



# ELIMINATING AND ACCOUNTING FOR ABUSES AGAINST CHILDREN IN LIBERIA'S EDUCATION SECTOR

---



**A POLICY PAPER BY  
THE INTERNATIONAL HUMAN RIGHTS CLINIC @ HARVARD LAW SCHOOL**

## TABLE OF CONTENTS

<b>I. INTRODUCTION</b> .....	3
<b>II. EXECUTIVE SUMMARY</b> .....	4
<b>III. SCHOOL-LEVEL ABUSES AND EXPLOITATION OF STUDENTS IN LIBERIA</b> .....	5
A. SEXUAL EXPLOITATION OF FEMALE STUDENTS.....	5
B. THE PREVALENCE OF “HIDDEN FEES”.....	6
C. CHARGING FEES FOR PASSING GRADES.....	7
D. FORCING STUDENTS TO PERFORM PHYSICAL LABOR FOR TEACHERS’ BENEFIT.....	7
E. THE PREVAILING LACK OF POLITICAL WILL TO ADDRESS CORRUPTION IN EDUCATION.....	7
F. THE ULTIMATE IMPACT OF CORRUPT AND EXPLOITATIVE PRACTICES.....	8
<b>IV. RECENT GOVERNMENT REFORMS TO THE EDUCATION SYSTEM</b> .....	9
<b>V. CONTINUING VIOLATIONS OF CHILDREN’S FUNDAMENTAL HUMAN RIGHTS IN LIBERIA’S</b> <b>EDUCATION SYSTEM</b> .....	9
A. THE RIGHT TO BE FREE FROM SEXUAL ABUSE AND EXPLOITATION.....	10
B. HOLDING PERPETRATORS ACCOUNTABLE – RESPECTING THE RIGHT TO AN EFFECTIVE REMEDY...12	
C. RIGHT TO EDUCATION.....	14
D. RIGHT TO BE FREE FROM CHILD LABOR.....	15
E. RIGHTS TO SURVIVAL AND DEVELOPMENT, AND WELFARE.....	16
<b>VI. RIGHTS-BASED APPROACHES TO DEVELOPING ANTI-CORRUPTION MEASURES IN THE</b> <b>EDUCATION SECTOR</b> .....	17
A. ACCOUNTABILITY AND PUNISHMENT FOR PERPETRATORS OF SEXUAL ABUSE.....	17
B. REALIZING STUDENT, PARENT AND COMMUNITY RIGHTS TO PARTICIPATION.....	17
C. REALIZING STUDENT, PARENT AND COMMUNITY RIGHTS TO INFORMATION.....	20
D. IMPROVING RECRUITMENT AND RETENTION OF FEMALE TEACHERS TO COMBAT SEXUAL EXPLOITATION.....	21
<b>VII. LESSONS LEARNED FROM COMPARATIVE COUNTRY INITIATIVES</b> .....	23
A. SCHOOL-BASED INITIATIVES.....	23
1. <i>INTEGRATING HEAD TEACHERS IN STAFF SUPERVISION</i> .....	23
2. <i>PEER-SUPPORT GROUPS OR “INTEGRITY CIRCLES”</i> .....	24
3. <i>STUDENT GROUPS</i> .....	25
B. COMMUNITY-BASED INITIATIVES.....	25
1. <i>CONSIDERING COMMUNITY-BASED PARTICIPATION WITH DECENTRALIZATION OF ACTIVITIES</i> .....	25
2. <i>ESTABLISHING INDEPENDENT AND TRANSPARENT COMMUNITY-BASED COMPLAINTS MECHANISMS</i> .....	26
C. REFORMS TO BE LED BY THE MINISTRY OF EDUCATION.....	27
1. <i>TEACHER MANAGEMENT SYSTEMS</i> .....	27
2. <i>NATION-WIDE SUPPORT FOR COMMUNITY-BASED COMPLAINTS MECHANISMS</i> .....	28
3. <i>NATION-WIDE SUPPORT FOR THE IMPLEMENTATION AND ENFORCEMENT OF A STANDARDIZED CODE OF CONDUCT</i> .....	28
4. ADEQUATE AND EFFECTIVELY DISTRIBUTED WAGES.....	29
<b>VIII. CONCLUSIONS AND SUGGESTED AREAS FOR LEGISLATIVE AND POLICY REFORM</b> .....	29

## **I. INTRODUCTION**

Stakeholders in Liberia agree, in significant measure, on the nature and gravity of problems affecting children, particularly girls, in the Liberian education system. In addition to challenges presented by limited resources, children in the nation's school system face a range of grave problems and rights abuses created by the inappropriate and often illegal behavior of teachers and administrators. The International Human Rights Clinic at Harvard Law School has been working with local civil society organizations and child protection agencies to identify the range of problems faced by children in the Liberian education sector and to support the development of policy-based responses that are informed by and consistent with human rights norms and practices.

This policy paper first charts the main contours of a framework for responding to the abuses faced by children, as well as other challenges presented by the current operation of the Liberian school system. In light of the broad consensus regarding the nature of abuses in Liberian schools, this report does not seek to quantify the frequency or intensity of violations. Neither does it seek to identify which teachers, administrators or others are most responsible for the range of abuses reported. Instead, our researchers sought to identify with a reasonable degree of specificity the types of abuses committed throughout the system. To do so, our researchers focused on identifying recurring problems that were raised in key informant interviews, rather than seeking to document and aggregate individual cases. In this regard, the research performed by our research team differs from the type of specific, investigative fact-finding that the IHRC ordinarily performs. However, given the purpose of this policy paper, this general understanding of the nature and dynamics of recurring abuses provides the necessary background for the policy analysis that is presented in the second part of this paper. Thus, following the identification of recurring problems in Liberian schools, this policy paper is able to outline rights-based approaches and specific policy-based responses that together should be considered as the Government of Liberia, and international agencies, reform the country's education system.

## **II. EXECUTIVE SUMMARY**

The commission of corrupt and exploitative practices by teachers and administrators is reportedly widespread in Liberia's education system. Students regularly face demands from educators in the forms of forced labor, sex and other practices in exchange for passing grades and other educational necessities. Moreover, essential school supplies, materials and other necessities appear rarely to reach students without the payment of additional fees, which are levied and recouped by educators and administrators.

The exploitation of students by teachers and education administrators constitutes criminal behavior and violates the rights of children to be free from exploitative practices prejudicial to their welfare, especially the right to be free from sexual exploitation. These practices also result in serious violations of their right to an education, as well as their rights to survival and development. Ultimately, corrupt and exploitative practices prevent children from attending school, which in turn undermines the overall welfare of Liberian society. To maintain the rule of law and protect the rights of Liberian children, it is imperative that measures to ensure accountability and prevention of such abuses be undertaken immediately by the Government of Liberia, with the support of donor and implementing agencies.

Prepared by the International Human Rights Clinic (IHRC) of the Human Rights Program at Harvard Law School, this paper presents preliminary findings on corrupt and exploitative practices that are perpetrated by education administrators and teachers in Liberia. These findings are based on key interviews conducted by a team from Harvard Law School's International Human Rights Clinic during October 2008 in Liberia, with government officials, current and former teachers and education administrators, members of non-governmental organizations, and civil society representatives and journalists. Selected focus group discussions were also conducted with secondary and post-secondary students situated in Monrovia and a town in Bong County, to gain a general understanding of exploitative practices students routinely face at the school and university level.

After highlighting commonly reported abuses, the second part to this paper identifies how corrupt practices in the education sector violate Liberia's international obligations to protect and promote the rights of children. In the third part of this paper, a two-pronged, rights-based response is urged to remedy the situation. First, professional codes of conduct and applicable criminal laws must be enforced to ensure the accountability and punishment of perpetrators. Second, widespread measures must be implemented to strengthen the delivery of education in Liberia and instill public ownership and oversight mechanisms in the sector. In so doing, this paper presents potential legal, policy and programmatic responses that are grounded in a rights-based approach and derived from comparative country experiences, which can be implemented at the school, community and national levels.

Ultimately, this paper aims to inform and direct current efforts being undertaken by the Ministry of Education to reform the education sector. Thus, this paper is written for a broad audience, including government ministries such as the Ministry of Education and the Ministry of Gender, as well as donor agencies, non-governmental organizations and implementing partners working on issues of child protection, anti-corruption, and education.

### III. SCHOOL-LEVEL ABUSES AND EXPLOITATION OF STUDENTS IN LIBERIA

*“It is an open secret the extent to which corruption is prevalent in the education sector – it is so widespread in impacting individuals.”<sup>1</sup>*

According to interviews conducted by IHRC researchers with students, parents, teachers and individuals from civil society, children attending Liberia’s primary, secondary and post-secondary institutions commonly face corrupt and exploitative practices. These sources reported the following abuses:

- Teachers demand certain payments or services in exchange for delivering passing grades for exams and classes, as well as in exchange for the release of grade sheets that are administratively required for students to continue to their next grade level.
- Amongst such ‘services,’ teachers, particularly male teachers in secondary schools, are known to sexually exploit female students, primarily by demanding sex in return for passing exams and advancing to the next grade level.
- School materials, including supplies provided for school-feeding programs, are sold for profit instead of being delivered to students and community beneficiaries.
- Teachers print or copy course materials and then require students to pay exorbitant prices for these class “packets,” profiting from the spread.

Under international human rights law, education should be provided in a protective and empowering environment for children.<sup>2</sup> The prevalence of school-level corruption and exploitative practices against children in Liberia violates their rights through a number of practices that are described below.

#### A. Sexual Exploitation of Female Students

Despite the end of the civil war, the commission of sexual violence against women and girls in Liberia has continued to be widespread, including in the classroom.<sup>3</sup> Female students routinely face demands of sex in exchange for passing grades or the release of their grade sheet.

IHRC interviewees provided an overwhelming number of examples of how female students are sexually exploited by male teachers, who threaten to withhold passing grades if their sexual advances are refused. The president of a local NGO who works on issues related to corruption in the education sector stated that the practice by teachers of ‘sex for grades’ can start as early as the Seventh grade, and in some cases even earlier. He noted that it is “prevalent at the day school, but it is especially prevalent at night school, which is supposed to be for those who fell

---

<sup>1</sup> IHRC Interview with President of a local non-governmental organization (NGO), Monrovia, Oct. 20, 2008.

<sup>2</sup> Committee on the Rights of the Child, *General Comment No. 1: The aims of education*, (twenty-sixth session, 2003), U.N. Doc. CRC/GC/2001/1 (2001), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.6 at 282 (2003), ¶2 (Noting that the Convention on the Rights of the Child, *infra*, demands that education be “child-centred, child-friendly and empowering, and ... highlights the need for educational processes to be based upon the very principles it enunciates.”).

<sup>3</sup> See, e.g. UNICEF, “Protecting girls and women from sexual violence in post-war Liberia,” (2008).

behind because of the war.”<sup>4</sup> Several female secondary students who participated in IHRC’s focus group discussions explained how teachers had made sexual advances towards them.<sup>5</sup> The sexual exploitation of female students creates a hostile environment; many female students interviewed described feeling uncomfortable while attending school. They also felt that they were at a disadvantage to male students, who do not have to choose between submitting to sexual advances and failing a course. Female students interviewed by our researchers said they knew of many girls who had dropped out of school because they were unable to cope with the sexual pressure from male teachers, and that it was not uncommon for at least one female student to become pregnant by a teacher each school year.<sup>6</sup>

Administrators appear to have taken little action to punish teachers who engage in sexual misconduct or to provide female students with adequate mechanisms to report such behavior. One university professor explained that “students are afraid of the repercussions, so they rarely if ever report sexual misconduct.” He noted that the “choices” that propositioned students have are to “tell their friends, change their major, or retake the class.”<sup>7</sup> A newspaper editor, however, noted that female students in secondary school have even fewer “options” than their counterparts at the university level.<sup>8</sup>

### **B. The Prevalence of “Hidden Fees”**

In IHRC interviews, students described how they and their parents paid additional fees charged by teachers and administrators for items such as publicly available textbooks, cheaply printed learning materials, grades and/or grade sheets and other basic school-related materials, locally known as ‘pamphlets’. Secondary school students participating in an IHRC focus group discussion explained that teachers charge exorbitant prices for learning materials where no textbooks exist: “We have to buy pamphlets from our professors; otherwise we cannot pass our exams. The professors charge huge costs for these. There is a place where teachers are supposed to be able to copy materials for us at school, for free, but they always say that it is broken so they have to go in town to make copies. Then they charge us 10 or 20 times what it costs them to make. Sometimes it’s cheaper to pay for an exam grade than it is to pay for the pamphlet, but then I haven’t learned anything.”<sup>9</sup>

In addition to paying for school materials, at multiple grade levels in secondary school, students must pay exam fees (i.e. for WAEC). Thus, although formal tuition costs for secondary education are maintained as affordable as possible for the Government, external or ‘hidden’ costs

---

<sup>4</sup> See also IHRC Interview with Newspaper Editor, Monrovia, Oct. 15, 2008 (expressing that “trading sex for grades is a major problem” and noting that it is exclusively male teachers who engage in this type of behavior.).

<sup>5</sup> IHRC Focus Group with Secondary School Students, Bong County, Oct. 22, 2008.

<sup>6</sup> IHRC Focus Group with Secondary School Students, Bong County, Oct. 22, 2008.

<sup>7</sup> IHRC Interview with Professor at the University of Liberia, Oct. 15, 2008.

<sup>8</sup> IHRC Interview with Newspaper Editor, Monrovia, Oct. 15, 2008.

<sup>9</sup> IHRC Focus Group with Secondary School Students, Bong County, Oct. 22, 2008. The problem is also prevalent at the university level. A student at AMEU in Monrovia explained, “The biggest problem that I face is all the money I have to pay for packets (pamphlets).” IHRC Interview with AMEU student, Name Withheld, Oct. 20, 2008. See also IHRC Interview with Newspaper Editor in Monrovia, Name Withheld, Oct. 15, 2008 (“When there are no textbooks for students [at the university level], professors download stuff from the internet (‘pamphlets’) and then sell a \$7 packet for \$120 to students.”); IHRC Interview with Professor at the University of Liberia, Oct. 15, 2008 (“Teachers print pamphlets and charge exorbitantly for them. It certainly affects the students, but we need textbooks to stop this.”).

render education cost-prohibitive for most children and their families. A child protection officer in Bong County working by an international non-governmental organization reported that the County Education Officer had been informed about the pamphlet-selling problem, for example, but no action had been taken.<sup>10</sup>

### **C. Paying Fees for Passing Grades**

IHRC interviews found that some teachers, particularly at the secondary level, exploit their positions and require students to pay for grades. Students at a high school in Bong County related that teachers generally initiate these requests – threatening to fail students if they do not pay such bribes. These students also explained that when students sometimes initiate such bribes, it is the result of related corruption, such as being unable to afford exorbitant prices of school pamphlets.<sup>11</sup> As one student stated: “Teachers’ salaries are very little – so we have to pay to supplement their salaries. [That is,] because of the government’s failures, we have to pay the teachers’ salaries.” Students at a secondary school in Bong County told researchers that the hidden costs associated with schooling are so high that “we cannot afford not to complete a grade level, so we pay the teachers what they ask.”<sup>12</sup>

### **D. Forcing Students to Perform Physical Labor for Teachers’ Benefit**

When students and their parents cannot afford to pay hidden fees, they are forced to find other means to do so. IHRC interviewees discussed how students are coerced into providing farm labor and other services for teachers in exchange for school-related benefits. One child protection officer explained: “In rural areas, students go on teachers’ farms to brush for the teacher; the teacher may threaten to fail them if they don’t. The teacher says: ‘If you want me to teach, who is going to work on my farm?’”<sup>13</sup> Another child protection officer in Monrovia related that teachers in rural areas force boys in particular to work on their farms: “This means both that children are not in class and that they are frequently doing activities detrimental to their health.”<sup>14</sup> Forced labor of children directly violates a range of rights, including the right to be free from subjugation to employment that is likely to interfere with development, including education.

### **E. The Prevailing Lack of Political Will to Address Corruption in Education**

Ultimately, the current prevalence of school-level corruption has denied many children their right to education and created an environment in which corruption, exploitation and abuse of power are the norm. This situation undermines the present anti-corruption efforts waged by the Government of Liberia. Unfortunately, there appears to be little political will on the part of relevant government actors to address the serious problem of corruption and abuse in the education system. A member of a civil society organization working with the education sector

---

<sup>10</sup> IHRC Interview with INGO Child Protection Officer, Bong County, Oct. 22, 2008.

<sup>11</sup> IHRC Focus Group with Secondary School Students, Bong County, Oct. 22, 2008. One stated: “Sometimes you do not have the money to buy a pamphlet at a specific time, so then you cannot take the test well because you could not learn the material; then you have to pay for your grade so that you do not fail; sometimes it’s cheaper to pay for the grade than to pay for the pamphlet, sometimes it’s just a matter of when you have money.”) *See also* Interview with Child Protection Officer, Monrovia, Oct. 23, 2008 (“Teachers, because of their low salaries, pay themselves from students, which of course severely impacts children’s ability to continue their education.”).

<sup>12</sup> IHRC Focus Group with Secondary School Students, Bong County, Oct. 22, 2008.

<sup>13</sup> IHRC Interview with a local NGO Child Protection Officer, Oct. 16, 2008.

<sup>14</sup> IHRC Interview with a Child Protection Officer, Monrovia, Oct. 23, 2008.

noted that “school administrators do not take these things very seriously. When reported, they tell the student to go and talk to the teacher”<sup>15</sup> – a largely useless suggestion, since the teacher is the perpetrator of the alleged abuse. A former secondary school teacher and current NGO worker likewise complained that “There is no real system of monitoring schools. There is both a lack of proper policies and a lack of will in terms of implementation.”<sup>16</sup>

In addition to violating the Government of Liberia’s obligations under international law, these practices violate domestic rules and regulations governing teacher conduct. For example, many in the education sector are affiliated with organizations and unions that have signed on to Education International’s Declaration on Professional Ethics.<sup>17</sup> Article 2 of the Declaration requires, among other things, that teachers “maintain professional relations with students,”<sup>18</sup> “take all possible steps to safeguard students from sexual abuse,”<sup>19</sup> and “ensure that the privileged relationship between teacher and student is not exploited in any way.”<sup>20</sup>

#### **F. The Impact of Corrupt and Exploitative Practices**

When primary school children are forced to pay or work for grades, their schooling is not provided “free” of charge.<sup>21</sup> Similarly, secondary schooling cannot be considered available and accessible to all when teachers are able to demand bribes for grades or excessive prices for course materials.<sup>22</sup> All students participating in the Bong County focus group discussions complained that hidden costs to education are the biggest impediment they face to attending school. They explained how hidden costs for a year are frequently 20 or more times the formal tuition fees.<sup>23</sup> Thus, when teachers engage in activities such as demanding that students pay exorbitant prices for school materials, “access to education is not based on standards of equality but on ability to pay a bribe, which amounts to discrimination and corruption.”<sup>24</sup>

The prevalence of abusive practices in the education sector deny Liberian children their basic rights under international law, and obligate the Liberian government to implement measures to address these practices. These rights are discussed in detail in this paper. The remainder of this paper considers rights-based approaches, as well as lessons from comparative country

---

<sup>15</sup> IHRC Interview with the Director of a local NGO, Monrovia, Oct. 20, 2008.

<sup>16</sup> IHRC Interview with a former teacher and NGO worker, Monrovia, Oct. 20, 2008.

<sup>17</sup> Liberia affiliates include the Liberia National Educational Workers’ Union (LINEWU); National Teachers’ Association of Liberia (NTAL), and Association of Liberian Professional Organizations (ALPO).

<sup>18</sup> Education International (EI) Declaration on Professional Ethics, art. 2(4), July 24, 2004, *available at* <http://www.ei-ie.org/library/en/display.php?id=37>.

<sup>19</sup> *Id.*, art. 2(6)

<sup>20</sup> *Id.*, art. 2(10).

<sup>21</sup> See JULIO BACIO TERRACINO, THE INTERNATIONAL COUNCIL ON HUMAN RIGHTS POLICY, CORRUPTION AS A VIOLATION OF HUMAN RIGHTS 24 (2008) (“Most importantly, all corrupt practices that entail the disbursement of money at primary education contravene the fact that this must be free.”) [hereinafter Terracino].

<sup>22</sup> *Id.* (“...corrupt practices in the education sector, particularly at the school and classroom levels, restrict the accessibility to education”).

<sup>23</sup> IHRC Focus Group with Secondary School Students, Bong County, Oct. 22, 2008.

<sup>24</sup> TERRACINO, at 24. See also International Rescue Committee, TEACHING WELL?

EDUCATIONAL RECONSTRUCTION EFFORTS AND SUPPORT TO TEACHERS IN POSTWAR LIBERIA 20 (2007) (“With teachers then using corrupt activities like ‘flexible fees’ and asking students to essentially buy their grades, the quality of education is decreased: because grades are not earned, the grading system is ‘unfair,’ and students are discriminated against and exploited based on their ability to pay.”) [hereinafter International Rescue Committee].

experiences in combating corrupt and exploitative practices committed against students by education administrators and teachers.

#### **IV. RECENT GOVERNMENT REFORMS TO THE EDUCATION SYSTEM**

Years of civil war have taken a terrible toll on Liberia's education sector. In addition to the destruction of 20% of schools, many education administrators and teachers left the country; it is estimated that 60% of teachers in Liberia are not adequately qualified.<sup>25</sup> Prevailing capacity constraints are compounded by a post-war increase in the enrollment rate of overage learners in primary school as well as overall increases in the primary school net enrollment rate, which is presently at 40%.<sup>26</sup>

Realizing the right to education for Liberia's children, especially girls, has been recognized by the Government of Liberia as a cornerstone to Liberia's post-conflict recovery and development.<sup>27</sup> Liberia's Ministry of Education has made progress in many areas, including strengthening teacher training systems, improving salary payments systems and targeting girl enrollment through the establishment of the Girl's Education National Policy. The Ministry is now preparing to review Liberia's 2002 Education Law. This proposed legislative review provides an opportunity to consider much-needed measures to strengthen the protection of students in school, ensure accountability for perpetrators of abuse and improve the realization of children's rights to education, survival and development, and welfare.

Of note, the Liberia Education Pooled Fund, recently established through a "unique public-private partnership" with donor countries and foundations, has secured \$17 million for education sector programs.<sup>28</sup> The Fund actively supports teacher-training initiatives as well as the development of national teacher standards and teacher training curriculum for the primary level.

#### **V. CONTINUING VIOLATIONS OF CHILDREN'S FUNDAMENTAL HUMAN RIGHTS IN LIBERIA'S EDUCATION SYSTEM**

The exploitation of children by public and private education sector actors, including administrators and teachers, violates Liberia's obligations under international law to protect and promote the rights of children and to respect their right to an effective remedy for such abuses. Specifically, these rights include the right to be free from sexual exploitation, the right to life, survival and development, and the right to an education. Moreover, failing to investigate and punish perpetrators of abuse of students violates their corresponding right to an effective remedy

---

<sup>25</sup> USAID Fact Sheet, Education Overview, citing a 2003-4 study undertaken by the Liberian Ministry of Education and UNICEF. See also United Nations Common Country Assessment, Liberia: Consolidating Peace and National Recovery for Sustainable Development, 2006 (noting that "few [schools] have sufficient teachers or are able to provide a full day's teaching" and that "41 per cent of teachers have not completed high school."), available at: <http://www.lr.undp.org/CCA%2028%20July%20FINAL%20FULL%20SMALL.pdf>

<sup>26</sup> UNICEF, "At a glance: Liberia, Statistics," available at [http://www.unicef.org/infobycountry/liberia\\_statistics.html](http://www.unicef.org/infobycountry/liberia_statistics.html).

<sup>27</sup> See speech by Her Excellency Ellen Johnson Sirleaf, President of the Republic of Liberia on the official launch of the Girl's National Education Policy, 18 April 2006, referenced by UNICEF at [http://www.unicef.org/infobycountry/liberia\\_33458.html](http://www.unicef.org/infobycountry/liberia_33458.html).

<sup>28</sup> Open Society Institute, "OSI Announces Partnership to Renew Education System in Liberia," (July, 2008).

for violations of their fundamental rights. By identifying the rights that must be protected and promoted in the education sector, the international human rights analysis presented in this section should “provide important standards or points of reference for developing national policies as well as benchmarks against which national policies and interventions can be monitored and assessed.”<sup>29</sup>

#### **A. Right to be Free from Sexual Violence, which includes Sexual Abuse and Exploitation**

The Government of Liberia is party to international human rights instruments that safeguard the rights of women and girls. The routine commission of sexual abuse and exploitation by teachers and school administrators against girls described in IHRC interviews constitutes sexual violence, which violates Liberia’s obligations under international law to prohibit, prevent and respond to the commission of gender-based violence, as well as Liberia’s over-arching obligation under international law to ensure that women and girls are free from discrimination.

As an enumerated offence under crimes against humanity or war crimes, sexual violence has most recently been described in the Elements of Crimes to the Rome Statute to the International Criminal Court as “an act of a sexual nature against one or more persons or caused such person or persons to engage in an act of a sexual nature.”<sup>30</sup> Indeed, sexual assault has been found by the International Criminal Tribunal for the Former Yugoslavia to include “serious abuses of a sexual nature inflicted upon the integrity of the person by means of coercion, threat of force or intimidation in a way that is humiliating and degrading to the victim’s dignity.”<sup>31</sup> Finally, according to the World Health Organization, the acts that fall within the definition of sexual violence include “unwanted sexual advances or sexual harassment, including demanding sex in return for favours”<sup>32</sup> Educators and administrators making sexual advances and demanding sexual favors in return for grades, grade sheets and other school-related entitlements, as described in IHRC interviews, are acts of a sexual nature and coercive circumstances. Moreover, IHRC interviewees further describe how female students comply with these demands against their free will and full consent.

Sexual violence is included among acts that constitute violence against women, from which women and girls are protected under international human rights instruments. The 1993 United Nations Declaration on the Elimination of Violence against Women affirms “that violence against women constitutes a violation of the rights and fundamental freedoms of women,” which

---

<sup>29</sup> Betherman, Fares, Luistra and Prouty, “Child Labor, Education and Children’s Rights,” in Human Rights and Development, Alston and Robinson, eds, at 177.

<sup>30</sup> See International Criminal Court, Elements of Crimes, U.N. Doc. ICCASP/1/3(part II-B), *adopted* 9 Sept. 2002 (hereinafter Elements) (detailing elements related to sexual violence as a crime against humanity and as a war crime at 10 (Article 7(1)(g)-6(1)); *id.* at 41 (Article 8(2)(e)(vi)-6(1)).

Sexual violence has also been described to include “[a]ny violence, physical or psychological, carried out through sexual means or by targeting sexuality (United Nations, *Contemporary Forms of Slavery: Systematic Rape, Sexual Slavery and Slavery-like Practices during Armed Conflict*, Final Report submitted by Ms. Gay J. McDougall, Special Rapporteur (New York: United Nations, 1998), E/CN.4/Sub. 2/1998/13, pp. 7-8).

<sup>31</sup> See *Prosecutor v Brdjanin*, Case No. IT-99-36-T, Trial Chamber Judgment, ¶ 1012 (September 1, 2004); *Stakic*, Case No. IT-97-24-T, Trial Chamber Judgment, ¶ 757 (July 31, 2003).

<sup>32</sup> World Health Organization, Chapter Six, Sexual Violence, available at: [http://www.who.int/violence\\_injury\\_prevention/violence/global\\_campaign/en/chap6.pdf](http://www.who.int/violence_injury_prevention/violence/global_campaign/en/chap6.pdf).

includes “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”<sup>33</sup> The Committee for the Convention on the Elimination of Discrimination Against Women under General Recommendation 19 specifically defines violence against women and girls as a form of discrimination, which includes any “acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.”<sup>34</sup> Indeed, under CEDAW, Liberia is specifically obliged to “take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education.”<sup>35</sup>

As a form of violence against women, sexual violence also violates women's rights to be free from discrimination based on sex as guaranteed under the International Covenant on Civil and Political Rights<sup>36</sup> and the International Covenant on Economic, Social and Cultural Rights.<sup>37</sup> Specifically, the Human Rights Committee<sup>38</sup> and the Committee on Economic, Social and Cultural Rights<sup>39</sup> have also adopted general comments on the obligation of states parties to ensure the equal enjoyment of rights for men and women, which include explicit references to the nature, scope and extent of violence against women and to states parties' corresponding responsibilities to prevent and eliminate violence against women. Finally, the African Charter on Human and Peoples' Rights – to which Liberia is a state party – guarantees the “protection of the rights of the woman and the child,” including the right to be free of “... [a]ll forms of exploitation and degradation ..., particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment.”<sup>40</sup>

---

<sup>33</sup> *Declaration on the Elimination of Violence against Women* G.A. res. 48/104, 48 U.N. GAOR Supp. (No. 49) at 217, U.N. Doc. A/48/49 (1993).

<sup>34</sup> See Committee on the Elimination of Discrimination against Women *General Recommendation No. 19: Violence against women*,” (Eleventh session, 1992), U.N. Doc. A/47/38 at 1 (1993) (“Gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention.”). *Consider*

<sup>35</sup> Convention on the Elimination of Discrimination Against Women, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46), art. 10, 193, U.N. Doc. A/34/46, *entered into force* Sept. 3, 1981 [hereinafter CEDAW].

<sup>36</sup> International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976., arts. 2 (1) and 26 [hereinafter ICCPR].

<sup>37</sup> United Nations International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3 [hereinafter ICESCR].

<sup>38</sup> See Human Rights Committee *General Comment No. 28: Equality of rights between men and women (article 3)*, U.N. Doc. CCPR/C/21/Rev.1/Add.10 (2000).

<sup>39</sup> See Committee on Economic, Social and Cultural Rights *General Comment No. 16: The equal right of men and women to the enjoyment of all economic, social and cultural rights*, U.N. Doc. E/C.12/2005/3 (2005).

<sup>40</sup> African [Banjul] Charter on Human and Peoples' Rights, arts. 3, 4 and 5, adopted June 27, 1981, Organization of African Unity (OAU) Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58, 1982, *entered into force* Oct. 21, 1986 [hereinafter African Charter]. Indeed, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa expands the definition of ‘violence against women’ to include: “means all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war.” Protocol to the African Charter on Human and People’s Rights, OAU Doc. OAU/LEG/MIN/AFCHPR/PROT.1 rev.2 (1997), *entered into force* January 25, 2004.

As a state party to the Convention on the Rights of the Child (CRC), Liberia is obligated to take comprehensive measures against the sexual exploitation and abuse of children.<sup>41</sup> Sexual exploitation and abuse are not defined under the CRC. For sexual exploitation, “the implication is that there is some form of sexual abuse of the child linked with remuneration in case or in kind, implying some profit or exchange of value, not necessarily money.”<sup>42</sup> Sexual abuse of children is broader than sexual exploitation and “can cover situations where there is no remuneration in case or in kind, ... These situations include the family setting, schools, and various institutions such as prisons.”<sup>43</sup> During IHRC interviews, girls described how female students were pressured by individuals who were in positions of power and could control the advancement of their studies to engage in sexual relations. Such behavior constitutes sexual abuse and sexual exploitation.

Forcing under-age and university-attending female students to engage in sexual relations against their will by individuals who wield considerable power over their education constitutes sexual violence, which is a form of gender-based violence. By failing to prevent and punish teachers and education administrators from this acute form of gender-based discrimination, the Government of Liberia correspondingly stands in violation of its obligation to protect the rights of women and girls and must therefore respond immediately to end the commission of sexual abuse and exploitation of female students.

## **B. Holding Perpetrators Accountable – Respecting the Right to an Effective Remedy**

The Government of Liberia must ensure that perpetrators of exploitative practices in Liberia’s schools, especially sexual exploitation, are held accountable for the professional and criminal breaches made by such behavior. Survivors of sexual and other forms of gross exploitation in Liberia’s schools are victims of human rights violations and are thus entitled to their right to an effective remedy.

As a general principle under CEDAW, states may be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence.<sup>44</sup> The CEDAW Committee has outlined a wide range of obligations for states related to ending sexual violence, including ensuring appropriate treatment for victims in the justice system, counseling and support services, and medical and psychological assistance to victims.<sup>45</sup>

---

<sup>41</sup> Convention on the Rights of the Child, G.A. res. 1386 (XIV), 14 U.N. GAOR Supp. (No. 16) at 19, U.N. Doc. A/4354 (1959), arts. 34 and 37 [hereinafter CRC]. Article 34 protects the child from sexual exploitation and sexual abuse. Article 37 provides for the freedom from torture or other cruel, inhuman or degrading treatment or punishment as well as liberty and security of person.

<sup>42</sup> Withit Mantaphon, “Article 34 Sexual Exploitation and Sexual Abuse of Children,” in *A Commentary on the United Nations Convention on the Rights of the Child* (London: Martinus Nijhoff, 2005), citing *Report of the World Congress against Commercial Sexual Exploitation of Children, Stockholm, Sweden, 27-31 August 1996, Part I and II* (Stockholm: Regeringskansliets Offsetcentral, 1996), at 2.

<sup>43</sup> *Id.*

<sup>44</sup> Committee on the Elimination of Discrimination against Women, *General Recommendation 19: Violence against women*, (Eleventh session, 1992), U.N. Doc. A/47/38 at 1 (1993).

<sup>45</sup> *Id.*

In addition to CEDAW, Liberia has a binding obligation under the International Covenant on Civil and Political Rights (ICCPR) to provide an effective remedy for violations of the rights guaranteed therein, which extend to victims of exploitative practices in Liberia's schools. ICCPR Article 2(3) expressly states that any person whose treaty rights are violated has the right to "an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity."<sup>46</sup> The Human Rights Committee – the body responsible for the interpretation of the guarantees under the ICCPR – has discussed an "effective remedy" in its response to three notable communications, which are regularly cited as illustrative of the nature and scope of such. In *Muteba v. Zaire*,<sup>47</sup> the Committee stated that Zaire was "under an obligation to . . . conduct an inquiry into the circumstances of [the victim's abuse], to punish those found guilty . . . and to take steps to ensure that similar violations do not occur in the future."<sup>48</sup> Moreover, the Committee stated that Zaire "had a duty to . . . punish those found guilty . . ."<sup>49</sup> In *Boaboeram v. Surinam*,<sup>50</sup> the Committee recommended that Surinam "take effective steps . . . to investigate the [abuses at issue, and] to bring to justice any persons found to be responsible."<sup>51</sup> Finally, in *Quinteros v. Uruguay*,<sup>52</sup> the Committee concluded that Uruguay should take effective steps to establish the truth underlying the human rights abuses at issue in the communication and bring to justice any persons found responsible.<sup>53</sup>

International human rights treaties and declarations reinforce the right to an effective remedy as imposing an obligation on states to investigate, prevent, and, in some cases, punish human rights abuses. The Universal Declaration of Human Rights,<sup>54</sup> which is considered to reflect international human rights law, states that "everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."<sup>55</sup> The right to an effective remedy is also reflected in numerous human

---

<sup>46</sup> *Id.* art. 2(3)(a). Note, ICCPR, art. 4(2) provides that certain rights — including the right to life and the right to be free from cruel, inhuman or degrading treatment or punishment — are nonderogable.

<sup>47</sup> Comm. No. 124/1982, U.N. Doc. A/39/40 (1984) (Mr. Muteba was arrested by military security; through a note received by his wife addressed to the International Red Cross, he explained that he was being held in poor conditions and had been tortured. Mrs. Muteba complained on behalf of her husband that his rights under the Covenant were violated because he had never been allowed to establish contact with a lawyer or a judge, and that no member of his family dared to do anything on his behalf, nor had he been charged or brought before a judge. In its decision, the Committee outlined the obligation on Zaire to provide Mr. Muteba an effective remedy.)

<sup>48</sup> *Id.* ¶ 13.

<sup>49</sup> *Id.*

<sup>50</sup> Comm. Nos. 146/1983 & 148-154/1983, U.N. Doc. A/40/40 (1985) (Baboeram was arrested and tortured by military police; his body showed severe wounds when he was later found dead. The Committee found that Surinam was obligated to carry out effective steps as a result of its finding of a violation of the Covenant guarantee of the right to life of Baboeram and 15 others.)

<sup>51</sup> *Id.* ¶ 16.

<sup>52</sup> Comm. No. 107/1981, U.N. Doc. A/38/40 (1983) (Quinteros was abducted by the police and disappeared. In confirming that the responsibility for the disappearance fell on the Government of Uruguay, the Committee ordered immediate and effective steps to be taken.)

<sup>53</sup> *Id.* ¶ 16.

<sup>54</sup> G.A. Res. 217A (III), U.N. GAOR, 3d Sess., U.N. Doc. A/810 (Dec. 12, 1948) [hereinafter Universal Declaration].

<sup>55</sup> Universal Declaration, art. 8.

rights treaties — including the European Convention on Human Rights,<sup>56</sup> the American Convention on Human Rights,<sup>57</sup> the CAT, and, as noted, the ICCPR.<sup>58</sup>

### C. Right to Education

The prevalence of corrupt and abusive practices in Liberia’s educational institutions effectively serves as a barrier to children’s access to education. By failing to prevent and punish these practices, the Government of Liberia stands in violation of its obligation to protect and preserve the internationally guaranteed right of children to an education.

Under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child (CRC), the Government of Liberia is obligated to realize the right to education for Liberians.<sup>59</sup> Both the ICESCR and the CRC set a clear obligation to ensure free and compulsory primary education,<sup>60</sup> the realization of which is to be undertaken in a progressive manner.<sup>61</sup> Secondary education – both general and vocational education – must also be made available and accessible to all, including through financial assistance when necessary.<sup>62</sup>

Through the combined operation of CRC Articles 28 and 29, the Government of Liberia must ensure that education is available and accessible at the level of primary, secondary and higher

---

<sup>56</sup> European Convention for the Protection of Human Rights and Fundamental Freedoms art. 13, Nov. 4, 1950, 213 U.N.T.S. 221.

<sup>57</sup> Art. 25, Nov. 22, 1969, 1144 U.N.T.S. 123 [hereinafter American Convention]. In general, the Inter-American Court on Human Rights’ jurisprudence concerning Article 1(1) of the American Convention on Human Rights requires state parties to “ensure” the rights set forth in the Convention and affirms the right to a remedy under international human rights law.

<sup>58</sup> ICCPR, art. 2(3).

Some international legal jurists argue that this right has attained the status of customary law. Bassiouni, for example, has stated that a well-established principle in international law holds that each state has a duty to provide a domestic legal remedy to victims of human rights abuse. *See* M. Cherif Bassiouni, “International Recognition of Victims’ Rights”, 6 Hum. Rts. L. Rev. 203, 213 (2006). *See also* Jordan J. Paust, “On Human Rights: The Use of Human Rights Precepts in U.S. History and the Right to an Effective Remedy in Domestic Courts,” 10 Mich. J. Int’l L. 543, 616 (1989) (“[T]he right of access to the courts and the concomitant right to an effective remedy are . . . recognized as fundamental human rights having a basis in customary international law.”).

<sup>59</sup> ICESCR, art. 13; CRC, art. 3.

<sup>60</sup> *See* ICESCR, art. 13(2)(a) (“Primary education shall be compulsory and available free to all.”); CRC, art. 28(1)(a) (“Make primary education compulsory and available free to all.”).

<sup>61</sup> The concept of “progressive realization” reflects recognition that resource limitations constrain state action. However, progressive realization of a particular right imposes upon states an “obligation to move as expeditiously and effectively as possible towards that goal. Moreover, any deliberately retrogressive measures in that regard would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum available resources.” Committee on Economic, Social, and Cultural Rights, *General Comment No. 3: The Nature of States Parties’ Obligations*, ¶ 9, U.N. Doc. E/1991/23 (Dec. 14, 1990).

<sup>62</sup> *See* ICESCR, art. 13(2)(b) (“Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education.”); CRC, *supra* note 9, art. 28(1)(b) (“Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need.”).

education.<sup>63</sup> The availability criterion encompasses the establishment and maintenance of an education system of good quality, subject to the developmental context of the state. The accessibility criterion encompasses three parts: children should have access to education without discrimination, education should be provided within a safe and reasonable distance, and education should be affordable to all. Of note, the Committee on Economic, Social and Cultural Rights has also held that “the failure to take measures which address de facto educational discrimination” constitutes a violation of the Covenant on Economic, Social and Cultural Rights.<sup>64</sup> CRC Article 28(1)(e) explicitly obliges Liberia as a State Party to undertake measures to ensure regular school attendance. Together, sexually exploitative practices against girls and corrupt practices affecting all students produce educational discrimination, obstruct student attendance and preclude the development of a quality education system. Meaningful and progressive realization of Liberia’s obligations under international law demands the cessation of such practices through strong administrative checks and balances as well as the punishment of perpetrators.

#### **D. Right to be Free from Child Labor**

During IHRC interviews, students and their parents described how students are commonly made to perform farm work and other chores for teachers and school administrators. By failing to prevent and punish individuals who force children to undertake such practices, the Government of Liberia also stands in violation of the internationally guaranteed prohibition of child labor.

In addition to the CRC, Liberia is a State Party to the African Charter on the Rights and Welfare of the Child. Both instruments prohibit the employment of children under eighteen in work that is likely to be hazardous or interfere with their development.<sup>65</sup> The CRC further prohibits children from performing work that interferes with their education or that is harmful to their health.<sup>66</sup> As a state party to these treaties, the Government of Liberia is obligated to enforce minimum age requirements in practice, which includes ensuring that school-going children are not forced into labor by teachers and school administrators.<sup>67</sup>

---

<sup>63</sup> See UN Committee on the Rights of the Child, *General Comment No. 1: The Aims of Education*, UN Doc. CRC/GC/2001/1 (April 17, 2001). See also, Mieke Verheyde, “Article 28 The Right to Education” in A Commentary on the United Nations Convention on the Rights of the Child (Leiden: Martinus Nijhoff, 2006).

<sup>64</sup> Committee on Economic, Social, and Cultural Rights, *General Comment No. 13: The Right to Education*, ¶ 59, U.N. Doc. E/C.12/1999/10 (Dec. 8, 1999).

<sup>65</sup> See CRC, art.32.1; African Union, African Charter on the Rights and Welfare of the Child, art. 15.1, July 11, 1990, Organization for the African Union Doc. CAB/LEG/24.9/49, entered into force November 29, 1999 [hereinafter African Children’s Rights Charter]. Of note, the International Labour Organisation also prohibits the employment of children under the age of eighteen from working in conditions that are “likely to harm their health, safety, or morals,” see Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO No. 182), art. 3(d), June 17, 1999, 2133 U.N.T.S.161 [hereinafter ILO Convention 182]. The International Labour Organization defines hazardous work to include “work ... which involves the manual handling or transport of heavy loads; work in an unhealthy environment ... work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.” See International Labour Organization, *Recommendation Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour* (ILO R190), ¶ 3, ILO Gen. Cont., 87<sup>th</sup> sess. (Jun. 17, 1999).

<sup>66</sup> CRC, art. 32.1. See also U.N. Committee on the Rights of the Child, *General Comment No. 4: Adolescent Health and Development in the Context of the Convention on the Rights of the Child*, ¶ 18, U.N. Doc CRC/GC/2003/4 (July 1, 2003) [hereinafter CRC General Comment No. 4].

<sup>67</sup> See CRC, art 32.2; African Children’s Rights Charter, art. 15.2.

### **E. Rights to Survival and Development, and Welfare**

The prevalence of corrupt and abusive practices in Liberia's schools also jeopardizes the survival, development and welfare of children.

Under the general principles of the CRC, Liberia is obligated to “ensure to the maximum extent possible the survival and development of the child.”<sup>68</sup> Moreover, the CRC calls on states parties to consider the needs of children and undertake measures to promote the “physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse... or armed conflicts” through measures that “take place in an environment which fosters the health, self-respect and dignity of the child.”<sup>69</sup> Finally, the CRC obliges Liberia to “protect children against all other forms of exploitation prejudicial to any aspects of the child's welfare.”<sup>70</sup>

The Government of Liberia must direct post-conflict recovery efforts to the fulfilment and promotion of children's rights. As provided in the ground-breaking 1996 Machel Report, “The task of rebuilding war-torn societies is a huge one that must take place not only at the physical, economic, cultural and political, but also at the psychosocial level. Reconstruction must relate to the child, the family, the community and the country.”<sup>71</sup> Programs implemented during post-conflict recovery and reconstruction should thus lay the foundation for the survival and development of children, particularly in relation to their rights to health and education.

Together, these provisions require the Government of Liberia to ensure that the rebuilding of the education sector prioritizes ensuring a protective environment for children that is free of corrupt and exploitative practices. Moreover, the persistent practice of teacher corruption and abuse constitutes de facto discrimination against the poor in violation of ICESCR Article 2.<sup>72</sup>

---

<sup>68</sup> CRC, art 6(2). The CRC Committee defines the development of the child as ‘including physical, mental, spiritual, moral, psychological and social development, in a manner compatible with human dignity, and to prepare the child for an individual life in free society,’ CRC Committee, *Report on the Thirty-Fifth Session* (UN Doc. CRC/C/137/2004), para. 8.

See Manfred Nowak, “Article 6 The Right to Life, Survival and Development,” in A Commentary on the United Nations Convention on the Rights of the Child (London: Martinus Nijhoff, 2005) (“Only those States which fully comply with all civil, political, economic, social and cultural rights of the child guaranteed in the CRC can be considered as having ensured, ‘to the maximum extent possible,’ the development of all children within their jurisdiction.”), at 47.

<sup>69</sup> CRC, art. 39.

<sup>70</sup> CRC, art. 36.

<sup>71</sup> Report of Graça Machel – Impact of Armed Conflict on Children, 26 Aug 1996 A/51/306, ¶ 241. *Consider also* Machel Study 10-Year Strategic Review, Children and Conflict in a Changing World, A/62/228, pp. 106, 107 (“Child rights programming differs from needs-based programming. The needs-based approach is likely to respond only to immediately apparent needs. The rights-based approach seeks to create an ‘enabling’ environment that is conducive to children's overall well-being. In addition to encouraging practical actions and delivery of services, child rights programming is balanced with efforts to protect children against abuse and exploitation, encourage their participation, build the capacity of institutions and systems, support community networks and hold authorities to account.”)

<sup>72</sup> ICESCR, art. 2(2) (“The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or *other status*.”) (emphasis added).

## **VI. RIGHTS-BASED APPROACHES TO DEVELOPING ANTI-CORRUPTION AND ACCOUNTABILITY MEASURES IN THE EDUCATION SECTOR**

A rights-based approach to development expands development objectives beyond physical assets and income growth to a wider range of possible policy interventions. This approach emphasizes the broad-based participation of affected constituencies to ensure that development policy and practices are based on social inclusion and equal access for all to community resources. The approach also includes the enforcement of accountability measures for individuals who commit abuses. A rights-based approach to eliminating corrupt practices in the education sector should be driven by the provision of quality, safe, non-discriminatory and affordable education for all children in Liberia.<sup>73</sup> This section presents the following policy and programmatic responses in a human rights frame, which require implementation at the policy, institutional, community and school levels:

- A. Accountability and Punishment for Perpetrators of Sexual Harassment and Abuse
- B. Realizing the Rights of Students, Parents and Community to Participate
- C. Realizing Student, Parent and Community Rights to Information
- D. Improving Recruitment and Retention of Female Teachers to Combat Sexual Exploitation

### **A. Accountability and Punishment for Perpetrators of Sexual Abuse**

Fundamental to any rights-based approach is holding perpetrators of corrupt practices and abuses, especially the sexual exploitation of students, accountable for breaches of professional and criminal codes.

Direct measures must be developed and implemented to prevent, punish and eliminate sexual harassment and exploitation in Liberia's schools. Without these measures, it is not possible to secure a safe learning environment for female students. First, teacher trainings should cover gender sensitivity and awareness of sexual abuse and corresponding standards for teacher conduct. Ultimately, ending impunity for those who commit sexual abuse and assault of female students is dependent on the establishment and implementation of transparent mechanisms to enable reporting of, and immediate responses to complaints of sexual harassment and other unwanted behavior from male actors. Carrying out enforcement of sanctions against perpetrators is critical if Liberia is to meet the objective of the Girls' Education National Policy<sup>74</sup> to end impunity for teachers who commit sexual abuse and assault of students.

Professional codes of conduct for teachers and administrators must include mechanisms to enforce breaches. Enforcement and oversight is critical to break the prevailing culture of impunity that enables these practices to continue unabated.

### **B. Realizing the Rights of Students, Parents and Community to Participate**

---

<sup>73</sup> For a full discussion of the scope and content of the right to education under the CRC, *see* Mieke Verheyde, "Article 28 The Rights to Education," part of *A Commentary on the United Nations Convention on the Rights of the Child*, (Leiden: Martinus Nijhoff Publishers, 2006).

<sup>74</sup> Girls' Education National Policy, Government of Liberia (2006) (on file with IHRC).

A rights-based approach also includes the participation of students, parents and other community actors in designing anti-corruption strategies in the education sector. These strategies should place the interests of the child first and seek ways to involve children and families in implementing solutions to account for and end corrupt and abusive practices in Liberia's schools.

The promotion of children's participation and empowerment is one of the guiding principles of the CRC.<sup>75</sup> The UN Committee on the Rights of the Child has stressed the active participation of children in all aspects of school life;<sup>76</sup> according to Thomas Hammarberg, this includes "the content and methods of education and for the establishment of policies and procedures that provide for consultations of students as a group."<sup>77</sup> Indeed, UNICEF has recognized participation as an "additional dimension to the universally recognized freedom of expression, implying the right of both children and parents to be heard and have their views taken into account."<sup>78</sup> CRC Article 15 also enshrines the related right of children to create and join associations and to assemble peacefully. Supporting children's efforts in this latter regard can ensure that they are able to participate in and inform the realization of their rights.

Therefore, from a rights-based perspective, reforms to laws, policies and programs affecting the education sector should be undertaken with full participation of students and parents. In Liberia, current reform initiatives include revising the Education Law, drafting a new teachers' code of conduct and designing a reporting and enforcement mechanism. As primary stakeholders in these issues, teachers should also be involved. According to scholars Hallak and Poisson, reform effort "that emphasizes participation at the grassroots level and builds ownership by direct involvement of stakeholders both in the design of the policy and its implementation, can contribute to increasing transparency and improving accountability."<sup>79</sup> Specifically:

### **1. Involve students.**

In our interviews, students consistently expressed that they had no outlet to voice their concern over the difficulties that they faced. Without their involvement, any mechanism aimed at combating teacher misconduct is doomed to fail; when consulted and encouraged, however, children are extremely resourceful and able to contribute to the protection of their

---

<sup>75</sup> The UN Committee on the Rights of the Child has designated Article 12 as one of the general principles of the CRC. UN Committee on the Rights of the Child, *General Comment No5 (2003): General Measures of Implementation of the Convention on the Rights of the Child (arts. 4, 42, and 44, para. 6)*, (Thirty-fourth session, 2003), U.N. Doc. CRC/GC/2003/5 (2003), ¶ 12 (noting that "article 12 requires consistent and ongoing arrangements").

<sup>76</sup> See UN Committee on the Rights of the Child, General Comment No. 1: The Aims of Education, UN Doc. CRC/GC/2001/1 (April 17, 2001) (noting that "education must be provided in a way that respects the inherent dignity of the child and enables the child to express his or her views freely in accordance with article 12 (1) and to participate in school life").

<sup>77</sup> Thomas Hammarberg and Alfhild Petré, "The Right of the Child to Speak, Participate and Decide," in *Realizing the Rights of the Child*, Bellamy, et al, eds. (Switzerland: rüffer & rub, 2007).

<sup>78</sup> UNICEF, "Fact Sheet: The right to participation," available at: <http://www.unicef.org/crc/files/Right-to-Participation.pdf>. The right to participation is also inherent to political participation rights protected under international human rights law, including the ICCPR, to which Liberia is a State Party, for example.

<sup>79</sup> See, e.g., Hallak & Poisson, UNESCO & IIEP, *CORRUPT SCHOOLS, CORRUPT UNIVERSITIES: WHAT CAN BE DONE?* (2008), at 288 (noting that a reform effort "that emphasizes participation at the grassroots level and builds ownership by direct involvement of stakeholders both in the design of the policy and its implementation, can contribute to increasing transparency and improving accountability.").

rights. In Lithuania, for example, national and local debates concerning bribery and other classroom corruption prompted students to draft an ‘Anti-Corruption Charter’ that listed “strategies and actions to fight against corruption.”<sup>80</sup>

## **2. Involve parents.**

Experience in other developing countries demonstrates that the wider community can be invaluable in pressing for reform and in assisting with accountability for, and oversight of, classroom corruption.<sup>81</sup> Parental involvement, in particular, is crucial so that parents can better understand their children’s experiences and support them when misconduct occurs.

## **3. Involve teachers.**

According to Liberian teachers, when the Government drafted present standards for teacher behavior, “there existed little opportunity for teachers to participate in the very policies developed for them to follow.”<sup>82</sup> It has been shown that teacher participation can strengthen teacher-code quality and ensure improved compliance, including monitoring of colleagues. In Bangladesh, Nepal and the Uttar Pradesh state of India, teacher codes were successfully created but with only minimal participation by teachers and teacher unions. Afterwards, it was found that “[a] majority of teachers do not have access to copies of the codes and lack knowledge of them. They have not been empowered to use the codes effectively...many teachers do not know how to lodge a complaint against an erring teacher or staff member.”<sup>83</sup> With teacher participation, the creation of teacher codes was found to have a “limited but positive impact.”<sup>84</sup>

### ***Considerations for Liberia – Establishing Student Fora***

The Ministry should consider establishing fora in high schools and colleges around the country for students, teachers, and community members to discuss how to confront these profound problems. Such fora could allow all relevant parties to have their voices heard and their needs considered and addressed, creating greater understanding and cooperation in combating classroom corruption. Moreover, the Ministry could use these fora to provide students with a copy of the teachers’ codes of conduct, so that students, and their parents, better understand their rights and the obligations of educators. Fora could include the adoption of a reporting mechanism to enable students to discuss problems that arise, which could be communicated to a point-of-contact in the Ministry.

<sup>80</sup> M. Scoota, “Youth against corruption project,” in *What can we learn from the ten year Lithuanian experience in addressing the challenges of improving transparency in education?*, Report of the IIEP study tour in Vilnius, Lithuania, 12-18 October 2003 (unpublished), available at

[http://www.iiep.unesco.org/fileadmin/user\\_upload/Research\\_Highlights\\_Corruption/pdf/Youth\\_Lithuania.pdf](http://www.iiep.unesco.org/fileadmin/user_upload/Research_Highlights_Corruption/pdf/Youth_Lithuania.pdf).

Combined with other programs on education and corruption, a subsequent UNESCO reported that UNESCO and Lithuanian specialists have recognized a “successful experience ... and advancements in solving the issues of corruption and transparency in education.” Activity Report, Lithuanian National Commission for UNESCO, January – December 2003, at 16, available at: <http://www.unesco.lt/documents/UNESCOkomisija/report2003.pdf>.

<sup>81</sup> See also Bertram Spector, *FIGHTING CORRUPTION IN DEVELOPING COUNTRIES* (2005).

<sup>82</sup> See International Rescue Committee.

<sup>83</sup> Shirley van Nuland and B.P. Khandelwal, *UNESCO AND INTERNATIONAL INSTITUTE FOR EDUCATIONAL PLANNING ETHICS IN EDUCATION: THE ROLE OF TEACHER CODES IN CANADA AND SOUTH ASIA X*, (2006), 158.

<sup>84</sup> *Id.*

### C. Realizing Student, Parent and Community Rights to Information

Public information campaigns can serve to increase transparency and contribute to broad accountability efforts within the education sector. Public information campaigns are based on the public's right to information, which is grounded in political rights to free expression. The importance of the right to information is expressed in a number of international instruments. In 1946, the UN General Assembly adopted Resolution 59(I), stating: "Freedom of information is a fundamental human right and ... the touchstone of all the freedoms to which the United Nations is consecrated." The Universal Declaration of Human Rights affirms under Article 19 that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." The right to information has received recognition by regional bodies, including the Council of Europe,<sup>85</sup> European Court of Human Rights judgments,<sup>86</sup> and the African Commission on Human and Peoples' Rights,<sup>87</sup> as well as the Commonwealth Heads of Government 1999.<sup>88</sup> Finally, the UN Convention against Corruption,<sup>89</sup> to which Liberia acceded on September 16, 2005, "encourages countries to adopt measures to improve public access to information as a means to fight corruption. This includes adopting procedures or regulations to allow the general public to demand information on the organization and decision making process, and imposing greater duties on public bodies to publish information."<sup>90</sup>

The value of fulfilling the right of students, parents and the community to information can be understood from the Ugandan experience with public information campaigns in education. In Uganda, anecdotal evidence initially suggested that an information campaign, which published financial figures of schools, reduced funding leakages for local schools. Specifically, the government published relevant financial information, including budgets of schools in local newspapers and on the radio after a public expenditure tracking survey found gaps between funds earmarked for particular schools and the funds the schools actually received. Over six years, these leakages appeared to have been reduced drastically.<sup>91</sup> One author suggests that the

---

<sup>85</sup> See e.g. Resolution 1003 (1993) on the ethics of journalism, *Assembly debate* on 1 July 1993 (42nd Sitting) (see Doc. 6854, report of the Committee on Culture and Education, Rapporteur: Mr Núñez Encabo) ("Information is a fundamental right which has been highlighted by the case-law of the European Commission and Court of Human Rights relating to Article 10 of the European Convention on Human Rights").

<sup>86</sup> See *Leander v. Sweden*, 26 March 1987, 9 EHRR 433, para. 74. Consider also, *Gaskin v. United Kingdom*, 7 July 1989, 12 EHRR 36 and *Guerra and Ors v. Italy*, 19 February 1998 (finding a right of access to information under Article 8 (personal privacy) of the European Convention for Human Rights when the information is necessary to protect one's well being).

<sup>87</sup> "Resolution on the Adoption of the Declaration of Principles on Freedom of Expression in Africa (2002)," ACHPR /Res.62(XXXII)02.

<sup>88</sup> Commonwealth Functional Co-operation, para. 20, in Commonwealth Heads of Government Meeting Communiqué, Doc. 99/68, 15 November 1999.

<sup>89</sup> UN Convention Against Corruption, *entered into force* December 14, 2005, A/58/422.

<sup>90</sup> Privacy International, LEGAL PROTECTIONS AND BARRIERS ON THE RIGHT TO INFORMATION, STATE SECRETS, AND PROTECTION OF SOURCES IN OSCE PARTICIPATING STATES (2007), available at <http://www.privacyinternational.org/foi/OSCE-access-analysis.pdf>.

<sup>91</sup> See Ritva Reinikka & Nathanael Smith, Public expenditure tracking surveys in education: Peru, Uganda and Zambia, Ethics and corruption in education, Institute for Educational Planning (2004) [hereinafter Reinikka & Smith].

information campaign was successful for two reasons. On the one hand, the government demonstrated its increased oversight of allocation of funding through the campaign. On the other hand, community members received greater notification of financial leakages and were thus able to participate in keeping school officials accountable. An important caveat to these findings, however, is that those communities with access to more information also fared better in terms of subsequent expenditure tracking because schools in communities with newspapers received proportionally more funding than other schools after the campaign was finalized.<sup>92</sup>

Realizing the right to information is also dependent on the government's fulfillment of the guarantee to free press and active media, as well as participation from an engaged citizenry and NGO community. The media is essential for informing the public of corrupt practices: "only as evidence of inappropriate practices is widely available can a critical mass of public concern be mobilized."<sup>93</sup> Active citizens' groups can then mobilize and demand accountability. In the educational context, these groups could include "parent-teacher associations organized around specific schools or community advisory groups organized by local NGOs."<sup>94</sup>

#### ***Considerations for Liberia – Public Information Campaigns***

Consideration should be given to whether public information campaigns should be created around the issue of teacher misconduct, including corruption and abuse. Careful planning and implementation around such a campaign could accomplish several goals: raising awareness on the prohibition of abuses and exploitative practices by education sector workers, establishing the Ministry of Education as an oversight body, and placing information in the hands of local communities who can employ social pressure to support the reporting of and responses to cases involving the exploitation and abuse of students. Working relationships between community groups and enforcement bodies – both within the Ministry of Education and law enforcement – should also be established to ensure that information is shared and that enforcement bodies fulfill their mandates to ensure that perpetrators are appropriately punished.

#### **D. Improving Recruitment and Retention of Female Teachers to Combat Sexual Exploitation**

Though figures on the number of female teachers in Liberia were unavailable, many individuals interviewed for this report lamented the low number of female teachers. An increased presence of female teachers in schools is generally considered to have a positive effect on reducing the prevalence of sexual exploitation of female students. By undertaking measures to improve the recruitment and retention of female teachers, Liberia stands to make deep gains in the protection and promotion of the human rights of girls and women guaranteed under domestic and international law. Putting an end to the rights violations suffered by female students and teachers in the education system, however, requires a multi-pronged approach.

---

<sup>92</sup> *Id.*

<sup>93</sup> Spector, at 74.

<sup>94</sup> *Id.*

Liberia is facing an overall shortage of qualified teachers across the country.<sup>95</sup> Recruitment and retention of qualified female teachers is an especially acute problem. A cornerstone of Liberia's Girls' Education Policy is the recruitment and training of more female teachers.<sup>96</sup> Actual implementation of this policy is necessary in light of Liberia's obligations under CEDAW to ensure women enjoy equal rights with men in the field of education and in employment opportunities.<sup>97</sup> Indeed, the CEDAW Committee recommends that "States Parties make more use of temporary special measures such as positive action, preferential treatment or quota systems to advance women's integration into education, the economy, politics and employment."<sup>98</sup>

Sexual exploitation of female students and teachers in Liberia's education system was routinely complained of in IHRC interviews. In addition to constituting gross violations of their rights, these practices serve to discourage school attendance and employment for female students and teachers respectively.<sup>99</sup> As discussed, sexual exploitation of female students violates their rights under the CRC and CEDAW. As outlined above, recruitment of female teachers must include policies and measures directed at retaining female teachers by eliminating sexual harassment in the workplace.

Across country contexts, sexual exploitation in schools appears overwhelmingly to involve female victims and male teacher perpetrators.<sup>100</sup> Hiring female teachers can improve the climate for gender equality and respect for women in addition to providing stronger role models for girls. In their assessment of education needs in Liberia, the International Rescue Committee found that "[f]emale teachers may protect against corrupt behavior in schools." Male administrators and head teachers may be insensitive to gender issues, including sexual abuse and intimidation;<sup>101</sup> girls may be more likely to trust female teachers with complaints of abuse.

### ***Considerations for Liberia – Recruiting and Retaining Female Teachers***

A rights-based approach prioritizes the realization of gender equality and can thus ensure that

<sup>95</sup> A 2003-4 study by the Ministry of Education and UNICEF found that an estimated 64% of teachers in Liberia lacked formal qualifications or experience, having replaced teachers and education administrators who left the country during the civil war. See USAID FACT Sheet, "President's International Education Initiative Expanded Education for the World's Poorest Children," available at: [http://www.usaid.gov/press/factsheets/2007/fs070924\\_1.html](http://www.usaid.gov/press/factsheets/2007/fs070924_1.html).

<sup>96</sup> Unicef, "Liberia launches Girls' Education National Policy with support from Unicef," (2006), available at [http://www.unicef.org/infobycountry/liberia\\_33458.html](http://www.unicef.org/infobycountry/liberia_33458.html).

<sup>97</sup> CEDAW, arts. 10 and 11.

<sup>98</sup> Committee on the Elimination of Discrimination Against Women, *General Recommendation No. 5: Temporary Special Measures*, U.N. Doc. A/43/38 at 109 (1988)..

<sup>99</sup> See International Rescue Committee, at 25 ("Females reported that female teachers sometimes are approached by male superiors and coerced into sexual favors in return for retaining their jobs.").

<sup>100</sup> A Zimbabwean study of child sexual abuse in rural primary schools, which found that 98% of victims were girls while all teacher perpetrators were male, recommended that greater attention be paid to the gender of teachers deployed to work in schools. T. J. Nhundu, *Financing education in rural Africa: the Zimbabwean case* (Commonwealth Council for Educational Administration, University of New England), at 1517, 1531.

<sup>101</sup> Aidan Mulkeen & Dandan Chen, *Teachers for Rural Schools: Experiences in Lesotho, Malawi, Mozambique, Tanzania, and Uganda*. (2008) (African Human Development Series, The World Bank, 2006) at 13-14 [hereinafter Mulkeen & Chen].

policies and programs are designed to improve the educational prospects of potential female recruits and to maintain a safe and supportive work environment for female teachers across the country. First, existing incentive programs to encourage female teachers through educational scholarships should be strengthened, especially targeting secondary school placements. Incentives can include housing and transport allowances for rural postings, since rural schools, lacking a steady supply of qualified teachers, particularly suffer from teacher mismanagement.<sup>102</sup> Second, administrative practices that may adversely affect female teachers should be identified. For example, traveling long distances to collect salaries may be more onerous and dangerous for women.

## **VII. LESSONS LEARNED FROM COMPARATIVE COUNTRY INITIATIVES**

The remainder of this paper presents policies and programs to address the commission of abuses and exploitative practices perpetrated by teachers and administrators against students. The policies and programs mentioned here have been successfully implemented in other countries, and thus constitute examples of best practices in the area of addressing school-level corruption. The options for reform are presented according to implementation level: schools, community-level engagement, and programs that require oversight by the national-level Ministry of Education.

### **A. School-Based Initiatives**

In-school support places monitoring responsibilities with actors more closely situated to potential sites of abuse. This section considers three initiatives that could be established and implemented at the school level in Liberia: 1. integrating head teachers as leaders and supervisors; 2. establishing teacher support groups; and 3. establishing student support groups. Though implemented at the school level, the Ministry should ensure that standardized operating objectives and principles are in place across schools for monitoring groups and that in-school programs receive adequate resources to sustain themselves.

#### 1. Integrating Head Teachers in Staff Supervision

In Liberia, unlike some countries in the region such as Sierra Leone, there is no system of head teachers. Head teachers or senior teachers can be appointed and trained to oversee and mentor junior teachers. Specifically, head teacher responsibilities can include supervising junior teachers and taking action when their colleagues act in a manner contrary to established professional rules and standards. Head teachers can also provide mentorship for inexperienced teachers, which may be perceived as more useful, relevant, and hands-on by junior teachers than formal training.

Comparative country experiences demonstrate how head and senior teachers can be employed as peer leaders and supervisors. A study of teacher management in Uganda showed that head teachers had very accurate perceptions of their peers.<sup>103</sup> In Malawi, a project sponsored by the United Kingdom's Department for International Development provides leadership training to one

---

<sup>102</sup> Mulkeen & Chen, at 33.

<sup>103</sup> Mulkeen & Chen, at 36.

to two head teachers in a school.<sup>104</sup> Teachers in Mozambique assist one another by observing each other's classes and providing commentary that the supervised teacher acknowledges in writing.<sup>105</sup>

### ***Considerations for Liberia – Establishing Head Teachers***

Reforms to the teachers' Code of Conduct and the Education Law should consider measures that can institutionalize the establishment of head teachers who undertake a mentoring and supervisory role in schools. Care must be taken to ensure that the scope of such responsibility is clearly defined to include serving as leaders for their peers and not merely as administrators. Trainings for head teachers could include the protection of children from abusive and exploitative practices, including information on reporting mechanisms and other steps that are required to ensure child-centered responses.

### **2. Peer-support Groups or “Integrity Circles”**

Grounded in a public commitment to honesty and professionalism, peer support groups can create a sense of collective responsibility and professional pride among teachers. Also known as “integrity circles,” peer support groups are comprised of individuals in the same workplace who organize together with the hopes of increasing accountability and support, preventing corruption and improving professional services in their workplaces.<sup>106</sup> By undertaking activities that can influence “behavior modification, values formation and organization development strategies,”<sup>107</sup> integrity circles can be an important complement to the professional development of teachers. Indeed, “[t]eacher quality does not refer to academic qualifications and training status alone; more importantly, it includes the professional commitment and ethical behavior of the teacher.”<sup>108</sup>

Peer support groups have proven effective in the Philippines, Malaysia and other Southeast Asian countries. Gender composition appears to affect the operation of integrity circles: integrity circles in the Philippines that were formed mostly by women were found to be more successful in planning and implementing anti-corruption projects and surviving the change of political administrations.<sup>109</sup>

### ***Considerations for Liberia – Establishing Peer Support Groups***

Reforms to the Teachers' Code of Conduct and the Education Law should consider the feasibility of establishing and implementing peer support groups for teachers. Such groups

<sup>104</sup> Mulkeen & Chen, at 36.

<sup>105</sup> Mulkeen & Chen, at 36.

<sup>106</sup> Cirila P. Limpangog, “Struggling through Corruption: A Gendered Perspective,” (Paper Presentation at the 10<sup>th</sup> Annual Anti-Corruption Conference, 2001) , at 4, available at: <http://www.10iacc.org/download/workshops/cs32a.pdf> [hereinafter Limpangog].

<sup>107</sup> *Id.*

<sup>108</sup> *Ethics in Education: the role of teacher codes in Canada and South Asia*, Shirley van Nuland and B.P. Khandelwal, UNESCO and International Institute for Educational Planning, 87 (2006) [hereinafter van Nuland & Khandelwal].

<sup>109</sup> *Id.*

would require sustained support from the Ministry and could include programmatic activities such as awareness-raising and compliance initiatives with a revised Teachers' Code. Consideration should also be given to how these groups can empower teachers to take a public stance against corrupt practices by higher-ranking education authorities and set over-arching standards of conduct.

### 3. Student Groups

Student support groups can provide a space for peer support as well as student advocacy against corruption. Students can be mobilized to report on exploitative practices as they arise, thus providing an additional layer of in-school oversight. Secondary school students interviewed in Bong County expressed their enthusiasm for a reporting mechanism that would encourage their participation.<sup>110</sup> Ministry support for student groups can thus ensure students' participation in improving the quality of their educational experience.

#### *Considerations for Liberia – Supporting Student Support Groups*

The Ministry of Education should work with Child Protection Agencies to establish and support a pilot project of student groups in one region of the country. Such support should include a uniform mandate and guiding principles, as well as sustained training and resources for student leaders and supporting community-based agencies. Based on the outcomes of the pilot project, consideration should be given to broadening such groups to schools in other areas of the country.

## **B. Community-Based Initiatives**

This section discusses two important elements of policy and programmatic responses to corrupt and exploitative practices at the community level: i) the relationship between community-based participation and the practice of decentralizing government activities, and ii) establishing an effective and trusted complaints mechanism at the community-level.

### 1. Considering Community-Based Participation with the Decentralization of Government-Run Programs

As discussed, combating corrupt and exploitative practices at the school level should include participation of students, parents and community actors in the design and implementation of community-based mechanisms. The successful operation of community-based participation, however, ought to be considered alongside prevailing policies to decentralize activities normally undertaken by central governmental authorities. Decentralization in the education sector to the community level must include transparency and serve to strengthen accountability mechanisms.<sup>111</sup> Community-based initiatives in Zambia<sup>112</sup> and Uganda<sup>113</sup> aimed at tracking

<sup>110</sup> IHRC Focus Group with Secondary School Students, Bong County, Oct. 22, 2008.

<sup>111</sup> See e.g., Transparency International, STEALING THE FUTURE: CORRUPTION IN THE CLASSROOM 13 (2005); Hallak & Poisson, at 280.

<sup>112</sup> Transparency International, at 13, 79-80.

<sup>113</sup> See Reinikka & Smith.

public expenditures and holding teachers and administrators accountable where leakages were found, for example, have been successful at reducing corruption in the education sector.<sup>114</sup>

Ceding government authority to local level actors, however, “is only effective when its members have the necessary skills, knowledge and status...”<sup>115</sup> As experienced in programs undertaken in Brazil,<sup>116</sup> Peru, and Honduras,<sup>117</sup> when local capacity is insufficient, “decentralization may boost opportunities for corrupt practices,”<sup>118</sup> Thus, in addition to ensuring that community actors possess the requisite capacity to implement and oversee anti-corruption measures, outside involvement by students, parents and other civil society actors should be encouraged, which can include effective monitoring of decentralized activities.<sup>119</sup>

## 2. Establishing independent and transparent community-based complaints mechanisms

Students and parents need to be empowered to make complaints concerning corrupt and exploitative behavior in schools. The establishment of transparent, independent and effective community-based complaints mechanisms is necessary to win community trust in this regard.

A case study on the establishment of an education sector complaints mechanism in Peru is illustrative of issues that arise when designing and implementing complaints mechanisms. Findings from a Peruvian study on measures designed to encourage students and parents to file complaints concerning education issues revealed that families were reluctant to lodge complaints against offending teachers because they feared retaliation by the individuals involved.<sup>120</sup> Peruvian families also reported being very hesitant to complain to a government body that was affiliated with the educational system, but were much more willing to complain to an institution perceived as independent—in this case, the government’s Office of the Ombudsman.<sup>121</sup> Streamlining the complaints process is also important. In Peru, there were numerous entities charged with handling problems of corruption. Coordination between these entities was poor, and in practice, they tended to redirect complaints between entities until the lapse of prescribed time limits for making complaints.

### ***Considerations for Liberia – Establishing Community-Based Reporting Mechanisms***

<sup>114</sup> Sierra Leone has recently passed laws that likewise cede greater authority to local government. See Transparency International, at 71 (“The passage of the Local Government Act (2004) heralds new prospects for governance in Sierra Leone as 19 local councils assume responsibility for key aspects of service delivery, including health and education.”).

<sup>115</sup> Transparency International, at 13.

<sup>116</sup> Transparency International, at 13.

<sup>117</sup> Samuel Rotta Castilla, *U4 Brief No. 6: Corruption-free education: Lessons from a State- and civil society joint initiative in Peru*, CHR Michelsen Institute (2008) available at <http://www.cmi.no/publications/file/?3004=corruption-free-education> [hereinafter Castilla]; Alessandra Fontana, *U4 Brief No. 16: Teachers and taxis: Corruption in education in Honduras*, CHR, Michelsen Institute (2008), available at <http://www.cmi.no/publications/file/?3043=teachers-and-taxis>.

<sup>118</sup> Hallak & Poisson, at 70.

<sup>119</sup> Transparency International, at 71 (“Greater accountability and transparency in local council activities could yield enormous benefits for schools though this ultimately depends upon the vigilance of civil society.”).

<sup>120</sup> See Castilla.

<sup>121</sup> *Id.*

The Ministry should therefore consider potential measures to facilitate community involvement in reporting mechanisms, as well as core elements necessary for establishing a standard complaints mechanism. Parent-Teacher Associations (PTAs), for example, can undertake awareness-raising on corruption issues and engage as an informal conduit for complaints from students and parents. A formal complaints mechanism should include elements to safeguard independence and impartiality, confidentiality, and protection of students and teachers from retaliation by affected school officials. Care must be taken to ensure that students have a safe and protective environment within which to make complaints. Finally, any new initiatives must be adequately resourced to ensure sustainability.

### C. Reforms to be Led by the Ministry of Education

This section considers the role of the Ministry of Education in providing leadership and support to: 1. teacher management systems; 2. nation-wide support for community-based complaints mechanisms; 3. nation-wide support for the implementation and enforcement of a standardized code of conduct; and, 4. adequate and effectively distributed wages for teachers and administrators.

#### 1. Teacher Management Systems

Comprehensively addressing corrupt and exploitative practices in the education sector requires a review of teacher management systems. Two case studies that deserve consideration are the teacher management systems implemented in Uganda and Tanzania.

In **Uganda**, new teachers are monitored on six-month intervals for two years while permanent teachers are monitored annually. Head teachers monitor junior teachers on a day-to-day basis.<sup>122</sup> The head teacher position also comes with administrative responsibilities, as head teachers are promoted through a multi-step competitive process.<sup>123</sup> Professional development can include in-service education, formal training, peer education and teamwork between junior and experienced teachers, inspectorate-organized refresher classes, and an evaluative combination of self-assessment and external review.<sup>124</sup> A multi-level oversight system should include in-school monitoring by senior teachers, deputy heads, head teachers, and official inspectors, who visit once per term.<sup>125</sup> According to Mulkeen & Chen, these measures were adopted to support Uganda's efforts to increase the quality and level of education, which were necessitated by a jump in school enrollment following the adoption of a policy of universal primary education. Challenges remain in the area of deploying and retaining qualified teachers to rural areas, in particular female teachers.

**Tanzania** has developed and implemented a multi-faceted teacher management program, where management responsibility is shared by head teachers and a school committee, district education officers, and school inspectors.<sup>126</sup> Experience from the program has shown that head teachers are competitive positions, and that teachers are motivated by the enhancement of their

---

<sup>122</sup> Mulkeen & Chen, at 106-07.

<sup>123</sup> Mulkeen & Chen, at 106-07.

<sup>124</sup> Mulkeen & Chen, at 106-07.

<sup>125</sup> Mulkeen & Chen, at 106-07.

<sup>126</sup> Mulkeen & Chen, at 98-99.

professional stature and the increased social standing that comes with the position.<sup>127</sup> Indeed, teachers of low qualification have expressed eagerness to improve. School inspectors are also hired following a competitive process including applicant screening, interviews, and pre-clearance training. As a result, the most reliable and best-performing employees are given the greatest supervisory responsibilities. Coupled with other components of education reform, Tanzania's Primary Education Development Plan has realized gains in its goals of improving the quality of teaching and the learning process – key elements to eliminating corruption in schools.

### *Considerations for Liberia*

These case studies suggest elements that are essential to effective teacher management. First, teacher management systems should ensure regular monitoring of teachers with an emphasis on continued professional development of faculty. Procedures should be established to ensure impartially administered discipline and promotion processes. Consideration should be given to ensuring effective school monitoring by actors from the Ministry of Education that are external to the local school area. External monitoring should be frequent, consistent, and in-depth, incorporating oversight measures for cases of child abuse and exploitation.

#### 2. Nation-wide Support for Community-Based Complaints Mechanisms

To be effective, community-based complaints mechanisms require support from the Ministry of Education. Personnel and capacity support can ease the burden on school authorities, who must balance many teacher supervision and other administrative tasks. Ministry support should alleviate poor communication and bureaucratic delays to ensure the operation of efficient complaints processes and avoid superficial responses to complaints such as the routine transfer of misbehaving teachers to other schools. Finally, complaints mechanisms must result in actual investigations and penal sanctions against individuals who breach professional and criminal codes.

#### 3. Nation-wide Support for the Awareness, Implementation and Enforcement of a Standardized Teachers Code of Conduct

The Ministry has an important role to play in providing nation-wide support for the implementation and enforcement of standardized codes of conduct for education professionals. Standardized rules and regulations ought to define clearly appropriate and inappropriate conduct in the educational sector. As one scholar has noted, “Educators need to know what behaviors might constitute corrupt practices, especially when proper professional conduct might run counter to social norms widely accepted outside of the education workplace.”<sup>128</sup> For teacher's codes to be fully effective, they must be widely disseminated: “Mere formulation of codes (with limited participation) does not ensure their effective implementation. Capacity building of teachers, staff and other stakeholders in the education sector in the use of codes is extremely important in [developing] countries.”<sup>129</sup> Parents and community members must also have a solid understanding of the codes to keep teachers and administrators accountable and demand

---

<sup>127</sup> Mulkeen & Chen, at 98.

<sup>128</sup> Spector, at 72.

<sup>129</sup> van Nuland & Khandelwal, at 159.

enforcement. The impact of teacher's codes can also be seriously compromised by limited access to them, a lack of knowledge about procedures for filing complaints, lack of capacity for enforcement and pressure from teacher's unions.<sup>130</sup>

The Ministry should ground reforms in existing standards to which professionals already subscribe. Liberian educational workers are affiliated with organizations and unions that have signed on to Education International's Declaration on Professional Ethics.<sup>131</sup> Article 2 requires, among other things, that teachers "maintain professional relations with students,"<sup>132</sup> "take all possible steps to safeguard students from sexual abuse,"<sup>133</sup> and "ensure that the privileged relationship between teacher and student is not exploited in any way."<sup>134</sup> These standards remain empty, however, without functioning investigation and enforcement mechanisms. Human and material resources must be directed to accountability mechanisms, which must possess the authority to sanction and/or impose disciplinary measures for breaches of professional standards and refer cases involving criminal behavior to law enforcement.

#### 4. Adequate and Effectively Distributed Wages

Providing adequate and regular wages to teachers and administrators is an important measure to combat corrupt practices at the school level. Wages that are insufficient, delayed for long periods of time, or disbursed only at certain times or locations, as reported in IHRC interviews, cause economic distress for teachers that makes them more likely to engage in impermissible practices, like charging illegal fees or taking bribes. They also render teachers vulnerable to exploitative practices by administrators. A study in the Philippines, for example, found that delays in delivering teachers' salaries led to management offering to expedite payments in exchange for kick-backs.<sup>135</sup>

In Liberia, teachers must also travel for salary disbursement, which forces them to spend time away from their professional responsibilities. Regular delivery of adequate wages can bolster professionalism amongst teachers and discourage the solicitation of extra monies from students and parents.

### **VIII. Conclusions and Suggested Areas for Legislative and Policy Reform**

Liberia's Ministry of Education faces many competing priorities as it rebuilds the country's education system. Recent legal, policy and programmatic developments are welcome. Large-scale reforms, however, must include the introduction of measures designed to empower students and teachers to confront corrupt and exploitative practices. Efforts must be specifically directed at eliminating corrupt and exploitative practices committed by teachers and administrators against students and parents. Teachers and administrators hold positions of power and authority

---

<sup>130</sup> *Id.*

<sup>131</sup> Liberia affiliates include the Liberia National Educational Workers Union (LINEWU); National Teachers' Association of Liberia (NTAL), and Association of Liberian Professional Organizations (ALPO).

<sup>132</sup> Education International (EI) Declaration on Professional Ethics art. 2(4), July 24, 2004, *available at* <http://www.ei-ie.org/library/en/display.php?id=37> [hereinafter Declaration on Professional Ethics].

<sup>133</sup> Declaration on Professional Ethics, art. 2(6).

<sup>134</sup> Declaration on Professional Ethics, art. 2(10).

<sup>135</sup> Yvonne T. Chua, *Robbed: An Investigation of Corruption in Philippine Education*, Philippine Center for Investigative Journalism, 77 (1999).

over students; they control access to school materials, grading, and other important areas of school life. As front-line actors in the education sector, their behavior and practices directly affect student enrollment. Sustaining school enrollment is critical to Liberia's post-recovery future, especially since the present adult literacy rate stands at only 56%.<sup>136</sup> Indeed, studies have shown that eliminating child labor to allow for higher levels of school enrollment can result in enormous aggregate development benefits in terms of added productivity of future generations.<sup>137</sup>

The seriousness of the situation demonstrates the need to collect and synthesize data on the nature and extent of corrupt and exploitative practices that prevail at the school level across the country. There is a corresponding need to institutionalize mechanisms to enable the on-going collection of such data. Data collection should include an assessment of knowledge, attitudes and practices that presently prevail at the community level. Follow-up on data collection should include civic education programming aimed at all levels of society to promote and ensure the fulfillment of children's rights as well as awareness-raising on the available measures that respond to corrupt and exploitative practices in schools. Beyond civic programming, however, real and sustained accountability and enforcement measures must exist.

It is understood that the Ministry of Education intends to reform the 2002 Education Law. The process will be undertaken in consultation with stakeholders and education sector actors on a wide range of issues. We urge the Ministry to consider the implementation of legislative and policy measures necessary to address commonly complained-of practices against students at the school level. Potential issues include:

1. **Including anti-corruption principles within the education policy.** Currently, the Education Act includes a section explaining Liberia's education philosophy. Liberia's commitment to ensuring respect between teachers and students and creating a safe and healthy learning atmosphere for all, as well as maintaining a zero-tolerance policy on abusive and exploitative practices against children in schools should be included as a core component of Liberia's education policy.
2. **Establishing an independent complaints mechanism for students and parents.** The new Act could specifically designate a mechanism—preferably one outside the Ministry of Education—for lodging complaints related to corruption in the education sector. Ensure that the complaints mechanism works with the Ministry and law enforcement to ensure that complaints are followed up with substantive investigations and, where appropriate, prosecutions of criminal behavior.
3. **Elaborating on human rights awareness and anti-corruption modules of teacher training programs.** While current teacher training programs already touch on the problem of corruption, creating a new training module focused on school-level corruption issues, and in particular the sex-for-grades problem, would supplement teachers' knowledge of the issues and ability to address them appropriately.

---

<sup>136</sup> UNICEF, "At a glance: Liberia, Statistics," available at [http://www.unicef.org/infobycountry/liberia\\_statistics.html](http://www.unicef.org/infobycountry/liberia_statistics.html).

<sup>137</sup> Betcherman, Fares, Luinstra and Prouty, "Child Labor, Education, and Children's Rights," in *Human Rights and Development* (Oxford: Oxford University Press, 2005), citing International Labour Organization (ILO), *Investing in Every Child, An Economic Study of the Costs and Benefits of Eliminating Child Labor* (Geneva: ILO, 2004), at 174.

4. **Implementing measures to increase the recruitment and retention of female teachers.** Incentives are needed to attract more female teachers, such as scholarships for secondary education and teacher training programs. The Act should also include laws and enforcement mechanisms to protect female students and teachers from sexual harassment and discrimination in the education sector.

## ACKNOWLEDGEMENTS

Katy Glenn and Matt Wells, students enrolled in the International Human Rights Clinic (IHRC) of the Human Rights Program at Harvard Law School (HLS), with Sharanjeet Parmar, IHRC Clinical Instructor and Lecturer on Law, performed the field research for this report. Katy Glenn, Matt Wells and Sharanjeet Parmar co-authored the report. Aminta Ossom and Sheila Myung (HLS students enrolled in the IHRC) provided research and writing assistance; Marie Miano (Office Coordinator, Global Rights) provided editing assistance. This report was prepared under the direction of Sharanjeet Parmar, who edited the report and coordinated the project. James Cavallaro, Clinical Professor of Law and Executive Director of the Human Rights Program, provided editing assistance and substantive feedback.

IHRC would like to thank the many people and organizations that gave considerable time and effort to make this report possible. We are grateful to local civil society organizations and child protection agencies for their insights and support in the field. We are especially grateful to the boys and girls who participated in the focus group discussions and individual interviews. As they shared their experiences, insights, and hopes for the future, these students also expressed a drive to make something of their lives through education and contribute to their communities – despite having to face routine exploitation and abuse in school. It is our hope that this report offers a platform for their voices and a contribution to efforts to secure the rights of Liberia’s students in the country’s efforts to rebuild after a brutal civil war.