

# **AN ACT TO ESTABLISH THE CHILDREN'S LAW OF LIBERIA, 2011**



September 2011

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**PREAMBLE**

**WHEREAS** the people of Liberia aspire that all present and future children in Liberia should enjoy progressive dignified life;

AND

**WHEREAS** the people of Liberia recognize that children are the pillars, cornerstones, and foundation of a future vibrant, just, peaceful, and prosperous Liberia;

AND

**WHEREAS** every child is entitled to survival, development, participation and protection;

AND

**WHEREAS** childhood is a period requiring special care and assistance;

AND

**WHEREAS** many children have in the past suffered because of abuse, exploitation, neglect, conflict, and violence;

**WHEREAS** Liberia is a signatory to and the people of Liberia share the beliefs expressed in international human rights instruments such as the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child, and the Convention on the Elimination of All Forms of Discrimination against Women;

**NOW THEREFORE,**

It is enacted by the House of Senate and the House of Representatives of the Republic of Liberia, in Legislature Assembled:

**ARTICLE I**  
**Establishment, Title and Definitions**

<b>Section 1</b>	That from and immediately upon the passage of this Law, there should be established a Children's Law of Liberia, 2011.	Establishment
<b>Section 2</b>	This Law to establish the Children's Law of Liberia, 2011 shall be cited as the "Children's Law of 2011". The rights and correlative duties stipulated in this Law shall constitute a Bill of Child Rights.	Short Title
<b>Section 3</b>	In this Law, unless the context otherwise requires: -  "Absent parent" shall mean a biological or other parent not ordinarily residing as a member of the child's household;  "Adequate food" shall be construed to mean availability of food in a quantity and quality sufficient to satisfy the dietary needs of an individual, free from adverse substances, and acceptable within Liberia's culture;  "Adequate water" shall be construed to mean that water supply for each person is: (a) sufficient and continuous for personal and domestic uses; (b) of such quality that it is free from micro-organisms, chemical substances, radiological and other hazards that may constitute a threat to a person's health; and (c) from sources, facilities and services that are accessible to everyone without discrimination;  "Adoptive parent" shall mean an adult, not being the biological parent of the child, in whom a court order has vested parental rights and duties following adoption proceedings;  "Alternative care" shall mean the factual provision of care for the upbringing of a child by a person other than a biological parent or by a child care institution, and includes:— - caring for a child as a result of an adoption order; - foster parenting; - caring for a child with the implied or express consent of a parent or guardian of the child; - caring for a child whilst the child is in temporary safe care; - caring for a child at a shelter, collective home for children in need of care, or center where a child has been placed;	Definitions

“Biological parent” shall mean a person whose gamete contributed to the conception of the child in question;

“Caregiver” in relation to a child shall mean a person who has duties to nurture a child under this Law or under any other law, or is in any way providing nurture to the child concerned, provided that such law does not limit the definition herein provided;

“Child” shall mean any person below the age of 18 years;

“Council” shall mean the National Child Well-being Council established under Article XI, Section 12;

“County” shall mean county as defined in the Government's policy or law on local government administrative structures;

“Dietary needs” shall mean that the diet as a whole containing a mix of nutrients for physical and mental growth, development and maintenance, and physical activity that are in compliance with human physiological needs at all stages throughout the life cycle and according to gender and occupation;

“District” shall mean district as defined in the Government's policy or law on local government administrative structures;

“Diversion” shall mean removal from criminal or juvenile justice processing and referral to alternative social welfare and services;

“Foster parent” shall mean a person who is not a biological parent of a child but is willing and registered to foster a child under this Law;

“Gender coordinator” shall mean a gender coordinator as provided for under the Law Establishing the Ministry of Gender and Development;

“Inclusive education” shall mean a set of values, principles and practices that seeks meaningful, effective, and quality education for all pupils or students, that does justice to the diversity of learning conditions and requirements not only of children with disabilities, but for all pupils and students.

“Parent”, in relation to a child, shall include a biological parent, foster parent, step parent, or absent parent, but for the purposes of any parental rights outlined in this Law, shall exclude –

- the biological father of a child conceived through the

- rape of or incest with the child’s mother;
- a parent whose parental responsibilities and rights in respect to a child have been terminated;

The termination of parental rights described in this section shall in no way be construed to relieve the excluded biological parent of parental responsibilities, including but not limited to financial support, or to deny any child her or his rights;

“Service provider” shall mean any person or body, whether in the public or private sector licensed or otherwise competent to provide services for the health, education, development, and protection of any child and the general well-being of the child; this definition shall include teachers, nurses, policewomen and policemen, and others rendering essential care to children;

“Progressive” in relation to the realization of any right provided for in this Law shall be interpreted to mean to move as expeditiously as possible towards the realization of the right or rights; under no circumstances shall this be interpreted as implying the right to deter indefinitely efforts to ensure full realization but rather an obligation to begin immediately to take steps to fulfill the obligation concerned. The term “progressively” in relation to duties of the state shall be construed accordingly;

“Social worker” shall mean a social worker in the service of—

- a ministry responsible for social welfare;
- a designated child survival, development, participation or protection organization; or a local authority with jurisdiction over child welfare issues;

“Stepparent” means a spouse or partner of a biological parent of a child;

“Town” shall mean town as defined in the Government’s policy or law on local government administrative structures;

“Youth facilitator” shall mean a person with skills, designated by the appointing authority, to work with children and young people in an appropriate and participatory manner.

## **Article II: Objective and Principles of the Law**

- |                  |  |                         |
|------------------|--|-------------------------|
| <b>Section 1</b> | The objective of this Law shall be to facilitate the respect, protection, promotion, and provision of the realization of child rights in order to make maximum contribution to the survival, development, participation, and protection of every child in Liberia. | <i>Objective of Law</i> |
| <b>Section 2</b> | 2.1 In all decisions and actions that may affect the child, the best   | <i>The principle of</i> |

interests of the child shall be the paramount consideration. This principle shall underlie and guide the interpretation and implementation of this Law and, subject to the Constitution, its impact on other laws.

*the best interests of the child to underlie the Law*

2.2 In determining the best interests of the child, a court or any other person or body shall take into account the following factors:

- (a) the need to balance the short and long term best interests of the child;
- (b) the ascertainable wishes and feelings of the child concerned;
- (c) the child's physical, emotional, and educational needs;
- (d) the likely effects of any changes in the child's circumstances;
- (e) the child's age, sex, background, and any other attributes;
- (f) any harm that the child has suffered or is at risk of suffering; and
- (g) any other factor that is generally important for the welfare of children in the same category as the child.

### **Section 3**

The following principles shall complement the principle of the best interests of the child in section 4 for the interpretation and implementation of this Law:

*Complementary principles*

- (a) no decision or action shall be taken whose result or likelihood is to discriminate against any child on the basis of sex, family, color, race, ethnicity, place of origin, language, religion, economic status, parents, or any other status;
- (b) subject to her or his evolving capacities, the child is entitled to participate in decisions that may affect her or his welfare;
- (c) in all decisions and actions, the advancement of the child's survival and development shall be a matter of duty;
- (d) as much as possible, work to advance the rights of the child shall be multi-sectoral, holistic, and life cycle-based;
- (e) the development of the child's sense of responsibility according to her or his evolving capacities in the enjoyment of child rights shall be a consideration in parental guidance and the enjoyment of child rights; and,
- (f) any person obligated to respect, protect, promote, or provide for the enjoyment of child rights remains accountable for the well-being of the child.

**Article III:**

**Child Rights and Governmental Duties**

<b>Section 1</b>		The rights and correlative duties stipulated in this Article shall constitute a Bill of Child Rights and shall not exclude other child rights recognized in the Constitution, any other law of Liberia or any international law to which Liberia is a party.	<i>A Bill of Rights for children</i>
<b>Section 2</b>		Subject to the meaning of “progressive” in section 2 herein, the realization of the child rights in this Article, the Constitution, other law, and international law shall be progressive, subject to the availability of human, organizational, and economic resources provided that the government shall demonstrate that any such available resources are used to the maximum extent to realize such rights.	<i>Realization of child rights to be progressive and subject to maximum use of available resources</i>
<b>Section 3</b>	3.1	Every child shall have the right to life.	<i>The right to life</i>
	3.2	No law shall be valid if it requires the execution or any form of killing of a child.	
<b>Section 4</b>	4.1	Every child shall have a right to a name that is not humiliating or degrading to the child except where these names is based on cultural and traditional practice.	<i>The right to a name and identity</i>
	4.2	Every child shall have a right to have her or his identity preserved.	
	4.3		
<b>Section 5</b>	5.1	Subject to the best interests of the child, every child shall have a right to know and to be cared for by her or his biological parents.	<i>The right to know and be brought up by parents</i>
	5.2	Every child shall have a right to have contact with her or his biological parent, if not living with such parent.	
	5.3	The Ministry of Health and Social Welfare shall have the power to act as a mediator in child support cases, taking into consideration Penal Code Section 16.5	

regarding persistent non-support and Domestic Relations Law Section 5.4 granting courts jurisdiction over support proceedings. If a mediated solution cannot be found, such cases shall be forwarded to courts of competent jurisdiction.

5.4 No child shall be separated from her or his parents against the child's will by any authority or person unless doing so would be in the best interest of the child and is decided by a court of competent jurisdiction.

<b>Section 6</b>	6.1	Every child shall have the right to appropriate parental guidance.	<i>The right to parental guidance</i>
	6.2	Every parent shall provide guidance to her or his child in a manner that is consistent with the child's evolving capacities.	
<b>Section 7</b>	7.1	Every child has the right to a standard of living adequate for her or his holistic development.	<i>The right to an adequate standard of living</i>
	7.2	All ministries responsible for implementing any provision under this Law shall, on an annual basis, collaborate to submit a joint report, issued by the Ministry of Gender and Development, to the President of the Republic of Liberia.	
<b>Section 8</b>	8.1	Every child shall have the right to access all medically necessary health care.	<i>The right to access medically necessary health care</i>
	8.2	The Ministry of Health and Social Welfare shall work with the Ministry of Internal Affairs and local government authorities and other ministries to devise and implement programs that result in the progressive decline of malnutrition, child illnesses, and child and parental deaths.	
	8.3	The Ministry of Health and Social Welfare shall work with other ministries, non-governmental organizations, and other service providers to ensure the delivery of reproductive health services through regular clinics, hospitals, and other centers.	
<b>Section 9</b>	9.1	Every child shall have the right to education.	<i>The right to education</i>
	9.2	The Government of Liberia shall ensure that primary level education is free and compulsory in line with the	

Education Law.

- 9.3 The Ministry of Education shall provide and encourage the enrolment of children into school and re-enrolment into school or alternative forms of education for those children who may have dropped out of school.
- 9.4 The Ministry of Education shall progressively develop various forms of secondary education and progressively make it free and accessible to all children in Liberia.
- 9.5 The Ministry of Education shall progressively make higher education accessible to all on the basis of capacity and ability.
- 9.6 The Ministry of Education shall progressively work with local government authorities to encourage regular attendance at schools and the reduction of dropout rates.
- 9.7 The Ministry of Education shall progressively work with local government authorities through the Ministry of Internal Affairs to take special measures in respect of female, gifted and disadvantaged children to ensure equal and equitable access to education for such children.
- 9.8 The Ministry of Education shall progressively work with local government authorities through the Ministry of Internal Affairs and other ministries to devise and implement programs and measures to provide early childhood education, including pre-schools.

**Section 10**

- 10.1 Every child shall have the right to access adequate food, safe and clean water, and nutrition.
- 10.2 The Ministry of Health and Social Welfare working with other Ministries and local government authorities through the Ministry of Internal Affairs shall ensure that local government authorities devise and implement annual plans on the progressive realization of the right in subsection 1.

*The right to adequate food and water*

**Section 11**

- 11.1 Every child shall have a right to adequate and safe housing.
- 11.2 The Ministry of Health and Social Welfare working with other Ministries and local government authorities through the Ministry of Internal Affairs shall ensure

*The right to adequate shelter*

that habitation conditions are conducive, safe, healthy, clean, and appropriate for the growth and development of children.

- Section 12** 12.1 Every child shall have the right to adequate clothing. *The right to adequate clothing*
- 12.2 The Ministry of Health and Social Welfare working with other Ministries and local government authorities through the Ministry of Internal Affairs shall ensure that parents meet material and other needs for the well-being of their children, rendering material assistance to parents and guardians who reasonably fail to make provisions for the enjoyment of this right for their children.
- Section 13** 13.1 Every child shall have the right to leisure, play, and recreation. *The right to leisure, play, and recreation*
- 13.2 The Ministry of Youth and Sport shall progressively work with local government authorities through the Ministry of Internal Affairs and other Ministries to provide and maintain accessible, safe, and acceptable recreation centers and facilities for communities and towns.
- Section 14** 14.1 Every child shall have a right to freedom of expression subject to the following: *The right to expression and access to information*
- (a) her or his evolving capacities;
  - (b) her or his best interests;
  - (c) parental guidance;
  - (d) national security; or
  - (e) public order, public health or morals or the rights and freedoms of other people.
- 14.2 Every child shall, subject to her or his evolving capacities, have the right to seek, receive, and impart information and ideas or otherwise express herself or himself freely.
- 14.3 The Ministry of Information, Culture, and Tourism shall progressively work with the Ministry of Education and other Ministries to mobilize and provide information and technology for the development of knowledge and skills for children.
- Section 15** 15.1 Every child shall have the right to think freely and adopt any religion subject to the following matters: *Freedom of thought and religion*
- (a) the child's evolving capacities;

- (b) parental and other appropriate guidance;
- (c) the best interests of the child;
- (d) national security; or
- (e) public order, public health, ~~or~~ morals or the rights

15.2 No child shall, subject to her or his evolving capacities, be forced to adopt any religion.

**Section 16**

16.1 Every child shall have a right to freedom of association subject to the following:

*Freedom of Association*

- (a) her or his evolving capacities;
- (b) her or his best interests;
- (c) parental guidance;
- (d) national security, public order, public health or morals or the rights and freedoms of other people.

16.2 Every school and local authority shall progressively facilitate the formation of children's rights clubs and other forums for the expression of views of children to advance child rights enjoyment and social justice, environmental management, and other matters that may be of interest to children.

16.3 The Ministry of Education shall ensure that the teaching of child rights is included in curricular for teacher training and primary and secondary schools.

16.4 Each school shall ensure that child rights education extends to parents through the participation of local school committees established under Chapter 2 of the Education Law and civil society organizations.

16.5 The attendance of any child at meetings, workshops, assemblies, or any other forum shall be subject to the attendance of classroom teaching and overall best interests of the child.

**Section 17**

17.1 Every child shall have the right to benefit from any inheritance left to the child by the child's parents.

*The right to benefit from inheritance*

17.2 No guardian, caregiver, executor of a will, administrator or other such person shall dispossess any surviving child of the child's inheritance.

**Section 18**

18.1 Every child shall have a right to have her or his privacy protected. The protection of this right shall extend to publicity which places the child in a false light in the public eye.

*The right to privacy*

- 18.2 Subject to this Law, nothing in this section shall prevent parents, teachers, social workers, and other service providers from carrying out their rightful duties or professional functions in the protection and general well-being of the child.
- Section 19**
- 19.1 Every child shall have a right to participate in cultural activities that are in her or his best interests. *The right to participate in cultural activities*
- 19.2 The Ministry of Information, Culture, and Tourism shall promote activities that are compatible with the dignified life of children.
- Section 20**
- 20.1 Every child shall have the right to be protected from work and other practices that may threaten her or his health, educational, spiritual, physical, and moral development. *The right to be protected from harmful work*
- 20.2 A social worker or probation officer shall have power to treat a child involved in work and other practices as described in subsection 1 of this section as a child in need of care under this Law.
- Section 21**
- 21.1 Every child shall have the right to be protected from sexual abuse and exploitation including prostitution and pornography. *The right to be protected from abuse and exploitation*
- 21.2 Provisions in the Penal Law and other legislation whose intent is to protect the child from sexual exploitation shall be construed with the child's best interests as the primary consideration.
- Section 22**
- 22.1 Every child shall have the right to be protected from involvement in armed or any kind of violent conflicts. *The right to be protected from involvement in armed conflicts and violence*
- 22.2 The Ministry of National Defense shall not recruit or conscript any child into military service.
- 22.3 The Ministry of National Defense shall ensure that the Army in Liberia does not use landmines and other weapons declared by international law to be adverse to children.

#### Article IV

## Parental Duties and Rights

- Section 1**
- 1.1 Subject to financial and other capacities, a biological parent shall have the primary and joint duties with a co-parent to nurture, maintain, and guide the child. *Parental duties*
- 1.2 In cases where both parents are deceased or the biological parents do not reside as a nuclear family unit, a grandparent, stepparent or foster parent with whom the child resides shall be deemed to have assumed the parental duties associated with biological parents. This section shall in no way be construed to absolve a surviving biological parent of any responsibilities that she or he may have under existing law.
- 1.3 Without prejudice to the generality of subsection 2 of this section, every parent shall have an equal duty with a co-parent to:-
- (a) ensure that the best interests of the child are the bases for the parent's decision or action;
  - (b) promote the growth and educational and other development of the child;
  - (c) prevent diseases, facilitate safety, and seek and comply with professional advice for the well-being of the child;
  - (d) safeguard and promote the child's health, development and participation encouraging the child's participation in household decisions and actions, subject to the child's evolving capacities;
  - (e) provide, consistent with the child's evolving capacities, direction and guidance for the child's best interests;
  - (f) raise any child in her or his household as of equal dignity irrespective of sex;
  - (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;
  - (h) exercise parental rights with the express or implied consent of other persons having similar rights for the upbringing of the child, subject to the child's best interests;
  - (i) refrain from perpetrating violence in the household where the child lives;
  - (j) take any other decision or action that advances the well-being of the child.

A child welfare committee may summon any parent or

- 1.4 caregiver who contravenes any of the duties in this section and after hearing an account from her or him, the child welfare committee shall make recommendations to her or him, to safeguard the child's best interests.

**Section 2**

Every parent, subject to the best interests of the child, has the rights to:-

*Parental rights*

- (a) have the child live with her or him or regulate the child's residence;
- (b) control and guide the child's upbringing;
- (c) maintain personal relations if the child is not living with her or him;
- (d) act as the child's legal representative regarding the child's property and other interests;
- (e) appoint a guardian and revoke guardianship for the child subject to the approval by a court;
- (f) have access to acceptable parenting programs provided by the state;
- (g) participate in child welfare committees, court, and other proceedings related to the parent's child;

**Section 3**

In support to needy parents, the Ministry of Health and Social Welfare shall prioritize the needs of the following caregivers:

*Assistance to parents in difficult circumstances*

- (a) a parent who has triplets or more babies born to her or him,
- (b) a parent who has a child with disabilities born to her or him;
- (c) a grandparent taking care of grand children in cases where the biological mother or father of the child is deceased or incapacitated; or
- (d) a relative of the child who, in view of the needs of her or his biological child or children, has insufficient means to support surviving children of a deceased brother, sister, or any nuclear or extended family relation

**Article V:**

**Community and Governmental Support to Parents**

**Section 1**

- 1.1 The head of any community or town shall have a duty to receive and have discussed in community or similar gathering matters that may be affecting or may affect the common well-being of children in the community or town.

*Support from community or town heads and the community or town*

- 1.2 The head of a community or town shall refer matters that are complex or on which the community or town fails to reach a consensus to a child welfare committee having jurisdiction over the community or town.

**Section 2**

The head of a district or county administration, shall have a responsibility to lead the development, implementation, and monitoring of plans by each district and local government authority to advance child well-being.

*Support from local government authorities*

**Section 3**

The Ministry of Gender and Development shall work with other ministries to coordinate government work for childcare services focusing on parental skills, the work of mother support groups, the promotion of community day care centers, and other schemes and strategies that ease the burden of child care on parents.

*Support from central government*

**Section 4**

- 4.1 Any health worker, teacher, social welfare officer, or governmental or non-governmental service provider shall discharge her or his duties to children and communities with diligence, fairly, without being swayed by personal interest, without discrimination, and respecting people's dignity and worth.

*Support from service providers to be as a matter of duty*

- 4.2 Any health worker, teacher, social welfare officer, and any governmental or non-governmental service provider shall have a duty to advise parents and bring matters adversely affecting or promoting the well-being of children to a community or town leader for discussion in community or similar gatherings.

- 4.3 Every service provider shall have a duty to account to community members on her or his discharge of her or his duties in the promotion of child survival, development, participation, and protection within the community for which the service provider is officially responsible. Such accounting may be through a community or other gathering.

- 4.4 Any service provider, parent and community or town member shall report sexual and other forms of abuse to the Police.

**Article VI:  
The Child's Responsibilities, Culture, and Tradition**

<b>Section 1</b>	A parent, teacher, and any person responsible for providing guidance and direction to a child shall provide to the child guidance and education that promote the following values:  (a) the child's own current and future wellbeing; (b) respect for parents and adults; (c) the well-being of others, her or his family, society, his or her country, and humanity in general; (d) the child's pride in her or his culture and national identity; (e) the value of the family and marriage. (f) Any other value that instills in the child a proper sense of responsibility.	<i>Bringing up of a child to instill responsibility and cultural and national Pride</i>
<b>Section 2</b>	<b>2.1</b> Subject to the best interests of the child and parental guidance, every member of a child's extended family shall have the authority to render guidance and advice to the child.  <b>2.2</b> The guidance of the child from parents, relatives and service providers shall include the use of tradition and cultural standards to foster the development of a sense of responsibility in the child, subject to her or his evolving capacities.	<i>Guidance from relatives</i>
<b>Section 3</b>	Subject to the child's evolving capacities, every child shall contribute towards: -  (a) family cohesion; (b) respect for parents and other people; (c) diligence towards studies and work; and (d) positive cultural values of her or his community or town.	<i>Child to contribute to respect of parents, family cohesion and to exhibit hard working spirit</i>
<b>Section 4</b>	No person or society shall subject a child to any of the following practices:-  (a) marrying any person when she or he is still under the age of 18; (b) betrothing a child into marriage or a promise for marriage; (c) giving over a child to work either as a means of satisfying obligations on the part of the parent regardless of whether or not the work is harmful, hazardous or indecent; (d) any unnecessary or uncultured practice that	<i>Harmful practices prohibited for a child</i>

may inflict physical, psychosocial, or emotional pain to the child or otherwise violate or endanger her or his bodily integrity, life, health, dignity, education, welfare, or holistic development.

## **Article VII:**

### **Children and Situations of Vulnerability**

#### **Section 1**

1.1 For purposes of this Law, a child is in a situation of vulnerability if she or he is especially at risk of having her or his survival, development, participation, and protection endangered.

*Definition of children in situations of disadvantage*

1.2 Without prejudice to the generality of subsection 1, a child is in a situation of special vulnerability if she or he:-

- (a) has no parent or guardian;
- (b) has a disability and is suffering lack of proper parental care or discrimination;
- (c) is a ward of court under Chapter 11 of the Judiciary Law;
- (d) is a juvenile in need of care under Chapter 11 of the Judiciary Law;
- (e) has been abandoned by her or his parent and guardian;
- (f) has been neglected or ill-treated by her or his parent and guardian;
- (g) has no home or runs away from home;
- (h) heads or lives in a child-headed household;
- (i)
- (j) is involved in or associated with prostitution;
- (k) is exposed to domestic violence;
- (l) is pregnant;
- (m) is terminally ill, or her or his parents or only parent is terminally ill;
- (n) has escaped from the cruelty or discrimination of her or his parent or guardian;
- (o) has escaped from pressure to undergo an initiation ceremony or any harmful practice;
- (p) found begging or receiving alms as a means of survival;
- (q) has had a parent imprisoned;
- (r) has a parent or guardian, who in the opinion of child welfare committee, is unable to provide proper parenting;
- (s) is truant or is in association of people who may

- involve her or him in criminal or immoral practice;
- (t) is displaced as a result of war, civil disturbance or natural disasters;
- (u) has been sexually abused;
- (v) consumes or is exposed to alcohol or any intoxicating or narcotic drug;
- (w) is involved in work that is hazardous to her or his physical, social, or educational development, such as hunting; and
- (x) has been given by parents or guardians to work for a relative or on a farm.

**Section 2**

The Ministry of Gender and Development, shall coordinate the efforts of local government authorities, private sector, civil society, and child welfare committees to address the causes of situations of vulnerability as described in section 39

*Ministry of Gender and Development to coordinate efforts to address the causes of child vulnerability*

**Section 3**

- 3.1 The Ministry of Health and Social Welfare shall work with other ministries to develop, implement, and promote public policies and programs that alleviate, mitigate, and address the effects of situations of vulnerability as described in section 39.
- 3.2 The Legislature through its Committees on Gender Development, Women, Children, Health and Social Welfare shall make recommendations and may introduce any necessary law to provide and enforce recommendations to the Ministry of Gender and Development and the Ministry of Health and Social Welfare in connection with the respective performance of their duties under subsection 1.

*The Ministry of Health and Social Welfare to coordinate efforts to address the effects of situations of vulnerability*

**Section 4**

- 4.1 Every child with disabilities shall have a right to enjoy a full and decent life, in conditions that ensure dignity, promote self-reliance and facilitate the child's active participation in the community or town.
- 4.2 Every child with disabilities shall have a right to special care in a manner that is conducive to the child achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.
- 4.3 County local government authorities with appropriate support from central government shall provide to children with disabilities and those responsible for their

*Realizing the rights of the child with disabilities*

care, free appropriate assistance to ensure that such children have effective access to and receive education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in an environment that is physically and socially friendly.

4.4 Every child with disabilities shall access and benefit from an inclusive education system offering education that is responsive and supportive to the child's learning needs and talents in a participative and non-discrimination manner.

**Section 5**

5.1 The Ministry of Health and Social Welfare shall work with the international community, civil society organization and government, and public agencies and service providers to provide access to basic social welfare and services for refugees and internally displaced children.

*Realizing rights of refugee and displaced children*

5.2 The ministry responsible for social welfare shall facilitate as much as possible the reunification of unaccompanied or similarly situated children with their families.

**Section 6**

6.1 No expectant mother or a mother of a child below the age of 5 shall be imprisoned with her child. If necessary, the confinement of a convicted expectant mother or a mother of a young child shall be in a separate prison facility with her child where the child can continue to enjoy the nurture of her or his biological mother, including, where appropriate, being breastfed by such mother. Where there is no such facility, in the best interest of the child, the child shall be placed in a caregiver facility.

*The rights of children of imprisoned mothers*

6.2 No expectant mother or mother of a child below the age of 5 shall be executed.

**Section 7**

7.1 No person shall subject a child to torture or other cruel, inhuman or degrading treatment or punishment.

*Cruel, degrading or inhumane punishment and discipline prohibited*

7.2 Any correction or punishment of a child shall be justifiable for the child concerned.

7.3 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.

- 7.4 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.

**Section 8**

Any person, convicted under the Trafficking Law or any penal law prohibiting the abduction or trafficking of children shall be placed on a child offenders' register and not allowed to render direct work services to children.

*Abduction and trafficking of children prohibited*

**Section 9**

- 9.1 No person shall employ a child in work that is inappropriate for the child's age or that may be hazardous to the child's health, educational, emotional or physical development. This prohibition applies to all work undertaken by children, regardless of whether the work is under a contractual relationship, and regardless of whether the work is for payment or other reward.

*Hazardous employment of children prohibited*

- 9.2 The Ministry of Labor shall issue regulations to further specify terms and conditions applicable to specific categories of work, including, as appropriate, the establishment of minimum working ages for different categories of work.

- 9.3 Any contract for apprenticeship or employment shall be with the consent of the child's parent or guardian, consistent with the provisions of subsections 1 and 2 of this section and all other applicable laws and regulations, and under license from the Ministry of Labor.

- 9.4 The duties of an employer towards a child employee or an apprentice shall be to:
- a. train and instruct the child in a trade to the best of the ability, skill and knowledge of the employer;
  - b. provide reasonable pay or allowances for the services of the child;
  - c. take responsibility for any harm caused to the child as a result of the child's employment or apprenticeship;
  - d. provide a safe and healthy environment for the child;
  - e. abide by all other employment laws and regulations applicable to other

employees.

- 9.5 Every employer who lawfully employs or apprentices a child shall send the records of such employment to the Ministry of Labor in such format and under such conditions as may be prescribed by the Ministry.

**Section 10**

The Ministry of Health and Social Welfare shall work with local government authorities through the Ministry of Internal Affairs to facilitate rehabilitative measures, including community or town-based counseling and other forms of psychosocial support, to reintegrate any abused or exploited child.

*Rehabilitative care for traumatized and abused children*

**Article VIII:**

**Standards for Child Protection Practitioners and Organizations**

**Section 1**

- 1.1 No person shall be designated, employed, or work as a child protection officer or in any official child protection role unless she or he has at least a certificate in social welfare, child protection, law, education, child development, or health.
- 1.2 Every child protection officer or worker shall take as a primary consideration, the best interests of the child, in all decisions and actions concerning every child. Without prejudice to the generality of this duty, every child protection officer or worker shall: -
- (a) not condone, accept, or otherwise tolerate any form of child abuse, exploitation, or neglect on the part of any person;
  - (b) not discriminate against any child on the basis of sex, family, color, race, ethnicity, place of origin, language, religion, economic status, parents, or any other status;
  - (c) encourage and allow the participation of a child in matters that may affect the child concerned;
  - (d) demonstrate dedication to duty and commitment to the protection of every child, especially such a child as may be in need of protection;
  - (e) collaborate with other child protection officers and other service providers involved in child protection work;
  - (f) iteratively assess and respond to any risk that may result in any child's vulnerability to abuse, exploitation, and neglect;

*Guiding principles in child protection*

- (g) demonstrate a holistic approach in child protection work aimed at achieving results that prevent, and respond to child exploitation and abuse, and promote rehabilitation and reintegration.

**Section 2**

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:

*Conduct for  
child  
protection  
practitioners*

- (a) comply and advance the best interests of the child;
- (b) do no harm against any child under her or his protection;
- (c) maintain high professional standards consistent with her or his training and experiences;
- (d) ensure, whenever possible, that another adult is present when working with or in the proximity of children;
- (e) treat every child with respect;
- (f) avoid touching, fondling, rubbing, or otherwise having inappropriate physical contact with any child;
- (g) refrain from using language that may harass, abuse, sexually provoke, demean, or in any form be inappropriate for the dignity, development, and good behavior of the child;
- (h) refrain from engaging any child in any form of sexual acts or activity;
- (i) refrain from inviting any unaccompanied child into the child protection officer's home, unless such a child is in immediate risk of injury;
- (j) refrain from accessing child pornography in any form;
- (k) refrain from physical punishment of a child under the child protection officer's protection;
- (l) refrain from hiring any child into the child protection officer's domestic or other harmful work;
- (m) immediately report allegations, concerns of child abuse, exploitation, and neglect in accordance with procedures established under the Law or any other law;

- (n) ensure that any photographs of any child taken and used by the child protection officer portray children in a dignified and honest manner;
- (o) not engage in or accept any bribes, significant gifts, or any form of gratification that may be offered as a result of, a condition for, or incentive for the child protection officer's services related to child protection;
- (p) not consume alcohol or other intoxicating substances in such quantities that may adversely affect sound judgment in the child protection officer's work as a person working in child protection;
- (q) not possess, sell, profit from, or otherwise deal in illegal goods and substances; and
- (r) respect the confidentiality and privacy of children and adults the child protection officer works with and any person whose personal information she or he may come across in the course of her or his work as a child protection worker.

### Section 3

Every child protection organization shall have and implement a policy on child protection. Every policy of a child protection agency shall contain the following elements:-

*Standards for  
child  
protection  
organizations*

- (a) requirement and procedures to check whether any person that it considers to engage has committed and been convicted of any criminal offence;
- (b) a child protection training policy and plan for its staff;
- (c) a commitment not to allow any person who may pose any unacceptable risk to any child's well-being to work with children;
- (d) a requirement to stipulate in its contracts with staff members that any member of staff who breaches the code of conduct in section 50 shall have her or his contract terminated;
- (e) a provision for the review of the child protection policy at least once every five years;
- (f) a statement not to accept funding and expressing non-associations with any person or organization that may be abusing, exploiting, or neglecting

children;

- (g) a strategy that encompasses prevention, response, rehabilitation, and reintegration of children who may be susceptible or subjected to abuse, exploitation, and neglect as the case may be.

**Article IX:  
Standards in Juvenile Justice**

**Section 1**

Chapters 10 and 11 of the Judiciary Law shall be subject to Article II, Sections 2 and 3 of this Law.

*Chapters 10 and 11 of the Judiciary Law to be subject to sections 4 and 5*

**Section 2**

- 2.1 The objectives of the juvenile justice system in Liberia shall be:
  - (a) prevention of juvenile delinquency and offences committed by children;
  - (b) treatment that is consistent with the child's sense of dignity and worth;
  - (c) treatment that reinforces the child's respect for the human rights and freedoms of others; and
  - (d) treatment that takes into account the child's age and promotes the child's reintegration and assumption of a constructive role in society;
- 2.2 The Ministry of Justice shall, with other relevant Ministries, develop and progressively implement a policy aiming at:
  - (a) the prevention of juvenile delinquency;
  - (b) training of probation officers and other staff involved in the administration of a fair juvenile justice system;
  - (c) monitoring of the effectiveness of interventions that do not resort to judicial proceedings; and
  - (d) interventions in the context of judicial proceedings;
  - (e) monitoring of the effectiveness of measures to ensure that the deprivation of liberty of a child, including pre-trial detention and post-trial incarceration, conform to this Law and international standards on juvenile justice.

*Objectives and principles for policy and decision making*

**Section 3**

*Principles to guide the administration of juvenile justice and related matters*

- 3.1 A child shall not be subjected to a pre-trial detention, including remand, unless all other measures for dealing with the child pending trial have been exhausted.
- 3.2 At all stages of investigating and prosecuting a crime involving a child, diversionary measures shall be considered, with the advice and facilitation of probation officers, social worker, or other appropriate service provider.
- 3.3 Imprisonment of a child shall only be in cases where there would be no other way to correct the child.
- 3.4 No person shall use unreasonable restraint or force against a child unless the child poses an imminent threat of injury to him or herself or others.
- 3.5 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.
- 3.6 The Ministry of Health and Social Welfare shall take measures to ensure that juvenile delinquents in whose respect a juvenile or other court has made an order under the Juvenile Court Procedural Code are appropriately
- 3.7 integrated into family and community life.

The Juvenile Court Procedural Code and any laws or rules relating to the administration of justice in cases where a child is alleged to have committed a criminal offence shall be construed to balance the best interests of the child and responding to the needs of any alleged victim.

## Article X:

### Alternative Care of Children

#### *Sub-Article X(I): General Provisions on Alternative Care*

- Section 1**
- 1.1 Alternative care as defined in section 2 of this Law shall be for the purpose of advancing a child's best interests in her or his upbringing ensuring, as much as possible, the factors specified in section 4 and in section 5 herein and the child's ethnic, religious, cultural, and linguistic background. *The right to alternative care for children in need of care and the priority care giving of biological parents and relatives*
- 1.2 Alternative care shall become an option of care only:
- (a) when it would not be in the best interest of the child to be brought up by either biological parent, if such parents are alive; or
  - (b) in cases where the biological parents are unsuitable, deceased, or absent, and the child cannot be brought up or fostered by a relative
- 1.3 Any child temporarily or permanently removed from her or his parent or parents or family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance.
- 1.4 The Ministry of Health and Social Welfare shall work with other ministries, civil society organizations, the private sector, and the international community to ensure alternative care for a child referred to in subsections 1 and 3.
- 1.5 In the provision of alternative care, the Ministry of Health and Social Welfare shall, subject to the child's best interests, pay due regard to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.
- 1.6 The alternative care referred to in subsections 1 and 3 shall relate to food and nutrition, shelter, clothing, education, and other needs necessary for the child's survival, development, participation, and protection and comply with the standards of care prescribed under Sub-Article X(II) herein.

- Section 2**
- 2.1 Any person concerned with the well-being of a child in need of special care and protection shall bring the case to the attention of a social worker, a police officer, or a child welfare committee. *Applications for placement of a child in need of special care and protection into care*
- 2.2 A social worker, police officer or other officials notified or otherwise aware that a child has been taken into care shall bring the matter before a juvenile court or a magistrate court discharging the duties of a juvenile court within forty-eight hours after the notice.
- 3.3 In cases of emergency or when the child's life may be in danger, any person may take a child into her or his care. Any person who takes a child into her or his care to protect the child from an emergency or imminent danger shall duly notify a social worker or a police officer within twenty-four hours.
- Section 4**
- 4.1 A social worker may apply in writing to a juvenile court or a magistrate court that is discharging the duties of a juvenile court to place a child into alternative care if the parents of the child and the prospective care giver have given consent. *Alternative care to be subject to the best interest of the child and based on a care agreement*
- 4.2 The social worker referred to in subsection 1 shall provide in the written application a statement of her or his particulars, the particulars of the child concerned, and her or his knowledge of the child, and the child's circumstances.
- 4.3 Upon consideration of the application, the juvenile court or the magistrate court discharging the functions of a juvenile court may issue notice of hearing.
- 4.4 Upon hearing the application of the social worker and the representations of all concerned parties including, subject to her or his evolving capacities, the child concerned, the juvenile court or magistrate court that is discharging the functions of a juvenile court may adjudge that the child be placed in alternative care according to the best interests of the child and on the basis of an agreement for the care of the child.
- Section 5**
- 5.1 An agreement for the care of a child shall be signed by the child's parent or guardian or relative or the social worker and the prospective caregiver. *Requirements of a Care Agreement*
- 5.2 A care agreement shall contain the following details as sanctioned by the juvenile court or the magistrate court discharging the duties of a juvenile court:

- (a) the name and date of birth of the child;
- (b) the sex of the child;
- (c) the health of the child at the date of the agreement;
- (d) the date of commencement and expiry of the agreement, subject to extension with the leave of the court;
- (e) the name and address of the alternative care giver; and
- (f) the details and conditions for the child's placement, including:
  - (i) the location of the placement;
  - (ii) the indication of consent to allow a social worker or parents and guardians of the child to visit her or him;
  - (iii) an undertaking to comply with instructions from the Ministry of Health and Social Welfare;
  - (iv) the need to respect the views of the child, subject to the child's evolving capacities; and
  - (v) the need for the care to extend but not be limited to health, education, protection, and the general well-being of the child.

- Section 6** 6.1 A child in alternative care shall have a right to have her situation periodically reviewed at intervals of not greater than six months by competent social welfare officers or other public officers designated for such purpose. *Periodic review of placement or alternative care*
- 6.2 The Ministry of Health and Social Welfare shall update its records of the situation of every child in alternative care at least once every four months.

*Sub-Article X(II): Institutional Care of Children*

- Section 7** 7.1 Institutionalization of any child shall be a last resort and, in any case, policies, decisions, and actions on alternative care shall be oriented towards the realization of the child's right to live in a familial environment with her or his parents or parents. *Institutionalization of a child to be a last resort*
- 7.2 No child shall be placed in a child care institution without the order of a court and registration of such order and placement with the Ministry of Health and Social Welfare.

- Section 8**
- 8.1 No child care institution shall operate in Liberia without a certificate of registration. *Child care institutions to be registered*
- 8.2 An application for registration for a child care institution shall include:
- (a) the name, address, and occupation of the applicant;
  - (b) the address of the institution to be registered;
  - (c) the number of children planned to be in the institution;
  - (d) an undertaking that the applicant or applicants has or have sufficient sources of funds to operate the institution;
  - (e) a statement that the applicants or those to work in the institution do not have any criminal record or records;
  - (f) an undertaking that the institution will be managed in to advance the best interests of the child;
  - (g) three copies of the constitution of the institution certified by the secretary or principal officer of the institution;
  - (h) the names, addresses, and occupations of the proposed principal officers of the institution.; and
  - (i) a child protection policy to govern the conduct of the staff of the proposed institution in their dealings with children in and outside the institution.
- 8.3 Every child care institution shall have a statement of purpose which accurately sets out the objective of the institution for child well-being and the manner in which such an objective is to be realized.
- Section 9**
- Upon receipt of an application for the registration of a child care institution, the Ministry of Health and Social Welfare shall within fourteen days acknowledge the application and within three months cause to be conducted necessary investigations to determine the suitability of the institution. *Period for considering an application for the registration of an institution*

**Section 10**

In determining the suitability of a child care institution, the Ministry of Health and Social Welfare shall take into account the following matters:

*Factors for the registration of child care institutions*

- (a) the degree of likelihood of the objectives and proposed plan of activities to advance the survival, development, participation, and protection of children;
- (b) the capacity of the proposed institution to comply with minimum standards established in this Law;
- (c) the capacity of the proposed institution to respect the rights of children irrespective of sex, color, religion, origin, or ethnicity;
- (d) any other matters that may be conducive to the well-being of children under the care of the institution.

**Section 11** 11.1

Every institution shall cause to be reflected in its work the implications of its statement of purpose, which shall include but not be restricted to: -

*Every institution to undertake responsive planning for every child in its care*

- (a) the objective or objectives to be attained through the institution;
- (b) a description of the facilities to be provided to children in the institution;
- (c) arrangements for supervision, training, and development of members of staff;
- (d) specification of the age range, sex, and numbers to be cared for by the institution per year; and
- (e) the criteria used to admit children to the institution

11.2

An institution shall undertake a holistic assessment of the needs of each child to be placed in the institution and accordingly devise and implement an individual plan for such a child. The discharge of the duty to devise plans for individual children shall include but not be restricted to:

- (a) taking into account the views and wishes of a child during the design, implementation, and review of the plan related to the child proposed to be placed in the institution or already so placed;
- (b) the design and implementation of a plan that focuses on the preparation and support of the child into adulthood.

11.3

A person registered to operate an institution shall permit and encourage every child in the institution to receive available practical support from her or his mother, father, relatives, friends, or other people who may play a significant role in the child's development and life. The discharge of this duty shall include but not be limited to: -:

- (a) written guidance to members of staff on the rights of children, parents, relatives and others to maintain contact with the child;

- (b) incorporation of the opinions and wishes of parents, guardians, and relatives into the personal plans of children in the institution, subject to the best interests of a particular child concerned.

11.4 A person registered to operate an institution shall prescribe and oversee the implementation of a procedure responsive to the needs of children for the induction into the institution. The procedure to be prescribed and implemented shall be for:-

- (a) the registration and orientation of a child into the institution;
- (b) the recording during registration of the child's name, date of birth, sex, religion, address of the child prior to admission into the institution, and the reason for the child to be in need of protection;
- (c) support to the child to express and deal with her or his feelings for living away from her or his original situation; and
- (d) the conditions for the completion of the child's stay in the institution.

**Section 12**

12.1 The person registered to operate an institution shall monitor and ensure that the care provided to children enhances every child's opportunity to make choices according to her or his evolving capacities.

*Duty to provide quality care in a child care institution*

12.2 In the discharge of the duty in subsection 1, the person registered to operate an institution shall ensure: -

- (a) implementation of guidelines that require staff in the institution to seek opinions of children in the institution over key decisions that are likely to affect the current and future lives of such children;
- (b) implementation of guidelines requiring care providers to take into account the views of the parents, guardians, and relatives of the children residing in the institution.

12.3 The person registered to operate an institution shall cause the staff at the institution to take into consideration the racial, cultural, religious, and linguistic backgrounds, and any disabilities that the respective children in the institution may have. Without prejudice to the generality of this duty and subject to the child's evolving capacities, the person registered to operate an institution shall: -

- (a) cause the staff in the institution to seek opinions of children in the institution over key decisions that are

likely to affect the current and future lives of such children;

- (b) ensure that care providers take into account the views of the parents, guardians, and relatives of the children residing in the institution and a child welfare committee working in the area where the institution is situated;
- (c) maintain work processes in the institution that requires staff to consider racial, ethnic, cultural, linguistic, and religious backgrounds of the children and any disabilities that respective children in the institution may have; and
- (d) provide means for any child with learning or communication difficulties to make her or his wishes known regarding her or his care and well-being in the institution.

12.4 The person registered to operate an institution shall prescribe and oversee the implementation of guidelines for the respect of every child's wish for privacy and confidentiality subject to the protection of the child and sound parenting. Without prejudice to the generality of this duty, guidelines on privacy and confidentiality shall cover the following areas: -

- (a) provision of intimate personal care for a child with disabilities;
- (b) access to case records by staff;
- (c) disclosure of personal information to other parties;
- (d) personal bodily privacy;
- (e) sensitivity to gender in, particularly when interacting with children of the opposite sex; and
- (f) the occasions on which it may be necessary to search a child or her or his belongings and the conduct of such a search.

12.5 The person registered to operate an institution shall facilitate the provision of adequate and suitably prepared food and needs. The duty to provide adequate food to children in the institution shall extend but not be limited to: -

- (a) menus that are varied and nutritionally varied;
- (b) adequate quantities and provided at least three times daily;
- (c) access to drinking water at all times; and
- (d) responsiveness to special dietary, health, and religious needs

12.6 The person registered to operate an institution shall oversee procedures for meeting the health needs of every child in the institution. Without prejudice to the generality of this duty, the person registered to operate an institution shall ensure that: -

- (a) a policy exists and is implemented on the promotion of the health of children in the institution;
- (b) each child has access to medical, dental, nursing and other advice and treatment;
- (c) at all times, at least one person on duty has appropriate first aid skills;
- (d) guidance on health is rendered to all children in the institution and particular advice is provided to individual children according to needs, including on HIV and AIDS, nutrition and diet, immunization and screening, exercise and rest, sexual health, personal hygiene appropriate for girls or boys as the case may be, and the effect of smoking, alcohol, and substance abuse;
- (e) support is provided for the particular needs of the child, including needs related to physical or sensory impairment, disability, or other learning disabilities;
- (f) staff in the institution are trained in the use of first aid;
- (g) first aid boxes exist in the institution;
- (h) a written record is maintained of medication taken by various children in the institution;
- (i) prescribed medication for any child is properly administered;
- (j) a written record is maintained of any significant illnesses and accidents suffered by any child; and
- (k) children, members of staff, volunteers, and visitors in the institution do not smoke tobacco or other substance that may be injurious to the health of a child or any person near the person smoking.

12.7 The person registered to operate an institution shall ensure that the institution has a policy on the advancement of every child's education during their residence in the institution. This duty shall extend but not be restricted to:-

- (a) the provision of facilities and materials conducive to study and education appropriate to each child's age, aptitude, interests, and potential; and
- (b) liaison with schools attended by any children in the institution on the advancement of the education of a child residing in the institution.

12.8 The person registered to operate an institution shall facilitate a range of opportunities for involvement in sport and leisure activities for children in the institution. Without prejudice to the generality of this duty, the person registered to operate an institution shall facilitate:-

- (a) recognition of national festivals and the birth days of the children in the institution;
- (b) proper balance between free and structured time for

- children in the institution; and
- (c) friendships between children in the institution and other children in the community and elsewhere.

**Section 13** 13.1

The person registered to operate an institution shall ensure that the design, size, and location is compatible with the statement of purpose of the institution. Without prejudice to the generality of this duty, the person registered to operate an institution shall ensure that: -

*Suitability of living conditions in child care institutions*

- (a) the location of the institution takes into account proximity to education, health, leisure, and transport facilities;
- (b) where the institution accommodates a child with disabilities, there are suitable aids and adaptations to the physical and other environments to enable such children live as comfortably as possible;
- (c) there is no compromise in the provision of quality care and respect of privacy as a result of the design of rooms and other amenities in the institution;
- (d) effective precautions are in place for the security of the children and staff in the institution; and
- (e) there are promoted links between the institution and community members in the surrounding environment.

13.2

The person registered to operate an institution shall provide in the institution adequate domestic style facilities for children living in the institution. Without prejudice to the generality of this duty, the person registered to operate an institution shall ensure that: -

- (a) the institution is furnished and decorated to create appropriate pleasure for the children residing in the institution;
- (b) the premises of the institution are kept in good repair;
- (c) quiet and conducive facilities for study are maintained;
- (d) sufficient beddings are provided for all children;
- (e) bathrooms and washing facilities are clean and sited and designed to safeguard the privacy, dignity, and safety needs of children who may be using such facilities;
- (f) the numbers of toilets and bathrooms is sufficient to avoid undue pressure on such facilities and inconvenience to the children in the institution;
- (g) regular assessment of risks in the institutions;
- (h) precautionary plans to avoid such risks are implemented; and
- (i) children and staff know the evacuation procedures in cases of fire and other emergencies.

**Section 14**

The person registered to operate an institution shall ensure that any kind of abuse, neglect and exploitation of a child in the care of the institution is prevented. Without prejudice to the generality of this duty, the person registered to operate an institution shall ensure that:

*Requirement to have adequate staff in child care institutions*

- (a) staff, volunteers, and any other persons working in the institution are carefully selected concerning qualifications, employment history, references, and any criminal record;
- (b) staff and volunteers receive clear job descriptions;
- (c) there are sufficient competent staff working in the institution for the children in the institution;
- (d) children are not subjected to situations where they may be abused by visitors and strangers to the institution;
- (e) supervision of staff working with children, including methods for working with children and staff roles and accountabilities;
- (f) the institution implements a staff development and training plan;
- (g) the performance of staff is appraised periodically and objectives and means are set for greater performance;
- (h) access to sources of counseling for staff; and
- (i) written procedures on guidelines for the operation of the institution exit.

**Section 14** 14.1

The person registered to operate an institution shall ensure that there are adequate measures to prevent the abuse, neglect, and exploitation of children and that whenever such harm to children occurs, the institution provides an effective response.

*Protection of the child and handling of complaints in a child care institution*

14.2

The discharge of the duty to protect the child in the institution shall extend but not be limited to the: -

- (a) the existence and implementation of a child protection policy for the institution;
- (b) the existence of procedures for dealing with allegations, abuse, neglect, or exploitation;
- (c) the training of staff in child protection;
- (d) the implementation of a procedure to refer to the Police any member of staff or any other person who may have abused, neglected, or exploited any child in the institution;
- (e) counseling and rehabilitation services to any child who may have been abused, neglected, or exploited by any person in and outside the institution;
- (f) an atmosphere in the institution where bullying is understood as unacceptable;
- (g) existence of known and used methods for countering

bullying;

- (h) children who are bullied are supported and those who may have bullied others are given suitable guidance; and
- (i) the implementation of procedures to ensure that children are not absent from the institution without authority and that when a child misses from the institution, prompt steps are taken, in liaison with social welfare workers and the police to find such as a child.

14.3 The person registered to operate an institution shall ensure that the institution has and implements a culture and procedure to address grievances for children, staff, parents, guardians, relatives, and other persons interested in the best interests of the child.

14.4 The implementation of such a procedure shall extend but not exceed: -

- (a) The ascertainable wishes and feelings of the child concerned;
- (b) the making of both minor and major complaints by children and staff in the institution concerning the operation and management of the institution;
- (c) the making of complaints by parents, guardians, relatives, and other members of the public regarding the operation and management of the institution;
- (d) training of staff in the institution on the handling of internal and external complainants and conflict resolution within the institution; and
- (e) provision of the right to appeal in cases of dissatisfaction with any decision taken in the resolution of a conflict or a complaint;

## **Section 15**

The Minister of Health and Social Welfare shall, upon consideration of a report of a social worker, order that a child care institution be closed on account of failure to comply with this Law.

*Closure of child care institutions by Minister*

### *Sub-Article X(III): Foster Care*

## **Section 16**

Any of the following persons may apply to the Minister of Health and Social Welfare to be appointed a foster parent:

*Eligibility to foster a child*

- (a) spouses in a marriage;
- (b) a single person not below the age of 24; or
- (c) a man and woman commonly known to be cohabiting though not legally married couple.

- Section 17** 17.1 The child's paternal and maternal extended families shall have priority to provide foster care. *Family members to have priority in fostering*
- 17.2 No person shall be appointed a foster parent unless she or he has been resident in Liberia for at least six months.
- Section 18** 18.1 An application to foster a child shall be in writing, accompanied by: *Applications for foster care*
- (a) a report by a social worker about the suitability of the applicant to foster the concerned child and that it is in the best interests of the child to be fostered by the said applicant;
  - (b) a commendation from a community or religious leader that the applicant is a fit and proper person; and
  - (c) a commendation from a child welfare committee that the applicant is a fit and a proper person and that it is in the child's best interests to be fostered by the applicant.
- 18.2 The application to foster a child shall state the following:
- (a) the name and date of birth of the child to be fostered;
  - (b) name of the applicant and, where applicable, the name of the applicant's spouse;
  - (c) the date of birth of the applicant and, where applicable, that of the applicant's spouse;
  - (d) occupation and source of income of the applicant;
  - (e) address of the applicant;
  - (f) reasons for the application; and
  - (g) an expression of undertaking to raise the child concerned as parents to the best of their ability and advancing the child's best interests.
- Section 19** The report of the social worker to accompany an application to foster a child referred to in section 72.1(a) shall state or contain:- *Report of a social worker*
- (a) the personal and professional details of the social worker;
  - (b) the department or organization through which the social worker works;
  - (c) the address of the social worker's department or organization;
  - (d) the name and age of the child who is the subject of the application for fosterage;
  - (e) a brief assessment of the child's physical, social, and psychological well-being;
  - (f) a brief assessment of the suitability of the prospective foster parent to care for the child;
  - (g) a brief statement of the suitability of the prospective foster parent to protect the child;

- (h) a brief assessment of the suitability of the prospective foster parent to advance the educational and general well-being of the child;
- (i) suitability of the residential environment proposed to be the home of the concerned parent;
- (j) the number of other children residing with the prospective foster parent;
- (k) the number of other children under the care of the prospective parent; and
- (l) overall recommendation on whether the application should be granted or refused.

<b>Section 20</b>	20.1	Upon consideration of the application for fosterage, the Minister of Health and Social Welfare may refuse the application or issue a foster placement certificate in favor of the applicant.	<i>Decision of the Minister</i>
	74.2	Any person dissatisfied with the decision of the minister may lodge a complaint in a probate court.	
<b>Section 21</b>		A foster parent shall sign an alternative care agreement as required by section 58 herein.	<i>Foster care agreement</i>
<b>Section 22</b>		A foster parent shall not remove a fostered child from Liberia without the leave of a court of law.	<i>A foster child not to be moved from Liberia without Court of law order</i>

## Part XI

### Administration of the Law

<b>Section 1</b>	1.1	A fund is hereby established to be known as the Child Rights Advancement Fund to be held and managed by the Ministry of Gender and Development, subject to the Revenue Code and any other financial laws and regulations that Government may put in place; The purpose of the fund shall be to provide for education on child rights and correlative duties or child well-being in Liberia.	<i>Child Rights Advancement Fund</i>
	1.2	The Ministry of Gender and Development may every quarter of the year make any necessary grants to child rights and youth clubs or any civil society organizations involved in child rights education in Liberia.	
	1.3	Such grants as referred to in subsection 3 of this section shall be according to the merits of proposals submitted	

1.4 by such child rights and youth clubs or civil society organizations.

1.5 The Child Rights Advancement Fund shall consist of funds received from Government and generated from civil society organizations, fund-raising activities, institutional and individual donors, and any other sources permitted by the laws of Liberia for advancing child rights.

**Section 2**

2.1 There is hereby established a body corporate to be known as the Child Rights Education Committee comprising of five representatives of civil society organizations and elected by the participants at a forum specially convened by the Deputy Minister of Gender and Development who is responsible for coordinating work on children's well-being.

*Child Rights  
Education  
Committee*

2.2 The Deputy Minister of Gender and Development referenced in section 78.1 shall serve as the Chairperson of the Child Rights Education Committee and shall designate an Assistant Minister with child welfare responsibilities to serve as secretary of the said Committee.

2.3 The Child Rights Education Committee shall meet at least once quarterly at which meeting the said Committee shall receive an account of disbursements made from the fund to child rights and youth clubs. The Child Rights Education Committee shall further receive and consider plans to disburse funds for the next quarter of the year.

2.4 In cases when the Child Rights Education Committee by a majority vote expresses dissatisfaction with the management of the fund, it shall petition the Committee on Gender Equity and Child Development in each House of the Legislature, which shall summon the Minister of Gender and Development to give an account in both Houses of the Legislature.

**Section 3**

There shall be established in every community or town a child welfare committee consistent with sections 83 to 85 of this Law.

*Every community  
or town to have a  
child welfare  
committee*

**Section 4**

4.1 The overall function of a community or town child welfare committee shall be to advance the realization of the rights of the child at the community or town

*Functions of a  
community or  
town child  
welfare*

level.

*committee*

4.2 Without prejudice to subsection 1, the duties of a child welfare committee at the community or town level shall be to make recommendations to relevant public and other functionaries on the following matters: -

- (a) the promotion of awareness on child rights and their realization, including the elimination of any harmful practices;
- (b) guidance to children's representatives forums working in the community for which the child welfare committee discharges its functions;
- (c) the monitoring of the enjoyment of child rights within its jurisdiction;
- (d) prevention of domestic violence through awareness and educational activities;
- (e) rendering advice to children, parents and other community or town members to promote the best interests of the child;
- (f) drawing and presentation of child welfare plans to local government authorities;
- (g) following up on the implementation of child welfare plans; and
- (h) any other functions that may advance the enjoyment of the rights of the child within the jurisdiction of the committee.

**Section 5**

The powers and functions of a child welfare committee shall be limited to advice, mediation, recommendations, and representation and in no event shall a child welfare committee conduct a trial or pass a sentence against any person.

*Jurisdiction and powers of child welfare committees limited to recommendations and advice*

**Section 6**

6.1 When a child welfare committee presents a need for the advancement of child rights or child well-being to a district local government authority or a service provider, such authority or service provider shall promptly respond to take measure to have the need met or otherwise explain why the need cannot be met.

*Child welfare committees' power to present needs to local government authorities*

6.2 When a child welfare committee determines that a district local government authority or service provider is not responding as required by subsection 1, the child welfare committee shall refer the matter to a county local government authority, the House of Representative and the Senate committees responsible for the matter, or any other authorities or public functionaries in local and central government.

- Section 7**
- 7.1 Every head of a community or town, assisted by a representative from the Ministry of Gender and Development, shall cause to be elected in a community or town gathering in her or his community or town members of a community or town child welfare committee. *Composition of a community or town child welfare committees*
- 7.2 The composition of a community or town child welfare committee shall be as follows:-
- (a) a traditional leader nominated by the head of the community or town;
  - (b) a man and woman representing parents and elected in a community or town gathering;
  - (c) one female child representing children and nominated by a specially convened children's forum facilitated by a gender coordinator or youth facilitator designated by such a gender coordinator, provided that such a child shall not have reached the age of 18 by the time her or his term on the committee ends;
  - (d) one male child, representing children and nominated by a specially convened children's forum facilitated by a gender coordinator designated by such gender coordinator, provided that such a child shall not have reached the age of 18 by the time her or his term on the committee ends, and.
  - (e) two representatives, female and male, of non-governmental organizations or community or town-based organizations who may be working to advance child rights in the said community or town and who shall be elected by the members of the committee mentioned in paragraphs (a) to (d) in this subsection.
  - (f) three local members from various faiths, a least one of which should be female, elected by the members of the committee mentioned in paragraphs (a) to (d) in this subsection.
- 7.3 A child welfare committee shall elect a chairperson and secretary from within its membership.

**Section 8**

No person shall qualify to serve on a child welfare committee unless he or she is: -

- (a) of good repute
- (b) without a felonious record;
- (c) fit to advance child rights; and
- (d) literate or at least able effectively to participate

*Qualifications of members of community or town child welfare committees*

in the proceedings of the committee; and  
 (e) except for members elected under paragraph (e) of section 83, resident in the community or town.

**Section 9**      9.1      A person shall cease to be a member of a community or town child welfare committee if she or he dies, resigns, neglects her or his duties, or commits an act that is inconsistent with the protection of child rights.      *Duration of office of members of community or town child welfare committees*

9.2      Subject to subsection 1, a member of the committee shall hold office for a renewable term of one year.

**Section 10**    10.1      Every district local government authority as established under the law or policy on local government shall have a duty to advance child welfare at the district level.      *Child-related duties of district local authorities*

10.2      Without prejudice to the generality of subsection 1, the child rights-related duties of district local government authorities shall be to: -

- (a) provide services, response, and support to community or town welfare committees;
- (b) receive and attend to matters and questions referred to it from community or town child welfare committees;
- (c) monitor the enjoyment of child rights within the district; and
- (d) present child welfare plans for support to the county local government authority.

**Section 11**    11.1      Every county local government authority shall render services, assistance, and response to district local government authorities.      *Child-related duties of county welfare local authorities*

11.2      Without prejudice to the generality of subsection 1, the child rights-related duties of a county local government authority shall be to:-

- (a) receive and attend to child well-being-related questions and matters referred to the county local government authority by district authorities;
- (b) monitor the enjoyment of child rights within the county;
- (c) present child welfare plans for support to Central Government departments; and
- (d) take any other action to advance the best interests and dignified life of children in the county.

<b>Section 12</b>	An independent body corporate to be known as the National Child Well-being Council is hereby established.	<i>Establishment of a National Council for Child Well-being</i>
<b>Section 13</b>	The composition of the National Child Well-being Council shall be as follows:  (a) the chairperson of the council who shall be appointed by the President of Liberia; (b) A deputy minister(s) from each of the following Ministries: Health and Social Welfare, Gender and Development, Youth and Sports, Internal Affairs, Justice, Foreign Affairs, and Finance appointed by their respective Ministers; (c) two representatives of civil society organizations working on child well-being elected at a forum of such organizations facilitated by a Deputy Minister from the Ministry of Gender and Development; (d) the chairperson of the National Children's Representative Forum; (e) a professionally qualified National Child Well-being Council Chief Executive Secretary who shall be employed on a five-year renewable contract comparable to at least that of a deputy minister.	<i>Appointment of members of the National Council for Child Well-being</i>
<b>Section 14</b>	14.1 The overall function of the National Child Well-being Council shall be to exercise oversight on matters related to child well-being.  14.2 Without prejudice to the generality of sub-section 1, the Council shall: -  (a) promote the enjoyment of child rights or child well-being in Liberia; (b) make observations and recommendations on the state of child well-being in Liberia; (c) indicate and require government organizations to provide reports on any matter related to child well-being; (d) receive, examine, and publicize reports from any Government department or non-governmental organization, on the situation of children in Liberia; (e) issue observations and recommendations to advance child well-being in Liberia; and (f) do any other acts that promote and facilitate the advancement of the well-being of children in	<i>Duties of the National Council for National Well-being</i>

Liberia.

- Section 15** No person shall qualify to be a member of the Council unless she or he is: - *Qualifications of members of the council*
- (a) of good repute;
  - (b) without a felonious record of guilt.; and
  - (c) Certified to advance child rights at the national level.
- Section 16** A person shall cease to be a member of the Council if she or he dies, resigns, neglects her or his duties, or commits an act that is inconsistent with the protection of child rights. *Tenure of office of members of the council*
- Section 17** 17.1 The overall duty of the Chief Executive Secretary of the Council shall be to provide and facilitate services for the efficient and effective discharge of the duties of the Council. *Duties of the Chief Executive Secretary*
- 17.2 Without prejudice to the generality of subsection 1, the Chief Executive Secretary for the Council shall:-
- (a) be the official spokesperson for the Council;
  - (b) provide professional information and advice to the Council on matters related to child well-being;
  - (c) administer the staff under her or his office; and
  - (d) prepare and keep records of the proceedings of the Council.
- Section 18** 18.1 The finances of the Council shall be from:- *Property and accounts of the council*
- (a) the Consolidated Fund, based on a financial management plan agreed between the Chief Executive Secretary of the Council and the Ministry of Finance;
  - (b) gifts, grants, and donations from any organization in and outside Liberia provided that such organization or person shall be in good stead with the protection of children and their rights; and
  - (c) any other sources compatible with the protection of child rights.
- 18.2 The funds of the Council shall be held subject to the Revenue Code and any other financial laws and regulations that Government may put in place.
- Section 19** 19.1 The Council shall prepare and submit to the Minister of *Annual reports of the council*

Gender and Development, at the end of each financial year, a report detailing its activities, plans and expenditure.

19.2 The Minister of Gender and Development shall present to each house of the Legislature the report referred to in subsection 1;

19.3 The Committee on Gender Equity and Child Development in each house shall examine the report of the Council as presented by the Minister of Gender and Development and publish observations and recommendations.

**Section 20**

20.1 There shall be a children's representative forum for every community or town in Liberia.

*Town  
children's  
representatives  
forums*

20.2 The formation of a children's representative forum shall be directly facilitated by a gender coordinator or through instructions to a youth facilitator.

20.3 The function of town children's representatives forum shall be to ensure that the views of children and young people are heard and acted upon to advance the realization of child rights.

20.4 Without prejudice to the generality of subsection 3, the roles of a town children's representative forum shall extend but not be limited to the:-

- (a) promotion of awareness and realization of child rights;
- (b) identification of priority issues and bring such issues to the attention of child welfare committees;
- (c) participation in child rights education activities; and
- (d) bringing to the attention of authorities, organizations concerned with child rights, and the media, any violation of child rights at the community level.

20.5 The membership of a town children's representatives forum shall be open to all children living in the community.

20.6 Each town children's representatives forum shall elect the following to constitute a children's representative' forum executive committee:-

- (a) a chairperson who shall provide leadership to the forum;
- (b) a deputy chairperson who shall directly assist the chairperson;
- (c) a secretary who shall keep minutes of the meetings of the forum and any other records related to the work of the forum;
- (d) a deputy secretary who shall directly assist the secretary; and
- (e) three committee members who shall assist the chairperson and her or his deputy to manage the affairs and agendas of the forum.

20.7 A member of the district children's representatives' forum shall hold office for a renewable term of one year provided that she or he shall be eligible for re-election if she or he has not attained the age of 18 or will not have attained that age by the end of her or his new term of office.

**Section 21**

21.1 There shall be a children's representative forum in every district in Liberia whose formation shall be directly facilitated by a gender coordinator or through instructions by the gender coordinator to a youth facilitator.

*District children's representatives forums*

21.2 The district children's representatives forum shall be composed of children elected at specially convened meeting of children representing town children's representatives; forums within in the district.

21.3 The role of district children's representatives forum shall be to ensure that children and young people's views are heard and acted upon to advance the realization of child rights at the district level.

21.4 Without prejudice to the generality of the subsection 2, the roles of a district children's representative forum shall be to:-

- (a) identify priority issues and bring them to the attention of district local authorities;
- (b) refer issues related to the realization of child rights to the House of Representative members responsible for representing the county concerned;
- (c) participate in child rights education activities; and
- (d) bring to the attention of authorities, organizations concerned with child rights, and

the media, any violation of child rights at the community level.

21.5 Each district children's forum shall elect the following to constitute a district children's representatives forum executive committee: -

- (a) a chairperson who shall provide leadership to the forum in the management of the affairs of the forum and the setting and implementation of its agendas;
- (b) a deputy chairperson who shall assist the chairperson;
- (c) a secretary who shall keep minutes of the meetings of the forum and any other records related to the work of the forum;
- (d) a deputy secretary who shall assist the secretary;
- (e) three committee members, who shall assist the chairperson and her or his deputy to manage the affairs and agendas of the forum

21.6 A member of the district children's representatives forum shall hold office for a renewable term of one year provided that she or he shall be eligible for re-election if she or he has not attained the age of 18 or will not have attained that age by the end of her or his new term of office.

**Section 22**

22.1 There shall be a children's representative forum in every county in Liberia whose formation shall be directly facilitated by a gender coordinator or through instructions by the gender coordinator to a youth facilitator.

*County children's representatives forum*

22.2 The county children's forum shall be composed of children elected at district children's representatives special forums.

22.3 The role of county children's representatives forum shall be to ensure that children and young people's views are heard and acted upon to advance the realization of child rights at the county level.

22.4 Without prejudice to the generality of the subsection 3, the roles of a county children's representative forum shall be to:-

- (a) consolidate priority issues from district children's forums and bring them to the

- attention of county local authorities;
- (b) participate in child rights education activities at the county level; and
- (c) bring to the attention of authorities, organizations concerned with child rights, and the media, any violation of child rights at the county level.

22.5 Each county children's representative forum shall elect the following into a county children's representative forum Executive committee:-

- (a) a chairperson who shall provide leadership to the forum ;
- (b) a deputy chairperson who shall directly assist the chairperson;
- (c) a secretary who shall keep minutes of the meetings of the forum and any other records related to the work of the forum;
- (d) a deputy secretary who shall directly assist the secretary;
- (e) three committee members who shall assist the chairperson and her or his deputy to manage the affairs and agendas of the forum.

22.6 A member of the committee for a county representatives children's forum shall hold office for one year provided that she or he shall be eligible for re-election if she or he has not attained the age of 18 or will not have attained that age by the end of her or his new term of office.

**Section 23**

23.1 There shall be a national children's forum whose formation shall be facilitated directly by an official from the Ministry of Gender and Development who is at least of Assistant Minister level.

*National  
Children's  
Representative  
Forum*

23.2 The role of the National Children's Representative Forum shall be to ensure that children and young people's views are heard and acted upon to advance the realization of child rights at the national level.

23.3 Without prejudice to the generality of the subsection 2, the roles of a National Children's Representative Forum shall be to:-

- (a) consolidate priority issues from county children's forums and bring them to the attention of the National Child Well-being Council;

- (b) participate in child rights education activities at the national level;
- (c) bring to the attention of the Senate any matters considered by the National Children's Representative Forum any matters requiring the consideration of the Senate to advance dignified well being for children in Liberia;
- (d) bring to the attention of authorities, organizations concerned with child rights, and the media, any violation of child rights at the county level;

23.4 The National Children's Representative Forum shall be composed of boys and girls elected at county children's representative's forums

23.5 Each forum shall elect the following into a Forum Executive Committee:-

- (a) a chairperson who shall provide leadership to the forum;
- (b) a deputy chairperson who shall directly assist the chairperson;
- (c) a secretary who shall keep minutes of the meetings of the forum and any other records related to the work of the forum;
- (d) a deputy secretary who shall directly assist the secretary;
- (e) three committee members who shall assist the chairperson and her or his deputy to manage the affairs and agendas of the forum.

23.6 A member of the National Children's Forum shall hold office for one year provided that she or he shall be eligible for re-election if she or he has not attained the age of 18 or will not have attained that age by the end of her or his new term of office.

**Section 24**

- 24.1 The functions of units referred to in subsection 1 of this section shall be to investigate and handle cases of sexual violence, sexual abuse, sexual exploitation, domestic violence, criminal allegations against children, and other cases requiring police protection for any woman or child.
- 24.2

*The police to maintain units to protect women and children*

Without prejudice to the generality of subsection 2, the police units to protect women and children shall:-

- (a) maintain updated registers of convicted child

- 24.3 abusers and offenders which shall be merged every quarter to create a national register;
- (b) monitor the whereabouts and activities of child abusers and offenders on the register;
  - (c) make arrangements for the prosecution of cases of alleged domestic violence and violence against children; and
  - (d) provide and seek temporary safe places for women or children who have or are in danger of suffering violence, exploitation, or abuse.

24.4 In the discharge of its functions, a women and children protection unit shall not mix children in need of care against whom no allegations of infringement of the law have been made and children who are accused of having been in conflict with the law.

## **Article XII:**

### **Miscellaneous**

<b>Section 1</b>	Subject to the Constitution, any law that is inconsistent with Article I, Section 2 of this Law shall be invalid to the extent of such inconsistency.	<i>Other laws inconsistent with this Law to stand invalid</i>
<b>Section 2</b>	Each ministry or governmental agency vested with specified powers and charged with specific duties in this Law shall have power to make regulations for the implementation of the provisions in this Law.	<i>Ministers' general power</i>
<b>Section 3</b>	This Law shall take effect immediately upon publication into Handbill.	<i>Commencement</i>

**ANY LAW TO THE CONTRARY NOTWITHSTANDING**

**AN ACT TO AMEND SECTIONS 51.21 OF SUB-CHAPTER B OF CHAPTER 51 OF THE PUBLIC HEALTH LAW, TITLE 33, LIBERIAN CODE OF LAWS REVISED BY ADDING A NEW SECTION 1 AND AMENDING SUBSECTIONS 2 AND THREE FOR THE FURTHER RECORDING OF THE REGISTRATION OF CHILDREN BORN IN RURAL AREAS.**

It is enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature Assembled:

**Section 1. Amendment of Section 51.21, Sub-Chapter B**

That Section 51.21, Sub-Chapter B, Chapter 51, of the Public Health Law, as relates to the registration of births, is hereby amended by adding thereto a new sub-section 1, and amending the other sub-sections to read as follows:

**Section 51.21. Reporting Requirements.**

1. The Ministry of Health and Social Welfare shall provide to community leaders, traditional health attendants, clinics and hospitals, forms which parents can use to give notification of birth of their children.
2. The birth of each child born alive in the Republic shall be registered within fourteen days after the date of birth by filing with the Registrar of the district in which the birth occurred a report of such birth.
3. In each case where a physician, midwife or person acting as a midwife, was in attendance upon the birth, it shall be the duty of such Physician, midwife, or person acting as such midwife, to file the report of the birth. Where there is no physician, midwife or person acting as midwife in attendance upon the birth, it shall be the duty of the father or mother of the child, the householder or owner of the premises where the birth occurred, or the director or person in charge of the public or private institution where the birth occurred, each in the order named, within fourteen days after the date of such birth, to inform the local Registrar of the fact of such birth and to file the required report thereof.

**Section 2. That section 51.21 subsection 3, Registration of birth of findings is hereby amended in said subheading to read:**

“Registration of births of findings”.

**Section 3. Effective date of Amendment:** This amendment shall take effect immediately upon publication into handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING

**AN ACT TO AMEND SECTIONS 14, 16, 17 and 18 OF THE PENAL LAW,  
TITLE 26, LIBERIAN CODE OF LAWS REVISED AND TO ADD THERETO  
A NEW SECTION 20**

It is enacted by the Senate and House of Representatives of the Republic of Liberia in Legislature Assembled.

**Section 1.** That Section 14.1, Chapter 14, is amended by adding thereto a new sub-section ( c ) (i), (ii) and (iii), covering sacrificial and ritualistic killings of children, to read as follows:

(c)(i) “Any person who enters into an agreement, gives or received consideration or thing of value, of any kind or nature that results in the sacrifice or ritualistic killing of a child, or participates in any form of sacrifice or ritualistic killing of a child, shall be guilty if murder, a felony if the first degree, and shall be punishable as prescribed under sections 50.1 and 50.5 of the Penal Law. Where death does not ensue but an attempt is made to commit murder, the perpetrator(s) shall be guilty of attempted murder, a felony of the second degree, punishable by imprisonment of five years.

(ii) “Any person who belongs to or joins an association or group with the objective of engaging in sacrificial or ritualistic killing of a child or other persons, for any reason whatsoever, where death occurs, although he or she did not directly or actually participate in carrying out the act, shall be guilty of conspiracy, aiding and abetting murder, a felony of the second degree, punishable by imprisonment of five years.

(iii) “Any person who belongs to or joins an association or group with the objective of engaging in sacrificial or ritualistic killing of a child or other person, for any reason whatsoever, where death does not result, shall be guilty of conspiracy and aiding and abetting attempted murder, a felony of the third degree, punishable by imprisonment of three years.

**Section 2.** That section 16.4, Chapter 16, is hereby amended to read as follows:

(1) A person commits a first degree misdemeanor if as a parent, guardian, or other caregiver for the child, he or she knowingly endangers the child's welfare by violating the legal duty of care, protection or support specified in Section 11.11(d) of the Judiciary Law, or otherwise neglects, ill-treats, or exploits the child entrusted to his or her care.

(2) The offence in section 16.4(1) shall be proven if one of the following factors is established:

- (a) unreasonable failure to provide or pay for adequate food, clothing or housing for the child;
- (b) unreasonable failure to make adequate provision for the proper health and care of the child;
- (c) leaving a child in the care of any person or institution without showing any further interest in the child;
- (d) exposing the child to conditions or circumstances likely to cause physical, mental, or psychological damage; and
- (e) causing or conducting the seduction, prostitution or abduction of the child.

**Section 3.** Chapter 16 of the Penal Law is amended in section 16.6 by substituting section 16.6 and adding other subsections as follows:

**16.6 Selling, sending a child to procure, or serving of beverages, narcotics and cigarettes to a child; employment in sale.**

“A parent or any person eighteen years old and above, who sells, sends a child to procure or serves alcoholic beverages, cigarettes or any narcotic or intoxicating drugs to a child or who employs a child in the sale of such beverage, cigarettes or narcotic and intoxicating drugs is guilty of a misdemeanor of the first degree.

**16.7 Unauthorized Change of a Child's Name**

A person who changes the name of any child without complying with the procedures provided by Chapter 67 of the Civil Procedure law and without the child's consent or the consent of her or his parents or legal guardian is guilty of a second degree felony.

**16.8 Unreasonable Refusal to Allow a Child to Access a Biological Parent**

A parent, guardian or caregiver who, without reasonable excuse, refuses to allow the child or ward to access any of his or her biological parent, commits a misdemeanor of second degree.

**16.9 Failure to Report Child Abuse or Neglect by a Parent or Service Provider**

A parent, caregiver, teacher, guardian nurse or service provider who, without reasonable excuse, fails to report a case of child abuse or neglect known to him or her is guilty of a second degree misdemeanor.

**16.10 Subjecting a Child to Exploitation or Abuse by a Parent or Service Provider**

A parent, caregiver, guardian, or relative who engages in any act or connives with any other person to subject a child to sexual molestation, prohibited child labor, or such other act, that places the well being of a child at risk is guilty of a second degree felony.

**16.11 Discriminating Against a Child With Disabilities or on the basis of ethnicity.**

A person who neglects, abandons, abuses, deprives, or otherwise discriminates against a child with disabilities on the basis of the child's disabilities or ethnicity is guilty of a felony of second degree.

**16.13 Failure to Investigate, Prosecute or Punish a Crime against a Child**

A public officer charged with the investigation, prosecution, or punishment of perpetrators of crimes against children who fails without reasonable excuse to investigate, prosecute, or punish a crime committed against a child is guilty of a third degree felony.

**16.14 Recruiting or Enlisting a Child for Violence**

A person commits a first degree felony if she or he recruits or enlists any child for purposes of engaging in violent conflict. Where the recruitment is for the purpose of supporting and not for directly engaging in the conflict, the person is guilty of a second degree felony.

**16.15 Subjecting a Child to Harmful Practices**

A person commits a felony of second degree if she or he subjects a child to any of the following practices:

- (a) facilitating the marriage to any person when she or he is still under the age of 18;
- (b) forcing a child to marry another person

- (c) betrothing a child into marriage or a promise for marriage;
- (d) exposing the child to harmful or hazardous work;
- (e) or a practice that violate or endanger the bodily integrity, life, health, dignity, education, welfare, or holistic development of the child.”

**Section 4.** Chapter 17 of the Penal Law, subsection 17.8 is amended by making 17.8 subsection (1) and adding a new subsection 17.8(2) relating to children which reads:

17.8. Disrupting Meetings and Processions.

1. A person commits a second degree misdemeanor if, with purpose to prevent or disrupt a lawful meeting, procession gathering, or religious congregation, he does any act tending to obstruct or interfere with it physically, or makes any utterance, gesture or display designed to outrage the sensibilities of the group.
2. A person commits a second degree misdemeanor if she or he forces a child to participate in an activity or assembly that may disrupt meeting or other people or the child.

**Section 5.** Chapter 18 of the Penal Law is amended to add the following, after section 18.13:

**“18.14 Subjecting or Involving a Child to Pornography**

A person who subjects any child to pornographic material or involves any child in the making of such material is guilty of a third degree felony.

**18.15 Exposing a Child to Media of a Sexual or Violent Nature**

A person is guilty of a third degree felony if she or he for the purpose of inciting the child to engage or indulge in such act, exposes a child to any cinematic, photographic, or still or motion picture that, by reason of its pornographic or violent content, may harm the child exposed to such material.

**18.16 Keeping or Distributing the Content of Child Pornography**

A person who in any form or manner stores, keeps, or distributes any content of indecent images of any child or depicting any form of illegal sexual activity against a child for the purpose of promoting pornography or sexually deviant activity is guilty of a third degree felony.

**Section 6.** The Penal Law is amended to add a new chapter to be styled as chapter 20, which shall consist of the following sections:

**20.1 Operating an Unregistered Child Care Institution**

A person commits a felony of third degree if she or he manages or otherwise operates a child care institution that is not registered under this Act.

**20.2 Deliberate Non-compliance with Standards and Instructions on the Institutional Care of Children**

A person commits a felony of third degree if she or he manages or otherwise operates a child care institution in contravention of the minimum standards in this Act or any instructions by the Ministry of Health and Social Welfare or a court of law duly made under this Act.”

**Section 7. Effective date of Amendment:** This amendment shall take effect immediately upon publication into handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING

**AN ACT TO AMEND SECTIONS 11.42, 11.53, 11.97 OF CHAPTER 11 OF  
THE JUDICIARY LAW**

It is enacted by the Senate and House Representatives of the Republic of Liberia, in Legislature Assembled:

**Section 1.** Chapter 11 of the Judiciary Law is amended in section 11.42 by inserting the following at the end of paragraph 2 and before Subchapter E:

“Any child deprived of her or his liberty shall have the right to:-

- (a) to prompt access to legal and other appropriate assistance;
- (b) to challenge the legality of the deprivation of her or his liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action;
- (c) if arrested, to be brought before a competent authority to examine the legality of her or his deprivation of liberty within 24 hours;
- (d) if remanded to be released within forty-eight hours unless otherwise legally charged; (If you can charge and imprison a child as provided hereunder, then why would you not try a child criminally as suggested in the last subsection?)
- (e) to be separated from adult detainees;
- (f) to maintain contact with her or his family through correspondence and visits;
- (g) to be provided with a physical environment and accommodations which are in keeping with the rehabilitative aims of residential placement;
- (h) if of a compulsory schooling age, to receive primary education or, where applicable, secondary school education; and
- (i) when appropriate, to receive vocational training in occupations likely to prepare him or her for future employment.”

**Section 2.** Chapter 11 of the Judiciary Law is amended in section 11.53 by inserting the following paragraph.

Without prejudice to the generality of section 11.53, the right to a fair trial shall include rights: -

- (a) not to be charged with an offence on account of any act or omission committed or omitted at a time when the commission or omission did not constitute a criminal offence;
- (b) to be presumed innocent;
- (c) to have any charge and its consequences promptly explained to her or him;
- (d) to be accorded legal or other appropriate assistance,
- (e) to a prompt decision on the child's action to challenge the legality of the deprivation of her or his liberty;
- (f) to have her or his privacy respected throughout all stages of the proceedings;
- (g) not to be compelled to give testimony or to confess or acknowledge guilt;
- (h) to have witnesses against her or him present for examination;
- (i) to have an opportunity to examine witnesses; and
- (j) to receive free interpreter services upon request

**Section 3.** Chapter 11 of the Judiciary Law is amended in section 11.97 by deleting the full stop and adding the following words to the paragraph: “provided that evidence

relating to fingerprints, deoxyribonucleic acid otherwise known as DNA, and other biological attributes of the child shall not be used for any other purpose apart from that of proving the alleged offence.”

**Section 4.** Chapter 11 of the Judiciary Law is amended by inserting the following sections under section 11.96 before Sub-chapter H to read as follows:

“Court records in cases involving a child shall be sealed within five years after the determination of closure of the case. Where the records are opened and proceedings continue beyond the five years, the records shall remain openly for the purpose of concluding the case.’

Any person not authorized by law who discloses information relating to previous convictions and or records of finger-prints, palm-prints or foot-prints of any child for which such disclosure is not to a person authorized by law, shall be guilty of a third degree felony.”

**Section 5. Effective date of Amendment:** This amendment shall take effect immediately upon publication into handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING

**AN ACT TO AMEND THE DOMESTIC RELATIONS LAW, TITLE 9,  
LIBERIAN CODE OF LAWS REVISED**

It is hereby enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature assembled:

**Section 1.** The Domestic Relations Law is amended as follows:

(a) by substituting the words "twenty-one" with the word "eighteen" wherever the word "twenty-one" appears;

(b) by substituting the word "minor" with the word "child."

(c) in subsection 1.1 by substituting the full stop with a coma, and adding the following words: subject to the Children's Act 2011."

(d) in subchapter A of Chapter 4 by substituting the word "Custody" in the title of the subchapter with the phrase "the child's access to parents";

**Section 2. Effective date of Amendment:** This amendment shall take effect immediately upon publication into handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING

**AN ACT TO AMEND CHAPTER 3 THE DECEDENT ESTATES LAW, TITLE  
8 LIBERIAN CODE OF LAWS REVISED BY ADDING THERETO A NEW  
SECTION 3.10**

It is hereby enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature Assembled:

**Section 1. 3.10. Barring the dispossession of a child of her or his inheritance.**

A guardian, caregiver, executor of a will, administrator or other such person who dispossesses any surviving child of the child's inheritance is guilty of a third degree felony

**Section 2. Effective date of Amendment:** This amendment shall take effect immediately upon publication into handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING

**AN ACT TO AMEND THE DOMESTIC RELATIONS LAW, TITLE 9,  
LIBERIAN CODE OF LAWS REVISED**

It is hereby enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature assembled:

**Section 1.** The Domestic Relations Law is amended as follows:

- (a) by substituting the words "twenty-one" with the word "eighteen" wherever the word "twenty-one" appears;
- (b) by substituting the word "minor" with the word "child."
- (c) in subsection 1.1 by substituting the full stop with a coma, and adding the following words: subject to the Children's Act 2011."

**Section 2. Effective date of Amendment:** This amendment shall take effect immediately upon publication into handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING