



REPUBLIC OF LIBERIA
GOVERNANCE COMMISSION



AN ACT

**To Amend Chapter 38 Ministry of Gender and
Development, Of the Executive Law, To Establish**

THE MINISTRY OF GENDER, CHILDREN & SOCIAL PROTECTION

PREAMBLE

WHEREAS, Chapter 38, Article 89 of the Liberian Constitution empowers the Legislature to enact statutes for the creation of agencies and commissions as may be necessary for the effective operation of Government;

WHEREAS, gender mainstreaming is necessary to develop and empower women in all spheres of national life to ensure that national policy formulation, resource allocation, development planning and implementation are informed and impacted by the perspectives and actions of both women and men;

WHEREAS, it is good governance practice for a nation-state to plan, manage, and implement children-centered policies and programs;

WHEREAS, it is constitutionally imperative to ensure equitable access of vulnerable, disadvantaged and marginalized persons to the outcomes of development through the enhancement of gender, children and social protection services, structures and processes;

WHEREAS, the government has adopted a policy to undertake reforms in the institutional arrangements, organizational structures and core functions of government ministries, agencies, and instrumentalities so as to enhance government's overall effectiveness and efficiency in the planning, organization and delivery of public goods and services;

WHEREAS, it has become necessary to consolidate the governance of women's and children's issues and those relating to vulnerable, disadvantaged, and marginalized groups under the authority of one institution of government for proper coordination by combining the Ministry of Gender and Development and the Department of Social Welfare of the Ministry of Health and Social Welfare;

NOW, THEREFORE, it is enacted by the Senate and House of Representatives of the Republic of Liberia in Legislature assembled:

CHAPTER 1: GENERAL PROVISIONS

SECTION 1: TITLE

This Act is and shall be called An Act to Amend the New Executive Law of 1972 to establish the Ministry of Gender, Children and Social Protection.

SECTION 2: SHORT TITLE

This Act may be cited as “**THE MINISTRY OF GENDER, CHILDREN AND SOCIAL PROTECTION ACT of 2013**”.

SECTION 3: OBJECTIVES

The objective of this Act is to amend the Acts establishing the Ministry of Gender and Development and the Ministry of Health and Social Welfare to create and establish the Ministry of Gender, Children and Social Protection.

SECTION 4: REPEALS AND AMENDMENTS

The provisions of the following laws are hereby expressly repealed and amended insofar as they relate to the establishment of the Ministry of Gender, Children and Social Protection:

- (a) All provisions referencing social welfare of Chapter 30, Ministry of Health and Social Welfare of the Executive Law, Title 12, Liberian Code of Laws Revised are hereby repealed and related functions and powers with respect to social welfare are transferred to the Ministry of Gender, Children and Social Protection pursuant to this Act.
- (b) Chapter 38 Ministry of Gender and Development of the Executive Law, Title 12, Liberian Code of Laws Revised is hereby amended and its functions and powers are transferred to the Ministry of Gender, Children and Social Protection pursuant to this Act.
- (c) Notwithstanding the repeal of said aforementioned provisions of Chapter 30, and amendment of Chapter 38 and all Acts as well as all Executive Orders amendatory thereto, any contract, order, decision or anything made or done before the coming into force of this Act, which was duly authorized in keeping with the repealed and

amended Acts shall be valid and continue to be in force as if made or done under this Act.

SECTION 5: VALIDITY OF PRIOR ACTIONS OF THE MINISTRY OF HEALTH AND SOCIAL WELFARE

Notwithstanding the repeal of the aforementioned **Chapter 38** and all Acts and Executive Orders amendatory thereto, any contract, order, decision or anything made or done by the Ministry of Health and Social Welfare relative to social welfare issues before the coming into force of this Act which was duly authorized in keeping with the repealed and amended Acts and Executive Orders shall be valid and continue to be in full force and effect as if made or done under this Act.

SECTION 6: CHANGE OF NAME OF CHAPTER 38, NEW EXECUTIVE LAW, TITLE 12, LIBERIA CODE OF LAW, REVISED

Chapter 38, Ministry of Gender and Development, Executive Law, Title 12, Liberian Code of Laws Revised is hereby amended to be entitled “**Chapter 38: Ministry of Gender, Children and Social Protection**” to read as follows:

CHAPTER 38: MINISTRY OF GENDER, CHILDREN AND SOCIAL PROTECTION

Section 38.1: Definitions

Section 38.2: Establishment of the Ministry

Section 38.3: Mandate of the Ministry

Section 38.4: Functions of the Ministry

Section 38.5: Structure of the Ministry

Section 38.6: Appointment, Duties of the Minister

Section 38.7: Appointment of the Deputy Ministers

Section 38.8: Duties of Deputy Minister for Research, Policy, and Planning

Section 38.9: Duties of Deputy Minister for Gender

Section 38.10: Duties of Deputy Minister for Children and Social Protection

Section 38.11 Duties of Deputy Minister for Administration

SECTION 38.1: DEFINITIONS

In this Act, unless the context otherwise requires:

“Adolescent” means a person between the ages of 10 to 19 years of age;

“Child” means a person less than 18 years of age;

“**Contract**” means an agreement either between the Ministry of Gender and Development or Department of Social Welfare of the Ministry of Health and Social Welfare and a vendor or an institution or an individual creating obligations that are enforceable or otherwise recognizable at law.

“**Contractor**” in this Act means one who has been hired to perform work or services for either the Ministry of Gender and Development or the Department of Social Welfare of the Ministry of Health and Social Welfare.

“**Marginalized**” means the state of having someone or something being made unimportant, irrelevant or prevented from having power or influence – predominantly a social phenomenon by which a minority or sub-group is excluded, and their needs or desires ignored.

“**M&E**” means monitoring and evaluation.

“**Minister**” means the Minister of Gender, Children and Social Protection.

“**Ministry**” means the Ministry of Gender, Children and Social Protection.

“**Rehabilitation**” refers to processes and services – physical, psychological, social, financial and other essential, appropriate services - that the Republic has in place for the disabled, the vulnerable, and the elderly to change the conditions of such persons to higher levels of independence.

“**Social Protection**” means policies and programs of the Ministry targeted at children, the physically challenged, elderly, marginalized, the vulnerable, disadvantaged and excluded groups.

“**Vulnerable**” means capable of being physically or emotionally hurt or being exposed to danger.

SECTION 38.2: ESTABLISHMENT OF THE MINISTRY

There is hereby established in the Executive Branch of Government, the Ministry of Gender, Children and Social Protection hereinafter referred to as the Ministry.

SECTION 38.3: MANDATE OF THE MINISTRY

The Ministry shall promote the development, empowerment and protection of women, girls and children, as well as the welfare and integration of persons with disabilities, the vulnerable, extremely poor, excluded and disadvantaged. Specifically, the Ministry will initiate, develop and implement and/or coordinate policies and programs aimed at women, girls, and children, as well as those physically challenged, marginalized, disadvantaged and excluded, to ensure that their rights are protected and that they are integrated, and contribute to, and benefit from, the peace, stability and socio-economic advancement of the country.

SECTION 38.4: FUNCTIONS OF THE MINISTRY

The Ministry's core functions shall be to:

- (a) Ensure the mainstreaming of gender, children and social protection concerns in national government policies, plans, programs and budgets;
- (b) Formulate gender, children and social protection policies and strategies;
- (c) Coordinate the preparation of national gender, children and social protection development plans;
- (d) Design and implement monitoring and evaluation frameworks for gender, children and social protection and programs;
- (e) Ensure national compliance with all international conventions on women and children, as well as on vulnerable, excluded, marginalized groups, and persons with disabilities;
- (f) Develop and implement gender, children and social protection training programs;
- (i) Prepare Annual State of Gender, Women and Children's Reports;

- (j) Develop and implement gender and social services programs on women, children, child protection, and anti-gender violence;
- (k) Regulate the operations of orphanages, children's homes and foster and alternative care programs
- (l) In collaboration with the Ministry of Justice, regulate the adoption of children;
- (m) Promote advocacy of gender, children and social protection issues;
- (n) Collaborate with other relevant ministries, agencies and other public institutions whose services, especially in the area of children and social protection, may complement that of the Ministry; and
- (o) Manage the required administration support services, including financial management, human resources, information systems, transportation and communications, power and water, procurement, security, and maintenance.

SECTION 38.5: STRUCTURE OF THE MINISTRY

The organizational structure of the Ministry shall be as follows:

- a) **Office of the Minister;** which shall provide overall policy and strategic direction and guidance to the ministry
- b) **Department for Research, Policy, and Planning,** which shall be responsible for the research, policies and regulations development, and program planning, as well as monitoring and evaluation functions of the ministry;
- c) **Department for Gender,** which shall be responsible for women's and adolescent girls' issues, policies and programs;
- d) **Department for Children and Social Protection,** which shall be responsible for policies and programs targeted at children, the physically challenged, elderly, marginalized, the vulnerable, disadvantaged and excluded groups; and
- e) **Department for Administration,** which shall be responsible for the provision of the required support services for the implementation of the Ministry's programs and achievement of results.

Each Department of the Ministry shall be composed of Divisions, Sections, and Units dedicated to implementing the mandate and core functions of the Ministry.

SECTION 38.6: APPOINTMENT AND DUTIES OF THE MINISTER OF GENDER, CHILDREN AND SOCIAL PROTECTION

There shall be appointed by the President, with the consent of the Senate, a Minister of *Gender, Children and Social Protection*, who shall serve as *Chief Executive Officer of the Ministry*. As Minister he/she shall have responsibility for ensuring the effective and efficient implementation of the mandate and core functions of the Ministry. The Minister shall be assisted by deputy ministers who shall report to him/her.

The duties of the Minister shall be as follows:

- a. Advise the President on gender, children and social protection issues;
- b. Under authority and powers delegated to him/her by the President, provide executive oversight of gender, children and social protection issues;
- c. Regulate and provide policy directions and guidelines for the operation of orphanages and children's homes, foster and alternative care programs;
- d. Provide effective leadership to the Ministry, including evolving a vision and developing core values consistent with the mandate of the Ministry;
- e. Prepare and defend the Ministry's annual program and its related expenditure budget proposals;
- f. Develop the human resources of the Ministry to enable workers implement their functions effectively and efficiently;
- g. Mobilize external resources, in consultation and collaboration with the relevant government institutions, to augment technical and financial resources annually available to the Ministry;
- h. Submit to the President and the Legislature, not later than 30 days at the end of each calendar year, an Annual Report of the activities and operations of the Ministry during the preceding year;
- i. Perform such other duties that are incidental to being a Minister of Gender, Children and Social Protection; and

- j. Perform duties the President may, from time to time, assign to the Office of the Minister.

SECTION 38.7: APPOINTMENT OF DEPUTY MINISTERS

The President, with the consent of the Senate, shall appoint the following deputy ministers, each of whom shall be the head of a department within the Ministry:

- (a) Deputy Minister for Research, Policy and Planning
- (b) Deputy Minister for Gender;
- (c) Deputy Minister for Children and Social Protection; and
- (d) Deputy Minister for Administration

SECTION 38.8: FUNCTIONS OF THE DEPUTY MINISTER FOR RESEARCH, POLICY AND PLANNING

The Deputy Minister for Research, Policy, and Planning, under the direction of the Minister, shall have oversight of the Ministry's activities in the domains of research, policy formulation, and development planning, as well as monitoring and evaluation.

The duties of the Deputy Minister for Research, Policy and Planning shall be to:

- a. Manage the research function and activities of the Ministry;
- b. Advise the Minister on gender, children and social protection research, policy and planning issues;
- c. Manage policy making, regulations and guidelines development activities of the Ministry, including the national gender policy and plans, the national children and social protection policy and plans, and a framework for gender mainstreaming;
- d. Provide support to the Deputy Minister for Administration in the preparation of the Ministry's budget;
- e. Manage the institutional planning and programming activities of the Ministry;
- f. Develop and maintain a bank of relevant data and information on gender, children and social protection activities within the country;

- g. Establish and maintain an effective and efficient gender, children and social protection management information system;
- h. Manage the Ministry's monitoring and evaluation system and program, ensuring they synchronize with the Governance Commission's governance monitoring and evaluation system and adhere to national laws, policies and regulations;
- i. Develop and implement frameworks for monitoring the implementation of the National Gender Policy by other ministries and/or agencies; conduct research on topical issues of interest on gender, children and social protection; conduct surveys on impacts of policies on women, children and marginalized groups; develop and implement frameworks for monitoring and evaluating children and social protection programs; prepare gender, children and social protection policy impact reports;
- j. Coordinate the preparation of the Ministry's Annual Report to the President and Legislature;
- k. Assist the Minister coordinate donor relations of the Ministry, including preparing and following-up on project proposals to access external resources to assist the Ministry;
- l. Perform such other duties that are incidental to being the Deputy Minister of Research, Policy and Planning; and
- m. Perform duties the Minister may, from time to time, assign to the Office of Deputy Minister for Research, Policy and Planning.

SECTION 38.9: FUNCTIONS OF THE DEPUTY MINISTER FOR GENDER

The Deputy Minister for Gender, under the direction of the Minister, shall have the responsibility for ensuring the mainstreaming of gender issues, policies and programs, particularly as they relate to women and children, in all public institutions. The duties of the Deputy Minister for Gender shall be as follows:

- (a) Manage the Ministry's gender function and activities;
- (b) Advise the Minister on gender and adolescent girls' issues;
- (c) Design, develop and implement frameworks for mainstreaming women and adolescent girls in the work of ministries, agencies, commissions and all other public institutions;

- (d) Design, develop and implement frameworks that ensure compliance with human rights issues and instruments relating to women and adolescent girls;
- (e) Provide leadership in the review of laws and legislation to ensure their conformity to international agreements relative to women and adolescent girls;
- (f) Participate in the formulation of policies, regulations, and guidelines on the management of gender based violence;
- (g) Coordinate the preparation of reports required by national and international bodies and treaties on gender issues, including the state of women and adolescent girls report;
- (h) Lead advocacy on women's and adolescent girls' issues by developing and implementing a framework for the promotion of women's and adolescent girls' rights, including the empowerment of women, and the protection and development of children;
- (i) Prepare and implement national information, education and communication (IEC) programs on women and adolescent girls;
- (j) Perform such other duties that are incidental to being the Deputy Minister for Gender; and
- (k) Perform duties the Minister may, from time to time, assign to the Office of the Deputy Minister for Gender.

SECTION 38.10: FUNCTIONS OF THE DEPUTY MINISTER FOR CHILDREN AND SOCIAL PROTECTION

The Deputy Minister for Children and Social Protection, under the direction of the Minister, shall have responsibility for the management of the Ministry's functions and activities and provide leadership to the development of its policies and programs. The duties of the Deputy Minister for Children and Social Protection shall be as follows:

- (a) Manage the Ministry's children and social protection functions and activities;
- (b) Advise the Minister on children and social protection issues;

- (c) Provide leadership in the development of policies, strategies, and guidelines on children and social protection issues;
- (d) Provide leadership in developing and coordinating the implementation of national programs that attend to the issues related to extremely poor families, children, vulnerable, disabled, elderly, excluded and marginalized groups;
- (e) Provide leadership in identifying, locating and reaching children, vulnerable, disabled, elderly, excluded and marginalized groups;
- (f) Coordinate the preparation of reports required by national and international bodies and treaties on children, vulnerable, disabled, elderly, excluded and marginalized groups;
- (g) Lead advocacy on the rights of children, vulnerable, disabled, elderly, excluded and marginalized groups;
- (h) Prepare and implement information, education and communication (IEC) national programs on children, vulnerable, disabled, elderly, excluded and marginalized groups;
- (i) Foster the development of children and social protection community-based groups;
- (j) Regulate the operations of orphanages, children homes, foster and alternative care and the adoption of children;
- (k) Develop guidelines on standards of care and operations for rehabilitation institutions;
- (l) Assist the Minister to regulate and provide policy guidelines for the operations of orphanages and children's homes, foster and alternative care programs
- (m) Perform such other duties that are incidental to being the Deputy Minister for Children and Social Protection; and
- (n) Perform duties the Minister may, from time to time, assign to the Office of Deputy Minister for Children and Social Protection.

SECTION 38.11: FUNCTIONS OF THE DEPUTY MINISTER FOR ADMINISTRATION

The Deputy Minister for Administration, under the direction of the Minister, shall have oversight of the Ministry's support services to the Office of the Minister, the departments and program activities to ensure the efficient and effective implementation of the mandate and functions of the Ministry. The duties of the Deputy Minister for Administration shall be as follows:

- a. Administer the Ministry's financial management system, including budgeting, petty cash management, financial accounting and reporting, and internal and external audits, ensuring that they are consistent with the Public Financial Management law and regulations;
- b. Administer the Ministry's human resource management system, including recruiting, selecting, training, and retention, ensuring that they are consistent with civil service law, policies and regulations;
- c. Administer the Ministry's procurement of goods, supplies, works and consulting services, ensuring that they are consistent with the laws and regulations of the Public Procurement and Concessions Commission;
- d. Manage the Ministry's general services, such as warehousing and accessing of goods and supplies; transportation and communication; power and water systems; and security and maintenance, ensuring that they are consistent with policies and regulations of the General Services Agency;
- e. Perform such other duties that are incidental to being the Deputy Minister for Administration of the Ministry; and
- f. Perform duties the Minister may, from time to time, assign to the Office of Deputy Minister for Administration.

SECTION 7: TRANSITIONAL PROVISIONS

Upon the effective date of this Act, the following actions shall be considered automatically taken:

- (a) The person serving as Minister of Gender and Development, prior to the coming into effect of this Act, shall serve as Minister unless removed by the president;

- (b) The assets, personnel and remaining budget of the Department of Social Welfare of the Ministry of Health and Social Welfare shall be automatically transferred to the Ministry;
- (c) The officers and employees of the Ministry of Gender and Development and the Department of Social Welfare of the Ministry of Health and Social Welfare shall, in a holdover capacity, continue to perform their respective duties and responsibilities to and receive the corresponding salaries and benefits until the new position structure and staffing pattern of the Ministry shall be prescribed by the Minister in keeping with the civil service pay and grading structure for civil servants and approved by the President;
- (d) Incumbents whose positions are not included in the organizational structure of the Ministry or who may not be re-appointed shall be deemed redundant. Redundant employees shall be paid severance benefits consistent with the laws of Liberia. Employees who meet eligibility requirements for retirement shall receive such retirement benefits as provided for under the laws of Liberia; and
- (e) All existing assets, liabilities and obligations of the Ministry of Gender and Development and the Social Welfare Department of the Ministry of Health and Social Welfare shall be transferred to the Ministry of Gender, Children and Social Protection.

SECTION 8: EFFECTIVE DATE

This Act shall take effect immediately upon publication in handbills by the Ministry of Foreign Affairs.

ANY ACT TO THE CONTRARY NOTWITHSTANDING