



LIBERIA

(revised by local contacts)

ANALYSIS OF THE SITUATION

A. General situation

Liberia is a West African country on the Atlantic coast, in between Côte d'Ivoire and Sierra Leone. Administratively, it is divided into five regions, 15 counties and 88 districts. Liberia is one of the world's poorest countries, with about 64% of its population living on less than US\$1 a day.¹

In July 2017, the country had a population of 4,689,021,² almost 44% of whom were under the age of 14. Women have their first child at an average age of 19, and have on average five children. The infant mortality rate is 47.6 deaths per 100,000 births; a reduction of 70% since the 1990s. However, maternal mortality is very high at 725 deaths per 100,000 births, making Liberia the country with the seventh highest rate of maternal deaths.³ These deaths are mainly due to a lack of family services, to early pregnancies, and to the low rate of births attended by professionals (56.8%),⁴ but also to the prevalence of female genital mutilation, which affects three-fifths of women and girls in Liberia.⁵ Liberia is one of the three countries most affected by the Ebola epidemic, which caused over 4,800 deaths in the country between 2013 and 2015.⁶

In addition, the low (although rising) birth registration rate makes children vulnerable to trafficking and exploitation. This was commented on in the United States human trafficking report in 2017.⁷

Liberia is both a country of origin and a receiving country for refugees. The civil war (1989-2003) caused half a million people to be internally displaced and another 250,000 people to become refugees. Since then, more than 155,000 Liberians have voluntarily returned to their country with the help of UNHCR. In addition, Liberia hosted more than 125,000 refugees from Côte d'Ivoire between 2010-2011 and mid-2017.⁸ The country was also hit by Ebola in 2014-2015.

TABLE OF CONTENTS

ANALYSIS OF THE SITUATION

- A. General situation **1**
- B. Children deprived of their family and alternative care options **2**

2

Comments of the ISS/IRC **4**

- C. Adoption **5**

Comments of the ISS/IRC **11**

LEGISLATION

- A. International instruments **12**
- B. Regional instruments **12**
- C. Country legislation **12**

APPENDICES **13**

¹ <https://www.unicef.org/liberia/overview.html> .

² <https://www.cia.gov/library/publications/the-world-factbook/geos/li.html> .

³ <https://www.cia.gov/library/publications/the-world-factbook/geos/li.html> .

⁴ https://www.unicef.org/about/annualreport/files/Liberia_2016_COAR.pdf, page 23.

⁵ https://resourcecentre.savethechildren.net/sites/default/files/documents/guidelines_final_8.2014.pdf, page 12.

⁶ <https://www.voaafrique.com/a/le-liberia-un-pays-qui-peine-a-se-redresser-apres-ebola/4061295.html>; see also :

https://resourcecentre.savethechildren.net/node/8708/pdf/ih-liberia_ ebola_interim_report-final-io-eng-dec14_1.pdf ;

⁷ <https://www.state.gov/documents/organization/271339.pdf>, page 253.

⁸ <https://www.cia.gov/library/publications/the-world-factbook/geos/li.html> .



B. Children deprived of their family and alternative care options

In 2014, UNICEF statistics⁹ estimated there were 190,000 orphans, including 25,000 due to AIDS. In its 2017 report,¹⁰ UNICEF indicated that a reduced number of children had received services because of a decrease in the number of social workers. These were services relating to identification of separated children, unaccompanied children, foster care placement, access to basic services, family tracing, reunification and reintegration.

Relevant laws and public policy

The 2010 regulations on appropriate use of and conditions for alternative care focus mostly on placements in institutions and their compliance with the Convention on the Rights of the Child and the Guidelines for the Alternative Care of Children.

The 2012 Children's Law identifies and coordinates alternative care services where the biological parents are dead, absent or incapable. The Law emphasises the importance of family support, and lays down standards for the accreditation of institutions and for family-based placements. In addition, Article 10 of the Law states that “the Ministry of Health and Social Welfare shall, subject to the child's best interests, pay due regard to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background”. A single person who is 24 years of age or older, single, cohabiting or married can be a foster carer.

In 2014, **Guidelines for kinship care, foster care and supported independent living** were issued to improve the quality of family-based placements. They provide guidance on how to make decisions in the best interests of the child. These Guidelines also set out the steps leading up to the placement of a child, considering firstly the option of tracing the biological family and reintegrating the child, and secondly of providing preventive family support measures. The Guidelines are accompanied by practical tools, including eight forms (e.g. child assessment form; foster carers assessment form) and 16 information sheets (e.g. steps to follow in a kinship placement; checklist for preparation of the child and the future carers; various definitions).

To ensure they were properly implemented, a Capacity building plan was established to cover the four-year period 2014-2018, along with a Roadmap. In addition, in 2017, the National Child Welfare and Protection Policy was developed with the aim to establish the vision and agenda of the government for the development of a comprehensive and holistic welfare and protection system for children and families. It introduced a paradigm shift from a specific child issue-based programming to a holistic child welfare and protection system strengthening in Liberia and attaches high importance to the family unit.¹¹

Competent authorities

Before the merger of the Ministry of Gender with the Department of Social Welfare, in 2014, the Ministry of Health and Social Welfare was responsible for issues relating to alternative care. Now with the merger, the Department responsible for all issues affecting children is the **Department of Children and Social Protection within the Ministry of Gender, Children and Social Protection (MOGCSPP)**. All issues relating to family support and preventing family separation is with the latter Ministry. The Technical Group for De-institutionalization of Children, at that time under the Ministry of Health¹², worked on de-institutionalisation and safeguarding the quality of remaining institutions. Another body (the Child Protection Network) was established by the Ministry of Gender and Development to advocate, lobby and flag out issues affecting children. The Ministry of Gender, Children and Social Protection is now responsible for national coordination of governmental and non-governmental bodies responsible for child protection and children's rights. At the community level, Child Welfare Committees were set up to develop and implement child protection functions across and between agencies.¹³

Support for vulnerable families

⁹ https://data.unicef.org/wp-content/uploads/2016/06/SOWC-2016-all-tables-by-country_261.xlsx.

¹⁰ https://www.unicef.org/about/annualreport/files/Liberia_2017_COAR.pdf.

¹¹ Information provided by local contact.

¹² https://bettercarenetwork.org/sites/default/files/Country%20Care%20Profile%20-%20Liberia_0.pdf, page 14.

¹³ https://bettercarenetwork.org/sites/default/files/Country%20Care%20Profile%20-%20Liberia_0.pdf, page 14.



There is an outline of the support to be provided to vulnerable families in the Guidelines for kinship care, foster care and supported independent living (page 10). In 2016, 455 orphans and vulnerable children were beneficiaries of the social cash transfer programme.¹⁴

Alternative care options

Access to education, and to better living standards in general, is the main reason for separating a child from his or her family.¹⁵ Another factor in the placement of children in institutions is teenage pregnancy, which affects 31% of girls aged 15-19 years.¹⁶ The Guidelines for kinship care, foster care and supported independent living outline the procedure to be followed when measures to prevent separation have failed, and the child has to be placed outside the family (in particular, see the principles of necessity and of suitability of measures, page 16 onwards). The Guidelines also stipulate that every placement should be preceded by an assessment of the child's physical, emotional, intellectual and social needs, so the placement can be matched to these specific needs of the child. Monitoring and follow-up visits are considered essential. The Child Welfare Committee together with the Social Welfare Supervisor take the alternative care decision in both emergency and non-emergency situations. At the county level, the cases are referred from the Child welfare committee to the Child welfare officer for alternative care placement; the child welfare officer in consultation with the social welfare supervisor and the county coordinator takes the decision to place the child in alternative care. In areas where the Child placement committee is active, the committee also works with these said professionals as a team.¹⁷

Informal placement (kinship or foster care): In Liberia, there is frequent use of informal arrangements for the care of orphans and vulnerable children. Most children are placed within the extended family or community.¹⁸ In 2014, 27% of households were providing such care.¹⁹ Informal placements in foster care are common, and are used in both emergency and non-emergency situations.²⁰

Kinship care: This type of placement is described in the Guidelines for kinship care, foster care and supported independent living (page 35 onwards). It is considered the first placement option when it is in the child's best interests and suits his or her individual needs. Itemised criteria are given for selecting members of the extended family, including: no past history of child abuse; support for potential reunification of the child with the biological family; and consent by the caregiver to avoid any forced placement.

Care in emergencies

The Guidelines for Liberian Separated Children in Alternative Care provide for the identification of separated children, family tracing and reunification.²¹

Foster care: According to the study published by Maestral International in 2014/15, there were no registered foster care placements in Liberia.²² However, the Guidelines for kinship care, foster care and supported independent living specify that foster carers must be recruited, trained and registered by alternative care services. The placement decision is made by the Child Placement Committee, together with the Social Welfare Supervisor and the court. Foster carers must be trained and are monitored by the Social Work Supervisor. The assessment includes interviews, home visits and reference letters from the local authorities. Initial training is provided when the foster carers are selected; additional training may be provided during the placement period. All approved and trained foster carers are recorded in a database. The Guidelines stipulate that the child should be prepared for the foster care placement, including through pre-placement meetings, exchange of information about the family, and creation of a life book or memory box.

¹⁴ https://www.unicef.org/about/annualreport/files/Liberia_2016_COAR.pdf page 38. See also:

https://www.unicef.org/liberia/SCT_Evaluation_Full_Report_Final.pdf.

¹⁵ <https://link.springer.com/article/10.1007/s40609-017-0090-8> and

https://resourcecentre.savethechildren.net/sites/default/files/documents/desk_review_summary_report_final.pdf, page 7.

¹⁶ https://resourcecentre.savethechildren.net/sites/default/files/documents/desk_review_summary_report_final.pdf, page 7.

¹⁷ Information provided by a local contact.

¹⁸ https://resourcecentre.savethechildren.net/node/8465/pdf/desk_review_summary_report_final.pdf, page 5.

¹⁹ https://resourcecentre.savethechildren.net/sites/default/files/documents/desk_review_summary_report_final.pdf, page 6.

²⁰ https://resourcecentre.savethechildren.net/sites/default/files/documents/guidelines_final_8.2014.pdf, page 45.

²¹ https://resourcecentre.savethechildren.net/node/8465/pdf/desk_review_summary_report_final.pdf, page 7.

²² https://resourcecentre.savethechildren.net/sites/default/files/documents/desk_review_summary_report_final.pdf page 6.



The Regulations on the Adoption of Children in Liberia, domestic and intercountry, 2016 state that MOGCSP may adopt policies for the placement of children in foster care or in community-based placements. Placements should be in family-based care and should enable siblings to stay together. MOGCSP must also establish regulations on the licensing of foster carers.

Institutional care

There has been an increase in placements in orphanages due to the war and to epidemics such as AIDS. For example, there were only eight orphanages in operation in the country in 1989 but this figure had risen to 114 by 2009.

Since 2009, when there were 4,683 children living in orphanages, the country has been undergoing a de-institutionalisation programme.²³ The number of institutions had been reduced since 2016 and is now at 67 institutions (compared to 114 in 2009),²⁴ while the number of children living in them had been reduced by 14%. Of these children, 2,278 received case management services.²⁵ These results are partly due to the work of the Independent Accreditation Committee that monitors institutions and ensures compliance with the Alternative Care Guidelines and policies. The Guidelines for kinship care, foster care and supported independent living stipulate that an institutional placement should only be used as a temporary measure and as a last resort. Although it is emphasised that institutional placement is not appropriate for children under the age of three, it does remain an option in some cases: for children requiring specialist care, or where a child is not emotionally ready to live within a family unit (page 12).

Independent living arrangements

The Guidelines for kinship care, foster care and supported independent living emphasise that independent arrangements may be suitable for older children, who may prefer to have a bit more independence while remaining within a family setting. This type of placement may also be appropriate for children who have spent a significant period living in an institution, or for young adults who have had to leave care (page 11). However, in 2014 there were no registered facilities of this type in Liberia.

Kafalah

Kafalah placements are also an option in Liberia and seemingly not wide-spread. They are no official statistics but they seem to be occurring in predominately Muslim-communities in Liberia.²⁶ However, according to ISS/IRC knowledge, there are no official statistics on their actual extent. They are defined as a commitment by a person or family to voluntarily sponsor and care for an orphaned or abandoned child.²⁷

Comments of the ISS/IRC

The ISS/IRC welcomes the very detailed Guidelines, which prioritise family support and family-based placements. There has also been a decrease in the number of children in institutions, which is a major improvement.

Yet, the following points remain matters of concern:

- Exact roles and responsibilities of involved authorities at national and local levels need to be clarified in law/policy and practice especially in relation to gatekeeping processes, family reunification, case management including thorough assessments and decision-making processes;
- The lack of planning and attribution of sufficient resources is hindering the effective implementation of the legal framework, especially related to family support and prevention of unnecessary separations; in addition, to date no

²³ https://resourcecentre.savethechildren.net/node/8465/pdf/capacity_rapid_context_assessment_final.pdf page 4 .

²⁴ https://resourcecentre.savethechildren.net/node/8465/pdf/desk_review_summary_report_final.pdf page 5 .

²⁵ https://www.unicef.org/about/annualreport/files/Liberia_2016_COAR.pdf page 37.

²⁶ Information provided by local contact.

²⁷ [Guidelines for kinship care, foster care and supported independent living](#) page 12.



foster carers or small-scale residential care facilities have yet been registered;

- The absence of supervision of informal placements, including *kafalah* placements, despite their seeming prevalence in Liberia, is prone to lead to children's rights violations.

C. Adoption

Liberia is not party to the 1993 Hague Convention. However, it should be noted that, in choosing adoption bodies, preference will be given to bodies from countries that have ratified the 1993 Hague Convention.²⁸

The 1956 Adoption Law was replaced in 2014 and subsequent years by a series of legislation on adoption:

- Regulations on the Adoption of Children in Liberia, domestic and intercountry, 2014;
- Standard Operating Procedures (2016), Domestic and Inter-country Adoptions;
- Accreditation for adoption services 2016.

In January 2008²⁹, a moratorium was placed on intercountry adoption in Liberia³⁰ following repeated evidence of illicit practices: lack of registration of adoptions, lack of competent authority, poor understanding of the effects of intercountry adoption by biological parents, etc. The law in force at the time only regulated national adoption, thus leaving it up to private adoption agencies, lawyers and adoptive families to decide the intercountry adoption procedure,³¹ and allowing a dramatic rise in intercountry adoption. This moratorium was lifted in 2015.³²

Informal national adoption: Although this type of adoption plays an important role in Liberia, the lack of involvement of a competent authority and the lack of established safeguards are matters for concern. These concerns were highlighted by the Committee on the Rights of the Child in 2012: "the Committee is highly concerned at the persistence of informal domestic adoption and inter-country adoption [...] where in many cases parents' informed consent is not provided. It is also concerned about the exploitation of children, as a consequence of informal adoption, and at the lack of legislation on adoption."³³

Between 2003 and 2011, 1,399 children from Liberia were subject to intercountry adoption³⁴

THEMES	INFORMATION
CENTRAL/ COMPETENT AUTHORITY	Minister of Gender, Children and Social Protection (MOGCSP) ³⁵ Sekou Toure Avenue and Gurley Street P. O. Box 10-9009, 1000 Monrovia 10, Liberia Tel: +231886 404 919; +231 886 450 891 Email: genderministry@yahoo.com Other competent authorities: <ul style="list-style-type: none">• Ministry of Justice for legal procedures, guidance and issuance of exit clearance if the

²⁸ Point III.A.1 Standard Operating Procedures Domestic and Intercountry Adoptions 2016; Information provided by a local contact.

²⁹ Information provided by a local contact.

³⁰ It should be noted that intercountry adoptions for children with severe medical conditions are still possible.

³¹ https://resourcecentre.savethechildren.net/sites/default/files/documents/desk_review_summary_report_final.pdf page 19

³² http://www.emansion.gov.lr/2press.php?news_id=3336&related=7&pg=sp

³³

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsKx0ttNiHb5SBzwVAnBlqB0BHf7StUycc0ay6GwC2XPFTvWWJ6c6kSGnmntFR9clBmplj0lXA4amFFs9hoE%2blyXZCXz1TnZMNOuEg3B4DR5> para. 58

³⁴ https://bettercarenetwork.org/sites/default/files/Country%20Care%20Profile%20-%20Liberia_0.pdf, page 7.

³⁵ As provided by a local contact, the adoption panel within the MOGCSP is chaired by the latter Ministry. It also includes the Ministry of Justice and Health. The adoption panel was established when adoption was on moratorium. Now that the law has been passed the MOGCSP is the lead agency for adoption.



	<p>child needs to travel abroad once the adoption process is completed.</p> <ul style="list-style-type: none"> • Court system for petition, consent/relinquishment and the final adoption decree. <p style="text-align: right;"><i>Sources:</i></p> <p>Regulations on the Adoption of Children in Liberia, domestic and intercountry, 2014; information provided by local contact.</p>
FULL/SIMPLE ADOPTION	<p>Adoption is full adoption. All rights and obligations towards the child are transferred to the adoptive parents.</p> <p style="text-align: right;"><i>Source:</i></p> <p>Article 18, Regulations on the Adoption of Children in Liberia, domestic and intercountry, 2014.</p>
SUBSIDIARITY PRINCIPLE	<p>The psychosocial assessment of PAPs conducted by the Ministry must state whether all national options have been explored, including support for the biological family, and family-based or community-based placement options. National solutions for alternative care must be prioritised over intercountry solutions.</p> <p style="text-align: right;"><i>Sources:</i></p> <p>Article 9, Regulations on the Adoption of Children in Liberia, domestic and intercountry, 2014; Guidelines for kinship care, foster care and supported independent living page 17.</p>
CHILD ADOPTABILITY	<p>The law defines an order of priority in identifying adoptable children:</p> <ul style="list-style-type: none"> - a double orphan - a ward of the state - an abandoned child - a single orphan <p>If the child is abandoned, MOGCSP declares them a “ward of the state” once all necessary checks have been performed.</p> <p>In addition, the law specifies that the adoption must be in the best interests of the child. The adoptee must be under the age of 18. The file must be accompanied by the child's medical records and birth certificate, and consents from the biological parents. The adoption panel under the lead of the MOGCSP, composed of representatives from the Ministry of Justice, Ministry of Health and Social Welfare, the Probate Court as well as the Ministry of Labour, interviews the child and assesses his or her mental, physical and intellectual capabilities. The child's thoughts on the adoption will also form part of the report.</p> <p style="text-align: right;"><i>Sources:</i></p> <p>Point III.A.1 and Notes, Standard Operating Procedures (2016) Domestic and Inter-Country Adoptions</p> <p>Article 5, Regulations on the Adoption of Children in Liberia, domestic and intercountry, 2014; information provided by a local contact.</p>
PROSPECTIVE ADOPTIVE PARENTS (PAPs)	<p><i>Eligibility criteria:</i></p> <p>PAPs must be aged 21 or over, and at least 15 years older than the adoptee. They must be mentally, physically, emotionally, morally and financially capable of caring for the child. They may be married or single. Preference is given to married couples. Non-nationals may not adopt more than four children.</p> <p>In all intercountry adoptions, PAPs are required to fulfil a residence requirement of 90 days (3 months) in Liberia, unless they are already familiar with the country, meaning they have previously stayed in Liberia for a period of 90 days and are aware of the culture.</p>

	<p><i>The PAPs' file</i></p> <p>The following documents must also be provided: a copy of medical records, police clearance, two references, marriage certificate if applicable, financial records.</p> <p>An accredited body must carry out a home study in the PAPs' country of residence, the report on which is sent to the Department of Children and Social Protection. A medical, educational and psychological report must also be provided. The file must also include two letters confirming the PAPs' financial capacity to provide for the adopted child.</p> <p style="text-align: right;"><i>Sources:</i></p> <p>Articles 3; 6, Regulations on the Adoption of Children in Liberia, domestic and intercountry, 2014; Point III.A.1 of the Standard Operating Procedures (2016) Domestic and Inter-Country Adoption.</p>
CONSENTS	<p>The biological parents (and any other person with custody of the child) must give their consent, and the child's consent must be requested if he or she is aged 16 or over.</p> <p>Consent may be withdrawn if it has been obtained illegally or if the biological parents were not able to understand the significance of their consent.</p> <p>The child's biological parents will be interviewed if they are still alive. Social workers appointed by MOGCSP must provide counselling to the biological parents before and after the birth of a child, where the parents have expressed a wish to put the child for adoption, and also provide counselling to the PAPs. Consent by the biological parents must be provided in the file.</p> <p style="text-align: right;"><i>Sources:</i></p> <p>Articles 7; 8, Regulations on the Adoption of Children in Liberia, domestic and intercountry, 2014; Point III.A.2 of the Standard Operating Procedures (2016) Domestic and Inter-Country Adoption.</p>
PROCEDURE	<p><i>1) Submission of adoption application</i></p> <p>The PAPs submit an adoption application to the court, either personally, via a lawyer (for national adoption only) or through an Adoption Accredited Body. The court informs the Ministry of Justice and the Adoption Unit at MOGCSP.</p> <p><i>2) Home study</i></p> <p><u>Intercountry adoption:</u> An accredited body in the receiving country conducts a psychological and social home study of the PAPs. The study must include details of their home, family and lifestyle, and their ability and readiness to adopt the child. The report must also include a formal assessment of the capacity of the PAPs, accompanied by recommendations.</p> <p>MOGCSP also conducts a case study, including interviews and consultations with all parties involved in the adoption process and checks on compliance with the subsidiarity principle. A social worker from the receiving country may be asked to travel to Liberia to confirm the information provided about the PAPs. The study report, along with a case history of the PAPs, is submitted to the Ministry Director for approval of the adoption.</p> <p><u>National adoption:</u> MOGCSP designates an independent, accredited social services agency to conduct a psychological and social home study and case history investigation of the PAPs. The study must include details of their home, family and lifestyle, and their ability and readiness to adopt the child. The report must also include a formal assessment of the capacity of the PAPs, accompanied by recommendations. The following documents must also be provided: copy of medical records, proof of residency or citizenship in Liberia, police clearance, two references, financial records.</p> <p>The investigation process lasts 30 to 90 days, after which MOGCSP passes the file to the ad hoc Central Adoption Authority for review. MOGCSP must also provide its assessment for approval of the PAPs.</p> <p><i>3) Legal stage</i></p>



	<p><u>National and intercountry adoptions</u>: MOGCSP then passes a certified copy of the report to the Family Court, which hears the case and makes a final decision on the adoption. If it is agreed, the court approves the application and issues an adoption decree in favour of the adoptive parents. The parents must provide a copy of these documents to MOGCSP for registration. The clerk of the court also records all cases, for which additional costs may be applied.</p> <p>In the case of <u>intercountry adoption</u>, once the adoption decree has been issued the PAPs can approach the Embassy of the receiving country to obtain a visa. In addition, the Ministry of Justice must issue a clearance document allowing the adoptive parents to leave Liberia with the adopted child. This document is issued on presentation of the following:</p> <ul style="list-style-type: none"> ➤ Adoption application ➤ Notarized consent from biological parents or guardian ➤ Adoption decree ➤ Photograph, passport and visa of child ➤ Photographs and passports of adoptive parents ➤ Receiving country assessment of adoptive parents. This assessment must have been done at least six months before the request for clearance. ➤ Assessment of child by MOGCSP ➤ New birth certificate ➤ Immigration visa <p>The biological parents (or guardian where the child is abandoned or a ward of the state) of the adoptable child must testify in court and consent to the adoption. If the parents are married, both must give consent.</p> <p>Before declaring the adoption, the court must verify that the PAPs have resided in Liberia for at least 30 days.</p> <p>The Principal Registrar prepares a new birth certificate, in the adopted child’s new name.</p> <p><u>Contact between biological parents and PAPs</u></p> <p>No contact is allowed between the child’s biological parents and the PAPs, unless:</p> <ul style="list-style-type: none"> - The MOGCSP and the court have established that the child is adoptable, that intercountry adoption is in the best interests of the child, that the birth mother has given sworn consent to the adoption, and that there was no form of duress, illegality or financial inducement. - The competent authorities of the receiving country have determined that the adoptive parents are eligible and have the capacity to adopt. <p><i>4) Departure of the child</i></p> <p>At least one parent must escort the child to the new country of residence.</p> <p style="text-align: right;"><i>Sources:</i></p> <p>Articles 6; 9; 11; 17, Regulations on the Adoption of Children in Liberia, domestic and intercountry, 2014; Points III-VII and Notes, Standard Operating Procedures (2016) Domestic and Inter-Country Adoption.</p>
MATCHING	<p>The law states that PAPs must submit an application to adopt a child. There will also be an assessment of the capacity of the PAPs in regard to “the child”.</p> <p style="text-align: right;"><i>Source:</i></p> <p style="text-align: center;">Point III.A.1, Standard Operating Procedures (2016) Domestic and Inter-Country Adoption.</p>
PROBATIONARY PERIOD	<p>In all intercountry adoptions, PAPs are required to fulfil a residence requirement of 90 days (3 months) in Liberia, unless they are already familiar with the country, meaning they have previously stayed in Liberia for a period of 90 days and are aware of the culture.</p> <p>Before declaring the adoption, the court must verify that the PAPs have resided in Liberia for at least 30 days. During this period, as per local contacts, social workers are assigned to the case and conduct the case history evaluation through the process, the child is visited, if the child is in school the school is also visited, based on all the findings gathered the social workers would come up with a final recommendations that will suggest for the process to proceed or not.</p>



	<p style="text-align: right;"><i>Source:</i></p> <p>Articles 11; 17, Regulations on the Adoption of Children in Liberia, domestic and intercountry, 2014; information provided by a local contact.</p>
REGISTRATION	<p>If it is agreed, the court approves the application and issues an adoption decree in favour of the adoptive parents. The parents must provide a copy of these documents to MOGCSP for registration. The clerk of the court also records all cases, for which additional costs may be applied.</p> <p style="text-align: right;"><i>Source:</i></p> <p>Point V and Notes, Standard Operating Procedures (2016) Domestic and Inter-Country Adoptions.</p>
ADOPTION DECISION (administrative/ judicial)	<p>The adoption decision is made by the court.</p> <p style="text-align: right;"><i>Source:</i></p> <p>Point I and Notes, Standard Operating Procedures (2016) Domestic and Inter-Country Adoptions.</p>
ADOPTION EFFECTS	<p>All rights and obligations of the biological parents are transferred to the adoptive parents. Ties with the biological family are severed.</p> <p style="text-align: right;"><i>Source:</i></p> <p>Article 18, Regulations on the Adoption of Children in Liberia, domestic and intercountry, 2014.</p>
POST-ADOPTION FOLLOW-UP	<p>The AAB in the receiving country must prepare an assessment report on the child's situation within three years of the placement.</p> <p>A reciprocal memorandum of understanding between Liberia and the receiving country enables the Liberian Central Authority to monitor the child in the receiving country. Yet, as shared by a local contact, there are currently no MoUs in place between Liberia and the receiving countries. There must be a designated authority in the receiving country, which makes annual visits and submits reports to the country of origin. If the placement is not considered to be in the best interests of the child, the Central Authority in the relevant country must take measures to protect the child: remove him or her from the parents, consider a different placement, or potentially return him or her to the country of origin.</p> <p style="text-align: right;"><i>Source:</i></p> <p>Article 10, Regulations on the Adoption of Children in Liberia, domestic and intercountry, 2014.</p>
SEARCH OF ORIGINS	<p>MOGCSP maintains records so that where legally applicable, the adoptive child may access their adoption records in the future.</p> <p style="text-align: right;"><i>Source:</i></p> <p>Notes, Standard Operating Procedures (2016) Domestic and Inter-Country Adoptions.</p>
ADOPTION ACCREDITED BODIES (AAB)	<p>Non-profit organisations may request accreditation as providers of adoption services, for both national and intercountry adoption.</p> <p>This accreditation is issued by MOGCSP and is valid for one year. The licence must be renewed three months before it expires. Monitoring is carried out four times a year by the Department of Children and Social Protection at MOGCSP. The latter may demand that the organisation complies with the norms of the 1993 Hague Convention, that it uses internationally accepted guidelines in approving applications, and that it carries out assessments of all premises proposed by the applicants, for both national and intercountry adoptions.</p> <p>Organisations must use the guidelines established by Liberia as a work tool to ensure the certification process is properly followed.</p> <p>Unlicensed AABs will be closed down and must pay a fine.</p> <p style="text-align: right;"><i>Sources:</i></p>



	Regulations on the Accreditation of Adoption Services, 2016; Article 12, Regulations on the Adoption of Children in Liberia, domestic and intercountry, 2016.
SANCTIONS IN CASE OF IRREGULARITIES	<p>Any person who adopts or places a child in violation of the law, any person who derives or gives improper gain, and any AAB operating without licence, will be punished under the Penal Code.</p> <p>The provisions of the Anti-Trafficking Law of Liberia could also apply:</p> <p>“Section 7: Sentence A court of competent jurisdiction shall sentence a person convicted of the crime of trafficking in persons to a minimum of one-year imprisonment.</p> <p>a) if the convicted person used, threatened use, or caused another to use or threatened use of a dangerous weapon, 2 years shall be added to the minimum sentence;</p> <p>b) if a trafficked person suffers a serious bodily injury, or if the convicted person commits a sexual assault against a trafficked person, 5 years shall be added to the minimum sentence;</p> <p>c) if the trafficked person has not attained the age of 18 years, 5 years shall be added to the minimum sentence</p> <p>d) if, in the course of trafficking or subsequent exploitation, the convicted person recklessly caused a trafficked person to be exposed to a life-threatening illness or if the convicted person intentionally caused a trafficked person to become addicted to any drug or medication, 5 years shall be added to the minimum sentence;</p> <p>e) if a trafficked person suffers a permanent or life-threatening injury, 10 years shall be added to the minimum sentence;</p> <p>f) if a trafficked person dies as a result of the trafficking, the sentence shall be between 20 years and life imprisonment;</p> <p>g) if the trafficking was part of the activity of an organized criminal group, 3 years shall be added to the minimum sentence;</p> <p>h) if the trafficking was part of the activity of an organized criminal group, and the convicted person organized the group or directed its activities, 5 years shall be added to the minimum sentence;</p> <p>i) if the trafficking occurred as a result of abuse of power or position of authority, including but not limited to a parent or guardian, teacher, children’s club leader, or any other person who has been entrusted with the care or supervision of the child, 3 or 5 years shall be added to the minimum sentence.”</p> <p style="text-align: right;"><i>Source:</i> Article 20, Regulations on the Adoption of Children in Liberia, domestic and intercountry, 2014.</p>
ADOPTION COSTS	<p><u>Intercountry adoption</u> A fee of US\$ 1,500 is charged for the intercountry adoption procedure. This also covers the study carried out by MOGCSP. The PAPs receive a voucher from MOGCSP identifying the specially created account where they should deposit the money. In return for the deposit slip, the PAPs receive proof of payment.</p> <p><u>National adoption</u> A fee of US\$ 250 is charged for the national adoption procedure. This also covers the studies and assessments carried out by MOGCSP. The PAPs pay the money into an account specially created for this purpose. The PAPs receive proof of payment.</p> <p style="text-align: right;"><i>Source:</i> Point III.A.3 and B.2, Standard Operating Procedures (2016) Domestic and Inter-Country Adoption.</p>
STATISTICS	<p>Between 2003 and 2011, 1,399 Liberian children were subject to intercountry adoption as per the Maestral report of 2014/15.</p> <p>According to information available, 51 children were adopted to the United States in 2019, 30 in 2018 and 20 children in 2017. The country also adopted 10 Liberian children in 2016, 8 in 2015, 16 in 2014 and 12 in 2013.</p> <p style="text-align: right;"><i>Source:</i> <u>United States Central Authority</u></p>



Comments of the ISS/IRC

The ISS/IRC commends the country for its new adoption regulations, in particular for its references to the subsidiarity principle, counselling for birth parents, assessments of PAPs, requirements for the child's file, and post-adoption follow-up. It is particularly encouraging that the law explicitly prioritises national over intercountry solutions, and that no contact between the child's biological parents and the PAPs is allowed.

However, the law remains silent on various aspects such as: the clear articulation of roles and responsibilities on adoption matters (between the ad hoc central authority, the adoption panel, the adoption unit and the department of Children and Social Protection), exact composition and functioning of the adoption panel/unit, the supervision of AABs' activities as well as the modalities for AABs' accreditation and renewal/withdrawal of accreditation. Further, the matching process is not described in detail. It is unclear by whom and how the matching of the child with PAPs is undertaken. The law simply states that PAPs must submit an application to adopt a child. There will also be an assessment of the capacity of the PAPs in relation to "the child", possibly indicating that the adoption request might be made is for an identified child. Further, it is also unclear whether PAPs must reside in Liberia for 30 or 90 days. In addition, the conditions of the required consents are not clearly defined: in what time period may it be given or revoked? Is consent given post-birth? Although the law provides for the possibility of the adopted child to access his or her origins, it is important to provide adequate support to the adoptee and this is not mentioned in the law.

Moreover, the ISS/IRC is concerned about the seemingly continuing existence of informal national adoptions, which are not subject to any regulations or control. It is worrying that despite some of the key ICA safeguards in place, the ICA numbers from Liberia seem to have increased significantly in recent years as shown by US statistics.

The effective implementation of the new legislative framework surely requires time and attribution of adequate resources. To provide even stronger safeguards to combat and prevent illicit practices occurring in the field of adoption in Liberia, the ISS/IRC recommends that Liberia takes steps to ratify the 1993 Hague Convention.

LEGISLATION

A. International instruments

International instruments	Signature (S) / Ratification (R) / Adhésion (A) / In Force (F)	Website
United Nations Convention on the Rights of the Child (1989)	4/06/2003 (R)	http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtds_g_no=IV-11&chapter=4&lang=en
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	22/09/04 (S)	http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtds_g_no=IV-11-c&chapter=4&lang=en

B. Regional instruments



INSTRUMENTS REGIONAUX	Signature (S) / Ratification (R) / Adhésion (A) / In Force (F)	Website
African Charter on the Rights and Wellbeing of the Child	14/05/92 (R)	http://www.acerwc.org/

C. Domestic legislation

LOIS/REGLEMENTS	Website
2010 Regulations on appropriate use of and conditions for alternative care	https://www.unicef.org/protection/alternative_care_Guidelines-English.pdfn
Children's Rights Law of 4 February 2012	https://www.sabin.org/sites/sabin.org/files/Children Law Liberia (September 2011).pdf
Guidelines for kinship care, foster care and supported independent living de 2014	https://bettercarenetwork.org/sites/default/files/attachments/Guidelines%20for%20Kinship%20Care,%20Foster%20Care,%20and%20Supported%20Independent%20Living%20in%20Liberia.pdf
Regulations on the Adoption of Children in Liberia domestic and intercountry 2014	http://orphanreliefandrescue.org/wp-content/uploads/2018/08/Amended-adoption-regulation-Liberia-2016.pdf
Standard Operating Procedures Domestic and Intercountry Adoptions 2016	https://orphanreliefandrescue.org/wp-content/uploads/2018/08/Adoption-Liberia-SOP-2016-copy.pdf
Accréditation for adoption services 2016	Disponible au SSI/CIR.

APPENDICES

A. Documents in the framework of the Committee on the Rights of the Child

Convention relative aux droits de l'enfant

- Concluding Observations of the Committee on the Rights of the Child: Liberia, CRC/C/LBR/CO/2-4, 13 December 2012.
- Period report : Libéria, CRC/C/LBR/2-4, 20 August 2009.

Source : https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=LBR&Lang=EN

B. Other sources of information

❖ UNICEF

Statistics: https://data.unicef.org/wp-content/uploads/2016/06/SOWC-2016-all-tables-by-country_261.xlsx

<https://www.unicef.org/liberia/overview.html>

UNICEF Annual reports

https://www.unicef.org/about/annualreport/files/Liberia_2016_COAR.pdf page 23;

https://www.unicef.org/about/annualreport/files/Liberia_2017_COAR.pdf

https://www.unicef.org/liberia/SCT_Evaluation_Full_Report_Final.pdf

❖ Others



32 Quai du Seujet ■ 1201 Genève ■ Suisse
irc-cir@iss-ssi.org ■ www.iss-ssi.org

CIA : <https://www.cia.gov/library/publications/the-world-factbook/geos/li.html>

Save the children:

https://resourcecentre.savethechildren.net/sites/default/files/documents/guidelines_final_8.2014.pdf page 12

<https://www.voafrique.com/a/le-liberia-un-pays-qui-peine-a-se-redresser-apres-ebola/4061295.html>;

b*****



32 Quai du Seujet ■ 1201 Genève ■ Suisse
irc-cir@iss-ssi.org ■ www.iss-ssi.org