



CHILDREN BELOW THE AGE OF CRIMINAL RESPONSIBILITY IN
LIBERIA: MEASURES, RIGHTS, PROCEDURE, PARTICIPATION

National Report for AIMJF's Comparative and Collaborative Research.

Niños por debajo de la edad de responsabilidad penal en Liberia: medidas, derechos,
procedimiento, participación

Informe nacional para la investigación comparativa y colaborativa de la AIMJF

Enfants n'ayant pas atteint l'âge de la responsabilité pénale au Liberia: mesures, droits,
procédure, participation

Rapport national pour la recherche comparative et collaborative de l'AIMJF

Judiciary of Liberia

Abstract: The paper is part of a collaborative research organized by the International Association of Youth and Family Judges and Magistrates (AIMJF/IAYFJM) on children below the age of criminal responsibility. The article explains the applicable measures and the procedure adopted, the child's rights and his or her participation in the Protective and Justice System in Liberia.

Resumen: El documento es parte de una investigación colaborativa organizada por la Asociación Internacional de Juventud y Familia (AIMJF) sobre niños por debajo de la edad de responsabilidad penal. El artículo explica las medidas aplicables, el procedimiento adoptado, los derechos del niño y su participación en el sistema de protección y de justicia en Liberia

Résumé: Le document fait partie d'une recherche collaborative organisée par l'Association Internationale des Magistrats de la Jeunesse et de la Famille (AIMJF) sur les enfants n'ayant pas atteint l'âge de la responsabilité pénale. L'article explique les mesures passibles d'application et la procédure adoptée, les droits des enfants et leur participation dans le système de protection et de justice au Liberia.

Introduction

The International Association of Youth and Family Judges and Magistrates (IAYFJM or AIMJF, in the French and Spanish acronym) represents worldwide efforts

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to establish links between judges from different countries, promoting transnational judicial dialogue, in order to provide better conditions for a qualified attention to children based in a human rights approach.

To do so, AIMJF organizes research on international problems facing the operation of the courts and various laws relating to youth and family and training programs.

The aims of this research are to identify similarities and discrepancies among countries and to develop a cartography of measures, procedure, rights and participation of children below the minimum age of criminal responsibility.

This national report is based on a questionnaire prepared by AIMJF.

QUESTIONNAIRE:

1. general information

1.1. What is the minimum age of criminal responsibility in your country (the **age of criminal responsibility** is the age below which a child is deemed incapable of having committed a criminal offense, it can also be referred as age of accountability, **age of responsibility**, and **age of liability for children and it is different of the age when a person becomes an adult**)?

Respond: In Liberia, the minimum age of criminal responsibility (MACR) is legally set at 16 years. However, children below this age are still subjected to criminal liability in practice. In its 2012 Concluding Observations, the Committee on the Rights of the Child (CRC) recommended that Liberia harmonize its MACR with internationally acceptable standards by lowering it to no less than 14 years. The Committee further advised that Liberia adopt a single, clear MACR to ensure that children under 16 who commit offenses

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are processed through the Juvenile Court Procedural Code and subjected only to protective and educational measures (CRC/C/LBR/CO/2-4, 2012).

Despite legal reforms, contradictions remain. The Penal Code still permits capital punishment and life imprisonment for children under 18, which directly conflicts with the Children's Law. The latter abolishes such penalties for minors and introduces progressive provisions, including diversionary measures, the right to a fair trial, and specialized training for juvenile justice personnel. Notably, children who commit offenses below the age of criminal responsibility are legally exempt from criminal liability.

1.2. Is there more than one minimum age of criminal responsibility? Which one? Is it possible to apply the 'doli incapax rule' in your country (possibility of demonstration that the child is sufficiently mature and capable to understand that the behavior was an offense and therefore could be criminally responsible)?

Respond: The minimum age for criminal responsibility in Liberia is 16 years. However, there have been discussions and varying interpretations in practice, with some instances where children as young as 7 - 17 years have been implicated in legal matters. The law, however, generally sets the age of criminal responsibility at 16 years, in line with international child protection standards.

2. age assessment

2.1. In case of application of the 'doli incapax rule', how is this assessment made? Is there a specific methodology for this evaluation? A protocol on how to evaluate? Who assesses the child? Is the child heard in this procedure? Does the child have legal assistance in this situation? Is it possible for the child to challenge the conclusions of this assessment?

Respond: A child under twelve is prohibited from testifying against his or her parents or any person with whom he or she resides, except where the child's interest is involved.¹ Typical evidence often involves physical evidence gathered from the victim and the suspect. In the case of prosecution for sexual abuse, after the victim visits a clinic and consents, the police may request that his or her clothes and underwear be submitted as

¹ Liberian Code of Laws Revised, Title 1 – Civil Procedure Law, § 25.18.





evidence.² Also, with consent, the police may take pictures of the victim's injuries.³ Obtaining evidence from a suspect is more complicated, and absent consent, requires that the police obtain a warrant.⁴ Moreover, the proceedings concerning juveniles are conducted at separate hearings and without a jury. The hearing is conducted in private, and the general public is excluded. Only such persons who have a direct interest in the case or the work of the court are allowed to attend the proceedings.⁵

2.2. In case of necessity of age assessment (due to a lack of birth registration), how is this assessment made? Is there a procedure? Is the child heard in this procedure? Does the child have legal assistance in this situation? Is it possible for the child to challenge the conclusions of this assessment?

Respond: *Liberia lacks a formalized, nationally codified age assessment procedure. In the absence of a birth certificate or other official documentation, authorities often rely on visual assessments, including evaluations of physical appearance and perceived maturity. In many cases, social workers, police officers, or magistrates estimate a child's age based on interviews and general observations, an approach that is often highly subjective.*

Since age verification remains a critical issue within the justice system, largely due to the lack of birth certificates for many children in contact with the law, the Government will

² The Carter Center & Ministry of Justice of Liberia, *Prosecutor's Handbook on Sexual Assault and Abuse Protection*, p. 67. Available at: http://www.cartercenter.org/resources/pdfs/peace/conflict_resolution/liberia/SGBV-ProsecutionHandbook-v1.pdf.

⁵ Liberian Code of Laws Revised, Title 17 – Judiciary Law, § 11.52 (1972)

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work with the Liberia National Police and the Ministry of Justice to introduce standardized procedures for age estimation by international guidelines. This initiative will include developing policies and/or guidelines for age verification, drawing from the demobilization experiences of former child soldiers and other relevant case studies (MGCSP & Ministry of Justice, 2020).

3. police intervention

3.1. In case a child under the minimum age of criminal responsibility commits an act considered as a crime, is he/she brought to a police station? Is it mandatory to do so? If not, in which situations is it necessary to be brought to the police station?

*Respond: According to Liberia's Children's Law (2011) and relevant international standards, children below the minimum age of criminal responsibility (MACR) should not be subjected to criminal proceedings. These children are presumed not criminally responsible. Therefore, the appropriate response must focus on social welfare, psychosocial support, and child protection interventions rather than formal criminal justice processes. This approach aligns with the principles outlined in **Chapter V (Child Justice System)** of the Children's Law, which emphasizes rehabilitation, diversion, and the protection of children's rights within justice procedures.*

3.2. In case the child is brought to the police station, what is expected from the police to do? What are the legal guarantees for the child in this context? Is it possible, in any circumstance, that the child be imprisoned, even for a very short time? In this case, how long is it possible for the child to be deprived of liberty?

Respond: If a child is brought to a police station in Liberia for an alleged offense, the police must follow the Children's Law (2011), including promptly notifying a child protection officer, probation officer, or social worker, and informing the child's parents or guardians, as outlined in Chapter V, Section 5.2.

4. measures

4.1. In case a child below the minimum age of criminal responsibility has committed an act considered as a crime, is it possible to impose any kind of measure? Which one?

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Respond: In Liberia, if a child below the Minimum Age of Criminal Responsibility (MACR), 16 years, commits an act considered a crime, the child cannot be prosecuted or held criminally responsible. However, protective and rehabilitative measures may be applied. The Children’s Law of Liberia (2011) allows for non-punitive responses such as referral to child protection services, counseling, family support, and community-based rehabilitation or education programs. Diversion initiatives may also be used to prevent reoffending and support reintegration. These interventions focus on the child’s well-being and social reintegration, as emphasized in Section 5.5 of the Children’s Law, promoting restorative over punitive approaches.

4.2. Is it possible to impose an out-of-home placement (such as alternative care, in institution or foster family; in health facilities, for instance)? in which circumstances? For how long?

Respond: Yes, in Liberia, out-of-home placement such as in foster care, residential institutions, or health facilities is permitted under specific circumstances in line with the Children’s Law of Liberia (2011). This may occur when a child is abandoned, abused, in need of protection, or requires medical or psychological care unavailable at home. Placement must serve the child’s best interests and is considered a last resort. The duration must be as short as necessary, regularly reviewed by competent authorities, and prioritize family reunification. Options include foster care, kinship care, and institutional care, with children encouraged to participate in decisions affecting their placement.

5. procedure

5.1. Who imposes such measures?

Respond: In Liberia, out-of-home placements and protective measures for children are imposed by the Juvenile Court. The Child Welfare Committees may recommend interventions, while the Ministry of Gender, Children and Social Protection (MOGCSP) implements and monitors these measures through child protection officers and social workers.

5.2. Is there a legal procedure for the determination of these measures? What is the nature of these procedures? Can you describe it succinctly?

Respond: Liberia has a legal procedure for determining protective measures for children, including out-of-home placements, as outlined in the Children’s Law of Liberia (2011). These procedures are judicial and administrative, involving a hearing before the Juvenile Courts where the child’s best interests are paramount (CRC Art 3.1). The process may include notification of parents or guardians, the child’s right to be heard (CRC.Art.12), and involvement of child

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protection officers. Decisions are made based on evidence of the child's need for protection, with regular reviews to ensure the measures remain appropriate and in the child's, best interest.

5.3. Is it possible to adopt alternative resolution mechanisms in these situations, such as mediation or restorative justice?

Respond: Yes, Liberia's Children's Law (2011) encourages the use of alternative dispute resolution mechanisms, including mediation and restorative justice, as outlined in the National Diversion Guidelines, particularly in child protection and juvenile justice cases. These approaches aim to resolve issues amicably, promote reconciliation, and support the child's reintegration within the family and community. The law prioritizes non-adversarial, child-friendly processes that respect the child's best interests and foster healing rather than punishment (Government of Liberia, Children's Law, 2011).

6. assessment

6.1. Is there any kind of assessment of the child for the imposition of such measures (on vulnerabilities, risk, rights violations)? Who assesses the child? Is there a protocol or guideline on how to assess the child? Can you please share it?

Respond: In Liberia, assessments of children's vulnerabilities, risks, and rights violations are recommended before imposing protective or diversionary measures, ensuring that interventions prioritize the child's best interests. These assessments are typically conducted by social workers, child protection officers, or trained juvenile justice personnel, often in collaboration with health professionals. While Liberia lacks a fully formalized national procedure, the National Diversion Guidelines provide protocols for assessing children in conflict with the law, emphasizing non-adversarial, child-friendly approaches (Government of Liberia, 2018). These frameworks aim to safeguard children's rights and promote rehabilitation rather than punishment.

7. legal and procedural guarantees

7.1. What are the rights of the child in this procedure (legal and procedural guarantees)?

Respond: In Liberia, children involved in protection or juvenile justice procedures are guaranteed rights under the Children's Law (2011) and related frameworks. These include the right to be heard, legal representation, privacy, and non-discrimination. The child's best interests must guide all decisions, ensuring protection from harm and promoting rehabilitation over punishment. Procedures should be child-friendly, age-appropriate, and conducted promptly and fairly. These legal and procedural guarantees

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aim to safeguard the dignity, rights, and well-being of children throughout the process (Children law of Liberia, 2011).

7.2. Does the child have the right to refuse any of these measures? Or to challenge in court any of these measures?

*Respond: Yes. Under Liberia's Children's Law (2011) and its Juvenile Court Procedural Code (1972): A child may **refuse** to consent to diversionary or custodial measures imposed without due process; and they are entitled to legal representation (Section 11.91) and to have their views heard in proceedings.*

7.3. What happens if the child does not fulfill the obligations inherent to these measures?

*Respond: If a child in Liberia fails to fulfill obligations under alternative or diversionary measures, the **Juvenile Court will supervise compliance**, may issue **warnings**, and request **progress reports** from guardianship or probation officers. Under the Juvenile Justice Law, non-compliance can lead to the **substitution of the current measure with another**, potentially more intensive one (e.g., from simple supervision to increased monitoring)*

8. the role of the justice system

8.1. Is it possible in your country that the justice system gets involved in these situations? In which situation (vg. to impose the measure or to review it, in case of resistance by the child or his/her family, or to impose some child protection order)? For what purpose? Which branch of the justice system is involved (youth court, family court, child protection court, criminal court...)?

Respond: Yes, it is possible in my country for the justice system to get involved in several ways: by imposing or reviewing measures such as diversion, probation, or child protection orders when a child or their family resists or fails to comply; or by protecting the child's rights, including intervention in cases of abuse, neglect, or conflict with the law. This is based on the Children's Law (2011) and the Juvenile Procedural Code (1972). The Juvenile Court, or a magistrate acting in that capacity in counties outside Montserrado, holds exclusive jurisdiction over such proceedings.

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8.2. In case of involvement of the justice system, can you briefly describe the procedure?

Respond: When the Liberian justice system intervenes in juvenile cases, it may follow a structured process under the Children's Law 2011 and the Juvenile Procedural Code 1972. First, the Ministry of Justice's Child Justice Section, together with social workers and probation officers, may assess whether to divert or proceed formally in profiledailynews.com+2moj.gov.lr+2thenewsnewspaperonline.com+2. If formal action is needed due to non-compliance, abuse, neglect, or serious offense, the Juvenile Court (in Monrovia) or a Magisterial Court (in other counties) may initiate legal action.

8.3.. What are the rights of the child in this procedure? Does the child have the right to legal assistance? The right to appeal against any kind of decision?

Respond: Children in Liberia's juvenile justice system are legally protected with key rights under the Children's Law (2011) and Juvenile Procedure Code (1972): Legal representation to be heard and the Right to appeal.

9. assistance or support

9.1. Besides the measures imposed to children, are there other kind of assistance available on a voluntary basis (social, psychological, medical)?

Respond: Yes. In Liberia, children may also receive voluntary social, psychological, medical, and educational support, provided by both government and NGOs: Ministry of Gender, Children & Social Protection (MoGCSP), in partnership with UNICEF and NGOs like Defence for Children International-Liberia (DCI-Liberia), that may provide psychosocial support, child protection clubs, community welfare committees, and referral services for abuse or neglect cases.

10. child participation

10.1. Is the child heard in this procedure? By whom? At which stage of the procedure?

*Respond: Yes, in Liberia, children involved in the juvenile justice system have the right to be heard at various stages of the procedure. This right is enshrined in the **Children's Law of 2011**, which mandates that children be informed of the proceedings in a language*

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they understand and be allowed to express their views, either directly or through a representative such as a guardian ad litem or legal counsel. This ensures that the child's perspective is considered in decisions affecting their welfare.

*The **Juvenile Court**, which has original jurisdiction over juvenile matters, is responsible for hearing cases involving children. However, it's important to note that while the law provides for these rights, challenges such as limited resources and infrastructure can impact the practical implementation of these provisions. For instance, as of 2024, only Montserrado County has a fully constituted Juvenile Court, with other counties relying on Magisterial Courts to assume juvenile court jurisdiction when necessary.*

10.2. Is the child heard more than once in this procedure? How many times?

Respond: Under the current Liberian law, specifically the Juvenile Procedure Code §11.53, the court officially references two hearings in juvenile cases in Liberia: Adjudicatory hearing (to determine whether the child committed the offence), and Dispositional hearing (to decide the appropriate measure).

10.3. Is there a protocol or guideline on how to hear the child in this situation? Can you please share it?

*Respond: Liberian law doesn't yet include a detailed national protocol on precisely how to hear children in juvenile proceedings. However, the **Juvenile Procedure Code** (§ 11.53) requires courts to conduct **adjudicatory** and **dispositional hearings**, ensuring the child can participate.*

11. legal implications

11.1. Is there any record of legal infringement committed by children below the age of criminal responsibility? When the child reaches the age of criminal responsibility, are these records taken into consideration?

*Respond: According to the law, Article IX, Section 3.1: A child shall not be subjected to pre-trial detention, including remand, unless all other measures for dealing with the child pending trial have been exhausted. At all stages of investigation and prosecution involving a child, diversionary measures must be considered, with the guidance of probation officers, social workers, or other appropriate service providers. The imprisonment of a child is permitted only when no alternative corrective measures are available. However, once a child reaches the age of 16, the **doli incapax** defense no*

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longer applies, and any future offenses may be prosecuted and could result in a criminal record. Importantly, behavior committed before the age of 16 is not held against the individual, as they are not considered criminally responsible under the law.

On the contrary, a child between the ages of 7 and 16, a child may be regarded as a juvenile delinquent. Nevertheless, according to Penal Code § 4.1, children under 16 are not criminally liable. Therefore, while they may undergo juvenile proceedings, such cases do not create criminal records.

11.2. In case of damages, what kind of rights and remedies does the victim have regarding the child and the family? Besides financial reparation, does the victim have the possibility to have a say on the measures applied to the child?

*Respond: According to the **Children's Law (2011)** and CRC standards, in Liberia, victims may receive financial compensation, return of property, and psychosocial support through restorative justice or court orders. While no specific domestic statute spells it out, Liberia's Juvenile Code allows restorative measures, including restitution. In summary, victims have the right to **compensation and to be heard**, yet do **not direct judicial decisions** regarding child-friendly measures.*

12. reforms in progress

12.1. Are there ongoing reforms on this subject?

Respond: In January 2022, the Ministry of Justice, in collaboration with UNICEF and other CSOs such as DCI-Liberia, launched a five-year National Strategy Roadmap on Child Justice aimed at comprehensive reform. The strategy focuses on legal updates, improved case management, and alignment with international children's rights standards. Meanwhile, in December 2024, Liberia inaugurated its first child-friendly Juvenile Court in Montserrado County, accompanied by the strategic training of judicial actors, marking a significant procedural modernization consistent with the objectives of the 2022 strategy.

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