

International  
Institute of  
Social Studies

*Erasmus*

**Towards a Rights-Based Juvenile Justice System in Liberia:  
Justice Professionals and Legal Consciousness**

A Research Paper presented by:

***ALIEU M. BILITY***

LIBERIA

in partial fulfilment of the requirements for obtaining the degree of  
MASTER OF ARTS IN DEVELOPMENT STUDIES

Major:

**Human Rights, Gender and Conflict: Social Justice Perspectives**

**(SJP)**

Members of the Examining Committee:

Dr. Helen Hintjens

Dr. Daphina Misiedjan

The Hague, The Netherlands

December 2021

***Disclaimer:***

This document represents part of the author's study programme while at the International Institute of Social Studies. The views stated therein are those of the author and not necessarily those of the Institute.

***Inquiries:***

International Institute of Social Studies  
P.O. Box 29776  
2502 LT The Hague  
The Netherlands

t: +31 70 426 0460  
e: [info@iss.nl](mailto:info@iss.nl)  
w: [www.iss.nl](http://www.iss.nl)  
fb: <http://www.facebook.com/iss.nl>  
twitter: [@issnl](https://twitter.com/issnl)

***Location:***

Kortenaerkade 12  
2518 AX The Hague  
The Netherlands

## List of Acronyms

CARE	Cooperative for Assistance and Relief Everywhere
CICL	Children in Conflict with the Law
CRBA	Child Rights-Based Approach
CRC	Convention of the Right of Child
CSO	Civil Society Organization
ICCPR	International Covenant on Citizen and Political Rights
JCPC	Juvenile Court Procedure Code
LNP	Liberia National Police
NGOs	Non-governmental Organizations
MCP	Monrovia Central Prison
MOJ	Ministry of Justice
RBA	Rights-Based Approach
UNICEF	United Nations International Children Emergency Fund
UNHCR	United Nations High Commissioner for Refugees
WACPS	Women and Children Protection Sections

## **Dedication**

This Masters thesis is dedicated to a few individuals who I am obliged to and whom I respect due to their role in enabling me to reach this far. One such person is my biological brother, Mohamed Sidiki Traore, whose name I cannot mention without his industrious wife, Rosemary Traore for their parental role and sponsorship of my childhood and university education. My mother, the late Makasia Jabateh, may Allah's peace and light continuously shine upon your soul for making me part of a lovely and great family that have stood with me in good times and bad. To my father, the late Musa Bility for his continual prayers for my progress in life. To my wives, Susie and Tiaky and children, particularly my baby boy Mohamed (Hamet), born in my absence, for bearing with me all the times I stayed away in pursuit of this degree. I salute you all and deeply appreciate your contributions that shall live with me forever.

## **Acknowledgment**

I am grateful to my supervisor, Dr. Helen Hintjens for her inspiration, resilience and professional guardianship provided me throughout the writing process of this paper. A professor who saw a lot in me and continuously encouraged me to work harder when I felt unprepared and lacked confidence in achieving this goal. A down to earth lecturer, who encouraged me to search for related materials underpinning my research. Also, my second reader, Dr. Dalphine Misiedjan for her objective and timely comments, provided from the start to the end of this learning process. Similarly, Dr. Azubike Onuora-Oguno, and Jeff Handmaker, our lecturers in human rights, who personally drew me closer them into the field, exposing me to lots of academic work, networking and giving weight to my voice in many academic activities they hosted. Without critical comments, insightful advice and tutorship from all of you, this research would have not have gone as far. Special thanks and appreciations to a writer and educator, Mrs. Magrettal Smith-General, Headmaster of More Than Me Girls School in Monrovia, and to the men and women of the Prosecution Department of the Ministry of Justice, the Judiciary family, and NGO community in Liberia for their immense contribution to this research. My loyal family and friends include Kaba and Bangaly Traore, Fumba and Loseny Jabateh, Alpha D. Jabateh (uncle), Abraham Sanoe (A.B.) of England, Atty. Theoway and his family, Atty. Jonathon Flomo, Atty. Massanyan Matthew, Cllr. Kathline Payn-Makor, Mohamed Vacacious Kromah, Samuel Delamou (Dutch-Liberian), Mr. Ismeal (Kalil) Dukuly, Abas Kenneh, Mohamed Kromah. I also thank the Bengoma mosque and my family in Holland, including Victoria Toby, Angeline H. Kamara, Robert Okello, Vicent Edeh, Cliff Mugoto and all other supportive colleagues of mine at the International Institute of Social Studies (IISS). I must also mention Roosevelt D. Cooper for his contribution to this journey. Finally, my beautiful family Susie Tathey Telleh, Tiaky Komara and children for their understanding and supportive role. I am extremely grateful to you and above all else, the Dutch Government and people and the Almighty Allah for affording me the opportunity to form part of the year 2020/2021 scholarship that has given me a better and different view of the world, enhancing my capacity to be an agent of change and development.

## Abstract

This study investigates how the Liberian juvenile justice system, and its professional actors view and deal with children in conflict with the law. The study sets out to evaluate justice professionals' consciousness of the need for a child rights-based approach (CRBA). The United Nations Convention on the Rights of a Child (CRC) lays the foundation for the protection of children in Liberia and gave rise to the 2011 Children's Law of Liberia. Prior to this more recent national instrument, Liberia approved a law in 1971 to create a juvenile justice system. This established several regulations unique to children under 18 years old (Wesley and Tall, n.d). Despite efforts to meet national and international justice standards for children, there remain serious gaps in the practices of justice actors toward children in conflict with the law. The study also identifies some legal and systemic factors hindering the delivery of a broadly child rights-based approach in juvenile proceedings. It considers how such an approach can be implemented in future, to enhance the responsiveness of the justice system in Liberia, and specifically the juvenile correctional and judicial systems. The research asks to what extent a rights-based approach is reflected in policies and practices of the juvenile justice system in Liberia. Through qualitative research drawing on selective interviews with police, lawyers and social workers, and others in the justice sector, the study will explore how these actors relate to juveniles offender under the law. Daily routines as well as everyday processes are related to frameworks like the CRC, the African Charter on the Rights and Welfare of Children, the Children's Law and various continental protocols that aim to protect children's rights. Overall, the study finds that to support a more child-friendly approach, justice actors need to take steps to implement a rights-based approach, recreating or remodelling and extending those existing juvenile justice practices that work best for children in conflict with the law. The study demonstrates how the various stakeholders, duty-bearers and juveniles, should all be considered rights-holders in terms of their experiences, can help improve the child-friendliness of the Liberian juvenile justice system.

## Relevance to Development Studies

The distinctive contribution of the study is to envision more child-friendly and rights-based practices of juvenile justice for the future, in the specific context of post-war Liberia. It does not only support developing literatures on the implementation of laws and policies but the practice and procedures that hinder the delivery of justice to juveniles offenders of the law. It argues the significance of giving crucial attention to vulnerable children's issues because of their status as human being who equally deserve rights. Noting that, the downfall of one has an adverse effect on human development. Finally, the study contributes to the development studies for it creates a basis for future research on juvenile justice system in post war nations by elaborating the importance of a child-based approach to the juvenile justice and how the transformations can affect the nation's justice and judicial system.

## Keywords

Liberia, rights-based approach, child-friendly justice, CRC, best interests, juvenile justice, judiciary, legal consciousness, justice professionals

## **Contents**

<b>Chapter 1: Introduction</b>	<b>1</b>
1.1 Background of study	2
1.2 Problem statement	3
1.3. Research Objective and Questions	3
1.4 Limitations	4
1.5. Organization of the Study	5
<b>Chapter 2: Child Rights-based Juvenile Justice: a Literature Review</b>	<b>5</b>
2.1. Introduction	6
2.2 Justice for Children	6
2.3. A Child Rights-Based Approach (CRBA) To Juvenile Justice	7
2.4. Juvenile Justice in Liberia	8
2.5. Juvenile Justice System in Monrovia Central Prison, Liberia	9
2.6. The Best Interests of the Child	10
2.7 Legal Consciousness	12
2.8 Conclusion	12
<b>Chapter 3: Methodology and Framework</b>	<b>14</b>
3.1. Research Framework	14
3.1.2. Studying the Legal consciousness	15
3.1.3. Obstructions in the path of Juvenile Justice	15
3.1.4. Recommendations to improve the Juvenile Justice system	15
3.2. Research Methods	16
3.2.1. Sampling method and study participants	16
3.2.2. Data Collection Tools	17
3.2.3. Data Analysis	17
3.2.4. Research Ethics	17
3.2.5. Positionality	18
<b>Chapter 4 Obstacles on the way of a CRBA</b>	<b>19</b>
4.1. Introduction	19
4.2. Evaluation of Obstacles to CRBA	19
4.3 Legal consciousness of Stakeholders	22

Theme 2: child-sensitive environments	23
4.4 Obstacles in the path of Juvenile Justice	24
Theme 1: Lack of Training	25
4.5. Conclusion	26
<b>Chapter 5 Justice Actors' Imagined Solutions</b>	<b>28</b>
5.1 Introduction	28
5.2 Stimulating a Child Rights-Based Approach	28
5.3 Principles and Practices for a child-friendly approach	30
5.3.1. Equality	30
5.3.2. Self-Development	31
5.3.3. Care	31
5.4. Reducing hostility to juveniles	32
5.5. Promoting parents' responsibility	32
5.6. Proving voice to Juveniles	33
5.6.1. Importance of Child Friendly spaces	33
<b>Chapter 6: Conclusions and Recommendations</b>	<b>35</b>
6.1. Summary	35
6.2. Recommendation	36
References	<b>Error! Bookmark not defined.</b>
APPENDIX 1	37



# Chapter 1: Introduction

## 1.1 An Overview

This research evaluates the child rights-based approach and its implementation in Liberia. Over the course of this research work different questions arose in relation to the juvenile justice system and professionals who work in it. Some of these questions were answered through a literature review, others required interviews and views ‘from the ground’. The ideas extracted from past studies have been combined with analysis from interviews conducted in the summer of 2021, with justice professionals actively working in different domains related to juvenile justice in Liberia, mainly centred in Monrovia, the capital city. The work is also focused on identifying the main obstacles to a more child-friendly delivery of juvenile justice in Liberia. It ends with a number of different recommendations that might be implemented in future in Liberia to improve the overall situation.

This study contributes to thinking around legal practices and legal consciousness, starting from the need for a more child-friendly and rights-based approach to juveniles’ justice in general. If the study has achieved insights into what such an approach might look like, it is through exploring in a critical way the present treatment of juveniles in the juvenile justice system in Liberia. Much of the field research was conducted around procedures in and around Monrovia Central Prison and police, social workers and courts in relation to juvenile justice in Monrovia. The study highlights how a child-friendly and rights-based approach to juvenile justice practices is presently perceived by key stakeholders in Liberia's juvenile justice system, and how and when such an approach, or something resembling it, is enacted. By considering practices and framings of professionals involved in the sector, the study reveals how juveniles, defined as those under 18, are viewed and treated during juvenile justice proceedings. The distinctive contribution of the study is to envision more child-friendly and rights-based practices of juvenile justice for the future, in the specific context of post-war Liberia. As described by Umbreit and Armoir (2011), criminal activities in Liberia have tremendously increased due to the psychological trauma experienced by children and constant exposure to violence. Given the increased juvenile criminality in Liberia, it is vital for the Liberian juvenile system to implement a CRBA to juvenile justice that focus on rehabilitation other than punitive measures that encourage crime rate in the country. A CRBA would be essential for it promotes justice for juveniles and reduces the crime rate after prison. This claim was supported by research findings; where the study respondents indicated that said approach to juvenile justice promotes equality, self-development, and care for juveniles which are the main themes for the study.

The key term CRBA or RBA in this work, refers to a child rights-based approach. This research has analysed what a CRBA should look like, and how it can be implemented within the existing Liberian justice system. Different aspects have been discussed and impacts of various common practices of justice sector professionals analysed in the study. Although this was not the main focus, the impact of such practices on the lives of children was also discussed, where known from experience and interviews. Another key factor analysed and highlighted by this research are issues related to the ‘legal consciousness’, or lack of such

consciousness, among justice sector professionals. In the interviews, specific questions were dedicated to analysing the legal consciousness of justice actors in different positions. Based on this data, this research extracted some findings and conclusion, and on this basis made some modest recommendations for how a child rights-based approach could be moved towards within the Liberian culture, in future. This research also suggests that different practices and principles can be implemented in the short-term to move towards more a child-friendly approach.

The research framework comprises five major elements. The first element is an evaluation of the juvenile justice system in Liberia, centring on Monrovia. The evaluation process was done through examining four sub-factors, known as CRBA, analysis of obstacles in the juvenile justice system, legal consciousness of justice sector professionals, and deducing suitable steps towards improving juvenile justice.

## **1.2 Background of the study**

The Liberian civil war started in 1989 and finally ended in 2003. This was a dangerous conflict that brought about massive displacement. Some 500,000 people were forced to move, many coming from rural areas into the nation's only large city, the capital of Monrovia. According to a United Nations report, it is estimated that this deadly war led to massive loss of life, around 250,000 human beings. The armed actors in the war were mostly males, including child soldiers, though there were also women adult and girl soldiers (Press, 2010). The 14 years of war damaged the economy and local communities, destroying agricultural sources of living, public infrastructure and services. The war saw some of the worst forms of violence against human beings imaginable, particularly against women and children, including defilement, sexual abuse, kidnapping, torture, forced killing of family members, and much more. Subsequently, these encounters of carnage, and mistreatment from the war periods, have left a scar and implanted habits that continues to hunt and hurt many and the work force in the country , resulting in health problems including alcoholism, drug-related addiction, and many forms of trauma and disability. Creating a safe and crime-free society remains a serious challenge for the country even years after the war ended (Liebling-Kalifani; Mwaka et al, 2011).

Additionally, it is estimated that over 1.4 million Liberian children were victims of violence, starvation, poverty, homelessness and misery as a direct and indirect result of the country's civil conflicts, between 1989 and 2003 (Wesley et al., n.d). The war took away from a whole generation of children the right to be children, destroying infrastructure and services, and forcing millions of Liberians to abandon their main residences (Liu, 2017). Many children were split from their families, and some forced to become child soldiers, with many more driven into the streets, and the vast majority denied any chance to attend primary or secondary school (Wesley et al., n.d). The war increased problems of youth delinquency, particularly in Monrovia's metropolitan districts, due to a lack of employment. Wesley et al. (n.d) explain that a war-affected area tends to lack infrastructures and resources, and this further slows down development, elevating already high rates of unemployment. During the war years, Monrovia's population doubled, as people escaped violence seeking refuge in what they hoped would be a safe haven (Howze et al., 2006). Many youngsters whose families are

lost or unable to care for them were forced to eke out a meagre living on the streets of the city (Jarbo, 2001).

Although it is impossible to quantify the rise in juvenile delinquency, there is little question that there is a link with war, particularly given the considerable number of youngsters, especially boys, but also some girls, directly involved in fighting (Wesley et al., N.D). According to Van Hout and Gunda (2019), in neighbouring Sierra Leone, the situation is even worse, as many children accused of crimes await trial for years, incarcerated without the right to family visits or legal representation during pre-trial imprisonment. This kind of problem arises in most of sub-Saharan Africa, where, as in Liberia, the whole idea of a child-friendly and child rights-based approach to juvenile justice is still in its preliminary stages.

### **1.3 Problem statement**

The Liberian government collaborates with the Committee on the CRC, with UNICEF, and with UNHCR in the protection of child rights. The country has well-formulated laws and regulations related to child rights, and a juvenile justice system (although with only one judge). However, the implementation of these laws has proven difficult for many reasons, including lack of facilities and infrastructure, limited budgets and staff, few trainings, and lack of awareness. For these reasons children's rights are still being abused by state's agents working in the field with children, and under aged individuals who violate the law in Liberia are suffering injustices. This research explores and highlights some such rights abuses, exploring understandings and awareness among justice sector professionals, around implementation of child justice laws, and ends with some tentative recommendations for overcoming such problems.

### **1.4. Research Objective and Questions**

The research examines the existence, enactment, and implications of child rights-based justice practices in Liberia. By that means, I aim to provide answers to the main question by using the sub-questions to explore relevant answers. The main research question is:

**To what extent is a rights-based approach reflected in the policies and practices of the juvenile justice system in Liberia?**

The main idea behind the child right-based juvenile justice system is to maintain public safety, while ensuring rehabilitation, skill development, and proper reintegration of juvenile back into the society. For that purpose, if government is required to provide any physical, medical or mental health related treatment it should be managed. This research work tries to evaluate different aspect of child right based justice system and identifies if there are any obstruction in the path of its implementation. The sub-questions are as follows:

1. What are the main obstacles to a child-friendly approach to juvenile justice in Liberia?
2. Do the main stakeholders in Liberia's juvenile justice system have legal consciousness around the best interests of those under 18?
3. How can a child rights-based approach be stimulated in Liberia's justice and correctional system?

## 1.5 Limitations and Solutions during COVID-19

Due to the current pandemic situation and the challenge with travel, I was unable to travel to conduct in-person interviews with participants (research subjects) or arrange focus groups myself in Monrovia Central Prison with juveniles who are detained. However, with the involvement of my field assistant, interviews were held on phone, through social media (WhatsApp) with some key participants. These interviews were recorded with their consent and a list of questions were responded to with my research assistant, who sat with participants to explain questions and provide a brief background to the study, as she noted their answers. All ethical protocols to protect the integrity of the interview and interviewees, were respected, as well as COVID-19 related restrictions.

The employment of a research assistant was very helpful in that she took notes on the setting, difficulties with obtaining permission, agreement, and even body language of respondents in interviews/FGDs. The research was mainly focused on 15 to 17 age-group, the ones most likely to be treated as if they were adults and placed in adult prison facilities alongside adult criminals. Based on my own years of experience working with the justice system in Liberia, I had seen this many times, and wished to examine the issue critically. Neglect on the part of government authorities is reflected in an apparent inability to separate older juveniles, especially those 15 years and over, from adults, 18 or older. This points to a clear violation of the laws and rules of child rights and the CRC which seek to protect children facing charges in the juvenile justice system

Since I could not travel to interact directly with respondent for this study, my research assistant made initial contacts with prospective respondents and explained the purpose and relevance of my study. She then requested contacts of prospective respondents and secured their voluntary consent to take part in the study. During contacts with the participants, she adhered to Corona-related restrictions, including the 1.5-meter distance, avoiding physical contact, and wearing a facemask. My research assistant was able to access the juveniles individually, using the Connectivity, Humanness, and Empathy (CHE) approach, with the help of social workers assigned to Monrovia Central prison and approval of the prison authorities and juvenile consents, but was unable to organise a focus group. In fact, with other participants, she likewise found it practically impossible to have them group together for focus group discussion because of the virus situation affecting the country and the security situation on the ground. Many participants/respondents were working from home and lived some distances apart. However, she did manage to meet with them individually to conduct interviews but not a group discussion as hoped for. Despite her best efforts she was not able to obtain contacts with parents of juveniles or speak with them about their experience with the police, with court and with the prison system.

My research assistant presently works as a Victim Support Officers at the Ministry of Justice. She does follow-up with victims of injustice and provides them with moral and psychological support. She has an MPH in Public Health and has taken part in various field qualitative research activities. Having experience in real-life research made her an asset for my study. She was able to adhere to the research ethics principles needed for obtaining voluntary and informed consent from participants.

## **1.6. Organization of the Study**

This study is comprised of six chapters. The first has explored several sub-topics, including the background of the research, objectives of the study, problem statement and justification. The second chapter presents a literature review, exploring available studies about the key concerns and concepts: juvenile criminal justice, what is meant by child-friendly, and by a CRBA. The chapter covers the conceptual frameworks and reflects on the implications of previous studies for this research. Chapter 3 presents the methodology and analytical framework employed in the work. Chapter 4 investigates some obstacles to implementing a CRBA, and chapter 5 considers the views of justice sector professionals and others, on possible ways forward, in finding solutions to problems of the Liberian juvenile justice system. Both chapters 4 and 5 interpret data collected during interviews, pulling out key findings. Finally, chapter 6 presents an overall summary of the main findings, returning to the central questions, and proposes some modest recommendations for the future, so that a more child rights-based and child-friendly approach to juvenile justice might be achieved. Some recommendations underpinning similar work in years to come are captured as well.

# **Chapter 2: Child Rights-based Juvenile Justice: a Review of Literature**

## **2.1. Introduction**

This chapter consists of a review of literature on different aspects of this study, centring on how juvenile justice can become more child friendly. A number of studies over the course of the past two decades have emphasized the importance of child-friendly justice in Liberia and beyond. Different aspects of a CRBA are listed from the literature and evaluated through review. Questions of implementation of CRBA across different countries' juvenile justice systems are examined, and some of the expected obstacles in the path of implementing a CRBA are identified from the work of different authors.

This literature review then narrows its focus on the juvenile justice system in Monrovia, and the Monrovia Central Prison, which has been a focal point for a number of studies. Studies of juvenile justice measures already taken by the courts, social workers and the prison to protect child rights, are reviewed. The CRC and a CRBA, both focus on protecting the what is most appropriate for children and are aligned to various authors views on the protection of child rights in juvenile justice systems. This chapter also examines how we can assess whether CRBA standards are being followed by the judicial system and other stakeholders involved with the juvenile justice system in Liberia. The concept of legal consciousness is then related to children, parents, guardians and professional justice sector stakeholders as a key aspect of this thesis. The chapter includes a review of this concept and how it has been analysed and applied in juvenile justice systems, laws and regulations.

## **2.2 Justice for Children**

In attaining the rule of law and related objectives, how minors get treated by national judicial systems is a vital component of wider efforts. In spite of improvement in many parts of the world in recent decades, often children are still not viewed as significant actors when it come to the rule of law (Liefwaard and Doek 2015). For instance, work to adopt standards of child justice is often done separately from wider justice reform. Vertical techniques to improve youth justice systems or become more responsive to children as victims and witnesses, often fail to recognise overlaps with training and awareness of professionals and institutions responsible for juvenile justice. Although increasingly recognized as an important tactic to defend the rights of vulnerable populations and hence to combat poverty, moves to widen access to justice rarely include children. A report issued by the UN on justice for children revealed that a child's access to justice entails ensuring children are specifically served and protected by special institutions within the judicial system (Sachia and Carvalho, 2009). Ensuring integrity and fairness for children, as part of broader judicial reforms and access to child-friendly, rights-based justice, is arguably the main means to achieve better compliance with human rights standards and UN obligations towards children.

Difficulties in access to justice is a distinguishing feature of poverty and is in turn itself an obstacle to the elimination of poverty and gender inequality. Access to justice for children

is an essential aspect of the UN mandate for poverty reduction and the fulfilment of children's rights (Comment No, 2013). Proper access to justice demands the legal empowerment of all children, who must, through legal and other services such as education on child rights or counselling, obtain assistance from well-informed adults and be able to claim their rights (Howe, 2005).

With respect to justice for children, Liefwaard (2019) reveals that access to justice is based on a child's right to seek justice in the event of an alleged infringement of rights. It involves empowering children legally and providing access to child-sensitive justice processes and remedies. Child-friendly justice revolves around the child's right to be heard and the right to a fair trial (Liefwaard & Kilkelly, 2018). Liefwaard (2019) adds that to achieve a child-friendly justice, various elements should be put in place, including the provision of child-friendly information, active child participation in proceedings and provision of child-friendly remedies. Access to information is linked to Article 17 of the CRC, on the child's right to child-friendly information, which should be tailored to the age and circumstances of the child. To guarantee effective participation in proceedings, children ought to be allowed to express themselves, participate in a conducive and friendly environment and have their complaints taken seriously.

Leskoviku & Prenc (2015) conducted a systematic review of the literature on children's access to justice, and the findings revealed the importance of social and cultural behaviour in enabling children to seek justice without fear of prejudice, discrimination, or stigmatization. These researchers also found that legislation and a legislative framework that formally defines children's rights, and strives to meet their needs, are not enough. Laws need to be supplemented by effective measures and systems that make it possible for children, without discrimination or prejudice, to have the awareness and resources needed to approach the legal system.

### **2.3. A Child Rights-Based Approach (CRBA) To Juvenile Justice**

A rights-based approach describes a framework focused on human development and informed by international human rights standards 'from above', as well as amenable to social action and social movement advocacy 'from below'. The main aim of a rights-based approach is to promote and protect human rights in practice. The approach perceives that society has an obligation to uphold human rights and empower people to demand justice as their right rather than as charity (Nyamu-Musembi & Cornwall, 2004). CARE defines a rights-based approach as empowering the disadvantaged in society to enable them to exercise their rights. CARE has also developed the benefits-harms framework used to examine and regulate unintended consequences of its own operations. Additionally, CARE seeks to hold other key players such as government and service providers accountable for their obligations to uphold human rights in their practices and principles (Cornwall & Nyamu-Musembi, 2004).

For children in a third-world country such as Liberia, living with widespread poverty, a focus on rights is especially crucial to address the root cause of juvenile crime and injustices in the justice system. Delinquent acts mainly arise out of situations of poverty across society (Cornwall & Nyamu-Musembi, 2004). Instead of addressing the repeated pattern of criminal action by juveniles, the juvenile justice system tends to punish children as if they were adults.

A rights-based approach to dealing with juvenile justice cases would need to be proactive rather than reactive (Mitchell & Moore 2011).

In rights-based approaches, there are duty bearers, tasked with providing services to rights holders. In Liberia, changes associated with removing the burden of service from government duty bearers have resulted in a strong role for the private sector. However, the government is the key actor in efforts to adopt a more rights-based approach to safeguarding the interests of underage boys and girls in the justice and criminal justice systems (Goldhagen et al., 2020). Similar research by Hollingsworth (2014) seeks to theorise children's rights in juvenile justice, emphasizing the concept of citizen autonomy. The author argues that to appreciate what is exceptional about children's rights, an understanding is needed of the differences between the autonomy of children and of adults. Under most legal systems, since children are not regarded as fully self-sufficient rights-holders, childhood is viewed as the period for accumulating assets needed to achieve full independence in adulthood (Hollingsworth 2014). Being able to accumulate these assets is a 'fundamental' right, and this implies that a fundamental component of any rights-based system of punishment for children should not irrevocably damage the children's basic rights to achieve autonomy in later life (Lynch 2018).

## **2.4. Juvenile Justice in Liberia**

Liberian law and international standards offer safeguards that are designed to ensure that violations of human rights do not victimize children and recognize their lesser maturity and increased vulnerability compared to adults (Howze et al. 2006). In Liberia, the Juvenile Court Procedural Code (JCPC) of the Judiciary Law (1971) provides a national framework for juvenile justice. In countries without juvenile courts, it can be noted that magistrates should assume jurisdiction over juvenile cases with respect to the JCPC (UN 2007). In conformity with international norms, all rights granted to adults throughout pre-trial proceedings and detention periods must minimally also be ensured for children who come into contact with the criminal justice system. For the further safeguarding of juveniles in the justice system, there are international human rights standards, to which Liberia is a State Party, notably the Convention on the Rights of the Child (CRC 1989) and the International Covenant on Civil and Political Rights (ICCPR, 1966; UN 2007).

However, over the last two decades, various issues have emerged in relation to juvenile justice in Liberia. The Liberian criminal law (1976, Section 4.1) specifies that the criminal responsibility of minors under 16 years of age is not acceptable (UN 2007). Any prosecutions against children below this age are designed to demonstrate juvenile crime instead of crime. Nevertheless, some minors have been tried and convicted in what were adult criminal proceedings (Bottoms et.al, 2009). Also, the JCPC (Paragraph 11.41.b) stresses that a juvenile should be released into a senior's custody, a parent or a responsible adult, until a court hearing is held wherever practicable (UN 2007). The CRC (Article 37(b)) adds that detention should be avoided except as a last resort, and for the shortest duration possible (UN 2007). In certain situations, in Liberia, those under 18 have been detained for long periods in pre-trial custody. For instance, one 15-year-old juvenile convicted of rape was held at Sanniquellie Central



Prison in pre-detention for more than six months before being released into the care of relatives (UN 2007, pg. 5).

The JCPC (Paragraph 11.42) and the CRC (Article 37(c)) insist that if detention is unavoidable, there is duty to separate children under 18 from adult detainees (Howze et al. 2006). Juveniles under 16 may be imprisoned in adult institutions only following a documented order of detention issued by a Juvenile Judge, which establishes the need for imprisonment. Juveniles between 16 and 17 may be held at adult premises only if other acceptable premises are not available (Howze et al. 2006). No juvenile imprisonment or refurbishment facility exists in Liberia, although efforts have been made by the LNP and prison authorities to hold young people separately from adults. Sometimes this cannot be achieved, given the overcrowded detention facilities.

## **2.5. Juvenile Justice System in Monrovia Liberia**

Wesley and Tall (n.d.) conducted a systematic review of literature on children who having to encounter the justice system, selecting the case study of Monrovia urban area in Liberia. The research outline that over the seven years of civil war between 1989 and the Abuja Accord of 2003, war left 1.4 million Liberian children exposed to violence, hunger, and trauma. Many children were separated from families, became child soldiers, were orphaned and ended up on the streets (De Berry 2001). The majority of children were deprived of education and health care. Estimates are that around 50,000 children were killed, with 30,000 orphaned or alone. Wesley and Tall (n.d.) add that war compounded youth delinquency, particularly in urban Monrovia (Strategy 2010). As the population of Monrovia more than doubled, Monrovia hundreds of thousands of displaced persons lived in the camps and were dependent on food assistance.

Many children who had become separated from families during the war had a sense of freedom and independence living on the streets, and this made it challenging for them to return to family life. Those children recruited into armed factions and used by fighting factions to fight, run errands, man checkpoints and guard prisoners also found peace difficult (Strategy 2010). These children suffered tremendous psychological trauma through their constant exposure to violence. They were both fearless and lacking in respect for any adult authority, which combined with hunger and poverty reinforced their tendency to engage in criminal activities (Umbreit and Armour 2011).

Therefore, it seems that to tackle the problem of juvenile criminality in Liberia effectively, it is vital to develop functioning juvenile justice laws and rights-based practices. These include providing separate detention facilities, if needed, for juveniles, and moving towards a focus on rehabilitation rather than relying solely on punitive measures for under-18s (Wesley and Tall, n.d.). Judicial action regarding juveniles should be neither vengeful but should be guided by basic principles of fair punishment and justice (Brisman, 2012). Punishing criminals is a necessary action by the state in maintaining its law. Although punishment for crimes may be morally justified, punishments that are child-friendly and appropriate are essential in every juvenile justice system. This justifies a wider focus of the juvenile justice system on rehabilitation. The most fundamental factors in moral teaching can be viewed as attributing blame and expressing sorrow. Rehabilitation can also take many

forms, including counselling, ‘rap sessions’, psychotherapy and even wilderness training (Springer, 1986).

## 2.6. The Best Interests of the Child

Although there is no generally agreed-upon definition of ‘best interests of the child’, the term refers to the process through which professionals, including courts, determine what kinds of services, actions, and directives would protect and benefit children, and who might be best equipped to care for that child if they come into conflict with the law. The child's ultimate safety and well-being are the most important considerations in any ‘best interests’ assessment. By considering a range of norms connected to the circumstances of the child, their relatives and their circumstances, the principle of the best interest of the children can help to ensure that children’s rights and interests become central to juvenile justice processes in Liberia.

The state as the main duty bearer has been tasked with two-fold responsibilities under Article 12(1) of the CRC. Firstly, with upholding the child’s wishes and making sure their opinion is sought, and secondly by making sure that these opinions and wishes are given their due weight in decisions. Taking account of the child’s age and capacity ensures the child can be heard without discrimination (Thomas et.al, 2007). Similarly, it is vigorously argued by Fenton-Glynn (2007) that one fundamental principle of children’s law is the right to actively participate, and express their voices or views, and be given due weight in any decision-making processes that affect them. Article 12 of the CRC reaffirms this, stating that a child’s voice is a key right in itself, and is needed to translate and implement all other children’s rights (Krappmann, 2010). The role of children’s views are thus central to the CRC as a whole (Sutherland, 2014). Theorizing the relevance of participation of children, the UNCRC (2006) reemphasized as follows:

“The new and deeper meaning of [Article 12] is that it should establish a new social contract. One by which children are fully recognized as rights-holders who are not only entitled to receive protection but also have the right to participate in all matters affecting them” (UNCRC, 2006, p.2).

In support of the UNCRC position as it relates to child’s participation, Freeman (2007) suggests that Article 12 is remarkably important in concrete term on what it declares and more over it identifies the beneficiary as a living being endowed with honesty and character and ability to partake normally in society and to voice out his or her belief. The Child support theory is therefore informed by finding generated from neo-cognitive (mental) learning theory. More recent concept of cognitive expansion denied the usual Piagetian believe which suggests that children generate ability in separate and specified area and hence impotent to relate ably to their surrounding pending their full adulthood. Taking into account neo-cognitive learning and viewpoint, but abilities are appearing to extend across to standards-moral, social, cognitive, physical and emotional all of which evolve in separate way contrary to establish design. (Lansdown, 2005).

“Children are different from adult and thus have separate ability of doing things in space and time. Children as compared to adult, thinking and performance of tasks depending on

magnitude of tasks to be performance may vary due to their experiences, expectations about children, community perspective and personal capacity” (Lansdown, 2005, p.23).

Relying on these theoretical assumptions, children’s involvement brings into play varied creative, hands-on, and hypothetical context from the CRC (Bosisio, 2012). States parties are obliged to conform to the mandate by incorporating children as individuals, albeit not fully autonomous individuals, capable of making choices (Gallagher et.al, 2008). They should consider children’s opinions in general policy formulations that involves them (Donnelly, and Kilkelly 2011). Contributing to this understanding, Sutherland (2014) suggests that to show respect for diverse opinions, and respect for children’s personality, is a reasonable obligation on states. At its Special Session in 2002, the UNCRC highlighted this when it was stated that:

“The strength and brilliancy of under aged ones must be encouraged and supported in a way that brings them as far as taking ownership of their own destiny and safeguarding the future of their unborn generation and the world they so wish to live ” (UNCRC 27<sup>th</sup> Special Session, 2002, p.7).

This belief is grounded in the Convention in General Comment No #7 which denotes and emphasises:

“The convention required that children including the very youngest children be respected as persons in their own right. Young children should be recognized as active members of families, communities, and societies, with their own concerns, interests and point of view” (UNCRC, 2005, p.3).

McCafferty (2017) and Lansdown (2011) in the United Nations’ guide summarized the practical logic for enabling children to participate more fully in social work decision making. They argued that this promoted their individual growth, identity and societal talents, and generated the best output for policy makers, improving the transparency of decision-making processes, and making them more receptive to the plight of socially marginalised groups. Policy making in this manner helps ensure smoother service delivery, since policies can be designed and delivery in a more informed, inclusive manner, and one which is child centred. When children are accorded these rights, it brightens their future and encourages them to be better citizens, showing mutual respect for others and society at large (McCafferty, 2017).

Based on the Liberia Juvenile procedural code, the juvenile court jurisdiction is mandated to provide care, guidance, and control for juveniles, and preferably at home. In cases where the juvenile is removed from the control of his parents, guardians, or si an orphan, the court should protect and care for the offender, providing as near as possible an equivalent level of care to what parents would have provided (Howze et al., 2006).

Other factors that hinder a child-rights based process include poor parenting skills, conflicts at home, child abuse, antisocial habits, and high rates of substance abuse, all encouraging juvenile crime (Liefwaard, 2015). Although the present juvenile justice system lacks resources, to improve access to justice for children, the public authorities in the country need to examine in depth the whole spectrum of child services linked to the justice system (Leskoviku and Prence, 2015). For instance, the authorities should ensure awareness not only of police and courts but also among teachers, social workers, psychologists and community

stakeholders, all connected directly or indirectly to the juvenile justice system (Howze et al., 2006).

## **2.7 Legal Consciousness**

'Legal consciousness' has been defined as a condition in which people can make sense of their own concepts and experiences and relate these to laws and legal categories so as to advance the cause of justice (Ewick and Silbey, 1991). According to these authors, those with legal consciousness have a sense of familiarity with legal framings of rights, even when they do not know the exact details of specific laws or legal systems. The concept of legal consciousness also speaks to how laymen in society encounter law, to their everyday feelings and thinking about law, and how these perceptions and interpretations of law, differ from the awareness and perceptions of lawyers and jurists (Silbey, 2018). Laymen's understandings give meaning to their experiences and inform their subsequent actions and are indicative of the authority or standing of the law. Legal consciousness can also be interpreted as the sum of legal understandings of concepts, everyday opinions and attitudes, and cultural lenses through which law is viewed, resulting from socialization, and manifested as legal norms adhered to by particular people, a given social group, or the public at large. (Kurkchian,2011). The legal realization assesses current legislation while simultaneously conjuring up a vision of a desirable or ideal law (Ewick and Silbey, 1991). Other legal scholars, the like of Halliday and Morgan, 2013 who disagreed with Ewick and Silbey, argued that it brings out the voices of the weak in society as it measures the effect of the law.

Legal consciousness has also been criticized for its conceptual bias, which focuses too much on legal institutions and state law (including courts), as well as the contrasts between 'Law in Books' and 'Law in Action.' Hertogh backs up his claim by using Eugen Ehrlich's concept of 'living law,' which refers to the mandatory (legal and social) norms that ordinary people must adhere to, even if they differ greatly from the norms set by courts. Merry (1990) agree with this assessment and describe how people go to court to resolve personal concerns, as well as the legal awareness that drives them there. According to Merry (1990), for example, people go to court because they believe the law can provide them with benefits such as protection from a violent relationship or punishment for a negligent neighbour. However, the court authorities in charge of dealing with these matters believe they have no place in a courtroom. The vast majority of these instances are dismissed as "trash cases". While domestic violence instances are more likely to be taken seriously, they are not always viewed as such (Merry, 1990). As Merry (1990) argued, people go to court because they believe the legal institutions are supportive of them and because they believe they are entitled to such support. There is no special legal philosophy underpinning this sense of entitlement; rather, it is based on a broad understanding of rights; on legal consciousness (Merry, 2006a).

## **2.8 Conclusion**

Based on this broad literature review it emerges that even though the juvenile justice system in Liberia may have improved, there remain serious concerns about the extent to which protection of children's rights have been embodied in judicial circuits and practices. A

number of professional and legal stakeholders, and the institutions they work in, still may not fully appreciate their responsibilities in relation to juvenile laws and regulations. Broadly the UN mandate in Liberia is seen as limited to poverty reduction and is not necessarily connected with children's rights. If the UN is to be a flag-bearer for children rights in Liberia, then it needs to recognise that implementation of the CRC in Liberia will differ from its implementation in most Western countries. The UN and other overseas organizations when considering juvenile justice issues in Liberia, need to consider that whilst the rules on paper may be excellent, their implementation and application is a major problem, and is where the main focus of resources and training is required. In addition to this, since Liberians suffers from poverty, unemployment, sexual violence, justice sector professionals may also have distinct forms of legal consciousness. These issues act as the filter or lens through which this study has assessed the juvenile justice system in the country.

Over the course of this literature review it was established that a significant number of researchers believe the Liberian government and legal organizations have failed to control juvenile crime or protect children's rights in the country. Even though there are a number of private organizations and NGOs that have taken the initiative in this regard, without the support and full involvement of the Liberian government as responsible party, such piecemeal efforts to promote child rights cannot be effective. Currently, the legal framework within the country may meet with CRBA standards, but implementation means that legal practices do not.

# Chapter 3: Methodology and Framework

## 3.1. Research Framework

This chapter gives a short explanation of the research alongside the methodology and procedures used in this research. The research framework was inspired by various elements suggested in the analysis of Liefgaard (2019). According to him, collecting child-friendly information, providing children basic rights to participate in justice proceedings, and to access to information are all key in delivering justice for children.

Figure 1. Representation of Research Framework

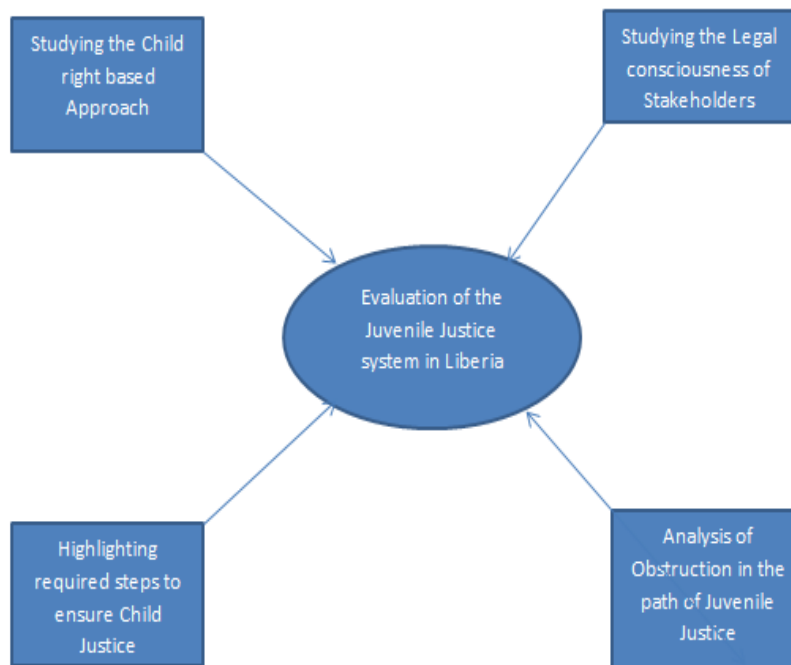


Figure 1 above provides a representation of the research framework followed in this research. It shows four major aspects of implementation being evaluated in the study, which align with the overall juvenile justice system in Liberia.

### ***3.1.1. Child rights-based Approach***

Having a CRBA is an important aspect of our framework. This research has analysed different aspects of the justice system and judicial actors to evaluate this factor. Liberian government and justice system works in tandem with international organizations, UN and UNHCR for protection and implementing a child right- based approach. The research has analysed the practical application of rules related to child rights.

### ***3.1.2. Studying the Legal consciousness***

As discussed earlier, and also suggested by Liefwaard having access to information is critical for the children, their parents, and stakeholders. According to multiple studies, it has been seen that a vast number of crimes against children are never reported in Liberia. Children and even their parents or guardians are not aware of the legal protection they have, or their own rights. This work analyses the legal consciousness among the people, judicial actors, and stakeholders about child rights. This is a crucial aspect of juvenile justice.

### ***3.1.3. Obstructions in the path of Juvenile Justice***

Another key trait of this research was to study different barriers children faced in their quest for the justice. Children who violate the law face multiple obstacles in order to seek justice. Through the analysis of this research, a number of major obstructions in the path of juvenile justice system are highlighted.

### ***3.1.4. Recommendations to improve the Juvenile Justice system***

This research has benefitted feedback and recommendations from the people who participated in it. These people deal with cases related to juvenile justice on daily basis and understand these matters to their core. Getting proper feedback from them and putting their recommendations into practice played a major role in improving the juvenile justice in Liberia. These four aspects are the key in our evaluation of a child friendly approach by the juvenile justice system in Liberia. All these elements are illustrated in Table 1 below.

**Table. 1 Research Framework**

<b>Variable</b>	<b>Description</b>	<b>Indicators</b>
<b>CRBA</b>	Analysis of the child right base approach in Liberia	<ul style="list-style-type: none"> <li>• Role of UN</li> <li>• Role of UNHCR</li> <li>• International donor participation,</li> <li>• Situation of equality</li> <li>• Self-development</li> <li>• Care</li> </ul>
<b>Legal Consciousness</b>	Understanding the law, and its awareness around	<ul style="list-style-type: none"> <li>• Legal consciousness of Police department</li> <li>• Legal consciousness among social workers</li> <li>• Legal consciousness of the justice actors,</li> </ul>

	different domains in Liberia	<ul style="list-style-type: none"> <li>• Legal consciousness of the Liberian Public</li> </ul>
<b>Obstacles for Juvenile Justice</b>	Different factors that play a role in hindering the juvenile justice system	<ul style="list-style-type: none"> <li>• Lack of resources</li> <li>• Lack of training</li> <li>• Analysis of the legal system</li> </ul>
<b>Recommendations</b>	Different steps that can be implemented to improve the situation of Juvenile in Liberia	<ul style="list-style-type: none"> <li>• Better resource allocation</li> <li>• Better training for justice actors</li> <li>• Government playing a better role related to child rights</li> </ul>

### 3.2. Research Methods

The goal of every qualitative research project is to get a deeper comprehensive knowledge of a certain topic, situation, based on a combination of first-hand knowledge, information collected from others, and insights from other studies. This can be accomplished using a limited yet targeted sample for interviews (Gray, 2013). This study has combined interviews with justice sector professionals, discussions with children, with experience and insights from literature, to critically investigate the delivery of a child-friendly or CRBA to juvenile justice in Liberia.

#### 3.2.1. Sampling method and study participants

The sampling method selected for this study was the critical case sampling methodology. It is a type of purposive sampling beneficial for exploratory qualitative studies of this kind, where a few key individuals are important for understanding the phenomenon under investigation (Patton, 2007). For a study investigating the inner workings of Liberia's juvenile justice system, whilst the general public may have some opinions based on experiences of engaging with the juvenile system, the most relevant stakeholders will be professionals within the juvenile justice system itself. They have provided pertinent information based on their lived experiences and informed opinions. The critical case sampling methodology led me to include the following groups of individuals in interviews.

- The juveniles' judge in Monrovia's Court, Temple of Justice- Liberia
- 3 social workers assigned with detained juveniles in the Ministry of Justice (2 female and 1 male)
- 2 social workers from Defence for Children International-Liberia (NGO),
- 2 officers from Women and Children Protection Section, Liberia National Police, work on juvenile cases.
- 1 prosecutor from the Ministry of Justice, Republic of Liberia involved in juvenile cases.
- 1 defense lawyer from the Judiciary Branch of Government, Temple of Justice, Liberia, involved in juvenile cases.



In addition, it was planned to have 2-3 focus groups with around 15 juveniles aged 16-17 and detained in Monrovia Central Prison. At least 5 (one focus group) should be young women. In the end, these focus groups were not possible in the end, due to the COVID restrictions in place. FGDs were quite impossible due to security and political reasons and couple with the high pandemic situation in the country at the time of the research. Instead, discussions took place individually by phone.

### ***3.2.2. Data Collection Tools***

Juvenile offenders held behind bars are usually faced with two fundamental problems. Being held under custody or locked out of position and that of their age. These situations or conditions impose a serious challenge to researchers in their aim to interview or interact with juveniles. The Connectivity, Humanness, and Empathy (CHE) approach was selected as suitable for 'doubly vulnerable' participants, both minor and in prison. This method has been argued by scholars to help rebalance power relations between the investigator and children taking part (Shafi, 2020). Data in this study was collected using a phone (WhatsApp) for interviews, using a questionnaire, and either conducted by me, remotely, or filled in on my behalf by a Research Assistant. These data collection tools were useful for the study, particularly in the pandemic situation, and delivered information almost as detailed as could have been expected from physical interviews and FGDs with young people.

Furthermore, recording WhatsApp interviews by phone can be carried out over a wider geographical scope, including between The Netherlands and Liberia. Apart from the relevance of smartphones in the pandemic context, the use of digital technology interviews was quite beneficial because it provided for more informality in face-to-face questions and answers, compared with a face-to-face interview, for example, in an office (Cachia & Millward, 2011). In the context of Monrovia Central Prison, using WhatsApp reduced the formality for young users, who are mostly used, outside prison, to using social media for communicating with one another. The use of digital communication in the prison context was distracting and impossible. However, my research assistant managed to conduct in person interview with each of the juvenile participants one at the time without the use of social media tools, cell-phone to put me online with them. He did use a set of questionnaires while making some follow up questions based on their individual answers provided to each question asked. That could have been very helpful in knowing different individuals in the same gathering prospective about juveniles' issues. For young respondents, social media reduces their self-consciousness and increases their confidence during interview and FGDs.

### ***3.2.3. Data Analysis***

The research used questionnaires in some instances and WhatsApp interviews to gather its data in the field. Thematic analysis is normally applied in examining a collection of texts, like interview transcripts (Braun & Clarke, 2012). In applying this technique, the researcher studied the information with utmost care with the goal of uncovering recurrent themes and meaningful patterns.

### ***3.2.4. Research Ethics***

This study recognizes informed consent as an important part of ethics in research. As a result, the researcher and research assistant told respondents of different facets of the study in

understandable language (Sanjari et al., 2014). Furthermore, we specified in advance which data was to be gathered and how this would be utilized. After being given this information, participants were asked if they wanted to voluntarily participate in the study. Furthermore, consent was sought from respondents with regard to recording of interviews and completing the questions listed in Appendix 2. This was especially important for those aged 16-17, whose participation could not be assumed to be voluntary. They were informed that at any time (even after the interview or recording of their answers to the questionnaire), they could withdraw from the research. The study maintained the confidentiality of participants' personal information from unapproved access. The research also observed confidentiality by keeping records secure through the use of password-protected files and secure (encrypted) file transfer arrangements.

### ***3.2.5. Positionality***

In this study, I position myself as an insider, student, and human rights advocate. I am currently an employee of the Liberian government and have an appreciation of how the justice system works in the country, due to having had the opportunity to work with the criminal investigation department and the women and children protection section of the police, respectively. Around human, children's and youth rights, I have been exposed in the Masters to readings and examples that challenged and changed some of my views and perspectives on dealing with children, and those believed to be vulnerable in society in general. Lessons around legal consciousness informed me how different people relate to the law and how its interpretation affects their way of acting in society, including how they treat children. Instead of viewing children as altogether vulnerable members of society, needing protection, I realised they can inspire and invent innovations in justice and development fields. They can be makers and breakers of development as shown in the children and youth course taken in the latter part of my MA. I appreciate how more focus needs to be given to children as society's future, by building their self-esteem in the present, giving them the capacity to air their views, and respecting those views by making responsive changes in decisions made on their behalf. For a more CRBA to juvenile justice we need to advocate for a change in approach to CICL in the Liberian justice system, or else results will remain disappointing, and the future of society fragile.

As an advocate, my biases were formed by seeing children, particularly those I worked with and saw coming into constant conflict with the law, being treated with harshness in the juvenile justice system. Resistance to this approach has grown stronger in me, and the normalisation of punishment as justice has given way to a softer, but perhaps stronger approach, based on my responsibility for championing justice, spaces, and room for the voices of children inside the justice system. With this energy and passion, I have put my heart into this study, which seeks to promote CRBA to juvenile justice.

## Chapter 4 Obstacles in the way of a CRBA

### 4.1. Introduction

The main objective of the study was to unveil to what extent a CRBA to juvenile justice is being practiced in Liberia's juvenile justice system. To achieve this, this chapter explores and analyses each of the research sub-questions, in light of the collected data. Based on the answers, themes are identified and developed, to arrive at overall finding. The first section briefly describes demographic characteristics of participants. The second section presents results from interview responses, around formulated research questions. The third section elaborates on themes arising in interview responses that go beyond these questions. As described earlier, three different groups of respondents participated in this research, which also involved some informal discussions with juveniles. The three main sets of professional actors were representatives of social workers, the police, and legal professionals in the Justice Department and the judiciary. Based on their answers to the research interview questionnaire, the findings will be presented in the rest of this chapter, evaluating each sub-questions in turn.

### 4.2. Evaluation of Obstacles to CRBA

*Sub-question 1: What are the main obstacles to a child-friendly approach to juvenile justice in Liberia?*

This section presents findings and discussion based on the sub-questions and drew out some themes derived from legal professionals and police officers interviewed. The chapter indicated that a CRBA is reflected in different ways in policy, juvenile justice, and prison regulations and proceedings that are evolving in Liberia. However, although some respondents revealed that a CRBA is being followed in Monrovia, others commented that it was certainly not reflected in Liberia's juvenile justice system.

Evidence from the interview questions identified one theme illustrating a reflection of policy, juvenile justice, and prison regulations and proceedings that are child friendly. The themes include providing a child-friendly space.

#### ***Theme 1: Lack of child-friendly spaces.***

Two legal respondents revealed that the CRBA is reflected in the judicial process by ensuring that CICL are handled with the utmost humanity and observing international accepted standards in the juvenile legal process. The respondents also reveal that while in the legal process, the legal practitioners strive to pay close attention to juveniles as compared to adults by providing them more support when they come in contact or conflict with the law and keeping them from adults that are accused of crimes and remanded at the Central Prison. Legal practitioners also strive to support a children by exercising flexibility when dealing them, such as having juveniles who have come in conflict with the law, placed in the care of others instead of sending them to jail. Susie T. Telleh a Police participant and Head of Women and Children Protection Section (WACPS) within the Liberia National Police Department in her interview commented upon the child friendly spaces:

“As a law enforcement officer, we tried to uphold the protection of children by creating child or children friendly space even though it is a big challenge, and we also lobby with partners, like UN organizations supporting children issues UNICEF, UNDP, other organizations and Sweden Embassy that sometimes provide us support to make our work a bit easier” (Interview Date: 19th August 2021).

However, while commenting about initiating the child-friendly justice systems in the juvenile justice system as a big challenge in Monrovia Susie T. Telleh stated that:

“Most of the facilities are not child friendly, and as you know, Monrovia or Montserrado County is not Liberia, we have Leeward counties as well. We still have lots of challenges. As such, we always talk to counterparts/ partners and emphasize to our government to keep pushing on because children’s issues are cardinal and need attention” (Interview date:19<sup>th</sup> August 2021).

Cllr. Suahelous Sesay, Former Public Defender from the Judiciary branch of government emphasized a similar perspective in his interview while discussing about child friendly spaces. Based on these interviews with the representatives of police and Judiciary it was seen that there is a serious lack of awareness among the justice actors when it comes to child rights. To overcome this shortcoming special training for all police officers including senior ones and lawyers needs to be conducted to make them familiar with the CRC and child right-based rules and regulations.

The theme for the need for child-friendly spaces was supported by responses from a cross sections of participants, indicating that the systems and legal procedures followed in the juvenile justice process should be in line with the national, regional, continental and international protocols that protect children’s human rights and their right to participation in the decision-making that affects their lives. In theorizing the relevance of child rights to participation, UNCRC (2006) has reemphasized that,

“the new deeper meaning of article 12 established a new social contract. Considering children as rights-holders who are not only entitled to receive protection but also have right to participate in all matter affecting them.”

The need for more child-friendly spaces is also supported by scholars like Sarkar (2017), Abramowitz (2012) etc. Additionally, General Comment # 7 is also in align and grounded in recognizing children as active member in society, communities, families who have their own interest, concern, and point of view.

### ***Theme 2: Need for representation for juvenile***

Respondent 3 from the social worker group Mr. Malcolm in his interview highlighted the importance of proper representation and need of support for children that come in conflict with the law. According to his statement:

“Juvenile interests are upheld by given them full support when they come in conflict with the law. That is to make sure that the court or police environments are freed of threat and intimidation to juveniles. And also, by given them adequate and legal representation and support by Lawyers, social workers, parents, as well as the community in which they lived” (Interview date: 18<sup>th</sup> August 2021).

Respondent 5 Attorney. Foday Kawah, the Executive Director for the Defense for Children International- Liberia also emphasized on similar aspect in his interview. Based on these opinions from the social worker groups, it was understood that there is a sense of recognition among the Liberian justice infrastructure about the rights of children. However, this is still way below the standards set by the UN and other human right based bodies across the world. A collective effort is required from all the governing bodies, justice actors, parents, and social workers to make sure that a child friendly environment and justice system can be established.

The respondents expressed that the CRBA is not adequately reflected in policy, juvenile justice, and prison regulations and proceedings in the Liberian juvenile justice. However, upholding the interests of juvenile in the justice systems need actors and the government to provide legal officers and police with adequate training, facilities, logistics, and incentives. To further support the statement made, one of our respondents, a correctional officer stated that:

“Those are things that should be provided for by the government but again, the government complaint that things are tough, and we have to in-provide most time in terms of logistics and to make our work environment safe and clean. Our incentive too is low, and training is not forthcoming. There are lots of new officers and older ones that need training in human rights and child protection because they had not received one before apart from the one taught at the police training Academy” (Interview date: 19th August 2021).

The research findings reveal that the juvenile justice system in Liberia barely follows a child-right-based approach. This is evident due to the lack of properly trained officers at the police, judiciary, and correction facility, which result in unjust practices such as poor sanitation, lack of right to be heard, among others. However, justice in the juvenile system can be enhanced by integrating a child right-based approach, which ensures juveniles are treated as human beings and accorded the right cause of action according to the juvenile law Liberia and from international bodies.

Questions related to CRBA aimed to analyse how these people in their jurisdiction and department try to protect child rights. It was seen that out of 11 respondents 10 believed that a child rights friendly approach is being implemented by their departments. That means a major portion of the participants from the juvenile justice actors believe that their respective departments implement a child friendly approach. Only one participant stated that the approaches are not child friendly. Cllr. Suahelous Sesay stated in his interview while commenting upon the role of their department in child right protection:

“By ensuring that children who come in conflict with the law are dealt with humanely and providing them legal representation that meet internationally accepted standards” (Interview date: 28th August 2021).

Moreover, this question also explored different steps that were taken by these departments for supporting and protecting child rights. According to the opinion of the respondents it was seen that majority of the participants believed their department promoted and ensured the protection of child rights. Moreover, the participants highlighted the training provided by their department to the justice actors. These trainings are critical in spreading awareness related to child rights. Furthermore, the respondents also highlighted different

initiatives taken by the people in their departments. It was seen that people were performing their role on individual basis by contributing their personal shares and part of their incomes to protect child rights. Atty. Jonathon Flomo, one of the County Attorneys from the Ministry of Justice, Republic of Liberia in his interview stated while answering to the question about child rights: “We sometimes used our personal shares in getting needed items for the children or Juvenile in prison to create a child friendly approach” (Interview date: 15th August 2021).

Warner (2015) in his research work highlighted the shortcomings of Liberia in implementing a child right based approach in prisons. According to the author, Liberia is implementing an age limit phenomenon for children that will meet international standards Warner (2015). In his study, Curley (2014) also emphasised the importance of protecting children’s rights in Liberia and other African countries. According to this author, since most children cannot afford legal representation and the judicial actors lacks proper training in child rights, governments need to take the initiative to ensure children do not suffer at the hands of unfair judicial proceeding (Curley, 2014).

Just under half of respondents believed that the diversion programs were an important step in spreading awareness and protecting child rights. Another large minority of respondents believed that their department was putting in the effort to provide separate facilities for the juveniles, making it the combined best initiative by these departments. Several respondents highlighted steps already taken by their departments in protecting child rights. Providing monitoring for children inside prison, and the presence of parents at investigation stage were other child rights protection initiatives reported in interviews.

### **4.3. Legal consciousness of Stakeholders**

*Sub-question 2: Do the main stakeholders in Liberia’s juvenile justice system have legal consciousness around the best interests of those under 18?*

Legal professionals and police respondents in Liberia’s juvenile justice showed an average level of legal consciousness of the principle of child right-based justice practices in the best interest of those under 18. Some of the themes included lack of training and child-sensitive environments. The interviews question that supports these findings included the following “How do you ensure the judicial process is child-friendly for the juveniles?”

#### ***Theme 1: Lack of training***

Legal participant 1 Mr. Cllr. Suahelous Sesay stated in his interview that lack of adequate training hinders the optimal implementation of child rights-based practices in Liberian juvenile justice. According to his statement:

“Many lawyers in the private practice, do not understanding much about children’s law, issues, practices, or child protection and, as such, do not put interest in taking up children’s cases. Because of this reason, state prosecutors, and court officials are not challenged about the way they deal with children's issues. Even though few of them exercise caution in dealing with juvenile cases, but the majority are careless about their approach toward juvenile issues. This situation has become bad for children who are arrested daily by police and sent to court. And in fact, even government prosecutors, very few are trained and assigned in various courts to focus on children’s cases” (Interview date: 28<sup>th</sup> August 2021).

Legal participant 2 Atty. Jonathon Flomo in his interview emphasized on a similar aspect stating that there is a need to train judicial officials on child protection issues and child rights-based justice. The respondent reveals that he ensures the judicial process is child friendly for juveniles by.

Based on these statements it can be seen how people who have been working in critical positions related to judiciary believe that there is a serious lack of understanding and training among the judicial actors about the juvenile rights. Due to this kind of negligence and lack of awareness children who come in conflict with the law have to suffer to a great extent. In order to develop a sense of legal consciousness among the justice actors, government should conduct seminar and add special trainings related to juvenile laws implementations and practices among justice actors and all professional dealing with juveniles' issues across the country.

### ***Theme 2: child-sensitive environments***

Respondents showed a high level of legal consciousness of the principles of child rights-based justice practices by revealing that juveniles need a child-sensitive environment in detention facilities. Police respondent, Susie Telleh revealed:

“By ensuring that we have children sensitive environment and materials at our offices in the country and jails, having social workers, lawyers, and parents at every stage of the judicial process or investigation. In the meantime, where we have saved spaces, we make sure it is child friendly for juveniles” (Interview date August 19<sup>th</sup>, 2021)

Police participant 2 Eugena Robert, Line Manager, Juvenile Unit, WACPS, Liberia National Police Headquarters, Monrovia also verified the requirement for child sensitive environment in his interview.

### ***Theme 3: Lack of awareness***

When it comes to legal consciousness the lack of awareness is another major aspect. The justice actors and stakeholders do not understand the importance of a child rights-based environment. The implication of keeping children with adult criminals is underestimated and is not looked after. Moreover, people who are in major positions, such as judges, police officers, and lawyers do not understand the importance or application of child friendly laws. Based on the study respondents, lack of legal consciousness posed obstacles to Liberian juvenile justice. The respondents revealed that the correctional centers in Liberia have a serious negative impact on children in and after remand. This was attributed to abuse from adult inmates and the lack of rehabilitation facilities that worsened the behaviours and attitude of juveniles towards crime. Police respondent 1 Susie T Telleh noted,

“The Correctional Centers are to be child friendly and impactful to juvenile, but instead in Liberia, they are not, children go there and come out, they developed more violence and criminal behaviours than before their remand. Holding juveniles in remand is not intended for punishment but to take away negative behaviors and replace with positive ones” (Interview date:19<sup>th</sup> August 2021).

Based on the analysis and statements from the police representatives it can be said that stern steps need to be taken in order to make the juvenile justice system child friendly. Instead of sending children under 18 to prison along with adult criminals, government should go for more child friendly alternatives such as the rehabilitation centres or separate detention facilities for children.

The question related to the safety of juveniles during the legal process was also important to evaluate the legal consciousness of stakeholders. According to the results, it was seen that majority of the participants believed that juveniles were not safe during the judicial process. There was a lot of uncertainty related to their right protection throughout the judicial process. Eugena Robert, Line Manager, Juvenile Unit, WACPS, Liberia National Police Headquarters, Monrovia stated in her interview while talking about the awareness of child rights stated that,

“Majority of them put less efforts in entertaining juvenile issues and as such, they threw the juvenile behind bar and demanding their parents to settle with the person the juvenile had allegedly offended without affording the child the right to lawyers and neither giving him or her the opportunity to be held” (Interview date:20<sup>th</sup> August 2021).

Holzer (2013) in his research work focused upon what happens with the children in Liberia who end up in prison. According to his findings juvenile delinquency was one of the many reasons why children end up in prison. The author further stated that the people who deal with the justice system do not have any proper training and does not understand the importance of the juvenile rights (Holzer, 2013). While talking about the major reason why children end up in prison Jonathon Flomo, County Attorney, Ministry of Justice, Republic of Liberia in his interview stated

“Juvenile delinquency in my opinion is the main reason why children end up in prison. This is due to many factors. Poverty, early exposure to drug, negative peer pressure, lack of proper parenting etc” (Interview date August 15, 2021).

According to the results, the judicial stakeholder believed that the poor implementation of the juvenile law was the major obstacle in the child right protection during the judicial process. Based on the interview response and analysis, it was seen that most of the participants believed this was the major reason why children were not safe during the judicial process. Lack of manpower was also a crucial aspect why children are not safe during the judicial process. Similarly, Lack of training of judicial actors was seen to be another major reason why children's rights are not safe. Other reasons can be poor coordination and poor child privacy.

Based on these results, it was cleared to see that stakeholders related to juvenile justice have a clear conscience related to children's rights. However, there are a number of reasons that halt them from taking suitable actions related to these matters.

#### **4.4 Obstacles in the path of Juvenile Justice**

*How do legal and systemic factors hinder the delivery of child rights-based practices in juvenile justice proceedings?*



The legal professionals and police officers revealed there are various factors that hinder the delivery of child rights-based practices in juvenile justice proceedings. The main themes included training and legal structures. The following interview question supported these findings.

### ***Theme 1: Lack of Training***

Lack of trained staff in the judicial-juvenile justice system is a major hindrance in the delivery of child rights-based practices in juvenile justice proceedings. Three legal professionals and three police participants noted that training is essential in enhancing the quality and practice in juveniles' justice proceedings: Foday Kawah, Executive Director, Defense for Children International- Liberia explained:

“To some extent, I will say yes because the lack of trained staff contributes to the hindering of children’s rights. All justice actor in the field of juveniles should be licensed or have a certain level of training to work in the justice system, but if that is lacking, then it becomes a system problem” (Interview date:3<sup>rd</sup> September 2021).

Police respondent 2 Eugena Robert, Line Manager, Juvenile Unit, WACPS, Liberia National Police Headquarters, Monrovia also emphasized similar aspect stating the lack of resources and training were the key obstacles in the delivery of justice to children that come in conflict with the law.

Based on these statements it is quite obvious to see that there is a serious lack of training for justice actors when it comes to the child rights. Trainings should be provided for both police and lawyers so that both these departments understand their duties and responsibilities while dealing with children who come in conflict with the law.

### ***Theme 2: Weak Legal Systems***

Despite the Liberian juvenile justice system developing well-defined legal systems to implement child right-based justice, there are insufficient legal structures and facilities to actualize the systems. Police respondent 1 Susie T Telleh narrated:

“The actors themselves are not effective in promoting and protecting children rights, but we have written laws and international protocols on the book to uphold in terms of children's rights. For instance, some of the officers at various stations failed to follow our Scope of Operation (SOPs) and do things their own way, which is bad for the system and juveniles. Unfortunately, not every actor has SOPs to follow, like the magistrates, lawyers, social workers, and this not because I am a police officer, but we are trying our best at the police while other are lacking behind” (Interview date:19<sup>th</sup> Aug 2021).

As evident from previous research findings, training is the main aspect hindering the implementation of juvenile justice in Liberia. Lack of legal structures, delaying in cases and facilities has also heightened injustice in correctional facilities for youths are held in the same cells as adults, which exposes them to violence and abuse. Therefore, a child-right-based approach can transform and enhance justice for juveniles, for it advocates for awareness and training on how to handle and transform juveniles.

Based on the findings it was seen that the major factor that halts the justice proceedings is the delay injustice. This can be due to the lack of resources, lack of facilities, or the lack of

manpower. This factor has caused a number of children to live behind the bar with adult criminals which has affected their upbringing to a great extent. According to the results, majority of the participants affirmed that the delay in the delivery of justice was the greatest flaw of judicial proceedings. While talking about different factors that hinder the delivery of justice Susie T Telleh , stated in her interview;

“Our system is yet to build enough facilities, police stations that are child friendly and effective. So, the system is there but is not effective. So, do you then think that children rights are being protected and respected by justice actors like police, lawyer, magistrates or judges in Liberia? No, because the actors themselves are not effective in promoting and protecting children rights. We have written laws and international protocols on the book to uphold in terms of children rights, but implementation is lacking” (Interview date:19<sup>th</sup> Aug 2021).

M’Cormack (2017) in his research work emphasised on similar aspects stating that in Liberia there are great laws related to child rights. But the country lack infrastructure to implement those laws. Due to this reason the children in the country have to suffer. Similarly on another occasion Malcolm who is a social worker commented on the requirement of training for the judicial actors “Yes, because there are more trainings needed for actors working with children. The lack of understanding of child justice issues and procedure hinder justice for children” (Interview date:18<sup>th</sup> Aug 2021).

Schia (2009) in his work highlighted different aspects that are the reason behind the slow justice system. This work also highlighted how the justice system failed to recognize juvenile laws and treat children as adult criminals. According to the author the lack of separate facilities and financial resources was a major reason behind this factor. The second major factor was seen to be the lack of training. Based on the interview responses from the respondents it was conclusive that the lack of training for judges, lawyers, and police officers related to juvenile matters and proceedings was a halting factor. Due to the lack of training these actors judge juveniles as adult criminals which can be deteriorating for these children. The third biggest factor was seen to be the poor implementation of law and budget constraints. These factors were concluded to be the biggest factors why the judicial process experiences a halt.

## **4.5. Conclusion**

According to the analysis and results drawn from the above discussion, a proper conclusion for this research work was drawn. A number of different factors were explored over the course of this work. In this portion, a proper conclusion of each was provided. As far as exploring the child right-based approach was concerned, it was seen in order to protect child rights at the individual level it was important that each judicial actor understand the child's right and is provided with the proper training. While on a larger scale and at the department level creating diversion programs and providing separate facilities for a juvenile was seen to be the most important aspect in protecting child rights.

This research work further explored the legal consciousness level of the stakeholders in juvenile justice systems. Based on the results it was explored what these stakeholders believe the reasons are behind the children ending up in prison. According to the results, it was seen

that majority of these stakeholders have a proper understanding of the reason why children end up in prison. According to the results, poor parenting was the biggest reason behind the children indulging in criminal activities followed by the lack of infrastructure by the government and poor training of the justice actors.

Moreover, according to the feedback of the respondents the justice system was not properly equipped to provide safety to the children, and the children's rights were not protected. The study also highlighted a number of factors that hinder the justice delivery process for the children. Almost each of the participants highlighted the fact that the justice proceedings are slowed down due to the obstructions in the police and court operations. The biggest reason why the justice system was ineffective for children was the long delay in the delivery of justice. This is due to a lack of facilities, manpower, and budget. Other factors are poor training, and lack of child law implementation.

According to the final aspect of this research, work recommendations were provided by the respondents to improve the child rights situation in Liberia. Based on the results it was seen that the most important aspect for children's well-being was to provide separate facilities for the juvenile. Training of justice actors and providing recreation centers were other important aspects in this regard.

# Chapter 5 Justice Actors' Imagined Solutions

## 5.1 Introduction

This chapter reviews some proposed solutions to overall problems related to a lack of a rights-based approach to juvenile justice, as analysed in this work so far. Different key factors of a broadly child friendly approach are highlighted and their relative importance discussed. Moreover, different steps that can already be taken to ensure greater protection for juveniles when delivering justice, and ensure their rights are central, is also part of this chapter.

## 5.2 Stimulating a Child Rights-Based Approach

*How can a child rights-based approach be stimulated in Liberia's justice and correctional system? How can a more rights-based approach to juvenile justice be stimulated?*

The study respondents, police participants, legal professionals, and juveniles revealed that there are key strategies and approaches that can be stimulated to promote a CRBA to the judicial system and give a voice to juveniles in the justice and correctional system. The approaches include training staff, resource allocation to the facility, and introducing educative programs like diversion, after-school programs, and peer counselling to enhance the judicial system. The following interview questions supported the results.

The study respondents revealed that the Liberian government and related bodies need to invest and allocate resources to enhance the Liberian juvenile justice system. The resources could be spent to train judicial staff and officials on dealing with children and creating children-friendly correctional facilities away from adult inmates. Moreover, resources need to be allocated for the development of educational programs, medical facility and recreation centers for juveniles which in turn enhance their quality of life and behaviour. Participant 1 Cllr. Suahelous Sesay stated in his interview recommended.

“I recommend that government put more money into building the capacity of justice actors working within the sector and monitor their practices and procedure in dealing with children. Teach them to work with relevant instruments concerning child protection. Build institutions that are child sensitive and keep the children safe from re-victimization. Provide regular refresher training to keep them up till date” (Interview date: 28<sup>th</sup> August 2021).

Cllr Suahelous Sesay further stated that:

“a suitable cause of action is to staffs the facility with social workers, create recreation centres for juveniles, avoiding adults' inmates from coming in contact with juveniles in the cell facility and making sure that juveniles' matters are speedily attended to. Also, finding an-other alternative void of detention could be a good way of building children's self-esteem and making them believe that state or justice system is there to protect them” (Interview date: 28<sup>th</sup> August 2021).

Legal participant 2 Atty. Jonathon Flomo in his interview added,

“Our criminal justice system has not made the necessary changes others have made to tackle the issue of juvenile delinquency. Social intervention that targets the family, which is the nucleus of the society, be prioritized. Research has proved that poverty breeds crime. Susceptibility to illegal drug use among juveniles who come from a poor background is high and has a direct effect on the juvenile crime rate. In as much as the issue of poverty is not addressed, for example, to consider and or stop children from becoming breadwinners, a situation which imposes an unbearable burden on children resulting into the commission of crimes” (Interview date: 15<sup>th</sup> August 2021).

As Foday Kawah stated in his interview: “Government should also build a separate facility for juvenile void of adults” (Interview date:3<sup>rd</sup> September 2021). Malcolm who is a social worker in his interview stated that diversion programs and recreation centres were a critical part of protection of child rights (Interview date:18<sup>th</sup> August 2021). From the answers of participants, it can be seen that the lack of resources is a major issue why so many children up in prison with adult criminals. Proper resource allocation is critical on so many fronts for the Liberian government. With a higher budget rehabilitation centre, recreation centres, and separate detention facilities can be provided for the children. Moreover, the participant recommended that separate prison cells for juveniles at most of our prison facilities are essential. Judicial actors are trained to children’s sensitive issues such as emotional, physical, and other social factors, and Judicial actors been trained to be aware that juvenile justice is not mainly concerned with children/juvenile ending up in prison. Other responses also supported the theme by recommending resource allocation in training legal staff, educating juveniles. For instance, Jonathon Flomo one of the Liberian’s government Counties Attorney from the Ministry of Justice, Republic of Liberia in his interview further revealed that:

“One way to do that is to make sure that all actors working in the field of child protection are trained and regularly given refresher training once or twice every 6months period to keep the standard intact. Secondly, monitored and supervise actors properly to avoid compromising the procedures and practices. Thirdly, teach children in primary and junior high schools their rights as a human being, to speak out and give their voice credit and as a child but not forgetting their responsibility to the parents and society. Fourth, creating a standard of reporting of crimes against juvenile” (Interview date: 15<sup>th</sup> August 2021).

Atty. Alben Greaves, Head of the Child Justice Section at the Ministry of Justice also stated added,

“My suggestion is that government provides funding to all institutions dealing with children because they lack budgetary support, partner complimenting each other holistically and fully implementing all the laws on the books. Endorsement of the national child justice strategies that was recently support-ed by UNICEF and put same into force, build rehabilitation center, save-homes, put into place after school programs, fight trafficking, and crimes activities to reduce issues that bring children in conflict with the law. Trained and certificate institutions and actors working with the justice and social department in Liberia” (Interview date:19<sup>th</sup> Aug 2021).

Findings from the study were consistent with the reviewed literature, which recommends training and allocation of resources to develop children-friendly correctional facilities and rehabilitation centers. Study findings also support the CRBA and practices,

which works to promote justice and enhance the quality of life for juveniles. It was heartening to see that each of the respondents understand this phenomenon and has an opinion regarding it. In the section below, I have explored the ideas and the results are presented. As far as the role of government in providing voice to juvenile is concerned, Susie T Telleh stated in his interview;

“To improve the situation of children, our government needs to take ownership of the problem and stop relying on donors’ community. She needs to prioritize, children’s issues to upgrade the systems and structures that we work with. Justice actors, magistrate, judges, social workers and the police need training and better facilities to make the system and laws to work” (Interview date:19<sup>th</sup> Aug 2021).

Raji (2017) in his work stated the during the civil war the children in Liberia suffered a lot. It is important for the government to take initiative for the rehabilitation of the children on the street. According to the authors Liberia needs to take steps to ensure that children do not take part in any further conflicts and should be protected from any violation against their basic rights. Another respondent Eugena Robert, Line Manager, Juvenile Unit, WACPS, Liberia National Police Headquarters, Monrovia stated in her interview emphasized on a similar point related to the responsibility of the government

These were some of the findings extracted through the analysis of the work. These results have answered all the major themes, questions, and sub-questions related to this research work. Apart from these questions, there were a number of other themes that were explored in this research work. Some of them are discussed in the following section.

## **5.3 Principles and Practices for a child-friendly approach**

### ***5.3.1. Equality***

Implementing a CRBA to juvenile justice ensures children's integrity and rights are upheld through the provision of fair, open, and child-sensitive justice (No, 2005). A CRBA also ensures better compliance with human rights standards where juveniles are better served and protected by the juvenile justice system other than molested and harmed by the system that is supposed to protect them. To achieve equality in Liberia juvenile justice, one first respondent Cllr. Suahelous Sesay who is a legal professional with 15 years of experience as an attorney revealed the rights of children must be upheld in decision making by:

“Treating them as human and giving them rights to due process of the law, affording them the opportunity to be heard, respecting their view, granting them a speedy trial, and creating alternative measure void of detention and providing them save space. This can be done by building the capacity of justice actors dealing with children, providing them needed support to enhance their and making sure that their surroundings are clean and receptive to children” (Interview date: August 28, 2021).

Respondents add that at the court level and in police stations, children should be assigned social workers regularly to attend to their needs and be granted legal representation to protect their rights and dignity as human beings. Affording juveniles these privileges grant

them justice as human beings and minors, which play a vital role in shaping their response to the verdict or programs during and after conviction.

### ***5.3.2. Self-Development***

A significant way in which a CRBA enhances juvenile justice in Liberia is through self-development. Self-development in the justice system entails the provision of training, rehabilitation facilities, or educative programs that develop skills that are beneficial during and after remand. According to Howze et al. (2006), the majority of the juvenile offenders in Liberia are street children or juveniles involved in illegal fight groups. This type of child is prone to immorality, drug abuse, and lack guidance which make them violent and more prone to engage in criminal behaviours. Therefore, the adoption of a CRBA to juvenile justice would promote justice to juveniles by providing them with child-friendly facilities that implement rehabilitation services and training to mould them to be productive citizens and help reduce the crime rate in the country. Juveniles in the justice system also suffer from rejection and mental health. Therefore, integrating child-friendly approaches helps enhance the wellbeing of juveniles and create a productive and active generation of youths after serving their sentence (Howze et al., 2006).

The study respondents support the arguments by revealing that a CRBA to juvenile justice promotes juvenile justice by supporting children through environmental and community management teams, recreation centres, and after-school pro-grams that help deviate their attention from crime and concentrate on self-development. A legal professional added that to promote juveniles, the government should provide full endorsement of children's justice strategies and resources that enhance self-development and reduce the crime rate. One respondent Mr. Foday Kawah revealed that:

“Full endorsement of the national child justice strategies draft that was recently supported by UNICEF by implementation it, having rehabilitation centre for juvenile and after school program, save-homes, fighting trafficking and other activities to reduce issues that bring children in conflict with the law...Making sure that juveniles are given due process, they are allowed to speak out about the rights and seek redress in a timely manner” (Interview date: 3rd Sep, 2021).

This is an excellent insight from an experienced social worker who has been dealing with juvenile justice related issues throughout his career. It is critical for Liberia to work on the self-development of the youth that has been constantly coming into conflict with the law over the past two decades since the ending of war.

### ***5.3.3. Care***

A CRBA to juvenile justice in Liberia can promote justice for juveniles by offering care to the youths. Care based on a CRBA entails implementing measures to protect juveniles against harsh conditions in remands or when in conflict with the law. An example of care for juveniles is developing well-trained monitoring teams to monitor juveniles during follow up proceedings, assessing whether they fully understand their rights and are appointed counsel, or whether there are alternative actions to imprisonment (Broberg & Sano 2018)

The study respondents add that justice through the care of juveniles can be implemented by separating adult correctional facilities with those of juveniles and supporting and training staff to attend to convicted juveniles. Also, it is essential to make sure the in-camera hearing of children issues and that detention is the last decision in juvenile cases. Although such measures are barely implemented in the Liberia juvenile justice, adopting the strategies can enhance the quality of life and justice for juveniles.

The identified theme is in line with the reviewed literature, which reveals that the development of prison visitation and detention monitoring team in juvenile courts and ensuring the proper, uniform execution of the Juvenile Procedures Code by all judicial officials with jurisdiction over Youth cases through legislative support and drafts of the written Rules of the Youth Court enhance justice (Howze et al., 2006). Some of the proposed reforms include the provision of high-quality, credible evidence for young people services in the system of youth justice; reduce ethnic/racial disparities; retention of most of the juvenile offenders in the system of juvenile justice in-stead of transfer to the justice system and improved service provision (Secretariat 2006).

Presently, Liberia's juvenile justice systems do not employ a CRBA which leaves juvenile offenders in a fragile state for they are prone to mistreatment from adult inmates, lack of an opportunity to be heard and unfair verdicts. However, it is evident that implementing a CRBA could revolutionize the juvenile justice system in Liberia. Although it will be challenging for the Liberian government to implement all the proposed CRBAs, it is vital to be attentive to promoting justice for juveniles through fair verdicts in accordance with human rights.

#### **5.4. Reducing hostility to juveniles**

Over the course of this research work, it was seen that a number of people within the justice infrastructure are hostile towards juveniles, and sometimes this takes the form of treating juveniles as if they were adults. Children aged 16 or 17 years old can realistically be treated as almost-adults by the justice system and receive sterner punishments. However, steps need to be taken to reduce hostile attitudes towards all juveniles, including 16–17-year-olds, and to promote better understanding of child laws, the need for separate facilities, and trained manpower in future.

#### **5.5. Promoting parents' responsibility**

Based on the analysis and results it was seen that the parents are reluctant to go after their own children that come in conflict with the law. This can be due to a number of factors. Some of these factors were highlighted by the analysis of question number 14 in the above section. Teen pregnancy in Liberia is a massive issue. Teens give birth to children they cannot support, and a huge number of these children end up on street. These children then indulge in criminal activities while their parents are not financially stable enough to look after them. Moreover, a poor check and balance system mean that parents who do go after their children have to pay bribe or money to the justice actors to get their children out of jail. Poverty and economic condition of parents is the major reason why parents do not go after their children in conflict with the law.



## **5.6. Ensuring Juveniles have a Voice**

One major aspects of this research was to analyse how juveniles can be provided with a voice in the current judicial environment. To answer this question, one would need to consider the opinions of children who have already come into conflict with the law and have been through the juvenile justice system. A number of teenage respondents who were in their juvenile age when they came in conflict with the law were interviewed for this study. Based on their statements I was able to verify already existing themes in this research work.

### ***5.6.1. Importance of Child Friendly spaces***

According to a number of juvenile respondents it was critical to provide child friendly spaces in order to provide voice to the children. According to them their confidence and upbringing suffers to a greater extent as they have to stay in close contact with adult criminals. Moreover, apart from the detention facilities the importance of recreation facilities cannot be denied. According to Francis Koromo, a juvenile who had dealt with the Liberian justice system, he stated in his interview.

“My recommendation is for government to build special place for children with school to help those of us that things are hard/difficult on. We do not want to steal but again things are hard for our parents and getting food to eat is hard and no neighbours wanting to help or government” (Interview Date: Aug 31, 2021).

Clarence Yeh was another interview participant who also highlighted this feature. Another aspect highlighted in the interviews was poverty. Most children in Liberia live in poor conditions, struggling for survival. They have very limited access to education. The juvenile that comes into conflict with the law can be given a voice by providing them education facilities. Saad, who has been in detention, stated in his interview.

“I want government to take care of children that go to jail and make sure that our families are informed about their well-about. Build good places for us like school, playground, trade school in jail, that when you leave from here, we can do something to help yourself and your mother” (Interview Date: Aug 30, 2021).

This could be a successful initiative for the Liberian government, since by providing education for these children, they can be encouraged to avoid spending time with adult and child criminals. They will be able to better understand the consequences of their actions and see some reason for not returning to criminal activities and not returning to jail.

Mary Kollie, who was a female juvenile respondent, highlighted a different dimension and weakness of the juvenile system. According to her women who come in conflict with the law have to face sexual harassment at multiple levels. “That government should build special place for women because the men here in the fence can always walk around our cell area and making noise at night” (Interview Date: Aug 24, 2021).”

Liberia is a poor country and separation between the male and female detention facilities are not as good as they should be in many areas. This can cause serious depression, anxiety and trauma among female inmates. They can be given confidence and a voice by providing

them separate facilities and attention. This is even more vital for young females that come in conflict with the law and have to deal with Liberian justice system.

## Chapter 6: Conclusions and Recommendations

### 6.1. Summary

This chapter provide a comprehensive overview of the main research findings and presents a number of recommendations that could help improve the justice infrastructure and child rights situation in Liberia. A tentative framework for implementation of a CRBA to juvenile justice is suggested.

As far as a child-friendly approach and spaces for children's voices are concerned, there was an evident sense of awareness among justice sector professionals, about their responsibilities in relation to children's rights. Most were adamant that having children detained with adult criminals was having severely damaging effects on children's upbringing and outcomes. It was suggested that when such children were released from prison, their behaviour became even worse. At the same time, in other respects, a serious lack of awareness among justice actors about the specifics of implementation of children's rights in the justice system, also emerged in this study. To overcome this, special training for police, judges and lawyers might enable them to become more comfortable with CRC principles and the basis for child-friendly rules, regulations and procedures.

Although there was certainly a sense of awareness among justice sector professionals of child rights issues, and recognition of the need for child friendly spaces, this was still divorced from the law and from international CRC standards. On paper, the legal provisions look fine, but their implementation in Liberian society is still far from acceptable. As far as a child-friendly approach is concerned, the juvenile justice system in Liberia barely operated according to a CRBA. This may be due to a lack of properly trained officers at police stations, lack of awareness on the part of the judiciary, poorly funded, overcrowded correctional facilities, all of which result in unjust practices, including poor conditions in detention, lack of legal aid, and lack of voice, among others. For justice in the juvenile system to be enhanced by integrating a CRBA, requires juveniles to be treated first of all as human beings and accorded basic rights as enshrined in Liberian Child Law and the CRC.

Regarding the legal consciousness of justice system actors, what emerged were some gaps in both understanding and training. This gulf means many juveniles have had to suffer treatment not in line with the law. To develop the legal consciousness of justice sector professionals, the Liberian government will need to organise seminars and special in-work training around the implementation of child-related laws and regulations.

The research further highlighted a number of different factors that hinder the delivery of justice for children. Delays in criminal justice proceedings are a major obstacle to improving juvenile justice. As a financially challenged country, it becomes extremely tough for poor families to keep up with court proceedings in Liberia. Furthermore, the lack of resources is also translated into other obstacles that hinder delivery of justice in a child-friendly way, including shortages of all kinds of materials and equipment, lack of trained manpower, inadequate salaries for the cost of living, lack of on-going training for professionals, including police, social workers, judges, and lawyers.

## 6.2. Recommendations

The research has analysed a number of reasons why juveniles are suffering and failing to exercise their rights within the Liberian juvenile justice system. Based on the findings a number of different recommendations could be implemented in different sectors to improve the situation of children in conflict with the law.

- the judicial system can be adjusted to deal with juvenile cases as a priority.
- Juvenile courts should be built, and more juvenile judges appointed
- Proper and on-going in-job training on CRBA should be provided for all justice sector professionals, including social workers, lawyers, police and judges.
- Children violators of the law should be able to access legal representation through the court.
- Separate detention facilities for juveniles need to be constructed.
- Recreation and education should be a priority both in detention and for at-risk youth, through youth centres.
- Government needs to exercise oversight to ensure the implementation of juvenile laws in practice.
- More public awareness about the legal rights of juveniles can also be promoted by government and NGOs.

Based on the interviews and literature, it emerged that providing better and separate facilities for detained juveniles was viewed as perhaps the single most important factor in the short-term. Children also cannot be expected to express themselves while in close vicinity with adult criminals, so this relates also to their voices being heard. If the Liberian government could arrange separate facilities and non-punitive rehabilitation centers for under age violators of law, this would satisfy a major concern of the justice sector respondents who were interviewed for this study.

The second most frequent suggestion was the need for training around juvenile laws and child rights, for judges, lawyers, and police officers in particular. It was hoped this would improve the situation for children coming into contact with these professionals. With such training, again it might be possible for children in the juvenile justice system to overcome their fears and express their views fully.

A third factor was the need for educational activities and recreation centers for children at risk. Recreation centers are important also to prevent crime and help with the upbringing of children. Children generally deserve to have such facilities, and they are also important in detention for children's rehabilitation, to steer them away from criminal activities. Other recommendations from interviewees, included preventing child trafficking, an increased budget for child rehabilitation, and better medical facilities in correction facilities where children are held.

## References

- Abramowitz, S. and Moran, M.H., 2012. International human rights, gender-based violence, and local discourses of abuse in post-conflict Liberia: a problem of “culture”? *African Studies Review*, 55(2), pp.119-146.
- Ansell, N., 2016. *Children, youth and development*. Routledge.
- Assembly, U.G., 1989. Convention on the Rights of the Child. United Nations, Treaty Series, 1577(3), pp.1-23.
- Bernuz Beneitez, M.J. and Dumortier, E., 2018. Why children obey the law: Rethinking juvenile justice and children’s rights in Europe through procedural justice. *Youth justice*, 18(1), pp.34-51.
- Bosisio, R., 2012. Children’s right to be heard: What children think. *The International Journal of Children's Rights*, 20(1), pp.141-154.
- Bottoms, B.L., Najdowski, C.J. and Goodman, G.S. eds., 2009. *Children as victims witnesses, and offenders: Psychological science and the law*. Guilford Press.
- Broberg, M. and Sano, H.O., 2018. Strengths and weaknesses in a human rights-based approach to international development—an analysis of a rights-based approach to development assistance based on practical experiences. *The International Journal of Human Rights*, 22(5), pp.664-680.
- Braun, V., & Clarke, V. (2012). Thematic analysis. In H. Cooper, P. M. Camic, D. L. Long, A. T. Panter, D. Rindskopf, & K. J. Sher (Eds.), *APA handbooks in psychology®. APA handbook of research methods in psychology, Vol. 2. Research designs: Quantitative, qualitative, neuropsychological, and biological* (p. 57–71). American Psychological Association. <https://doi.org/10.1037/13620-004>
- Brisman, A.L., 2012. *Legal Consciousness Among Youth at the Red Hook Community Justice Center* (Doctoral dissertation, Emory University).

Cachia, M. and Millward, L., 2011. The telephone medium and semi-structured interviews: a complementary fit. *Qualitative Research in Organizations and Management: An International Journal*.

Charter, A., 1990. *African Charter on the Rights and Welfare of the Child*. AU. Addis Ababa.

Cooper, H.E., Camic, P.M., Long, D.L., Panter, A.T., Rindskopf, D.E. and Sher, K.J., 2012. *APA handbook of research methods in psychology, Vol 2: Research designs: Quantitative, qualitative, neuropsychological, and biological*.

Cohen, S.S., Fry-Bowers, E., Bishop-Josef, S., O'Neill, M.K. and Westphaln, K., 2019. Reframing child rights to effect policy change. *Nursing outlook*, 67(4), pp.450-461.

Cooper, D.K., 1997. Juveniles' understanding of trial-related information: Are they competent defendants?. *Behavioral Sciences & the Law*, 15(2), pp.167-180.

Cornwall, A. and Nyamu-Musembi, C., 2004. Putting the 'rights-based approach' to development into perspective. *Third world quarterly*, 25(8), pp.1415-1437.

Covell, K. and Howe, R.B., 1996. Public attitudes and juvenile justice in Canada. *Int'l J. Child. Rts.*, 4, p.345.

Curley, N. and Mektepbayeva, S., 2014. Promoting Human Rights-based Approach towards Vulnerable Groups in Detention in the Middle East and North Africa Region.

Daly, A. and Rap, S., 2018. Children's Participation in Youth Justice and Civil Court Proceedings. Daly A. and Rap, S., 'Children's Participation in Youth Justice and Civil Court Proceedings. In: Ursula Kilkelly and Ton Liefwaard, *International Human Rights of Children* (Springer, 2018), Forthcoming, Leiden Child Law Research Paper.

De Berry, J., 2001. Child Soldiers and the Convention on the Rights of the Child. *The ANNALS of the American Academy of Political and Social Science*, 575(1), pp.92-105.

Donnelly, M. and Kilkelly, U., 2011. Participation in healthcare: the views and experiences of children and young people. *The International Journal of Children's Rights*, 19(1), pp.107-125.

Doob, AN and Roberts, JV, 1983. Sentencing: An analysis of the public's view of sentencing. Department of Justice, Canada = Department of Justice Canada.

Driver, C. and Brank, E.M., 2009. Juveniles' knowledge of the court process: Results from instruction from an electronic source. *Behavioral sciences & the law*, 27(4), pp.627-642.

Ewick, P. and Silbey, S.S., 1991. Conformity, contestation, and resistance: An account of legal consciousness. *New Eng. L. Rev.*, 26, p.731.

Fenton-Glynn, C., 2014. The child's voice in adoption proceedings: A European perspective. *The International Journal of Children's Rights*, 22(1), pp.135-163.

Freeman, M., 2007. Why it remains important to take children's rights seriously. *Int'l J. Child. Rts.*, 15, p.5.

Gallagher, M., Tisdall, K.M. and Davis, J., 2008. Reflecting on Children and Young People's Participation in the UK. *The International Journal of Children's Rights*, 16(3), pp.343-354.

.

Goldhagen, J., Clarke, A., Dixon, P., Guerreiro, A.I., Lansdown, G. and Vaghri, Z., 2020. Thirtieth anniversary of the UN Convention on the Rights of the Child: advancing a child rights-based approach to child health and well-being. *BMJ paediatrics open*, 4(1).

Goldhagen, J., Shenoda, S. and Dixon, P., 2019. Children and Armed Conflict: A Child Rights-based Approach to Prevention and Mitigation. In *An International Perspective on Disasters and Children's Mental Health* (pp. 363-387). Springer, Cham.

Gray, D.E., 2021. *Doing research in the real world*. Sage.

Grisso, T., 2000. What we know about youths' capacities as trial defendants.

Grisso, T., Steinberg, L., Woolard, J., Cauffman, E., Scott, E., Graham, S., Lexcen, F., Reppucci, N.D. and Schwartz, R., 2003. Juveniles' competence to stand trial: A comparison of adolescents' and adults' capacities as trial defendants. *Law and human behavior*, 27(4), pp.333-363.

Grisso, T.E. and Schwartz, R.G., 2000. *Youth on trial: A developmental perspective on juvenile justice*. University of Chicago Press.

Halliday, S. and Morgan, B., 2013. I fought the law and the law won? Legal consciousness and the critical imagination. *Current Legal Problems*, 66(1), pp.1-32.

Hegre, H., Østby, G. and Raleigh, C., 2009. Poverty and civil war events: A disaggregated study of Liberia. *Journal of Conflict Resolution*, 53(4), pp.598-623.

Howze, K.A., Henning, K.N., Kreston, S., Valcke, A., Mutia-Yanou, L.E., Mutiti, A. and Ibrahim, F., 2006. *Assessment of the Liberian Juvenile Justice System*. Available at SSRN 1811623.

Hollingsworth, K., 2014. *Re-imagining justice for children: A new rights-based approach to youth justice*. The Howard League for Penal Reform: Social Justice, Human Rights and Penal Policy Working Papers.

Holzer, E., 2013. What happens to law in a refugee camp?. *Law & Society Review*, 47(4), pp.837-872.

Howe, R.B. and Covell, K., 2005. *Empowering children: Children's rights education as a pathway to citizenship*. University of Toronto Press.

Howze, K. A., Henning, K. N., Kreston, S., Valcke, A., Mutia-Yanou, L. E., Mutiti, A., & Ibrahim, F. (2006). *Assessment of the Liberian Juvenile Justice System*. Available at SSRN 1811623.

Howze, K.A., Henning, K.N., Kreston, S., Valcke, A., Mutia-Yanou, L.E., Mutiti, A. and Ibrahim, F., 2006. *Assessment of the Liberian Juvenile Justice System*. Available at SSRN 1811623.



James, A. and Jenks, C., 1996. Public perceptions of childhood criminality. *British Journal of Sociology*, pp.315-331.

James, A. and Prout, A., 2003. *Constructing and reconstructing childhood: Contemporary issues in the sociological study of childhood*. Routledge.

Jarbo, M.C., 2001. *War experience, PTSD, and sequelae among adult Liberian immigrants who experienced the civil war as children or adolescents*. New York University.

Judiciary (2021). *THE JUVENILE COURT/ THE REPUBLIC OF LIBERIA*.  
<https://judiciary.gov.lr/juvenile-court/>

Kurkchian, M., 2011. Perceptions of law and social order: a cross-national comparison of collective legal consciousness. *Wis. Int'l LJ*, 29, p.366.

Krappmann, L., 2010. The weight of the child's view (Article 12 of the Convention on the Rights of the Child). *The International Journal of Children's Rights*, 18(4), pp.501-513.

Lansdown, G., 2005. *Can You Hear Me? The Right of Young Children to Participate in Decisions Affecting Them*. Working Papers in Early Childhood Development, No. 36. Bernard van Leer Foundation. PO Box 82334, 2508 EH, The Hague, The Netherlands.

Lansdown, G., 2011. *Every child's right to be heard: a resource guide on the UN committee on the rights of the child general comment no. 12*. London: Save the Children/United Nations Children's Fund.

Lansdown, G., Jimerson, S.R. and Shahroozi, R., 2014. Children's rights and school psychology: Children's right to participation. *Journal of school psychology*, 52(1), pp.3-12.

Leskoviku, M. and Prence, M., 2015. Access to Justice for Children, an Evolving Concept. *Mediterranean Journal of Social Sciences*, 6(3), p.103.

Liberia Trial by Ordeal. Available at <https://reliefweb.int/report/liberia/liberia-trial-ordeal-makes-guilty-burn-undermines-justice>. Last accessed July 25, 2021.

Liebling-Kalifani, H., Mwaka, V., Ojiambo-Ochieng, R., Were-Oguttu, J., Kinyanda, E., Kwekwe, D., Howard, L. and Danuweli, C., 2011. Women war survivors of the 1989-2003 conflict in Liberia: the impact of sexual and gender-based violence. *Journal of International Women's Studies*, 12(1), pp.1-21. (done)

- Liefwaard, T., 2019. Access to justice for children: Towards specific research and implementation agenda. *The International Journal of Children's Rights*, 27(2), pp.195-227.
- Liefwaard, T. and Doek, J.E., 2015. Litigating the Rights of the Child: Taking Stock after 25 Years of the CRC. In *Litigating the Rights of the Child* (pp. 1-11). Springer, Dordrecht.
- Liefwaard, T., 2015. Child-friendly justice: protection and participation of children in the justice system. *Temp. L. Rev.*, 88, p.905.
- Liefwaard, T. and Kilkelly, U., 2018. Child-friendly justice: past, present and future. In *Juvenile Justice in Europe* (pp. 57-73). Routledge.
- Liu, M., 2017. War and children. *American Journal of Psychiatry Residents' Journal*, 12(7), pp.3-5.
- Lynch, N., 2018. "The other child"—the rights of the child victim in the youth justice system. *The International Journal of Children's Rights*, 26(2), pp.228-250.
- McCormack, F., 2017. Gender, transitional justice and justice sector reform in Liberia: final research report.
- McCafferty, P., 2017. Implementing article 12 of the United Nations convention on the rights of the child in child protection decision-making: A critical analysis of the challenges and opportunities for social work. *Child Care in Practice*, 23(4), pp.327-341.
- Merry, S.E., 1990. *Getting justice and getting even: Legal consciousness among working class Americans*. University of Chicago Press.
- Ministry of Justice 2019, Child Justice. <http://moj.gov.lk/administration/child-justice/>
- Mitchell, R. and Moore, S., 2011. Theorising rights-based restorative justice: The Canadian context. *The International Journal of Children's Rights*, 19(1), pp.81-105.
- National Research Council, 2013. *Reforming juvenile justice: A developmental approach*. National Academies Press.
- No, C.G.C., 2005. 6: treatment of unaccompanied and separated children outside their

country of origin. above note 103, para. 61.

Nyamu-Musembi, C. and Cornwall, A., 2004. What is the "rights-based approach" all about?: perspectives from international development agencies.

Offenheiser, R. C., & Holcombe, S. H. (2013). Challenges and opportunities in implementing a rights-based approach to development: An Oxfam America perspective. *Non-profit and Voluntary Sector Quarterly*, 32(2), 268-301.

Patton, M.Q., 2007. Sampling, qualitative (purposive). *The Blackwell encyclopedia of sociology*.

Press, R.M., 2010. "Guided by the Hand of God": Liberian Women Peacemakers and Civil War. *The Review of Faith & International Affairs*, 8(1), pp.23-29. (done)

Rap, S.E., 2013. The participation of juvenile defendants in the youth court. A comparative study of juvenile justice procedures in Europe (Doctoral dissertation, Utrecht University).

Raji, S., 2017. Child Soldiering and its Implications for National Security in Liberia. *Acta Universitatis Danubius. Communicatio*, 11(2).

Roberts, J.V. and Doob, A.N., 1990. News media influences on public views of sentencing. *Law and Human Behavior*, 14(5), pp.451-468.

Sanjari, M., Bahramnezhad, F., Fomani, F.K., Shoghi, M. and Cheraghi, M.A., 2014. Ethical challenges of researchers in qualitative studies: The necessity to develop a specific guideline. *Journal of medical ethics and history of medicine*, 7.

Sarkar, M., 2017. Child Protection.

Save the Children. (2016). Child rights and Juvenile Justice: Best practices and lesson learned. Retrieved from <https://resourcecentre.savethechildren.net/library/child-rights-and-juvenile-justice-best-practices-and-lesson-learned-save-children-italy>

Secretariat, C., 2006. Towards Good Practice in Juvenile Justice Policy in the Commonwealth.

Segrado, C. (2016). Child rights and juvenile justice. Best practices and lessons learned from

save the children Italy national and international programs. [Online]. Available at <https://resourcecentre.savethechildren.net/node/16214/pdf/child-rights-and-juvenile-justice.pdf>

Shafi, A.A., 2020. Researching young offenders: navigating methodological challenges and reframing ethical responsibilities. *International Journal of Research & Method in Education*, 43(1), pp.1-15.

Schia, N.N. and De Carvalho, B., 2009. "Nobody Gets Justice Here!": Addressing Sexual and Gender-Based Violence and the Rule of Law in Liberia. Sierra Leone. Retrieved from <https://unsierraleone.files.wordpress.com/2014/04/sierra-leone-child-justice-strategy-2014-2018.pdf>

Springer, C.E., 1986. Justice for juveniles. US Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

Strategy, P.R., 2010. Republic of Liberia.

Sutherland, E.E., 2014. Listening to the child's voice in the family setting: From aspiration to reality. *Child & Fam. LQ*, 26, p.152.

Silbey, S.S., 2018. Legal culture and cultures of legality. In *Routledge Handbook of Cultural Sociology* (pp. 426-435). Routledge.

Thomas, J., Kavanagh, J., Tucker, H., Burchett, H., Tripney, J. and Oakley, A., 2007. Accidental injury, risk-taking behaviour and the social circumstances in which young people (aged 12-24) live: a systematic review.

Umbreit, M.S. and Armour, M.P., 2011. Restorative justice and dialogue: Impact, opportunities, and challenges in the global community. *Wash. UJL & Pol'y*, 36, p.65. (done)

UN 2007, Quarterly report on the human rights situation in Liberia. February - April 2007. human rights and protection section. <https://www.refworld.org/pdfid/47454d132.pdf>

UNICEF Liberia, Association of Female Lawyers (AFELL), Tall, A and Wesley, K. (2011). Children Involved with The System of Juvenile Justice. Retrieved from [https://www.unicef-irc.org/portfolios/documents/484\\_liberia.htm](https://www.unicef-irc.org/portfolios/documents/484_liberia.htm)

UNICEF. (2020). UNICEF calls for a child-friendly justice system. Retrieved from <https://www.unicef.org/gambia/press-releases/unicef-calls-child-friendly-justice-system>

United Nations Children's Fund (2004). JUSTICE FOR CHILDREN: DETENTION AS A LAST RESORT- Innovative Initiatives in the East Asia and Pacific Region. Retrieved from <https://gsdrc.org/document-library/justice-for-children-detention-as-a-last-resort/>

United Nations Committee on the Rights of the Child. (2006) Report of the Forty third session, day of the general discussion on the Child's right to be heard, recommendations, preamble.

Van Bueren, G., 1992. CHILD-ORIENTED JUSTICE—AN INTERNATIONAL CHALLENGE FOR EUROPE. *International Journal of Law, Policy and the Family*, 6(3), pp.381-399.

Van Hout, M.C. and Mhlanga-Gunda, R., 2019. Prison health situation and health rights of young people incarcerated in sub-Saharan African prisons and detention centres: a scoping review of extant literature. *BMC international health and human rights*, 19(1), pp.1-16.

Varma, K.N., 2006. Facing the offender: Examining public attitudes towards young offenders. *Contemporary Justice Review*, 9(2), pp.175-187.

Warner, J., 2015. Infants in orange: an international model-based approach to prison nurseries. *Hastings Women's LJ*, 26, p.65.

Wesley, KJ and Tall, A, ND, 'children involved with the system of juvenile justice: an overview'. [https://www.unicef-irc.org/portfolios/documents/484\\_liberia.html](https://www.unicef-irc.org/portfolios/documents/484_liberia.html)

## APPENDIX

Consent Letter Alieu M. Bility, MA Candidate

Dear Respondent,

REF: Consent letter

I am a student pursuing a graduate program in Development Studies, majoring in Human Rights, Gender and Conflict: Social Justice Perspectives, at the International Institute of Social Studies, Erasmus University, The Hague, The Netherlands. I would like to invite you to take part in my study that is part of my MA studies.

My dissertation is entitled “Toward Child-Right Based Juvenile Justice in Liberia: Justice Professionals and Legal Consciousness and I have identified you as an expert in this field. Therefore, I would like to warmly invite you to take part in this study. This will involve answering a short list of interview questions with my research assistant J. Donatus Cole, face to face, and in conformity with local regulations on COVID-19. I hope to benefit from your insights as someone who is working and has worked in juvenile justice issues in the Republic of Liberia. I aim to learn from your insights based on experience, expertise and training, and will share my research findings with you after completion. The study focuses on how cases involving minors aged 16-17 are held at the Monrovia Central Prison; I am especially interested in your experience of working with juvenile cases involving this age group. I am interested in how you see the problem and any solutions you may propose.

The short questionnaire takes 30-40 minutes to complete and will be completed in person by my Research Assistant at a time and location convenient for you. I am prevented from travelling to Liberia at this time, which is why I hope you will be willing to respond to the series of statements and questions in the interview document. When meeting with my Research Assistant, she/he will take notes in hard copy, anonymously, so that you can speak freely. The questionnaire focuses on legal and professional principles, but also on the very practical side of juvenile justice in Liberia.

I would like to stress that your participation in this research is voluntary, and that all efforts will be taken to protect your identity. All the answers I receive from you will be treated with utmost confidentiality. Although there is no monetary reward for participation, I would like to sincerely thank you in advance for your valuable assistance, and hope that the resulting study will help further reform the juvenile justice sector in Liberia.

Kindly sign below to affirm that you understand the study's primary aim and that you agree to take part, whilst retaining the right to withdraw without prejudice at any time, should you so wish. Thank you so much for your participation.

Respondent Signature:

Date:

Add your e-mail and/or WhatsApp here (in case you want to discuss this further).

## QUESTIONNAIRE

Please answer the questions as best you can. We are genuinely interested in your views and experiences. There is no right or wrong answer.

### Section A: Interview questions for professionals (Participant 1)

1. How long have you worked in your present profession?
2. What kind of training did you receive e.g. legal, social work, in-job training etc?
3. Do you work with 16–17-year-olds in trouble with the law?
4. Do you think children aged 16-17 are safe during the judicial process? Explain your answer please.
  
5. How do those in your profession try to uphold a child-friendly approach in the juvenile justice process?
6. What do you think are the main reasons children end up in prison?
7. What strategies and reforms could improve the situation for juveniles in trouble with the law in Liberia? Can you make some suggestions?
  
8. Kindly identify any child rights-based justice practice in your field of work.
9. What other child rights-based justice practices would you recommend in your field of work?
10. How do you ensure the judicial process is child friendly for the juveniles?
11. Do you think the Liberian correction centers for juveniles are children friendly in terms of sanitary and care?
12. Do you think the judicial process and practices offered in the correctional centers have an impact on the children behaviour and reform during and after remand?
13. What do you understand by a rights-based approach to juvenile justice?



14. Do you think the legal system hinders the delivery of child-based practices in the juvenile justice process?

15. What are your recommendations for improving the situation of children in the facility?

Thank you for your contribution.

Sincerely

#### Interview Questions for Juveniles

1. Were you able to contact your relatives or any other person about your arrest?
2. If the first facility was a police facility, how long did you stay there before you were brought to the court or second facility?
3. What were the reasons for being detained?
4. Were you provided with any information upon entering the facility?
5. Has anyone ever hurt you while in this facility or in any other detention facility?
6. In your opinion, does the dormitory you are currently staying have enough space and sanitation?
7. How many meals are you provided with per day?
8. Is there an education or training program in the facility?
9. Do you have access to medical care, and the materials necessary to meet your hygiene needs (soap, toothpaste, etc.)?
10. What are your recommendations for improving the situation of children in the facility?

