



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

LIBERIA – COUNTRY REPORT

Child population: 1,989,000 (UNICEF, 2010)

Summary of necessary legal reform to achieve full prohibition

Settings where explicit prohibition is necessary

home, schools, alternative care settings

Is there a legal defence for corporal punishment which must be repealed?

Yes – Article VII, section 7 of the Children’s Law (2011) provides for “justifiable correction” of children. The near universal acceptance of a certain degree of violence in childrearing necessitates clarity in law that no degree of corporal punishment is acceptable or lawful. All legal defences should be repealed and explicit prohibition of all corporal punishment should be enacted in relation to parents and all those with parental authority.

Other legislative measures necessary

Schools – Legal provisions authorising corporal punishment in schools should be repealed and explicit prohibition enacted in relation to all education settings, public and private.

Alternative care settings – Explicit prohibition should be enacted in legislation applicable to all alternative care settings, including public and private day care, residential institutions, foster care, etc. Laws authorising or regulating corporal punishment of children in any of these settings should be repealed.

DETAILED COUNTRY REPORT

Current legality of corporal punishment

Home

Corporal punishment is lawful in the home. Provisions against violence and abuse in the Penal Code (1976) and the Constitution (1986) are not interpreted as prohibiting corporal punishment of children. The Children's Law (2011) provides limited protection from violent childrearing but does not make all corporal punishment unlawful. Article IV, section 1.3 states that "every parent shall have an equal duty with a co-parent to: ... (g) respect the child's dignity and refrain from administering domestic discipline that violates such dignity or adversely affects the psychosocial or physical well-being of any child living in the household". However, it does not explicitly prohibit all corporal punishment, and article VII section 7 allows for "justifiable" corporal punishment, stating: "(1) No person shall subject a child to torture or other cruel, inhuman or degrading treatment or punishment. (2) Any correction or punishment of a child shall be justifiable for the child concerned. (3) No correction of a child is justifiable for any child if it is unreasonable in kind or in degree relative to the age, physical and mental condition of the child and no correction is justifiable if the child by reason of tender age or otherwise is incapable of understanding the purpose and fairness of the correction. (4) The Ministry of Gender and Development shall progressively facilitate parental guidance programs aimed at developing the capacity of parents to discipline and guide their children without use of any form of violence."

There is an ongoing process of reviewing national laws so as to comply with international and regional human rights standards. We do not know if proposals to prohibit corporal punishment have been made in this context.

Schools

Corporal punishment is lawful in schools under the provision for "justifiable correction" in article VII section 7 of the Children's Law.

Penal system

Corporal punishment is unlawful as a **sentence for crime**. Article IX, section 3.5 of the Children's Law states: "Corporal punishment, placement in a dark cell, closed or solitary confinement, or any other punishment that may compromise the physical or mental health or well-being of the child concerned are hereby prohibited." Article 21(e) of the Constitution states: "No person charged, arrested, restricted, detained or otherwise held in confinement shall be subject to torture or inhuman treatment..." There is no provision for judicial corporal punishment in the Criminal Procedure Code (1969).

Corporal punishment is explicitly prohibited as a **disciplinary measure** in all penal institutions accommodating children in conflict with the law in article IX, section 3.5 of the Children's Law (see above). Article 34.18(2) of the Criminal Procedure Code explicitly prohibits corporal punishment in prisons.

Alternative care

Corporal punishment is lawful in alternative care settings. Article VIII section 2 of the Children's Law prohibits corporal punishment by child protection practitioners: "Every employer of a child protection officer shall incorporate into the child protection officer's employment contract a code of conduct which mandates the employee to: ... (k) refrain from physical punishment of a child under the child

protection officer's protection..." But other carers would be permitted to inflict corporal punishment under the provisions for "justifiable" correction in article VII section 7 of the Act (see above).

Prevalence research

According to statistics from UNICEF relating to the period 2001-2007, of girls and women aged 15-49, 59% think that a husband is justified in hitting or beating his wife under certain circumstances. (UNICEF (2009), *Progress for Children: A report card on child protection*, NY: UNICEF)

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(5 October 2012, CRC/C/LBR/CO/2-4 Advance Unedited Version, Concluding observations on second-fourth report, paras. 45 and 46)

"While welcoming the incorporation of a legal prohibition of corporal punishment in correctional facilities in Article IX Section 3.5 of the Children's Law, the Committee is concerned that corporal punishment remains lawful in schools, home and in alternative care settings. It is highly alarmed by the frequent incidence of corporal punishment, including extreme physical violence suffered by children at school and in the home. The Committee is also concerned about the lack of awareness among parents, persons working with and for children, and the general public on the negative impact corporal punishment has on children.

"With reference to its general comment N° 8 (CRC/C/GC/8), the Committee urges the State party to explicitly prohibit by law corporal punishment in all settings, including in the family, schools and other institutions and childcare settings. Furthermore, it urges the State party to intensify its efforts in carrying out awareness raising programmes through the Ministry of Gender and Development, together with civil society and community leaders, aiming at fostering a culture of non-violent and participatory forms of child-rearing and alternative forms of discipline to corporal punishment. In this endeavour the State party should introduce public education on the harmful effects of corporal punishment on children and establish a confidential reporting system in schools and child care settings for children who are victims of corporal punishment."

Committee on the Rights of the Child

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

"The Committee is concerned about the incidence of abuse, including sexual and gender-based violence and neglect of children in the State party.

"The Committee recommends that the State party:

a) take all necessary measures to explicitly prohibit corporal punishment in all places, including in the family, in schools and other institutions and childcare settings...."

Universal Periodic Review

Liberia was examined in the first cycle of the Universal Periodic Review in 2010 (session 9). No recommendations were made concerning corporal punishment of children. However, the following recommendations were made and were accepted by the Government (A/HRC/16/3, Report of the Working Group, paras. 77(4), 77(5), 77(9), 77(10), 77(18), 77(50), 77(67), 77(68) and 77(69)):

"Complete the process of examining regional and international human rights instruments to which the country is party, so as to revise national legislation and better fulfil its regional and international obligations imposed by such instruments (Algeria);

“Continue to prioritize and implement policies and legislation to address violence against women and the protection of the human rights of children (South Africa);

“Take further legislative and policy measures to protect the rights of children, including by ensuring that Liberia meets its obligations under the CRC and the Optional Protocol on the sale of children, child prostitution and child pornography (Australia);

“Pursue efforts to harmonize its national legislation with its international obligations (Senegal);

“Continue to pay particular attention to the rights of children and women, including through the development and enactment of national action plans (Egypt);

“Encourage Liberia to strengthen its judicial system, especially in view of promoting accountability, in order to bring to justice those committing violence against women and children (Thailand);

“Reinforce the protection and promotion of the rights of vulnerable groups, namely, children, women, disabled and elderly persons (Algeria);

“Sustain efforts to promote and protect the rights of groups and of the vulnerable population, such as children, women, disabled and elderly persons (Cuba);

“Continue to reinforce efforts to promote the rights of vulnerable groups such as women and children, especially orphaned and disabled children and child victims of trafficking and sexual exploitation (Bangladesh)”

Examination in the second cycle is scheduled for 2015.

Report prepared by the Global Initiative to End All Corporal Punishment of Children

www.endcorporalpunishment.org; info@endcorporalpunishment.org

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