

**A COMPLEMENTARY REPORT BY NON-GOVERNMENTAL ORGANIZATIONS TO  
THE STATE PARTY REPORT OF SIERRA LEONE (2005) ON THE  
IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD**

**FOREWORD**

This report has been developed as a complementary report to the State Party Report issued by the State of Sierra Leone in 2005 on the implementation of the United Nations Convention on the Rights of the Child, ratified by the Republic of Sierra Leone in 1990. This report contains complimentary information to the State Party Report and includes comments and recommendations from numerous NGOs, INGOs, and civil society of Sierra Leone.

Preparation of the Complementary Report has been implemented by Save the Children UK with the creation of the NGO Coalition (henceforth “the Coalition.”) The Coalition included organizations in Sierra Leone working in the area of child protection, health and education and the implementation of children’s rights and legal interests. These organizations provided data based on individual publications, research and field work that can serve as additional information for the Committee on the Rights of the Child when forming its concluding observations.

The Coalition was set up in March 2007 and included organizations engaged in regular monitoring of implementation of children’s rights and the recommendations made by the UN Committee on the Rights of the Child in 2000. It must be noted however, that given the date of submission of the Complementary Report (April 15<sup>th</sup>, 2007) the Coalition was limited in its ability to fully provide information concerning all issues surrounding children’s rights due to time constraints. It is essential that the Committee on the Rights of the Child take this into account when reviewing the Report. Despite the extensive amount of information contained in the Report, it is not exhaustive; further information on children’s rights abuses and child protection issues are available to the Committee on the Rights of the Child through Coalition members. The Committee is encouraged to inquire about additional information from contributing members before forming its concluding observations.

Participation in the development of the Complementary Report included the following organizations:

Save the Children UK  
DCI-SL - Defence for Children International - Sierra Leone  
FAWE - Forum for African Women Educationalists  
Red Cross Sierra Leone

Organisation for Development and Human Rights  
The New Steps Centre  
Aberdeen West African Fistula Centre, Sierra Leone  
The Rainbo Center  
Mercy Ships Sierra Leone  
World Vision Sierra Leone  
IRC - International Rescue Committee  
CRS - Catholic Relief Services

It is assumed that the given Report will be published in media and possibly as a separate publication together with the National Report of the Government of the Republic of Sierra Leone.

**Acronyms Used:**

ACRWC - African Charter on the Rights and Welfare of the Child  
CEDAW – Convention on the Elimination of Discrimination against Women  
CRC - Convention on the Rights of the Child  
CRS - Catholic Relief Services  
CWC – Child Welfare Committees  
FAWE - Forum for African Women Educationalists  
FSU - Family Support Unit  
GBV - Gender-based Violence  
INGO - International Non-Governmental Organisation  
LAWCLA – Lawyer’s Centre for Legal Assistance  
MOHS - Ministry of Health and Sanitation  
MSWGCA - Ministry of Social Welfare and Gender and Children's Affairs  
NGO - Non-Governmental Organisation  
TBA - Traditional Birth Attendant  
PHU - Peripheral Health Unit  
UNCRC - United Nations Convention on the Rights of the Child  
UNICEF – United Nations Children Fund  
UNIFEM – United Nations Development Fund for Women

**Sections:**

1. General measures of implementation
2. Definition of the child
3. Education, leisure and cultural activities
4. Civil rights and freedoms

5. Family environment and alternative care
6. Basic health and welfare
7. Special protection measures/children in emergency
8. Children in conflict with the law
9. Conclusion

## **Section 1: General Measures of Implementation:**

Although ratified by the State Party in 1990, the entirety of the Convention on the Rights of the Child (henceforth “the CRC”) has yet to be implemented into domestic law as required by international law and national legal procedure. Some of the legal reforms required for the completion of this obligation have been effectively voted into Acts of Parliament in recent years, most notably through the enactment of both the Education Act 2004 and the Anti-Human Trafficking Act 2005. The passage of the Local Government Act in 2004 and the creation of a Human Rights Commission in 2004 demonstrate the willingness of the State Party to focus on human rights protection for all people in Sierra Leone. The Coalition applauds these visible efforts made by the State Party and encourages further accomplishments of this nature.

The implementation of the Convention nonetheless requires further efforts on behalf of the State Party, its international partners, internationally-registered NGOs, local NGOs, and civil societies. In order to fulfil the obligations created by the Convention, the NGO Coalition encourages further legislative and institutional reforms, most notably through the harmonization of customary and common laws, the amendment of the Constitution, and the immediate enactment of the Child Rights Act.

### **Harmonization of Customary and Common Law:**

Currently, Family Law disputes involving children are regulated using a long-standing procedure in breach of national laws, resulting in procedural injustice and human-rights abuses. Issues within the family concerning parentage, adoption, custody, divorce, separation, maintenance, and all other Family Law matters fall solely within the jurisdiction of Local Courts according to the Local Courts Act of 1963. Unfortunately, dissemination of information on the authority of Local Court judges has been so inadequate that the powers of these magistrates has been assumed (often unknowingly) by village and Paramount Chiefs.

Although all conflicts regarding the family are expected to be brought to the Local Court for resolution, a completely different, illegal procedure has developed in rural areas in order to resolve family disputes. Those that cannot be resolved within the extended family are often brought to the village Chief, elders or leaders for resolution. In the event that the dispute remains unsolved, plaintiffs will submit the disagreement to the Paramount Chief for adjudication upon payment of a fixed charge. At this stage of the process the Paramount Chief will issue to the defendant a verbal summons to come to a makeshift “court.” This artificial court is presided over by the Paramount Chief in the presence of members of the Council of Elders, a group comprised of tribal authorities, respected individuals in the community and members of ruling houses. The Paramount Chief will listen to the parties to the case and decide the outcome of the hearing based on evidence provided. The final decision often includes the imposition of fines, imprisonment or

other punishment, actions which Paramount Chiefs have *no* authority to impose under laws regarding dispute resolution. Parties to the so-called “trial” who refuse to conform to the court’s decision are often subjected to mistreatment by Chieftom police who are used to enforce the Chief’s decision. This procedure is entirely illegal as Chiefs do not hold power to adjudicate in legal matters, have no authority permitting them to issue punishments of any kind, and hold no power over Chieftom police. Information on the boundaries between Local courts and the administrative powers of Chiefs has been so poorly disseminated that Chiefs adjudicating matters outside of their jurisdiction are not aware of the illegality and Local court judges are unaware that their powers are being usurped. Additionally, in the rare case that a litigant wishes to appeal the decision of a Chief by seizing the Local court, the latter judges will often refuse to hear the case out of respect for the Chief, resulting in a breach of justice for the litigant. The Child Rights Act, 2006 establishes a number of national bodies involved in dispute resolution at the family level, created with the intention of extinguishing the cycle of injustice families currently face. Unfortunately, as this Act has yet to be voted into statutory law, and despite the enactment of the Local Government Act 2004, children are not receiving adequate protection when faced with family disputes as these conflicts are resolved using illegal procedures.

**The Coalition therefore recommends:**

**Monitoring of Family Disputes and Dissemination of National Laws:**

The Coalition recommends action by the State Party to inform the public of existing laws. Correspondingly, disputes under customary law must be referred to Local Courts in conformity with national law. The State Party must provide clear directives and training to Chiefs about the limits and extent of their powers, complete with the prosecution of Chiefs who continue to adjudicate unlawfully. Unlawful adjudication of customary law matters by Chiefs or other parties, including the imposition of arbitrary and unlawful punishments, must be prosecuted under the offence of abuse of power. Recording and publishing customary law established by Local Court judges will aid in the dissemination of information on dispute resolution procedures, enabling families and children to attain a better understanding of their rights. Publishing Local Court rulings will also ensure that discriminatory or unlawful rulings are made public, allowing both internal and external scrutiny, and ensuring Child Protection Network partners an opportunity to assess whether decisions are being made in accordance with international human rights standards, including the CRC. The Ministry of Justice must play an active role in the training of Local Court officials and the implementation of recorded decisions.

**Constitutional Reform:**

The Constitution of 1991 contains numerous elements representing its desire to protect all individuals in the State from harm. The Coalition notes the commendable existence of article 27

(4) of the Constitution of 1991, which states that discriminatory laws are anti-constitutional. The Constitution defines “discrimination” as the process of “affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, tribe, sex, place of origin, political opinions, colour or creed whereby persons of such description are subjected to disabilities or restrictions to which persons of another such description are not made subject, or are accorded privileges or advantages which are not accorded to persons of another such description.”

However, Article 27(4)(1)(d) limits this protection “with respect to adoption, marriage, divorce, burial, devolution of property on death or other interests of personal law.” This provision therefore greatly impacts the rights and protection of children by *negating* their protection from discriminatory laws and practices where these issues are concerned. Unfortunately, children are particularly affected by all the aforementioned subjects, resulting in rampant discriminatory practices directly against them.

Under the guarantees provided by article 2 of the CRC, children are entitled to an environment devoid of discriminatory laws. All rights must be granted to each child without exception and it is the responsibility of the State to protect children from all forms of discrimination. The State Party is therefore not only required to amend discriminatory laws, but to actively legislate against discrimination and violence against children. The Coalition would like to take this opportunity to iterate the content of article 27 of the Vienna Convention on the Law of Treaties, 1969 which clearly states that a State Party “may not invoke the provisions of its internal law as justification for its failure to perform a treaty.” The Coalition therefore formally requests the amendment of the State Constitution in order to prevent the application of discriminatory customary or statutory laws in all matters that affect children.

#### Enactment of The Child Rights Act, 2006:

Originally drafted in 1992, the Child Rights Bill has yet to become a statutory instrument despite repeated editorial changes. In 2005 the bill was freshly revisited with assistance from UNICEF, resulting in the creation of the Child Rights Act, 2006. Although the edited document significantly represents the concepts espoused by the CRC, the bill has yet to be enacted into law despite pressure from members of the Child Protection Network, members of the NGO Coalition, and from the international community.

Information from various partners of the Coalition has suggested that the parliamentary standstill results from discord between members of Parliament on the subjects of Female Genital Mutilation, early child betrothal, and other cultural practices deemed by the CRC to be constitutive of abuse. The Coalition urges the Committee to recommend the State Party establish

extensive public information programs on the danger of these practices to the physical, emotional and psychological welfare of its children.

## **Section 2: Definition of the Child:**

### Age of Majority - Current Legal and Customary Implications:

The State Party accurately depicted in its report in 2005 the complexity of the situation regarding the definition of the child in domestic law. These laws do not have a unified definition of the child in contrast with the recommendation issued by the Committee on the Rights of the Child whereby all persons under the age of 18 must be given proper status as children, guaranteeing them the protective rights provided under the CRC. The Coalition agrees that this is an imperative recommendation in order to ensure that children receive proper protection. Child protection agencies are frequently confronted with challenges due to the absence of a nationally-recognized definition of the child, hindering their ability to provide protection and assistance for children. The Coalition strongly urges the State Party to enact the Child Rights Bill into domestic law in order to remedy the confusion surrounding current national law definitions of the child. A child must be defined as any person under the age of 18.

### Employment and Child Labour:

The Employers and Employed Act, 1960 states, *inter alia*, as follows: “that no girl, woman or boy below 18 years shall be employed during the night in any private or public undertaking except by members of his/her family; that children below 12 years shall not be employed at all; that children below 15 years shall not be employed on vessels except by the same family member(s); that any young person below 18 years shall only work on a vessel upon the production of a medical certificate of fitness, and where permitted, that he/she shall not work as a stoker or trimmer on any vessel, and the Act also provides that male persons below 16 years shall not work underground in mines.”

Despite these provisions, child labour is prevalent in Sierra Leone, often in violation of the law, with no consequences effected against employers in breach of these requirements. As a result, the Coalition is very worried about the vast child rights abuses that occur in the employment sector. A report by World Vision in 2003 included a survey of 1,000 children involved in mining, 90% of whom were boys, and 10% of whom were girls. The conditions were reported as being “close to slave labour.” Alarmingly, a recent publication reported the employment of over 300 children in the diamond mining industry in the district of Kenema alone. The *Multiple Indicator Cluster Survey* (MICS) of 2005 stated that 48% of children between 5 and 14 years of age were involved in child labour.

Additional information from World Vision places emphasis on hazards for child street traders. Children trading or selling objects in the streets are subjected to numerous dangers both due to the objects for sale and the location of these activities. For example, female children are frequently found at mining sites selling small items around the mining pits. These girls are vulnerable not only to accident and injury as a result of the nature of the landscape, but to sexual exploitation and trafficking. In other regions, unhygienic foodstuffs are often sold by children because adults do not want to face criticism of buyers. Children regularly eat the foods themselves and become sick. The sale of foods by children is therefore often met with risks for health. Furthermore, many other items for sale or trade by children are dangerous products either due to their use or their physical composition. Children carry very heavy items under hot sun and heavy rains, often through traffic. Kerosene is frequently sold by children leading to potential dangers such as inhalation of irritating vapours or fires in the event of a spill. All these practices take place daily in full view of law authorities without consequences.

World Vision has also indicated that children are frequently found along streets (including highways) begging for money and erecting road blocks to extort fees from passing vehicles. This is a very dangerous practice because children come into close contact with oncoming traffic. Some children erect roadblocks under the pretence of repairing roads while others are actually employed to repair road pot holes; both groups are in danger of approaching vehicles.

Machinery used to repair roads is heavy and power-driven, requiring a level of physical strength that children should not be employing for such dangerous work. These occupations must be accomplished by the State road authorities and not by children. Officials hiring children for such occupations should be subjected to considerable fines for endangerment of children.

All these above activities are in violation of article 32 of the CRC due to their hazardous nature, harm to health, and violation of the right to physical, mental, spiritual, moral, and social development possibilities of children. These practices also violate the right of a child to leisure activities consecrated by article 31, and the right to an education assured by article 28

The proposed Child Rights Act attempts to regulate this situation by establishing detailed provisions protecting children from night work, instils minimum age requirements for employment in light and hazardous work, and implements compulsory primary education until the age of 15. The Act additionally imposes much-needed punishments for employers contradicting the rights of the child to these basic provisions. The Coalition would therefore like to express once again its desire for the urgent ratification of this bill in order to prevent the exploitation of child labourers.

Furthermore, the Coalition would like to bring the attention of the Committee to the absence of a ministry of labour designed to monitor employment in the country and the respect of employment laws. Additionally, the Coalition recommends that minimum wage requirements be explicitly implemented and monitored by authorities responsible for employment laws (or, in its absence, the MSWGCA) to ensure that employed children are remunerated for their work and not exploited as free labourers.

#### Militarization and Minimum Age of Recruitment:

The Coalition applauds the State Party for ratifying the Optional Protocol on Children in Armed Conflict in the year 2000. The abundance of child soldiers during the ten-year war constituted an immensely tragic aspect of the conflict and the Coalition commends the efforts made by the State Party to ensure that such practices do not occur in the future.

#### Marriage and Sexual Consent:

Current laws<sup>1</sup> prohibit the sexual abuse of girls under 14 years, with or without their consent. Unfortunately, where customary law is concerned, the provisions are only academic in nature and require immediate harmonization with common law and with the international laws ratified by the State Party. Considering that Customary Law governs 80% of the population of Sierra Leone and imposes no minimum age for marriage nor age of sexual consent, these laws and practices pose a legitimate danger to children. Unlawful carnal knowledge of the girl-child is prohibited with or without her consent if she is under the age of 14 years, however these provisions are only valid in the event that the child is not married. As Customary Law does not impose a minimum age of marriage, girl-children can conceivably be forced into marriage at the age of 8 years old and experience multiple sexual assaults without the perpetrator committing an offence under law.

Girl-children who experience sexual abuse are frequently obliged to marry the offender of the sex crime without any consent from the victim. Monetary compensation known as “woman damage” or “virgin money” is paid to the father or the husband of the victim (and not the victim herself) as a form of acquittal of the crime. Often, after a rape, victims are forced to marry the perpetrator of the offence due to the fear that a girl may not find a husband if she is not a virgin. This is particularly practised in cases where the girl-child is so violently abused that she is unable to bear children, adding to the negative psychological impact experienced by the victim. These practices have allowed a culture of impunity to exist in respect of sexual offences and are deeply discriminatory towards women and girls.

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<sup>1</sup> Sections 6 and 7 of the Prevention of Cruelty to Children Act, Cap. 31 of the Laws of Sierra Leone.

The proposed Child Rights Act provides protection for the girl-child with regards to marriage and betrothal, but does not explicitly stipulate an age for sexual consent. The Coalition therefore advises that legislation be passed to impose the age of 16 as a minimum age for sexual consent. Any sexual relations occurring with girls below the age of 16 should be prosecuted as rape. Furthermore, crimes of rape or sexual violence should never be settled by families through the acceptance of monetary compensation or by the minor being forced to marry the perpetrator. Communities must be encouraged to erase the culture of silence that surrounds sex crimes and must engage in the criminal prosecution of offenders of sexual violence.

#### Drug and Alcohol Consumption:

Paragraph 111 of the State Party Report announces that during the establishment of a comprehensive Child Rights Act the Law Officers Department suggested “the inclusion in the Bill (of) a provision that makes the exposure or subjection of any child (i.e., person below 18 years) to the use of (a) narcotic (or) intoxicating drug a criminal and punishable offence.” The Coalition would like to bring the attention of the Committee to the omission of these provisions in the current draft of the Child Rights Act. Specifically, no dispositions in the proposed Child Rights Act mention child substance abuse, there are no minimum ages for the sale of alcohol or cigarettes to children, and no punishments for adults who encourage the use of illegal substances in children. Provisions must be made to protect children from growing levels of substance abuse in Sierra Leone, especially concerning alcohol and marijuana, whose rates of abuse have grown considerably since the end of the war.

Furthermore, children should be barred from night clubs and other leisure centers where adults convene at night to drink alcohol. These venues are also typically used in the trafficking of children and for commercial sex transactions involving minors. Minors should not have access to bars and nightclubs. The Coalition recommends that the Committee note these pressing concerns when formulating its concluding observations.

#### Censorship:

No censorship laws exist to protect children from harmful media sources. Children currently have easy access to cinemas in which adult films are displayed. Photographs, advertisements and posters depicting sexual scenes and behaviours are frequently published on the venue walls in full view of the public, including children entering the cinemas, but also those merely walking by. Children do not have the mental or emotional capacity to process adult information of this nature and should not be subjected to such media. The Coalition is troubled by this exposure of adult and pornographic movies to children and requests that

ensorship of adult media be immediately applied. Individuals managing cinema or video halls must prohibit the entry of children from adult and pornographic films. Any establishment found in contravention of this censorship should face prosecution and criminal charges for endangering the wellbeing of children. Individuals entering cinemas should be imposed mandatory identity checks at the entrance to ensure that clients are of adult age.

The Coalition notes that this problem is compounded by the absence of systematic birth registration which must immediately take effect in order to fully protect children. Persons managing cinemas must not be allowed to subject children to harmful adult media on the premise that the child's apparent age or level of maturity is sufficient.

#### Age of Criminal Responsibility:

The State Party expresses in paragraph 286 of its report that the Child Rights Bill "increases the minimum age of criminal responsibility from 10 to 16 years, and considers the latter age to count from the time of the alleged offence." The Coalition would like to use this opportunity to disclose the inaccuracy of this statement and to explain the current improper application of criminal responsibility limits for children.

The Child Rights Bill does not raise the age of criminal responsibility to 16 years, but to **14** years of age. Current laws establish the criminal responsibility of children at the (very low) age of ten, however contemporary practice in courts combined with inadequate birth registration practices often result in children of a much lower age being referred to the adult criminal justice system. Reports from DCI-SL state that children are "at the mercy of the police" as the latter has a tendency to attribute ages to children with respect to the alleged offence. For example, higher ages are usually imposed on children accused of criminal offences perceived to be more serious, such as sexual offences or grand larceny. These children are recorded as adults despite their young ages and referred to the adult criminal justice system. Although children under the age of seven years are considered to be "*doli incapax*," and therefore incapable of committing a crime, often children as young as 6 or 7 are found to be criminally responsible for their acts and are interned in adult penitentiaries due to their inability to provide proof of age denoting their juvenile status. The Coalition therefore sees a direct correlation between birth registration and the protection of children with regards to the age of criminal responsibility. The Coalition respectfully encourages both the implementation of the Child Rights Bill and the creation of systematic birth registration for all children to be considered imperative recommendations for the State party.

Furthermore, Cap 44 of the Laws of Sierra Leone states that children, juveniles, or young persons may voluntarily give testimony in court "as long as he understands the difference between telling lies and telling the truth." Children providing evidence and testimony in

court must be provided with complementary counselling due to the physical, psychological and emotional traits inherent in children as a result of their young age.

### **Section 3: Education, Leisure and Cultural Activities:**

#### National Education Policy and the Education Act 2004:

The Education Act, 2004 defines a “formal education” as (a) six years of primary education, (b) three years of junior secondary education, (c) three years of senior secondary education; or three years of technical or vocational education in lieu thereof, and (d) four years of university or other tertiary undergraduate education, and defines a “basic education” as (a) six years of primary education and (b) three years of junior secondary education. Correspondent to CRC Article 28.1, the Act establishes the right to a basic education for every citizen.

Additionally, corresponding with the Article 29.1 (a) of the CRC, the Act establishes broad policy objectives related to the learning of literacy, maths, and languages, to the learning of relevant skills and knowledge, to the provision of education with the intention of bringing about “the education of the whole student”, and to “new and more appropriate methods” of student evaluation.<sup>2</sup>

The Coalition applauds the Government’s policy, and regards it as forward-looking. Nevertheless, the Coalition is concerned the spirit of the Act is not reflected in practice, both by citizens obliged to follow it and by public officials charged with enforcing it.

The legitimacy of the Education Act – and provisions guaranteeing a basic education in particular – is greatly undermined by the practice of public schools charging fees that, while supplementary to tuition, are nevertheless mandatory for the child to attend school, in contravention to Article 2.3(3) of the Education act that guarantees “free” basic education. Coalition partners report that annual fees for compulsory supplies including books, uniforms, and shoes range from USD 59 for primary students to USD 73 for secondary students and are prohibitive for many families.<sup>3</sup> Additionally, the Coalition reports occasions in which parents have been charged exam fees for children in classes as early as Class 1.

Article 2.3(4) of the Education act states “a parent, including a guardian, who neglects to send his child to school for basic education commits an offence and shall be liable on conviction to a fine not exceeding Le 500,000.00 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.” The Coalition is concerned that violators of

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<sup>2</sup> Section 2.2

<sup>3</sup> The New Steps Centre

the Education Act are not prosecuted. Anecdotal evidence indicates that parents who do not send their children to school do so with impunity, and according to one Coalition partner, only 2% of children with a disability are enrolled in schools<sup>4</sup>. Reports indicate that this appalling statistic is rooted in social attitudes towards disability, but additionally, that inadequate facilities and poor teacher training make the school an uninviting place for a child with a disability, in contravention to Article 4.1(d).

The Coalition notes that children attending school are often taught by unqualified or under-qualified teachers<sup>5</sup> in substandard facilities. The Coalition is concerned that insufficient teaching and learning materials combined with overcrowded classrooms creates an environment in which learning is put at risk, jeopardizing the objectives established by Article 29.1(a) of the CRC and Article 3.2(d) of the Education Act.

Furthermore, the Coalition is concerned with the practice of corporal punishment being employed against children by teachers as a disciplinary measure<sup>6</sup>. Additional reports from Save the Children UK also indicate that child sexual abuse occurs in the school environment by teachers and state that this practice is often linked to the existence of unqualified teachers who have not received training in either teaching or basic children's rights. Corporal punishment must never be utilized in schools and teachers committing such acts must be prosecuted for child physical or sexual abuse.

### **Recommendations:**

The Coalition believes that the future security of Sierra Leone is inexorably linked to the education of its children. A Brookings Institution working paper entitled *Poverty and Civil War: What Policymakers Need to Know* states that the likelihood of armed conflict in a state is based in part, on education. Additionally, the Coalition notes that the common denominator in almost every civil conflict around the world is a large population of young, uneducated males. If Sierra Leone does not educate its children, it is at risk.

Notwithstanding major investments and process improvements, the Government will surely fail meeting its objectives to the detriment of the children of Sierra Leone and the future of the country.

The Coalition recommends that the Government implements policy that reflects a fundamental tenant of the Education Act- that all children have an equal right and opportunity

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<sup>4</sup> The New Steps Centre

<sup>5</sup> International Rescue Committee

<sup>6</sup> Save the Children UK

to receive a basic education. The Coalition strongly urges the Government to strengthen the Education Act to outlaw the charging of supplementary fees, and to invest in essential school materials such as books. Furthermore, the Coalition recognizes the importance of school uniforms in engendering equity among student populations, yet believes that the inequity caused by families unable to afford uniforms – and the resultant denial of a basic education to the child – creates a far greater inequity. The Coalition recommends that if school uniforms cannot be supplied to students on a sliding scale or free of charge, that they be eliminated.

In parallel, the Coalition recommends that the Government works to combat bribery and the charging of unnecessary and illegitimate school and exam fees.

The Coalition believes that the people of Sierra Leone have a vested interest in ensuring the county's most vulnerable citizens – children with a disability – are educated to the same standard as able-bodied children. The Coalition therefore recommends that the Government and teachers collages strengthen linkages with civil society organizations such as the Sierra Leone Union of Polio Persons and the Sierra Leone Union on Disability Issues to create teacher training curricula that are inclusive to the needs of children with a disability. The Coalition desires school environments to be accessible to children with a disability, but recognizes that the Government does not have the resources to perform environmental adaptations for all schools. The Coalition therefore recommends that the Government to adopt policy that seeks to counter negative social perceptions towards disability, and encourages teachers and students to make special efforts to accommodate students with a disability, such as assisting them with mobility and including them in school games.

Teachers are, by the nature of their profession, in a direct power-position with children. The abuse of this power through child sexual or physical abuse must never be condoned and measures must be taken to educate teachers on the rights of the child. Any teachers committing acts of child physical or sexual abuse must face criminal prosecution.

Finally, the Coalition notes an extensive and acute need for proper education infrastructure. The overall lack of resources – infrastructure, teacher training, and salaries – places a heavy burden on the education system in Sierra Leone. Cognizant that only 50% of the population has a basic education, the Coalition believes that if the Government intends to fulfill its obligation of providing basic education to *all* school-aged children, a significant investment – likely requiring funds from the international community – is necessary.

## **Section 4: Civil Rights and Freedoms:**

### **Birth Registration: Right to Name and Nationality:**

The Coalition supports the efforts made by the State Party to establish a system of birth registration in the country. Birth registration is likely to be one of the most important civil rights involving children as it is this practice that allows children to benefit from the protections and freedoms promised to them under the CRC. Child protection workers face recurrent challenges from the lack of a mutually-recognized and accepted age of the child. The absence of proof of age greatly hinders child protection in labour and employment, prevents enrolment in schools, endangers children in the juvenile justice system and dishonestly serves as a justification for child abuse. The Coalition would like to elaborate on how each of these issues are directly affected by poor birth registration systems:

#### *Birth registration as related to employment:*

The lack of objective age verification leads to high levels of child labour. Employers continually appoint children to laborious positions under the premise that a child's physical stature is sufficient for the job in question. Children become engaged in difficult labour under arduous conditions, sometimes even using heavy machinery that should never be used by children. Employers justify this abuse by stating that the child "appears old enough."

Monitoring authorities such as mine wardens are unable to fulfil their duty of preventing children from working in mines. Wardens are confronted with claims from children looking for work that they are adults. When faced with questions about the age of the proposed employee, a common response is "this was an African child," suggesting that the potential employee is of adult age, but due to stunted growth merely *appears* to be a child. Parents and guardians will often conspire to overrate the age of the child in order to allow the latter to work.

Without a procedure to verify the accuracy of statements given by minors or by their guardians, monitoring authorities may inadvertently let children work in hazardous employment.

#### *Birth registration as related to justice:*

As mentioned in the section on the Definition of the Child, birth registration is essential in order to protect children accused of offences under the law. The age of criminal responsibility established by law serves to protect children within a certain age bracket from

the juvenile justice system. When a child's age cannot be ascertained through official documentation, the child is at a great risk of prejudice in the justice system.

Furthermore, many national laws such as the Prevention of Cruelty to Children Act, 1926, dictate punishment for sexual offences according to the age of the victim<sup>7</sup>. Children who wish to prosecute offenders of sexual abuse must display proof of age in order for the accused to be charged for abusing a child and serve the concomitant sentence for child abuse. Children who cannot provide this proof often see the charges against the accused reduced.

*Birth registration as related to education:*

Birth registration is required in order for children to enrol in school and attend classes. A challenge mentioned by World Vision for developing children and adolescents stems from the manner in which children are placed in class grades. Children are frequently interviewed prior to enrolment in order for school authorities to decide which grade best suits the capacity of the child. This means that adolescents are often placed in classes with children of a much younger age which is unhealthy for both groups. Young children should not be schooled with older youths, and older children should not be forced into primary education away from students of their age. The social, mental, and emotional development of both categories are affected when children are placed in mixed groups with significant age gaps between them. Teenagers can pose a danger to young children, dropout rates increase when older children are forced to be schooled with youngsters, and graduation rates decrease. Birth registration would help children of all ages to provide proof of maturity, grouping together children of similar mental and emotional capacity instead of merely basing the distribution of children on previously acquired education.

In light of the impact birth registration has in protecting the fundamental rights and freedoms of children, the Coalition strongly advocates for the immediate implementation of systematic birth registration so that all children may be registered upon birth as required by the Births and Deaths Registration Act, 1983 and the CRC. Any and all children who were not registered at birth must be provided the opportunity to have this remedied with assistance of the State. Free, systematic birth registration must be implemented by the State as a priority for all families, especially at the local level where registration rates are particularly low<sup>8</sup>.

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<sup>7</sup>As mentioned, the Prevention of Cruelty to Children Act prohibits sexual abuse against girls aged 13 and under. These acts are classified by law as felony offences. By contrast, sexual abuse of girls over the age of 14 is classified as a misdemeanour.

<sup>8</sup> MICS: The Birth Registration Rate in Sierra Leone is at 48%, 62% of which occurs in the urban area, and only 44% in rural areas.

### Freedom of Expression and Respect for the Views of Children:

The Best Interests Principle expressed by article 3 of the CRC requires the involvement of children in proceedings that involve them and the right for children to express themselves in those proceedings. This principle is founded on the belief that the best interests of a child cannot be ascertained unless the child's perspective is conveyed in the matter. CRC article 12 provides all children with the right to express his or her views on issues that pertain to him or her and to have those views listened to and taken seriously.

The question of whether the right of a child to freely express him or herself is being appropriately protected is most appreciable upon analysis of the juvenile justice system. Judges faced with juveniles who do not have legal representation in the court are obliged to ask the youth if he or she wishes to question any witnesses<sup>9</sup>. Even in the event that the juvenile *does* have legal representation, he or she still has the right to question witnesses<sup>10</sup> as well as the right to provide statements in light of his or her defence<sup>11</sup>. Legislation therefore provides measures through which children may express themselves by law, particularly in the context of defence in court. The right of the child to be heard in judicial and administrative proceedings as consecrated by article 40(4) of the CRC is therefore complimentary with domestic legislation. Furthermore, children are frequently invited to share their views on various political schemes and questions, for example on the Day of the African Child or through the development of children's versions of government policies. However, reports from DCI-SL describe child participation in schools, family and judicial proceedings as being far more academic in nature than applicable in reality. Requests made by children for legislation or political reforms are rarely, if ever, implemented. In schools, children are denied a genuine opportunity to express their views on issues pertaining to school administration and disciplinary measures. The unfortunate result is an increase in violence in schools as students are refused the opportunity to negotiate with school authorities on issues pertaining to them. This violence is often performed in the shape of hostile riots. In 2004, at least 5 schools (including the Government Secondary School in Bo, Government Secondary School in Jimi, St. Joseph's Secondary School in Freetown, and a private institution on Hill Court Road in Freetown) have erupted into violent demonstrations against academy directors. Oral reports to Coalition members by revolting students indicate that juveniles feel powerless and ignored by administrative bodies of educational institutions and revolt against the hiring or status of school principles after student opinion is ignored<sup>12</sup>. Violence becomes the only way students feel their voice will be heard.

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<sup>9</sup>Section 13 CAP 44 of the Laws of Sierra Leone of 1960

<sup>10</sup>Section 14 CAP 44 of the Laws of Sierra Leone of 1960

<sup>11</sup>Rachel Harvey, Juvenile Justice in Sierra Leone, Children and Armed Conflict Unit, University of Essex, 2000, page 8.

<sup>12</sup>DCI-SL

Coalition members also report that in judicial proceedings, despite the legal right to cross-examine witnesses, children are only given the opportunity to speak when they are giving testimony or being themselves cross-examined. To compensate for this breach of justice, DCI-SL makes consistent efforts to educate children in conflict with the law about their rights and about how they can make use of their right to free expression in court. Children in conflict with the law must have their right to freedom of expression respected when faced with judicial proceedings in order to properly observe the due process of law, part of which includes the right for children to be heard. For example, on Wednesday, the 21st of March 2007, two boys charged with larceny were exonerated by the Freetown Magistrate Court No. 3 after complaining to the Magistrate (through the court clerk and with guidance from DCI-SL) that their complainants had persistently failed to show up in court three consecutive times. Despite the right to expression in judicial proceedings, children rarely have the opportunity to convey their opinions on the case or defend themselves in front of the court. The aforementioned example demonstrates how the right to express oneself in court is therefore linked to the respect of procedural law and an essential component of children's rights in juvenile justice proceedings.

The Coalition would like to remind the State Party that children have a right to freedom of expression in judicial and administrative proceedings concerning them, in addition to in schools and within the family. These rights are established by the CRC *and* domestic law and must be effectively respected, particularly throughout court proceedings. Magistrates and all court officials involved in juvenile justice issues must be properly trained in children's rights in order to ensure that youths have their right to expression respected.

DCI-SL also reports that at the Remand Home the views of inmates are not respected. Violence by inmates has become the sole means through which interned juveniles feel they will be heard by the Government<sup>13</sup>. Reckless behaviour in protest of the lamentable conditions of the Remand Home are frequently effected by angry inmates. These youths have also been known to escape from the Remand Home under very violent circumstances in protest of the lack of water, food, sanitary conditions, basic health care, and the administration of corporal punishment.

The Coalition feels that child rehabilitation is a crucial aspect of juvenile justice and should be a primary focus for the State Party. Rehabilitation of children in conflict with the law cannot be efficacious without respecting the rights of individual youths to be heard. The Coalition encourages the State Party to take necessary steps to ensure that children's views are respected in all proceedings affecting the child either directly or indirectly as proscribed by international legal standards.

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<sup>13</sup>*Ibid.*

### Access to Appropriate Information and the Right to Privacy:

The right to privacy does not receive the protection necessitated by the CRC. Children who are charged jointly with adults have their trials in open court without regard for their right to privacy or confidentiality, in utter violation of article 16 CRC. Although it is illegal for newspapers or other media outlets to publish or otherwise make public the names of children brought before the Juvenile Court, these fines are very low and therefore fail to dissuade journalists from violating the right of the child to privacy. The Coalition feels that the right of a child to privacy is critical for children involved in judicial proceedings in light of their psychological, emotional and mental condition. Children jointly charged with adults must never have their cases held in regular open court.

### **Section 5: Family Environment and Alternative Care:**

#### Adoption, Custody, Trafficking and Illicit Transfers:

To date, there is little evidence of trafficking for adoption within the country, but Coalition members express concern that children may be trafficked from within national borders to foreign countries, particularly through false adoption schemes. The Coalition notes that the Committee on the Rights of the Child mentioned in its 2000 Concluding Observations that the State Party ratify the Convention on Intercountry Adoption. The Coalition equally recommends that this ratification take place.

For years, Sierra Leone has been a target country for trafficking of women and children for many purposes including prostitution, labour, recruitment of child soldiers and adoption. The Coalition is thoroughly pleased with the implementation of the Anti-Human Trafficking Act formalized by the State Party in 2004 in an effort to eradicate such practices.

Reports from Coalition members have, however, evoked that there are growing numbers of displaced national children being trafficked to neighbouring countries as well as worldwide. Children crossing into foreign countries are deeply vulnerable to exploitation and to the recruitment into armed conflict. Reports from Save the Children UK have indicated that State police and Army officials at international borders have been known to accept bribes from children instead of monitoring or reporting unlawful displacement into foreign States. Girl-children are frequently forced to perform sexual favours in exchange for the permission to cross into neighbouring countries.

The Coalition is very disappointed with this information and requests that the State Party implement methodical monitoring programs at international borders and crossing-points known to be frequented by children. All State Police and Army officials suspected of

demanding fees or sexual favours from children must face criminal prosecution. The Coalition encourages the MSWGCA in conjunction with Child Protection Network partners and Child Welfare Committees to make more active efforts to monitor the displacement of children within the country and at its international borders.

#### Parental Responsibilities, Rights and Duties:

Section 13(h) of the Constitution of 1991 concerns the constitutional “duties of the citizen” and imposes it upon them to ensure the proper control and upbringing of their children and wards.

However, section 14 states:

Notwithstanding the provisions of Section 4, the provisions contained in this Chapter *shall not confer legal rights and shall not be enforceable in any court of law (emphasis added)*, but the principles contained therein shall nevertheless be fundamental in the governance of the State, and it shall be the duty of Parliament to apply these principles in making laws.

This means that *no legal rights are conferred to citizens despite the constitutional obligation to fulfil certain duties* such as the proper control and upbringing of children and wards. These rights are therefore not “justicable” and cannot be imposed in a court of law. The duty of a parent to ensure the proper control and upbringing of his or her child or ward can be compelled by the government through policy, *but cannot be considered a protective force for the rights of children*. Parents have the obligation to properly control the upbringing of their children, but it does not constitute a “right” for the child under constitutional law. The proposed Child Rights Act, 2006 remedies this by imposing a duty on parents to provide support to their children in the enjoyment of their rights. The Coalition feels that section 14 of the Constitution negates the rights and duties of parents in the control and upbringing of their children. This provision must be amended in order to fully protect both parents and children.

#### Child Maintenance:

Both formal and customary law severely violate the right of the child to maintenance. Under both of these categories of law, the father of a child is under no legal obligation to financially support his children while the family is living together<sup>14</sup>. Mothers are entitled to child support only if she and the father of the child have married, and if the parents separate, whether by

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<sup>14</sup> See Married Women’s Maintenance Act, Cap. 100 of the Laws of Sierra Leone, 1960

mutual decision or as the exclusive decision of the mother, she is not entitled to any support for herself. Mothers have the right to financial aid from the father only under limited conditions and the amount stipulated in law is profoundly inadequate. The Married Women's Maintenance Act, Cap. 100 of the Laws of Sierra Leone states that a woman is only eligible for support if her husband deserts her. It is exceedingly difficult for a woman to provide proof of desertion and reports from Coalition members include accounts of women being abandoned for years, remarrying, bearing children, and then being subjected to the court system when the original father returns after an extended absence. As a result of the difficulty proving desertion, most women do not receive any maintenance from estranged husbands. In the event that desertion is proven the amount provided by law is minimal: 20,000 leones per month<sup>15</sup>. Women therefore often end up without even marginal maintenance to provide for their children.

Current statutory laws state, therefore that:

- a) the father of a child has no obligation to pay maintenance for the child while the parents are living together;
- b) a father not living with the mother of the child must only pay maintenance for the child if he deserts the mother, this desertion requiring proof of existence; and
- c) illegitimate children have no rights to maintenance under national law "unless under special circumstances<sup>16</sup>."

The proposed Child Act, 2006 modifies domestic law by stating that "no parent shall deprive a child of his welfare even if the parents do not live together" thereby eradicating hypotheses a) and b) *and* "if the parents were married or not at the time of the child's birth," making situation c) also void.

Customary law also traditionally discriminates against children born outside of marriage, allowing them no or limited rights to maintenance. When neither parent has made a will the law says the following:

Children born *within marriage*:

- Children born within marriage are entitled to 1/3 of their father's estate;
- Children are not entitled to any of the mother's estate. This property is inherited by the father. If the father is also deceased the estate of the mother is devolved to the closest male relative.

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<sup>15</sup> *Ibid.*

<sup>16</sup> Article 21, CAP 44 Laws of Sierra Leone

Children born *outside of marriage*:

- Children are not entitled to any property

These provisions constitute violations of article 27(2) CRC. The Coalition would like once again to reiterate its desire to see the implementation of the proposed Child Rights Act, 2006, which states that “no person will deprive a child of reasonable provision out of the estate of a parent, whether or not born in wedlock.” This provision is far more in line with the Convention on the Rights of the Child and must be immediately implemented into domestic law.

### **Section 6: Basic Health and Welfare:**

Children with a Disability:

The State Party Report correctly acknowledges the prevalence of disability among children<sup>17</sup> and notes the need for “rehabilitative care for children with disabilities pursuant to article 23 of the CRC as well as the Standard Rules on the Equalization of Opportunities for Persons with Disabilities.”<sup>18</sup> In response, the Government states that the Line Ministry works “with NGOs, CPAs and other humanitarian agencies to secure the welfare of disabled persons including children<sup>19</sup>.”

The Coalition notes that pursuant to the CRC, the “disabled child should enjoy a full and decent life, in conditions which ensure dignity...<sup>20</sup>” and that “[recognizing] the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development<sup>21</sup>.”

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<sup>17</sup> State Party Report, paragraph 226

<sup>18</sup> *Ibid*, paragraph 225.

<sup>19</sup> *Ibid*, paragraph 227

<sup>20</sup> CRC Article 23.1

<sup>21</sup> CRC Article 23.3

The State Party Report states that, according to records from the Line Ministry, 1479 children with a disability were enrolled in school during the reporting period, and that there were 488 graduates.<sup>22</sup>

The Coalition in large part agrees with the Government's objectives, and applauds its cooperation with NGOs including Mercy Ships Sierra Leone, Physicians for Human Rights, and Handicap International<sup>23</sup> yet is concerned that an over-reliance on NGOs to provide the bulk of services for children with a disability is incongruent with a long-term strategy of self-sufficiency, and renders the Government a passive partner in the provision of services for children with a disability.

In particular, Coalition partner Mercy Ships Sierra Leone notes that apart from sporadic meetings with the Ministry of Health and Sanitation, the Government has taken little leadership on disability issues. The proposed disability census as a precursor to a full situation analysis of the disability status in the country has not been completed, and the National Rehabilitation Committee has met several times but has not been able to bring out the draft policy on disability issues for the attention of parliament.

Furthermore, the Coalition notes that in contravention to the CRC, which establishes standards for the care of children with a disability<sup>24</sup>, the practice of institutionalization and the conditions in which many children live are unsuitable. Mercy Ships Sierra Leone reports of one example in the community of Grafton, outside Freetown, where over 20 children, most with cerebral palsy, live in a home supervised by one person, who also has a disability, and who has been assessed by field workers to be unable to provide suitable care.

The Coalition is impressed with the Government's focus on amputees and other "war wounded" persons<sup>25</sup> but worries that other categories of disabled persons are not receiving proper protection due to weak legislation. The Coalition applauds the Government's efforts to eradicate polio and views the Government's claim that there has been no recorded case of polio since 2001<sup>26</sup> as a commendable advancement for health and disability concerns. The Coalition fears, however, that those affected with polio – many "indirect" victims who contracted the virus because vaccine distribution was interrupted – receive little support from the Government. A January 2007 survey of 14 amputee and polio communities/associations

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<sup>22</sup> State Party Report, 228

<sup>23</sup> State Party Report, 229, 240

<sup>24</sup> CRC Article 23

<sup>25</sup> State Party Report Article 230

<sup>26</sup> State Party Report Article 223

in the Greater Freetown area recorded that out of 552 persons with a disability, 442 had polio and 70 were amputees.<sup>27</sup>

Additionally, the Coalition notes the high numbers of incidences of children with cerebral palsy (CP). Cerebral palsy refers to a group of disorders affecting a person's ability to move and to maintain balance and posture. It is caused by an injury to the developing brain of an infant and results in a lasting burden of disability on the child, family, community, and nation at large. Although the exact incidence of CP in Sierra Leone is unknown, based on the global incidence of 2-2.5/1000 live births<sup>28</sup>, between 549 and 687 new cases would occur in this nation per year. A more accurate estimate, taking into account the increased incidence of CP in low birth weight infants would present a figure of up to 11,000 new cases per year<sup>29</sup>.

The Coalition notes that mechanisms to monitor disability statistics are inadequate or nonexistent, and is concerned that without proper measurement, there cannot be proper management. While the Coalition applauds the Government's record-keeping vis-à-vis students with a disability enrolled in schools, it is shocked at the low numbers, and believes that thousands of children with a disability are not enrolled in school. As previously mentioned, a Coalition partner estimates that only 2% of children with a disability are enrolled in school, in contravention to articles in the Education Act and the CRC.

### **Recommendations:**

The Coalition strongly recommends that the Government enact and subsequently enforce legislation specifically to safeguard the rights of children with a disability. The Coalition is greatly concerned with reports that children with conditions such as cleft lip and CP are at high risk of abandonment and infanticide. The Coalition recognizes that the Government will encounter great challenges in combating discrimination and acts of violence against children with a disability, but urges a strategy that includes sensitization and education of community leaders, incorporating disability issues in school curricula, and rigorous enforcement of laws.

In regards to the education of children with a disability, the Coalition recommends that the MSWGCA work more closely with the Ministry of Education to ensure that the principle of free basic education is enforced as outlined in Section 3 of this document.

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<sup>27</sup> The New Steps Centre

<sup>28</sup> Rosen MG, Dickinson JC. The incidence of cerebral palsy. *Am J Obstet Gynecol* 1992; 167: 417-423.

<sup>29</sup> Michael EM. Developmental Vulnerability and Resilience in extremely preterm infants. *JAMA* 2004; 292: 2399-2401

The Coalition strongly recommends a community-based approach<sup>30</sup> towards rehabilitation of children with disabilities, incorporating support for education, rehabilitation therapy, the provision of assistive devices, and most importantly, the education of families and communities. Finally, the Coalition recommends that the State Party take a more active role in creating a robust National Rehabilitation Committee, and recommends that future policies on rehabilitation reflect the principles espoused in *CBR*, a joint position paper of UNESCO, UNICEF, and the ILO.

#### Maternal and Child Health Care:

The State Party Report accurately describes that both under-five and maternal mortality rates continue to rate as one of the highest in the world. Coalition-member Save the Children UK reported that “one in three children in Sierra Leone dies before the age of five, with up to 40% of these deaths occurring in the first month of life (the neonatal period). Of these neonatal deaths, two thirds will occur in the first week of life, and of those deaths, two thirds will occur in the first 24 hours of life.<sup>31</sup>” The Coalition is deeply concerned with figures stating that 1,800 women in maternity die out of every 100,000 live births, and that 286 infants die out of every 1,000 live births. Information received from CRS noted that these statistics are a profound indication of poor access to emergency obstetric care, early age at first pregnancy, poor access to antenatal care and inappropriate management at delivery, among other factors. Most newborn deaths are due to preventable or treatable causes such as infection, complications at birth and low birth weight. Save the Children UK reports indicate that the 3 major contributing factors in maternal and perinatal deaths are: delays in deciding to seek health care; delays in reaching a health facility; and delays in receiving life-saving interventions once reaching the health facility. The *Situation Analysis of Children and Women in Sierra Leone* published by UNICEF in February 2006 clearly outlines the major problems in child healthcare: “Malaria, Acute Respiratory Infections (ARI) and diarrhoea continue to take a toll on the children of Sierra Leone. Combined, these three preventable diseases account for over 70% of all the under five mortality in the country. ARI accounts for 19% of under-five mortality; Malaria alone accounts for 33%. Use of insecticide treated bed nets is still very low.” Tragically, children simply do not have access to health care that will prevent or treat these causes.

The State Party has made considerable efforts to reduce the mortality rates of women in maternity and in infants per live birth. The Coalition congratulates the State Party on maintaining child and maternal health care as a priority and agrees that the State Party requires assistance in order to further improve healthcare services in the country. The

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<sup>30</sup> CBR document

<sup>31</sup> BEOC Feasibility Study Report, Save the Children UK, January 2007.

Coalition would like to use this opportunity to address the challenges faced by the State Party and follow with recommendations for action in order to comply with article 24 of the CRC.

Antenatal care coverage:

The State Party noted that antenatal care coverage is available for 70% of Sierra Leonean women<sup>32</sup>. According to the MICS, 81% of women received antenatal care during last pregnancy. Although this statistic may be accurate, “antenatal care” is a term that envelops a large number of treatments that women must receive during pregnancy. If a pregnant woman receives a tetanus toxoid immunization, she is considered to have received antenatal care, even if she did not receive a physical exam, had no diagnostic tests, and received no counselling<sup>33</sup>. These statistics therefore cannot be interpreted to mean that pregnant women are receiving sufficient health care during pregnancy. For example, the MICS report specifies that even though 81% of women received antenatal care during pregnancy, only 19% of women reported having delivered in a health facility, and only 43% of women had a skilled attendant at delivery. These statistics are consistent with reports from Coalition members in addition to the MICS which states that 75% of pregnant women receive delivery services from Traditional Birth Attendants (TBAs.) TBAs are not medically trained in antenatal, intra-partum, postnatal or emergency obstetric care, all services which must be made available for pregnant women in order to improve maternal and infant health care.

Unclear classification of trained nurses:

The State Party Report also pronounced that “about 50% of trained nurses (give) delivery services at various community clinics and health centers across the country.” The Coalition would like to use this opportunity to clarify the notion of trained nurses assisting in deliveries. First of all, the expression “trained nurse” is itself unclear. Different certifications exist within the State, such as State Enrolled Community Health Nurse, Maternal Child Health Aide, and Nurse Midwife, all of whom have different levels of training. Also, the phrase “give delivery services” is very vague. As mentioned, most childcare service providers in the health sector do not have the training required to provide skilled delivery. These health aids, midwives and nurses also lack the necessary instruments and medications to correctly perform deliveries. The absence of fully qualified nurses, health aids and midwives means that statistics on women receiving aid from “trained nurses” cannot be considered fully reliable.

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<sup>32</sup> State Party Report 2005, paragraph 235

<sup>33</sup> Catholic Relief Services

### Inadequate access to medical materials:

Reports from CRS state that many Maternal Child Health Aides do not have the tools to actively manage labour. They do not have acceptable supplies of medication or medical instruments. Reports from Save the Children UK state that pharmaceutical supplies for essential obstetric care are grossly inadequate. For example, from the list of medications established by the WHO as being “essential,” community health centres in Kailahun district had less than 5 of the drugs available<sup>34</sup>. Additionally, out of four community health centres studied in Kailahun, only 2 had IV fluids available for patients<sup>35</sup>. Basic medical supplies are also insufficient in community health centres across the country. Infection control procedures are inadequate and place both patients and staff at risk of HIV exposure and other communicable diseases, particularly when invasive procedures are used. Instrument processing, disinfection of medical equipment and clinical areas, and disposal of medical waste are all issues of concern. Hospitals and health centres also frequently experience power failures and water shortages which impede them from running at capacity. This means that even in the event that fully trained nurses were made available to health centres across the country, labour wards would still not have adequate medicines or instruments to perform deliveries.

### Deficient referral system:

Women do not have access to medical facilities due to distance, cost, and precipitate labours. Ambulatory referral systems have not been put in place in rural areas, resulting in many children dying before proper medical care can be attained. For example, in Kailahun District, the Government Hospital of Kailahun Town has only two ambulances, both of which have been out of service since 2005. Referral services are particularly necessary in rural areas where women and children must frequently walk great distances in order to see qualified practitioners. In the absence of a referral system, most women (75%) resort to consulting TBAs who are not certified by the State as medical practitioners and who often lack even basic medical training. Health centres must be equipped with motorcycles or vehicles to provide ambulatory relief services to mothers and children requiring transportation to hospitals.

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<sup>34</sup> BEOC Feasibility Study Report, Save the Children UK, January 2007.

<sup>35</sup> *Ibid.*

### Treatment and Prevention of Disease:

Malaria, Acute Respiratory Infections (ARI), and diarrhoea are at the root of 70% of deaths in children under the age of 5 years in Sierra Leone. These maladies are entirely preventable and treatable.

The Sierra Leone Ministry of Health and Sanitation, along with several of its partners, has pledged for the distribution of treated mosquito nets free of charge to families in an effort to combat mortality rates of children. Unfortunately, statistics in the MICS of 2005 indicate that less than 5% of children under five sleep under insecticide-treated bed nets. Acute Respiratory Infections are frequently fatal in children, but treatable on the condition that affected children are promptly seen by qualified medical specialists – and that these specialists have access to the medication required for treatment. As mentioned, diarrhoea is one of the most prevalent causes of death in children under 5 years, yet certain hospitals don't even have IV fluids. Parents must often travel long distances to consult with medical personnel and cannot rely on an ambulatory referral system. Children are therefore dying – in great numbers – of easily preventable and treatable illnesses. Vaccines, micronutrient supplements, and insecticide-treated mosquito nets are relatively inexpensive and would save the lives of thousands of children each year. Furthermore, improved water sanitation is essential in preventing illness from unclean sources of water.

### Nutrition and Food Security for Children:

Inadequate nutrition is a very large problem in Sierra Leone among children under the age of 5. Malnutrition underlies approximately 50% of child deaths and is linked to the extremely high infant mortality rate experienced in the country. According to the MICS, malnutrition rates in the country are as follows:

Stunting or chronic malnutrition (height for age) – 39.6%

Wasting or acute malnutrition (weight for height) – 8.9%

Underweight or composite (weight for age) – 30.6%

Information from the CRS states: “These are very high numbers and indicate a profound problem in terms of access to food for children and very poor health of children. Malnutrition has a negative synergistic relationship with other health problems – it is both the cause, due to immune impairment and increased susceptibility of infection and illness, and also the result, as illness often leads to lack of appetite and increased metabolic demand resulting in weight loss.” Malnutrition is therefore an extremely important problem that requires the immediate attention of the State Party and Child Protection Network partners.

The Coalition is extremely concerned with the poor levels of health care available for pregnant mothers as this lack of care directly impacts the children they bear. The Coalition would like to provide certain recommendations in order to establish an improved health care system for these individuals:

**Recommendations:**

In 1998 the WHO Mother/Baby Package identified strategic interventions which can help protect the neonate from life-threatening complications. These interventions aim to prevent difficulties prior to and during pregnancy, during delivery, and immediately following delivery, thereby reducing the number of newborn deaths. These strategies must be followed by medical personnel. All persons involved in the delivery of newborns in medical facilities must be trained in these strategic procedures.

Appropriate preventative and curative health care, access to Emergency Obstetric Care and community health education programs will help to curb infant mortality rates. The State Party in collaboration with NGOs and civil society must undertake health education programs to inform pregnant women of the importance of emergency obstetric care, nutrition, and immunization.

The Government plan to distribute 875,000 insecticide-treated mosquito nets at no cost is a very praiseworthy attempt by the State Party to curb infant mortality rates from malaria. The Coalition encourages the State Party to prolong its work with international partners to ensure that such nets continue to be dispersed. As stated, only 5% of children sleep under treated nets. This demonstrates that previous policies on the free distribution of mosquito nets have not been adequately implemented. Free nets have not been accessible to families in need, either because families must travel long distances to acquire them or families have not been educated on their necessity. Speculation from some members of the Coalition suggests that high levels of corruption within the State Party may also play a role. The State Party must therefore combat these issues by ensuring that all Peripheral Health Units (PHUs) are equipped with insecticide-treated mosquito nets and that their distribution is fully monitored. Education campaigns on the use of these nets are equally necessary so that caretakers are aware of both their necessity for child health, and their gratuity for families.

Malnutrition and child food security are not receiving an acceptable level of concern from either the State Party or its Child Protection partners. Protein deficiency levels in children are very high in the country and only 8% of women practice exclusive breastfeeding within the first 6 months of birth. Nutrient supplementation must be made available to pregnant and breastfeeding mothers, as well as all children under 5. State-wide therapeutic feeding centres must be established to ensure that children are receiving proper nourishment. Furthermore, all

hospitals and Peripheral Health Units must offer information and training on nutrition and childcare. This requirement coincides with the urgent need for proper training of medical care workers.

Competency-based training and follow up support for primary health caretakers must be established with the help of civil society, NGOs and INGOs. The State Party must coordinate with these organisations to support and enable MCH Aides. These organisations must also provide sensitization to TBA's regarding birth preparedness, recognition of complications, early referral and care of the neonate. Volunteer networks should be created to provide information to pregnant women on health education, essential newborn care, and birth preparedness. Education programs focussing on the reduction of child marriages and early pregnancies as well as advocacy for the use of contraceptives is necessary to reduce pregnancies. A decline in the number of pregnancies will equally lessen the number of complications in pregnancy.

### **Section 7: Special Protection Measures/Children in Situation of Emergency:**

#### **Protection of Child Victims of Rape and Sexual Abuse:**

The prevalence of child sexual abuse in the country is extremely alarming. In 2003, the Sierra Leone Police reported that 83% of reported rape cases involved girls under 18 years old<sup>36</sup>. Similarly, service delivery statistics from IRC and Government-run Rainbo Centers show 87% of clients are under 15 years of age<sup>37</sup>. The youngest case reported to a Rainbo center in 2006 was 2 months of age. The Coalition is greatly affected by these figures and would like to use this opportunity to elaborate on difficulties faced by the State Party in the eradication of such violent crimes.

There is no National Sierra Leone government Plan of Action on gender-based violence (GBV), however a consultative effort was led by UNICEF in November 2006 and attended by the MSWGCA, MOHS, Ministry of Justice, the FSU, IRC, Oxfam, Campaign for Good Governance, FAWE, and others to create an inter-agency GBV Logframe, with objectives and indicators around GBV in Sierra Leone. At the time of this writing, the Logframe is still under revision by UNICEF. However, main objectives in the draft include legislative changes, community awareness efforts, and reporting systems around GBV in general, including child sexual abuse. It should be noted that, while various Ministries attended this workshop, it was not led by Government structures.

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<sup>36</sup> US Department of State. "Sierra Leone – US Department of State Country Reports on Human Rights Practices – 2005". Bureau of Democracy, Human Rights, and Labor. 8 Mar 2006. Accessed on 15 Jan 2007 at <http://www.state.gov/g/drl/rls/hrrpt/2005/61591.htm>

<sup>37</sup> IRC Statistical records, according to interview 12 February 2007.

The Coalition would like to note that not all acts of GBV or child sexual abuse are considered crimes in Sierra Leone. This includes incest, sexual harassment, domestic violence and forced marriage<sup>38</sup>. However, some of these offenses can be prosecuted as rape, cruelty to children, assault, murder, manslaughter, or false imprisonment. Under traditional or customary law, the consent of the survivor is irrelevant and only the parents or husband of a survivor can initiate prosecution. Usually, the matter is resolved through payment of a fine or other compensation that may include “virgin money,” (i.e. traditional monetary recompense given to the family of a victim who was a virgin at the time she was raped). A government worker in Koidu reported that one case in Kono District was even settled by the perpetrator having to provide a meal for the village elders and local authorities.

In collaboration with the MSWGCA, the Law Reform Commission and with input from UNICEF and UNIFEM, IRC hosted a three-day Law Reform workshop in Freetown in July 2003 in order to develop a women’s law reform agenda. The workshop outcomes and recommendations were launched by President Alhaji Dr. Ahamed Tejan-Kabbah in February 2004. Since that launching, IRC, the Law Reform Commission, UNICEF, UNIFEM, MSWGCA, Sierra Leone Human Rights Parliamentarians and other GBV providers, civil society groups and women’s organizations have worked together to examine legislation that creates gender inequities and to create laws that will bring equity and equality for all Sierra Leoneans. This team effort has led to the adoption of three drafted bills based on CEDAW standards: The Devolution of Estates Act, 2006, The Registration of Customary Marriages and Divorces Act 2006 and The Domestic Violence Act 2006, due to be presented to parliament in the near future. Although these laws most directly affect women, the indirect benefit to children is clear through the potential increased ability for non-offending caretakers to get themselves and their children to safety. Additionally, the Children’s Rights Bill currently in parliament would explicitly make child rape a crime.

Implementation of laws remains one of the major challenges for Sierra Leone, and impunity around child sexual abuse issues is rampant. For example, the Rainbo Center in Kono provided services for 66 rape survivors, but only 4 perpetrators were convicted in the year. This greatly discourages reporting and undermines prevention efforts<sup>39</sup>.

In Kambia, the hospital offers a private place to interview and examine the child, though this is usually done by male staff. At times, the FSU has a female staff member present to interview the child, which they do separately from parents. There are no measures taken by

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<sup>38</sup> King J. “Presentation on the Legal Framework for Addressing Gender-Based Violence in Sierra Leone.” Human Rights Commission of Legal Access through Women Yearning for Equality Rights and Social Justice (LAWYERS). Presented 9 Nov 2006 in Freetown at UNICEF-sponsored SGBV Workshop.

<sup>39</sup> Statistics from Rainbo Center Kono provided in interview February 12, 2007.

any agency to assure the safety of the survivor, their family or witnesses after reporting. In Kono, the IRC Rainbo Center, located in a private area within the Government hospital, offers a safe, confidential environment for psychosocial and medical care. There are also no measures in place to secure the safety of the survivor, their family or witnesses after reporting. Indeed, Rainbo Center staff also reported having been threatened due to her involvement with the issue.

Survivors have to pay for drugs in the government hospital (the bills are been paid by the IRC for cases that are reported to IRC staff).

The Coalition therefore recommends considerable legislative reform through the adoption of the Child Rights Act, 2006, the Devolution of Estates Act, 2006, the Registration of Customary Marriages and Divorces Act 2006 and the Domestic Violence Act 2006. Survivors of rape should also have access to free medical care after abuse. Medication, particularly HIV-prophylaxis, should be issued free of charge by government hospitals.

The Coalition recommends that the State Party undertake public information campaigns to discourage child sexual abuse. Communities must be encouraged to prosecute sexual abuse offenders, and child survivors of abuse must have access to appropriate counselling. It is the responsibility of the Government, International NGOs, local NGOs, and civil society to combine their resources and abilities to provide aid for child victims of sexual abuse. Without necessary legislative changes, the culture of impunity will continue to exist, negating the rights of all children to a life free of abuse.

### **Section 8: Children in Conflict with the Law:**

The NGO Coalition feels great concern over discrepancies between the State Party's Report and the reality of juvenile justice in Sierra Leone.

The Truth and Reconciliation Commission Report in 2000 noted amongst other things that one of the factors contributing to the devastating 10-year Civil War was the collapse of the Justice System. The establishment of an impartial justice system that fully respects children's rights is imperative in order to prevent the breakdown of juvenile society, resulting in a disenchanted youth willing to use violence as a catalyst for change.

The Coalition would like to bring the attention of the Committee to the following issues in the State Party Report:

### Incongruity in Statistical Representations of Children in Conflict With the Law:

The State Party reports numerous statistics on children in conflict with the law. The Coalition expresses concern that this data stems from the year 2003 and is therefore not representative of the current reality for children in Sierra Leone. Additionally, it is essential to note that statistics released by the State Party are the result of a database established by the MSWGCA in conjunction with UNICEF, a system that unfortunately possesses numerous logistical flaws impeding the adequate accumulation of data on child protection. For example, no separate recording system for juveniles exists in either police station recording systems or in the court justice department. Statistics on juveniles are therefore not kept separate from those of adult subjects and the information released through this database cannot be considered accurate. Furthermore, a database created by the MSWGCA and supported by UNICEF on different categories of children is updated only sporadically, resulting in inconsistent statistics.

The Coalition sees a discrepancy in the statistics maintained by the Government which are significantly lower than those possessed by NGOs directly involved in juvenile justice. DCI-SL has maintained a separate database that records the involvement of children in conflict with the law and has noted considerably different figures from those included in the State Party's report. For example, although the State Party mentions the existence of **212** children in conflict with the law in the year 2003<sup>40</sup>, DCI-SL personally recorded **482** cases of children in conflict with the law during that same year. Furthermore, the Coalition expresses concern that no statistics were issued by the State Party for the years following 2003 and would like to complete this information with the data documented by DCI-SL: In the year 2004, **346** children were observed to be in conflict with the law, **44%** of whom were charged for larceny and/or loitering/vagrancy. In the year 2005, **148** boys and **43** girls in Freetown, and **138** boys and **20** girls in Makeni, **57** boys and **13** girls in Bo, and **26** girls and **14** girls in Kenema were monitored by DCI-SL as children in conflict with the law. Furthermore, the Justice Sector Development Program documented and monitored **795** children in 2004 (**678** boys, **117** girls) as being in held in police cells, prisons, and correctional facilities in the country. In 2005, **1,046** children (**955** boys and **91** girls) and in 2006 up to April (**194** boys, **17** girls) from the Western Area and the regions have also been documented. It is therefore evident that there is a considerable discrepancy between the data compiled by DCI-SL (whose employees personally monitor numerous children in conflict with the law) the JSDP (whose data includes even more children) and the scant information released by the Government which includes only **212** children in conflict with the law during 2003. Additionally, the Government did not include the currently disturbing trend that suggests that the number of children in conflict with the law is rising steadily. The Coalition requests that the Committee on the Rights of the Child consider the discrepancy in these statistics

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<sup>40</sup> State Party Report 2005, paragraph 290

regarding juvenile justice matters and prudently take into account the significantly larger numbers amassed by NGOs whose mandates specifically include child protection.

#### Establishment of the Children in Criminal Justice System sub Committee:

The State Party explains the establishment of a Children in Criminal Justice System sub Committee<sup>41</sup> as a means through which it intends to “improve and enhance a child-responsive juvenile justice sector.”<sup>42,</sup>

Although the Children in Criminal Justice System sub Committee initially proved to be very useful for networking, information sharing and the coordination of activities among child protection agencies, the MSWGCA and the Police, the MSWGCA has been unable to sustain its role without the UNICEF support that was used to start the process. This committee was established with the understanding that the Ministry chairperson would be using his or her political office to take action on issues that were brought forward by the NGOs, but this was not the case. Attendance gradually degenerated as proposed resolutions did not take place and questions brought forth to the MSWGCA were not answered. However, a Steering Committee comprised of the MSWGCA, UNICEF, DCI-SL, GOAL Ireland, SOS, the Justice Sector Development Program and the National Commission for War Affected Children has been set up to support the MSWGCA with various tasks. The goal of the Steering Committee is to develop and implement strategies to coordinate, monitor and evaluate child protection interventions across the country to include the revamping of the Child Protection Committee and sub committees like the Children in the CJS committee.

#### Training programs:

The MSWGCA has been involved in many training programs targeted at Principal Social Development Officers, Social Development Officers, police officers, probation officers, and social workers<sup>43</sup>. However, these training programs have neither been formalized nor structured and are frequently issued in the context of "crash course training." Additionally, training on juvenile justice issues has not been introduced to Magistrates or judges who preside over juvenile justice cases, training that is of superior importance if the rights of the child are to be respected in the criminal justice system. The few training courses that do in fact exist are exclusively conducted by NGOs, many of which will eventually be closing their programs. It would therefore be beneficial for the Government to establish training centres that conduct short courses in different aspects of human rights work. Additionally, courses

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<sup>41</sup>State Party Report 2005, paragraph 292(i)

<sup>42</sup>State Party Report 2005, paragraph 292

<sup>43</sup>State Party Report 2005, paragraph 292(ii)

that provide such training should be accompanied by certificates that recognize successful completion of the course, thereby encouraging enrolment and serving as a motivating factor for those learning.

#### Regular Visits to and Monitoring of the Remand Home and Approved School:

The State Party pronounced in paragraph 292(v) that visits to and monitoring of the Remand Home, Bail Homes, and Approved School for Children occur regularly in order to “assess management levels and compliance strategies” necessary for the protection of child inmates. The Coalition is troubled by the ineffectiveness of such a monitoring program, as the reality for children includes very little monitoring at all. For example, only one probation officer exists in each of the 12 districts, in addition to one probation officer for the city of Freetown. These probation officers are, as a result of their small number, incapable of effectively supervising every juvenile case with the police, courts, prisons, juvenile institutions and homes. The capital city is equipped with one prison and 2 juvenile institutions (the Remand Home and the Approved School) which are rarely visited by the sole probation officer of the city. Alarming, the rate of children involved in crime is steadily rising in each of the major cities in Sierra Leone and the number of probation officers remains completely inadequate for the number of cases involved. Although UNICEF provided motorcycles to enable probation officers in their duties, the officers lack fuel, resulting in a rare number of displacements. Monitoring of detention centres is much more frequently performed by DCI-SL and Prison Watch. Unfortunately, these organisations are donor-driven and cannot sustain the work required to monitor the number of cases of children in the criminal justice system.

#### Corporal Punishment:

The State Party reports in paragraph 174 that “although the Corporal Punishment Act (Cap 40 of the Laws of Sierra Leone) is yet to be repealed, corporal punishment, as earlier noted, has not been ‘judicially’ applied for several years.” Unfortunately, numerous reports from DCI-SL demonstrate that corporal punishment is, in truth, regularly applied to children. Statistics from the aforementioned NGO attest that corporal punishment has been judicially applied as recently as the year 2006 in six individual cases. In the year 2006 the Kenema Magistrate Court employed corporal punishment against three individuals on the 30<sup>th</sup> of June 2006, against two on August 2006, and one of the 7<sup>th</sup> of November 2006. Additional reports from LAWCLA state that the Magistrate Court of Bo employed corporal punishment against a juvenile after he pleaded guilty to stealing a cell phone. The youth received 6 lashes despite opposition from LAWCLA to corporal punishment and despite the fact that the juvenile was a first-time

offender<sup>44</sup>. Furthermore, the Coalition finds it alarming that the State Party neglected to provide information on the highly publicized murder of a 10 year old inmate in a Remand Home in 2004, an incident stemming from torturous methods that were used as disciplinary action in the Home. It has been repeatedly reported by both the media and by the members of the NGO Coalition that on February 7<sup>th</sup>, 2004, after the attempted escape of 3 juveniles from the Remand Home in Kingtom, staff at the Remand Home instituted corporal punishment by beating the youths with sticks imbedded with nails. According to a publication by LAWCLA, “witnesses commented that the officer administering the punishment ground hot pepper and applied it to the bodies of the these young people.<sup>45</sup>” Following this torture, Ibrahim Rogers, aged 10, succumbed to his wounds. His remains were found in a plastic bag in a ditch near the Remand Home<sup>46</sup>. The staff member accused of this murder has never been prosecuted.

In light of the frequency of corporal punishment being enacted on juveniles, the Coalition feels that immediate action by the State Party is necessary. The Child Rights Bill prohibits corporal punishment in State institutions, but the NGO Coalition expresses concern that this Bill has yet to be enacted in Parliament. Furthermore, the current proposal does not prohibit the use of violence as a disciplinary measure in the home. Reports from Save the Children UK depict accounts of children experiencing physical abuse at the hands of teachers in schools as well as by academy directors. The Coalition notes that the Committee suggested in its 2000 Concluding Observations that such disciplinary practices be prohibited in all schools, state institutions and prisons, as well as in the home in order to coincide with articles 19, 28(2), and 37(a) CRC.

### **Additional Comments:**

The Coalition is deeply concerned with numerous issues not mentioned in the State Party Report that require the immediate attention and action of the Government in order to ensure the protection of children in conflict with the law.

### **National Laws Relating to Children in Conflict With the Law:**

Current laws in Sierra Leone do not explicitly explain how children in direct conflict with the law should be treated. For example, bail is left exclusively to the discretion of the arresting

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<sup>44</sup> Juvenile Voice, Vol. 1 Issue 2, December 2004

<sup>45</sup> LAWCLA Annual Report 2004

<sup>46</sup> Melron C. Nicol-Wilson Esq, Dauda H. Yoki Esq, Oju R. Wilson, Juvenile Justice in Sierra Leone: Law and Practice, April 2007, page 32

officer based on the gravity of the offence. The right to bail is guaranteed under the Children and Young Persons Act<sup>47</sup> as well as the Criminal Procedure Act of 1965<sup>48</sup>. Despite the fact that statutory law prohibits the incarceration of accused youths beyond the limit of 72-hours for minor offences<sup>49</sup>, children are rarely taken to court after this period in order to be potentially granted bail. Children frequently experience extensive pre-trial detention (in dire circumstances, housed with adult offenders, inadequate access to food, and under deplorable sanitary conditions) in violation of their constitutional rights. The Coalition deems that a child should be entitled to bail with *or* without surety. Moreover, even though current laws (CAP 44) state that children are not to be interned with adults in holding cells or jails, children are regularly held in cells with adults. In the year 2005, 5 children (four boys and 1 girl) were found to be interned at the Pademba Road Maximum Security Prison, an adult penitentiary<sup>50</sup>. In 2006, 2 children were found at the same penitentiary sharing cells with adults<sup>51</sup>.

#### Inadequate juvenile court system:

Only one juvenile court exists in the country, in Freetown. Although efforts have been made to establish other makeshift juvenile courts in Makeni, Kenema, and Bo, these attempts have been fruitless. The solitary existing court consists of what is actually a *makeshift* court, comprising court officials (including Justices of the Peace and Magistrates) who have not been trained in children's rights or child crime. This court sits only once a week for a mere 3-4 hours a day and it is frequent for the lone court to adjourn prematurely either due to the lack of a complete panel, or because the presiding Magistrate is overpowered by other business. This system results in extended delays for children in Remand Homes or jails awaiting trial. It is not unheard-of for a child to live for years in a prison or a Remand Home without even having faced a preliminary trial. It must be noted that the Beijing Rules explicitly states that in the case of children, "each case shall from the outset be handled expeditiously, without any unnecessary delay<sup>52</sup>."

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<sup>47</sup>Section 5, Cap. 44

<sup>48</sup>Section 80

<sup>49</sup>Sierra Leone Criminal Procedure Act 1965; Also note that s.23(1) of the Sierra Leone Constitution 1991 provides that, "whenever a person is charged with a criminal offence he shall, unless the charge is withdrawn, be afforded a fair hearing within a reasonable time by an independent and impartial court established by law"

<sup>50</sup> DCI-SL

<sup>51</sup> *Ibid.*

<sup>52</sup> The Beijing Rules, article 20

In the event that the Court panel is complete and ready to sit for trial, police officers, probation officers, Magistrates, clerks and court personnel are ill-equipped to handle cases and have not received training on child crime. Quite simply, an understanding of international standards on child protection and children's rights has not been sufficiently disseminated to the judicial experts charged with handling cases of juvenile delinquency.

Violation of the right to trial by due process:

Little to no legal aid exists for children in the juvenile justice system, especially for poor and vulnerable children. These individuals therefore spend longer in the criminal justice system than is necessary or reasonable, denying children the due process rights of a speedy trial and the right to legal assistance guaranteed in Article 40 of the CRC. The state Constitution provides for all indigenous people to receive legal aid from the Government<sup>53</sup> yet no legislation has been passed to implement these constitutional promises into domestic law. In order to compensate for this illegality, NGOs (notably LAWCLA and DCI-SL) have regularly provided accused children with the minimum of legal services. These organizations are nonetheless donor-driven and cannot ensure the representation of all juveniles in conflict with the law. The Coalition therefore urges the State Party to respond to the national obligation she holds towards her children by conferring them legal aid free of charge.

In light of these grave violations of the Convention on the Rights of the Child and the regular infringement of children's rights, the Coalition recommends the following action:

1. That the Child Rights Bill be immediately enacted into law.
2. That all justice employees receive training on the rules for the arrest, detention, and investigation of suspected child offenders as outlined by article 40 of the UNCRC, but also the regulations affirmed in the Beijing and Havana Rules and the ACRWC (article 17.) This information must be clearly disseminated to all police training schools, law enforcement officers, and child protection personnel.
3. That the State establishes the implementation and respect of international standards for children in the justice system, including the respect of the Convention on the Rights of the Child but also Articles 10 and 14 of the International Covenant on Civil and Political Rights, the Standard Minimum Rules for the Administration of Juvenile Justice (known as the Beijing Rules), the U.N. Rules for the Protection of Juveniles Deprived of Their

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<sup>53</sup> Constitution of Sierra Leone, 1991, article 28(5)

Liberty, and the U.N. Guidelines for the Prevention of Juvenile Delinquency (the "Riyadh Guidelines").

4. That a section of the Justice Ministry be responsible for juvenile justice.
5. That all justice employees receive training in child rights and mediation.
6. That Children's Courts be established to preserve the suspected child offender's identity during judicial proceedings, that separate holding cells be established for children, and that the justice employees involved in these courts be trained in children's rights.
7. That access to legal aid be provided to children in accordance with the Convention on the Rights of the Child and the constitutional provisions guaranteeing this right.
8. That existing Remand Homes experience thorough rehabilitation including security measures to protect interned children.
9. That interned children receive the necessities of life, notably basic health care, adequate nutrition, and educational and recreational facilities aimed at rehabilitation.
10. That community-based care facilities be established in districts that do not dispose of Remand Homes.

## **Section 9: Conclusion:**

The Coalition is fully aware of the numerous hardships experienced by all individuals in the State Party as a result of the 10-year war and congratulates the Government for the significant advances that have been made to ameliorate the status of children nationwide. However, sweeping legislative and institutional reforms will be necessary in order for the Convention on the Rights of the Child to be appropriately implemented by the State Party. Systematic efforts must be made by the State Party, its Child Protection Network partners, INGOs, NGOs and civil society to incorporate the provisions of the CRC into domestic legislation.

Throughout this report, the Coalition has outlined numerous solutions for the State Party to consider in order to resolve child protection problems within its borders. The Coalition strongly encourages the State Party to consider these suggestions when creating future policies and adopting legislation. The Coalition further encourages the Committee on the Rights of the Child to take into account the extensive first-hand knowledge that NGOs, INGOs, and civil society have of children's rights issues in the country and include these solutions when creating its concluding observations.

Finally, Save the Children UK and all Coalition members respectfully thank the Committee on the Rights of the Child for the opportunity to submit complementary information and provide insight on the reality of children's rights in the country with the aim of protecting the rights and welfare of children nationwide.