ UNICEF, 'Fact sheet: Birth registration' Innocenti Digest 9, n.d <<http://www.unicef.org/newsline/birthregfaq.htm>> at 9 February 2010.

²⁶ Plan, *Count Every Child: The Right to Birth Registration* (2009) 66.

²⁷ Ibid, Section 51(1).

²⁸ See generally, The Government of Liberia, *Combined Second, Third and Fourth Country Report* prepared for the United Nations Committee on the Rights of the Child (2009); Plan, above n 26, 66.

²⁹ LISGIS, MOH and NACP, above n 5, 20.

³⁰ Plan, above n 26, 66.

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percent of the mothers interviewed had registered the birth of their child (Table 2).³¹ During 2008, a total of 74.7 percent of birth certificates were issued to persons over the age of 15 years; as little as 1 in 10 birth certificates were issued to children under 5 years of age.³²

Statistics indicate regional disparities in registration rates. For example, in 2007 in South Central region, 6.8 percent of births were registered, while only 1 percent in South Eastern B region. Unsurprisingly, urban areas have higher registration rates when compared to rural areas.³³

Table 1: Is your daughter registered?

Response	Frequency	Valid Percent
Yes	169	45.9%
No	199	54.1%
Total	368	100%
No response	7	-

Approximately 37 percent of births in Liberia take place in an institutional setting.³⁴ This is roughly consistent with the results of the survey which found that 42 percent of children were born at home.³⁵ The large number of home births represents a fundamental challenge to increasing the birth registration rates of girls.

Table 2: Where was your daughter born?

Response	Number	Valid Percent
Hospital	110	29.6%
Clinic	90	24.3%
Home	156	42%
Other	15	4%
Total	371	100%
No answer	4	

A further challenge is collecting data on births taking place in institutional settings. An interview with the Department of Vital Statistics revealed there is no system in place for collecting data on births that take place at correctional centers and mental health care facilities.³⁶

³¹ WONGOSOL survey.

³² LISGIS, MOH and NACP, above n 5, 20.

³³ Ibid.

³⁴ UNICEF, *The State of the World's Children 2009* (2009) 64.

³⁵ WONGOSOL survey.

³⁶ Report on file with WONGOSOL.

Legal framework governing birth registration in Liberia

International legal framework

The two most significant international instruments pertaining to birth registration are the *Convention on the Rights of the Child (CRC) 1989* and the *International Covenant on Civil and Political Rights (ICCPR) 1966*. Liberia has signed and ratified both the *ICCPR 1966*³⁷ (18 April 1967, 22 September 2004) and the *CRC 1989*³⁸ (26 April 1990, 4 June 1993). Liberia has also signed and ratified the *African Charter on the Rights and Welfare of the Child 1990* (14 May 1992, 1 December 2009), acceded to the *UN Convention on the Status of Stateless Persons 1954* (11 September 1964), and ratified the *Convention on the Reduction of Statelessness 1961* (22 September 2004).

National legal framework

It must be noted that there is significant lack of clarity surrounding the legal framework governing birth registration in Liberia and that the applicable legislation and policy is currently under review. Notwithstanding, the primary legal instrument governing the birth registration process is the *Public Health Law 1971*, chapter 51 of which contains provisions on the compulsory nature of birth registration and penalties for non-compliance.³⁹ The legislation requires that all births be registered within 14 days of a child's birth. In practice, however, registration can occur, free of charge, until the age of five years. Registration is also possible beyond such age with the payment of a fee as depicted below. It is important to note, however, that in January 2010 the Government revised the birth registration scheme by extending the age until which a child can be registered free of charge to 12 years.

Table 3: Schedule of fees for birth registration⁴⁰

Age	Fees
Birth – 5 years	Free
5 – 14 years	400 LD (US \$5.63)
15 – Adult	800 LD (US \$11.35) ⁴¹

Birth registration in Liberia involves completing a report and submitting it to the Registrar of the district where the birth occurred.⁴² Where a physician, midwife or person acting as a midwife has attended the birth, the obligation to report the birth rests with this person. Otherwise, the duty falls on the father or mother of the child; the owner of the premises where the birth occurred; or the director of the institution where the birth occurred (in this order).⁴³ Once a birth has been registered, the Registrar is obliged to provide, free of charge, a birth certificate to the informant. In cases where the informant is not the father, mother or guardian of the child, the informant is obliged to provide the father, mother or guardian with the certificate.⁴⁴

³⁷ Opened for signature 19 December 1966, 999 UNTC 171 (entered into force 23 March 1976).

³⁸ Opened for signature 20 October 1966, 1177 UNTC 3 1989, (entered into force 2 September 1990).

³⁹ *Public Health Law 1971*, section 51. While the law envisages penalties for failure to report the birth of a child, it does not specify the nature of such penalties. Although a request for information in this regard was made to the Ministry of Health and Social Welfare, Ministry personnel were unable to provide any relevant documentation.

⁴⁰ Working policy adapted by the Ministry of Health and Social Welfare.

⁴¹ Currency Conversions as of 13 March 2010.

⁴² Registrars are appointed by the Minister of Health and Social Welfare, and serve in registration districts throughout the country. *Public Health Law (1971)* s 51(2) and (21).

⁴³ *Ibid.*

⁴⁴ *Ibid.*, s 51(23).

Official documentation relating to births is held by the Ministry of Health and Social Welfare. Within this Ministry, the Department of Vital Statistics is charged with establishing registration districts and appointing District Registrars.⁴⁵ The Principal Registrar of Vital Statistics (appointed by the Minister, with the approval of the President) has overall responsibility for the administration and preservation of birth registration data.

Government and civil society initiatives

Significant steps have been taken by the Liberian Government to increase birth registration rates in recent years. In 2008, with assistance from UNICEF and PLAN International, the Government launched an aggressive birth registration campaign and sought to develop a work plan and strategy for a more effective birth registration system.⁴⁶ The National Birth Registration Strategy (2008–2011) aims to “revitalize a sustainable decentralized Universal Birth Registration system” and ensure that 90 percent of children under 5 in all of Liberia’s counties are registered and issued with birth certificates.⁴⁷ In May 2009, the Government announced that it had recommenced birth registration following a 19-year interruption, and during the course of that year established registration centers in 5 of Liberia’s 15 counties.⁴⁸

The impending changes to be made to the birth registration system, announced by the Government in January 2010, include a facility for electronic ‘delayed birth registration’, with integrated safeguards against manipulation and fraud. The cost of registration will be waived for children under 12 years old and for adults it is reduced from L\$800 (US\$11.35) to L\$500 (US\$5.73). A further objective is to decentralize the birth registration process to reach 300 communities and all health facilities in the country. Such a program was piloted by the Government in partnership with Plan International resulting in the registration of more than 5,000 children under the age of five and the issuance of birth certificates.⁴⁹ Finally, the Government is planning a census with integrated field work to document the registration of births.⁵⁰

An interesting and innovative step was the introduction of a ‘road to health card’ issued by health centers and hospitals which contains the birth information and vital statistics of a child from birth to nine months. Upon completion of postnatal vaccines at nine months of age, a ‘good parent’ certificate is issued. This certificate can help mothers to obtain a birth certificate at a later date.⁵¹ Research suggests, however, that the charge for obtaining this card (US\$0.25) dissuades mothers.⁵² Moreover, many Liberian women are confused about the purpose of the card, with many believing that it constitutes proof of birth registration.⁵³

Finally, it is important to note that the Government has received additional support in the area of birth registration by several international aid agencies including UNICEF, Plan

⁴⁵ Interview with Dr J V Toyougo, Medical Doctor, Lofa County Medical Center. Report on file with WONGOSOL.

⁴⁶ The Government of Liberia, ‘*Combined Second, Third and Fourth Country Report*’ prepared for the United Nations Committee on the Rights of the Child (2009). Report on file with WONGOSOL.

⁴⁷ Plan, above n 26, 67.

⁴⁸ US Department of State, above n 8.

⁴⁹ Plan, above n 26, 47.

⁵⁰ A M Johnson, ‘Health Ministry Introduces New Birth Registration Process’, *Daily Observer* (January 16 2010).

⁵¹ Focus discussion groups held by WONGOSOL, various locations in Liberia, January 2010.

⁵² D Bender & R Macauley, *Immunization Drop-outs and Maternal Behavior: Evaluation of Reasons Given and Strategies for Maintaining Gains Made in the National Vaccination Campaign in Liberia* (Report presented at the 116th Annual Meeting of the American Public Health Association (APHA), Boston, Massachusetts, November 13-17, 1988) as cited in Global Immunization Division: Centers for Disease Control and Prevention, *Epidemiology of the Unimmunized Child: Findings from the Grey Literature*, Prepared for the World Health Organization, (2009).

⁵³ Focus discussion groups held by WONGOSOL in various locations in Liberia, January 2010.

International and Save the Children.⁵⁴ Plan International, for example, has worked to strengthen the capacity of the Ministry of Health and Social Welfare through training, awareness generation and logistical support, and has been engaged in raising community awareness on the importance of birth registration.⁵⁵

Protection risks associated with non-registration

Through the issuance of a birth certificate, the state acknowledges the existence of a child and its obligations and duties toward that child.⁵⁶ When a girl's birth is not registered, access to fundamental rights and freedoms guaranteed by the state may be compromised. Moreover, the government lacks important information on the welfare of girl children which should inform the development of social and economic policy.⁵⁷

Identity and citizenship rights

Upon reaching the age of majority (18 years), Liberian citizens are required to register for a national identity card.⁵⁸ Such registration requires proof of age, usually in the form of a birth certificate. Such proof is also required when applying for both a passport and a driving license. Not being able to obtain such documents can lead to the curtailment of other rights such as participation in local and national elections, since the voter card can only be obtained upon presentation of a valid passport or national identity card.⁵⁹

Child labor and exploitation

Without proof of age (as evidenced by a birth certificate), laws relating to the minimum age of employment can be easily circumvented leaving girls vulnerable to unlawful employment and exploitation.⁶⁰

Sexual exploitation and trafficking of girls

Legislation in Liberia prohibits sexual intercourse with persons below the age of 18. Without the above mentioned age-verifying documents, girls may be vulnerable to sexual exploitation and inadequate access to justice.⁶¹ Unregistered girls may also be more vulnerable to trafficking since there is no means by which to verify their age, nor any government record of their existence.⁶²

Education

Although not rooted in any legal requirement, some schools in Liberia require a child's birth certificate to facilitate enrollment.⁶³ Interestingly, of those survey respondents who had registered their child's birth, 37.1 percent stated that they had done so because it was necessary to enroll in school. This is slightly less than the percentage of mothers

⁵⁴ Ibid.

⁵⁵ Plan, above n 26, 67.

⁵⁶ UNICEF, above n 11.

⁵⁷ Ibid.

⁵⁸ Immigration and Refugee Board of Canada, *Liberia: Information on whether a Liberian national identity card (ID), issued by the Ministry of Finance in Monrovia, confers any citizenship or residency status on the holder of the card*, 1 April 1997, LBR26746.E, <<http://www.unhcr.org/refworld/docid/3ae6ab5080.html>> at 11 March 2010.

⁵⁹ National Electoral Commission – Liberia, *Frequently Asked Questions (FAQs): 2005 Liberian Elections*, (2005).

⁶⁰ See, for example, *Labour Practices Law (Title 18 and 18A)(1956)* s 74.

⁶¹ Ibid.

⁶² United Nations, *UN calls for steps to save millions of children from trafficking abuse*, UN News Centre, (2009).

⁶³ WONGOSOL survey.

who registered their daughters because it was compulsory under the law (38.9 percent).⁶⁴

Factors perpetuating non-registration

Illiteracy

A key factor contributing to low birth registration rates in rural areas is illiteracy, particularly among women.⁶⁵ Illiteracy acts as an impediment because registration involves the completion of various forms and assistance to complete this task is rarely available. In order to alleviate this problem, women are often advised by health officials to report their child's birth to a local health center which will issue with a card containing the required information that can be sent to the Health Ministry for the purpose of obtaining a birth certificate.⁶⁶

Lack of awareness about the process and the benefits

Parents often fail to register their child's birth because they do not understand the procedures or do not appreciate the importance of birth registration.⁶⁷ This is consistent with the survey findings where 24.1 percent of mothers who did not register the birth of their daughter attributed this to being unfamiliar with the registration process. Further, 26 percent of mothers interviewed did not know whether birth registration was compulsory, nearly 11 percent believed that birth registration was not compulsory,⁶⁸ and 33 percent did not know the age at which registration of birth should take place. Focus group discussions also revealed a high level of confusion among mothers, particularly a belief that their Road to Health Card was equivalent to a birth registration certificate.⁶⁹

Especially in remote areas, parents do not attach a high importance to birth registration,⁷⁰ nine percent of mothers who had not registered their child explaining that they saw no reason to do so.⁷¹ Moreover, even where parents do understand the importance of birth registration, many do not take this step until non-registration prevents them from accessing a social service such as public education.⁷²

Centralized system of registration

Although the Ministry of Health and Social Welfare has opened offices where birth certificates can be issued in all county capitals, the process is not adequately decentralized and hence not easily accessible for all. The survey revealed that 17.6 percent of respondents did not register for this reason of inaccessibility.

⁶⁴ WONGOSOL survey.

⁶⁵ Statistics on literacy rates vary. See eg; 58% men and 73 % women – LISGIS et al above n 4, 25; twice as many men as women are illiterate – Republic of Liberia, *Poverty Reduction Strategy* (2008); 41 % of women were literate in 2007 compared with 70% of men – The Government of Liberia, above n 28. Note that, according to UNICEF's on the State of the World's Children report, the literacy rate of those aged 15-24 (2000-2007) was 68 percent for boys and 76 percent for girls. UNICEF, *The State of the World's Children 2009* (2009) 135.

⁶⁶ WONGOSOL survey.

⁶⁷ WONGOSOL, Interview with Dr. Joseph Dwana, County Health Coordinator; Focus groups held by WONGOSOL, various locations in Liberia, January 2010.

⁶⁸ WONGOSOL survey.

⁶⁹ WONGOSOL survey.

⁷⁰ UNICEF, above 11, 1.

⁷¹ WONGOSOL survey.

⁷² Report on file with WONGOSOL.

Expense

As previously mentioned, a fee is imposed for birth registration when a child is more than five years of age, creating a deterrent for families living in poverty. Although not supported by the survey findings, concern over the cost of registration was raised in focus group discussions conducted in the course of this research.

Proposed interventions

Legislative review

Free issuance of birth certificates, including to those children who were not registered at birth should be provided for in national legislation. Laws, policies and penalties relating to the compulsory nature of birth registration should be enacted, effectively communicated and enforced.

Awareness-raising

Awareness-raising campaigns on the importance of and benefits deriving from birth registration should be undertaken, particularly targeting parents, traditional birth attendants and local village leaders as agents for information transfer. Synergies with various forms of mass media should be explored as a means of reaching isolated and rural areas. Finally, information on birth registration should be 'bundled' with other social services such as those offered by women's centers, midwifery clinics and social workers. Education and awareness-raising campaigns should focus on:

- How to register a birth;
- Who can register a birth;
- When to register a birth;
- The possibility of registering older children; and
- The advantages and importance of birth registration.⁷³

Increased government funding

The Government should allocate additional resources to strengthening the capacity of birth registration actors, including through training, logistical support and equipment.

Incentives for birth registration

Birth registration should be made available through or integrated into other commonly used social services such as immunization or schooling. The viability of incentive schemes should also be explored such as where immunization or health care is provided upon registration of a child's birth.

Reform of the birth registration process

Registration processes need to be decentralized to make birth registration more accessible to every community, especially rural and difficult to reach areas, such as through mobile registration units.⁷⁴ Given the limited access to official birth registrars in rural areas, licensed mid-wives, notaries, paralegals and pharmacies should be

⁷³ WONGOSOL survey.

⁷⁴ Focus groups held by WONGOSOL in various locations in Liberia, January 2010.

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empowered to issue birth certificates.⁷⁵ As a foundation for monitoring and reporting, birth registration data must be disaggregated by gender.

⁷⁵ IDLO-WONGOSOL stakeholder workshop, Monrovia, Liberia, 23 February 2010.

Section 3

Education

Key findings

- The civil war in Liberia significantly affected the accessibility of education, principally through a loss of trained and experienced teachers and damage to roads and infrastructure.
- Although primary and secondary education in Liberia is compulsory for all children, a significant number of children withdraw from school upon completion of the government-funded primary education years.
- Increased funding is required to restore infrastructure and provide sanitary facilities for girls, as well as policy measures to reduce girl dropout rates and encourage underprivileged girls to continue their education through primary and into secondary school.
- Despite widespread awareness regarding the importance of education for children, customary norms and patriarchal belief sets operate to de-prioritize girl children, perpetuating attitudes that they are less worthy of an education than boys.

Access to education in Liberia

“The Liberian education system has been devastated by the war: schools have been destroyed trained staff lost and governmental infrastructure disconnected. Of an estimated population of 2.5 million of which 55 percent are of school-going age 45 percent have no access to education. This is especially true in the rural areas for younger children and for girls.”

*International Rescue Committee 2006*⁷⁶

Access to quality education for girl children in Liberia remains poor, particularly in rural areas and for internally displaced populations. The Committee on the Rights of the Child (CRC) has reported that “the low level of education of girls and women remains among the most serious impediments to their full enjoyment of human rights and the achievement of women’s empowerment”. It has also expressed concern about “the continuing low rates of enrolment, the significant disparities of enrolment and literacy rates between boys and girls and the overall low quality and hidden costs of education [in Liberia]”.⁷⁷

Following the end of the civil war in 2003, the Liberian Government established an Educational Reform Committee (ERC) tasked with improving educational policy in the country. The ERC strongly recommended that special attention be given to the girl child. To date, the ERC has worked towards ensuring that all children, especially female children, are given equal access to education at all levels.⁷⁸ In 2005, Africa’s first elected female president, Ellen Johnson Sirleaf, pledged to prioritize the education of Liberia’s children at the beginning of her term in office.⁷⁹ This elevated the provision of quality education and training for all Liberians to a central tenet of Liberia’s national development strategy.⁸⁰

⁷⁶ International Rescue Committee, *Leveraging Learning: Revitalizing education in post-conflict Liberia* (2006).

⁷⁷ CRC Concluding Observations, CRC/C/15/Add.236 (2004).

⁷⁸ The Ministry of Education, *Educational Policy* (1996). Document on file with WONGOSOL.

⁷⁹ Crowe, above n 4.

⁸⁰ F Nyepon, ‘Liberia: Education and the Poverty Reduction Strategy’, *The Perspective*, 2010.

Legal framework governing education in Liberia

International legal framework

Liberia has signed and ratified the *Convention on the Rights of the Child 1989* (26 April 1990, 4 June 1993), the *International Covenant on Economic, Social and Cultural Rights 1966* (18 April 1967) and the *African Charter on the Rights and Welfare of the Child 1990* (14 May 1992, 1 December 2009). Liberia has ratified the *Convention Against Discrimination in Education 1960* (17 May 1962), and has acceded to the *Convention on the Elimination of all forms of Discriminations against Women 1979* (17 July 1984).

National legal framework

Chapter II of the *Constitution of the Republic of Liberia (Liberian Constitution) 1986*, states:

“the Republic [...] shall provide equal access to educational opportunities and facilities for all citizens to the extent of available resources. Emphasis shall be placed on the mass education of the Liberian people and the elimination of illiteracy”.⁸¹

*An Act to Adopt the Education Law of A.D. 2001 (Education Law 2002)*⁸² makes it compulsory for all children between the ages of six and sixteen to attend school, irrespective of their gender.⁸³ Parents who neglect to send their children to school can be charged and subjected to monetary fines and imprisonment.⁸⁴

“[e]very parent, guardian or other persons having control of any child between the ages of six and sixteen years shall cause such a child to attend a recognized public or private school regularly during the entire time the school is in session, provided such parents or guardians have the means to meet the minimum requirements of the school...”⁸⁵

Since 2002, primary education has been provided, free of charge, to all Liberian children up until the sixth grade (i.e. from 6 - 11 years old).⁸⁶ Since the election of President Ellen Johnson-Sirleaf, this law has been effectively enforced (with special emphasis on the girl child) by the Government through Ministry-run elementary schools. While this is an important achievement, a remaining problem is that a significant number of children withdraw from official education upon completion of the government-funded primary education years.

The *Education Law 2002* requires that public education be financed by the Government. It mandates that 25 percent of royalties from concessions granted are to be used to support education, and that in every county, 2,000 acres of public land must support public schools.⁸⁷ Under the *Education Law 2002*, the Ministry of Education is given financial and administrative control over educational institutions and staff training.⁸⁸ The law also provides that the Ministry of Education institute and design special programs

⁸¹ *Constitution of the Republic of Liberia 1986*, Article 6. Available at <<http://confinder.richmond.edu/admin/docs/liberia.pdf>>.

⁸² Volume 3, title 10, Liberian Codes Revised.

⁸³ *Education Law 2002*, s 2.3.

⁸⁴ IRIN, 'Liberia: Go to school or go to jail' (2007) <<http://www.irinnews.org/Report.aspx?ReportId=74422>> at May 28 2010.

⁸⁵ *Education Law 2002*, Chapter 1.1.

⁸⁶ *Education Law 2002*, s 2.3 and 2.4.

⁸⁷ UNESCO IBE, *World Data on Education*, 6th Edition – Liberia, <http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/SUB-SAHARAN_AFRICA/Liberia/Liberia.htm> at 27 May 2010.

⁸⁸ Ibid.

and policies to ensure gender equity and parity at all levels of education.⁸⁹

It is important to note that these laws are currently under review by the Liberian Government pursuant to the *Policy Framework for the Liberian Education Sector* and the *Liberian Education Sector Master Plan 2000–2010*.⁹⁰

Access to education in Liberia

Despite a relatively favorable legal framework, there exists a dissonance in terms of how such laws are enforced in practice. The civil war had a devastating effect on the Liberian education system, particularly in terms of physical infrastructure and school attendance. A significant proportion of community and private schools were completely destroyed, and many more partially damaged.⁹¹ An entire generation was deprived of the right to a quality education, with 56 percent of girls and 39 percent of boys having never attended school.⁹² Internally displaced persons in the country have particular difficulties in terms of access to education.⁹³

Schools currently operate with limited resources; they lack functioning pit latrines or flush toilets and chairs and text books are only available for only 1 in every 27 students. Only 24 percent of primary teachers in the public school system possess the minimum primary school teaching certificate.⁹⁴

In 2004, less than 50 percent of Liberian children were enrolled in primary education.⁹⁵ A report published in 2002 by UNICEF and the Ministry of Education confirmed that the number of girls in schools was considerably lower than the numbers of boys across all educational levels.⁹⁶

According to UNICEF, the net primary enrollment ratio for girl children during the years 2000-2007 was 39 percent, as compared with 40 percent for boys. The net secondary school enrollment ratio for the same period was significantly lower with only 13 percent for girls and 22 percent for boys.⁹⁷

The Government's poverty reduction strategy plan indicated that female enrolment in primary school was 37.1 percent in the 2008/2009 school year compared with 37.5 percent for boys. However, at the secondary school level the total enrolment was 16 percent for boys, compared with 14.2 percent enrolment for girls.⁹⁸ In turn, according to a 2009 report produced by the US State Department on human rights in Liberia, for primary education, "the overall national gender ratio was 53 percent boys and 47 percent females, although significant gaps favoring boys remained in a few counties."⁹⁹

As at 2007, the median number of years of education for women was 1.6 and 5.8 for men. Moreover, the male literacy rate in 2007 was over 70 percent, but only 41 percent for women. Close to half of all Liberian girls of school-going age (47.1 percent) were not

⁸⁹ *Education Law 2002* (revised) s 4.17, 1.5(b) and 2.3.

⁹⁰ UNESCO IBE, above n 87.

⁹¹ Data on education is drawn from EMIS school census of 2005/2006, unless otherwise noted.

⁹² LISGIS, MOH, and NACP, above n 5, 16.

⁹³ Plan, above n 26, 66.

⁹⁴ US Department of State, above n 8.

⁹⁵ Ministry of Education, *Liberian Primary Education Recovery Program Prepared for Fast Track Initiative*, (2007) 44. Available at <http://planipolis.iiep.unesco.org/upload/Liberia/Liberia_plan.pdf>.

⁹⁶ Ibid.

⁹⁷ The Government of Liberia and UNICEF, *The Country Programme Action Plan 2008 – 2010* (2008). Report on file with WONGOSOL.

⁹⁸ UNICEF, *The State of the World's Children* (2009) 135.

⁹⁹ Nyepon, above n 80.

⁹⁹ US Department of State, above n 8.

enrolled in school, with the proportion rising to 58.4 percent in rural areas.¹⁰⁰

The in-country survey conducted in the course of this research found that the vast majority (94.6 percent) of mothers were aware that education was compulsory, although a slightly lower 83.7 percent indicated that their youngest daughter of school-going age was currently enrolled in school. As outlined in Table 4 below, of those enrolled in school, only 2.5 percent of respondents' daughters were enrolled in tertiary studies.¹⁰¹

Table 4: Which level of school is your daughter currently attending?

Response	Number	Valid Percent
Early childhood education	35	12.6%
Primary education	162	58.3%
Secondary education	73	26.3%
Tertiary	7	2.5%
Total	278	100%
No answer	98	

The discussion group identified the children of single mothers, 'disobedient' children, abandoned children, orphans and girls as the most vulnerable groups of children in terms of access to education. They also indicated that children themselves often do not see the benefit of attending school and prefer to join the workforce and earn an income.¹⁰²

Although non-compliance with the *Education Law 2002* can result in financial penalties, given the financial restraints of impoverished parents, enforcement is not always feasible. Likewise, jail terms are rarely imposed and are instead intended to act as a deterrent for non-compliance.¹⁰³ Furthermore, even though primary school tuition is free in Liberia, there are many parents who are unable to send their daughters to school due to the associated costs of books, uniforms and food.¹⁰⁴ In addition, as noted in the above-mentioned US State Department report on Liberia, "many (primary) schools still charge[d] informal fees to pay unpaid teachers and to cover operating costs that ultimately prevent[ed] many students from attending."¹⁰⁵ Interviews with key stakeholders revealed a widespread belief that the Government should offset the costs of school-related materials.¹⁰⁶

There are several bodies responsible for the administration of the abovementioned laws and policies. The Ministry of Education (MOE) has financial and administrative control over educational institutions and staff training in Liberia. The review, assessment, and amelioration of the education system is supported by the University of Liberia, the Cuttington University College and the West African Examinations Council (WAEC). The National Commission on Higher Education supervises tertiary-level institutions.¹⁰⁷

¹⁰⁰ CRC Concluding Observations, CRC/C/15/Add.236 (2004).

¹⁰¹ WONGOSOL survey.

¹⁰² WONGOSOL discussion group.

¹⁰³ Ibid.

¹⁰⁴ Nyepon, above n 80.

¹⁰⁵ US Department of State, above n 8.

¹⁰⁶ Interview with Chief Sahr Tenkpeh, Member Traditional Council of Liberia.

¹⁰⁷ UNESCO IBE, above n 87.

Protection risks associated with lack of access to education

HIV/AIDS

The longer girls remain in school, the less likely they are to become involved in sexually exploitative work as a means of survival. A higher level of education has been shown to be correlated with lower rates of HIV/AIDS infection.¹⁰⁸

Poverty

Uneducated girls are more likely to live in poverty and, as with HIV/AIDS, there is evidence that higher levels of education are correlated with economic prosperity.¹⁰⁹ The incidence of stunted and underweight children has been tied to the level of education of parents or guardians. Children of mothers with some secondary or higher education are less likely to be stunted or underweight than children whose mothers achieved only the primary level or never attended school. Finally, there is some evidence that girls living in poverty will engage in sexually exploitative practices to earn sufficient money to fund their education.

“It is a big problem, sexual exploitation of young females. In fact, it is becoming the norm – the accepted way to fund education or to pay for somewhere to live. Other girls may live with a young man for this. So we cannot say that boys and girls have equal access.”

Teacher, Konobo district, Grand Gedeh, Liberia¹¹⁰

Factors perpetuating poor access to education

Access to schools

Infrastructure, including school buildings, teacher trainings colleges, latrines and roads are damaged, in some cases completely destroyed, making access to schools problematic.¹¹¹ Distance is a further inhibiting factor;¹¹² with 70 percent of the schools in Liberia destroyed during the war,¹¹³ many girls are now forced to travel significant distances to reach their nearest school.

Inadequate central funding

A lack of qualified teachers, especially female teachers, impedes the quality of education provided in Liberian schools. Further, outdated school curricula perpetuate discriminatory and gender-stereotyped ideals. Anecdotal evidence collected during focus group discussions undertaken in the course of this research suggested that some schools engage in exploitative practices. One participant, for example, gave the example of a

¹⁰⁸ J Vandemoortele and E Delamonica, ‘The “Education Vaccine” Against HIV’ in *Current Issues in Comparative Education*, Columbia University (2000).

¹⁰⁹ UNICEF, *On Girl’s Education and Poverty Eradication*, (Speech delivered in Geneva, Switzerland, 6 July 1999). Available at <http://www.unicef.org/media/media_11986.html>.

¹¹⁰ Report on file with WONGOSOL.

¹¹¹ Women’s Commission for Refugee Women and Children, *Help Us Help Ourselves: Education in the Conflict to Post-conflict Transition in Liberia* (2006) 1.

¹¹² IDLO-WONGOSOL stakeholder workshop, Monrovia, Liberia, 23 February 2010.

¹¹³ Republic of Liberia, above n 65.

school Principal who required students to work on his farm and draw water for his house during school hours.¹¹⁴

Sexual abuse and harassment of girls

The lack of safety provided to girls at school, and on their way to and from school, deters some parents from sending their daughters to school. Critically, national laws in Liberia do not prohibit sexual harassment,¹¹⁵ thus creating a serious threat to girls. The CRC has voiced concerns about the persistence of sexual abuse and harassment of girls in schools.¹¹⁶

Inadequate infrastructure

Participants in focus group discussions noted that inadequate school facilities, such as the absence of fences, posed a threat to the welfare and protection of girl children.¹¹⁷

Pregnancy

Social barriers often prevent pregnant girls or child mothers from re-enrolling in school, and this stigma can carry over onto their children.¹¹⁸

Negative will of girls to attend school

Workshop and focus group participants indicated an attitude among girls themselves that school is not important, and that greater value is placed on being married or becoming pregnant. It was also noted that the costs of education often constitute a heavy economic burden and that both parents and girls, who often do not see the benefits of schooling, prefer for girls leave school to join the workforce.

Societal beliefs

Liberian customary norms dictate that boys are afforded more opportunities to attend school than girls. It is considered that a girls' responsibility is to remain in the home and learn domestic responsibilities, and thus that investing in an education is a waste of time and resources.¹¹⁹ Participants in stakeholder workshops suggested that parents often question why they should send their daughters to school when the benefits of education-related investments derived will be enjoyed by the family of their daughter's husband.¹²⁰ Harmful traditional practices, such as early and forced marriage, also negatively impact on girls' education. Few victims of such practices remain in education.

Government and civil society initiatives

National Policy on Girls' Education (2006)

This policy focuses on ensuring that the girl child in Liberia is afforded the same rights to education as boys. The policy's aim is that by the year 2015 the gender gap in literacy rates will be closed. To achieve this, the policy addresses such issues as admission to school (particularly in the context of pregnancy), measures to reduce girl dropout rates,

¹¹⁴ IDLO-WONGOSOL stakeholder workshop, Monrovia, Liberia, 23 February 2010.

¹¹⁵ US Department of State, above n 8.

¹¹⁶ CRC Concluding Observations, CRC/C/15/Add.236 (2004).

¹¹⁷ WONGOSOL workshop.

¹¹⁸ CEDAW, above n 18.

¹¹⁹ IDLO-WONGOSOL stakeholder workshop, Monrovia, Liberia, 23 February 2010.

¹²⁰ Ibid.

the negative impact of cultural practices on girls, and sexual and gender-based violence within schools. As part of the national budget's 25 percent allotment to education, girls are to be awarded scholarships to assist with offsetting the costs of education, such as the purchase of text books and stationary.¹²¹

Assisted Enrolment Program

In 1998, following the end of the first Liberian civil war, the Government launched the Assisted Enrolment Programme (AEP) which aimed to double the enrolment rate in public schools and endorse non-formal education and training.¹²² As a result, the enrollment rate in primary schools increased by 82 percent from the 2005/2006 academic year to the 2007/2008 academic year, while enrollment in secondary schools increased by 16 percent over the same period.¹²³ This program was complemented by a School Furniture Programme and the introduction of incentive packages for teachers.¹²⁴

Education For All Action Plan (2004-2015)

The Education For All Action Plan (2004-2015), which forms a component of the Education Master Plan (2000-2010), emphasizes involvement of the private sector, civil society, the community and local leaders in the development of girls' education in Liberia.¹²⁵ The key objectives of the Plan are to increase awareness regarding the importance of girl's education and to gain the support and involvement of stakeholders, including by focusing on:¹²⁶

- Increasing universal access to, and completion of, primary (basic) education;
- Promotion of gender equity and enhancement of the education of girls and women;
- Expanding basic education and skills training for out-of-school children; and
- Promoting vocational/technical education.

Accelerated Learning Program

The Accelerated Learning Program, sponsored by UNICEF, was implemented to redress the generation of children who did not have access to schooling as a result of the civil war.¹²⁷ The aim of the Program is to make schools more accessible while also improving the quality of education provided. In this regard, efforts have focused on strengthening teacher training, improving curriculum and materials, and ensuring non-discrimination.

Proposed interventions

It is clear that significant reform is needed, covering both the legislative and policy frameworks, before girl children in Liberia are able to access quality education on the same basis as boys. The following key entry points have been identified:

¹²¹ P Slavin, *Liberia launches Girls' Education National Policy with support from UNICEF*, UNICEF (2006) <http://www.unicef.org/infobycountry/liberia_33458.html> at 27 May 2010.

¹²² UNESCO IBE, above n 87.

¹²³ Ibid.

¹²⁴ Ibid.

¹²⁵ Ministry of Education, *Education for All Plan* (2004). Report on file with WONGOSOL.

¹²⁶ Ibid.

¹²⁷ Nyepon, above n 80.

Increased government funding

The national school curriculum must be updated and strengthened. Reform must include the elimination of discriminatory and gender-stereotyping texts. Skills and vocational training must also be strengthened in order to ensure girls who drop out of school, particularly after the completion of primary school, are able to continue learning. It should be noted that the achievement of primary and secondary level goals will not be possible without inputs from the tertiary level in the form of training for teachers and administrators, provision of expertise for curriculum development, and text book revision.

Increased access to schools

Greater access to schools that are safe, hygienic and free from sexual and gender-based violence is required. Improved road access and the availability of public transport are key requirements. Most critically, work on the modification of community attitudes towards the value of educating girls, both as a human right and for the empowerment of women, must take place. In this regard, parents should be encouraged to become more involved in their children's education, and girls should be provided with counseling and mentoring about the importance of education. Awareness-raising should concentrate, not only on the enrollment of girls, but also on school completion, particularly beyond the Government-funded primary level.

Barriers that deter pregnant girls and young mothers from attending school should be eliminated by guaranteeing their right to re-enrollment in legislation or policy. Enrolment incentives could also be provided to girls by, for example, offering education packages that include uniforms, books and registration fees.¹²⁸

Legislative reform

In order to provide a safer learning environment for girls both in and out of schools, consideration should be given to enacting laws that would prohibit sexual harassment.

¹²⁸ IDLO-WONGOSOL stakeholder workshop, Monrovia, Liberia, 23 February 2010.

Section 4

Property rights

Key findings

- The pervasive nature of customary law remains an impediment to women and girls' enjoyment of the property rights afforded to them by national law in Liberia.
- Customary norms perpetuate the weak nature of women's role in the ownership and management of property, further entrenching their dependence on male relatives and increasing their risk of exploitation. Greater awareness and education on the rights afforded to women at law, in addition to improved access to justice, is thus of critical importance.
- Economic independence prior to marriage, including through the assertion of property rights, is essential to ensuring the protection of women's rights, particularly in the event of widowhood or dissolution of marriage.

Girls' property rights in Liberia

Husbands are still denying their wives property rights under the premise of tradition despite the new legislative provisions.

Deweh Gray, President of the Association of Female Lawyers of Liberia (AFELL).¹²⁹

Despite significant improvements to the national laws pertaining to women's property rights in Liberia, reform is still needed to ensure equal access and gender neutrality in cases brought before the courts. Customary laws and traditional practices relating to women and property ownership are a particular hindrance to women and girls enjoying their rights. Discrimination occurs on a number of levels and it is common practice for families of a deceased husband to assume control of all marital assets and property and, in some instances, prevent widows from remaining in their homes.¹³⁰

Legal framework governing property rights in Liberia

International legal framework

Liberia has both signed and ratified the *International Covenant on Civil and Political Rights*¹³¹ (18 April 1967, 22 September 2004), the *Convention on the Rights of the Child 1989* (26 April 1990, 4 June 1993) and the *African Charter on Human and People's Rights 1981* (31 January 1983, 4 August 1982), including the *Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa 2003* (16 December 2003, 14 December 2007). Liberia has acceded to the *Convention on the Elimination of all forms of Discriminations Against Women 1979* (17 July 1984).

¹²⁹ Social Institutions and Gender Index, *Gender Equality and Social Institutions in Liberia*, <<http://genderindex.org/country/liberia>> at 27 May 2010.

¹³⁰ R Murray, 'Liberia's Land Just for Some', *Inter Press Service News Agency* <<http://www.ips.org/mdg3/agriculture-liberiaaapos-land-just-for-some/>> at 30 March 2010.

¹³¹ Opened for signature 19 December 196, 999 UNTC 171 (entered into force 23 March 1976).

National legal framework

The *Constitution of Liberia 1986* contains numerous provisions in relation to women's property rights. Articles 11, 16, 20, 22 and 23 regulate property ownership; article 11(a) states:

"[all] persons are born equally free and independent and have certain natural, inherent and inalienable rights, among which [is] ... acquiring, possessing and protecting property".

Article 22 guarantees every person's right to own property but limits the ownership of real property to Liberian citizens.¹³² Articles 16 and 20(a) protect against interference with or deprivation of a person's home or property. The administration of estates and the separation of property rights *inter vivos* is dealt with under article 23. It is important to note that article 23 makes no explicit reference to the girl and boy child inheriting equally, however, it does provide that:

"(t)he Legislature shall enact laws to govern the devolution of estates and establish rights of inheritance and descent for spouses of both statutory and customary marriages as to give adequate protection to surviving spouses and children of such marriages."

Arguably, the reference to 'adequate protection to surviving spouses and children of such marriages' implies that, at a minimum, the girl child must be afforded a portion of the estate.

In line with Article 23(a) of the *Constitution* and with Liberia's commitments under various international treaties and conventions, the Government passed '*An Act to Govern the Devolution of Estates and Establish Rights of Inheritance for Spouses of Both Statutory and Customary Marriages*' in 2003 (*Inheritance Law 2003*).¹³³ This piece of legislation was a significant milestone in the campaign for greater legal recognition of women's property rights.¹³⁴

Under these new inheritance laws, a spouse automatically receives one-third of her husband's property upon his death, and the remainder is transferred to his children.¹³⁵ Although not explicitly stated, female offspring are entitled to inherit an equal portion of the deceased estate as any male offspring.¹³⁶ It is unclear, however, if these laws apply where the deceased has left a will. It is important to note that if the widow remarries, she forfeits her right to such property and it becomes the property of the heirs of the deceased.¹³⁷ Property owned by a woman prior to marriage, however, is protected and considered to belong to her exclusively. It is a punishable offence for a man to attempt to control or absorb this property.¹³⁸

An important feature of the recently enacted legislation is that it applies equally to women married under civil law as to those married under customary law.¹³⁹ The national legislative framework hence trumps customary law.¹⁴⁰ In theory, this means that remedies for abuse of ownership rights under customary law could be sought through the statutory courts, regardless of whether the marriage was solemnized under civil law. This does not, however, resolve concerns about the application of unfair principles in

¹³² *The Constitution of Liberia 1986*.

¹³³ An Act to Govern the Devolution of Estates and Establish Rights of Inheritance for Spouses of Both Statutory and Customary Marriages [Liberia] 7 October 2003. Available at: <<http://www.unhcr.org/refworld/docid/44868b524.html>> at 27 May 2010.

¹³⁴ UNDP, 'UNDP Empowers AFELL', press release (2006) <www.lr.undp.org/PR%20-%20UNDP%20donates%20to%20AFELL.pdf> at 25 May 2010.

¹³⁵ *Inheritance Law 2003*, s 3.2.

¹³⁶ *Ibid*.

¹³⁷ *Ibid*, s 3.3.

¹³⁸ *Ibid*, s 2.6.

¹³⁹ *Ibid*, s 2.1 and 3.1.

¹⁴⁰ *The Constitution of Liberia 1986*, Article 2(2).

cases where a customary, rather than civil, remedy is sought.¹⁴¹ Although the place of the customary legal system in Liberia's justice system is not entirely clear, a recent report of the United States Institute of Peace indicates that "the overwhelming majority of justice that is being provided in practice to Liberians is through one or another form of customary institution."¹⁴² This is concerning because customary law plays a significant role in the regulation of property ownership in Liberia, and such laws do not afford women and girls the same protection rights as provided for in national legislation.¹⁴³

Importantly, despite the complexity of the Liberian land law framework, almost all of those participating in the survey, even in the rural areas, had some knowledge about inheritance laws in Liberia and their rights pertaining to such laws.

Implementation of the legal framework

Although the statutory legal framework offers a high level of protection in relation to women's inheritance and property rights, such rights are in practice undermined by the pervasiveness of local customary law. Under customary law, women have no right to inherit their spouse's property; Lemuel Reeves of the Carter Center estimates that there are up to 3.5 million women and children who have been disinherited.¹⁴⁴ Mothers participating in a focus discussion group held in relation to this research indicated that the attitudes of husbands and husbands' families represent key obstacles to female property ownership.¹⁴⁵ When asked about female access to property in their communities, participants in one focus group discussion indicated that they are only allowed ownership over items such as utensils and clothing. One participant noted that females only have power over things that they have bought with their own money.¹⁴⁶

Moreover, while polygamy is prohibited under national legislation, the practice is tolerated under customary law. It is estimated that more than 30 percent of women aged over 15 years and below 49 years are married to a polygamous husband.¹⁴⁷ This is particularly problematic in terms of the women's right to be 'adequately protected'¹⁴⁸ in the event of bereavement. Although the aforementioned establishment of equal inheritance rights for widowed women of customary *and* statutory marriages¹⁴⁹ has increased the protection afforded to more women in Liberia, the implementation of the new laws has not been smooth. Resistance by some men, particularly in rural areas, but also including parliamentarians and local officials, has undermined the overall effectiveness of its implementation.¹⁵⁰ Importantly, although 81.6 percent of respondents believed that women should have equal property and inheritance rights as men, 20 percent believed that they should not.¹⁵¹ Thus despite the new legislation, women remain at a distinct disadvantage in terms of property rights.¹⁵²

¹⁴¹ B Allen, 'Liberia: Paper Rights Flimsy Protection', *IPS* (2009)

<<http://ipsnews.net/africa/nota.asp?idnews=49969>> at 10 March 2010: "...(i)nformal hearings by town, clan and paramount chiefs often involve rituals or decisions that discriminate against women" though the President of the Association of Female Lawyers of Liberia "argues such incidents are becoming less frequent as Liberians become sensitised to new laws that protect women's rights".

¹⁴² D Isser et al, *Looking for Justice: Liberian Experiences with and Perceptions of Local Justice Options United States Institute of Peace* (2009) 25.

¹⁴³ J Unruh, 'Land rights in postwar Liberia: The volatile part of the peace process', in *Land Use Policy* (2009) 26(2) 425-433.

¹⁴⁴ Murray, above n 130.

¹⁴⁵ Focus group held by WONGOSOL in Montserrado County (West Point), January 2010.

¹⁴⁶ Focus group held by WONGOSOL in Grand Cape Mount County (Madina), January 2010.

¹⁴⁷ SIGI, Gender Equality and Social Institutions in Liberia, <<http://genderindex.org/country/liberia>> at 27 May 2010.

¹⁴⁸ *The Constitution of Liberia 1986*, Article 22.

¹⁴⁹ An Act to Govern the Devolution of Estates and Establish Rights of Inheritance for Spouses of Both Statutory and Customary Marriages [Liberia], 7 October 2003. Available at <<http://www.unhcr.org/refworld/docid/44868b524.html>> at 27 May 2010.

¹⁵⁰ Unruh, above n 143.

¹⁵¹ WONGOSOL concluding observations.

¹⁵² CEDAW, above n 18.

Table 5: Do you think that females should have equal rights to property/inheritance?

Response	Frequency	Valid Percent
Yes	133	81.6
No	30	18.4
Total	163	100.0
No answer	212	

Protection risks associated with poor access to property rights

Marital violence

Marital violence experienced by women has been shown to be inversely correlated with their level of property ownership. This often results from an increased level of bargaining power within the domestic sphere that comes with the possession of property.¹⁵³

Reduced opportunity for economic growth

Ownership of property provides women with an environment within which to conduct economic activity, whereas poor access to property rights increases their economic dependence on male relatives and vulnerability to exploitative practices.¹⁵⁴

Increased vulnerability

Property ownership reduces a girl's need to engage in dangerous and exploitative methods of obtaining money for shelter, food and schooling,¹⁵⁵ whereas weak property rights exposes girls to homelessness, vulnerability to prostitution and forms of sexual exploitation.

Obstacles to girls' property rights

Illiteracy

The inability of many girls to read and write prevents them from understanding and asserting their key rights to property and inheritance.¹⁵⁶

Access to justice

Poor access to justice, particularly in rural areas, means that women's legal entitlements are difficult to enforce (either by courts or local police). When courts are accessible, they are often overcrowded, corrupt and decision-making reflects discriminatory attitudes towards women.¹⁵⁷

Traditional perceptions of the legal system

There is a perception among many women that going to court is too difficult and presents too many barriers that need to be overcome. Women also face societal pressure which dissuades them from pursuing legal actions and instead relinquish such

¹⁵³ United Nations Development Project, *Women's Inheritance and Property Rights are essential to effective AIDS response* (2009).

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.

¹⁵⁶ B Allen, 'Liberia: Paper Rights Flimsy Protection', IPS (2009) <<http://ipsnews.net/africa/nota.asp?idnews=49969>> at 10 March 2010.

¹⁵⁷ Murray, above n 130.

property rights.¹⁵⁸ There is some anecdotal evidence that women fear witchcraft being conducted against them if they do not conform to traditional customs in relation to the ownership of property after their husband dies.¹⁵⁹ An additional deterrent is the adversarial nature of the civil justice system in Liberia, in contrast to more widely accepted customary justice mechanisms which employ restorative methodologies and focus on reconciliation. According to Jesco Davis, who oversees a Rule of Law project run by the Catholic Justice and Peace Commission: "(i)n our country, when you take somebody to court, you make that person your lifetime enemy. Your greatest enemy...That's why... sometimes we have to... sit down, and fix it at home."¹⁶⁰ Similarly, the United States Institute of Peace, in its 2009 report on justice in Liberia, observes that "most Liberians would still be unsatisfied with the justice meted out by the formal system, even if it were able to deliver on the basics...", stressing that "(g)iven the subsistence livelihoods and economic interdependence of rural communities, adversarial relations between neighbors have serious consequences."¹⁶¹

Government and civil society initiatives

The Association of Female Liberian Lawyers (AFELL), the Carter Center and the Minister of Gender and Culture are all involved in education and creating awareness of the new laws in relation to inheritance and property rights. This has involved translating the new *Inheritance Law 2003* into local languages and disseminating such information in the rural areas where customary marriages (and those women who are most vulnerable to abuse of property rights) are most common.¹⁶²

According to the President of the AFELL:

"The challenges are great because people had this life for over a century and getting them - especially the male folks - to accept this change, what they see as a radical change in their lives, is a difficult thing...

We've been successful to an extent getting chiefs and men to our meetings, not making it women focused. Because men are the heads of families, and they have to understand why the women are making decisions. And we are trying to encourage the younger generation, since they are coming up now and they see what their parents are doing, and that's how culture continues."¹⁶³

Proposed interventions

Legislation reform

Efforts should be made to eliminate all discriminatory laws, both statutory and customary, with regards to women's rights to property ownership and inheritance.¹⁶⁴ Effective enforcement of new national laws should be prioritized, with greater accountability assigned to law enforcement officials, particularly judges. Legislative reform is still necessary in order to bring the national legal framework into conformity with Liberia's international obligations.

¹⁵⁸ WONGOSOL concluding observations.

¹⁵⁹ WONGOSOL concluding observations.

¹⁶⁰ Report on file with WONGOSOL.

¹⁶¹ Isser et al, above n 142, 3-4.

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ CRC Concluding Observations: Liberia, CRC/C/15/Add.236.

Awareness-raising

Awareness-raising campaigns should encourage women to register matrimonial property jointly with their husbands.¹⁶⁵ This is particularly important for IDP and refugee women. Dissemination through radio and print mediums should be utilized to ensure that information reaches a wide audience, including illiterate populations. Education about the rights of women and the illegality of discriminatory practices, particularly focusing on men in positions of authority, power and influence, should also be conducted in the context of awareness-raising and information sharing.¹⁶⁶

Improving access to justice

Strengthening the formal justice system and ensuring greater accessibility to women throughout Liberia is paramount, complemented by the provision of free legal aid to support assertion of property rights.

¹⁶⁵ D Gray, *Inheritance Law Not Protecting Women*, The Truth and Reconciliation Committee of Liberia (2008) <<https://www.trcofliberia.org/news-1/press-releases/201cinheritance-law-not-protecting-women201d-attorney-deweh-gray>> at 27 May 2010.

¹⁶⁶ Murray, above n 130; IDLO-WONGOSOL stakeholder workshop, Monrovia, Liberia, 23 February 2010.

Section 5

Child labor

Key findings

- Child labor is evident in almost every economic sector in Liberia, in large part due to widespread and acute poverty levels.¹⁶⁷
- Although the Government of Liberia has committed to enshrining child protection in its national labor legislation, the enforcement of such laws remains problematic. Adoption of the revised *Children's Act* is paramount to ensuring that protection from child labor is enjoyed by all children.
- Greater awareness on the dangers and potential ramifications of harmful and/or hazardous forms of child labor is needed, both at national and community levels.

Child labor

It is important to distinguish exploitative child labor from other forms of work that do not adversely affect a child's health, personal development or their schooling. Such work includes household chores, assisting in the family business or earning pocket money outside of school hours and during school holidays.¹⁶⁸ Child labor is variously defined:

According to the International Labor Organization (ILO), child labor is characterized as work that deprives children of their childhood, their potential, their dignity and is harmful to the child's physical and mental development.¹⁶⁹ The 'worst forms of child labor' are set out in Article 3 of ILO Convention 182 and include slavery, trafficking, debt bondage and other forms of forced labor, forced recruitment for use in armed conflict, prostitution, pornography and other illicit activities. 'Hazardous work' is that referred to in Article 3 of ILO Convention 138, and includes work that jeopardizes the moral, mental or physical well-being of a child.

According to UNICEF, and as outlined in Table 6, exploitative child labor is work that exceeds a minimum number of hours that is adjusted depending on the age of a child and on the type of work.¹⁷⁰

Table 6: Maximum work hours for children¹⁷¹

Age	Domestic Work	Economic Work
5 - 11 years	28 hours / week	1 hour / week
12 - 14 years	28 hours / week	14 hours / week
15 - 17 years	43 hours / week	43 hours / week

¹⁶⁷ US Bureau of Democracy, Human Rights and Labor, *Liberia*, Department of State (2008) <<http://www.state.gov/g/drl/rls/hrrpt/2007/100489.htm>> at 27 May 2010.

¹⁶⁸ ILO-IPU, *Eliminating the worst forms of child labour: A practical guide to ILO Convention No. 182*, Handbook for parliamentarians No. 3 (2002). Available at <http://www.ilo.org/public/english/standards/ipecc/publ/ipu_2002_gb_web.pdf> at 8 March 2010.

¹⁶⁹ ILO, *About Child Labor* <<http://www.ilo.org/ipecc/facts/lang--en/index.htm>> at 8 March 2010.

¹⁷⁰ UNICEF, *Child protection from violence, exploitation and abuse* <http://www.unicef.org/protection/index_childlabor.html> at 8 March 2010.

¹⁷¹ Ibid.

Child labor in Liberia

There has been little empirical research conducted into the magnitude of child labor practices in Liberia. Official statistics on child labor are also difficult to collect, in part due to the clandestine nature of the crime, and while NGOs often have their own statistics, such figures are rarely verifiable and are not representative of the situation throughout the country. Irrespective of statistics, child labor is evident in Liberia, with children engaged in child prostitution, working in gold and diamond mines and street selling.¹⁷² According to UNICEF, 21 percent of boys and girls aged 5–14 years were involved in exploitative child labor during the period 1999–2008.¹⁷³ There is also evidence that Liberian children are internally trafficked for, *inter alia*, forced domestic servitude, street vending, agricultural labor and sexual exploitation.¹⁷⁴

The civil war contributed to the exacerbation of child labor in Liberia. Between 1,500 and 20,000 children were reported to have been forcibly or otherwise recruited into armies and militia forces. Of this number, 2,000 were girls, representing 10 percent of the total number of children recruited for military service. Thrown into militia warfare while also serving as porters, cooks and sex slaves, these children were exposed to damaging, if not life threatening conditions of service.¹⁷⁵

“Children are being recruited and used as child soldiers on a massive scale [in Liberia]. Girls face additional risks particularly sexual violence.”¹⁷⁶

The Child Labor Commission, within the Ministry of Labor, has the overall responsibility for enforcing child labor laws and policies in Liberia. Staffing constraints, however, meant that only two investigations were conducted during 2009, neither of which resulted in a prosecution or conviction.¹⁷⁷

Although there are few documented cases of child labor, the ongoing case against Bridgestone Firestone North American Tyre Company highlights the reality of child labor practices in Liberia. This case arose out of a requirement that workers at the Bridgestone Firestone plantation meet an unrealistic daily production quota (tapping a minimum 500 trees). Failure to meet this quota resulted in workers’ already poor wages being halved. As a result, workers were forced to engage their children’s help in order to meet the daily quota and retain their daily wage.¹⁷⁸ In November 2005, the International Labor Rights Fund instituted proceedings against Bridgestone-Firestone, which was followed in 2007 by a judicial order to move forward with proceedings on child and forced labor claims. Although the case is still pending, holding companies like Firestone accountable is an important step in deterring other businesses from exploiting children.

The survey conducted in furtherance of this research indicated that 41 percent of mothers were concerned for their daughters in relation to child labor practices. It also found that both parents jointly make decisions on issues relating to a daughter’s employment, including when she would commence paid work and in what context.

¹⁷² Historical Highlight Paper prepared by the Ministry of Labor. Report on file with WONGOSOL.

¹⁷³ UNICEF, *Liberia Basic Indicators 2008* <http://www.unicef.org/infobycountry/liberia_statistics.html> at 27 May 2010.

¹⁷⁴ Republic of Liberia Truth and Reconciliation Commission, *TRC Final Report*, Vol. 3 (2009) Appendices, Title II, ‘Children, Conflict and the TRC Children Agenda’.

¹⁷⁵ UNICEF, *The Progress of Nations* (2000) 28; Amnesty International, *Liberia: The Promises of Peace for 21,000 Child Soldiers* 5, AI Index AFR 34/006/2004 (2004) as cited in The Advocates for Human Rights, *A House with Two Rooms: Final Report of the Truth and Reconciliation Commission of Liberia Diaspora Project* (2009).

¹⁷⁶ UN General Secretary, *Children and armed conflict*, UN Doc. A/58/546-S/2003/1053 (2003) para. 24.

¹⁷⁷ US Department of State, above n 8.

¹⁷⁸ John Roe I et al v. Bridgeston Corporation, Bridgestone Americas Holding, Inc., Bridgestone Firestone North American Tire, LLC Firestone Natural Rubber Company, Firestone Plantation co., Bridgestone Firestone Corporation Does 1-10, Daniel J. Adomitis, Charles Stuart, and Individual Bridgestone Does 11-20.

Table 7: Have you ever thought about child labor?

Response	Number	Valid Percent
I have never thought about it	82	22.3%
I sometimes think about it but it does not worry me	134	36.4%
I am concerned about this issue for my daughters	152	41.3%
Total	368	100.0%
No answer	7	

Table 8: Who is the primary decision maker about when your daughter should commence paid work?

Response	Number	Valid Percent
Mother of Child	71	19.7%
Father of child	68	18.9%
Both parents	156	43.3%
Other relatives	9	2.5%
Other	56	15.6%
Total	360	100%
No answer	15	

Interestingly, over 70 percent of respondents believed that girls should be more than 18 years of age before entering the workforce, while only 21.2 percent thought that there were no exceptions to the legal minimum age requirement.

Legal framework governing child labor in Liberia

International legal framework

Liberia has not signed or ratified the *ILO Convention No. 138 (1973)* or the *ILO Convention No. 181 (1997)*. It has, however, ratified the *ILO Convention No. 182 (1997)* (2 June 2003) and has signed and ratified the *African Charter on the Rights and Welfare of the Child 1990* (14 May 1992, 1 December 2009).

An interview with the Assistant Coordinator of the National Commission on Labor, Mr. Sermah G. Tegli Sr, revealed that the Commission has prioritized encouraging the Government to ratify ILO Convention No. 138 (1973).¹⁷⁹

National legal framework

Provisions regulating child labor exist within Liberian legislation, however the implementation of such laws remains limited. The *Constitution* provides that no person shall be held as a slave or in forced labor.¹⁸⁰ In terms of organic legislation, section 75 of the *Labour Practices Law 1956*¹⁸¹ (*Title 18 and 18A*) renders it unlawful for any employer to hire a child less than 16 years of age during the hours within which they are required

¹⁷⁹ Interview conducted by WONGOSOL with Mr Sermah G. Tegli Sr, Assistant Coordinator of the National Commission on Labour.

¹⁸⁰ Article 12.

¹⁸¹ Hereinafter referred to as the *Labour Law 1956*.

to attend school. Minors may hence be employed provided that a registry is maintained to prove that the minor is still attending school.¹⁸²

The legislation allows for penalties to be imposed on employers and companies who employ children for the purpose of exploitative labor. Such employers are punishable by a fine of 100 Liberian Dollars, which if not paid immediately will result in imprisonment until the fine is paid.¹⁸³ Parents or guardians contravening this law are also required to pay a fine of not less than 15 Liberian Dollars and not more than 25 Liberian Dollars, and again the parent or guardian can be imprisoned until this fine is paid.¹⁸⁴

Additional protection is provided for in section 1503.8 of the *Labor Law 1956*, which states that a non-adult person whose apparent age is less than 16 years of age is not capable of entering into a written (employment) contract.¹⁸⁵ However, The US State Department, in its 2009 Report on the State of Human Rights in Liberia, indicated that there are certain inconsistencies between the minimum employment age and the requirement for compulsory education in the country, noting for example that the minimum age for children to work at sea is 15.¹⁸⁶

The institutional framework for enforcing child labor laws comprises various Government agencies and institutions, including the Children's Department under the Ministry of Gender and Development, the Liberian National Police, the Juvenile Court and the Ministry of Labor.¹⁸⁷ The Liberian Labor Ministry is mandated "to ensure compliance with labor laws and international labor standards and codes of practices, as well as reviewing labor standards and the domestication of international conventions".¹⁸⁸ The Child Labor Commission, within the Ministry of Labor, is primarily responsible for enforcing child labor laws and policies.

Risks associated with child labor

Large communities of children who live on the streets and engage in the sex trade and petty crimes have fueled the child labor market. Such street children survive by undertaking odd jobs in the informal sector, or engaging in prostitution or other illegal activities under the control of organized criminal groups.¹⁸⁹ This assemblage comprises primarily internally displaced persons, former combatants and unaccompanied children.¹⁹⁰

Reduced access to education

Child labor is a major contributing factor to poor educational opportunities for girls. Such girls are denied the opportunity to develop social as well as vocational skills, locking them into a cycle of poverty.

Sexual exploitation

Young girls are particularly vulnerable to exploitative forms of child labor within the sex and sex tourism industries. Girls often find themselves with little, if any, ability to negotiate the conditions of payment and the use of condoms. As a result, girls are left exposed to unwanted pregnancies and sexually transmitted diseases.¹⁹¹ Physical and

¹⁸² Section 74.

¹⁸³ Ibid.

¹⁸⁴ Ibid.

¹⁸⁵ Chapter 16.

¹⁸⁶ US Department of State, above n 8.

¹⁸⁷ The labor law of Liberia prepared by the Ministry of Labor.

¹⁸⁸ Liberian Labor Ministry mandate. Report on file with WONGOSOL.

¹⁸⁹ United States Department of Labor, *Findings on the Worst Forms of Child Labor – Liberia* (2006).

¹⁹⁰ US Bureau of Democracy, Human Rights, and Labor, *Country Reports on Human Rights Practices – Liberia*, Department of State (2006) <<http://www.state.gov/g/drl/rls/hrrpt/2006/78742.htm>> at 27 May 2010.

¹⁹¹ R Nyepon, Child Prostitution: Self Respect vs. The Fundamental Needs of Man, *The Liberian Dialogue*

sexual violence, including assault and rape, is also commonplace for girls employed in the sex industry.¹⁹²

Danger to their health and safety

The 'worst' and most 'hazardous' forms of child labor impede on a child's right to physical, mental and social development. Such forms of child labor significantly impair all aspects of a child's development.

Factors perpetuating or contributing to child labor

Poverty

Poverty is one of the most significant and influential factors perpetuating child labor in Liberia,¹⁹³ and one that interacts with other factors in mutually reinforcing and complex ways. As a result of poverty, children often resort to street selling to augment the family income or are sent to other families for domestic servitude, with little, if any remuneration.¹⁹⁴

As observed in a 2009 United States Institute of Peace report on justice in Liberia: "In the rural Liberian context, any outright prohibition on child labor and the right to education pose a serious economic burden for most Liberian families..."¹⁹⁵ In response, in February 2010, the Government of Liberia, in association with UNICEF, the European Commission and the Government of Japan, launched the first cash transfer pilot scheme to enable children from poverty-stricken families without any working adults to realize their basic rights to education and nutrition.¹⁹⁶

Limited capacity to monitor

With the centralized monitoring system for child labor being located within the Ministry of Labor in Monrovia, effective monitoring of the child labor, particularly in rural areas, is problematic.

Family circumstances

In the event of parental divorce or the death of a parent, children may be forced to engage in child labor as a way of supporting themselves and siblings.¹⁹⁷

Conflict-related factors

The civil war left many children orphaned or separated from their parents. In the absence of effective institutional support to provide protection to such children, many young girls assumed the role of head of household. A necessary consequence of this is that they were compelled to engage in employment to support younger siblings left in their care. Where fostering and/or adoption options were found, children were sometimes placed in situations of domestic and sexual servitude, serving long hours

(2010).

¹⁹² UNIFEM, *The Tragic Reality of Violence*. Available at <http://www.unifem.org/attachments/products/MDGsAndGenderEquality_4_TragicRealityOfViolence.pdf> at 7 June 2010.

¹⁹³ Interview with Amah Y. T. Yuts, child protection officer, Liberian National Police.

¹⁹⁴ G E Omoni and S U Ijeh, 'Another Dimension to Child Labour: Counselling Implications' in *Edo Journal of Counselling* (2010) 3(1) 31.

¹⁹⁵ Isser et al, above n 142, 56.

¹⁹⁶ UNICEF, *Cash transfers to the most vulnerable households in Liberia* (2010)

<<http://www.reliefweb.int/rw/rwb.nsf/db900SID/EGUA-82HUEB?OpenDocument>> at 27 May 2010.

¹⁹⁷ Ministry of Gender and Development, Liberia.

under hazardous conditions.¹⁹⁸

National policies and programs

Given the heavy burden placed on children who are the primary family income-earners, a number of NGOs have created awareness and micro-finance ventures in the form of loans to alleviate the susceptibility of girls to exploitative forms of child labor. For example, Don Bosco Homes (a child protection agency) provides skills training for girls in cosmetology, catering and pastry, sewing, carpentry and mechanics. Through such programs, women and girls are taught basic literacy and numeric skills, small business skills, and are offered counseling and life skills. Upon completion of the program, they are given start up packages in their respective disciplines and a small loan.

The International Rescue Committee (IRC), three local NGO's and the Ministry of Labor have been involved the implementation of CYCLE (Countering Youth and Child Labor through Education). This program looks at assisting children involved in child labor to return to school.¹⁹⁹ As of 28 February 2009, a total of 29,890 children had been withdrawn from exploitive child labor as a result of this project.²⁰⁰

The Government also introduced a cash transfer pilot scheme (discussed above) in February 2010 which aimed to increase the economic independence of some of Liberia's most vulnerable families reducing the likelihood that children would be forced to join the labor market to support their family's survival.²⁰¹

The revised *Children's Act*, currently awaiting approval in the senate, is another legal tool that the Government hopes can be used to fight the child labor problem. Articles 46, section 47.1 and 47.6 of the *Children's Act* provide for the protection of children from hazardous employment conditions. An interview with Mr. Sermah G. Tegli Sr²⁰² identified the following related Government priorities:

1. Formulation of a National Policy that gives high priority to planning for and meeting the needs of children and youth in national development.
2. Enactment and enforcement of National Laws to prohibit the worst forms of child labor.
3. Monitoring and evaluation of progress towards the elimination of the worst forms of child labor.
4. Promotion of international cooperation to prohibit and eliminate the worst forms of child labor.

Proposed interventions

Awareness-raising

Community awareness and capacity building on child labor and its impacts needs to be undertaken at national, community and civil society levels, focusing on the worst forms of child labor, domestic labor, and the domestic legal framework on child labor.

¹⁹⁸ National Childs Rights Observatory Group, *Liberia* (2008). See also *Child Soldiers Global Report* (2004).

¹⁹⁹ The Government of Liberia, *Combined Second, Third and Fourth Country Report* prepared for the United Nations Committee on the Rights of the Child (2009).

²⁰⁰ US Bureau of International Labor Affairs, *Technical Cooperation Project Summary*, Countering Child Labor through Education in Sierre Leone and Liberia <http://www.dol.gov/ilab/projects/sub-saharan_africa/WestAfr_CYCLE.htm> at 12 June 2010.

²⁰¹ UNICEF, above n 197.

²⁰² Report on file with WONGOSOL.

Lobbying and advocacy

The legislature should be encouraged to adopt the draft *Children's Act* which consolidates the protection framework for girls. It is also important to lobby for authority to be vested in one government agency that is charged with a supervisory, monitoring and referral role in reference to all children's issues. The Ministry of Gender and Development, which currently oversees children's issues, should be strengthened and its mandate enlarged.

The Ministry of Education should be encouraged to formulate education policies and programs specifically for underprivileged children vulnerable to child labor. NGOs should be encouraged to mainstream child labor issues within throughout their normal human rights advocacy and community development interventions.

Improved data collection

The dearth of information on child labor in Liberia indicates a need for a comprehensive data collection initiative, particularly focusing on gender-disaggregated statistics.

Section 6

Child trafficking

Key findings

- The weakness of Liberia's institutional infrastructure and enforcement capacity, exacerbated by decades of civil war, has left the Government in a poor position to combat the problem of girl child trafficking.²⁰³
- A key recommendation is to strengthen the domestic legislative framework, including by ratifying and domesticating relevant provisions of the Optional Protocol to the *Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*.
- Law enforcement officials, particularly judges, should be targeted in education and awareness-raising initiatives so as to eliminate the complicity of Government personnel in child trafficking.²⁰⁴
- Innovative approaches to increasing public awareness regarding the risks and prevalence of child trafficking is required given the social taboos surrounding the topic of sexual exploitation.

Child trafficking in Liberia

The United Nations Office on Drugs and Crime (UNODC) has highlighted the prevalence of child trafficking across the globe and called upon member states to work together, particularly in terms of information sharing, to combat the problem.²⁰⁵ This relates specifically to countries such as Liberia, where gender-disaggregated data is largely non-existent.

"Liberia is a source, transit, and destination country for children and women trafficked for the purposes of forced labor and commercial sexual exploitation".²⁰⁶

US Department of State Trafficking in Persons report, 2009.

Children in Liberia are trafficked both internally and externally for a variety of purposes, including for domestic servitude, prostitution, forced labor on rubber plantations and diamond mines, street vending and begging.²⁰⁷ In 2005, legislation criminalizing trafficking was passed in the form of the *Act to Ban Trafficking in Persons Within the Republic of Liberia*. Prosecution and sentencing of offenders, however, is uncommon. The 2009 US Department of State Trafficking in Persons Report indicated that only 18 cases had been investigated and 9 suspects arrested (of those, 4 are being tried and 5 are still awaiting trial).²⁰⁸ The CRC has expressed concern about the status and effectiveness of measures to target the child trafficking problem.²⁰⁹

The survey implemented as part of this research found that 57.3 percent of mothers were concerned about the risks posed by child trafficking. A significant 82 percent of respondents believed child trafficking to be 'a problem' in their communities, and more than half of these rated this problem as 'serious'.

The groups of girls at highest risk of trafficking are those in orphanages and those living

²⁰³ L Shaberg and J Williamson, *Liberia, Key Factors of Child Vulnerability*, USAid (2008).

²⁰⁴ US Department of State, *Traffic in Persons Report*, Office to Monitor and Combat Trafficking in Persons (2009) <<http://www.state.gov/g/tip/rls/tiprpt/2009/123137.htm>> at June 11 2010.

²⁰⁵ UNODC, *Global Report on Trafficking in Persons* (2009).

²⁰⁶ US Department of State, above n 204.

²⁰⁷ Ibid.

²⁰⁸ Ibid.

²⁰⁹ UN Committee on the rights of the Child, above n 203.

in poverty.²¹⁰ Orphanages and schools have been targeted by traffickers for the purposes of recruiting children; in 2009, 30 children were taken for the purposes of trafficking (this attempt was thwarted, however, by the Government and agencies such as UNICEF).²¹¹ Even though females face the greatest risk of sexual exploitation and trafficking in Liberia, evidence suggests that the majority of perpetrators are female.²¹²

Table 9: Have you ever thought about the issue of child trafficking?

Response	Number	Valid Percent
I have never thought about it	77	20.7
I sometimes think about it but it does not worry me	80	21.7
I am concerned about this issue for my daughters	211	57.3
Total	368	100.0
No answer	7	

Table 10: How significant a problem do you think child trafficking is for girls in your community?

Response	Number	Valid Percent
Not a problem at all	66	17.9%
A problem	147	39.9%
A major problem	155	42.1%
Total	368	100%
No answer	7	

Legal framework governing child trafficking

International legal framework

Liberia has both signed and ratified the *Convention on the Rights of the Child 1989* (26 April 1990, 4 June 1993) and the *African Charter on the Rights and Welfare of the Child 1990* (14 May 1992, 1 December 2009). Liberia is signatory to the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography 2002* (22 September 1964), and has acceded to the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention on Transnational Organized Crime 2000* (22 September 2004).

National legal framework

The *Constitution of Liberia* protects all persons from slavery, forced labor and deprivation of liberty, and protects the right of freedom of movement.²¹³ The *Act Adopting a New Penal Law and Repealing Sections 31.3 & and 32.1 of the Criminal Procedure Law ('The Penal Law')* criminalizes sexual assault, sexual abuse of wards and the facilitation or

²¹⁰ US Department of State, above n 8.

²¹¹ Report on file with WONGOSOL.

²¹² UNODC, above n 205.

²¹³ *The Constitution of Liberia 1986*. Articles 11 and 12.

promotion of prostitution.²¹⁴ In 2005, an *Act to Ban Trafficking in Persons Within the Republic of Liberia* ('*Act to Ban Trafficking*') was passed in order to increase the protection afforded to those most vulnerable to trafficking. This legislation prohibits all forms of trafficking and imposes a minimum prison sentence of one year. Where the trafficking involves a child, however, five years is added to the prison sentence, with life imprisonment being a sentencing option if the victim dies as a result of being trafficked.²¹⁵ The Act takes an expansive view of trafficking, providing also for the punishment of child pornography, incitement of forced or servile marriages, delivery of children for exploitation, and abuse of position. It also provides for the creation of a national task force on the prevention of trafficking.²¹⁶

Specifically, the Act to Ban Trafficking prohibits:

"the recruitment, transportation, transfer, harboring or receipt of a person by means of the threat or use of force or other means of coercion or by abduction fraud deception abuse of power or of a position of vulnerability or by giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation".²¹⁷

Legal risks for victims of trafficking

Health risks

There are significant physical health risks associated with child trafficking including exposure to sexual abuse, HIV/AIDS and other sexually transmitted diseases.²¹⁸ Victims also risk physical abuse such as exhaustion and starvation. There are particular mental health implications for trafficked girls including, *inter alia*, depression, post-traumatic stress disorder and other conditions associated with rape, slavery and sexual exploitation.²¹⁹ These health risks are compounded by the fact that girls who are trafficked are less likely to have adequate access to health care or reproductive health services.

Legal consequences

Girls who have been trafficked can face legal consequences including penalties associated with immigration violations.²²⁰ Accessing justice can be difficult for trafficked girls as they generally have limited financial resources and lack knowledge regarding their rights and the mechanisms in place to seek justice.

Retaliation

Trafficking victims in Liberia have a well-founded fear of retaliation either against themselves or their families if they attempt to escape or seek legal protection. This places impediments on the Government's enforcement capacity to protect girls from trafficking.²²¹

²¹⁴ The New Penal Code, Chaps. 14.76, 14.77, and 14.78

²¹⁵ *Act to Ban Trafficking 2005*, s 7.

²¹⁶ *Ibid*, Article II, s 1.

²¹⁷ *Ibid*, Article 1, 100

²¹⁸ C Beyrer and J Stachowlak, 'Health Consequences of Trafficking of Women and Girls in Southeast Asia' in *Brown Journal of World Affairs* (2003) 10(1).

²¹⁹ The Advocates for Human Rights, *Health Consequences of Trafficking* (2005)

<http://www.stopvaw.org/Health_Consequences_of_Trafficking.html> at March 5 2010.

²²⁰ *Ibid*.

²²¹ A Phinney, *Trafficking of Women and Children for Sexual Exploitation in the Americas*, Pan American Health Organisation (2001).

Factors perpetuating or contributing to child trafficking

Conflict-related factors

The increase in orphaned and displaced children resulting from the civil conflict has increased vulnerability to exploitation in the form of child trafficking.²²² Moreover, the war weakened the Liberian institutional infrastructure and its overall capacity to combat the trafficking problem.²²³

Insufficient government support

The Liberian Government has not set in place minimum standards for the elimination of trafficking in persons.²²⁴ Limited law enforcement capability and facilities for the protection of trafficking victims have meant that the incidence of child trafficking has not improved significantly.²²⁵

Ineffective enforcement mechanisms

The Government has not invested sufficient resources into combating the problem of trafficking in children. Law enforcement and child protection actors (particularly judges, prosecutors and legal aid staff) are underpaid, under-trained, and generally lacking in numbers. Corruption within the justice sector is also rife.

Poor education and awareness

Parents lack awareness regarding the prevalence and dangers of trafficking. There is evidence that many children in Liberia are 'sold' to traffickers by parents who believe that their children are to be employed as domestic servants or 'fostered' by a family.²²⁶

A US State Department Report on the State of Human Rights in Liberia in 2009 indicates:

"(t)rafficking victims often were subjected to harsh living and working conditions. Traffickers enticed their victims with promises of a better life. Victims generally were not related to traffickers, although they were often from the same village. Parents of trafficking victims were persuaded that their children would have better food and educational opportunities and would eventually return home."²²⁷

Orphanages and adoption agencies used as hubs for child trafficking

In Liberia, orphanages and adoption agencies are used to cover up the practice of child trafficking.²²⁸ Jerolinmek Piah from the Nation Child Rights Observation Group (NACROG) alleges that many adoption 'homes' are involved in the trafficking of children.²²⁹ Even where legal adoptions take place, the process rarely allows for an effective investigation before the adoption papers are signed. Likewise the Probate Court, which authorizes adoptions, does not have the capacity to investigate individual cases.²³⁰

A United Nations Report which considered the situation of nearly 5,000 orphans in Liberia found that record keeping is generally inadequate and that this elevates the risk

²²² US Department of State, above n 204.

²²³ Shaberg and Williamson, above n 203.

²²⁴ US Department of State, above n 204.

²²⁵ Ibid.

²²⁶ WONGOSOL workshop.

²²⁷ US Department of State, *Human Rights Report: Liberia* (2009).

²²⁸ IRIN, *Liberia: Orphanages accused of child trafficking* (2006)

<<http://www.irinnews.org/report.aspx?reportid=58262>> at 8 March 2010.

²²⁹ Ibid.

²³⁰ WONGOSOL workshop.

of exposure to trafficking.²³¹ Importantly, as of 26 January 2009, a moratorium on inter-country adoption in Liberia was imposed to address these issues.²³²

Weak border security

Porous borders and weak immigration control make it easier for traffickers to operate trans-nationally in Liberia. Inadequate staffing and poor training of border guards means that fraudulent paperwork often slips through the gaps of security protocols.

Government initiatives and policies on anti-trafficking

Central government initiatives

A National Human Trafficking Task Force, established under the *Act to Ban Trafficking*, is chaired by the Ministry of Labor (MOL) and comprises Government ministries, the Inspector General of Police, and the Commissioner of Immigration. It focuses on awareness-raising, including through radio broadcasts, and investigating and prosecuting trafficking crimes.²³³ The Women's and Children's Protection Section of the Liberian National Police, which addresses trafficking issues, operates throughout the country.²³⁴

The revised Children's Law

The draft revision of the Children's Law offers enhanced protections for children against trafficking and provides a stronger legal framework for the punishment of persons who abduct children. In particular, the law provides for an offender registry, containing the names of all convicted child traffickers. The law also criminalizes the involvement of any person with a duty of care towards children (i.e. parents, child care institutions) in the trafficking of a child.²³⁵

World Hope International

World Hope International focuses on community and stakeholder education with a view to eliminating the trafficking of persons, and provides support to victims of trafficking. Since 2004, it has increased public awareness, provided education and job training to trafficking victims, and worked to create networks and referral systems which join key members of law enforcement, human trafficking service providers and the community at large. They have trained more than 1,700 citizens and law enforcement agents in the critical areas of trafficking prevention, identification, tracking and reporting.²³⁶

Proposed interventions

Legislative reform

Stronger enforcement of the laws against trafficking is required, as well as increased protection to victims. In particular, victims of trafficking should be protected by immigration laws and sheltered from prosecution in relation to trafficking offenses. Funding should be allocated to establish rescue centers in support of victims and their rehabilitation. Liberia should also ratify and domesticate relevant provisions contained in the Optional Protocol to the *Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*.

²³¹ UNMIL, *Human Rights in Liberia's Orphanages* (2007).

²³² US Department of State, Office of Children's Issues, *Liberia Adoption Notice*, Intercountry adoption (2009) <<http://adoption.state.gov/news/liberia.html>> at March 8 2010.

²³³ United States Department of State, above n 204.

²³⁴ US Department of State, above n 8.

²³⁵ Government of Liberia, above n 46. s

²³⁶ See <<https://www.worldhope.org/>>.

Education and awareness-raising campaigns

Law enforcement officials, particularly judges and prosecutors, should receive training in national and international laws governing child trafficking. Education and awareness-raising should aim to combat the complicity of Government personnel in trafficking through the criminal justice system.²³⁷

Officials should also be better trained and equipped to identify and assist child victims of trafficking; border control and immigration officials, teachers and other child protection actors should be charged with a duty of care to report all suspected cases of child trafficking. This duty of care should be enshrined in national legislation with penalties that reflect the gravity of such offences.

Awareness-raising campaigns should target the general public, focusing on the prevalence of and protection risks associated with child trafficking. Such activities should aim to expose the otherwise hidden nature of this crime with the result of reducing stigmatization.

Research and data collection

Further research should be conducted on the operational working patterns of child traffickers, disaggregated for gender to better understand risk profiles and the specific needs of girl victims.²³⁸

²³⁷ United States Department of State, above n 204.

²³⁸ WONGOSOL workshop.

Section 7

Commercial child sexual exploitation

Key findings

- While legislative reform has, in theory, increased the level of protection afforded to girls, poor enforcement has reduced the law's effectiveness in curbing the problem of girl child sexual exploitation in Liberia;
- Despite the inherently clandestine nature of child commercial sexual exploitation, there is widespread concern on the part of communities regarding the risks posed to girls;
- Greater awareness about the dangers associated with and importance of reporting commercial child sexual exploitation is needed to eliminate the social and cultural barriers that currently prevent open discussions at the community level on this form of abuse.

Commercial sexual exploitation of children

For the purposes of this research, sexual exploitation is defined as "any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another".²³⁹ The commercial sexual exploitation of children (CSEC), a form of sexual exploitation, is defined as sexual abuse by an adult accompanied by remuneration in cash or in kind to the child or a third person(s).²⁴⁰ The practice of CSEC takes many forms including sexual abuse in exchange for money, protection, food, or shelter; prostitution; the production of pornographic material; the employment of children in brothels and massage parlors; bride sales; and child trafficking.²⁴¹

"The commercial sexual exploitation of children constitutes a form of coercion and violence against children and amounts to forced labor and a contemporary slavery".²⁴²

Commercial child sexual exploitation in Liberia

"[As a result of the civil war], Liberian children have suffered all kinds of atrocities, sexual violence, disruption of schooling and forced displacement"

United Nations Office of the High Commissioner for Human Rights²⁴³

Analyzing the current situation of CSEC in Liberia is significantly hampered by a lack of reliable and comprehensive statistics. In this regard, the Committee on the Rights of the Child has expressed its concern over the dearth of information submitted under article 44 of the CRC.²⁴⁴ Despite a poor understanding of the magnitude of the CSEC problem,

²³⁹ UN Secretary General, *Protection from Sexual Abuse and Exploitation*, Secretary General Bulletin, (ST/SGB/2003/13) (2003).

²⁴⁰ Declaration and Agenda for Action of the First World Congress against Commercial Sexual Exploitation of Children (Sweden, 1996), paragraph 5.
<[http://csecworldcongress.org/PDF/en/Stockholm/Outcome_documents/Stockholm Declaration 1996_EN.pdf](http://csecworldcongress.org/PDF/en/Stockholm/Outcome_documents/Stockholm%20Declaration%201996_EN.pdf)> at 7 June 2010.

²⁴¹ ECPAT International, *Questions and Answers About the Commercial Sexual Exploitation of Children* (2001) 7

²⁴² Ibid.

²⁴³ Report of the United Nations High Commissioner for Human Rights and follow-up to the World conference on Human Rights, Situation of human rights and fundamental freedoms in Liberia, UN Doc. E/CN.4/2004/5 (2003).

²⁴⁴ UN Committee on the Rights of the Child, above n 203.

according to the Liberia National Police (LNP), rape and sexual offences are among the most commonly reported crimes,²⁴⁵ and prostitution is widespread.²⁴⁶ In each of these cases, girls are the highest single risk group, particularly those separated from their families and/or living in extreme poverty. A Save the Children (UK) report on Liberia indicates that it is common practice for young girls in IDP camps to sell sexual services in return for food or money.²⁴⁷ There is also a popular belief that women over the age of 25 are too old for sexual services, furthering the prevalence of child sexual exploitation.²⁴⁸

An additional problem is that the enforcement framework does not provide adequate protection to girls against CSEC:²⁴⁹ “there is a law on the books against prostitution, but [the problem is making] sure that those laws are enforced”.²⁵⁰ As at 2009, the court had only processed four cases of CSEC, indicating a wide discrepancy with the number of medical cases reported and number of police files reported.²⁵¹

Despite the inherently clandestine nature of commercial sexual exploitation, nearly 72 percent of survey respondents were concerned about their daughters and CSEC, and 88 percent considered CSEC to be a problem or a major problem in their communities.²⁵²

Legal framework governing child commercial sexual exploitation

International legal framework

Liberia has both signed and ratified the *Convention on the Rights of the Child* 1989 (26 April 1990, 4 June 1993) and the *African Charter on the Rights and Welfare of the Child* 1990 (14 May 1992, 1 December 2009). Liberia is also signatory to and the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* 2002 (22 September 1964) and has ratified *ILO Convention No. 182* (1997) (2 June 2003).

National legal framework

In 2006 the Liberian Government passed the *Rape Amendment Act 2006*, making it an offence to have sexual intercourse with a person less than 18 years of age.²⁵³ Rape in the first degree is a felony²⁵⁴ with a maximum penalty of life imprisonment.²⁵⁵ Prostitution, child pornography, the delivery of children for exploitation and the abuse of children are all prohibited under the *Act to Ban Trafficking* 2005.²⁵⁶ Finally, the *Penal Code* provides that endangering the welfare of a child “by violating a legal duty of care, protection or support” is a misdemeanor in the first degree.²⁵⁷ This law also establishes a specialized Criminal Court to process women-related crimes.²⁵⁸

²⁴⁵ Liberia Poverty Reduction Strategy, <<http://www.liftliberia.gov.lr/doc/prs.pdf>> 54.

²⁴⁶ US Department of State, above n 8.

²⁴⁷ Csaky, above n 277.

²⁴⁸ WONGOSOL workshop.

²⁴⁹ Nyepon, above n 191.

²⁵⁰ D Gray, *Liberia's Sexual Assault Lawyer*, interview for VBS Blog <<http://www.vbs.tv/blog/dewey-gray-liberia-s-sexual-assault-lawyer>> at 4 March 2010.

²⁵¹ Association for Women's Rights in Development (AWID), *Liberia: The new war is rape* (2009).

²⁵² WONGOSOL survey.

²⁵³ Section 1(b).

²⁵⁴ Section 4(a)(i).

²⁵⁵ Section 4(b).

²⁵⁶ Sections 1 and 2.

²⁵⁷ Article 16(4).

²⁵⁸ Human Rights Watch, *Universal Periodic Review: Liberia* (submission for the 9th UPR session, December 2010) <<http://www.hrw.org/en/news/2010/04/12/universal-periodic-review-liberia>> at 7 June 2010.

Risks associated with commercial sexual exploitation

Sexually transmitted diseases and HIV/AIDS

Most girl victims of CSEC are exposed to unprotected sex²⁵⁹ due to a lack of bargaining power, limited access to contraception and incorrect beliefs (including that condoms will cause vaginal cancer).²⁶⁰ As a result, the instance of STDs and HIV/AIDS is high among girls exposed to CSEC, which in turn leads to familial abandonment and stigmatization.²⁶¹

Unwanted pregnancy

Unwanted pregnancy is a significant risk for girl victims of CSEC. This has serious flow-on effects including reduced education and work opportunities, heightened maternal health problems and high incidences of abandonment. This research also uncovered anecdotal evidence of girls dying from illegal and unsafe abortions.²⁶²

Physical violence

Girls exposed to CSEC are likely to suffer from physical violence, abuse and injury.²⁶³

Factors contributing to commercial sexual exploitation of girls

Conflict-related factors

Liberia saw a rise in child prostitution during and following the civil war. Anecdotal evidence collected as part of this research suggests that UN peacekeepers and humanitarian aid workers contributed to this problem through their demand for such services.

Poverty

Girls living in poverty are particularly vulnerable to CSEC due to a distinct lack of livelihood opportunities.²⁶⁴

Lack of education

Girls who are not well educated have less workforce and livelihood opportunities, leaving them more vulnerable to being recruited into CSEC. There is also evidence that many Liberian girls engage in prostitution for the purpose of funding their education.²⁶⁵ Moreover, poorly educated girls lack knowledge about the laws that protect them from CSEC and the dangers of CSEC.²⁶⁶

²⁵⁹ ECPAT, *Exploitation of Children in Prostitution* (2008) 2.

²⁶⁰ Nyepon, above n 191.

²⁶¹ UNICEF, *Second World Congress Against Commercial Sexual Exploitation of Children*, <http://www.unicef.org/events/yokohama/csec-east-southern-africa-draft.html#_Toc527979951>, at 17 June 2010.

²⁶² Focus discussion group held by WONGOSOL, Montserrado County (West Point), January 2010.

²⁶³ ECPAT, *Protecting Children from CSEC in Disaster and Emergency Situations* (2006).

²⁶⁴ Ibid.

²⁶⁵ See Save the Children, *Name: Sixty Million Girls, Class: None* (2005). Available at <http://www.ungei.org/resources/files/savethechildren_schoolbook.pdf> at 6 April 2010.

²⁶⁶ M Teff, *Looking for the Law in Liberia*, Refugees International (2007) <<http://www.refugeesinternational.org/blog/looking-law-liberia>> at 4 March 2010.

Parental pressure

Many girls are encouraged to engage in sexually exploitative work as a means of contributing to household income.²⁶⁷ In practice, the law does little to protect girls from such pressures as these decisions are considered to be within the private domain.²⁶⁸

Inefficient reporting system

A lack of confidence in those to whom sex-related crimes should be reported (such as camp management committees and law enforcement officials) is a common reason contributing to the under-reporting of CSEC. Parents who encourage or benefiting financially from their child's sexual exploitation are unlikely to report such cases.²⁶⁹

Ineffective enforcement mechanisms

Chronic underreporting of CSEC contributes to the poor enforcement of relevant laws. This is compounded by limited technical and financial resources dedicated to enforcement agencies.²⁷⁰

National policies and programs

Problematically, there are only a limited number of programs that deal specifically with the commercial sexual exploitation of children in Liberia. There are more general programs that work to respond to sexual abuse, however, that should have a flow-on effect in this area.

First, a National Sexual Exploitation and Abuse Task Force and associated Government department has been established.²⁷¹ The aim of this Task Force is to establish a Plan of Action that will include the training of health professionals, documentation and reporting of clinic evidence, and ensuring that outreach programs are accessible to girls.²⁷²

Second, UK Save the Children, focuses programs specifically on the sexual abuse problems faced by children. Specific achievements include NGO trainings and the development of a Code of Conduct for those working with children.²⁷³

Third, local NGOs are active in pushing for prosecution in cases of rape and provide legal aid to indigent victims.²⁷⁴ The Government has also been involved in some awareness-raising programs focusing on the issue of rape utilizing billboards and radio broadcasts.²⁷⁵ Finally, a court dedicated to rape and sexual violence cases has been established.²⁷⁶

²⁶⁷ Report on file with WONGOSOL.

²⁶⁸ WONGOSOL workshop.

²⁶⁹ UNICEF, *Analysis of the situation of sexual exploitation of children in the eastern and southern Africa region* (report prepared for Second World Congress Against Commercial Sexual Exploitation of Women, 2001).

²⁷⁰ Shaberg and Williamson, above n 203.

²⁷¹ Stop Rape Now, *Combating Sexual and Gender-Based Violence in Liberia*, <<http://www.storapenow.org/pdf/SGBVemail.pdf>>, at 17 June 2010.

²⁷² Ibid.

²⁷³ Save the children, above n 265.

²⁷⁴ AWID, above n 251.

²⁷⁵ US Department of State, above n 8.

²⁷⁶ Human Rights Watch, *Universal Periodic Review: Liberia* (submission for the 9th UPR session, December 2010) <<http://www.hrw.org/en/news/2010/04/12/universal-periodic-review-liberia>> at 7 June 2010.

Proposed interventions

Legislative reform

The draft Children's Act should be promulgated as a necessary step in heightening the level of protection against CSEC available to girls. Legislation should also establish an effective system of reporting that does not place complainants at risk of prosecution and protects confidentiality.

Awareness-raising

Community level awareness-raising is needed, focusing on the risks associated with CSEC and that aims to encourage reporting and eliminate stigmatization against victims. Heightened awareness should contribute to greater accountability on the part of parents and child protection actors, particularly within the enforcement sector.²⁷⁷

Data collection

Reliable gender-disaggregated data (both qualitative and quantitative) on the extent of the CSEC problem must be collected in order to develop effective programmatic and policy responses.

²⁷⁷ C Csaky, *No One to Turn To: The under-reporting of child sexual exploitation and abuse by aid workers and peacekeepers*, Save the Children UK (2008) 26.

Section 8

Child marriage

Key findings

- Despite international and national legal protections in place, child marriage remains a common practice in Liberia. Increased efforts on the part of the Government are required, particularly in order to curb customary practices that expose girls to underage marriage.
- Proposed amendments to the *Children's Law*, in particular an increase to the minimum legal age for marriage, should be strongly advocated. Legislative reform should aim for greater accountability, particularly on the part of persons registering civil and solemnizing customary child marriages.
- Awareness, particularly among parents and religious or community leaders should be strengthened in order to modify popular social constructions relating to child marriage, in particular by focusing on the damage such practices have on child development.

Child marriage

The right of choice in relation to marriage is a fundamental and widely recognized human right.²⁷⁸ For a large percentage of girls in Liberia, however, this right is not upheld. Parents often agree to or encourage the marriage of their child daughters. They are generally oblivious to the mental, physical and social risks to their children, and instead focus upon immediate economic gains or establishment of family connections that can result through such unions.²⁷⁹

Child marriage in Liberia

Despite national legislation, early and forced marriages remain a key protection risk for girls in Liberia. The problem is particularly acute in rural and remote areas, with instances of child marriage at the age of 12 years not being uncommon.²⁸⁰ According to the LDHS, 20.3 percent of girls in Liberia are married before the age of 20, despite many of these marriages being illegal.²⁸¹ Similarly, a 2004 report by the United Nations estimated that 36 percent of girls between the ages of 15-19 years were either married, divorced or widowed,²⁸² while UNICEF's 2009 State of the World's Children report indicates that, between 1998 and 2007, 40 percent of women aged 20-24 in Liberia were married before the age of 18 years.²⁸³ This was consistent with the results of the survey conducted as part of this research. More than 80 percent of respondents indicated that child marriage was either a problem or a major problem in their communities.²⁸⁴ Interestingly, 36.8 percent of participants felt that there was no circumstance in which child marriage could be justified, but more than 50 percent believed that either there were no penalties associated with child marriage, or were not aware of whether there were penalties or not.

²⁷⁸ See the Universal Declaration of Human Rights (1948) adopted by the United Nations General Assembly on 10 December 1948.

²⁷⁹ UNICEF, 'Early Marriage: Child Spouses', *Innocenti Digest* 7 (2001) 2.

²⁸⁰ United Nations Committee on the Rights of the Child, 'Consideration of Reports Submitted by States Parties under Article 44 of the Convention', CRC/C/15/Add.236 (2004).

²⁸¹ Liberia Demographic Health Survey (LDHS) 2007, <<http://www.measuredhs.com/pubs/pdf/FR201/FR201.pdf>>, at 17 June 2010.

²⁸² OECD, *Gender Equality and Social Institutions in Liberia* <<http://genderindex.org/country/liberia>> at 4 March 2010.

²⁸³ UNICEF, above n 97, 150.

²⁸⁴ WONGOSOL survey.

Table 11: Are there penalties for marriage below the legal age for marriage?

Response	Number	Valid Percent
Yes	183	49.3%
No	106	28.6%
Don't know	82	22.1%
Total	371	100%
No answer	4	

Participants at a focus group discussion indicated some interesting trends, including that:

- There is variation between tribes in terms of girls being permitted to complete their education before marrying.
- Parents encourage child marriage as a means of generating income through bride price.
- Powerful (generally older) men use their wealth to facilitate marriages to young girls.²⁸⁵

Legal framework governing child marriage

International legal framework

Liberia has signed and ratified the *International Covenant on Civil and Political Rights 1966*²⁸⁶ (18 April 1967, 22 September 2004), the *Convention on the Rights of the Child 1989* (26 April 1990, 4 June 1993), the *International Covenant on Economic, Social and Cultural Rights 1966* (18 April 1967) and the *African Charter on the Rights and Welfare of the Child 1990* (14 May 1992, 1 December 2009). Liberia has acceded to the *Convention on the Elimination of all forms of Discriminations Against Women 1979* (17 July 1984) and the *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages 1962* (16 September 2005), and has signed the *African Charter on Human and People's Rights on the Rights of Women in Africa 1981* (16 December 2003) and the *Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery 1956* (7 September 1956).

National legal framework

The *Domestic Relations Law 1973* provides that the legal age for entering into a contract of marriage is 18 years for a female.²⁸⁷ Where the child is above 16 years of age but below the age of legal consent (18 years), her parents or guardian may provide consent on her behalf. Forced marriage is an offence punishable by a prison term of between one and five years. If the girl is under 15, the prison term can be increased to 10 years.²⁸⁸

Section 2.9 of *An Act to Govern the Devolution of Estates and Establish Rights of Inheritance for Spouses of Both Statutory and Customary Marriages 2003* states:

It shall be unlawful for any customary female under the age of 16 to be given in customary marriage to a man; any tribal person who violates this Section has committed a felony of the first degree, and upon conviction, shall be fined the amount of not less than L\$500.00 nor more than L\$1,000.00.²⁸⁹

²⁸⁵ WONGOSOL workshop.

²⁸⁶ Opened for signature 19 December 1966, 999 UNTC 171 (entered into force 23 March 1976).

²⁸⁷ Chapter 2.

²⁸⁸ Report on file with WONGOSOL.

²⁸⁹ Approx US\$ 7 and US\$14 as at 4 March 2010.

Moreover, it provides that it is unlawful for a parent or next of kin to remove the choice of marriage from a child. Again, there are penalties associated with this felony.²⁹⁰ Sections 1 and 2 of the *Act to Ban Trafficking in Persons Within the Republic of Liberia 2005*, punishes those responsible for inciting, *inter alia*, forced or servile marriages.

Critically, such legislation is not consistent with (more commonly used) customary law which permits child marriage. For example, the *Revised Administrative Law Governing the Hinterland 1949* permits marriage at 15 years old.²⁹¹

Risks associated with child marriage

Early marriage gives rise to physical, intellectual, economic, psychological and emotional problems for girl children. Girls who marry at a young age are at a greater risk of premature maternal death, health problems, economic uncertainty and illiteracy.²⁹² A particular problem is that upon marriage, girls are considered to be 'women' and are thus assigned work, responsibilities and obligations accordingly.²⁹³ Poor access to education is a key problem for child brides as they are rarely afforded the opportunity to remain in school as they are expected to assume domestic and child-bearing/raising duties. With poor education and limited work prospects, child brides find it difficult to leave marriages or escape from poverty.²⁹⁴

Child brides often suffer from problems associated with premature pregnancy and childbirth.²⁹⁵ In this connection, the Liberian Minister of Gender and Development has expressed particular concern over the fact that the birth rate for females in Liberia aged 15-19 years is 221 per 1,000: the second highest rate in the world.²⁹⁶

Another health consequence for sexually active girls is that they can experience fistula (a condition which causes chronic incontinence). Affected girls are often disowned by their husbands and ostracized by society.²⁹⁷ Girls who are married at a young age have a higher risk of contracting STDs, primarily due to their lack of education on sexual and reproductive health, greater physical susceptibility and their inability to negotiate the use of condoms.

Factors perpetuating child marriage in Liberia

Poverty

Girls living in poverty are more likely to marry at an early age.²⁹⁸ With many families in Liberia surviving on less than US \$1 per day,²⁹⁹ economic circumstance is likely to be a significant factor contributing to the child marriage problem.³⁰⁰

²⁹⁰ Section 2.10.

²⁹¹ *Revised Administrative Law Governing the Hinterland 1949*, Article 55. Available at <<http://greenadvocates.org/Compendium/PDF/O.%20Revised%20Laws%20And%20Administrative%20Regulations%20for%20Governing%20the%20Hinterland.pdf>> at 7 June 2010.

²⁹² UNICEF, above n 97.

²⁹³ N Nour, 'Health Consequences of Child Marriage in Africa', *Perspective* (2006) 12(11).

²⁹⁴ UNICEF, *How to End Child Marriages: Action Strategies for Prevention and Protection*, Policy Brief (2007)

²⁹⁵ N Hour, above n 293.

²⁹⁶ UNICEF, above n 97, 64.

²⁹⁷ N Hour, above n 293.

²⁹⁸ UNICEF, above n 282.

²⁹⁹ The World Bank, *High Level Meeting Mulls Liberia's Prospects for Recovery, Growth*, News and Broadcast (2007) <<http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:21217488~pagePK:64257043~piPK:437376~theSitePK:4607,00.html>> at 28 May 2010.

³⁰⁰ UNICEF, above n 297.

Tradition/Religion

Socio-cultural factors, including traditional views on the role of girl children, still play a key role in the continued practice of child marriage. Child marriage is sometimes seen by parents as having benefits related to notions of morality and family honor: it is a means of providing male guardianship for daughters, protecting daughters from loss of virginity before marriage,³⁰¹ and extending daughters' child-bearing years.³⁰²

Proposed interventions

Legislative reform

The proposed amendments to the *Children's Law* will displace the *Revised Administrative Law Governing the Hinterland* by raising the minimum age for marriage from 15 to 18 years.³⁰³

Awareness-raising

Community-level education on the dangers of child marriage and the economic benefits that can stem from investing in girls through education and vocational training, must be prioritized. Parents, in addition to religious and/or community leaders who solemnize customary marriages, should be targeted in such campaigns.³⁰⁴

Encourage continued education for girls

Girls who do not have a secondary education are six times more likely to marry at a young age.³⁰⁵ Programs to increase girl school attendance and continuation should be prioritized, including economic incentives to parents to delay their daughter's marriage until schooling is completed. Schemes to allow girls who are already married to remain in school or return to school should also be explored.

³⁰¹ International Centre for Research on Women, *Policy Advisory on Child Marriage* (2007).

³⁰² UNICEF, *Child Protection Information Sheets: Child Marriage* (2006).

³⁰³ Government of Liberia, above n 46.

³⁰⁴ Ibid. (CRC)

³⁰⁵ International Centre for Research on Women, *Child Marriage and Education* (2006).

Annex 1

List of international treaties

Treaty	Status
International Covenant on Civil and Political Rights (1966)	Signed: 18 Apr 1967 Ratified: 22 Sep 2004
International Covenant on Economic, Social and Cultural Rights (1966)	Signed: 18 Apr 1967 Ratified: 22 Sep 2004
Convention on the Elimination of All Forms of Racial Discrimination (1965)	Accession: 5 Nov 1976
Convention on the Elimination of All Forms of Discrimination Against Women (1979)	Accession: 17 Jul 1984
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)	Signed: 22 Sep 2004
Convention on the Rights of the Child (1989)	Signed: 26 Apr 1990 Ratified: 4 Jun 1993
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962)	Accession: 16 Sep 2005
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	Signed: 22 Sep 2004
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)	Signed: 21 March 1950
Slavery Convention, signed at Geneva on 25 September 1926 and amended by the Protocol	Signed: 1953
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)	Signed: 7 Sep 1956
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)	Signed: 22 Sep 2004
C1 Hours of Work (Industry) Convention, 1919	Not signed or ratified
C182 Worst Forms of Child Labour Convention, 1999	Ratified: 2 Jun 2003
C144 Tripartite Consultation (International Labour Standards) Convention, 1976	Ratified: 25 Mar 2003
C111 Discrimination (Employment and Occupation) Convention, 1958	Ratified: 22 Jul 1959

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C105 Abolition of Forced Labour Convention, 1957	Ratified: 25 May 1962
C100 Equal Remuneration Convention, 1951	Not signed or ratified
C4 Night Work (Women) Convention, 1919	Not signed or ratified
C6 Night Work of Young Persons (Industry) Convention, 1919	Not signed or ratified
C29 Forced Labour Convention (1930)	Ratified: 1 May 1931
C59 Minimum Age (Industry) Convention (Revised), 1937	Not signed or ratified
C89 Night Work (Women) Convention (Revised), 1948	Not signed or ratified
C90 Night Work of Young Persons (Industry) Convention (Revised), 1948.	Not signed or ratified



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