**Liberia**

ECPAT International has developed [a legal checklist](https://ecpat.org/wp-content/uploads/2021/09/SECTT-Checklist_ENG-1.pdf) for governments providing guidance for legal interventions and measures to adopt in order to improve their national legal frameworks. This will help to effectively address the crime of sexual exploitation of children in travel and tourism, including its online elements.

The legal checklist was developed based on the recommendations of the first [Global Study](https://ecpat.org/wp-content/uploads/2021/08/Global-Report-Offenders-on-the-Move.pdf) on sexual exploitation of children in the context of travel and tourism. Following the development of this legal checklist, ECPAT International conducted country legal analysis for Liberia and other countries in Africa, as well as Southeast Asia, Asia and the Americas.

The country analysis serves as a baseline to indicate and track the implementation status of the legal interventions within and across the four regions. It provides governments with clear directions for improving their actions with respect to child protection against sexual exploitation in the context of travel and tourism, including its online elements.

The table below allows easy assessment of existing legislation against the 24 measures of the legal checklist. It will be updated as the laws and policies change. An [explanatory note](https://ecpat.org/wp-content/uploads/2021/08/SECTT-Checklist_ENG_Explanatory-note.pdf) and an [assessment matrix](https://ecpat.org/wp-content/uploads/2021/09/Assesment-Matrix_2021SEP_ENG_v2.pdf) can be consulted for further reference.

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|  | **Recommendations** | **Implemented** | **Legislation** |
| 1. | Establish by law **extra-territorial jurisdiction**, within the parameters of Article 4 OPSC, for all offences of sexual exploitation of children, including those occurring in the online environment. | Partially | Article 1.4.1 of the Criminal Code stipulates that extraterritorial jurisdiction over an offence exists when, among others:  *“[…]*  *(c) The accused participates outside Liberia in an offense against the laws of Liberia committed in whole or in part within Liberia or the offense constitutes an attempt, solicitation, or conspiracy to commit an offense within Liberia;*  *(d) The offense involves entry of a person or property into Liberia;*  *(e) The offense is committed by a public officer or employee who is outside the territory of Liberia because of his official duties or by a member of his household residing abroad; or*  *(f) Jurisdiction is conferred upon Liberia by treaty”.* In addition, extraterritorial jurisdiction also applies for offences committed partly within Liberia (article 1.4.2).  However, the national legislation doesn't include provisions on passive extraterritorial jurisdiction. In addition, it is not specified whether these provisions apply to crimes committed online. |
| 2. | Include in extradition treaties the sexual exploitation of children as **extraditable offences** and apply when appropriate the rules of article 5 OPSC, regardless the nationality of the (alleged) offender. | No | Article 13 of the Constitution of the Republic of Liberia establishes that Liberian citizens and non-Liberian residents may be extradited to foreign countries for prosecution of a criminal offence in accordance with the provisions of an extradition treaty or other reciprocal international agreements in force.  Article 8.2 of the Criminal Procedure Law establishes provisions on the application of the extradition provided that there is at the time of the receipt of the requisition an extradition arrangement in force with the requesting foreign state. Article 8.3 specifies that extraditable offences are the offences included in the provisions of the applicable extradition agreement, and are not a political offence.  The national legislation does not provide detailed information on the applicability of extradition to crimes related to the sexual exploitation of children and adolescents. Therefore, it is necessary to refer to each international treaty to which Liberia is a State Party. |
| 3. | Do NOT require the principle of **double criminality** for proceeding with extraterritorial jurisdiction or extradition for sexual offences against children. | Partially | The principle of double criminality doesn’t apply in cases of extraterritorial jurisdiction.  The national legislation does not provide detailed information on the application of the double criminality criterion in case of extradition. |
| 4. | Abolish **statutory limitations** for the prosecution of ALL offences of sexual exploitation of children. | No | The chapter IV of the Criminal Procedure Law stipulates that only capital offences don’t have statutory limitations for the prosecution.  In Liberia, no SEC-related offences are capital offences. |
| 5. | Set up **conditions for any travel** by persons convicted of sexual exploitation of children. | Partially | The Aliens and Nationality Law, chapter 5.1, lists the grounds for exclusion of aliens, including:   * “*Aliens who have been convicted of a crime involving moral turpitude (other than purely political offense), or aliens who admit having committed such a crime, or aliens who admit committing acts which constitute the essential elements of such a crime;* * *Aliens who directly or indirectly procure or attempt to procure, or who have procured or attempted to procure or to import, prostitutes or persons for the purpose of prostitution or for any other immoral purpose; and aliens who are or have been supported by or received or have received, in whole or in part, the proceeds of prostitution, or aliens coming to Liberia to engage in any other unlawful commercialized vice, whether or not related to prostitution;* * *Aliens who the consular officer or the Attorney General knows or has reason to believe seek to enter Liberia solely, principally, or incidentally to engage in activities which would prejudice and be prejudicial to the public interest, or endanger the welfare, safety, or security of Liberia*”.   The national legislation is not specific enough to ensure that the departure of foreigners convicted of sexual exploitation of children will be denied. |
| 6. | Ensure **consistency in the definition of a ‘child’** as anyone under the age of 18 for all crimes of sexual exploitation, regardless of the age of sexual consent. | Yes | Article 1 section 3 of the Children’s Law defines a ‘child’ as anyone under eighteen years old.  Article 1 of the Trafficking in Persons Act defines a ‘child’ as anyone under eighteen years old.  The Children’s Law amended article 14, 16, 17 and 18 of the Penal Law Title 26, and therefore criminalises exploitation of children in prostitution (section 16.4), subjecting a child to prohibited child labour (section 16.10), subjecting or involving a child to pornography or in the making of such material (section 18.14), exposing a child to media of a sexual nature (section 18.15) and keeping or distributing the content of child sexual abuse material (section 18.16).  The Trafficking in Person Act criminalises child trafficking. |
| 7. | Ensure that the **age of sexual consent** for both males and females is 18 and a close in age exemption (up to 3 years) is provided for consensual sexual relationships between adolescents in order to allow voluntary, well-informed and mutual sexual contact between close in age peers and to prevent criminalization of young people in willing sexual relationships. | Partially | Article 14.75 of the Criminal Code criminalises with third degree felony a male who has sexual intercourse with a female, not his wife, or any person who engages in deviate sexual intercourse with another, if the other person is under sixteen years and the actor is at least five years older than the other person. If the actor is less than twenty-one years old, it is a first degree misdemeanor.  However, the Criminal Code should criminalise a any persone who has deviant sexual relations with another person, whether the victim is his wife or not.  Article 14.77 criminalises a person who knowingly has sexual contact with another person or causes such other to have sexual contact with him or her, when they are not married to each other, with second degree misdemeanor if the other person is less than 12 years of age, provided the actor is 16 years of age or older or the other person is less than 16 years of age and the actor is at least 5 years older than the other person.  Finally, the Rape Amendment Act stipulates that statutory rape is a first-degree rape offence which carries a maximum sentence of life imprisonment if the victim is less than eighteen years old and the offender is eighteen years of age or older. |
| 8. | Have a law or regulation establishing a **mechanism for centrally registering sex offenders** that has been implemented/setup. | No |  |
| 9. | Establish **bail conditions** that prohibit individual accused of sexual offences against children from traveling outside of the country. | Yes | Article 13 of the Criminal Procedure Law establishes that any person charged with the commission of an offence not capital shall be entitled as of right to be admitted to bail. Article 1.5 defines a capital offence as an offence punishable by death. In Liberia, no SEC-related offences are capital offences.  Article 13.6 establishes conditions that prohibit a person accused or convicted of a crime admitted to bail, to leave the Republic without permission. |
| 10. | Provide in law that the **mere attempt** to commit a crime of sexual exploitation of children is criminalised. | Yes | Article 50.5 of the Criminal Code establishes that a person who has been convicted of a felony may be sentenced to imprisonment for the following terms:  *“(a) For a felony of the first degree to death or life imprisonment where such penalty is specified by statute, or where not so specified, to a definite term of imprisonment to be fixed by the court, the maximum of which shall be ten years.* |
| 11. | Impose more severe sentences for **reoffending** in case of sexual exploitation against children, e.g. by defining reoffending as an aggravating circumstance, regardless of whether the crimes were perpetrated abroad or in-country. | Yes | Article 50.6 of the Criminal Code establishes extended terms for felony convictions when the defendant is suffering from a severe personality disorder indicating a propensity toward criminal activity and:   * (i) is being sentenced for a crime in which there was serious bodily harm inflicted or attempted or; * (ii) is being sentenced for a crime which seriously endangered the life or safety of another;   or when the defendant appears to be a “professional criminal” and:   * (i) the crime is proved to have been committed as part of a continuing illegal business in which the convicted offender occupied a supervisory or management position; or * (ii) he has engaged in criminal activity as his major source of livelihood and has been previously convicted of two felonies which either involved serious bodily harm or an attempt to inflict serious bodily harm.   Article 50.8 of the Criminal Code establishes that:   * A defendant convicted of a misdemeanor of the first degree may be sentenced as for a felony of the third degree if the court is satisfied that there is an exceptional need for rehabilitative or incapacitative measures for the protection of the public in view of the fact that this is the third conviction against the defendant within five years for misdemeanors of the first degree or more serious crimes; * A defendant convicted of a misdemeanor of the second degree may be sentenced as for a misdemeanor of the first degree if the court is satisfied that there is an exceptional need for rehabilitative or incapacitative measures for the protection of the public in view of the fact that this is the third conviction against the defendant within five years for misdemeanors of the second degree or more serious crimes. |
| 12. | Provide for **mandatory reporting** for particular professions that have likelihood to have contact with kids who might disclose. | Yes | Article 5 section 4 of the Children’s Law stipulates that any service provider, parent and community or town member shall report sexual and other forms of abuse to the Police. In addition, article 8 section 2(m), states that every employer of a child protection office shall incorporate into the child protection officer’s employment contract a code of conduct which mandates the employee to immediately report allegations, concerns of child abuse, exploitation, and neglect in accordance with procedures established under the Law or any other law.  The Children’s Law amended article 14, 16, 17 and 18 of the Penal Law Title 26, and therefore criminalises a parent, caregiver, teacher, guardian nurse or service provider who, without reasonable excuse, fails to report a case of child abuse or neglect known to him or her is guilty of a second degree misdemeanor (article 16.9).  Article 1 section 3 defines a “Service provider” as: “*any person or body, whether in the public or private sector licensed or otherwise competent to provide services for the health, education, development, and protection of any child and the general well-being of the child*”. The definition includes teachers, nurses, policewomen and policemen, and others rendering essential care to children.  In addition, a public officer charged with the investigation, prosecution, or punishment of perpetrators of crimes against children who fails without reasonable excuse to investigate, prosecute, or punish a crime committed against a child is guilty of a third degree felony (article 16.13. |
| 13. | Establish obligatory government-regulated child protection standards for the tourism industry for example, attach responsibility to an appropriate regulatory authority and/or implement industry specific **national codes for child protection** as a legal requirement for the travel and tourism industry to operate. | No |  |
| 14. | Ensure the liability of travel and tourism businesses (in operations and supply chains) for criminal conduct including:   * Organising travel arrangements or transportation that are explicitly or implicitly meant to create or facilitate opportunities to engage (involve) children in sexual activities; * Procuring, aiding or abetting the exploitative sexual conduct with a child; * Advertising or promoting sexual exploitation of children; * Benefitting, by any means, from any form of sexual exploitation of a child (or children) in the context of their travel and tourism business. | No |  |
| 15. | Criminalise the **grooming of children for sexual purposes** (often called ‘solicitation’ in law) including through Internet and other communication technologies to facilitate either online or offline sexual exploitation. | No |  |
| 16. | Establish legislation requiring for a **criminal background check** for every person (national or non-national) applying for work with or for children or who is currently working with or for children. Introduce legislation prohibiting convicted sex offenders to hold positions involving or facilitating contact with children. | No |  |
| 17. | Regulate and monitor the use of volunteers (including in **‘voluntourism’**) in settings and activities that involve direct contact with children, particularly prohibiting visits to orphanages/residential care settings in favour of redirecting the industry towards solutions that support community-based care. | No |  |
| 18. | Ratify and implement relevant **regional and international instruments** related to child’s rights and sexual exploitation of children. | No | * Convention on the Rights of the Child - Ratified in 1993 * Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography - Not ratified * Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure - Not ratified * ILO Convention on the Worst Forms of Child Labour (No. 182) - Ratified in 2003 * UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children - Ratified in 2004 * The United Nations’ World Tourism Organisation’s (UNWTO) Framework Convention on Tourism Ethics - Not ratified * Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) - Not Ratified * Council of Europe Convention on Cybercrime (Budapest Convention) - Not Ratified * African Union Charter on the Rights and Welfare of the Child - Ratified in 2007 * African Union Convention on Cyber Security and Personal Data Protection - Not ratified |
| 19. | Establish **protection measures** for child victims at any stage of the legal process against the suspected offender. | No |  |
| 20. | Establish **child-friendly interviewing practices by professionally trained police.** | No | The Act Establishing Criminal Court “E” establishes the Sexual Offences Court where the trial of sexual offence cases may be held in camera where the alleged victim is under 18 years of age and the protection of the victim warrants an in camera trial.  However, these provisions are not sufficient to ensure appropriate interview methods for child victims. |
| 21. | Ensure that national legislation provides the **right for child victims to receive support in their recovery and rehabilitation**, including accessing re-integration services. | No | Article 7, section 10, states that the Government shall facilitate rehabilitative measures, including community or town-based counseling and other forms of psychosocial support, to reintegrate any abused or exploited child. In addition, article 8, section 1 and 3, states that every child protection officer or worker shall promote rehabilitation and reintegration and every child protection organisation shall develop a strategy that encompasses prevention, response, rehabilitation, and reintegration of children victims.  However law doesn’t seem to provide tailored programmes for child victims. |
| 22. | Establish a **national reporting mechanism (e.g. hotline)** that coordinates access to services, and helps to overcome reluctance to report sexual exploitation of children. | Partially | In 2016, the Government launched the 116-Helpline to respond to cases of violence against women and girls.  However, this reporting system is not specific to cases of sexual exploitation or abuse of children and more importantly doesn’t include boys. |
| 23. | Create **data retention and** preservation laws, regulations and procedures, to ensure the retention and preservation of digital evidence and enable cooperation with law enforcement which applies to ISPs, mobile phone companies, digital social media and communication companies, cloud storage companies, based in/operating in national jurisdiction. | No |  |
| 24. | Ensure that national legislation provides the **right for all child victims of sexual exploitation to seek compensation** in national courts from convicted perpetrators who harmed them and/or through state-managed funds. | No | The Criminal Code (article 50.9) and the Criminal Procedure Law (article 31.1.4) state that the court shall include in the sentence an order directing the defendant to return the property or pay its value to the person wrongfully deprived thereof, or pay the person whose property was damaged through the intentional or reckless commission of the offense, the amount of loss suffered therefrom.  With specific regard to trafficking, Section 3 of the Trafficking in Persons Act stipulates that the court shall order the defendant to pay restitution to the victim for any loss suffered by the victim such as emotional distress, pain, and suffering, costs of medical and psychological treatment and costs of physical and occupation therapy and rehabilitation.  The law does not make explicit difference between national and non-national child victims, but it does not even clearly state if relevant provisions would be applied to non-nationals.  However, it does not seem to be a specific procedure for child victims to apply for compensation. |

**Liberia - Legislation**

[Criminal Code](http://oceansbeyondpiracy.org/sites/default/files/Liberia_Penal_Law.pdf)

[Criminal Procedure Law](https://www.unodc.org/res/cld/document/lbr/1969/criminal_procedure_law_html/Liberia_Criminal_Procedure_Code_of_Liberia.pdf)

[Children’s Law of 2011](https://bettercarenetwork.org/sites/default/files/An%20Act%20to%20Establish%20the%20Children%27s%20Law%20of%20Liberia%202011.pdf)

[Rape Amendment Act](https://evaw-global-database.unwomen.org/-/media/files/un%20women/vaw/full%20text/africa/liberia%20-%20rape%20amendment%20act.pdf?vs=4125)

[Act Establishing Criminal Court “E”](http://judiciary.gov.lr/wp-content/uploads/2020/09/AN-ACT-ESTABLISHING-CRIMINAL-COURT-E.pdf)

[Decent Work Act](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100329&p_country=LBR&p_count=55&p_classification=01&p_classcount=23)

[Act to amend the Penal Law regarding Extortion, Environmental Crime, and Illicit Trafficking in Human Beings and Migrant Smuggling](:%20http:/liberlii.org/lr/legis/acts/eecaitihbamsa2012834/)

[Act to Ban Trafficking in Persons](http://liberlii.org/lr/legis/acts/tipa234/)

[Constitution](https://iccdb.hrlc.net/documents/implementations/pdf/Liberia_Constitution.pdf)

[Aliens and Nationality Law](https://www.refworld.org/docid/4c591e872.html)