Child rights in Liberia

UPR Pre-Session

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The major objective of this joint report is to provide additional information that reflects the actual situation of children in Liberia.

This report highlights recent issues on Child Rights and Child 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.
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 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.
1. CHILD MARRIAGE

- The State of Liberia received several recommendations on the issue of child marriage during the Second Cycle of the UPR (2015).

- The recommendations supported included: working to combat child, early and forced marriage, to legally prohibit FGMs and to increase support to girls from the poorest households and rural areas who are reportedly more at risk of being subject to these practices.

- The State is also supposed to systematically pursue current initiatives to combat harmful practices against women and children, in particular female genital mutilation and early marriage.

- The Optional Protocol to the UN CRC on the involvement of children in armed conflict, and on the sale of children child prostitution and child pornography, were both signed in 2004, but were not ratified.
NATIONAL FRAMEWORK

- 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 Revised National Gender Policy (2018-2022) 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.

- 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.
CHALLENGES AND IMPACT

- Despite efforts by the State to implement the international legal frameworks at the national level, gaps still exist between these legislations and the customary laws in particular those relating to child rights issues.

- 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. There is no explanation provided on the processes and mechanisms particularly for strengthening of linkage between the formal and the traditional systems.
RECOMMENDATIONS ON CHILD MARRIAGE:

➢ Protect children from all forms of violence;

➢ Abolish traditional harmful practices;

➢ Child marriage should have no legal effect, and States must set a minimum age of marriage;

➢ Set the minimum age of marriage for both girls and boys at 18 years old in national law;

➢ 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;

➢ Ratify the Optional Protocols of the UN CRC.
2. VIOLENCE AGAINST CHILDREN ESPECIALLY GIRLS

The State of Liberia received 27 recommendations related to violence during the previous UPR cycle. The recommendations encompassed the adoption of the Domestic Violence Act, the criminalize of FGM and enforcement of laws that protect children from sexual abuse and exploitation.

The State of Liberia should strengthen the units for the protection of women and children, granting these the necessary capacity to gather all evidence and investigate all cases of sexual and gender-based violence.

To support victims, especially women and children, many States recommended Liberia to improve access to justice and access to health services and economic assistance for the victims.
NATIONAL FRAMEWORK

- 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.
CHALLENGES AND IMPACT

• Very few Sexual Gender Based Violence (SGBV) cases reported to GBV Response Actors resulted in a conviction.

• While many alleged perpetrators were arrested, they were rarely brought to trial due to legal and institutional weaknesses, social mores and attitudes, corruption, lack of will or diligence of authorities, and logistical constraints.

• 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. Few individuals are convicted by the court of first instance. Countless additional cases are unreported due to numerous barriers faced by victims.
RECOMMENDATIONS ON VIOLENCE AGAINST CHILDREN:

➢ Enact or strengthen National laws to criminalized sexual violence, including in marriage, as well as violence and abuse committed online;

➢ Establish a fast track court system for all Sexual Gender Based Violence cases;

➢ Provide prosecutors with extensive capacity building training on SGBV court proceeding;

➢ Ensure 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;

➢ Allocate 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 organisations;

➢ Government Agencies access and contribute to an online formal data base system to report national statistics in parallel of NGOs reporting.
3. ACCESS TO EDUCATION AND DECENT WORK, IN PARTICULAR FOR GIRLS AND YOUNG WOMEN

- During the second cycle of the UPR, the State of Liberia received 5 recommendations on the issue of education which were accepted by the government.

- States recommended to incorporate the principle of equality between women and men into the Constitution, and seek to combat gender-based discrimination, in particular against girls in rural areas.

- It was also discussed to put in place targeted measures to reduce the high dropout rates of girls from high schools, and intensify efforts to eradicate illiteracy, especially among women and girls.
NATIONAL FRAMEWORK

- There is a 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....
CHALLENGES AND IMPACT

The TVET subsector is fragmented among several government ministries and agencies (youth and sports, education, health and agriculture) and dysfunctional and does not address the skills required by young people in Liberia both in rural and urban communities.

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.

There are few opportunities to enter in paid 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 unemployed. Youth unemployment is higher among young women.
• Address decent work in a holistic way that includes transforming socio-economic constraints as well as challenging existing gender roles;

• Ensure young women and girls participate in decision making processes;

• Promote a human rights-based approach to decent work. Emphasizing the human rights impacts in addition to economic impacts;

• Further unpack, analyze and provide guidance on how to best address the complex relationship between gender-based violence and decent work;

• Eliminate discrimination against women in employment (CEDAW Article 11).
THANK YOU!
From all the members of our Coalition:

1. Defence for Children International Liberia
2. ROCH Liberia
3. UFDUM Liberia
4. FAWE Liberia
5. Plan International Liberia
6. YOCEL Liberia
7. NCYAB-Liberia
8. SEARCH Liberia
9. HELPING HAND Liberia
10. DEKAP Liberia
11. Protel Liberia
12. Street Child Liberia
13. Women and Children in Action for Development
14. Orphan Relief and Rescue
15. Orphan Concern
17. Rural Human Rights Activist Platform
18. Compassion Fund Liberia
19. Action for Justice and Human Rights
20. National Union of Disability
21. Think Liberia