

Corporal punishment of children in Liberia: Briefing for the Universal Periodic Review, 22nd session, 2015

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Global Initiative to
**End All Corporal Punishment
of Children**

The legality and practice of corporal punishment of children violates their fundamental human rights to respect for human dignity and physical integrity and to equal protection under the law. Under international human rights law – the Convention on the Rights of the Child and other human rights instruments – states have an obligation to enact legislation to prohibit corporal punishment in all settings, including the home.

In Liberia, corporal punishment of children is lawful, despite repeated recommendations to prohibit it by the Committee on the Rights of the Child and the Government's acceptance of relevant recommendations made during the 1st cycle UPR in 2010. Law reform in 2011 prohibited corporal punishment in the penal system and in some but not all other settings.

We hope the Working Group will welcome the prohibition of corporal punishment in the penal system and some other settings in the Children's Law 2011 but note with concern that it remains lawful in the home, in some forms of alternative care and day care, and in schools. We hope states will raise the issue during the review in 2015 and make a specific recommendation to Liberia that all corporal punishment be prohibited in all settings, including the home.

1 Review of Liberia in the 1st cycle UPR (2010) and progress since then

- 1.1 Liberia was reviewed in the first cycle of the Universal Periodic Review in 2010 (session 9). The issue of corporal punishment was raised in the summary of stakeholders' information.¹ No recommendations were made specifically concerning corporal punishment of children but the Government accepted a number of recommendations to reform its laws to comply with international human rights standards, including children's rights.²
- 1.2 Prohibiting and eliminating all corporal punishment of children in all settings – through law reform and other measures – is a key obligation under the Convention on the Rights of the Child and other human rights instruments, though it is one frequently evaded by Governments. The Committee on the Rights of the Child has twice expressed concern at corporal punishment of children in Liberia and recommended that it be prohibited in all settings, including the family, schools and care settings – in its concluding observations on the initial report in 2004³ and on Liberia's second to fourth periodic report in 2012.⁴

¹ 15 July 2010, A/HRC/WG.6/9/LBR/3, Summary of stakeholders' information, para. 19

² 4 January 2011, A/HRC/16/3, Report of the working group, paras. 77(4), 77(5), 77(9), 77(10) and 77(18)

³ 1 July 2004, CRC/C/15/Add.236, Concluding observations on initial report, paras. 42 and 43

⁴ 11 December 2012, CRC/C/LBR/CO/2-4, Concluding observations on second-fourth report, paras. 44 and 45

- 1.3 Since the initial review in 2010, Liberia has enacted the Children’s Law 2011. The new Law prohibits corporal punishment of children in the penal system and it prohibits corporal punishment of children by child protection officers, but it does not protect children from all corporal punishment in all circumstances. On the contrary, it specifically allows for “justifiable correction” (see para. 2.2, below).
- 1.4 **We hope members of the Working Group will welcome the prohibition of corporal punishment in the penal system and some care settings in Liberia and urge the Government to complete the process of law reform by ensuring the drafting and enactment of legislation clearly prohibiting corporal punishment of children in all settings, including the home.**

2 Legality and practice of corporal punishment in Liberia

- 2.1 **Summary:** Corporal punishment of children in Liberia is unlawful in the penal system and in some forms of alternative care and day care, but it is not prohibited in other care settings nor in the home and schools.
- 2.2 **Home (lawful):** Provisions against violence and abuse in the Penal Code 1976 and the Constitution 1986 are not interpreted as prohibiting corporal punishment of children. The Children’s Law 2011 provides limited protection from violent childrearing but does not make all corporal punishment unlawful. Article 4(1.3) states that “every parent shall have an equal duty with a co-parent to: ... (g) respect the child’s dignity and refrain from administering domestic discipline that violates such dignity or adversely affects the psychosocial or physical well-being of any child living in the household”. However, it does not explicitly prohibit all corporal punishment, and article 7(7) allows for “justifiable” corporal punishment, stating: “(1) No person shall subject a child to torture or other cruel, inhuman or degrading treatment or punishment. (2) Any correction or punishment of a child shall be justifiable for the child concerned. (3) No correction of a child is justifiable for any child if it is unreasonable in kind or in degree relative to the age, physical and mental condition of the child and no correction is justifiable if the child by reason of tender age or otherwise is incapable of understanding the purpose and fairness of the correction. (4) The Ministry of Gender and Development shall progressively facilitate parental guidance programs aimed at developing the capacity of parents to discipline and guide their children without use of any form of violence.” Without clear legal prohibition of all corporal punishment, many parents and others will perceive some level of physical punishment as “justifiable”, whatever “guidance” on non-violent parenting is available.
- 2.3 Research has revealed a high prevalence of corporal punishment of children in Liberia. According to UNICEF statistics collected between 2005 and 2011, 94% of girls and 94% of boys aged 2-14 experienced violent “discipline” (physical punishment and/or psychological aggression) in the home in the month prior to the survey.⁵
- 2.4 **Alternative care settings (partially prohibited):** Corporal punishment is unlawful in some but not all alternative care settings. Article 8(2) of the Children’s Law 2011 prohibits corporal punishment by child protection practitioners: “Every employer of a child protection officer shall incorporate into the child protection officer’s employment contract a code of conduct which mandates the employee to: ... (k) refrain from physical punishment of a child under the child protection officer’s protection...” But other carers would be permitted to inflict corporal punishment under the provisions for “justifiable” correction in article 7(7) of the Law (see para. 2.2, above).
- 2.5 **Day care (partially prohibited):** In early childhood care (nurseries, crèches, kindergartens, family centres, etc) and in day care for older children (day centres, after-school childcare, etc), children are legally protected from corporal punishment by child protection practitioners under article 8(2)

⁵ UNICEF (2013), *The State of the World’s Children 2013: Children with Disabilities*, NY: UNICEF

of the Children’s Law 2011 (see para. 2.4, above). But other carers would be permitted to inflict corporal punishment under the provisions for “justifiable” correction in article 7(7) of the Law (see para. 2.2).

- 2.6 **Schools (lawful)**: Corporal punishment is lawful in schools under the provision for “justifiable correction” in article 7(7) of the Children’s Law 2011.
- 2.7 **Penal institutions (unlawful)**: Corporal punishment is explicitly prohibited as a disciplinary measure in all penal institutions accommodating children in conflict with the law in article 9(3.5) of the Children’s Law 2011: “Corporal punishment, placement in a dark cell, closed or solitary confinement, or any other punishment that may compromise the physical or mental health or well-being of the child concerned are hereby prohibited.” Article 34(18)(2) of the Criminal Procedure Code explicitly prohibits corporal punishment in prisons: “... No cruel, degrading or corporal punishment including punishment by confinement in a dark cell, shall be inflicted on any prisoner....”
- 2.8 **Sentence for crime (unlawful)**: Corporal punishment is unlawful as a sentence for crime under article 9(3.5) of the Children’s Law 2011 (see para. 2.7).

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities.