

## THE CHILDREN'S LAW

### Summary of Sections that Most Apply to Adolescent Girls

In 2011, the Liberian Senate passed the Children's Act of 2011, and in 2012 the President signed it into law. This policy brief summarizes the sections of the law that are most relevant to adolescent girls.

### OVERARCHING PRINCIPLES

Article II, Section 4 stipulates that all decisions and actions that affect children (defined as those who are under 18 years of age) must take their best interests into consideration. Section 5 also ensures that no decision or action can be taken that discriminates against a child on the basis of sex, family, color, race, ethnicity, and a number of other dimensions.

### CHILDREN'S RIGHTS AND PROTECTIONS

Article III lays out a "Bill of Rights for Children," which includes the following provisions (among others):

- **Basic rights:** The rights to: an adequate standard of living; education (including free, compulsory primary education); adequate food, water, housing, and clothing; access to medically necessary health care; participate in cultural activities that are in the child's best interests; and leisure, play, and recreation.
- **Rights of expression and religion:** Rights of expression, access to information, freedom of thought and religion, and freedom of association.
- **Rights of inheritance:** The right to benefit from an inheritance left by a child's parents. (No guardian, caregiver, executor of a will, or other such person can dispossess a child of her inheritance.)
- **Protection from harmful work:** The right to be protected from work and other practices that may threaten a child's health or development.
- **Protection from sexual abuse:** The right to be protected from sexual abuse and exploitation, including prostitution and pornography.
- **Protection from involvement in violent conflicts:** The right to be protected from involvement in or recruitment for armed or otherwise violent conflicts.

Article VI, Section 38 and Article VII, Section 45 offer the following additional protections:

- **Marriage protections:** Children under age 18 cannot enter into marriage. Additionally, they cannot be betrothed into marriage or promised for marriage.
- **Other work protections:** Children cannot be given over to work in order to satisfy a parent's obligations (regardless of whether or not the work is harmful).
- **Protections from cruel treatment:** Children cannot be subjected to torture or other cruel, inhuman, or degrading treatment or punishment.

- **Protections from other harmful practices:** Children cannot be subjected to unnecessary practices that may cause physical or psychological pain to the child, or violate her health, dignity, education, or development.

### ESTABLISHMENT OF LOCAL CHILD WELFARE COMMITTEES AND CHILDREN'S REPRESENTATIVE FORUMS

Article XI calls for two types of local bodies to be created:

- A child welfare committee, to be established at the community or town level. (Article XI, Sections 79-85)
- A children's representative forum, to be established at the town, district, and county levels. (Article XI, Sections 96-99)

### CARETAKER RESPONSIBILITIES

Article VI, Section 28 states that parents and caretakers must comply with the following provisions (among others):

- **Raise children with equal dignity** regardless of their sex.
- **Refrain from administering domestic discipline** that violates a child's dignity or adversely affects her physical or psychosocial well-being.
- **Refrain from perpetrating violence** in the household where a child lives.

If any of these tenets are violated, a local child welfare committee may summon the parent and make recommendations to safeguard the child's best interests.

**Every community or town must establish a child welfare committee to advance children's rights.** The committee must include a traditional leader, a man and woman representing parents, a female child, a male child, two representatives of organizations in the community, and three other local members from a variety of religious faiths. The committee's responsibilities include making recommendations to public officials to eliminate harmful practices and prevent domestic violence through awareness and educational activities. When such recommendations are presented, the local government authority or service provider must respond promptly. If they do not, the child welfare committee can refer matters to higher authorities. Additionally, each town, district, and county must establish a separate children's representative forum, composed of boys and girls elected by their communities, in order to ensure that children's and young people's views are heard and acted upon.

### NATIONAL POLICY IMPLEMENTATION RESPONSIBILITIES

Throughout the law, a number of agencies are assigned responsibilities, as listed below.

*The Ministry of Health and Social Welfare must:*

- Ensure reproductive health service delivery through clinics,

hospitals, and other centers. (Article III, Section 13.3)

- Ensure that parents meet material and other needs for the well-being of their children, and provide assistance to parents who fail to do so. (Article III, Section 17.2)
- Provide rehabilitative measures to reintegrate abused or exploited children. This must include community counseling and other forms of psychosocial support. (Article VII, Section 48)
- Take measures to ensure children's increased access to adequate food and water; decreased malnutrition, illnesses, and child and parental deaths; and consistent access to housing conditions that are safe, healthy, clean, and appropriate for children. (Article III, Sections 13.2 and 16.2)
- Develop and implement policies and programs that address the effects of situations that leave children in particularly vulnerable positions. (Article VII, Section 41.1)
- Children who are in vulnerable positions include, for example, those who are involved in commercial sex work are exposed to domestic violence; have been sexually abused; have escaped from pressure to undergo an initiation ceremony or other harmful practice; are pregnant; live in child-headed households; have been given by parents or guardians to work for a relative or on a farm; have been treated poorly by a parent or guardian; have no home; or are displaced as a result of war, civil disturbance or natural disasters. (Article VII, Section 39)

*The Ministry of Education must:*

- Encourage children's enrollment and re-enrollment into school (or into alternative forms of education for children who have dropped out of school). (Article III, Section 14.3)
- Take special measures to ensure equal access to education for female and disadvantaged children. (Article III, Section 14.7)
- Ensure that teacher training curricula include instructions regarding teaching child rights. (Article III, Section 21.3)

*The Ministry of Gender and Development must:*

- Coordinate services focusing on parental skills (including disciplining without violence), mother support groups, community day care centers, and other strategies that ease parents' child care burdens. (Article V, Section 33 and Article 7, Section 45.4)
- Address the causes that leave children in particularly vulnerable situations (as described above). (Article VII, Section 40)
- Assist town and community leaders to establish local child welfare committees, as described above. (Article XI, Section 99.1)
- Manage a Child Rights Advancement Fund (Article XI, Section 77) and chair a Child Rights Education Committee (Article XI, Section 78.2)

## LOCAL POLICY IMPLEMENTATION RESPONSIBILITIES

Local agencies and individuals have the following responsibilities.

*Schools and local authorities must:*

- Ensure that child rights education extends to parents, through the participation of local school committees and civil society organizations. (Article III, Section 21.4)
- Facilitate the formation of children's rights clubs in schools. (Article III, Section 21.2)

*The Police must:*

- Investigate and handle cases of sexual violence, sexual abuse, sexual exploitation, domestic violence, and other cases that require police protection for women or children. (Article XI, Section 100.1)
- Maintain police units to protect women and children that (Article XI, Section 100.2):
  - Maintain updated registers of convicted child abusers and offenders (which will contribute to the national register).
  - Monitor the whereabouts of registered child abusers.
  - Make arrangements to prosecute cases of domestic violence and other violence against children.
  - Provide temporary safe places for women or children who have suffered or are at risk of suffering violence, exploitation, or abuse.

*Child protection officers must (Article VII, Sections 49, 50, and 51):*

- Not tolerate any form of child abuse, exploitation, or neglect.
- Not discriminate against any child on the basis of sex, family, color, race, ethnicity, or other dimensions.
- Assess and respond to risks that may make a child vulnerable to abuse, exploitation, or neglect.
- Work to prevent and respond to child exploitation and abuse, and to promote rehabilitation and reintegration.
- Avoid touching, fondling, rubbing, or having other inappropriate physical contact with children, and refrain from engaging in sexual acts or activities with children.
- Report concerns of child abuse, exploitation, and neglect.
- Refrain from using language that may harass, abuse, sexually provoke, or demean children.
- Refrain from engaging in or accepting bribes or significant gifts in relation to child protection services.

*Directors of alternative care institutions must:*

- Prescribe guidelines to protect children's privacy and confidentiality, including gender-sensitive protections when children interact with other children of the opposite sex. (Article X, Sub-article II, Section 65.4)
- Oversee procedures for meeting the health needs of every child in the institution. This includes access to medical, dental, and nursing care, as well as care specific to a child's individual needs, including her sexual health, gender-specific personal hygiene, HIV/AIDS prevention and treatment, and counseling and rehabilitation for children who have been abused, neglected, or exploited. (Article X, Sub-article II, Section 65.6)
- Prevent any kind of abuse, neglect or exploitation from occurring within the institution, and ensure that if such harm occurs, the institution provides an effective response. Alternative care institutions must also prohibit and take steps to stop bullying. (Article X, Sub-article II, Section 68)

### FOR A COPY OF THE CHILDREN'S LAW AND RELATED RESOURCES PLEASE

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### ABOUT LET GIRLS LEAD AND AGALI

*The Adolescent Girls' Advocacy and Leadership Initiative (AGALI)* is a program of Let Girls Lead. AGALI improves the health, education, and lives of adolescent girls in Latin America and Africa. AGALI strengthens the capacity of leaders to advocate in favor of girl-friendly policies and programs and provides seed funding to support their work on behalf of adolescent girls.

FOR MORE INFORMATION, VISIT:

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