

Human Rights in Liberia's Orphanages



Comfort K. Toe Orphanage Home, Montserrado County © UNMIL

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Acronyms

ACHPR	African Charter on Human and Peoples' Rights
ACRWC	African Charter on the Rights and Welfare of the Child
BAWI	Board of Accreditation of Welfare Institutions
CAM	Christian Aid Ministries
CAP	Children's Assistance Programme
CCF	Christian Children's Fund
CESCR	Committee on Economic, Social and Cultural Rights
CRC	Committee on the Rights of the Child
DoSW	Department of Social Welfare
DRL	Domestic Relations Law
GoL	Government of Liberia
HIV	Human Immunodeficiency Virus
HRC	Human Rights Committee
HRO	UNMIL Human Rights Officer
HRPS	UNMIL Human Rights and Protection Section
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRC	International Committee of Red Cross and Red Crescent
MoHSW	Ministry of Health and Social Welfare
NGO	Nongovernmental Organisation
PHL	Public Health Law
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children's Fund
UNMIL	United Nations Mission in Liberia
WFP	World Food Programme

Executive summary

Children living in Liberia's orphanages are denied basic rights – ranging from the right to development and health, to the right to identity, family, education, leisure and participation in cultural activities. The concurrent denial of this range of rights – economic, social, cultural, civil, and political - has an incremental and lasting effect on the children.

The UNMIL Human Rights and Protection Section (HRPS) considers the situation in orphanages to constitute a major human rights problem in post-conflict Liberia. It has therefore produced this report, following a nationwide survey of the conditions in orphanages. The aim of the report is to review international human rights norms as well as Liberian legislation, and to assess the compliance of orphanages with those standards. The report also considers inter-country adoption of Liberian children, and makes recommendations to the Government of Liberia (GoL).

The key findings made in this report are:

- The quality of care and protection provided to children in most orphanages is sub-standard, and not carried out in accordance with the best interest of the child;
- The great majority of children in the orphanages surveyed have living relatives from whom they have been separated;
- The Policy Guidelines for Minimum Conditions and Standards for Social Welfare Institutions (1999) and the draft Minimum Standards on Operating Orphanages, developed by the MoHSW are often not adhered to. Recent trainings coordinated by the MoHSW to increase awareness must be continued in order to ensure internalization and implementation of the standards;
- There is no official or systematic screening of orphanage staff. This puts children at risk of abuse;
- There are indications that the education provided in many orphanages is sub-standard as teachers are not trained and resources are scarce;
- There is no independent mechanism to which children in orphanages can turn for advice or to address abuse in orphanages;
- The MoHSW has limited capacity to monitor the protection of rights of children in orphanages, and has so far been unable to bring about significant improvements of conditions in orphanages;
- Despite efforts by MoHSW and its partners (UN and NGOs), they have failed to close sub-standard orphanages that were recommended for closure in 2004;

- Mechanisms in place to ensure the protection of the rights of children who are adopted internationally are weak and need to be strengthened, including through the ratification and implementation of international standards.

Chapter 1: Background

1.1 Introduction

Liberia's 14 years of war (1989 – 2003) had a devastating effect on the social fabric of the country. Mass displacements, killings and the recruitment of children and adults by warring parties destroyed the most basic social unit: the family.

During the course of mass displacements, children lost track of their parents and parents of their children. War-related deaths also contributed to the breakdown of family structures - more than 300,000 people are estimated to have died during the conflict.

Exactly how fragile the situation remains even today is vividly illustrated by a case which came to light as the research for this document was in its final stages. During the last half of August 2006, more than 700 children were removed from their families and taken to a newly opened and unaccredited orphanage in Barnersville, Montserrado County. The separation of these children from their families entirely contradicts sustained post-war attempts to rebuild social structures, including through the reunification of children with their families. Following sustained efforts led by the Ministry of Health and Social Welfare (MoHSW) and supported by child protection agencies, the children were returned to their relatives. Currently, initiatives are being taken to transform the orphanage into a school, which will help strengthen the community. However, the fact that such separation of children could occur three years after the end of the war is a shocking reminder of the challenges that remain to the protection of child rights in Liberia.

It is hoped that, through highlighting the situation in orphanages from a human rights perspective, this paper will assist the Government of Liberia (GoL) in clarifying the applicable national and international standards so that these can be fulfilled, in accordance with Liberia's treaty obligations. It is also hoped that the paper will form the basis for awareness-raising among staff working in orphanages, as well as the public. In the longer term, increased awareness and protection of the rights of the child may be one of the most important steps in ensuring a stable future for Liberia.

1.2 Background

The civil war in Liberia, and its damaging effect on family structures, set the backdrop for a dramatic proliferation of child care institutions. Until 1989, there were only ten orphanages registered in Liberia. In 1991, the number of registered orphanages reached 121.

Given the challenges of monitoring the rights of the child in such a high number of orphanages, the GoL instituted the Board of Accreditation of Welfare Institutions (BAWI) in 1993. The purpose of BAWI was to establish standard guidelines for conditions to be met by orphanages and other welfare institutions. BAWI was also mandated to monitor the compliance of orphanages with the guidelines. However,

intensification of the conflict, and the collapse of government structures prevented BAWI from operating effectively. By 1996, BAWI existed only in name.

From that time, the welfare of children in institutions has continued to be a challenge for the GoL and national and international child protection agencies. In October 2003, in the immediate aftermath of the conflict, an inter-agency task force led by the MoHSW and organisations including the United Nations Children's Fund (UNICEF), Save the Children-UK, and Don Bosco conducted an assessment of orphanages in Monrovia. The purpose of the exercise was multi-pronged: first to know which orphanages existed and which had collapsed; second to assess the conditions of children in terms of care and protection; third to estimate the needs in terms of assistance both material and technical so as to improve the conditions of children; fourth to gather preliminary data regarding the whereabouts of the parents or family members of separated children in institutions.

With increased peace and stability in Liberia, two more structured assessments were carried out by the Child Protection Network Taskforce in 2004 and 2005. The 2004 assessment covered Montserrado and Margibi Counties and revealed that there were 4,792 orphans in 96 orphanages. The 2005 nation-wide assessment covered 59 orphanages with a caseload of 2,882 children. The 2004 assessment report recommended that 39 sub-standard orphanages be closed. Seventeen orphanages that needed some improvements were granted a probation period, while 40 orphanages were recommended for accreditation.

To provide background to HRPS interventions aimed at protecting the rights of children in institutions, the Human Rights and Protection Section (HRPS) of UNMIL visited and assessed 79 orphanages countrywide in November 2005. By this time, the chronic deplorable conditions in those institutions had become a cause for major concern. In 2006, the MoHSW conducted another assessment of 44 orphanages. The objectives of the assessment included measuring the extent to which care and protection had been improved in the orphanages assessed in 2005; appraising the implementation of the recommendations of the 2005 report; and adopting measures that would respond to the protection needs of these children.

The findings of all the above assessments concurred that the conditions in orphanages fell below acceptable standards, and that the situation in orphanages frequently failed to protect the best interest of the child. The reports also confirmed that the motivations of many orphanage directors were not social and humanitarian, but based on personal gain at the expense of the children.

HRPS/UNMIL notes the fact that the violations documented herein are the result of a combination of factors: mismanagement, commercialization of the child welfare sector as means of livelihood for some Liberians, as well as the harsh economic realities on the ground. All the factors listed lead to the delivery of sub-standard protection services in orphanages. For instance, many children who have both parents have been lulled into orphanages owing to promises of free education. The prospect of a free education is made attractive by the fact that many parents can't afford the education of their children. In other instances, children have been recruited in orphanages because their families were so poor that they could not afford the minimum living conditions of a decent livelihood. Furthermore, it has been observed

that living conditions in certain orphanages are much better than the conditions children enjoy in their own homes. Therefore, HRPS/UNMIL is aware of the impact of poverty on the separation of children from their families and would like to use this report to draw the attention of all stakeholders to the plight of children in institutions. It is hoped that the debate that this report will trigger will raise the awareness of all GoL stakeholders and communities on the social protection of children in institutions.

1.3 Methodology

In light of the ongoing reports of abuses of child rights in orphanages, and the apparent incapacity of the majority of orphanage owners to improve conditions, and cognizant of the ongoing improvement of the security situation in the country that is conducive to family tracing and reunification, HRPS concluded that further research was needed to identify the full scope of the problem and to develop strategies to address it.

Following the preliminary survey of 79 orphanages in November 2005, HRPS continued to monitor developments and challenges in the area of service delivery and protection of children's rights in the orphanages. Between July and October 2006, Human Rights Officers (HROs) visited 49 orphanages in ten counties and completed a questionnaire seeking specific data. Information on the 49 orphanages was then sent to Monrovia for data processing.¹

This report also built on the assessment reports of orphanages carried out by the MoHSW, UNICEF, the Child Protection Network and the Inter-Agency Task Force on Orphanages. Ongoing human rights field monitoring, interviews with key informants, observation and desk review of key instruments, both international and Liberian, frame the work reflected in this report. Furthermore, the GoL report to the Committee on the Rights of the Child (CRC) and the Concluding Observations of the CRC are among the key considerations of the report.²

In addition, interviews were conducted with the Deputy Minister of Health and Social Welfare and representatives of the Children Assistance Programme, International Committee of the Red Cross, Christian Aid Ministries, World Food Programme and Christian Children's Fund. Reference materials and assessment reports were provided by the MoHSW. HRPS would like to express its appreciation to all of those who assisted during the process.

1.4 Definitions

The UN Convention on the Rights of the Child (UNCRC) defines a child as any human being under the age of 18, unless under the national law applicable to the child, majority is attained earlier.

¹ A list of orphanages visited in October - November 2005 and in July – October 2006 is included in Annex 1.

² Concluding Observations, Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, 36th Session. CRC/C/15/Add.236, 1 July 2004.

Separated children are children separated from both parents, or from their previous legal or customary primary-care giver, but not necessarily from other relatives. They may include children accompanied by other adult family members.

Unaccompanied children or unaccompanied minors are children who have been separated from both parents and other relatives and are not being taken care of by an adult who, by law or custom, is responsible for them.

Orphans are children, both of whose parents are known to be dead. In some countries, however, a child who has lost one parent is called an orphan.³

In light of the definitions above, institutions of child welfare called orphanages in Liberia are not actual orphanages as their population is mostly constituted of children who have been deliberately uprooted from a family environment. There are ethical issues related to the deliberate separation of children from relatives and their placement in an institution.

³ ICRC et al. Inter-Agency Guidelines on Separated and Unaccompanied Children, Geneva, 2004.

1.5 Guiding Principles

During war and mass displacement, children are at great risk of abuses of their fundamental human rights. Abuse, exploitation and neglect of children were rife during the conflict in Liberia.

All children are entitled to protection and care under a broad range of international, regional and national laws. Of particular relevance for separated children are:

- the right to a name, legal identity and birth registration;
- the right to physical and legal protection;
- the right not to be separated from their parents;
- the right to provisions for their basic subsistence;
- the right to care and assistance appropriate for their age and developmental needs; and
- the right to participate in decisions that affect them.

The primary responsibility for ensuring the child's survival and well-being lies with the child's parents, family and community. The national and local authorities are also responsible for ensuring that children's rights are respected. In this context, while families are responsible for the unity of a family as the smallest cell of society, the GoL has the ultimate responsibility to protect the rights of children and the integrity of the family.



Caring for Tomorrow Generation Orphanage Home, Grand Bassa © UNMIL

Chapter 2: International and Liberian law and standards

“States parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical and mental violence, injury or abuse, neglect or negligent treatment... while in the care of legal guardians or any other person who has the care of the child.”

(UN Convention on the Rights of the Child, Art. 19(1))

2.1 Introduction

The rights of the child are enshrined in international standards ratified by Liberia. Liberian law also contains some provisions for protection of the child. In spite of this, children in Liberian orphanages continue to be denied basic rights – ranging from the right to development and health, to the right to identity, family, education, leisure and participation in cultural activities. The concurrent denial of this range of rights – economic, social, cultural, civil, and political - has an incremental and lasting effect on children.

This chapter provides an overview of applicable national and international laws and standards, and considers the ways in which conditions in orphanages fall short of these standards.

2.2 International standards

The Convention on the Rights of the Child (UNCRC) provides the over-arching framework for children’s rights. The UNCRC recognizes that children are entitled to the full range of rights - economic, social, cultural, civil and political. A child who has been deprived of his or her family environment is “entitled to special protection and assistance provided by the State” and States Parties to the UNCRC must provide “alternative care” for such children.⁴ Liberia ratified the UNCRC in 1993, making it legally binding.

As a State Party to the UNCRC, Liberia is required to submit regular reports to the Committee on the Rights of the Child (CRC), which monitors the implementation of the UNCRC. Liberia’s initial report to the CRC was considered in 2004. The CRC’s Concluding Observations on the report stressed the vital role of a family environment and the provision of alternative community-based care in lieu of the institutionalization of children. It also recommended family tracing and reunification for children in institutions.⁵

The UNCRC has two optional protocols. The Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography provides specific safeguards against sexual exploitation of children and provides mechanisms for protection against trafficking. The Optional Protocol to the UNCRC on the involvement of children in armed conflict requires states parties to establish mechanisms to prevent

⁴ UN Convention on the Rights of the Child (1989), Article 20(1) and 20(2).

⁵ Concluding Observations, Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, 36th Session. CRC/C/15/Add.236, 1 July 2004.

the military recruitment of children. Liberia signed both protocols in 2004. Their ratification would be a positive step, and particularly important for the protection of children who are separated from their families and are among those particularly vulnerable to abuse.

In addition, the Committee on Economic, Social and Cultural Rights (CESCR), which interprets the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Human Rights Committee (HRC) which interprets the International Covenant on Civil and Political Rights (ICCPR), have both called for the protection of the rights of institutionalized children. The HRC has specifically required States Parties to report on “special measures of protection adopted to protect children who are abandoned or deprived of their family environment...”⁶ Liberia ratified both the ICESCR and the ICCPR in 2004.

Regional treaties, in particular the African Charter on Human and Peoples’ Rights (ACHPR) (1981) and the African Charter on the Rights and Welfare of the Child (ACRWC) (1990) also provide relevant safeguards. Both Charters recognize the family as the “natural unit and basis of society” which must be protected by the state, and recognize a range of other rights and duties of all individuals.⁷ The ACRWC states that a child has the right to be with his or her parents except when this is against the best interest of the child, and that parents have a responsibility for the upbringing of the child. In addition, the state has the responsibility to assist parents, including through providing care services and material support.⁸ Liberia has ratified the ACHPR. It has signed, but not completed the ratification process of the ACRWC.

2.3 Liberian law

Basic rights and freedoms of all Liberians are contained in Chapter 3 of the Constitution of the Republic of Liberia (1986). The rights enshrined in the Constitution include the right to life, liberty and security of person as well as a range of other rights.⁹

The Public Health Law of Liberia (1976) (PHL) is the primary law defining national standards applicable to public and private welfare institutions, including orphanages.¹⁰ The MoHSW and in particular the Department of Social Welfare (DoSW) is the main state agency responsible for implementing those provisions of the law that relate to orphanages.¹¹

The PHL stipulates that orphanages must be accredited. They must be periodically inspected with respect to the “fitness and adequacy of their premises, equipment,

⁶ ICCPR General Comment No. 17, Rights of the Child (Art. 24), 35th Session, 7 April 1989. Para. 6.

⁷ African Charter on Human and People’s Rights, 1981, Art. 18, and African Charter on the Rights and Welfare of the Child, 1990, Article 18. Liberia ratified the ACHPR in 1982 and the Charter entered into force in 1986. However, Liberia has never submitted any reports on progress in implementing the Charter, as required by States Parties.

⁸ ACRWC, Article 20(1) and 20(2).

⁹ Constitution of the Republic of Liberia, Article 20.

¹⁰ Health Standards of Public and Private Institutions. Chapter 31, Health and Social Welfare Institutions.

¹¹ Previously called the Bureau of Social Welfare.

personnel, rules and by-laws, standards and administration of medical care and health related services”.¹² If an institution fails to meet the standards outlined in the PHL, accreditation may be revoked, suspended or annulled by the MoHSW following a hearing.

To implement the law, the DoSW developed Policy Guidelines for Minimum Conditions and Standards for Social Welfare Institutions (Policy Guidelines) in 1999. The Policy Guidelines contain specific regulations to protect children in orphanages. The stated aim of the Policy Guidelines is to prevent the separation of children from their families, facilitate and ensure the rights of all separated children to adequate care and protection, as well as re-unification with their biological parents or relatives.¹³

The monitoring mechanism tasked with overseeing the implementation of the Policy Guidelines, the Child Protection Network Taskforce headed by the DoSW, was established in 1999. The Taskforce comprises relevant ministries, nongovernmental organizations (NGOs), intergovernmental agencies and representatives of orphanages.¹⁴

In addition, specific Minimum Standards for Operating Orphanages are currently being finalized by the MoHSW in cooperation with its partners. The draft Minimum Standards aim to establish and clarify the roles and functions of stakeholders, provide a framework for protection, and address identified gaps in the previous guidelines.¹⁵ If adopted close to their draft form, they will mark an important step towards addressing a number of the fundamental problems related to admission of children to orphanages, the establishment of orphanages, compliance with international standards and child protection.

¹² Public Health Law (1976), Part IV. Health Standards of Public and Private Institutions. Chapter 31, Health and Social Welfare Institutions. Para 31.1.

¹³ Policy Guidelines for Minimum Conditions and Standards for Social Welfare Institutions, MoHSW, 1999.

¹⁴ Members of the Child Protection Network Taskforce on Orphanages include Don Bosco Homes, World Food Program (WFP), UNICEF, Mother Patern, Liberia National Police (LNP), Office of the Chief Justice, Ministry of Planning and Economic Affairs, Ministry of Gender and Development, Ministry of Education, Save the Children, Action Aid Liberia, World Vision, CAM, Union of Liberian Orphanages and Welfare Institutions, and the ICRC.

¹⁵ Draft Minimum Standards for Operating Orphanages in Liberia, MoHSW, compiled by Sophie T. Parwon, UNICEF Consultant seconded to the MoHSW, draft 2, April 2006. A copy of the draft Minimum Standards was made available by the MoHSW.

Chapter 3: Child rights in Liberian orphanages

3.1 Introduction

If fully implemented, the Liberian law and international instruments ratified by Liberia, would guarantee children in orphanages many basic rights. However, during the investigation, it became evident that conditions in Liberian orphanages fall short of legal provisions that are intended to protect the rights of the child. The sections below describe the main ways in which the situation in orphanages fails to conform to international and national laws and regulations.

3.2 The right to life, survival and development

The child's right to life and survival is recognized in all major human rights instruments. Article 6 of the UNCRC states that "every child has the right to life" and that States Parties must ensure the survival and development of the child "to the maximum extent possible".¹⁶ In terms of social, economic and cultural rights, the right to life is linked to the right to health, shelter, adequate nutrition, clothing and water. In the context of civil and political rights, it often implies the right to freedom from cruel and inhuman treatment or other life-threatening treatment.

In most orphanages surveyed, conditions fall below minimum standards in areas that affect the right to life, survival and development of the child. In a number of orphanages, including World Champion Orphanage and Mother Gee Orphanage there were indications of a lack of access to adequate nutrition. Shelter was in many cases substandard. In Decesco Orphanage, Grand Bassa County, children were sleeping on beds made of mats and bamboo sticks, and toilets are in a deplorable condition. In Preparing our Future Orphanage, Grand Bassa County, seven children reportedly sleep on a thin foam mattress on a cement floor. Medical care was invariably inadequate, and often inaccessible. Management and staff had inadequate training in caring for children, education was most often sub-standard, and scant attention was paid to leisure and cultural activities.¹⁷

The above factors, when compounded and occurring over a prolonged period, may impact negatively on the right to life, survival and development of the child.

3.3 The right to a name and identity

The right to a name and identity is clearly defined in the UNCRC. Article 7 of the UNCRC requires the child to be registered immediately after birth, and gives the child the right to a name, a nationality, and to know and be cared for by his or her parents as far as possible. States Parties must respect the right of the child to "preserve his or her identity" and must provide assistance and protection to re-establish the child's identity when any aspect of it has been lost. In addition, the Constitution of Liberia requires all

¹⁶ UNCRC, Article 6(1) and 6(2).

¹⁷ More detailed information on each of these rights is provided in sections 3.9 – 3.13 below.

children to be registered, and the Public Health Law requires registration of children within 14 days of birth.



Records of children at Gloria Orphanage Home, Tiene, Grand Cape Mount County © UNMIL.

The registration of a child at the time of birth establishes the child's identity and is the foundation for the relationship between the child and the state. It facilitates inclusion and access to a range of rights, including the right to social services and participation in political life. It also provides protection against abuse and exploitation, including trafficking and illegal adoption.¹⁸

Although birth registration is a legal requirement, the vast majority of children in Liberia are not registered at the time of birth.¹⁹ The lack of registration is problematic for all children, but it impacts doubly on children who are not in the care of their parents, and who, if not registered, are left without protection of their parents *or* the state. In addition, lack of important information such as the child's date of birth or the names of his or her parents may lead to further abuses including the early recruitment of a minor to work, or hinder family tracing. This is of particular concern given that many children live in orphanages located far from their home counties.

The Policy Guidelines require orphanage directors to keep a social history of all children residing in orphanages. Duplicate copies must be submitted to the MoHSW. Likewise, the draft Minimum Standards for Operating Orphanages require orphanage directors to keep comprehensive records of all children in their care and submit regular updates to the DoSW. These records should include date of birth, child's name, parents' names, finger prints, place of birth, social history forms, immunization records, report cards, care plans, process recording sheets, birth certificate and passport.²⁰

Although a few accredited orphanages did keep what appeared to be substantive records of children in their care, in many cases information was incomplete or out of date. In unaccredited orphanages record keeping was invariably poor and sometimes non-existent. When asked about records, some owners produced a hand-written list of names with notes about the children. In other orphanages, staff were unable to

¹⁸ The Human Rights Committee has stated that "...main purpose of the obligation to register children after birth is to reduce the danger of abduction, sale of or traffic in children, or of other types of treatment that are incompatible with the enjoyment of the rights provided for in the [ICCPR]. Human Rights Committee, General Comment 17 on Article 24 of the ICCPR (35th Session, 1985), para. 7.

¹⁹ The PHL, Subchapter 8, Section 51.21 requires children to be registered within 14 days of birth. Information recorded must include the name, date of birth, nationality, sex and parents' names.

²⁰ Draft Minimum Standards for Operating Orphanages in Liberia, MoHSW, compiled by Sophie T. Parwon, UNICEF Consultant seconded to the MoHSW, draft 2, April 2006, Para. 3.0.

produce any records at all, sometimes on the pretext that the records were kept elsewhere or that the staff member with access to the records was not present. The lack of information meant that in many cases directors were unable to provide reliable information on the number of orphans, abandoned, separated and unaccompanied children in their care.²¹

In Future Hope Orphanage, Grand Bassa County, the Director was able to provide individual case files for only ten of the 59 children living in the orphanage. The files appeared out of date, and only a few contained photos of the children. Feletta Children's Home, Bong County, also lacked records of some children and those available dated from 2003.

The proprietor of Imani Orphanage, Montserrado County, which was officially closed by the authorities in November 2005, stated that records of the children had been transferred to the MoHSW after the closure. However, although 7 children were reunified, 18 children reportedly remained at the facility, without any records.

Research conducted by the MoHSW and the Child Protection Network Taskforce on Orphanages found that it is common practice to change the children's names upon admission into an orphanage. Generally, the children took on the names of the proprietor of the orphanage or the names of the caregivers.²² HRPS monitors concur with these findings. For example, staff of Koko Children's Village, Montserrado County, told HROs that they sometimes name children after their arrival at the orphanage. In Koko Children's Village and Susie Guenther Orphanage, Montserrado County, children are given a new name if their name is "tribal" and "difficult to pronounce". The practice of changing the name of a child is an obstacle to family tracing and is in violation of the right of the child to preserve his or her identity and culture. It is also in contravention of the draft Minimum Standards on the Operation of Orphanages.

3.4 The right to a family

The major human rights instruments – the UDHR, the ICCPR and the ICESCR, all recognize the family as "the natural and fundamental group unit of society...entitled to protection by society and the state".²³ According to the UNCRC, the child has "the right to know and be cared for by his or her parents", and states are required to provide "appropriate assistance" to enable parents to fulfil their responsibilities to bring up the child.²⁴

If, subject to a judicial review, it is determined that separation from parents is in the best interest of the child, he or she has the right to maintain personal relations and direct contact with both parents on a regular basis unless this is against his or her best

²¹ The MoHSW in coordination with the Child Protection Taskforce on Orphanages, is currently undertaking registration of all children living in Orphanages. This is a welcome step which will have benefits both in terms of protection and reunification of children with their families.

²² Assessment of Orphanages Report, MoHSW and Task Force on Orphanages, June 2006, p. 7. Interview, St. Peter Orphanage Home, Bong County, 22 August 2006.

²³ UDHR Article 16(3), ICCPR Article 23(1), ICESCR Article 10(1).

²⁴ UNCRC Articles 7(1) and 8(1).

interest.²⁵ In its Concluding Observations on Liberia’s initial report to the CRC, the Committee expressed concern at the “large numbers of children who have been deprived of a family environment through the death of, or separation and abandonment from, their parents or other family.”²⁶

A child who is temporarily or permanently deprived of a family environment is entitled to alternative care. The Human Rights Committee has called on states to report on “special measures of protection adopted to protect children who are abandoned or deprived of their family environment in order to enable them to develop in conditions that most closely resemble the family”.²⁷

These principles are reflected in the Policy Guidelines and in the draft Minimum Standards. Both instruments aim to prevent the separation of children from their families, to guarantee rights of separated children to adequate care and protection, and to facilitate reunification of children with their biological families or relatives.²⁸

In the orphanages surveyed, most children reportedly had at least one living parent, and a significant number of children had two living parents. Children with living parents were almost never in regular contact with them. One orphaned boy in Harper, Maryland County, stated that he regularly visits his six older siblings who live in a nearby community, but this was the exception rather than the rule. In most cases children received no family visits after being left at the orphanage, even if one parent was known to be living in the area.

The lack of awareness about the benefits of a family-like environment is a contributing factor to the high number of children in Liberia’s orphanages. In a number of cases, orphanage staff described how parents placed the children in orphanages to ensure that their basic needs were met, and to allow them to get an education. Some orphanage owners also expressed regret about the lack of opportunity available for children who had been returned to their relatives.

The lack of alternative assistance, such as day-care institutions to take care of and feed children, and the lack of a free education system, means that some parents may feel that there are few alternatives to placing children in orphanages.

A second problem relating to the lack of awareness about the benefits of a family-like environment relates to the lack of efforts to place a child in foster-care or for domestic adoption. When asked whether any orphans were adopted from the orphanages several staff said that they considered the children their own and would not allow any

²⁵ Ibid. Article 9(1) and 9(2).

²⁶ Concluding Observations, Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, 36th Session. CRC/C/15/Add.236, 1 July 2004. Para. 40(a).

²⁷ Human Rights Committee, General Comment 17 on Article 24 of the ICCPR (35th Session, 1985), para. 6.

²⁸ For example, the draft Minimum Standards forbids orphanage owners to recruit a child into an orphanage without the knowledge and/or formal consent of the MoHSW. The draft Minimum Standards also prohibits the denial of visits to family and significant adults. Instead, children are “encouraged to restore, maintain and improve relationships with family and significant people in their life. Children are also to be involved in the planning and implementation of family tracing and reunification process.

adoptions as the birthparents or relatives might come back for the children.²⁹ As a result, very few children who are truly orphans have the opportunity of being adopted into a new family.

3.5 Freedom of expression and right to participation in decision making

The UNCRC provides the child with the right to form and express views in all matters affecting him or her, and for those views to be given due weight, in accordance with the age and maturity of the child.³⁰ The child is also entitled to “freedom to seek, receive and impart information and ideas of all kinds...”.³¹ Freedom of expression is also enshrined in other international standards including the UDHR and the ICCPR.

The right to freedom of expression is also guaranteed in the Constitution of Liberia.³² In addition, the draft Minimum Standards state that “children and staff should jointly develop rules and openly discuss roles, rights and responsibilities” and that “An enabling environment should be created to allow children to report issues affecting them”.³³

Most children in Liberian orphanages have only limited access to information and to independent sources of advice in matters concerning them. There are no formal channels to allow children to voice complaints about abuse, neglect or ill-treatment and to have these addressed in an independent and effective manner. In many orphanages, the proprietor holds significant power, functioning not only as the head of the orphanage, but sometimes also as the educational or religious authority. Staff members are sometimes family members of the proprietor, and are always hired by him or her.

In some cases, there were indications that children were told what to say while speaking to outsiders. HROs also reported that caretakers decided that children would only be interviewed in their presence. At the International Christian Fellowship Mission, the caretaker was consistently present as HROs interviewed children, at times intervening to contradict them. In this situation, there is no independent venue where children can voice complaints safely or even develop an independent opinion.

There is a need for children in orphanages to have access to an independent advocate. Such an advocate should have legal authority to intervene where necessary to protect the rights of children in institutions and to pursue cases of abuse through all levels of the relevant administrative and judicial systems.

²⁹ Interview, Koko Children’s Village, Montserrado County, (17 August 2006) and Ruth T. Shabalala Orphanage, Montserrado County, (2 August 2006).

³⁰ UNCRC Article 12(1).

³¹ Ibid Article 13.

³² Constitution of the Republic of Liberia (1986), Chapter 3, Art. 15(a).

³³ Draft Minimum Standards for Operating Orphanages in Liberia, MoHSW, Compiled by Sophie T. Parwon, UNICEF Consultant seconded to the MoHSW, draft 2, April 2006. p.8.

3.6 Freedom of thought, conscience and religion

The UNCRC provides that freedom of thought, conscience and religion of the child must be guaranteed.³⁴ In compliance with this provision, the draft Minimum Standards prohibit the use of position, power or relationship to change the names of children and influence the children to change their personal, religious or cultural beliefs.



Mother Gee Orphanage Church, Maryland © UNMIL

HRPS found that all children in orphanages attended the church with which the particular orphanage was affiliated. There were no allegations of use of force. However, it was alleged that Christian Aid Ministries (CAM) – one of the largest providers of food to orphanages - required that children in receiving orphanages attend their church.³⁵ Furthermore staff on the CAM payroll are required to belong to an evangelical church. This was confirmed by the Director of CAM in Liberia.

There is concern that the current situation in which orphanages are closely linked to religious organizations may lead to discrimination against religious minorities.

3.7 Access to information

States Parties to the UNCRC have an obligation to ensure that the child has access to information from “a diversity of national and international source, especially those aimed at the promotion of his or her social, spiritual, and moral well-being and physical and mental health”.³⁶ The state should encourage dissemination of information by mass media, the production and dissemination of children’s books and should ensure that the needs of children belonging to ethnic and linguistic minority groups are taken into consideration.

Lack of resources and absence of strategies to fulfil the right to access information means that access to information is limited. In most orphanages, in both urban and rural settings, no books or printed materials were observed. This was of particular concern as most orphanages also operate schools. All schools observed had limited reading materials available for the students and none had a library.

3.8 Protection from physical or mental violence, abuse, exploitation or neglect

States Parties to the UNCRC must take legislative, administrative, social and educational measures to protect the child from “all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation,

³⁴ UNCRC, Article 14(1).

³⁵ Interview, 21 August 2006.

³⁶ UNCRC, Article 17(1).

including sexual abuse”.³⁷ They are also required to establish programs to prevent such acts. Children who become victims of neglect, exploitation or abuse are entitled to “...measures to promote physical and psychological recovery and social reintegration”. This recovery is to take place “in an environment which fosters the health, self-respect and dignity of the child”.³⁸

Liberian laws also provide for the protection of children against such abuses. The Penal Code makes endangering the welfare of a child “by violating a legal duty of care, protection or support” a misdemeanour of the first degree.³⁹ The draft Minimum Standards on Operating Orphanages lists the types of incidents that are reportable to the MoHSW. These include death or serious injury of a child, absence of a child from the institution, allegations of physical, emotional, sexual or verbal abuse, criminal charges against a staff member or volunteer, substance abuse, discrimination and “chastisement which violates the child’s rights and responsibilities”.⁴⁰ Children are also to receive information about how to report abusive behaviour from peers or staff.

The situation in Liberia’s orphanages leaves children open to various forms of abuse. Children are at risk due to the lack of vetting of management and staff. This is compounded by the absence of regular oversight and complaint mechanisms. Co-mingling of ages and genders and lack of locks or doors in sleeping quarters also leave children susceptible to abuse by staff or other children. There were no indications that children received information about what constituted abuse, or how to report it.

In addition, the poor conditions in some orphanages – in particular lack of food and poor living conditions - may amount to physical abuse or neglect. In one orphanage, a special room was set aside for children who wet their beds, which was dark and bare, with no blankets or mattresses, and with a lock on the outside of the door.⁴¹ Being confined in this room may amount to abuse.

3.9 The highest attainable standard of health

Both the UNCRC and the ICESCR recognize the right to “the enjoyment of the highest attainable standard of health”.⁴² These instruments provide that economic, social and cultural rights shall be realized progressively, to the maximum extent possible taking into consideration the state’s available resources.⁴³ States Parties must ensure the provision of health care to all children, combat disease and malnutrition, and ensure that information about child health and nutrition is available.

The PHL provides a national framework for implementation of the right to health. According to the PHL, the staff of each orphanage must include a licensed physician, who is required to undertake monthly visits to the orphanage. The Ministry must be

³⁷ UNCRC, Article 19(1).

³⁸ Ibid, Article 39.

³⁹ Penal Code, Article 16(4).

⁴⁰ Draft Minimum Standards for Operating Orphanages in Liberia, MoHSW, compiled by Sophie T. Parwon, UNICEF Consultant seconded to the MoHSW, draft 2, April 2006, p.5 (para).

⁴¹ Interview, Preparing our Future Orphanage, Grand Bassa County, 25 July 2006.

⁴² ICESCR Article 2(1) and UNCRC Article 24(1).

⁴³ ICESCR Article 2(1) and UNCRC Article 4.

notified of his or her name and address, which must also be posted “conspicuously” within the institution.

The PHL also stipulates that upon admission to an orphanage, each child must receive a complete medical examination by the orphanage’s physician. A summary of the results of the examination, including the child’s past medical history and, if relevant, recommendations for treatment, is to be kept at the orphanage. Up to the age of 6, all children are to be examined by the physician at least once a year. Between the ages of six and 12 each child must be examined at least twice. In addition, a daily health inspection of all children is to be carried out by a staff member at the orphanage, who “is familiar with the children, and who is able to recognize signs of ill-health”. Orphanage staff may only distribute medication on the order of a licensed physician.⁴⁴ Staff of any social welfare institution are required to go through an annual medical examination, the findings of which must be kept on file.⁴⁵

In addition, the draft Minimum Standards requires that orphanages employ a full time nurse. An adequate supply of essential first aid and emergency kits must also be maintained on site. Vaccination records of all children must be kept and health care must be available for people living with HIV/AIDS. In addition, all children must be screened for tuberculosis, sickle cell anaemia and polio.

In reality, orphanages provided very limited and substandard healthcare. There were no indications in any orphanage visited that children received health checks on admission, nor routine regular health checks as provided for by law. Instead, orphanage owners frequently relied on self-medication of children with drugs bought on the local market. A shortage of drugs was frequently mentioned as a concern.

Several orphanage directors had arrangements with local clinics or hospitals, to which children could be taken free of charge if they fell ill. None were attached to a licensed physician. One orphanage owner stated that the children benefited from participation in vaccination drives, but most children had no vaccinations.

In several cases, transportation to the clinic was mentioned as an obstacle to the right of children to obtain medical care. One orphanage proprietor in Grand Bassa County explained that staff members were sometimes forced to take children to the hospital in a wheel-barrow when they did not have money to pay for a taxi.

Malaria control was also poor. In most orphanages surveyed, there was no use of mosquito nets. In other orphanages, some netting had been put up, but it was almost invariably damaged or insufficient. When asked about the diseases affecting the children in their care, malaria was among the most commonly mentioned diseases mentioned by orphanage staff. Some facilities even lacked doors and windows or had gaps between the walls and roof in the sleeping quarters.

⁴⁴ PHL Paragraph 3 (10).

⁴⁵ PHL, Paragraph 31(5).

3.10 Adequate standard of living

The CRC states that every child has a right “...to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.”⁴⁶ The primary responsibility to fulfil this right lies with parents or others responsible for the child. The state, within its abilities, must provide assistance, in particular in the areas of nutrition, clothing and housing.⁴⁷ In 2004, the Committee on the Rights of the Child, commenting on the situation in Liberia expressed concern over “the inadequate conditions and services provided in many orphanages”.⁴⁸

The draft Minimum Standards state that institutions must be “maintained in a clean, sanitary manner so as to eliminate all hazards to the health and welfare of the persons accommodated there”.⁴⁹ Buildings must also be in compliance with building and fire regulations.⁵⁰

The draft Minimum Standards provide detailed requirements for the facilities in which orphanages are located. Among other things:

- The facility must be fenced to provide security, and must be free of weapons, drugs and alcohol.
- The facility must provide “a child friendly environment that provides centre-based activities, psycho-social support, indoor and outdoor play”.
- Toilets must be separate and “gender friendly”.
- There must be separate bathrooms, dining area, and an office with secured record room.
- The living area must be clean, hygienic, safe and ventilated and there must be sufficient space and lighting.
- The size of the sleeping area should be no less than 20.5 square meters for every five children and one supervisor.
- Each child should have a bed, mattress, four bed sheets, a pillow, sufficient and appropriate clothes, toiletries, mosquito net, school materials, shoes, slippers, an eating set, and access to toys and reading materials⁵¹.

All orphanages surveyed fell short of the standards outlined above. Nevertheless, the survey found that there was variation between different orphanages, with conditions in some being far better than in others. Overall, the assessment showed that those orphanages that had been accredited by the MoHSW provided marginally better living conditions for the children in their care than those that had not.

⁴⁶ UNCRC, Article 27(1).

⁴⁷ Ibid. Article 27(3).

⁴⁸ Concluding Observations, Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, 36th Session. CRC/C/15/Add.236, 1 July 2004. Para. 40(b) and 40(c).

⁴⁹ PHL. Para. 31.6.

⁵⁰ Ibid Para. 31.3.

⁵¹ MoHSW, Minimum Standards for Operation Orphanages in Liberia, 2006.

Conditions in sleeping areas were in many cases poor. A few orphanages, including Gloria Orphanage, Grand Cape Mount County, St. Peters Orphanage, Bong County and Rainbow Town Orphanage, Bong County had one mattress per child. In other orphanages children shared mattresses, often at the rate of three children sharing one mattress.



Seven girls reportedly sleep on this mattress in Preparing our Future Orphanage, Grand Bassa ©UNMIL

However, in at least 17 of the orphanages surveyed the severe shortage of mattresses indicated that children slept on blankets on the floor. Hawa Massaquoi orphanage, Margibi County, which houses 71 children, had only four mattresses. Sayklon Orphanage Home, Margibi County and Sandary Children's Village, Bong County, which house 115 and 81 children respectively, had no mattresses. In all orphanages surveyed, boys and girls slept in separate rooms, although in at least three orphanages some rooms lacked doors.⁵²

In one orphanage, sliding locks had been installed on the outside of the doors, indicating that the children may be locked in their rooms at night. The owner denied this.⁵³

Another common problem related to sanitary conditions. Although some orphanages had latrines, it appeared that children in most of the orphanages used the area surrounding the orphanage to relieve themselves. In at least three orphanages proper latrines had been built, but were clogged or not in use.⁵⁴ Cooking facilities were often unsanitary. In some cases, dogs and chickens were roaming in the area where food was being prepared.

In a few orphanages improvements took place between October 2005 and August 2006. For example, Lue Klayene Orphanage, Maryland County had added mosquito netting, doors and beds to the sleeping areas, as well as a cupboard for toys. A new cooking area had also been constructed.⁵⁵ Mother Blessings Orphanage in Montserrado County had almost completed the construction of new dormitories and classrooms for the children, improving conditions in the orphanage significantly.

In addition, a number of orphanages had ongoing construction projects, which the proprietors stated would improve conditions for the children. In Caring for Tomorrow Generation Orphanage Home, Grand Bassa County, a dining area was under

⁵² Koko Children's Village, Montserrado (17 August 2006), Lue Klayene Orphanage, Maryland (8 August 2006) and Mother Thomas Victoria Orphanage Home (31 October 2006).

⁵³ Interview, Preparing our Future Orphanage, Grand Bassa County, 25 July 2006.

⁵⁴ UNECO Orphanage, Montserrado County (21 August 2006); Children Rehabilitation Orphanage Home, Montserrado County (21 August 2006) and Barnersville Orphanage, Montserrado County (29 August 2006).

⁵⁵ It should be noted that these improvements took place mainly through the contributions from private international individuals living in Harper. The orphanage is also involved in international adoptions.

construction and a school-building was being planned. The director of Children Rehabilitation Orphanage Home, Montserrado County, stated that he is in the process of building a major compound, including a clinic, school, dormitories, offices and a church next to the make-shift houses in which the orphanage is currently located. In 2005, the orphanage was officially closed, and 12 children were removed from the premises.⁵⁶ Conditions for the 53 children who are still residing at the orphanage remain poor, with the children living in make-shift houses. Investing in long-term construction projects is an indication that the proprietor intends to continue running an orphanage and ignore the demand by the MoHSW that he close the institution.

3.11 Right to food and water

The right to adequate nutrition and water is guaranteed in international human rights standards, in particular in the International Covenant on Economic, Social and Cultural Rights (ICESCR) in which States Parties recognize “the fundamental right of everyone to be free from hunger”.⁵⁷

The Liberian Government, in cooperation with its development partners, has taken a number of steps to increase food security for all people in Liberia. In addition, the draft



Gloria Orphanage Home outdoor kitchen, Tiene, Grand Cape Mount County © UNMIL

Minimum Standards require that children living in orphanages “...receive sufficient, nutritious food appropriate to their age and developmental needs”.⁵⁸

Most proprietors stated that children eat two meals a day. The meals usually consisted of buckwheat, or sometimes rice, beans and cassava. Insufficient food was a concern in several orphanages surveyed. In World Champion Orphanage, Grand Bassa County, a number of children appeared malnourished.⁵⁹ In Mother Gee Orphanage, Maryland County, children described being hungry often.⁶⁰ Children in the Frauenshuh International Orphanage were “ordered to fast” for three days because there was no food in the orphanage. Furthermore, reports from community members and local authorities brought to the attention of the public and the authorities of Liberia that children in the same institution- that was harbouring a population of about

⁵⁶ Interview, 21 August 2006. The proprietor successfully sued the MoHSW for the return of the 12 children following their removal. However, the MoHSW has refused to return the children on grounds that conditions in the orphanage are sub-standard.

⁵⁷ ICESCR, Article 11(2).

⁵⁸ Draft Minimum Standards for Operating Orphanages in Liberia, MoHSW, compiled by Sophie T. Parwon, UNICEF Consultant seconded to the MoHSW, draft 2, April 2006., para. 2(4).

⁵⁹ Interview, World Champion Orphanage, Grand Bassa County, 25 July 2006.

⁶⁰ Interview, Mother Gee Orphanage, Maryland County, 10 August 2006.

700 children- were seen begging for food in the community. Instances of theft of crops from community farms were also reported.

More than half of the orphanages surveyed rely on international humanitarian organizations to supply food. Christian Aid Ministries (CAM) and World Food Programme (WFP) are the two main organizations supplying food to orphanages. In addition, some orphanages rely on private overseas donations.

In nine orphanages, all of them unaccredited, staff stated that they did not receive any formal assistance, and had to rely on businesses run by the owner, donations from the community, or food produced on fields owned and farmed by the orphanage. For example, UNECO Orphanage, Montserrado County, relies on income from a driving school run from the grounds of the orphanage. World Champion Orphanage, Grand Bassa County relies on cassava and rice that the proprietors and children farm, while Preparing our Future Orphanage, also in Grand Bassa County, reportedly relies on funding from the proprietor's business.⁶¹

In Fasonie Orphanage Home, Montserrado County, and TODAC Orphanage, Grand Bassa County, orphanages, staff stated that assistance by WFP, Christian Aid or other organizations had ended during or after 2004, when the orphanages were listed for closure by the MoHSW.⁶² As children remained in the orphanages, the cessation of food support increased the vulnerability of the children. In TODAC orphanage, Grand Bassa County, a staff member stated that, in spite of the closure notice, no steps had been taken by the MoHSW to relocate the children.

Another problem encountered related to the misappropriation of food donations. There were allegations that some food donated by WFP and CAM was sold on the local market. In addition, it was found that the staff and their family members ate with the orphanage population, thus taking part of the share of food allocated to each orphan. Finally, UNICEF found evidence that staff in some orphanages supported themselves with basic food supplements donated to the orphanages since they did not receive cash.⁶³

All orphanages located in urban areas stated that they had access to adequate supply of water. Many orphanages had their own hand-pump on the grounds, while others collected water from the community hand-pump.

3.12 Right to education

The right to education is considered fundamental to the development of the child's personality and the exercise of civil and political rights, as well as the fulfilment of economic, social and cultural rights.⁶⁴ Education should be directed towards "the

⁶¹ Interview, UNECO Orphanage, Montserrado County, 21 August 2006; Preparing our Future and World Champion Orphanage, Grand Bassa County, 25 July 2006.

⁶² Interview, Fasonie Orphanage Home, Montserrado, 18 August 2006 and TODAC Orphanage, 26 October 2006.

⁶³ Assessment of Orphanages Report, MoHSW and Task Force on Orphanages, June 2006, p. 8.

⁶⁴ UDHR, Article 26; ICESCR, Article 13; Human Rights Committee, General Comment 17 on Article 24 of the ICCPR (35th Session, 1985), para. 3.

development of the child’s personality, talents and mental and physical abilities to their fullest potential” and “the preparation for a responsible life in a free society”.⁶⁵

The right to education is to be achieved “progressively and on the basis of equal opportunity”.⁶⁶ Primary education should be made compulsory and free to all, while secondary and higher education must be made available based on capacity.⁶⁷ The CRC provides that children should receive information and guidance about education and vocational training.

Liberian law also provides for compulsory education. The Education Act (1973) stipulates that elementary education is free and compulsory and also provides for free education at the junior high school level. Registration fees may be imposed at the secondary level.



Comfort K. Toe Orphanage Home School, Brewerville, Montserrado County. © UNMIL

In reality, most school-aged children in Liberia have limited or no access to the education. In all the orphanages visited, staff stated that all children of school age attend school. Thirty-three of the orphanages surveyed operated schools within the orphanages, which were also attended by fee-paying students from the community. The running of private schools on orphanage premises appeared to be one of the most common ways in which orphanage directors generated funds.

There were strong indications that, in most cases, the education provided was sub-standard. Teachers frequently had no teaching qualifications. Grade levels taught at the schools varied but most did not teach classes beyond sixth grade. Some students at the secondary level attended community schools, or schools run by the religious group to which the orphanage was connected. In addition, all schools lacked basic materials and teaching aids, including books. Some orphanages lacked space to accommodate students. For example in Bishop Judith Craig Children Village, Margibi County and in Love a Child Orphanage, Montserrado County rooms had been divided to accommodate different grades. In Bishop Judith Craig Children Village, one big room had been divided into six rooms. In TODAC Orphanage, Grand Bassa County, classes were combined with one teacher and some students sat on the floor. In Comfort K. Toe Orphanage, Montserrado County, more than 100 students were taught in one classroom covered by a tarpaulin. Although the orphanage has been listed for closure, the director is taking steps to construct a new school building.⁶⁸

⁶⁵ UNCRC, Article 29(a) and (d).

⁶⁶ Ibid. Article 28.

⁶⁷ Ibid. Article 28(1).

⁶⁸ Interview, Comfort K. Toe Orphanage, 2 August 2006.

In addition, the opportunity for children in orphanages to obtain vocational training was inadequate. In a few orphanages, proprietors stated that children were provided with training in sewing.⁶⁹ CAM reportedly provided \$20 and a sewing machine to two children upon reaching the age of 18 in order to assist them when leaving the orphanage.⁷⁰

3.13 Right to rest and leisure, to play and to participate in cultural life and the arts

The UNCRC provides that the child has a right to “rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts”.⁷¹ States Parties are required to promote this right, and to encourage the provision of opportunities for cultural, artistic, recreational and leisure activities.



Lue Klayene Orphanage, Maryland ©UNMIL

The orphanages assessed lacked provisions to implement the requirements of the UNCRC. There were virtually no toys, books or other activities in the orphanages. Most orphanages lacked spaces where the children could play. There were no provisions for cultural, artistic or other recreational activities for the children after school hours.

One of the core problems behind this appeared to be a lack of understanding among orphanage staff that the right to leisure and engage in play is a key right of childhood. In several cases orphanage staff indicated that there was no point in providing toys or other recreational tools, as the children would simply lose or destroy them. At other times, proprietors cited a lack of resources. However, leisure and play are important aspects in the development of the child’s personality and well-being.

3.14 Protection from economic exploitation

According to the CRC, children must be protected from economic exploitation, and from work that is harmful to the child’s physical, mental, spiritual, moral or social development.⁷² It is recognized that not all labour is harmful to children. In some

⁶⁹ Interview, Caring for Tomorrow Generation Orphanage Home, Grand Bassa County, 25 July 2006; Love a Child Orphanage Home, 26 September 2006.

⁷⁰ Interview, Gloria Orphanage Home, 10 August 2006.

⁷¹ UNCRC, Article 31(1).

cases, carrying out chores can contribute to learning social functions and life skills. The draft Minimum Standards, prohibit the use of children to undertake work of staff, and the use of work as a punishment.⁷³

In many orphanages visited, children carried out chores that appeared to be appropriate to their age, such as sweeping, washing and helping with cooking and taking care of younger children. However, in other cases there were indications that this work may have amounted to economic exploitation or have constituted work which should have been undertaken by orphanage staff.

In some cases, children were also involved in other types of work. In rural areas this included working on farms connected to the orphanage and owned by the proprietors. For example, In World Champion Orphanage, Grand Bassa County the proprietor stated that children sometimes work on the farm behind the orphanage⁷⁴. In Fasonie Children's Ministry, Montserrado County, the director stated that six boys had been sent to work on a farm outside Monrovia, in accordance with their own wishes. The director also stated that older children assisted in a small printing business located on the premises.⁷⁵

⁷² UNCRC, Art. 32(1).

⁷³ Draft Minimum Standards for Operating Orphanages in Liberia, MoHSW, compiled by Sophie T. Parwon, UNICEF Consultant seconded to the MoHSW, draft 2, April 2006, p. 5.

⁷⁴ Interview, World Champion Orphanage, Grand Bassa County, 25 July 2006 and Fasonie Childrens Ministry, Montserrado County, 18 August 2006.

⁷⁵ Interview, Fasoni Children Ministry, Montserrado County, 18 August 2006.

Chapter 4: Adoption

4.1 Introduction

While many children in orphanages have parents or relatives with whom they may be reunified, there is a need to develop strategies for those children who can not be reunified with their biological families. One option for these children is adoption. International standards emphasize that adoption is only one in a continuum of family services that should be made available to keep children in a family setting.

Formal domestic adoption is provided for in the Domestic Relations Law of Liberia (DRL) (1973), but is almost never undertaken. However, many children are informally placed with relatives or friends. In addition, since the end of the war, the number of inter-country adoptions has risen sharply. The vast majority of children are adopted by American citizens, although adoptions to Europe have also been reported. According to the US State Department, the number of adoption immigration visas issued to Liberian children rose from 27 in 2003 to 86 in 2004. In 2005, 182 immigration adoption visas were granted to Liberian children. This makes Liberia the twelfth highest sending nation for children adopted from abroad by American citizens.⁷⁶

The safeguards to ensure that the rights of children who are adopted abroad are protected are weak. Liberia has not ratified the core international treaty on inter-country adoptions, the Convention on Protection of Children and Co-operation in respect of Inter-country Adoption (1993) (Hague Convention).⁷⁷ In addition, the lack of national mechanisms means that even where protective measures are in place, they can easily be subverted.

A full investigation of inter-country adoptions from Liberia is beyond the scope of this paper. However, the sections below provide information obtained during the course of research related to orphanages.

4.2 Domestic adoptions

Liberia's initial submission to the CRC, the main body that monitors the implementation of the UNCRC, refers to both formal and informal adoptions.

Informal adoptions are those in which relatives, neighbours or friends bring up a child when parents are unable to care for him or her. In such arrangements, there is no formal agreement, courts are not involved, and the child can be returned to his or her natural parents upon request of either the parent or child.⁷⁸

Informal adoptions have fulfilled an important role in Liberian society. However, they are problematic in that they provide no legal safeguards, and do not guarantee

⁷⁶ http://travel.state.gov/family/adoption/country/country_413.html.

⁷⁷ Hague Convention no. 33. Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, 1993.

⁷⁸ Initial reports of States Parties: Liberia. Committee on the Rights of the Child, CRC/C/28/Add.21, 22 September 2003. Para 135.

permanency for children. In its Concluding Observations on Liberia's initial submission, the CRC expressed concern about the "widespread use of informal adoption practices that are not conducive to full respect for children's rights" and urged the GoL to take measures to eliminate informal adoption.⁷⁹

Formal adoptions are virtually unheard of in Liberia. According to Liberia's submission to the CRC, the lack of formal domestic adoption is partly a result of the common practise of relatives taking care of children.⁸⁰ The breakdown of judicial mechanisms during the war, lack of access to the formal judicial system in many parts of the country, distrust of the system, and the practise of having to pay fees to access it is likely to have exacerbated the situation. In its consideration of Liberia's submission to the CRC, the CRC expressed concern about the lack of interest in formal domestic adoptions.⁸¹

4.3 International framework

A number of human rights treaties and standards provide protection related to inter-country adoption. The sections below provide a brief overview of the main international standards.

4.3.1 *The UNCRC*

One of the key principles of the UNCRC is that all actions taken should be in the "best interest of the child". This principle places the child in the centre of the adoption process. Hence, the primary consideration in any adoption process must be the well-being of the child, rather than that of the natural parents, adoptive parents or others involved in the process.⁸²

States Parties to the UNCRC are required to put in place safeguards related to the adoption of children. Article 21 of the UNCRC obliges states parties to,

"[e]nsure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary".⁸³

⁷⁹Committee on the Rights of the Child. Consideration of reports submitted by states parties under Article 44 of the Convention. Concluding Observations: Liberia, CRC/C/15/Add.236, 36th Session 1 July 2004.

⁸⁰ Initial reports of States parties: Liberia. Committee on the Rights of the Child, CRC/C/28/Add.21, 22 September 2003, para. 136.

⁸¹ Committee on the Rights of the Child. Consideration of Reports submitted by states parties under article 44 of the Convention. Concluding Observations: Liberia. CRC/C/15/Add.236, 36th Session, 1 July 2004. Para. 38.

⁸² This has been reaffirmed in the Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Ofelia Calcetas-Santos Fifty-fifth session, E/CN.4/1999/71 29 January 1999. Para. 64.

⁸³ UNCRC, Article 21(a).

If a child cannot be placed in an adoptive family or cared for in any other suitable manner in the child's country of origin, States Parties may consider inter-country adoptions. Safeguards must be equivalent to those in national adoptions, and the placement must not “result in improper financial gain” for those involved. The State Party is also required to take steps to ensure that the placement of the child in its receiving country is carried out by the competent authorities.⁸⁴

In addition, the UNCRC obliges states to promote bilateral and multilateral agreements to combat the illicit transfer and non-return of children abroad and to take measures to prevent the abduction, sale of or trafficking in children.

The Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography (May 2000) contains specific provisions related to adoption. Among the key provisions, the declaration requires States Parties to “take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments”.⁸⁵ It also requires states parties to adopt measures to facilitate the prosecution of perpetrators of the sale of children, child prostitution and child pornography. Liberia signed the Optional Protocol in 2004, but has not ratified it.

4.3.2 Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption (Hague Convention no. 33) (1993)

The Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption (Hague Convention no. 33) (1993) sets out the framework for cooperation between countries of origin of children in need of adoption and their receiving countries. It is based on the UNCRC, and its primary objective is to ensure that inter-country adoptions are carried out in the best interest of the child.

The Hague Convention seeks to address issues of commercialism and malpractice related to inter-country adoptions. It prohibits improper financial gain from inter-country adoption, specifying that only costs and expenses, including reasonable professional fees, may be charged or paid. It seeks to protect children, birthparents and adoptive parents from exploitation by ensuring proper consent for the adoption, and by establishing rules relating to the child’s legal status in the receiving country.

The Hague Convention also requires states to implement measures to prevent abuses such as abduction, sale of, or trafficking in children for financial or other gains. All states parties to the convention are required to establish a mechanism to monitor requests for inter-country adoptions.

Liberia has not ratified the Hague Convention. The CRC has urged the GoL to establish mechanisms to regulate and monitor inter-country adoptions, and to ratify the Hague Convention.⁸⁶

⁸⁴ UNCRC, Article 21 (a) – (e).

⁸⁵ Optional Protocol to the UNCRC on the sale of children, child prostitution and child trafficking, 2000, Art. 3(5).

⁸⁶ Committee on the Rights of the Child. Consideration of Reports submitted by states parties under article 44 of the Convention. Concluding Observations: Liberia. CRC/C/15/Add.236, 36th Session, 1 July 2004. Para. 38-39.

4.3.3 The African Charter on the Rights and Welfare of the Child

The African Charter on the Rights and Welfare of the Child (ACRWC) (1990) provides that every child is entitled to parental care and protection, and has the right to reside with his or her parents whenever possible. A child can only be separated from his or her parents when a judicial authority determines that this is in the best interest of the child. In such cases, the child has a right to maintain direct contact “with both parents on a regular basis”.⁸⁷

Article 24 of the ACRWC provides specific safeguards related to adoption. It requires States Parties in which adoptions are recognized to establish competent authorities to ensure that the adoption is carried out in accordance with the law, that the adoption is permissible in view of the status of parents, relatives or guardians, and that appropriate persons have given their consent.

Inter-country adoptions may “as the last resort be considered as an alternative means of a child’s care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child’s country of origin”.⁸⁸ Safeguards equivalent to those applicable in national adoptions must be put in place, and the state must take measures to ensure that the placement “does not result in trafficking or improper financial gain for those who try to adopt a child”.⁸⁹ The state must promote this by signing bilateral or multilateral agreements, and ensuring that the placement of the child in another country is carried out by competent authorities. The state is also required to establish a mechanism to monitor the well-being of the adopted child.

Liberia has signed, but not ratified, the ACRWC.

4.4 Liberian law

National safeguards, standards and procedures relating to adoptions can be found in the Domestic Relations Law of Liberia (DRL) (1973).⁹⁰ This law contains no reference to inter-country adoptions.

The DRL provides that the judiciary has overall responsibility for legally approving the adoption of a Liberian child. Individuals wishing to adopt a child must file a petition in the probate court. The petition must include basic information about the petitioners and the child including the full name, date and place of birth, and information about how and when petitioners acquired custody of the child, and a statement that it is the desire of the petitioners that the relationship of parent and child be established and the child’s new name.⁹¹

⁸⁷ African Charter on the Rights and Welfare of the Child, Article 19 (1) and (2).

⁸⁸ Ibid, Article 24(b).

⁸⁹ Ibid, Article 24(d).

⁹⁰ Domestic Relations Law, 1973, Chapter 4, Subchapter C.

⁹¹ Ibid, Sub. Para. 4.66 (a-f). “Petition for adoption”.

According to the law, written consent to the adoption is required by both biological parents, although a number of factors may render consent unnecessary.⁹² If the child is aged 16 or above, his or her consent is also required, unless the judge dispenses with such consent.⁹³

When a petition for adoption is filed, the court is required by law to order an investigation by a “disinterested person” to examine the petition and “other matters relevant” to the adoption. A written report of the investigation must be filed with the court within 30 days of issuance of the investigation order. The report becomes part of the files in the proceeding.⁹⁴

Although this investigation is required, there were strong indications that in practise investigations were lacking. HROs were told that in reality, the court relies on the MoHSW to carry out investigations. Meanwhile, the MoHSW stated that although case studies were carried out in all case of adoptions to the United States, further to an agreement with the United States Embassy, it did not carry out investigations in the case of adoptions to other countries.

As a result, it appeared that the court relied primarily on the confidential court hearing to reject or accept the adoption of a child. Prior to the hearing, the court serves a notice to all interested parties. Although the presence of the child may be waived by the judge, the petitioners and the child are required to appear. If the court is satisfied that all legal requirements have been met, including that the “moral and temporal interests” of the child are satisfied by the adoption, the court issues a Decree of Adoption.⁹⁵

4.5 National authorities and adoption agencies

There is no central authority overseeing adoptions in Liberia. Instead, the adoption process is led by private agencies. The role of adoption agencies is to refer children from orphanages that they work with or support to prospective parents. Agencies operating in Liberia are Acres of Hope; Angel Haven; Plan for the Children; African Christian Fellowship International; West African Child Support Network, and Americans for African Adoptions.

Each agency operates somewhat differently. Acres of Hope operates its own orphanage in Monrovia. In other cases, children are referred from orphanages with

⁹² If the child was born in wedlock, the consent of both parents is required. If the child was born out of wedlock, only the mother must consent. Parental consent is not required if the parents have abandoned the child, if the parental rights have been legally terminated, if the parents are deceased, or if a legal guardian has been appointed. The biological parents, during the proceedings, may withdraw consent. However, the court must permit the withdrawal of consent. Consent is irrevocable after the final order of adoption.

⁹³ Ibid, Sub. Para. 4.64.1. “Whose consent required”.

⁹⁴ Ibid. Sub. Para. 4.68. “Investigation”.

⁹⁵ HROs were unable to obtain information on the number of adoption decrees issued and rejected by the court. However, according to a court clerk, only a few cases had been rejected once they reached court. These cases had reportedly been rejected after the biological mother of the children “changed their minds” and stated that they did not want their children to be adopted abroad.

which the agencies are in touch. For example, Plan Loving Care International, based in the US, works through Liberian partners and is known to have been involved in processing the adoption of a number of children from Lue Klayene Orphanage in Maryland County.

Fees charged by the agencies vary. According to the Acres of Hope internet site, the adoption fee for one child is US\$ 4,000 – 8,000, with a 10% discount for each additional child. There is also a US\$ 250 registration fee and an “orphan fee” of US\$ 1,200 to cover the cost of caring for the child.⁹⁶ The cost of adopting a child through Plan Loving Care International is US\$ 4,145 in the US, plus an additional US\$ 9,000 to 9,200 in Liberia.⁹⁷ WACSN fee is an estimated US\$ 6,000, although the organization also offers an “expedited” adoption at the cost of US\$ 8,000.⁹⁸

The lack of a central authority to oversee adoptions is a main obstacle to ensuring that adoptions are carried out in a way which conforms to national and international standards, that safeguards are implemented, and that sustainable strategies are implemented for the protection of adopted children. The lack of independent and thorough investigations further exacerbates the problem. In addition, there is a very low level of awareness about the meaning and implications of adoptions among birth parents and communities. If children are under the guardianship of orphanages, these could potentially relinquish the children in court.

4.6 Receiving countries

The international community, in particular receiving countries, has a responsibility to protect the rights of children who enter their country as a result of inter-country adoptions.

The US requires that all children who are provided with adoption immigrant visas qualify as orphans under the US Immigration and Nationality Act.⁹⁹ Since 2003, the US Embassy has taken steps to strengthen the investigation process in order to prevent fraud and ensure that those children who are adopted are in fact eligible for adoption. When presented with a petition for an adoption immigration visa, the embassy first collects all available information about the child from the agency, family, orphanage or individual through whom the adoption is taking place. If the embassy is working with an agency, this information must be notarized. Following this, the embassy requires a field investigation to be carried out by social workers at the MoHSW.

⁹⁶ These figures exclude other costs, such as cost of flights, home study in the US, visa fees, and escorts. http://www.acresofhope.com/wst_page5.html. Accessed 2 August 2006.

⁹⁷ http://www.planlovingadoptions.org/hoping_to_adopt/Programs/international/international_liberia.php

⁹⁸ <http://www.wacsn.org/WACSNFAMILYINFOSHEET.asp>, accessed 14 August 2006. An expedited adoption is estimated to take 3 months, and is required for children under the age of one year old.

⁹⁹ Under section 101(B)(1)(F) of the US Immigration and Nationality Act. Under the law, an orphan is defined as a child who is under the age of 16 who 1) does not have living parents or 2) has only one living parent who is incapable of providing for the child under local living standards; and (c) the child must be irrevocably released for emigration and adoption. A detailed description of the orphan definition issued by BCIS can be found on BCIS 's website at <http://www.uscis.gov>. An orphan investigation Form, I-604 Report on Overseas Orphan Investigation, is required in all orphan adoption cases and serves to verify that the child is an orphan as defined by US immigration law. <http://www.uscis.gov>

Finally, the embassy carries out its own investigation and makes a decision on whether or not to grant the visa.¹⁰⁰

The efforts undertaken by the US embassy to ensure full investigations constitute a positive step towards preventing fraud. The MoHSW has expressed that the cooperation with the US embassy in conducting investigations has been positive, and allows them to have an overview of adoptions to the US. This is not necessarily the case with adoptions that take place to other countries.

4.7 Conclusion

Liberia has not ratified key international treaties that protect children that are the subject of inter-country adoptions. The ratification and implementation of the Hague Convention, the Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography, the Optional Protocol to the UNCRC on the involvement of children in armed conflict and the ACRWC would constitute an important step in this regard.

In addition, there is a need for oversight at the national level. The establishment of a central mechanism to oversee and develop proactive strategies related to adoptions would be a positive step towards addressing protection issues and enhancing coordination. The role of such a mechanism could include the accreditation and monitoring of agencies who are currently involved in inter-country adoptions. It should also work closely with the judiciary which issues Decrees of Adoption in order to ensure that the process is transparent, comprehensive and carried out in the best interest of the child.

Any initiatives related to adoptions should be considered in the context of a range of social services that could be provided to promote the rights of children to grow up in a family environment. This must include increased efforts towards educating families and communities about the implications of adoption.

¹⁰⁰ On the US side, the adopting family must qualify through a “home study” carried out by social workers. Requirements for eligibility differ depending on the state in which the family resides.

Chapter 5: Conclusion and recommendations

5.1 Conclusion

Children living in Liberian orphanages are denied their fundamental rights on a daily basis. They live in conditions that are sub-standard, do not receive adequate health care, and are given few educational and developmental opportunities. The experiences of a child growing up in an orphanage are likely to have effects on that will last into adulthood, and therefore impact on society as a whole.

Living conditions in most orphanages are poor and health-care inadequate. In some orphanages there are indications that access to food is limited. Efforts to resolve the situation by the MoHSW, supported by UN Agencies and national and international NGOs are welcome, but have not yet succeeded in raising conditions in Liberia's orphanages to a level in which the commitments that Liberia made in becoming a State Party to the UNCRC are being fulfilled.

In addition to fulfilling the physical requirements, there is a need to develop programmes that promote the fulfilment of the child's mental and psychological well-being. The establishment of an independent mechanism to which children and orphanage staff could confidentially report cases of abuse would be an important measure in preventing abuse. In addition, a comprehensive programme needs to be initiated to sensitise orphanage staff, children living in the orphanages, and the surrounding community on the rights of the child. There is a particular need to sensitise communities that may be vulnerable to placing children in orphanages about the right of the child to live with his or her parents, and the responsibilities of parents towards their children.

The situation in Liberian orphanages must be placed in the context of the prevailing economic situation in the country. Many parents are unable to provide for their children, and place them in institutions in the hope that the institutions will provide access to food, education and the fulfilment of other basic needs. There is scant awareness among community members about the poor conditions in orphanages.

In addition, economic conditions do not constitute an excuse for the failure to fulfil the basic rights of institutionalised children. When a child is admitted to an orphanage, the director of that institution has immediate responsibility for the well-being of the child, and can and should be held accountable if the rights of the child are denied or abused.

Finally, efforts to reunify children with their relatives, whenever possible and in the best interest of the child, should be undertaken. This would not only benefit the children who are thereby returned to a family environment. It would also lead to the channelling of assistance to those children who can not be reunified with their families and who are in genuine need of support.

5.2 Recommendations

5.2.1 To the Government of Liberia

General recommendations

- The MoHSW should develop a comprehensive national policy and action plan on children deprived of a family environment. The best interest of the child must be central to any such policy.
- The MoHSW, in conjunction with the Child Protection Network Taskforce on Orphanages, should strengthen its efforts to monitor the situation of children in orphanages, with a view to ensuring that the orphanages meet national and international standards for the protection and promotion of the rights of the child.
- The GoL should take steps to bring to justice anyone found guilty of recruiting children from a family setting into orphanages.
- The draft Minimum Standards for Operating Orphanages in Liberia should be reviewed and adopted as a formal policy document. This should be made widely available to policy makers, staff of orphanages and others involved in orphanages.

Ratification of international treaties

- The GoL should complete the ratification process and implement the Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography and the Optional Protocol to the UNCRC on the involvement of children in armed conflict.
- The GoL should ratify and implement Hague Convention No. 33 on the Protection of Children and Cooperation in respect of Inter-country Adoption.
- The GoL should complete the ratification process and implement the African Charter on the Rights and Welfare of the Child.

Improvement of conditions in accredited orphanages

- The MoHSW, in cooperation with UN Agencies and international and national NGOs, should continue its efforts to improve the conditions in accredited orphanages, in accordance to the draft Minimum Standards and international human rights standards, including the UNCRC, the ICESCR and the ICCPR.
- The MoHSW should develop a standardized and credible system of documentation of children in orphanages, in line with the draft Minimum Standards. The documentation should include the child's social history, as well as an action plan to ensure the long-term needs of the individual child.

- The Ministry of Education (MoE) should carry out a review of all schools located in orphanages. Those schools found to be sub-standard should be closed. In granting accreditation to schools located within orphanages, the MoE should coordinate with the MoHSW in order to ensure that contradictory actions are not taken.
- An independent mechanism should be established to look into all allegations of child abuse and to receive confidential complaints.
- The MoHSW, in coordination with the Child Protection Network Taskforce on Orphanages, should continue to implement training and capacity building programmes for all staff and proprietors of accredited orphanages on child rights and on the care of children. The programmes should be comprehensive and compulsory.
- A training programme on the rights of the child should also be developed for all children living in orphanages, reflecting the full range of rights. Such a programme could be implemented by social workers at MoHSW supported by technical experts from the UN or NGOs. Experience could be drawn from recent initiatives by the MoE to introduce human rights education to the national curriculum.

Closure of unaccredited orphanages

- The various relevant actors within the GoL should develop a joint action plan for the closure of sub-standard orphanages, outlining specific steps that will be needed, time frames, assistance from NGOs and possible obstacles to the placement of children. The finalised plan should be implemented immediately to close sub-standard orphanages.
- The GoL should take effective legal action against owners of unaccredited orphanages who refuse to comply with the MoHSW orders to cease operations.
- Upon closure, the MoHSW should undertake monitoring in order to ensure that the orphanages remain closed. The children should not remain on the premises and should not be transferred to other unaccredited orphanages. The MoHSW should also monitor the effect on children, both those who may have been reunified with families, and those who have been transferred to accredited orphanages.

Reunification of children with their families

- The MoHSW, in cooperation with UN Agencies and international and national NGOs, should intensify efforts to reunify, whenever possible and in the best interest of the child, children living in orphanages with their families.

Adoption

- The GoL should take gradual steps to reduce and eliminate informal adoption. This should be replaced by a monitored and registered system of foster-care and formal adoption.
- The GoL should establish a central authority to regulate and monitor adoptions, including inter-country adoptions.
- The GoL, in particular the MoHSW and the Ministry of Justice should ensure that thorough and independent investigations are carried out in all cases of adoption.
- The GoL should take steps to monitor all adoptions, by requiring the submission of post-adoption reports to the MoHSW.
- The GoL, in cooperation with child protection agencies and civil society partners should initiate programs to provide information to and educate communities about the meaning and implications of adoptions.

5.2.2 To orphanage administrators and staff

- Orphanage administrators must at all times operate their orphanages with the best interest of the child as the central and main consideration.
- Orphanage administrators and staff must take all measures to obtain accreditation by the MoHSW. Under no circumstances should children be accepted into orphanages that are not accredited, nor should orphanages be established with the intention of obtaining accreditation at a later point in time.
- Orphanage administrators and staff must fully implement the draft Minimum Standards on Operating Orphanages. Any failure to comply with the draft Minimum Standards must result in withdrawal of accreditation and closure of the orphanage.
- Orphanage staff should take all steps necessary to ensure that children living in orphanages are, as far as possible and in keeping with the best interest of the child, reunified with their families.
- Recruitment of staff should be transparent, and thorough background checks must be carried out on anyone employed at an orphanage.
- Establish mechanisms within orphanages to ensure that children are able to express themselves and have their views heard on matters that affect them, in accordance with their age and maturity.

5.2.3 To the international community

- International donors should provide technical assistance and funding to ensure the effective operation and increased capacity of the MoHSW and in particular the DoSW. Such funding should be aimed at the provision of services to

children in their communities as well as to improving conditions within existing accredited orphanages.

- UNMIL, UN Agencies and NGOs with relevant expertise should continue efforts to improve child protection. Such assistance should be coordinated through national and county-level structures, such as the Child Protection Network and the Child Protection Network Taskforce on Orphanages.
- Any organization or individual providing funding to orphanages in Liberia should ensure that the orphanages to which they provide funding have been accredited by the MoHSW and that assistance is aimed towards fulfilling the requirements of the draft Minimum Standards for Operating Orphanages.
- Organizations or UN Agencies with relevant expertise should consider developing a comprehensive training programme in child rights for national and county-level authorities, orphanage staff and administrators, children in orphanages and community members.

Annex 1. List of orphanages surveyed by HRPS

July – October 2006

Montserrado County

Children Rehabilitation Orphanage Home
Comfort K. Toe Orphanage
Fasonie Childrens Ministry, Monrovia
Frances Gaskin Orphanage
Frauenshuh International Orphanage, Monrovia
Imani Orphanage
Koko Children's Village
Love a Child Orphanage
Mother Blessing Orphanage
Mother Thomas Victoria Orphanage Home
Ruth T. Shabalala Orphanage
Susie Guenther Children Welfare Home
UNESCO Orphanage

Margibi County

Bishop Judith Craig Children's Village
Children Future Programme Orphanage
Family Life Orphanage
Hawa Massaquoi Orphanage Home
Jaijah Massaquoi Orphanage Home
Love a Child Orphanage Home
Phebe Gray Orphanage
Sayklon Orphanage Home

Grand Cape Mount

Charity Orphanage
Gloria Orphanage

Gbarpolu¹⁰¹

Bopulu Bible Mission Orphanage
Zuo Mission,

Bomi

Ballah KM Davis Orphanage
Liberia Orphans and Abandoned Children Home
Omega Children Welfare Orphans Mission

¹⁰¹ Though previously listed as orphanages, HRPS found that these institutions are currently operating as day schools. They were assessed, but have not been included in the survey.

Temas Memorial Children Welfare Home

Bong

Feletta Children's Home
Rainbow Town Orphanage
Sandary Children's Home
St. Peters Orphanage

Grand Bassa

Caring for Tomorrow General Orphanage Home
Deseco Orphanage Home, Upper Buchanan
Future Hope Orphanage
God's Heritage Orphanage
Good Samaritan Orphanage
Grand Bassa Co. Orphanage Home
Light House Ministry, Children Village
Preparing our Future Orphanage
Tabernacle of David Church (TODAC) Orphanage Home
The Mission for Orphans, Disabled & Unaccompanied Children
World Champion Orphanage

Maryland

Lue Klayene Orphanage
Mother Gee Orphanage

Nimba County

Children Recovery Orphanage, Ganta
House of Hope, Ganta
Sister Kennedy Orphanage, Sacleapea

Sinoe

Willie N. Wylie Memorial Baptist children Village

October – November 2005

Montserrado County

Acres of Hope, Monrovia
Alfred and Agnes Orphanage, Brewerville
Calvary International Mission Orphanage, Barnesville, Monrovia
Children Ministries Inc., Barnesville, Monrovia
Children of Hope, Monrovia
Christiana Smith Orphanage, Monrovia
Comfort K. Toe Orphanage, Brewerville

Comfort Toe Daycare Orphanage, Monrovia
Diane Davis, Brewerville
El Wuo Orphanage, ELWA Community
Esther Wleh Orphanage, RIA Highway
Fasonie Children Ministry, Monrovia
Great Commission Orphanage, Gardnersville, Monrovia
Hebron Orphanage Home, Monrovia
His Kingdom Come Ministries Life Village Orphanage, Monrovia
Holy Ghost Mental Home¹⁰²
Hope in Christ Orphanage, Careysburg
IYE Orphanage, Barnesville, Monrovia
Kahatan Children Village, Brewerville
Koko Village Orphanage, Monrovia
Liberia Mission, Inc., Paynesville
Lofa Congo Orphanage, Paynesville
Mother Sarah N. Doe Orphanage Home Inc. Monrovia
My Brother's Keeper Orphanage, Monrovia
Ruth T. Shabalala Orphanage, Banjol
Sister Mary Himmie Orphanage, Monrovia
SOS Children's Village, Monrovia
Susie Guenter Orphanage, ELWA Community
Temas Memorial Children Welfare Home, RIA Highway
Tray Deh Orphanage, RIA Highway
UNECO Children Home, Monrovia
Unity Community Orphanage, Monrovia
Victoria Thomas Orphanage, Monrovia
Victoria Thomas N. 2, Kingsville
Yodar / Gold Child Orphanage, Brewerville

Margibi County

Bishop Judith Craig Children Village Orphanage, RIA Highway
Children Future Program and Orphanage, Kakata
Family Life Orphanage, RIA Highway
Hawa Massaquoi Orphanage, Unification Town
House of Prayer. Bendu Vah Orphanage, Barclay Town, Firestone
Jaijah Massaquoi Orphanage, Wolola Town
Love a Child Orphanage, RIA Highway
Peter Sayklon Orphanage Home, Bong Mines Highway, Kakata
Phebe Grey Orphanage, RIA Highway

Bomi County

Ballah KM Davis Orphanage, Suen District
Liberia Orphans and Abandoned Children Home, Yormu Town
Omega Children Welfare Orphans Mission, Malema District

Grand Cape Mount County

¹⁰² This institution is not an orphanage, but a facility for mentally disabled persons.

Charity Orphanage Home Inc., Robertsport
Gloria Orphanage, Tiene, Tewor District

Bong County

Feletta Children's Home, Gbarnga
Gbarnga Community Orphanage, Gbarnga
Roland J. Payne Centre of Hope
Sandary Orphanage Children's Home, Totota
St. Peters Orphanage Home, Gbarnga
War Affected Children Assistance Program (WACAP), Totota

Grand Bassa County

Caring For Tomorrow Generation Orphanage
Catherine Memorial Orphanage, Buchanan
Concerned Christian Mission Orphanage, Geebor Town
DECESCO Orphanage, Buchanan
Future Hope Orphanage, Buchanan
God Heritage Orphanage, Lower Harlandsville
Good Samaritan Orphanage, Buchanan
Lighthouse Ministry Orphanage, Buchanan
Mission for Orphans, Disabled and Unaccompanied Children (MODUC), Buchanan
Preparing Our Future Orphanage, Buchanan
Tabernacle of David Church (TODAC) Orphanage Home, Lower Harlandsville
Williams & Garblah Orphanage Mission, LAC Expansion Area
World Champion Orphanage, Buchanan

Nimba County

Children of God
Children of Hope
Children Recovery Orphanage
House of Hope Orphanage
Sister Kennedy Orphanage
Theresa Orphanages

Maryland County

Boniken Leprocy Center
Lue Klayene Orphanage Home, Harper
Mother Esther Gee Healing Temple
The Children Home

Grand Gedeh County

Bledesha Orphanage, Zwedru