



Universal Periodical Review of Liberia

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Joint submission by Defence for Children International-Liberia (DCI-Liberia) and Plan International-Liberia.

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Executive Summary

This report was compiled and presented by Defence for Children International-Liberia and Plan International-Liberia.

Defence for Children International - Liberia was created in 2009 in order to promote and defend the human rights of children. It develops its own programs according to Liberian children's needs and priorities and is registered in accordance with the Liberian NGO Law. Today, several actions are undertaken in the following priority issues: Child labour and child trafficking, sexual exploitation and abuse of children, juvenile justice, human rights and children's rights education and education on gender-based violence. DCI-Liberia has several ongoing projects, some of them related to addressing gender-based violence and promoting socio-economic empowerment of girls and young women. One ongoing programme is the Girls Advocacy Alliance (GAA) which DCI-Liberia is working on within Bomi county. The Girls Advocacy Alliance (GAA), funded by the Dutch Ministry of Foreign Affairs, is a 5-year joint programme by Plan Nederland, Terre des Hommes Netherlands and Defence for Children – ECPAT Netherlands.

Plan International – Liberia was created in 1982 to reach out to many children with development initiatives and ensuring that children grow up in a community, family and a world that advances their rights. Plan International is a child centered and girl focus organization that strives for just world that advances children rights and equality for girls. In 2006, PI develop a full country programme to promote the basic rights of children by ensuring participation, non-discrimination, protection and access. Together with partners, we strive for lasting impact in the lives of vulnerable children (especially girls) at various level (individual, family, community, socio-economic resources, policy framework and budget changes). Our programme areas covers health (fight against malaria), protection (response and prevention – child protection, SGBV, SRHR, ASRH, HP, FGM), education, livelihood and economic empowerment, girls' rights promotion and empowerment, renewable energy for economic empowerment and agriculture adaptation to climate change. PI is also partnering on the Girl Advocacy alliance project and implementing in Lofa, Bomi and Montserrado. Plan is a member of various national structures (CP network, Child rights NGO forum, child labor network, GBV task force, NGO health sector network, INGO GBV forum, National CSO forum, Liberia Spotlight Initiative reference group, LINGO forum, etc. Plan International Liberia has a new country strategic ambition that partners with other actor for the next five years to ensure girls grow up equally valued and cared for in resilient communities where they can enjoy bodily integrity and freedom from violence and harmful practices.

The major objective of this complementary report is to provide additional information that reflects the actual situation of children in Liberia. During the process of compiling the report, the first draft of the report was later discussed and validated at a meeting that was attended by the staff of both institutions.

This report highlighted recent issues on Child Rights and Protection as it relates to the UN Convention on the Rights of the Child (UNCRC), the African Charter on the Rights and Welfare of the Child (ACRWC), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and other international human rights instruments, and presents as it relate to the Welfare of Children in Liberia.

The major findings of this report indicate that since the end of the civil war in Liberia in 2003, the Government and its partners have invested so much in policy and institutional reforms including rehabilitation and construction of infrastructure. However, the old and the newly passed laws do not provide framework for child protection system building. The laws are more substantive rather than procedural. They do not provide any explanation on the processes and mechanisms particularly for strengthening of linkage between the formal and the traditional systems. In general, the current child protection system lacks an explicit and coherent vision and road map for meeting the holistic needs of children and families.

The Children's Law (2012) seems to rely heavily on formalised bureaucratic service structures that are not only weak in terms of both human and financial resources but cannot be financed by the State Party and managed by the human resources available for social welfare in Liberia. The design of the Children's law is not compatible with the traditional structures and practices and the daily realities. Thus it seems to be creating a parallel system rather than one that can strengthen what already exists. It was also found out that implementation of the Charter has been driven much by interventions of NGOs/CSOs and UN agencies that were largely project based targeting specific groups of children, ignoring the system.

1. Situational Analysis

Liberia was considered in 2008 as one of the countries in Africa that did well in making higher percentage of budgetary allocation towards the advancement of children's rights. However, the volume of allocated resources allocated is still too low in comparison with what is necessary.

Liberia is confronted with a wide range of child welfare and protection issues that are common place throughout the country, including child abuse and neglect, child exploitation, and other forms of violence against children. These issues are orchestrated by social and economic challenges that families face. Despite the adoption of a Poverty Reduction Strategy in 2008 and the drafting of a second Strategy in 2011 that clearly cover children's issues and social protection, the majority of the population live in abject poverty with great implications on child welfare and protection. Liberia has a GDP per capita estimated at US\$190.2, making it one of the poorest countries in the world. Poverty is pervasive and is particularly acute in rural areas. According to

the 2010 Human Development Index (HDI) report, Liberia was ranked 162 out of 169 countries, with 84% of the population living on less than \$1.25 USD per day.¹

The country is plagued with food insecurity, resulting to high malnutrition rate among children. The under-five mortality rate is 103 per 1,000 live births and 15% of under-five children are underweight for their age (UNICEF, 2012).² Worse are the vast regional and gender disparities, whereby children living in rural areas and children in female-headed households are poorer and more food insecure than children living in the capital city and children in male-headed households.

Many children in Liberia do not live with their biological parents due to a number of reasons including poverty. This situation was exacerbated by the Ebola crisis. According to a study conducted by the USAID Displaced Children and Orphans Fund (DCOF) and Save the Children, “children are not living with their parents mostly due to financial constraints (poverty, unemployment), single parenthood, lack of education and basic skills that could enable some parents to get income.”³ Many children are living in foster care or kinship arrangements that are hardly monitored by anyone. Although kinship care is perceived by many as a positive cultural practice in Liberia and within the sub-region in general and may provide children with better opportunities for education, improved health care and nutrition, there is much evidence that children in those situations are also at increased risk of discrimination, abuse and exploitation.⁴

Though there is a policy for free and compulsory primary school, the net attendance rates are still very low. There is 46% net attendance ratio in urban areas and 21% in rural areas.⁵ Invariably, 25% of children are not attending school.⁶ Girls school enrolment is only 33%, compared to that of boys at 98% at the primary level. This is as a result of declines in gender parity with grade, lack of adequate and sufficient sanitary facilities for girls in schools, and persistence of gender-based violence and negative societal attitudes towards girls including girls facing harassment at school by teachers.⁷

Access to electricity, improved water and sanitation facilities, adequate housing, and decent roads is severely limited. Only 25% of Liberians have access to safe drinking water. Only 15% have access to human waste collection and disposal facilities. Many parts of the country remain cut off during the rainy season. It takes at least an hour for rural dwellers to access a food market or the nearest potential transport option. Health care services are highly centralised, with 29% of population living more than 5 km. from a health facility. Low demand for health services is as much an issue as supply.⁸

¹ Ruiz-Casares, M. (September, 2011). Child Protection Knowledge, Attitudes, and Practices in Central and Western Liberia. USAID/ Displaced Children and Orphans Fund (DCOF) & Save the Children.

² Rena Deltz (2013): Rationale for a Liberian Child Protection Curriculum.

³ Ruiz-Casares, M. (September, 2011). Child Protection Knowledge, Attitudes, and Practices in Central and Western Liberia. USAID/ Displaced Children and Orphans Fund (DCOF) & Save the Children.

⁴ Op. cit. UNICEF and Statistics Sierra Leone, 2011.

⁵ BBC UK. (2013). *Liberia Profile*. Retrieved from: <http://www.bbc.co.uk/news/world-africa-13729504>. Child Protection in Crisis Network (CPCN). (2012). Mapping Community-based Child Protection.

⁶ UNICEF and the Ministry of Gender Children and Social Protection: Situational analysis of Children and Women 2016.

⁷ UNCRC Committee concluding Observations to the report of Government of Liberia 2012.

⁸ UNICEF and the Ministry of Gender Children and Social Protection: Situational analysis of Children and Women 2016.

The socio-economic status of families is weak. The rate of violence against children is high. Children experience neglect, abuse, exploitation and violence, at home, in the community, and at school. Harmful traditional practices are persistent, including FGM, child marriage and ritual killings that target children. Nearly a third of students (boys and girls alike) say they experience gender based violence in school. Children work in the household and on family farms, or migrate to work in the capital and other cities where they are vulnerable to abuse, exploitation and violence. It is estimated that 16% of children aged 5 to 14 years are working. That is more than 136,000 children in Liberia.⁹

2. Child Rights/Protection Issues:

For the sake of this report, three (3) issues were identified among the multitudes of vulnerabilities faced by children as being the most serious and urgent issues that require action at all levels but especially by the government of Liberia. These issues are:

- Violence against children, with specific reference to girls and women
- Child marriage
- Access to education and decent employment, in particular for girls and young women.

2.1 VIOLENCE AGAINST CHILDREN, WITH SPECIFIC REFERENCE TO GIRLS AND YOUNG WOMEN

Violence against children and women is a common issue in Liberia. In 2012 the UN Committee on the Rights of the Child stated: *'The Committee remains concerned about the widespread violence against children (.and) the lack of sufficient measures, mechanisms and resources to prevent and combat domestic violence, abuse of children at school and neglect of children. It regrets the limited access to services for abused children, and the high level of impunity enjoyed by perpetrators of violence against children, against whom mostly social measures rather than prosecutions are applied'*. The Committee also stated in its 2012 Concluding Observations: *'Child rape and sexual offences are among the most commonly reported crimes in the State party, children are the majority of victims of sexual violence and the number of incidents of rape of girls under 12 years old has increased.'*

During the first quarter of the year January -March 2019, the Ministry of Gender, Children and Social Protection declared that over 797 Sexual and Gender Based Violence (SGBV) cases were reported across Liberia. 605 of those cases were sexual abuse and sodomy cases perpetrated against children under 18 years old, of the 605 sexual abuse cases, 599 are females while six are males, 25 gang rape cases in which all of the victims are females. According to the Deputy Minister in person of Mrs. Alice Johnson Howard, of the total rape cases reported, 44 cases are children below five years, 185 cases between 6-12years, and 376 cases between 13-17years. Meanwhile, out of 122 physical assaults cases reported, 115 were females while 7

⁹ UNICEF and the Ministry of Gender Children and Social Protection: Situational analysis of Children and Women 2016.

were males and 119 sexual assaults cases were all females. According to the Ministry report, 578 alleged perpetrators were not arrested while 216 alleged perpetrators were arrested and placed behind bars awaiting court trial. Out of the total SGBV cases reported, 19 were resolved, 76 sent to court, 370 pending court trial, 656 medical reports were provided, 112 medical reports pending and 646 medical reports were issued.

Recommendations

- Enact or strengthen National laws to criminalized sexual violence, including in marriage, as well as violence and abuse committed online
- That the Government establish a fast track court system for all Sexual Gender Based Violence Cases;
- That Prosecutors be provided extensive capacity building training on SGBV court proceeding;
- That the Ministry Of Gender, Children and Social Protection, Justice and other Relevant partners cooperate and support civil society and organize multi-stakeholders dialogue meetings on the fight against SGBV;
- That the government allocates financial or technical support for NGOs to regularly track all SGBV cases parallel to Government own responsibility so as to verify government own data from the Civil Society organizations;
- That government Agencies access and contribute to an online formal data base system to report national statistics in parallel of NGOs reporting.

In 2015 the Ministry of Gender, Children and Social Protection (MOGCSP) Gender-Based Violence Annual Statistical Report for the period revealed that, only two per cent of all SGBV cases reported to GBV Response Actors (Health facilities, NGOs and LNP/WACPS) resulted in a conviction. According to prison data received by the United Nations Mission in Liberia (UNMIL), in June 2016, Courts convicted 34 individuals for rape in all of Liberia in 2015, out of over 803 reported cases that year. While many alleged perpetrators were arrested, they were rarely brought to trial due to various factors, including legal and institutional weaknesses, social mores and attitudes, corruption, lack of will or diligence on the part of Government officials, and logistical constraints. These combined factors have led to a widespread culture of impunity for SGBV, particularly for rape, putting women and children at continued serious risk of sexual violence.

Rape is the second most commonly reported serious crime in Liberia.¹⁰ In 2014, according to statistics provided by MOGCSP, 708 cases of rape, including gang rape, were reported to law

¹⁰ In 2013, rape and domestic violence together accounted for over 70 per cent of all serious reported crimes. See United Nations in Liberia. (2013). *United Nations Development Assistance Framework, 2013-2017*, Retrieved from <http://www.undg.org/unct.cfm?module=CoordinationProfile&page=Country&CountryID=LIR>. According to the LNP crime statistics received by UNMIL in May 2016, aggravated assault (579 cases) was the most commonly reported crime between January and May 2016, and rape was the second most commonly reported one (182 cases) during that period.. See also 2011 UN/GoL Joint Programme Report at 9.

enforcement officials, health care providers, and non-governmental organizations (NGOs); in 2015, this number rose to 803.¹¹ Out of these 1511 cases, only 836 reported by MOGCSP were registered by the police, and the police later sent only 259 cases to court.¹² According to data which the Human Rights and Protection Section (HRPS) of the United Nations Mission in Liberia collected from circuit courts, 24 individuals were convicted in 2014 and 34 in 2015 by the court of first instance.¹³ In addition, HRPS is concerned that countless additional cases are unreported due to numerous barriers faced by victims, as described in this report.¹⁴

A significant proportion of the victims of reported cases of rape in 2014 and 2015 were under the age of 18. Of the approximately 150 cases monitored and documented by HRPS in 2015, at least 78 per cent of the victims were minors, some of whom died as a consequence of the rape. For instance, in 2015, HRPS documented the case of two girls who died as a result of injuries sustained due to rape.¹⁵

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This report is intended to assist the Government of Liberia and its partners in their efforts to combat impunity for rape. It examines the social, institutional, legal and other factors underlying impunity for SGBV and provides recommendations to address them comprehensively in order to hold the perpetrators accountable for their crimes, eventually reduce SGBV occurrence, and enhance Liberia's compliance with its human rights obligations.

CSOs and other Child Rights institutions have recommended that the Government take further steps, including targeted legal, policy and educational measures to address the scourge of sexual violence. It also highlighted the numerous barriers to reporting/accountability for rape, including the weakness of the justice system, notably poor investigation, prosecution, and adjudication; corruption; undue influence of traditional actors; and community/family settlements.

¹¹ It should be noted that the number of sexual violence cases (including rape) reached 1,055 in 2015, out of a total of 1,555 SGBV cases reported, taking into consideration cases of sodomy, sexual assault, attempted rape, and "corruption of a minor" (charge for a person under 18 years of age who rapes or sexually assaults a person under 18). *See* MOGCSP National Gender-Based Violence Statistical Report: 2014 and MoGCSP Gender-Based Violence Division Gender-based Violence Annual Statistical Report 2015.

¹² This data was received from Women and Children Protection Section of the LNP in June 2016. It is far lower than the data provided by MOGCSP. This indicates that only approximately half of the total reported cases are registered to LNP and only 25 per cent of cases go to court.

¹³ This is based on the data concerning prisoners convicted for rape in 2014 and 2015 received from the UNMIL Correction Advisory Unit (CAU). Cases of convictions reported by UNMIL are not necessarily from the same pool of cases reported by MOGCSP in 2014 and 2015, but these numbers illustrate the magnitude of the gap between reported cases and conviction rates.

¹⁴ *See* MOGCSP SGBV Statistics, 2014 and 2015. Same reports than the ones in footnote 6 ? [Yes]

¹⁵ In January 2015, in Grand Kru County, a 14-year-old girl died as a result of injuries sustained when she was raped by a 19-year-old male. On 14 June 2015 in Montserrado County, an unidentified man abducted and raped a 13-year-old girl; she was rushed to the hospital the following day, but was pronounced dead on arrival.

The factors underlying impunity for rape in Liberia are many and include legal and institutional weaknesses, social mores and attitudes, corruption, lack of will or diligence on the part of Government officials, and logistical constraints. Liberia faces the additional challenge of having to overcome a legacy of impunity arising from 14 years of civil conflict. The World Health Organization estimated that between 61.4 and 77.4 per cent of women and girls in Liberia were raped during the war.¹⁶ Despite the widespread nature of this crime, no single perpetrator of crimes related to conflict, including rape and other forms of sexual and gender-based violence, have been held accountable in Liberia.¹⁷ The complete lack of accountability for sexual violence committed during the war, coupled with limited accountability in the post-conflict period, have fostered and perpetuated SGBV and a culture of impunity for such crimes.

The Government has recognized the gravity of the problem of impunity for rape, and has sought the assistance of domestic partners and the international community to address the widespread issue of sexual violence. However, rape and other forms of SGBV are still committed with alarming frequency. HRPS monitoring and research show that Liberia is not in compliance with its human rights obligations, due to its inability to hold perpetrators of rape criminally accountable and, in some cases, to hold State actors accountable for abuses of office that infringe on the rights of victims.

This report is intended to highlight the human rights implications of impunity for rape, to examine the factors underpinning this impunity and, in doing so, to support the efforts of the Government and its partners to enhance mechanisms for accountability, protection for victims and prevention efforts.

2.2 CHILD MARRIAGE

Liberia has laws and policies related to the prevention and elimination of child marriage and sexual violence and abuse. These include the Act to amend the Penal Code of January 2006 ('the Rape Law'); the Children's Law (2012); the National Gender Policy (2009) and National Plan of Action for the Prevention and Management of GBV). The adoption of these laws and policies is also due to Liberia's ratification of international and regional human rights treaties, including the

¹⁶ UNMIL Legal and Judicial System Support Division, *Research on Prevalence and Attitudes toward Rape*, 11 (2008) [hereinafter "UNMIL Research on Prevalence of Attitudes Toward Rape"] <http://www.stoprapenow.org/uploads/advocacyresources/1282163297.pdf>. The UNMIL report notes that the numbers cited in the World Health Organization (WHO) surveys may be somewhat inflated due to the fact that survey respondents were selected from IDP camps, and there were indicators of "snowball" sampling. Notwithstanding, the incidence of rape during the conflict was high as it was used systematically as a weapon of war, as reflected in the findings of the Truth and Reconciliation Commission in its Final Report. *See generally* Republic of Liberia, Truth and Reconciliation Commission, *Final Consolidated Report, Volume 3, Title I: Women and the Conflict*.

¹⁷ In 2014, two individuals were arrested in Europe for rape committed during the war: Alieu Kosiah, former ULIMO commander, was arrested in Switzerland; and Martina Johnson, former NPFL commander, was arrested in Belgium. Moreover, in 2008 Chucky Taylor was convicted of torture in the first prosecution under the United States' Extraterritorial Torture Statute. While Charles Taylor was convicted of crimes against humanity, he has only been held accountable for crimes committed in Sierra Leone under the jurisdiction of the Special Court for Sierra Leone, not for crimes committed in Liberia.

Convention on the Rights of the Child, the ACRWC and the CEDAW. The Children's Law, for example, defines a 'child' as any person under age 18, prohibits child marriage and harmful practices, and provides for the right of children to be protected from sexual abuse. Nevertheless, girls and young women's access to GBV prevention, protection and response services is weak and severely so in outlying counties. This is due to inadequate and ineffective implementation of relevant laws and policies as well as deeply entrenched discriminatory social norms and values.

The Government of Liberia has attempted to apply at the national level both the ACRWC and the UNCRC through some legal reforms. Since 2005, some new legislations have been passed to promote and protect the rights of the child as prescribed in the ACRWC. These include the Act to amend the Penal Code of January 2006, called the Rape Law, the Independent National Commission on Human Rights Act of 11 March 2005, the education Reform Act of 8th August 2011 and the Children's Act of 4th February 2012.

Despite efforts by the State to domesticate the international legal frameworks, gaps still exist between these legislations and the Customary laws in particular those relating to the definition of a child, minimum age of marriage, sexual consent and procedures involved in adjudicating child related matters. The Constitution dictates that national legislation should take precedence over customary laws. In practice, customary laws are much more widely used particularly in rural areas, and affect the majority of the population primarily because it is felt that the traditional system is much more accessible, easier to understand, cheaper to access and with shorter proceedings. The old and the newly passed laws relevant to child protection, do not provide a framework for child protection system building. The laws are more substantive rather than procedural. There is no explanation provided on the processes and mechanisms particularly for strengthening of linkage between the formal and the traditional systems.

Recommendations:

- States must protect children from all forms of violence. (Article 19.1);
- States must make efforts to abolish traditional harmful practices. (Article 24.3);
- Child marriage should have no legal effect, and States must set a minimum age of marriage. (Article 16.2)
- The state should set the minimum age of marriage for both girls and boys at 18 in national Law
- That the state should refer to girls who have been married at a young age as "Married Girls" to avoid removing all agency by solely referring to them as "Victims" and promote their empowerment and active participation;

2.3 ACCESS TO EDUCATION AND DECENT EMPLOYMENT, IN PARTICULAR FOR GIRLS AND YOUNG WOMEN

There is lack of political will within the Liberian government to allocate sufficient funds to equip the Education Sector's post-primary/post-basic education and TVET subsectors. Girls' and young

women's completion rates of post-primary education remain low. The net secondary school attendance ratio of females is estimated at 14%. The literacy rate of female youth aged 15-24 years is estimated at 64%, compared to almost 80% of male youth aged 15-24 years. According to young women themselves, they face obstacles such as poor education and productive skills, opposition from husbands and boyfriends, a high burden of domestic and family responsibilities, sexual harassment from employers, limited access to business start-up capital and limited contacts to local business networks.

The TVET subsector is fragmented among several government ministries and agencies (youth and sports, education, health and agriculture- each with different with different governance and management practices) and dysfunctional and does not address the skills required by young people in Liberia both in rural and urban communities¹⁸. Also the poor public perception and low social status of TVET, the multiplicity of testing and certification standards, poor articulation and credit transfer mechanisms between training institutions, and the weak linkages between the formal TVET system and the world of work. The TVET delivery system has remained largely supply-driven and not demand-driven or aligned to the needs of the employment sector.

There are few opportunities to enter in wage employment; most of Liberia's women earn income on a day-to-day basis by trading on local markets or as day laborers in precarious conditions. More than a quarter of young people are unemployed¹⁹. Youth unemployment is higher among young women than young men. Youth are also often excluded from key decisions affecting their lives, often leading to disparities in health, education and income. The situation of young women is particularly challenging.

Recommendations:

- Address decent work in a holistic way that includes transforming socio-economic constraints as well as challenging existing gender roles. A primary avenue of accomplishing this is by ensuring Women participates in decision making processes.
- Promotes a human rights-based approach to decent work. Emphasizing the human rights impacts in addition to Economic impacts.
- Further unpack, analyzed and provide guidance on how to best address the complex relationship between gender-based violence and decent work.
- States must eliminate discrimination against women in employment. (CEDAW Article 11).

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¹⁹ 2010 Liberia Labor Force Survey (LFS), cited in: World Bank Group Africa Region Human Development. 2013