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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-sixth session

SUMMARY RECORD OF THE 958th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 25 May 2004, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Liberia (continued) (CRC/C/28/Add.21; CRC/C/Q/LIB/1; CRC/C/RESP/56)

1. At the invitation of the Chairperson, Ms. Caesar, Mr. Coleman, Ms. Gayflor, Mr. Ja'neh and Ms. Lewis Bruthus (Liberia) took places at the Committee table.
2. Ms. GAYFLOR (Liberia) said that a children's unit had been established within the Ministry of Gender and Development, and a chief and four staff members had been appointed. More staff would be recruited as necessary to strengthen the unit.
3. Mr. JA'NEH (Liberia) said that the Constitution prohibited all forms of discrimination. Other rights guaranteed under the Constitution included the right to life and to the full development of the person. An act regulating the right to inheritance gave women under customary marriage the same rights as women under statutory marriage, and protected children's right to inheritance under customary marriage. Since many women in Liberia were heads of household, the formalization of those rights would ultimately have a beneficial effect on children and their development. New legislation concerning child custody had also been enacted to give women primary responsibility for minor children.
4. Poverty was one of the main impediments to children's development and was aggravated by the increasing number of women heads of household who were illiterate. Under the new Education Law, primary education was free and compulsory for children between the ages of 6 and 11. An education task force was being set up to ensure compliance with the Education Law. A penalty of US\$ 500, with the possibility of imprisonment, had been established for failure to comply with the Education Law.
5. There were an estimated 38,000 refugees in Liberian refugee camps. The Liberian Refugee Repatriation and Resettlement Commission paid special attention to refugee children's need for food, shelter and health care. The Commission was also responsible for tracing relatives; recently, in partnership with international agencies, it had successfully reunited a number of families. The countries of the Mano River Union had established bilateral arrangements to prevent the recruitment of child soldiers in conflict zones.
6. A special juvenile court had been established and 158 persons, including magistrates, police officers, education officials, health workers and court clerks, had been trained in the administration of juvenile justice. The New Judiciary Law established mechanisms to ensure that the provisions of the Constitution were appropriately applied to children. Under the Penal Code, no juvenile under 16 could be detained except for good cause and pursuant to an order by a juvenile court judge. Detained juveniles were required to be held separately from adults. Under the Liberian Criminal Procedure Law, no juvenile under 16 could be sentenced for a capital offence.

7. The Probate Court had jurisdiction over all issues relating to both domestic and international adoption. Under Liberian law, a parent who was capable of supporting his or her child or children, but who refused or failed to do so, could be forced to provide support or to face a jail sentence.
8. Liberia had ratified International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and Liberia's Labour Law prohibited the employment of minors under the age of 16. Under the New Penal Code, sexual exploitation and sexual abuse were serious offences. However, the current definition of rape included the requirement of penis penetration; that definition was too limited. The Government, together with the Association of Female Lawyers of Liberia, was currently formulating a broader definition of the crime of rape.
9. Since the war, there had been a marked increase in drug abuse. A drug enforcement agency had been established under the purview of the Ministry of Justice to provide rehabilitation for drug abusers. Unfortunately, the agency still lacked technical and financial support.
10. Under article 27 of the Constitution, only persons who were Negroes or of Negro descent could become Liberian citizens, either by birth or by naturalization. That issue had been raised in numerous international forums and was considered by some to be a form of positive discrimination.
11. Public opinion was strongly in favour of decentralizing the Government, since most public services were concentrated in urban areas, particularly Monrovia, while the majority of the population lived in rural areas. In recognition of that problem, the Comprehensive Peace Agreement had provided for the establishment of a governance reform commission to deal with the issue of decentralization. The Commission had been established and would soon begin work. Some of the problems relating to decentralization could be traced to constitutional provisions that granted excessive powers to the President. Those provisions should be amended.
12. Mr. CITARELLA asked how the Government planned to enforce legislation concerning compulsory education throughout the country if nearly all Liberia's schools had been destroyed or closed down during the civil war.
13. Ms. SMITH said that, since the age of criminal responsibility in Liberia was 16, persons under 16 should not be sentenced for capital offences or for any other offences.
14. Mr. JA'NETH (Liberia) said that, in cases where children under 16 had committed a crime other than a capital offence, judges took account of the circumstances surrounding the offence and could issue an order for detention and rehabilitation. Although the punishment for capital offences in Liberia was death by hanging, persons under 16 could not be sentenced to death, even if they were found guilty. Regrettably, there were no special facilities for the detention and rehabilitation of juveniles.
15. The CHAIRPERSON asked whether 16- and 17-year-olds were subject to capital punishment.

16. Mr. JA'NEH (Liberia) said that, under current Liberian legislation, 16- and 17-year-olds could be sentenced to death.

17. Ms. SMITH asked whether a 14- or 15-year-old child could be sentenced to rehabilitation.

18. Mr. JA'NEH (Liberia) said that, in the case of a child who had been found guilty of theft, for example, judges often considered that it was in the best interests of the child to sentence the child.

19. Mr. FILALI asked what the maximum penalty was for juveniles under 16 who had committed a crime. He wished to know how many minors were currently being held in Liberian prisons, what crimes they had committed and the length of their sentences.

20. The CHAIRPERSON asked whether children sentenced to detention were placed in special juvenile detention centres.

21. Mr. JA'NEH (Liberia) said that, although the law stipulated that children should be held in separate detention centres for juveniles, those facilities were grossly inadequate. Children alleged to have committed offences were currently placed in special facilities at police stations.

22. Mr. CITARELLA asked what was the maximum length of detention that a court could order for such children.

23. Mr. JA'NEH (Liberia) said that the distinction that had been drawn between a "child" and a "minor" in the New Penal Code was intended to enable juvenile court judges to consider the circumstances under which crimes were committed by minors under the age of 16 and, taking into account the best interests of the child, to issue a judgement. In sentencing of minors, judges tended to opt for rehabilitation.

24. The CHAIRPERSON asked whether the Government intended to ratify the optional protocols to the Convention, on children in armed conflict and on the sale of children, child prostitution and child pornography, and ILO Convention No. 138 concerning Minimum Age for Admission to Employment.

25. Ms. CAESAR (Liberia) said that the Ministry of Foreign Affairs had recently reviewed the status of all conventions and protocols, including the two optional protocols to the Convention on the Rights of the Child. A review of all conventions and protocols awaiting ratification would be conducted.

26. Mr. COLEMAN (Liberia) said that Liberia had an inter-agency committee to accredit orphanages and social welfare institutions and monitor the standard of care that they provided. The accreditation criteria were in conformity with the Convention. The number of orphanages was increasing in the wake of the armed conflict. The inter-agency committee had found that some 35 institutions were providing unsatisfactory care and had closed them down and placed the children in accredited centres.

27. Given the high rates of unemployment and poverty, many children had been abandoned by parents who could not provide for them. While the Ministry of Health and Social Welfare or the United Nations Children's Fund (UNICEF) was capable of providing care for them in orphanages, the Government's policy was to reunite such children with their families whenever possible, often with assistance from the International Committee of the Red Cross (ICRC).
28. Most intercountry adoptions had involved the United States of America. The Ministry of Health and Social Welfare, working closely with the judiciary in Liberia and the United States Embassy, endeavoured to ensure that all adoption agencies operating in Liberia were accredited by the United States Government.
29. The 1976 Public Health Law had been amended to allow for the decentralization of the public health-care system. All aspects of health care were covered by legislation, which included programmes on malaria, reproductive health, environmental and occupational health, and HIV/AIDS. Those programmes were defined in policy documents, all of which were provided to Liberia's international partners.
30. The prevalence of HIV/AIDS had increased from about 4.6 per cent in 2000 to 11 or 12 per cent. Access to antiretroviral drugs had been hindered by the war, which had prevented implementation of the programme for prevention of mother-to-child transmission. The number of children born with HIV had increased, and the Government hoped to receive support from the Global Fund to Fight AIDS in order to provide pregnant women with antiretroviral drugs. The Minister of Health and Social Welfare chaired a national, multisectoral commission on HIV/AIDS. A strategic plan had been developed to provide treatment and care for HIV/AIDS orphans.
31. As a result of the recent armed conflict, access to health care was not available to all Liberians. As fighting had moved from the borders towards Monrovia, an increasing number of health-care facilities had been cut off. Security was currently being restored with the help of United Nations peacekeepers, and access to health care had improved. However, only 37 per cent of births took place in hospitals, which accounted for Liberia's high maternal mortality rate. There was therefore an urgent need to improve emergency obstetric care.
32. The provision of health care was hampered by the emigration of trained staff to other countries, particularly the United States of America. Every year, between 50 and 60 per cent of all health-care workers emigrated from Liberia to developed countries. In May 2004, the World Health Assembly had adopted a resolution requesting the developed countries to provide resources for health-care training.
33. The CHAIRPERSON asked whether there would be a new strategic plan to combat HIV/AIDS, and what steps the Government had taken to secure support from the Global Fund to Fight AIDS.

34. Mr. COLEMAN (Liberia) said that a new strategic plan was currently being developed; at a recent meeting of stakeholders, the care of HIV/AIDS orphans and ways of increasing access to treatment had been discussed. Support from the Global Fund to Fight AIDS had already been obtained. Liberia would receive US\$ 7.6 million over a two-year period to increase access to health care and treatment, US\$ 12.1 million to combat malaria and US\$ 4.6 million to treat tuberculosis.

35. Ms. AL-THANI asked whether health-care workers emigrated because of the low salaries they were paid in Liberia.

36. Mr. COLEMAN (Liberia) said that the problem of low salaries had been raised with donor countries. However, although they had pledged almost US\$ 150 million over two years to improve basic services, donors had made no provision for the retention of health-care workers trained in Liberia. Both donors and non-governmental organizations (NGOs) had asserted that it was the responsibility of the Government to raise salaries in order to dissuade Liberian health-care workers from emigrating. However, owing to insufficient resources, the Government was unable to increase salaries.

37. Birth registration was a right of all children and a means by which the community recognized a child's existence. Under the Public Health Law, registration was compulsory within 14 days of birth. However, lack of awareness, poor infrastructure and the high level of illiteracy had resulted in a low rate of birth registration. The Government had therefore decided to permit the registration of children up to the age of 5. Given the high proportion of internally displaced persons in Liberia, such persons were issued birth certificates free of charge.

38. The CHAIRPERSON asked whether a midwife or a birth attendant could play a role in birth registration.

39. Mr. COLEMAN (Liberia) said that midwives had the authority to fill in birth registration forms, which were then forwarded to the central register by the county health authorities. That had helped to increase the rate of birth registration.

40. Supplementary and therapeutic feeding centres had been set up in Monrovia to combat the high levels of malnutrition that had been recorded there between June and September 2003. Although the situation in the capital had improved since October 2003, malnutrition persisted in other parts of the country. Nutrition surveys had been carried out to assess the need for feeding centres, which were being set up as required.

41. Some 80 per cent of women in Liberia breastfed their babies until about 10 months. Although diversification of feeding was generally recommended from about 6 months, the Ministry of Health and Social Welfare encouraged breastfeeding because it prevented an increase in infant mortality.

42. The CHAIRPERSON asked how many children from Liberia had been adopted outside the country, and whether all those children had previously lived in orphanages. He enquired whether there was a central register or authority that processed intercountry adoptions of Liberian children, and whether the Government intended to ratify the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

43. Mr. COLEMAN (Liberia) said that the majority of the children put up for adoption in Liberia came from orphanages or hospitals. All formal adoption processes were coordinated by a special agency that was monitored by representatives of the judiciary and the Ministry of Health and Social Welfare. Records were kept of all adoptions. The Government was considering ratification of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and had initiated a process to ratify the two optional protocols to the Convention on the Rights of the Child.

44. The CHAIRPERSON asked whether domestic adoption was given preference to intercountry adoption.

45. Ms. KHATTAB enquired whether there was a system to monitor the situation of children who were cared for by members of their extended family without being formally adopted.

46. Mr. COLEMAN (Liberia) said that, although all formal adoptions had to be processed by the judicial system, childcare arrangements were frequently made informally within the extended family and the local community with no involvement of the courts. The Government actively encouraged the placement of orphans in families.

47. Mr. JA'NEH (Liberia) said that legal adoption could take place only on the basis of a decision by the Probate Court. It was more straightforward to grant custody of a child to a member of the child's extended family.

The meeting was suspended at 4.30 p.m. and resumed at 4.45 p.m.

48. Mr. KRAPPMANN asked for further information about the Disarmament, Demobilization, Rehabilitation and Reintegration programme. In particular, he wished to know what assistance was offered to children who wished to resume a normal life within a community.

49. He would also like information about the Government's policy towards child workers. The provision of the Labour Law that prohibited children under the age of 16 from working was clearly not implemented in practice. Given the current situation in Liberia, prohibiting children from earning money for survival could lead to a rise in poverty and mortality levels. He wondered whether the Government had considered the introduction of a programme that would allow children to combine work and education.

50. Mr. FILALI asked what measures were being taken to ensure that demobilized children did not reorganize themselves into gangs.

51. Mr. KOTRANE enquired whether the State party intended to ratify ILO Convention No. 138 concerning Minimum Age for Admission to Employment.

52. Ms. VUCKOVIC-SAHOVIC said that the delegation should outline Liberia's goals in the field of education. The Government might find it useful to refer to the Committee's general comment No. 1 on the aims of education (CRC/GC/2001/1) when preparing its national education plans.

53. Ms. SMITH asked whether there were any cases of the illegal export of children from Liberia for adoption or other purposes.

54. Ms. SARDENBERG requested further information on the impact of the commercial sexual exploitation, particularly prostitution, of children that had occurred during the conflict.

55. Ms. CAESAR (Liberia) said that, despite the lack of resources, some remarkable achievements had been made in the field of education between 1998 and 2001, when the country had enjoyed a period of relative calm. The number of school facilities and the number of primary school teachers in Liberia had more than doubled during that period and school enrolment had increased almost threefold.

56. Efforts were being made to rehabilitate many of Liberia's educational facilities that had been closed during the war. To date, a total of 240 schools, equipped with new sanitation and plumbing facilities, had been reopened. A further 350 schools throughout five counties were being rehabilitated. Since October 2003, UNICEF, with the support of the Ministry of Education, had provided thousands of "Schools-in-a-box" containing basic teacher and student supplies; that had enabled some 582,000 children to return to school. Furthermore, over 7,200 teachers had received training in emergency education.

57. Free and compulsory education had been introduced in Liberia in 1912. Since then, a series of policies, each addressing a different aspect of education, had been adopted. As a result of the 1973 Education Law, a number of programmes, such as the Assisted Enrolment Programme and the Accelerated Learning Programme, had been introduced. Those programmes were currently being implemented in 50 schools throughout the country as part of the Government's efforts to encourage children to return to school. Consequently, 65 per cent of the boys and 62 per cent of the girls enrolled in primary education were considered to be "over age" and it was not unusual to find an 18-year-old in the second or third grade of high school. The Free and Compulsory Primary Education Act had been adopted in September 2003.

58. The Government's ultimate goal was to guarantee the right of all children to attend school. It aimed to ensure that all of Liberia's children achieved their highest potential, became productive citizens and assumed leadership roles. It hoped that education would help to boost the self-esteem of Liberia's children and enable them to lead better lives.

59. The goal of the Government's education policy was to ensure that the vast majority of the country's 1.5 million school-age children were enrolled in school. The Government sought to achieve that goal primarily through the rehabilitation of primary and secondary schools, and it planned to make 1,529 learning facilities operational by the end of 2004. Other goals of the policy were to decentralize the educational system, increase the resources allocated to basic education, achieve stability in the educational cycle and create a gender balance in education.

60. Human rights and civic education had been incorporated into the school curricula, and a number of textbooks on that subject had been designed for use by children at elementary and junior high school level. Information about specific provisions of the Convention was provided mostly through the media. UNICEF was working in partnership with the Forum for African Women Educationalists to distribute a magazine and to produce a weekly radio programme to teach girls about their rights. Furthermore, a booklet had been prepared to raise demobilized children's awareness of their rights.

61. The problems faced by girls in Liberia were being addressed through various programmes run by the Ministry of Education, UNICEF and the United Nations Population Fund (UNFPA). The Forum for African Women Educationalists had conducted a number of studies on gender disparities in Liberia's educational system and on the impact of education on girls. The Forum was also involved in providing educational support for girls.
62. Ms. GAYFLOR (Liberia) said that the Children's Parliament comprised members from different backgrounds and was currently headed by a girl. One of the major concerns raised by children in the Parliament was the lack of recreational facilities in Liberia. The only opportunity many children had to play was when they were sent to collect water at wells and water pumps. The provision of domestic water facilities would give children more leisure time.
63. The National Child Rights Observatory Group, which received support from UNICEF, was an independent body composed of eminent Liberians and other stakeholders interested in children's issues. The Group elected its own chairperson. Its objective was to monitor and report violations of children's rights and to recommend appropriate measures to prevent such violations from recurring. Steps were being taken to recruit a coordinator from the Group to work in the Ministry of Gender and Development.
64. Although the demobilization process was well under way, funding was urgently needed to speed up the reintegration process. Without the necessary resources and activities, it would be difficult to prevent children from reorganizing themselves into gangs. During a recent visit to a disarmament camp, she had assured children that steps were being taken to reintegrate them into society. The support of the international community was essential if the Government was going to be able to keep its promises. There were few negative feelings towards demobilized children. Liberians were tired of fighting and wanted to put the past behind them. The establishment of a truth and reconciliation commission would help many individuals to come to terms with the past.
65. Because of poverty, child labour existed in Liberia. The Government was trying to raise awareness of the negative effects of sending children to work and to encourage parents to send their children to school.
66. The CHAIRPERSON asked what measures had been taken to encourage former child combatants to hand over their weapons and enter demobilization programmes.
67. Ms. GAYFLOR (Liberia) said that the Government's strategy was to encourage former child combatants to disarm voluntarily. The presence of the Economic Community of West African States Ceasefire Monitoring Group had had a positive impact on local communities' willingness to cooperate in finding weapons.
68. Mr. JA'NEH (Liberia) said that Liberians had recognized the benefits of disarmament. Only recently, community workers had provided important information about caches of ammunition and weapons.
69. Ms. SARDENBERG asked what measures had been taken to encourage children to present themselves at disarmament and cantonment sites for assistance.

70. Ms. GAYFLOR (Liberia) said that specific radio programmes had been introduced to encourage children to disarm. Considerable efforts were being made to encourage former child combatants to distance themselves from their military past and to urge other child soldiers to disarm.
71. The CHAIRPERSON requested information on the current security situation in Liberia and asked when United Nations Mission in Liberia (UNMIL) troops were expected to reach full strength and be deployed throughout the country.
72. Mr. JA'NEH (Liberia) said that UNMIL troops had been almost fully deployed, which had considerably improved the security situation. Moreover, the presence of a large United Nations peacekeeping force had a considerable psychological impact.
73. The CHAIRPERSON asked the delegation to provide information on adoption and the illicit transfer of children.
74. Mr. JA'NEH (Liberia) said that the formalization of adoption agreements required strict compliance with the relevant Liberian legislation.
75. The CHAIRPERSON said that, in a number of countries, illegal adoptions took place in spite of such requirements. He asked whether there were any known cases of "black market adoption".
76. Mr. COLEMAN (Liberia) said that he could not rule out isolated cases of illegal adoption. However, adoptions were given careful consideration on a case-by-case basis; when the legal requirements were not met, adoption was not permitted.
77. Children in Liberia, or Liberian children who had sought refuge in neighbouring countries, were not used as slaves in plantations.
78. The CHAIRPERSON requested information on the extent of the sexual exploitation of girls in the aftermath of the war.
79. Mr. COLEMAN (Liberia) said that child prostitution was prevalent in urban areas. Its main causes were abject poverty and high unemployment rates. The increase in HIV/AIDS in recent years was directly related to sexual exploitation.
80. Liberian girls, particularly in rural areas, were sexually active from an early age. Cultural practices accepted early marriages and the incidence of teenage pregnancies was very high.
81. Within the framework of the National AIDS Control Programme, the Government, in cooperation with the National AIDS Commission, had taken measures to improve sex workers' reproductive health and raise awareness about HIV/AIDS prevention.
82. Sexual exploitation would be eradicated only when effective poverty-reduction programmes were introduced. Vocational training for former girl soldiers would make them less vulnerable to sexual exploitation.

83. Ms. GAYFLOR (Liberia) said that the Government intended to conduct a survey on gender-based sexual violence in order to identify the primary areas of concern. Government institutions and women's groups were cooperating with the national police to create a special task force to dismantle regional child sex exploitation networks.
84. Ms. VUCKOVIC-SAHOVIC asked whether the Government planned to expand its cooperation with the police on such issues as child abuse, trafficking in children, and illegal adoptions.
85. Ms. GAYFLOR (Liberia) said that law enforcement personnel had already received some training in children's rights, and the current recruitment drive focused on the issue of gender imbalance in the police force.
86. The CHAIRPERSON asked what measures had been taken to address the problem of drug use among former child combatants.
87. Mr. COLEMAN (Liberia) said that the rehabilitation of former child combatants with drug dependencies had suffered a major setback, and efforts were currently being made to recruit specialized personnel. At the ministerial level, a committee was working on ways to tackle the problem.
88. The CHAIRPERSON requested detailed information on the rehabilitation and reintegration of former child combatants.
89. Ms. GAYFLOR (Liberia) said that rehabilitation strategies focused on support and reconciliation. The international donor community had pledged significant financial support for the establishment of rehabilitation camps in cooperation with women's groups and NGOs.
90. Mr. COLEMAN (Liberia) said that the Catholic Church and the Consolidated Inter-Agency Appeal (CAP) children assistance programme operated centres to provide vocational training for former child soldiers and non-combatant children in order to facilitate their reintegration into society.
91. The CHAIRPERSON requested information on programmes for tracing families and returning children to their communities.
92. Mr. COLEMAN (Liberia) said that UNICEF-supported interim care centres carried out family-tracing activities and facilitated children's return to their communities.
93. Ms. GAYFLOR (Liberia) said that the poster campaign launched by ICRC had been very successful and had reunited many families.
94. Mr. KRAPPMANN commended the Liberian Government on its commitment to the implementation of the Convention. He encouraged Liberia to sustain its remarkable efforts with regard to peace-building, security and rights enforcement, and stressed the importance of the demobilization, rehabilitation and reconciliation of former child soldiers. The Committee would use its authority to support Liberia's request for the provision of specialized personnel, resources and technical assistance by the international community.

95. The family reunification process should be improved, and the conditions in homes for children deprived of a family environment required close monitoring. Human resources capacity-building was crucial to improving universal access to health-care facilities. Educational strategies should focus on increasing school enrolment, reconstructing schools and improving curricula. More effective measures must be taken to protect vulnerable groups of children in order to prevent their ill-treatment and exploitation.

96. Ms. GAYFLOR (Liberia) thanked the Committee for its openness and support. The Government of Liberia intended to fulfil its obligations under the Convention and to incorporate the provisions of the Convention into its national legislation. Technical and financial support from the international community was crucial to that endeavour.

The meeting rose at 6 p.m.