



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 12 (1) OF THE OPTIONAL PROTOCOL TO THE
CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF
CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

Initial report of States parties due in 2004

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[31 March 2008]

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Introduction

1. Following the signing and ratification of the Optional Protocol by the Government of Sierra Leone, on 8 September 2000 and 15 May 2002, respectively, the State Party set in motion actions that were aimed to address, inter alia, the burning issues of sale of children, child prostitution and child pornography.
2. In Sierra Leone, there is no statistical information on the sale of children, child prostitution and child pornography. A UNICEF-sponsored Report on Child Trafficking in Sierra Leone (2005) indicates that there are no available statistics to assess the rate of child trafficking in the country. Nevertheless, preliminary assessments indicate that child trafficking is frequent and is an issue of concern in the country.
3. Basically, attendant evils of child trafficking are:
 - (a) Sale of children;
 - (b) Child prostitution;
 - (c) Child pornography;
 - (d) Child labour.
4. The prevalence of child trafficking in Sierra Leone is pre-conditioned by poverty, ignorance, corruption, porous borders, and the decade-long war. In the State Party, as is the case in many other countries, trafficked children are invisible to the eye of data collectors and child protection agencies. The practice of child trafficking, with its attendant evils, is shadowy. As noted by UNICEF *State of the World's Children Report 2006* (<http://www.unicef.org/sowc06/>), the practice does not have “particular rules” or “predictable sequences”.
5. The Bureau of Public Affairs of the United States Department of State rated Sierra Leone at Tier 3 in 2004. The Tier system is based on the efforts of Governments to combat human trafficking. Countries in Tier 3 are those considered to “neither satisfy the minimum standards, nor demonstrate a significant effort to come into compliance”.
6. The Bureau’s update “Facts about human trafficking” states that Sierra Leone is a country of origin, destination, and transit for victims trafficked for purposes of sexual exploitation and forced labour.
7. This notwithstanding, the State party has put the following measures in place, in order to stave-off the practices of child trafficking/sale of children, child prostitution and child pornography:
 - (a) Establishment of the Human Rights Commission in 2006, through an Act of Parliament passed in 2004;
 - (b) Enactment of the Anti-Human Trafficking Act (2005);
 - (c) Enactment of the Child Rights Act (2007).

8. The fundamental thrust of these legislations is the prohibition of violation of human rights and, in the case of the Child Rights Act (2007), the emphasis lies on the maximisation of the wellbeing of all persons under the age of 18 in Sierra Leone. The Child Rights Act (2007) is all encompassing and includes punitive measures for child rights violations.

Report preparation process

9. This report is the outcome of extensive consultations with major child protection stakeholders, in particular the Child Protection Network (CPN) of Sierra Leone. With support from UNICEF, the process was led by the Ministry of Social Welfare, Gender and Children's Affairs (the "LINE" Ministry). Participants at the consultative meetings were representatives of the following agencies:

- Ministry of Social Welfare, Gender and Children's Affairs ("the LINE Ministry")
- Ministry of Education, Science and Technology
- Ministry of Health and Sanitation
- Sierra Leone Police
- Immigration
- Law Officers Department
- Non-governmental organizations (Local and International) including the Children's Forum Network and Voice of Children
- Local Councils (district and city)
- Justice Sector Programme
- Lawyers Centre For Legal Assistance
- UNICEF

10. The Trafficking in Persons (TIP) Task Force, which was formed in November 2004 by the LINE Ministry and other partners of the Child Protection Network, played a pivotal role in the deliberations on the protocol.

11. Central to the deliberations was the articulation of strategies and actions on the prevention of all forms of child trafficking, with its attendant evils of sale of children, child prostitution and child pornography.

12. The National Commission for Human Rights Act (2004), Anti-Human Trafficking Act (2005), Children's Policy (2006), and the Child Rights Bid (now an Act) were the working documents at the consultations. Central to the discussions was the domestication of the Convention on the Rights of the Child and its Optional Protocols, and the African Charter on the Rights and Welfare of the child.

I. MEASURES TAKEN BY THE STATE PARTY AND THEIR RELEVANCE TO ARTICLES 1, 11, 21, 32, 34, 35 AND 36 OF THE CONVENTION ON THE RIGHTS OF THE CHILD

A. Establishment of the Human Rights Commission

13. The State Party enacted the Human Rights Commission of Sierra Leone Act in 2004, delinking responsibility for human rights from the National Commission for Democracy and Human Rights (NCDHR). This move was in realization of the need for an independent body that will address all issues pertaining to the promotion of the inalienable rights of the people of Sierra Leone, in accordance with international norms and standards. The Commission for Human Rights is mandated to deal with all cases of human rights violations and abuses, including the torture and cruel treatment of children.

B. Anti-Human Trafficking Act (2005)

14. By this Act, the State party responded to the shadowy practice of trafficking in persons and related crimes. The victims of the practice are mainly women and children.

15. The Act defines a 'child' as a person under 18, and provides wide-ranging definitions for trafficking and exploitation. Persons convicted of trafficking in persons, including children, are punishable by imprisonment and/or colossal fines.

16. Following the passage of the Act into law, the LINE Ministry, in collaboration with UNICEF, the CPN, law enforcement agencies and the Immigration Department, formed the Trafficking in Persons (TIP) Task Force. The TIP Task Force launched countrywide awareness raising campaigns through print and electronic media. As children constitute the majority of the victims of trafficking, the thrust of the campaign was on children. The United States Embassy in Sierra Leone has been supportive to this initiative of the State party.

C. The Child Rights Act (2007)

17. Basically, the Child Rights Act is a domestication of the Convention on the Rights of the Child and its Optional Protocols and the African Charter on the Rights and Welfare of the Child. The Act not only provides a standard definition of a child, as a person under 18, in line with the Convention, it criminalizes all child rights violations and abuses, including sale of children, child prostitution and child pornography.

18. This landmark legislation went through considerable reviews by all stakeholders, including the Law Officers Department, CPN, the reference groups of civil society organizations and Sierra Leone Parliament. The Act embraces all aspects of child protection, particularly as they relate to the Convention and its Optional Protocols.

D. Legal status of the Protocol in internal law

19. The Human Rights Commission of Sierra Leone Act (2004), the Anti-Human Trafficking Act (2005), and the Child Rights Act (2007) are integral parts of the laws of Sierra Leone. These Acts fully incorporate the Convention and its Optional Protocols.

E. Reservations to the Protocol

20. Sierra Leone does not have any reservation(s) to the protocol.

II. PROGRESS MADE IN ELIMINATING THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

21. Child trafficking, with its attendant evils of sale of children, child prostitution and child pornography, is a shadowy practice. In Sierra Leone, documentation on these evil practices is difficult; so too is the generation of realistic statistical data. Nevertheless, indications are that with the passage of the aforementioned legislations and the establishment of structures, such as the TIP Task Force, child trafficking will be reduced.

A. Factors and difficulties affecting the degree of the State party's fulfilment of the obligations under the Protocol

22. As noted above, the sale of children, child prostitution and child pornography are ingredients of child trafficking, which is a very covert practice.

23. The factor of parental poverty and ignorance contributes tremendously to the "sale" of children. Usually, children are given away to relatives and friends by poor parents, mainly in the rural areas. The children are given as wards, purportedly for better upbringing in the cities and/or for care overseas. This wardship phenomenon has the tendency to inhibit the State party's fulfilment of the obligations under the protocol.

24. Secondly, corruption at various levels impedes the fulfilment of the obligations under the Protocol, particularly with regard to trafficking in children.

25. Another setback in the State party's fulfilment of the obligations under the protocol is the lack of adequate capacity of the LINE Ministry and other governmental agencies involved in monitoring child trafficking and enforcing related legislations.

26. These notwithstanding, the State party is making relentless efforts to reduce poverty, and sensitize the people of Sierra Leone about child trafficking and its evils.

B. Information on child prostitution and child pornography

27. There is no statistic information on child prostitution and child pornography in Sierra Leone. Sierra Leone has not been able to generate data on the sale of children, child prostitution and child pornography. It is acknowledged, however, that these practices are prevalent in the country, albeit diminishing.

III. GENERAL MEASURES OF IMPLEMENTATION

28. The key laws and regulations adopted by the State party's national legislature (Parliament) that give effect to the protocol include:

- Human Rights Commission of Sierra Leone Act (2004)

- Anti-Human Trafficking Act (2005)
- Child Rights Act (2007)

More specifically, the Child Rights Act (2007) integrates the Convention on the Rights of the Child and its Optional Protocols.

Governmental institution responsible for the implementation of the Protocol and coordination mechanisms

29. The LINE Ministry is the governmental department that is mandated to implement the Protocol and to lead the process of monitoring the enforcement of all legislations pertaining to child protection in Sierra Leone. As the LINE Ministry, it has established, with the support of UNICEF, a National Child Protection Network (CPN) for the coordination of all aspects of child protection in Sierra Leone, including the implementation of the Protocol.

30. With the collaboration of other stakeholders, such as the Police and Immigration, the LINE Ministry has established the Trafficking in Persons (TIP) Task Force. This is a multi-agency body that is supported by UNICEF, and representation on the Task Force includes civil society, CPN, and the media.

31. Dissemination of the Protocol and appropriate training to a cross-section of stakeholders, including children, has been carried out over the past three years, throughout Sierra Leone. This was done as an integral aspect of dissemination of the Child Rights Bill before its enactment.

32. Mechanisms and procedures for collecting and evaluating data and other information concerning the implementation of the Protocol on a periodic or continuing basis are being worked out. Central to this endeavour is the soon-to-be-established National Commission for Children, which is an outcome of the Child Rights Act (2007).

33. As at now, no specific budget allocation has been made by the State party for the implementation of the Protocol.

34. With regard to an overall strategy of the State party for the elimination of the sale of children, child prostitution and child pornography, and the protection of victims, a rigorous advocacy campaign has been put in place, through the print and electronic media. The Children's Forum Network (CFN), Voice of Children (VOC) and other national radio and television programmes are used by the CPN for dissemination of information on all aspects of child protection in Sierra Leone.

35. The multi-agency TIP Task Force is an important strategic effort of the State party to avert the sale of children, child prostitution and child pornography. Civil society and all other partners in the CPN continue to participate significantly in the advocacy campaign on the Convention and its Optional Protocols, particularly as incorporated in the Child Rights Act (2007).

IV. PREVENTION

36. In the State party, the identification of children that are “especially vulnerable” to sale, child prostitution, pornography and other forms of abuse has generally not been a hard task. Street children (boys and girls), orphans and those living in remote areas are visible.

37. Numerous surveys have been carried out by child protection agencies, quasi-governmental and non-governmental, including UNICEF, to assess the situation of street and other disadvantaged children in Sierra Leone. In 2003/04, the National Commission for War Affected Children (NaCWAC) undertook a Rapid Assessment Survey of street and other war affected children, based on a sample of 9,995 children in the four regional headquarters of Sierra Leone. The survey revealed, inter alia, that about 53.5 per cent of street children and 23 per cent of other war affected children have at least one parent dead or missing, whilst nearly 14 per cent of the street children and 4 per cent of the other war affected children are complete orphans.

38. A UNICEF-sponsored study into the situation of orphans and other vulnerable children (OVC) was undertaken in 2005. The report documented that over 10,000 children, of which 4,000 girls, were directly affected by the war (1991-2002), through abductions, separation from families and/or guardians, and physical and mental violence.

39. A growing cause of orphanhood and child vulnerability is HIV/AIDS. The Sierra Leone HIV/AIDS Response Project (SHARP) estimates that over 20,000 children have been orphaned by HIV/AIDS.

40. A snap head-count by UNICEF - Sierra Leone in March 2004 documented the presence of 2,874 children sleeping in the street in the cities of Freetown, Bo, Makeni, Kenema and Koidu/New Sembehun.

41. Other partners in the CPN, such as GOAL, DON BOSCO Fambul Tok, Defence for Children International, Christian Children’s Fund and Plan International, have undertaken various assessments of the situation of vulnerable children, within many communities in Sierra Leone. The findings of all these studies point to the fact that poverty, parental ignorance, cultural habit of wardship, and the war of 1991-2002, have exacerbated the vulnerability of children to sale (most times not intentional on the part of parents), child prostitution and child pornography.

A. Protection measures taken

42. The Government of Sierra Leone, with support and collaboration of UNICEF - Sierra Leone and CPN partners has introduced several measures that are specifically targeted at children in very difficult circumstances.

43. The Education Act (2004) has reformed the country’s education system and gives support to education at all levels, with free and compulsory basic education. In 2005, Government introduced compulsory and fully supported girl-child education in the northern and eastern provinces of the country; this facility has been expanded to include the southern province and the western area. The idea is to promote girl-child education and enlightenment, and reduce their level of vulnerability to abuse and exploitation.

44. During the academic years 2003-2006, NaCWAC provided educational and other capacity building support to over 2,500 war affected and other disadvantaged children, nationwide. A recent (2007) assessment of the situation of the children supported by NaCWAC revealed that 1,800 of them are undergoing formal education (60 per cent having completed basic education), while 700 have acquired skills and become artisans with prospects for self-reliance.

45. By the Local Government Act (2004), the State party has launched a governance and service delivery decentralization programme, which ensures that, among other things, child protection issues are impacted in every district, chiefdom and ward of the country.

46. In 2006, the State party's Poverty Reduction Strategy Paper (PRSP) received the approval of donors. The PRSP is designed, among other things, to curb child poverty, and enhance the socio-economic capacity of impoverished families in order to enhance their child-care capability.

47. With support from UNICEF - Sierra Leone, the LINE Ministry and CPN partners are in the process of finalizing a plan of action for a comprehensive programme for other vulnerable children in the country. The programme is designed to address the multi-dimensional needs of orphans and other vulnerable children in Sierra Leone, including provision of support mechanisms for their fostering.

48. On the issue of civil registry of children, the State party has, since the commemoration of the 2003 Day of the African Child (held on 16 June), established an effective births registration programme, nationwide. The programme is on-going, and is spear-headed by the LINE Ministry, the Registry of births and deaths of the Ministry of Health and Sanitation, and CPN partners, with the support from UNICEF - Sierra Leone.

49. Central to raising public awareness of the Protocol and, indeed of the Convention and the Child Rights Bill (now an Act) is advocacy and sensitisation through workshops, seminars, and the print and electronic media. Sierra Leone has a population of 4.9 million (2004 population census) and a land mass of less than 30,000 square miles. From 2002 to August 2007, there has been an increase in the number of community radio stations and over 95 per cent of the country is covered.

50. Public awareness of critical issues, such as child protection, including local and international legal instruments guiding it, is largely conducted through these media. The main mediums of communication are Krio (the lingua franca) and the local languages spoken in the rural communities where the radio stations are located.

51. Children's participation in the awareness-raising programmes is effected through the Voice of Children (VOC) and Children's Forum Network (CFN) nationwide radio and television broadcasts.

52. The effectiveness of the advocacy and awareness raising campaigns by the children, the media, civil society and NGOs has been measured largely through the overwhelming lobbying of these stakeholders, of the Sierra Leone Parliament for the enactment of the Child Rights Bill. The lobbying exercise went a very long way in prevailing on the Parliament to enact the Bill into Law before its dissolution for the 2007 parliamentary and presidential elections.

B. Prohibition of sale and protection of the rights of victims

53. In matters of prohibition of sale of children, child prostitution and protection of the rights of victims, Sierra Leone has legislated the Child Rights Act (2007). The short title of the Act states: 'Being an Act to provide for the promotion of the rights of the child compatible with the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20 November 1989, and its Optional Protocols of 8 September 2000; and the African Charter on the Rights and Welfare of the Child, and for other related matters'. The Act was signed by the President of Sierra Leone on 13 July 2007. In effect, it has become a part and parcel of the Laws of Sierra Leone.

54. The Child Rights Act harmonizes the definition of a child (being a person under 18) in the following enactments:

- (a) Protection of Women and Girls Act, Cap. 30;
- (b) Prevention of Cruelty to Children Act, Cap. 31;
- (c) Children and Young Persons Act, Cap. 44;
- (d) Muslim Marriage Act, Cap. 96;
- (e) Armed Forces of Sierra Leone Act, 1961 (Act No. 34 of 1961);
- (f) Interpretation Act, 1971 (Act No. 8 of 1971).

V. INTERNATIONAL ASSISTANCE AND COOPERATION AND OTHER LEGAL PROVISIONS

55. Sierra Leone is not a party to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. However, the State party recognizes the substance of that Convention.

56. There is an existing Task Force against human trafficking, which comprises of the LINE Ministry, the International Organization for Migration (IOM), Sierra Leone Police, UNICEF, Immigration, and local and international child protection agencies in Sierra Leone (see paras 10, 16, 30 and 35 above). The TIP Task Force is guided in its work by the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discriminations against Women, the African Charter on the Rights and Welfare of the Child and the Child Rights Act. The Sierra Leone Police has cross-border linkages with other countries through its membership of Interpol.
