



**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 44 OF THE CONVENTION**

Second periodic report of States parties due in 1997

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* For the initial report submitted by Sierra Leone, see CRC/C/3/Add.43, for its consideration by the Committee, see documents CRC/C/SR.593, CRC/C/SR.594 and for the concluding observations see CRC/C/15/Add.116.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
List of acronyms		6
List of child protection network partners/agencies collaborating with the Ministry for Social Welfare, Gender and Children's Affairs		8
I. GENERAL INFORMATION	1 - 47	10
A. Introduction	1 - 12	10
B. Land and people of Sierra Leone	13 - 17	12
C. Political and economic contexts	18 - 28	13
D. Situation analysis of child rights and welfare in Sierra Leone: from the perspective of the Ministry for Social Welfare, Gender and Children's Affairs	29 - 47	15
II. GENERAL MEASURES OF IMPLEMENTATION	48 - 81	20
A. Harmonization of national law and policy with the provisions of the Convention	48 - 61	20
B. Policy coordination, networking and monitoring mechanisms used in implementation of the Convention	62 - 67	22
C. Participation of children in implementation of the Convention	68 - 72	23
D. Dissemination of the Convention	73 - 77	25
E. Cooperation with non-governmental organizations	78 - 79	25
F. Decentralization of issues concerning children	80 - 81	26
III. DEFINITION OF THE CHILD	82 - 120	26
A. Age of majority: current legal and customary implications	82 - 86	26
B. Employment/Child labour	87 - 89	27
C. Militarization/Minimum age of recruitment	90 - 92	28
D. Marriage/Sexual consent	93 - 97	28

CONTENTS (*continued*)

	<i>Paragraphs</i>	<i>Page</i>
E. Adoption, foster care, custody and maintenance of children	98 - 101	29
F. Child/Human trafficking	102 - 104	30
G. Age of criminal responsibility/Deprivation of liberty	105 - 106	30
H. Alcohol and drug consumption	107 - 112	30
I. The right to education	113 - 115	31
J. The prevention of cruelty to children	116 - 120	31
IV. GENERAL PRINCIPLES	121 - 143	32
A. Principle of non-discrimination	121 - 128	32
B. Best interests of the child	129 - 133	33
C. Right to life, survival and development	134 - 140	34
D. Respect for the views of the child	141 - 143	35
V. CIVIL RIGHTS AND FREEDOMS	144 - 176	35
A. Birth registration: right to name and nationality	144 - 150	35
B. Freedom of expression	151 - 153	36
C. Freedom of association and peaceful assembly	154 - 156	36
D. Freedom of thought, conscience and religion	157 - 159	37
E. Access to appropriate information/Right to privacy	160 - 163	37
F. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment	164 - 176	38
VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE	177 - 218	40
A. Parental responsibilities, rights and duties	177 - 184	40
B. Social security and recovery of maintenance for children	185 - 191	41
C. Separation from parents/Best interest principle	192 - 196	42

CONTENTS (*continued*)

	<i>Paragraphs</i>	<i>Page</i>
D. Children deprived of their family environment/Orphans and other vulnerable children	197 - 203	43
E. Adoption, custody, trafficking and illicit transfers	204 - 210	45
F. Child abuse, neglect and abandonment	211 - 213	46
G. Child placement and institutionalization: rehabilitation, reform and reintegration of vulnerable children and juveniles in conflict with the law	214 - 218	46
VII. BASIC HEALTH AND WELFARE ISSUES	219 - 253	47
A. Child survival and development	219 - 224	47
B. Disabled children	225 - 233	48
C. Maternal and child health care	234 - 236	50
D. Family planning and the regulation of prejudicial traditional/cultural practices	237 - 240	51
E. HIV/AIDS and sex-related diseases: their prevention, control and treatment	241 - 246	51
F. Nutrition and food security for children	247 - 248	52
G. Child care and support services	249 - 253	52
VIII. LEISURE, EDUCATION AND CULTURAL ACTIVITIES	254 - 264	53
A. National education: policy/strategy and the Education Act (2004)	254 - 262	53
B. Promotion of leisure, recreation and cultural activities for children	263 - 264	55
IX. SPECIAL PROTECTION MEASURES/CHILDREN IN SITUATIONS OF EMERGENCY	265 - 283	55
A. Disarmament, demobilization and reintegration of children associated with the fighting forces	265 - 271	55

CONTENTS (*continued*)

	<i>Paragraphs</i>	<i>Page</i>
B. Resettlement and reintegration of displaced and returnee children	272 - 277	57
C. Protection of child victims of rape and sexual abuse	278 - 283	58
X. CHILDREN IN CONFLICT WITH THE LAW	284 - 314	59
A. Development of policy and law reform	284 - 293	59
B. Provision/Monitoring of legal aid for children	294 - 297	62
C. Reform, rehabilitation and institutionalization of affected children	298 - 300	62
D. Transitional justice mechanisms	301 - 314	63
XI. ENVIRONMENT PROTECTION	315 - 327	65
A. Right to safe and healthy environment	315 - 318	65
B. Child mining and other forms of child labour	319 - 322	66
C. Protection of street children and other disadvantaged children	323 - 327	66
XII. CONCLUSIONS	328 - 334	68
A. Challenges and prospects	328 - 333	68
B. Concluding remarks	334	69

List of acronyms

AFRC	Armed Forces Revolutionary Council
CBO	community-based organization
CCJSC	Children in the Criminal Justice System Subcommittee
CCSL	Council of Churches in Sierra Leone
CEIP	Community Education Investment Programme
CFN	Children's Forum Network
CPA	Child Protection Agency
CPC	Child Protection Committee
CPN	Child Protection Network
CREP	Complementary Rapid Education Programme
CWC	Child Welfare Committee
DCI	Defence for Children International
DDR	Disarmament, Demobilization and Reintegration Programme
ECOMOG	Economic Community Monitoring Group
ECOWAS	Economic Community of West African States
FTRC	Family Tracing and Reunification Subcommittee
FSU	Family Support Unit (Sierra Leone Police)
GDP	gross domestic product
GKP	Golden Kids Programme
GRIVMON	Gross Child Rights Violations Monitoring Network
HANCI	Help A Needy Child International
ICCs	Interim Care Centres
IRC	International Rescue Committee
LAWCLA	Lawyers Centre for Legal Assistance - Sierra Leone

NCWAC	National Commission for War-Affected Children
NASSIT	National Social Security and Insurance Trust
NCRRR/NCSA	National Commission for Rehabilitation, Reconciliation and Reintegration/National Commission for Social Action
NGO	non-governmental organization
PRSP	Poverty Reduction Strategy Paper for Sierra Leone
RUF-SL	Revolutionary United Front - Sierra Leone
SCSL	Special Court for Sierra Leone
SCTF Force	Street Children's Task Force
SDOs/SDWs	Social Development Officers/Social Development Workers
SHARP	Sierra Leone HIV/AIDS Response Project
SVC	Sexual Violence Subcommittee
TRC	Truth and Reconciliation Commission for Sierra Leone
UNAMSIL	The United Nations Mission in Sierra Leone
UNDP	The United Nations Development Programme
UNICEF	The United Nations Children's Fund
UNHCR	Office of the United Nations High Commissioner for Refugees

**List of child protection network partners/agencies collaborating with the
Ministry for Social Welfare, Gender and Children's Affairs**

Action for Children in Conflict

Ben Hirsch Child Care Centre

CARITAS - Kenema

CARITAS - Makeni

Children Associated with the War

Children's Forum Network

Children's Homes

Child Rescue Centre

Christian Brothers

Christian Children's Fund

City Council

Community Mobilization of Poverty Alleviation and Social Services

Cooperazione Internazionale (COOPI)

Council of Churches in Sierra Leone

Defence for Children International

Don Bosco Family

Faith, Hope, Charity Foundation

GOAL - Sierra Leone

Help the Needy Child International

International Committee of the Red Cross

International Rescue Committee

National Commission for War-affected Children

Save the Children of Africa Fund, Inc. (STCAF)

Save the Children UK

Sierra Leone Child and Family Services Agency

Sierra Leone Red Cross Society - Child Advocacy and Rehabilitation Project

United Nations Children's Fund

United Nations High Commissioner for Refugees

United Nations Integrated Office in Sierra Leone

War Child

World Vision Sierra Leone

I. GENERAL INFORMATION

A. Introduction

1. The Government of Sierra Leone ratified the Convention on the Rights of the Child on 18 June 1990 after the instrument had been adopted by the General Assembly at its forty-fourth session. Although Sierra Leone was one of the very first countries to ratify the Convention, Parliament is yet to adopt the Convention so that it can exert full legal force within the country.¹
2. The present report is an effort to revisit, review and revise a draft report prepared in December 2003 on the extent to which the Government has observed, respected and implemented the provisions of the Convention since its ratification in 1990.
3. The Government of Sierra Leone had made its first attempt at honouring its reporting obligations by submitting its initial report under Article 44 of the Convention (CRC/C/3/Add.43). Almost four years later in January 2000, the Committee considered the initial report and made far-reaching and useful observations, comments and recommendations in its concluding observations (CRC/C/15/Add.116).
4. The seriousness and depth of the Committee's enquiries and comments necessitated an urgent revisiting of the child rights and welfare situation in the country. Subsequent reporting efforts in the years between the appearance of the Committee's concluding observations and the present report had fallen short of the demands and benchmarks set by the Committee.
5. Considering that the Government of Sierra Leone was still grappling with the dual effects of poverty and a devastating civil war, the latter having only been officially declared ended in January 2002, a detailed and all-embracing report on the child rights and welfare situation had been delayed until full stability and peace had been attained.
6. The present report therefore responds to the initial report, the 2003 draft report and the Committee's concluding observations. It further considers current strides at implementing the observations of the Committee and in the process, reviews the situation over nearly a decade of non-reporting (1996-2005). The report illustrates the gains made, as well as the setbacks and challenges faced as the country struggled through war and poverty and put peace and development on the national agenda. It captures a broad array of activities and programmes chosen in actualizing the international commitment of Sierra Leone to the Convention, as well as national obligations to Sierra Leonian children.
7. In summary, and in line with the overview of the reporting procedures (CRC/C/33) and the General guidelines regarding the form and content of periodic reports to be submitted by States parties under article 44, paragraph 1 (b) of the Convention (CRC/C/58 and Rev.1), the present report covers the child rights and welfare situation in Sierra Leone, especially as it compares with the situation in April 1996. The report begins with an outline of the general child rights and welfare situation within political, economic, social and demographic contexts; and

then considers specific areas within the Committee's reporting procedures and guidelines including General measures of implementation, which in turn covers national law and policy relative to the Convention, policy coordination and monitoring, child participation and publicizing of the Convention within the country.

8. Specific areas such as defining childhood in Sierra Leone are treated under various headings, including legal and traditional/customary requirements for the "age of majority". The report discusses General principles of child rights and welfare as standardized by the Convention, noting in particular the principle of non-discrimination, best interest principle, right to life, survival and development of a child, and respect for the views of children. It also delves into the civil and political freedoms enjoyed by children in Sierra Leone such as birth registration, freedom of expression, association, thought and religion, access to appropriate information, protection of the child's privacy and prevention from torture, inhuman and degrading treatment.

9. Discussions in the present report surround Family environment and alternative care, highlighting, inter alia, issues on parental responsibilities, national social security and recovery of maintenance for children, and child rehabilitation/reform, placement and reintegration. The report further reviews the basic health and welfare of children in the country, touching on areas such as child survival and development, family planning and regulation of prejudicial/harmful practices affecting children and basic child care and support services.

10. Another fundamental area covered in the report is Education, leisure and the promotion of cultural activities for children. Under this topic, the National Education Policy and Act are discussed, as well as the promotion of peace and education clubs among pupils on the one hand, and the provision of recreation and cultural programmes for children on the other hand. Special protection measures, especially as it relates to children in emergency situations such as the resettlement, rehabilitation and reintegration of children associated with the fighting forces, displaced and returnee children and the protection of child victims of sexual abuse and ill-treatment, are also explored.

11. Besides the foregoing, the report highlights the current factors affecting juvenile justice. It discusses attempted policy intervention and law reform on issues relating to children in conflict with the law and examines the work of transitional justice institutions within the State party relative to children and their role in the civil war, namely, the Truth and Reconciliation Commission (TRC) and the Special Court for Sierra Leone (SCSL). Provision of rehabilitation, reform and reintegration facilities for affected children as well as monitoring and coordination of non-governmental organization (NGO) participation in the provision of legal aid for children in conflict and contact with the criminal justice system are accordingly reported.

12. Another crucial area included in the present report is environmental protection and its impact on child welfare and survival. Issues such as the right of children to a safe and healthy environment, child mining and other forms of child labour, and the protection of street children and other disadvantaged children are discussed under this topic. The report concludes with the challenges facing the full realization and enjoyment of child rights and welfare in Sierra Leone and analyses also, the prospects for development. The commitment of the Government of Sierra Leone to implementing the Millennium Development Goals ("the Goals"), its vision for sustainable development as outlined in the country's long-term objectives set out in its

Vision 2025 policy document, as well as the Government's recent Poverty Reduction Strategy Paper (PRSP), are noted as essential benchmarks for the healthy survival and development of the children of Sierra Leone.

B. Land and people of Sierra Leone

13. Sierra Leone is located on the coast of West Africa between Guinea (alongside the northern and eastern provinces of Sierra Leone) and Liberia (bordered by southern and eastern provinces), respectively. The country is bordered in the west by the North Atlantic Ocean and, apart from having a land area of about 72,000 km², Sierra Leone has a fluvial and oceanic mass of 120 km². Sierra Leone, Guinea and Liberia together form the Mano River Union.

14. Sierra Leone is endowed with mineral deposits, being one of the world's leading producers of gemstones (diamonds) and rutile (titanium) and gold, bauxite and iron ore are among other minerals present. The country's total arable land is estimated at 6 per cent, and the tropical climate supports dense rainforest in the southern and eastern provinces. In summary, the Central Intelligence Agency World Factbook² describes Sierra Leone as, inter alia, having "substantial mineral, agricultural and fisheries resources".

15. According to the provisional results of the recent Population and Housing Census (2004), the country has a population of about 5 million people spread over 12 districts³ in three provincial regions as well as the western area. Equally, the World Population Prospect report estimates that about 20 per cent of the country's population are persons between 15 and 24 years of age, and puts the median age at 17.9 years.⁴ Similarly, the 2003 Sierra Leone National Youth Policy defines youth as "any Sierra Leonean (female or male) within the 15-35 age bracket", and estimates that by the year 2005, 55 per cent of the country's population will be youths.

16. The United Nations Children's Fund (UNICEF) *State of the World's Children* report 2005 estimates the population of Sierra Leone that is under age 14 to be 1,720,000 persons, of which 903,000 persons are under age 5.⁵ Infant mortality is rated at 170 out of every 1,000 live births, whilst under-five mortality is rated at 286 out of every 1,000 live births. Maternal mortality is also rated at 1,800 out of every 100,000 live births. Unfortunately, these figures are among the highest mortality rates in the world. However, the total national fertility rate is estimated at 6.5 per cent, whilst the population growth rate is approximately 1.6 per cent. The UNICEF report further estimates total birth registration to be 46 per cent, 66 per cent of which is said to be conducted in urban settings and 40 per cent in the rural areas.

17. According to the initial report (CRC/C/3/Add.43), there are 18 ethnic/tribal groupings in Sierra Leone, with Krio as the lingua franca and English as the official language.⁶ Current reports, including the above-mentioned provisional census report, show that the majority of the country's population is Muslim, compared with the number of Christians and animists represented.

C. Political and economic contexts

1. Political context

18. Sierra Leone became independent in 1961 and a Republic in 1971. The country was a practising democracy until 1978 when the All Peoples Congress Party led the conversion to a one-party republic, with the One-Party Republican Constitution enacted in 1978 to that effect.

19. Sierra Leone continued under one-party governance until 1991 when political changes and a referendum ushered in a reversion to multiparty democracy characterized by the current Constitution of Sierra Leone (Act No. 6 of 1991). It was around that time that the just-concluded civil conflict that had engulfed the entire country for a decade had been started by the Revolutionary United Front - Sierra Leone (RUF-SL) rebels along the border with Liberia.

20. The civil war, corruption and rising economic costs spurred, in 1992 a military coup, in which the All Peoples Congress Party leadership was overthrown and replaced by a military junta, namely, the National Provisional Ruling Council. An internal military takeover in 1996 and growing agitation for political change by civil society groups led to multiparty elections and the installation of the current Government of President Ahmad Tejan Kabbah.

21. In the meantime, efforts were under way to cease hostilities and end the civil war, which culminated in the signing of the Peace Agreement between the Government of the Republic of Sierra Leone and the Revolutionary United Front of Sierra Leone (the Abidjan Accord) in November 1996. In May 1997, slightly more than a year into the reign of President Kabbah, the army overthrew the Government and subsequently formed the Armed Forces Revolutionary Council (AFRC). Ahmad Tejan Kabbah's government continued in exile in neighbouring Guinea, whilst AFRC formed a de facto alliance government with RUF. Civil disobedience and political instability continued until February 1998 when the Economic Community of West African States Monitoring Group (ECOMOG), which is the military wing of the Economic Community of West African States (ECOWAS), overthrew the AFRC/RUF junta alliance and reinstated the exiled Government.

22. However, further instability continued and in January 1999, the Government of Ahmad Tejan Kabbah was again almost overthrown by remnants of the AFRC/RUF-SL alliance, which had regrouped in the interior of the country and marched on Freetown, the country's capital, to inter alia reinstate the army, which the President had earlier disbanded. The civil war heightened around that time as a part of Freetown was set ablaze and unspeakable atrocities were committed throughout the country. ECOMOG regained its hold shortly thereafter and defeated the rebels.

23. The nature and depth of events of January 1999 warranted the signing of another Peace Agreement in Lomé in July 1999 (the Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone), which instrument finally led to disarmament, demobilization and reintegration of all combatants. Amnesty and reprieve were also granted to all combatants and their collaborators under the Lomé Peace Agreement of 1999. The war was finally and officially declared over in January 2002. The United Nations Mission in Sierra Leone (UNAMSIL), formed subsequent to the signing of the Lomé Peace Agreement, played useful and vital roles in the peace process and helped rebuild the country as well.

24. Children suffered the most during the civil war, an event that exacerbated the poverty of the country's people. UNICEF-Sierra Leone reports that a total of 7,204 children were directly affected by the war both as combatants and separated non-combatant victims. Hundreds of thousands more suffered indirectly. As the country regained stability, institutions like the National Commission for War Affected Children (NCWAC)⁷ and TRC were formed to, inter alia, provide for war-affected children, hear their stories and help rehabilitate and reintegrate them into peaceful communities. This process is ongoing.

25. In 2003 SCSL was also established to try those who bear greatest responsibility for crimes committed during the civil war. Trials in this Court are also ongoing.

2. Economic context

26. Sierra Leone is currently ranked the second least developed country in the world, according to the 2005 United Nations Development Programme (UNDP) Human Development Index. As already noted, for a number of years immediately prior to 2005, the country was ranked the least developed in the world. The Government is cognizant of the many post-conflict challenges with which it is faced and is striving to address them.

27. Sierra Leone averaged an annual economic growth rate of 4 per cent in the 1960s and 3.5 per cent in the 1970s. Corruption and economic mismanagement reduced the growth rate to 1.5 per cent in the 1980s. A series of macroeconomic and structural reform programmes introduced in the late 1980s failed to create the desired impact as the economy continued to slump. The 1990s witnessed both the civil war and continued economic mismanagement and corruption in public offices. Poverty increased and, towards 2000, about 82 per cent of the country's population lived below the United Nations-defined poverty line. The GDP per capita income was consequently rated at US\$ 142.⁸

28. Recent efforts at recovering the economy include the formation of an Anti-Corruption Commission, the setting out of the country's long- and short-term development goals in a document entitled "Vision 2025", and the articulation of strategies/methodologies to fight and eradicate poverty in the country's 2005 PRSP document. Other attempts include the establishment of a National Social Security and Insurance Trust (NASSIT) scheme to provide social security for public and private sector employees within the country, and the National Revenue Authority to properly oversee and network income/revenue generation. Also, the enactment of various legislations and regulations, including the Local Government Act (2004) to decentralize authority to remote and underdeveloped places, the Education Act (2004) to improve the quality of and access to education, and the Investment Promotion Act (2004) to attract needed foreign investment, are gradually helping to improve the country's economic situation. In short, the country is gradually on its way to economic recovery, growth and stability.

**D. Situation analysis of child rights and welfare in Sierra Leone:
from the perspective of the Ministry for Social Welfare,
Gender and Children's Affairs**

29. Since the initial report was submitted to the Committee, much has changed in the area of child rights and welfare in Sierra Leone. Many of these occurrences are odd events that have had far-reaching and devastating effects on children. As noted, the decade-long civil conflict in the country worsened the existing situation of poverty in which children had already found themselves prior to the conflict. When the war ended in 2002, the country was still ranked as one of the world's least developed countries with, inter alia, the highest under-five mortality ranking.⁹

30. By 2000, Sierra Leone was already home to thousands of children in difficult circumstances including displaced returnee children, hundreds of Liberian child refugees, thousands of children associated with the fighting forces, children working or living on the street and child commercial sex workers, as well as an unquantifiable number of children indirectly affected by the conflict and its related tendencies for example, child mining and other forms of child labour, children separated from their families and so forth.

31. With this situation in mind, the Ministry for Social Welfare, Gender and Children's Affairs (hereinafter "the Ministry for Social Welfare") set to work, identifying target areas of intervention, mapping out strategies, laying out goals and objectives, and strengthening as well as broadening its partnerships and networks with NGOs and community-based organizations (CBOs) involved in protecting and promoting child rights and welfare. In this regard, UNICEF-Sierra Leone became the focal partner of the Ministry.

32. The Mission Statement of the Ministry for Social Welfare as reproduced in its annual *Social Agenda* newsletter is "to ensure the provision of services to the socially marginalized or disadvantaged groups in society, particularly children, women, the aged and disabled whether as groups, family units or individuals. In this regard, the Ministry promotes and advocates for needs and rights of these groups or individuals without gender discrimination, and coordinates efforts in the areas of resource mobilization and allocation, appropriate policy development and necessary law reforms".¹⁰

33. As an emergency response measure to the post-conflict situation and its attendant Disarmament Demobilization and Reintegration (DDR) programme, in 2003, the Ministry for Social Welfare together with its partners, in particular UNICEF-Sierra Leone and the then National Commission for Resettlement, Rehabilitation and Reintegration (NCRRR, now reconstituted and renamed the National Commission for Social Action, NCSA), supported 5,552 children in its Community Reintegration Programme. Also, in the same year, approximately 2,788 displaced children benefited from the Line Ministry's Community Education Investment Programme, whilst 1,682 separated children were traced to their respective families. Seven hundred and nineteen street children were provided with emergency shelter, whilst 420 commercial sex workers were given skills training. Additionally, 185 family cases were resolved and attendant child maintenance fees ordered. Significantly too, a total of 172 CBOs were given permanent and temporary certificates as appropriate to the nature and

extent of their work on child rights and welfare matters.¹¹ The figures herein are separate from, though mostly in conjunction with, the number of children directly involved in the ongoing UNICEF-Sierra Leone Reintegration Programme.

34. Over the reporting years, programmes and activities similar to the above-mentioned have continued through the active support and participation of the Child Protection Network (CPN) partners of the Ministry for Social Welfare. Several child-to-child education/counselling activities have been conducted, and a resource centre has been established to boost research work by Ministry officials, members of Child Protection Agencies (CPAs) and the public. Besides, on the Day of the African Child in 2003 (16 June), the Ministry and its partners, including representatives of UNICEF-Sierra Leone, the Ministry of Health and Sanitation and the Department of Births and Deaths, set a target for the registration of 900,000 children across the nation. Individuals, families, community heads and social workers were fully engaged in the exercise and wide-scale success was reported. The Minister for Social Welfare subsequently promised to use every Day of the African Child to engage the public on specific themes of child rights and welfare.¹² A detailed analysis of the current status of child well-being in Sierra Leone forms the body of the present report.

35. Besides the above-mentioned emergency responses to the post-war conditions, the Ministry for Social Welfare has, during the reporting period, structured its administrative capacity so as to ensure that it not only serves as a ready database for information on child rights and well-being in Sierra Leone, but as the Child Welfare Secretariat for the current Child Protection Committees (CPCs), meetings of which it hosts and chairs on the first Thursday of every month. The Ministry coordinates, monitors and evaluates child protection and promotional programmes nationwide through CPCs, which have offices in all the regions and districts, as well as through Child Welfare Committees (CWCs), which have wider local presence at the decentralized grass-roots level.¹³ As at 2005, UNICEF-Sierra Leone, working in collaboration with the Ministry, had established a total of 163 village CWCs.

36. The Ministry also decentralizes functions and responsibilities to various committees/task forces in order to facilitate, coordinate and monitor specific aspects of child protection issues. Thus, regional CPC meetings in the northern, southern and eastern provinces are held on every last Wednesday of the month and have a similar mandate to their national counterpart in Freetown. Also, Social Development Officers (SDOs) in the Ministry work closely with regional and district CPCs as well as grass-roots CWCs. Every district has at least a District Social Development Officer (DSDO) who works in each of the respective political districts of Sierra Leone¹⁴ and attends district CPC meetings held once every month. Findings of the district CPCs are forwarded to the regional CPCs for action, which in turn report to the national CPC for further action. Various subcommittees of the CPCs include the Street Children's Task Force (SCTF), which meets every last Tuesday of the month, the Sexual Violence Subcommittee (SVC), which meets every first Wednesday of the month, the Family Tracing and Reunification Subcommittee (FTRC), which also meets on every first Wednesday of the month, and the Children in the Criminal Justice System Subcommittee (CCJSC), which also meets on a monthly basis. Both FTR and CCJC work closely with the Family Support Unit (FSU) of the Police to address family and juvenile delinquency matters. These subcommittees collate their findings and reports, which are submitted to the Child Welfare Secretariat in the Ministry for action and documentation. This decentralized machinery facilitates monitoring, coordination and reporting of child protection issues.

37. Regular training of Ministry officials on child protection issues by both the Ministry and its CPN partners is also crucial to the protection and promotion of child well-being in Sierra Leone. In order to enhance effective monitoring, ensure and maintain proper welfare for children, and document child rights abuses or violations as well, SDOs require refresher training on evolving national policies/laws and international norms. However, due to budgetary constraints, limited training has been provided for an enlarged staff, which includes the district-based SDOs and 149 chiefdom-based (stipendiary) social workers, all of whom received (refresher) training in November and December 2003. Other regular complementary training programmes, including training of child protection trainers by CPN partners and agencies, have eased problems of comprehension.

38. The Ministry also works closely with State-sponsored institutions such as NCWAC and NCSA in implementing various programmes and projects geared towards the speedy and effective rehabilitation, resettlement and reintegration of street and war-affected children, nationally.

39. The Ministry for Social Welfare recently completed and submitted to Cabinet for consideration a draft National Policy on Child Well-being. The Policy's primary goal would be "to make maximum contribution to the realization of Sierra Leone's Vision 2025 through a focus on child well-being in Sierra Leone". Its fundamental objective is "to have a country where the best interests of the child are paramount in the progressive and maximum attainment of the survival, development, participation, and protection of every child in Sierra Leone". When regulated, the Policy will combine with other laws to protect, promote and enforce national child rights matters.

40. Contemporaneous with advancing a national Policy on Child Well-being, is the sustained and increased stride at enacting the Child Rights Bill of 2005. Despite prior consultative meetings, this draft Bill was considered to be both "unwieldy and technically weak" when it was submitted to Parliament.¹⁵ Consequently UNICEF-Sierra Leone assisted by commissioning a consultant to review the Bill and incorporate the Committee's recommendations. Again, in 2001, additional efforts were sought to make the law on child rights both community-based and all-embracing in its approach and methodology. UNICEF-Sierra Leone supported another consultancy in 2004 that produced a more technical, inclusive and structured Bill. The current Child Rights Bill is yet to be passed into law, however, as consultations on certain crucial issues are ongoing. It is hoped that the much-debated Child Rights Bill, which, to a large extent, domesticates the Convention with modifications and local adaptations, will soon be enacted. As earlier noted, complementary instruments already enacted to foster child protection include: the Education Act (2004); the Human Rights Commission Act (2004); the Anti-Human Trafficking Act (2004); and the Local Government Act (2004).

41. Another essential focus of the work of the Ministry for Social Welfare in child protection and welfare issues is its avid determination to see children themselves involved and taking frontline roles in advocacy and sensitization programmes. In November 2000, the Ministry established the Children's Forum Network (CFN) to operate as a national "child-to-child" organization, with branches in the three provinces, and to spread information and knowledge on child survival and development issues.¹⁶ This approach was to meet the obligations of Sierra Leone under the Convention and other norms on the dual requirements for participation of children in matters affecting them and the need for general dissemination of their rights. In this

regard, the Ministry and some of its CPN partners have trained CFN leaders in child rights and well-being, as well as on how to manage their affairs and make meaningful contributions to policies, laws and programmes that impact children generally. Through this cooperation, CFN has also trained and impacted the lives of children affected by the conflict, discussed HIV/AIDs and sex-related diseases at peer level, and, inter alia, produced the Children's Manifesto - a statement launched in March 2002 calling on the Government of Sierra Leone to consolidate the peace and create a conducive social condition for all children nationally.

42. Also, closely related with the work of CFN, are programmes including the following: (a) the Golden Kids Programme (GKP),¹⁷ which is operated by Talking Drums Studio - an NGO partner of the Ministry that uses media, especially radio, to promote peace, social integration and human rights through drama and other discussion programmes; (b) the "Voice of Children" programme, comprising radio broadcasts and talk shows by children of all ages and categories and is supported by the radio station run by the United Nations Mission in Sierra Leone (UNAMSIL), radio UNAMSIL, which publicizes the work of UNAMSIL in Sierra Leone;¹⁸ and (c) the establishment of school/village Children's Clubs in various schools and communities across the country,¹⁹ which supports peer meetings on learning human rights, understanding the Convention and involving children in child protection matters. These programmes altogether complement the work of CFN and have immensely improved community perceptions of children, their role in society and their right to be heard.

43. Other areas of intervention and collaboration by the Ministry for Social Welfare include the protection and promotion of the rights and welfare of children in the criminal justice system and the enhancement of improved quality of education that is accessible to an enlarged sector of children in the country. In the area of juvenile justice for example, the Ministry collaborates with partners like the British Council of Sierra Leone on its Justice Sector Programme aimed at improving justice for children, as well as Defence for Children International (DCI) - Sierra Leone section and Lawyers Centre for Local Assistance (LAWCLA) on the provision of legal aid and social support to both child offenders and child victims of abuses/right violations. Furthermore, the Ministry SDOs work across the country with partner organizations and institutions like the FSU of the Sierra Leone police to assess and respond to cases on juvenile delinquency, child neglect, child trafficking and child sexual abuse. In one of such collaborations with FSU, the Unit's Crime Statistics database for 2002 to 2004 reveals that a total of 1,613 sex-related crimes were reported nationwide to the police. Reports for similar crimes in 2003 showed an increase in the crime rate to 2,180 cases, whilst an even higher number, 2,991 cases, were reported in the subsequent year. These sex-related crimes include rape, unlawful carnal abuse of girls under 14, assault with intent to ravish, indecent assault and domestic violence. Regarding offences against or involving children, the statistics show that a total of 2,473 cases were nationally reported to the police in 2004. These include 1,033 reported cases of domestic violence against children, 429 cases of unlawful carnal abuse of girls, 308 cases of child neglect, ill-treatment, cruelty and/or abandonment, 303 cases of absconded children, 160 cases of child procurement and/or harbouring, and, inter alia 17 cases of child stealing. Most of these matters were investigated, charged to court and prosecuted. Besides working with FSU, the Ministry SDOs have, at the civil level, assisted in resolving custody, guardianship and maintenance matters, counselled affected parents or guardians, and given psychosocial opinions on adoption matters before the national courts as well.

44. The Education Act (2004) also strengthens the work of the Ministry. The Act makes basic primary education compulsory and provides further that violation or neglect by a parent/guardian in sending his/her child to school for basic education amounts to a punishable criminal offence.²⁰ The Act is based on the principle of non-discrimination²¹ and supports pre-primary and all other levels of education for children and youths. According to statistics provided by the Ministry of Education, Science and Technology, for the 2004/2005 school year, there were about 1.2 million pupils enrolled in a total of 4,298 primary schools compared to 525,812 pupils enrolled in 2,845 primary schools in the 2000/2001 school year. Also, there were about 73,000 pupils enrolled in 282 secondary schools for the 2004/2005 school year, compared to 83,809 enrolled in 239 schools in the 2000/2001 school year. In the latter case, the decrease in enrolment especially at senior secondary schools, is the result of diversionary programmes provided by vocational/skills training institutions after junior secondary education. Incidentally, in nearly all cases of enrolment, half of the pupils enrolled were girls, and there was marked increase in the enrolment of girls for the 2004/2005 school year. The Ministry works closely with the Ministry of Education to improve the level of education for children in the country.

45. As the Ministry for Social Welfare is cash-strapped and has a limited budget for both its short- and long-term objectives, it has undertaken to reactivate the now dormant Special Fund for Children in order to attract local and international funding for its work. Moreover, through UNICEF-Sierra Leone support, the Ministry has established another Remand Home at Bo in the southern province, as well as started Bail Homes at Kenema in the eastern province and Makeni in the northern province respectively. The Ministry also undertakes to establish more Bail Homes to replace or complement the Remand Home, as well as build child reformatories in the country, including Approved Schools. Additionally, the Ministry has, among other things, undertaken to rehabilitate existing child-welfare institutions, including the National Training Centre for Social Workers, and to open centres for CFN members equipped with Internet access and other facilities.²²

46. In order to sustain the foregoing work and achieve its broader anticipated objectives, the Ministry needs local and international logistical and human resource support. Through such support, the best interests of children will be realized and the key object of Vision 2025, namely, “to make Sierra Leone a united people, progressive nation, and attractive country”, should be brought to fruition. Over the reporting period, the Ministry has received only limited funding.

47. Finally, the Ministry for Social Welfare notes that the data forming the subject matter of the present report were provided by members of a Task Force of CPN partners, including UNICEF-Sierra Leone, other CPAs and CBOs and Departments of Government, chosen to review and upgrade the 2003 draft country report on the implementation of the Convention. The compilation, review, upgrading and editing of the report into its current form were accomplished by a consultant hired through the support of UNICEF-Sierra Leone. The Ministry therefore thanks everyone in the CPN Task Force for their countless support and technical assistance.

II. GENERAL MEASURES OF IMPLEMENTATION

A. Harmonization of national law and policy with the provisions of the Convention

International compliance

48. As noted above, Sierra Leone was the seventh country in the world to ratify the Convention on 18 June 1990, thereby demonstrating a commitment to adhere to the provisions and dictates of the Convention.

49. Sierra Leone is also a party to the African Charter on the Rights and Welfare of the Child,²³ an instrument which protects the rights and welfare of children in Africa and, in particular, makes their best interests the primary consideration in all actions concerning children.

50. The Government of Sierra Leone also ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in May 2002, and thereafter declared that the minimum age of recruitment into the national Armed Forces should thenceforth be 18 years.

51. Furthermore, the Government of Sierra Leone was one of the 190 countries that adopted the Declaration and Plan of Action at the special session of the General Assembly committing Governments to ensure and enhance “A world fit for children” (resolution S-27/2 annex). In the said Plan of Action, apart from committing Sierra Leone to “[putting] in place, as appropriate, effective national legislation, policies and action plans and allocating resources to fulfil and protect the rights and to secure the well-being of children”, the Government also reaffirmed its obligation “to take action to promote and protect the rights of every child, every human below the age of 18 years including adolescents”. It also, inter alia, undertook to “respect the dignity and to secure the well-being of all children” and acknowledged the Convention and its Optional Protocols thereto and other related international instruments as “a comprehensive set of international legal standards for the protection and well-being of children”.²⁴

52. Additionally, the Government of Sierra Leone has continued to use, with determination, the eight-point development indicators contained in the Millennium Development Goals²⁵ as the basis for national developmental actions and the bedrock of the country’s Vision 2025 Development Strategy.²⁶ Similarly, the Sierra Leone PRSP document entitled “A National Programme for Food Security, Job Creation and Good Governance (2005-2007)” reinforces the country’s commitment to observing and implementing the Goals in development programmes.

National compliance/action taken

53. As noted, the Child Rights Bill²⁷ is awaiting enactment by Parliament. In order to incorporate the Convention into domestic law, the Government started a 1992 National Programme of Action which had led to the drafting of the first Child Rights Bill entitled: “The Rights of the Child, Adoption of the Convention on the Rights of the Child Bill, 1996”.

54. UNICEF-Sierre Leone facilitated consultations to rewrite the Bill in 2001, making it more technical, all-embracing and inclusive of the recommendations in the Committee’s concluding observations.²⁸ The Child Rights Bill included the Convention as an annex. It

suggested the establishment of a Child Rights Commission with a mandate to, inter alia, “monitor and coordinate the implementation of the Convention on the Rights of the Child”.

55. Following further consultations with local communities, and in harmony with the re-establishment of the Law Reform Commission for Sierra Leone, another Bill was created to take into account broader perspectives of child rights and to make the law on children both community-responsive and internationally acceptable. Another UNICEF-Sierra Leone-supported consultancy produced a Report by Reference Groups on the Convention enactment process in August 2004 entitled: “Towards a children’s act in Sierra Leone (Proposed contents, justifications, and process to enact the legislation)”. The subsequent draft Bill is undergoing further revision by the country’s Law Office to await Parliamentary approval.

56. Among other things, the Reference Groups and the Law Office are ensuring that the current Child Rights Bill not only targets law reform in order to incorporate the Convention into local law, but also strives “to translate the Bill’s goals, principles and tenets into norms that can make maximum contribution to child rights” and to conform it with other international laws. The short title of the Bill now reads: “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 the African Charter on the Rights and Welfare of the Child, and for other related matters”. The Bill also contains principles such as “the principle of the best interests of the child”, “principle of non-discrimination”, “right to life and maximum survival and development” and, among others, “respect for the views of the child”. It also provides for the establishment of Village and Chiefdom Child Welfare Committees, District Councils for the Protection of Children, the operation of Family Courts in the various Judicial Districts as may be appropriate and the establishment of a National Commission for Children with outlined mandate and functions. All of these bodies are to work in an organized decentralized manner and are to be supported in their work by auxiliary organs including the Family Support Units of the Police and new Child Panels composed of community representatives with broad civil and limited criminal jurisdictions relating to children, their rights and well-being. The Child Panels are to be appointed by the Minister for Social Welfare, Gender and Children’s Affairs.

57. Further, the Bill provides for a comprehensive Child Rights, Parental and State Responsibilities section, as well as other significant sections on Parentage, Custody and Child Maintenance, Quasi-Judicial and Judicial Adjudication of Matters affecting Children, Institutionalized Care for Children and Miscellaneous Matters and a section on Child Employment. A preliminary section dealing with interpretation and definition of certain key terms used in the Bill is also provided. The latter section, inter alia, defines a “child” as “a person below the age of 18” and a “young person” as “a person aged between 18 and 25”. In short and in many respects, the redrafted Bill is precise in focus, detailed in substance and far-reaching in vision.

58. Contemporaneous with the Child Rights Bill is the draft National Children’s Policy, which is also awaiting the approval of the Cabinet. The draft National Children’s Policy was created alongside the Child Rights Bill and was produced by the Ministry in August 2004 as a proposal for both public discussion and the consideration of the Government.

59. The draft National Children's Policy is founded upon the concept that child well-being is well-being for the entire nation. It is also the subject of several principles including the principle that Sierra Leone must make maximum contribution to child well-being or ensure maximum enjoyment of child rights; that the country must abide by and advance child rights principles at all levels of society; focus must be placed on the performance of duties to realize correlative rights for child well-being; the Government must ensure that children, subject to age and ability and as human rights-holders, should enjoy their rights responsibly; the Government must also ensure that all duty bearers at all societal levels should be accountable and, where necessary, held responsible for the performance of duties correlative to child rights, and that all levels of society must be accordingly developed to ensure sustainable and progressive respect, protection, promotion and provision for the enjoyment of national child rights and well-being.²⁹

60. Further, the "policy goal" of the draft National Children's Policy centres on "making maximum contribution to the realization of Vision 2025 for Sierra Leone through a focus on child well-being within the country", whilst the "policy objective" is "to have a country where the best interests of the child are paramount in the progressive and maximum attainment of the survival, development, participation and protection of every child within the country".

61. It is hoped that current strides in the area of legislative reform and policy formulation by the Government shall altogether constitute a favourable response to the Committee's concerns, observations and recommendations for legislative reform as contained in paragraphs 6 and 7, of its concluding observations.

B. Policy coordination, networking and monitoring mechanisms used in implementation of the Convention

62. As indicated in the broad overview on child rights and well-being in the country from the perspective of the Ministry for Social Welfare, the Ministry operates with the aid of several CPAs and CBOs to monitor, evaluate, protect, promote, advocate and sensitize individuals and the public on issues of national child well-being. The Ministry together with its local and international partners form the CPN. In the area of coordination and monitoring, UNICEF-Sierra Leone is the focal partner of the Ministry. At the local level, there are currently more than 200 CBOs registered with the Ministry, working with children in the rural and disadvantaged areas to advance children's rights and interests.

63. Monitoring by the Ministry continues, through various committees and subcommittees dealing with specific or cluster areas of intervention already outlined above. The western urban area CPC, being the headquarter child protection monitoring body based in Freetown, monitors, evaluates and coordinates all child protection and promotion issues within Sierra Leone. Like its regional counterparts, the headquarter CPC comprises both local and international CPAs as well as representatives of the Ministry and other related Ministries that promote child well-being. Regional CPCs, chaired by the provincial functionaries of the Ministry, also enhance proper monitoring and evaluation. As earlier stated, other subcommittees working with the various CPCs nationally include SCTF, SVC, FTRC and, inter alia, CCJSC. Through networking, monitoring and collaboration, the Ministry has developed an easily accessible database on issues of child rights and well-being nationally.

64. Also, in order to ensure proper monitoring and policy coordination as earlier indicated, the Ministry and its CPN partners have continued to train child protection personnel including SDOs in the Ministry, CPN members and volunteers and community welfare officers including the police on issues affecting children. CPN partners and the Ministry have prepared many trainers in rural areas, who have in turn trained other stakeholders in remote areas on child protection and welfare issues. This training has greatly assisted in reducing the effects of traditional and customary beliefs and perceptions which discriminate against women and children. It is hoped that both the draft children's Bill and Policy when enacted, will serve as reference materials for the overall strategy on child protection and promotion issues in the country.

65. Furthermore, the establishment of NCWAC in January 2001 by Parliament, with necessary budgetary support from local and international sources, has in diverse ways, helped to address the myriad problems faced by war-affected and other children in difficult circumstances. NCWAC functions as a quasi-governmental institution that works with the Ministry to assess, monitor and address the situation of war-affected children in Sierra Leone.

66. It is also anticipated that the enactment of the Human Rights Commission Act (2004) by Parliament will ease monitoring problems and other difficulties associated with addressing and redressing abuse of children within the country. When established, the Commission should have a broader mandate to examine all cases of human rights abuse, including those affecting women and children.

67. Whilst it is hoped that the foregoing appropriately responds to paragraphs 8, 9 and 11 of the Committee's concluding observations, the Ministry particularly notes, however, that paragraphs 10, 14 and 15 of the concluding observations are yet to be adequately addressed by the Government. In this regard, the Ministry regrettably reports that it is one of the least budgeted-for Ministries in the country. It receives only a small fraction of the nation's annual budgetary allocations and has not only been hindered by continuous lack of adequate funds for its operations, but is extensively dependent upon UNICEF-Sierra Leone and other donors to implement its mandate for children. In many cases, the Ministry has failed to achieve much for child rights and well-being because it has so little at its disposal.

C. Participation of children in implementation of the Convention

68. The Government has, through the Ministry and its CPN partners, actively engaged children at all levels in promoting and protecting their rights and welfare. The Convention and other useful local laws relevant to children, such as the Prevention of Cruelty to Children Act (chap. 31 of the Laws of Sierra Leone, 1960), have been consistently focused by the Ministry and its partners for sensitization and debate by children and the general public.

69. As explained above (paras. 41-42), the Ministry officially launched the Children's Forum Network (CFN) on the Day of the African Child (16 June) in 2001. CFN has since operated as a child-to-child network and now has regional branches established with assistance from the Ministry. The Network has an administrative wing and a "Children's parliament" at every regional office designed to manage, coordinate, debate, organize and advance, through sensitization and advocacy, the rights and welfare of children. Through such coordination and debate, CFN has, among other things, trained its peers on the provisions of the Convention,

discussed HIV/AIDs and its harmful effects on children, used radio and television to discuss and advance child welfare issues, and, in March 2002, launched the Children's Manifesto that called on the Government to consolidate the peace and improve child rights and welfare in Sierra Leone.

70. Equally, the "Golden Kids" operate as a group of younger children who are organized, trained and guided by Talking Drums Studio, an NGO partner of the Ministry, to discuss child rights and welfare issues with their peers, as well as sensitize the public on matters of affecting children. Child presenters discuss child rights and responsibilities on the airwaves.

71. Similarly, the publicity division of UNAMSIL operates the children's broadcast programme known as the "Voice of Children". CFN members and children of every age use this medium to actively engage government officials and actors in the child protection network. On the whole, both the "Voice of Children" and GKP Programmes have contributed immensely in promoting national child well-being. Since they both have national coverage and appeal, the programmes have greatly impacted local perceptions about children, especially at the rural level where customs and traditions impede the free exercise of child rights.

72. Through support from the Ministry and its CPN partners, CFN has, over the reporting period and among other things, particularly achieved the following:

- (a) Launched the Children's Manifesto in March 2002;
- (b) Sent a delegation to the special session of the General Assembly on Children in May 2002 to articulate the views of children in Sierra Leone, particularly from the standpoint of their well-being in the post-conflict period;
- (c) Took part in peer counselling training on HIV/AIDs to commemorate the Day of the African Child in 2002;
- (d) Monitored child rights violations in schools and neighbourhoods and submitted findings to the Child Welfare Secretariat at the Ministry. Similarly, the Network worked with "Kids Clubs" established in schools by the Ministry and its partners, including UNICEF, in order to network children's views and perceptions of the Convention;
- (e) Carried out series of sensitization discussions on radio and television nationwide touching on child protection and related issues;
- (f) Participated in celebrating the International Day of Peace on several occasions, and in particular on 16 June 2003, made submissions to the Sierra Leone Truth and Reconciliation Commission condemning violence against children during the civil conflict and recommending preventive and rehabilitative measures. Children also served as witnesses and statement-takers during certain sessions of the TRC hearings;
- (g) Sent a delegation to the ECOWAS Peer Review meeting in Dakar in September 2003, to discuss ways of improving child rights and well-being in West Africa;
- (h) Served in 2004 as Reference Group Partner in the preparation of the current Child Rights Bill and the draft National Policy for Children.

D. Dissemination of the Convention

73. The Government of Sierra Leone notes the concerns and recommendations of the Committee on this subject as contained in paragraphs 20 and 21 of its concluding observations.

74. The preceding section of the present report above explains efforts by the Government, through the Ministry for Social Welfare, to actively engage children in locally disseminating or publicizing the provisions of the Convention and related law. With children as vanguards of publicity, the message on their welfare could be easily grasped in communities. The role of children in disseminating the Convention is thus crucial, and the current Child Rights Bill strengthens that role by guaranteeing and protecting children's rights to expression and access to appropriate information.

75. The Ministry and its CPN partners have, on their own, also made determined efforts at disseminating the Convention and related local laws during the period under review. As explained above in 2003 for example, officials of the Ministry joined functionaries of the Ministry of Health and the Department of Births and Deaths, together with staff of UNICEF-Sierra Leone and other CFN partners, to undertake the registration of 900,000 children nationally. This move was to fulfil Sierra Leone's obligation under article 7 of the Convention, as well as the requirements of the local Births and Deaths Registration Act (1983), which provides that every child born within the territory of Sierra Leone should be issued a free birth certificate within 30 days of birth. Several sensitization and public education programmes were conducted during this campaign.

76. Various publicity and sensitization campaigns on key provisions of the Convention have been also undertaken by the Ministry and its CPN and other partners as an ongoing process. During the reporting period, for example, UNICEF-Sierra Leone, the HIV/AIDS Secretariat and the Ministry collaborated to enhance the campaign against HIV/AIDS and its spread among children. This endeavour was to ensure and maintain the child's right to life. Similar campaigns have targeted juvenile justice for children in conflict with the law, prevention of sexual violence and prostitution amongst street children: especially girls, family tracing and reunification of separated and war-affected children, and, inter alia, the rehabilitation, resettlement or placement of children associated with the fighting forces.

77. Besides the foregoing, regular training programmes conducted by the Ministry and its CPN partners across the country for CFN members, Ministry officials, community animators and welfare workers have helped to not only publicize and disseminate the Convention and related local laws, but enhance their comprehension as well.

E. Cooperation with non-governmental organizations

78. In response to the concern and recommendations of the Committee, as expressed in paragraphs 18 and 19 of its concluding observations, the Government has, through the Ministry, increased and maintained active and healthy working relationships with both (local and international) NGOs and CBOs. In the case of CBOs, hundreds more have been registered and given permanent or temporary certificates, in order to improve local participation in child welfare.

79. Cooperation between NGOs and CBOs has continued at various committee levels of child protection activities. This system of collaborative networking and joint monitoring has been decentralized to, and is currently working in, the rural areas as well.

F. Decentralization of issues concerning children

80. To address the concern and recommendations made by the Committee on decentralization of child protection and welfare issues as expressed in paragraphs 12 and 13 of its concluding observations, the Government passed the Local Government Act in 2004, so as to “consolidate the law on local government and to provide for the decentralization and devolution of functions, powers and services to Local Councils and for other matters connected therewith”. According to the Act, the Local Councils are to respectively “coordinate and harmonize the execution of programmes and projects promoted and carried out by public corporations, other statutory bodies and non-governmental organizations in [their respective localities]”.³⁰

81. The current Child Rights Bill provides for extensive devolution of power and functions to Child Welfare Committees at village/community, chiefdom, district and national levels. When the Bill becomes law, all of these levels shall respectively work with officials of the Ministry to promote monitoring, coordination, reporting and advocacy on child well-being issues.

III. DEFINITION OF THE CHILD

A. Age of majority: current legal and customary implications

82. This is one of the most thorny, challenging and unwieldy areas of the law concerning children, which affects and impacts their protection/welfare. As the law stands, almost every Act of Parliament dealing with children has its own varied definition of what age constitutes childhood. Even the National Constitution (Act No. 6 of 1991) is unclear as to whether protection given to persons below 21 years of age is granted as protection for “children”, since the constitutional voting age is 18.

83. This situation is complicated by the fact that there is no minimum accepted age of childhood at customary/traditional law. Each ethnic or tribal grouping has its own customary law and practice and the age of majority for each tribe is often referable to marriage, initiation rites within secret societies, puberty for girls, physical maturity for boys and a host of related issues and practices. This complication of age is further confused by the fact that customary law in Sierra Leone is uncodified, undocumented and largely unregulated. Often, customary law is determined by the presumed wisdom of village elders.

84. The Government of Sierra Leone particularly notes the following examples of age differentials in the laws of the country: 21 years of age for the Interpretation Act (1971, Act No. 8, which uses the word “infant” in reference to a child); 21 years for the Constitution of Sierra Leone (section 23 (3) of which provides security for “young persons” against publicity or labelling); 21 years for purposes of the Sierra Leone Citizenship Act (1973) (which refers to the “attainment of full age” by a citizen); 21 years for purposes of the old Education Act (1964, Act No. 63);³¹ and 21 years for the Protection of Women and Girls Act (chap. 30 of the Laws of Sierra Leone, 1960 which defines “victims of procreation” for sexual abuse as “women or girls below 21 years”). The Adoption Act of 1989 and the Children and Young Persons Act (chap. 44

of the Laws of Sierra Leone, 1960) respectively define a “juvenile” and a “young person” as a person under 17 years of age; the Prevention of Cruelty to Children Act (chap. 31 of the Laws of Sierra Leone, 1960) defines a child as a person who is younger than 16 years while the Employer and Employed Act (chap. 212 of the Laws of Sierra Leone, 1960) has varied ages of childhood for varied purposes.

85. Nevertheless, the current voting age under the Constitution is 18 years. Similarly, recent Acts like the Anti-Human Trafficking Act (2005) define a child as a person below 18 years. And as reported, upon signing the Optional Protocol to the Convention on the Rights of the Child on children involved in armed conflict in May 2002, Sierra Leone increased the age of recruitment into the armed forces from 17½ years³² to 18 years.

86. In order to streamline the law governing the attainment of majority, the Child Rights Bill (2005) now defines a “child” as “a person below the age of 18”.³³ The draft National Children’s Policy uses the same yardstick in determining age of majority nationally.

B. Employment/Child labour

87. As mentioned above (para. 84), the Employers and Employed Act (1960) has several age definitions for various kinds of labour. It provides, inter alia, as follows: that no girl or woman of any age shall be allowed to work in any mine below the ground; 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 s/he 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.

88. Even as they stand, the above provisions are rarely fully observed in practice. Lack of proper and effective monitoring by officials of the Ministry of Labour, Social Security and Industrial Relations coupled with the lack of required capacity by the understaffed Ministry have indirectly increased child labour in many places, including the streets, mines, factories and market-places. This awkward situation is reflected in the UNICEF 2005 *The State of the World’s Children’s* report, which indicates that for 2003, child labour for children between 5 and 14 years, including child miners and hawkers, ranked at 57 per cent in Sierra Leone.

89. In response to this situation, the Child Rights Bill prohibits the engagement or employment of children (i.e. persons under 18) in any form of “exploitative labour”, which it defines as any form of labour that “deprives the child of its health, education or development”. Children are also protected from torture and degrading treatment or punishment as well as from physical and sexual abuse/exploitation and from involvement in armed conflict. Under the Bill, it shall be criminal and punishable for anyone to engage any child in any conduct or practice that is harmful or prejudicial to his/her health, education or development.

C. Militarization/Minimum age of recruitment

90. As noted above (para. 50), following the ratification by the Government of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in May 2002, the age of recruitment into the Armed Forces was increased to 18 years of age. In this regard, Sierra Leone moved away from the provisions of its Military Forces Act (1961),³⁴ which permitted recruitment of persons above “the apparent age of 17 and a half years” or of persons below that age and for whom written consent has been given by their parents/guardians for enlistment.

91. Also, at the end of the final phase of disarmament in January 2002 and according to reports from NCRRR, Sierra Leone had successfully demobilized a total of 6,845 children who were associated with the fighting forces, excluding non-combatant children who were separated from their families and/or guardians. Of this total number, 6,316 children were boys while 429 (or 8 per cent) were girls.³⁵

92. Several sensitization and education campaigns are being continued by the Ministry, its CPN partners, the police and the army on the need to ensure that no child is recruited into any security or fighting force in the country. NCWAC, Children Associated with the War (CAW), CARITAS, UNICEF-Sierra Leone and other child-focused NGOs and CBOs have made the anti-recruitment of children campaign an ongoing process.

D. Marriage/Sexual consent

93. The Government notes that customary law, which governs the lives of about 80 per cent of the population of the country, has no minimum age of consent to marriage. “Consent” is also a relative term under customary law, as consent by one’s parents (especially one’s father) and/or guardian could be a sufficient term of the marriage contract. In many cases, the child’s consent (especially that of a girl) does not at all need to be sought. Additionally, and as explained above, age of marriage may be determined by one’s physical looks (in the case of girls, puberty) or by initiation rites conducted by secret societies. These practices violate the right of the child to refuse betrothal/marriage and to be free from sexual exploitation in any form. However, civil, Christian and Islamic marriages, properly conducted within the country, abstain from such practices.

94. In order to stop and at the same time prevent early or forced marriages for children, especially girls, the current Child Rights Bill provides that “the minimum age of marriage of whatever kind shall be 18 years” and that “no certificate, licence or registration shall be granted in respect of any marriage unless the registrar or other responsible officer is satisfied that the parties to the marriage are of the age of majority”. Similarly, the Bill amends under its schedule all previous statutes that provide different ages of consent for children by substituting the definition of a child under the said statutes with the revised definition under the Bill. The draft Children’s Policy re-echoes the issue.

95. There are ongoing awareness campaigns on the issue of early/forced marriage and consent to sex, in order to adequately inform the public about the provisions of the Bill as against the existing law. The Government reiterates its determination to enact the Child Rights Bill.

96. In addition to information sharing or sensitization on this issue, the Government has observed that there is need to institute and strengthen a system of monitoring, reporting, investigation and prosecution of violations of the sexual rights of children. The Ministry shall thus continue to work with its CPN partners, including the police, the Law Officers' Department and the judiciary, to facilitate the protection and enjoyment of child rights in Sierra Leone.

97. The current mass literacy programme for children in the form of compulsory basic primary and junior secondary education for all by virtue of the Education Act (2004), is also helping to prevent and reduce frequent early/forced marriages in the country.

E. Adoption, foster care, custody and maintenance of children

98. For the purposes of child adoption, the definition of a "juvenile" under the Adoption Act (1989) is a person below 17 years but the current Child Rights Bill has, by reference and inclusion, increased the age to 18 years. All other provisions of the Adoption Act shall remain in force. Applications for adoption shall thus be made to, and approved by the High Court of Sierra Leone after it has been furnished with sufficient biographical information, social history or antecedent of the child and those wishing to adopt him/her from officials of the Ministry.

99. For the purposes of fostering, the Child Rights Bill provides that only persons "above the age of 21 years of high moral character and proven integrity may be a foster parent to a child". A foster parent has the same responsibilities as a parent to his/her ward for the ward's well-being. The Bill further provides that a foster parent wishing to adopt a child must be at least 30 years old and should have resided with and taken care of the child for a minimum continuous period of 12 months.

100. The Child Rights Bill equally empowers family courts, which should be established and should operate on a decentralized scale in the various Judicial Districts of Sierra Leone, to determine parentage of children, as well as regulate custody and maintenance matters affecting children within their respective local jurisdictions. Persons having custody of children, including a parent or guardian, probation or welfare officer or a child's next friend, can apply for maintenance orders to the Family Court, which shall, based on the social enquiry report made available, inter alia order payment of medical expenses, periodic allowances and/or such other sums of money as the Court may, in the circumstances, consider just and appropriate. Considering that maintenance fees for children of separated spouses or unmarried partners are at the moment unreasonably low and unresponsive to the needs of affected children, the Bill promises an entire overhaul of the provision of maintenance for affected children. The Bill also places the child's best interests, his/her age and the requirement for appropriate parental care at the fore of any application for custody of a child in Sierra Leone.

101. As the Government strives to enact the Child Rights Bill with as little delay as possible, the Ministry and its CPN partners have undertaken to broaden and increase enforcement measures in monitoring the day-to-day observance of provisions of law regarding child maintenance, adoption, fostering and child custody, among others.

F. Child/Human trafficking

102. The Government of Sierra Leone reports that the Anti-Human Trafficking Act of 2005 contains extensive provisions aimed at suppressing, preventing and eradicating human trafficking, especially trafficking in children, in Sierra Leone.

103. The Act, as noted above, defines a “child” as a person below 18 years and provides wide-ranging definitions for trafficking and exploitation. Thus, the recruitment, transportation, transfer, harbouring or receiving of persons by various outlined means for the purpose of exploiting them, constitutes the offence of “trafficking”. Similarly, keeping or subjecting a person in a state of slavery, compelling or causing a person to be involved in forced labour of any kind, using persons for prostitution or sexual servitude and, inter alia, causing the illicit removal of human organs are all forms of trafficking and are illegal and punishable by imprisonment and/or substantial fines under the Act.

104. There is, however, need for greater sensitization and information sharing by the Ministry, its partners and other advocacy groups on this subject, in order to make the Act effective. The Child Rights Bill also prohibits and criminalizes torture or the degrading treatment of children.

G. Age of criminal responsibility/Deprivation of liberty

105. By virtue of the common law of Sierra Leone, the current minimum age of criminal responsibility is 10 years and the Committee raised concern about this in its concluding observations. This minimum age has lately been the subject of lengthy debate and the current Child Rights Bill has increased the age to 16 years, with the implied requirement that the age shall be determined from the date of the alleged offence. Another crucial piece of law reform under the Bill is the creation of Child Panels to hear civil and less serious criminal matters involving and/or affecting children. A provision that will require any child jointly charged with an adult for an alleged offence to be tried separately, has also been suggested for inclusion in the Bill.

106. The Government again undertakes to ensure that the provisions of the Child Rights Bill be enacted into law, respected, observed and enforced accordingly.

H. Alcohol and drug consumption

107. Drug abuse was a common phenomenon during the decade-long civil conflict in Sierra Leone. Children who were abducted and/or recruited into armed forces and groups were constantly drugged to keep them active and foolhardy.

108. Children in difficult circumstances, including those found on the streets, are also highly vulnerable and prone to drug and substance abuse. Recent surveys indicate that the number of children on the streets increased rapidly following the conflict, with many displaced, orphaned and even demobilized combatant children engaging in negative strategies, including drug abuse, to survive.

109. A 2004 rapid assessment survey conducted by NCWAC reveals 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, while nearly 14 per cent of the street children and 4 per cent of the other war-affected

children interviewed are orphans. The report entitled “Rapid assessment survey on street and other war-affected children in Sierra Leone (January 2004)” also noted that drugs, like marijuana, were used by some of the street children interviewed.³⁶

110. In order to respond to continued drug abuse by children, the Ministry has sustained its work with CPN partners and the Ministry of Health and Sanitation to raise community awareness about alcohol and drug abuse, as well as intensify counselling and the provision of support services to tackle the problem. The police have also been active in bringing the drugs and alcohol problem under control, conducting frequent raids on ghettos and sites visited by children and youths in their search for drugs.

111. In their choice for an all-embracing Child Rights Bill, the Reference Groups that debated the Bill from a civil society perspective, prior to its amendment by the Law Officers Department, suggested for inclusion a provision that makes the exposure or subjection of any child (i.e. person below 18) to the use of narcotic and intoxicating drug, a criminal and punishable offence.

112. The Government is, however, constrained in not having adequate facilities for the treatment of drug and drug-related abuses. There is only one known psychiatrist in the country and he is, in turn, attached to the only Residential Treatment Facility for Mentally-Ill Persons in the country, with a heavy caseload. In this circumstance, preventive measures have been regularly used as a proactive means of solving the troubles associated with drug and substance abuse.

I. The right to education

113. The current Education Act (2004) abstains from defining a child, though the repealed Act defined a child as a person below 21 years of age.

114. Also, the Act makes basic education a right for every citizen. It defines “basic education” as six years of primary education and three years of junior secondary school education. The Act further provides for and supports pre-primary, senior secondary and technical/vocational education.

115. The Government of Sierra Leone has striven to make the country’s vision for education for children real by increasing the enrolment for primary school pupils from 528,812 in 2000/2001 to approximately 1.2 million pupils in the 2004/2005 school year. Logistical difficulties like insufficient teachers and limited learning facilities are, however, constraining efforts by the Government to generally sustain and increase school enrolment.

J. The prevention of cruelty to children

116. The Prevention of Cruelty to Children Act (chap. 31 of the Laws of Sierra Leone) defines a “child” as a person below 16 years of age and outlines a number of punishable offences under the Act, including procurement, indecent assault and unlawful carnal abuse of children below 14 years.

117. The Government notes that in paragraph 22 of its concluding observations, the Committee raised concern about the definition of a child in the Prevention of Cruelty to Children Act. The Child Rights Bill, as explained, has amended the Act and increased the age of majority to 18 years. It has also made cruel punishments and ill-treatment of children prohibitive.

118. Various CPN partners are conducting several radio and community awareness-raising programmes within Sierra Leone to educate the public about the need to prevent cruelty to children and the criminal implications of maltreating them. Corporal punishment is also abhorred and the Child Rights Bill repeals the Corporal Punishment Act (chap. 40 of the Laws of Sierra Leone).

119. Furthermore, capital punishment for persons below 18 years, as well as pregnant women, is by virtue of the Criminal Procedure Act 1965, illegal in Sierra Leone.³⁷

120. It is hoped that the above-mentioned adequately responds to the concerns and recommendations of the Committee, as expressed in paragraphs 22 to 29 of its concluding observations.

IV. GENERAL PRINCIPLES

A. Principle of non-discrimination

121. The Constitution of Sierra Leone is founded on the principle of non-discrimination, and 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”.³⁸

122. The Government, however, equally notes that the Constitution subjects the enjoyment of non-discriminatory rights to restrictions and privileges available under customs and tradition,³⁹ most of which limit and violate the rights of women and children. This situation has had far-reaching effects on the practice by women and children of their rights, especially in matters relating to marriage and inheritance.

123. The Government has made substantial withdrawal from this constitutional provision in many recent Parliamentary enactments and regulations. As reported herein, the Education Act (2004), for example, contains an entire section on the principle of non-discrimination in order to particularly encourage girl child education at all levels.⁴⁰ Also, the Statutory Instrument setting out the assumption of functions by Local Governments entitled the Local Government (Assumption of Functions) Regulations, No. 13 of 2004 is established on the principle of non-discrimination to ensure and enhance the decentralized and equal treatment of men, women and children nationally.

124. Further, ongoing efforts by various CPN partners, the Ministry for Social Welfare and other human rights organizations, groups and individuals at educating the public on the need for non-discrimination, especially against women and disabled children, are on the increase.

125. The Government also notes that the Reference Groups involved in preparing the current Child Rights Bill and Policy, which, inter alia, included groups of women and children, based both the Bill and Policy on the principle of non-discrimination. Non-discrimination is construed in the Bill as a complementary principle that strengthens the best interest principle.

126. The Government is, however, aware that a favourable atmosphere is yet to be adequately created for disabled and physically-challenged persons, including children, to move about freely and carry out activities useful to their development without hindrance.

127. The Sierra Leone Law Reform Commission is also working assiduously to eradicate all discriminatory laws from the country's statute books.

128. The Government considers the above-mentioned as its response to the recommendations and concerns of the Committee (CRC/5/15/Add.116, paras. 32-35).

B. Best interests of the child

129. Recent legislation, coupled with strides to enact the Child Rights Bill, as well as to regulate the draft National Children's Policy, are indicative of the determination of Sierra Leone to uphold and apply the best interest principles in all actions concerning children.

130. Thus, in response to paragraphs 36 and 37 of the Committee concluding observations, the Government has, through its various Ministries, enacted various pieces of legislation including the Education Act (2004) which reforms the educational system and gives broad support to education at all levels, making basic education particularly free and compulsory; the Local Government Act (2004), which ensures that child protection and promotion issues are impacted in every chiefdom and ward of the country; the National Social Security and Insurance Trust Act (2001), which in part names widows/widowers and their children as primary beneficiaries to the benefits due survivors of a deceased NASSIT pensioner; and the Anti-Human Trafficking Act (2004), which makes child sexual exploitation, trafficking, abduction and the use of children in armed conflicts or groups a punishable criminal offence.

131. As explained, both the Child Rights Bill and the Draft National Children's Policy are founded upon the best interest principle. The Vision 2025 and PRSP documents equally note the promotion and protection of the best interests of children as a pillar of the country's development.

132. The participation of children in programmes organized and supported by the Ministry, as evidenced by the activities of CFN and GKP, are also helping to boost the best interests of children in Sierra Leone.

133. Furthermore, the Ministry, UNICEF-Sierra Leone and its CPN partners use the best-interest principle in actions concerning children, including post-war rehabilitation and reintegration programmes.

C. Right to life, survival and development

134. The right to life is a fundamental right entrenched in the Constitution of Sierra Leone. Though subject to certain judicial qualifications and restrictions, for children (i.e. persons below 18 years) and pregnant women, the right to life is inalienable and legally protected.⁴¹

135. Current efforts at ensuring child survival and development have been planned and documented in both the PRSP document and the country's Vision 2025 Plan of Action. Essentially, food security forms a crucial element of these documents. The Government, however, admits that current endeavours in the food security drive should be increased and re-energized to make the right to life, survival and development realizable for all. It is noted that food security goes hand in hand with the healthy growth, survival and development of the child.

136. Also, in order to ease the constraints of food availability and accessibility in schools, donor support from international and local institutions, organizations and CPN partners has facilitated the provision of food for many pupils in several primary schools. This measure is enhancing the active participation of children in school, as well as their development. However, much more is needed to extend similar support to every pupil.

137. The Government also notes that child abandonment, neglect and ill-treatment undercut the child's right to life, survival and development. In this regard, the Prevention of Cruelty to Children Act (chap. 31) makes child abandonment, neglect and ill-treatment an offence.

138. The rights to life, survival and development to the maximum extent possible as well as the right to grow up with one's parents are included as fundamental rights in the Child Rights Bill. The Bill places responsibility for the provision, promotion, protection and monitoring of these rights on parents or guardians, various outlined child welfare committees in the communities in which children live and, to some extent, the Government of Sierra Leone acting through the Ministry.

139. Many CPN partners have made the right to life, survival and development of the child their primary mission in Sierra Leone. Thus, in response to the concerns of the Committee as expressed in paragraphs 40 and 41 of its concluding observations, CPAs and CBOs working on various aspects of child survival and development programmes have made their presence felt in many remote villages and urban areas. IRC, for example, operates Interim Care Centres (ICCs) for sexually-abused children, while NCWAC and GOAL-Sierra Leone respectively run drop-in centres for street children.

140. To further ensure child survival and development, the Government has established a National HIV/AIDS Secretariat and, in 2002, developed a National Policy on HIV/AIDS to prevent, control, raise awareness on and protect present and coming generations against the dangers of HIV/AIDS.

D. Respect for the views of the child

141. The Government has shown continued and increased respect for the views of children, both in terms of free expression through the media and in terms of ensuring that such views are noted, respected and, where appropriate, incorporated into national plans, policies and programmes.

142. Also, as explained above, the Ministry and its CPN partners, with UNICEF-Sierra Leone and UNAMSIL as frontrunners, have ensured the active participation of children and their CFN administrators in transitional justice programmes, including facilitating participatory child sessions with TRC as well as safeguarding child witnesses for SCSL. In the case of SCSL, video links and other special protective measures, like voice distortion mechanisms, have been used to protect and preserve the identity of child witnesses/victims of the country's civil conflict.

143. Additionally, children's views were heard and, to some extent, incorporated into the Child Rights Bill and the draft National Children's Policy. In particular, children served as one of the Reference Groups in discussing and preparing the Bill and Draft Policy. Besides, children's views have been heard on a number of national issues aired on radio, such as education, marriage and property rights.

V. CIVIL RIGHTS AND FREEDOMS

A. Birth registration: right to name and nationality

144. The Government notes that the Committee, in its concluding observations, at paragraphs 42 and 43, was concerned about "the absence of birth registration records, in which age and identity are frequently established". The Committee's recommendation for a systematic birth registration process for all children born in the territory of Sierra Leone, as well as the registration of the unregistered have been seriously and methodically considered by the Government in collaboration with the Ministry.

145. In response and as reported above (para. 34), in 2003 on the Day of the African Child, the Ministry for Social Welfare, working with UNICEF-Sierra Leone, other CPN partners, the Ministry of Health and Sanitation and the Births and Deaths Registry, set a target for the registration of 900,000 unregistered children in Sierra Leone. The campaign, which is ongoing albeit currently on a smaller scale, involved the printing and distribution of birth registration forms, live birth records and birth certificates, and the provision of logistics for the participants. It mobilized the Paramount Chiefs of various district headquarter chiefdoms, religious and community heads, and teachers to ensure the birth registration of every person below 18 years whose birth went unregistered.

146. The Government attaches weight to birth registration, viewing it as the threshold to secure the effective protection and promotion of child rights and well-being. The Government is committed to the view that it is only through birth and death registration that the demographics of population census could largely be free of guesswork. Birth registration, or the lack of it, impacts social welfare, health care, nutrition, education, maintenance rights, child labour, enlistment and early marriage among other crucial issues.

147. In the light of the above, and noting also that the right to name and nationality begins with birth registration, the Government has computerized the main Births and Deaths Registry in Freetown and is in the process of effectively decentralizing the system to the 12 provincial districts of the country. Training of births and deaths registrars at all levels and improving logistical facilities to ensure efficient birth and death registration nationwide has also been prioritized.

148. In the meantime, the Ministry for Social Welfare and its CPN partners have continued to raise national awareness about the advantages of birth (as well as death) registrations. Between 2004 and 2005 for example, UNICEF-Sierra Leone and other CPN partners registered 182,311 children in the Bombali, Kono and Koinadugu districts respectively. Six hundred and forty-one birth registration staff members participated in the programme.

149. The Government is also fully aware that the UNICEF report on *The State of the World's Children 2005* estimates birth registration within the State party to be at 46 per cent, 66 per cent of which represents urban birth registration, and 40 per cent rural birth registration. Correspondingly, the Sierra Leone total fertility rate is estimated at 6.5 per cent while her population growth rate, as at 2003, stands at 1.6 per cent.

150. The Child Rights Bill entrenches the respective rights to name, nationality and identity as basic rights to be enjoyed by every child in Sierra Leone.

B. Freedom of expression

151. The Constitution guarantees freedom of expression for all, including the freedom to hold opinions and to receive and impart information without interference. The enjoyment of this right is, however, subject to certain exceptions, including public interest, health and safety matters as well as matters affecting the protection of the rights and liberties of others. The Government through its Ministry for Social Welfare, ensures free expression of the views of children and considers and incorporates them, as may be appropriate, into certain national programmes.

152. Freedom of expression by children at the family and community levels remains largely unregulated by the Government, except when it jeopardizes the best interests of the child. Through the Ministry, CPN partners have engaged families and communities to listen to their children and respect their views on crucial family and development matters. Older children and youths are often targeted for discussions concerning their families and communities.

153. The Child Rights Bill guarantees freedom of expression or the right to opinion by children.

C. Freedom of association and peaceful assembly

154. As noted in previous sections above, the Government, through the Ministry and its CPN partners, have assisted children to form national associations and groups to promote their rights and well-being. The formation of CPN in November 2000 and its official launch on the Day of the African Child in June 2001, are indications that the Government treats seriously children's right to associate and participate in nation-building.

155. Also, CPN partners like Talking Drums Studio and Radio UNAMSIL have helped younger and older children form peer groups to promote and protect their rights and welfare against abuse.

156. The right to associate is a constitutionally-guaranteed right and the Child Rights Bill complements this right with other basic rights like the right to social activity and the right to be raised by one's parents or legal guardian.

D. Freedom of thought, conscience and religion

157. This is also a constitutionally-guaranteed right and the Government attaches significance to it. Despite the country's devastating civil conflict, nationals of Sierra Leone enjoy an appreciable degree of religious tolerance at family, community and national levels. Thus, although parental guidance is often a crucial element for the exercise of the right to conscience and religion, older children are often at liberty to decide and follow their faith.

158. The Education Act (2004) guarantees the principle of non-discrimination and indicates that the establishment and maintenance of separate educational systems for linguistic or religious reasons should be optional to the child, keeping with the wishes of the pupil's parents or legal guardians.⁴²

159. Freedom of thought and conscience are also basic rights to be enjoyed by every child under the country's Constitution. The right to parental guidance runs concurrently with this freedom.

E. Access to appropriate information/Right to privacy

160. The Government recognizes that the exercise of the right to privacy, information and expression by children is correlatively subject to respect for and maintenance of their best interests and right to a healthy development.

161. As one of its main objectives, the Education Act (2004) seeks to enhance the acquisition by children of knowledge and skills that are valuable and relevant for their later employment or self-employment. It empowers the Ministry of Education to control and supervise the system of education and, where necessary, take appropriate steps/actions to rectify defects. The Act further empowers the Minister of Education to make rules that would carry its provisions into useful effect, including the making of disciplinary regulations for the proper functioning of schools. It is, for example, criminal and punishable for any one to establish and operate a private school without the Minister's approval or, in the case of a primary school, without the Minister's or relevant local authority's consent.

162. In this regard, the Government therefore regulates the child's access to any untested scholarship or information that may affect or adversely impact public morality, health and safety as well as the development of children.

163. The Child Rights Bill complements the exercise of this right with various other rights like the right to parental guidance, the right to grow up with one's parents/guardian, the right to opinion, and the right to participate in cultural activities that enhance the child's well-being. The child's right to opinion is balanced against his/her right to access appropriate information for his/her development.

F. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

164. The Government notes that the Committee expressed "grave concern" in paragraphs 44 and 45 of its concluding observations over the large-scale occurrence of torture and other cruel, inhuman and degrading treatment, including amputations and mutilations, against children during the civil conflict.

165. The Government also appreciates that the Committee understood the majority of the aforementioned acts to have been "committed in the context of the armed conflict" within Sierra Leone. As noted herein, the said armed conflict was declared officially over in January 2002 following the comprehensive disarmament and demobilization of all combatants involved in it.

166. Similarly, the Government pledges full cooperation with the international community in ending the civil conflict and in bringing peace and stability to Sierra Leone. The Government especially acknowledges the respective roles of ECOWAS and UNAMSIL, among other equally deserving organizations, in this regard.

167. The Government additionally records full cooperation with the international community in establishing TRC and SCSL. Both institutions are performing their functions well. Recently, TRC published its report after concluding its findings on the civil conflict ("Witness to truth: report of the Sierra Leone Truth and Reconciliation Commission"). SCSL is still trying those who allegedly bear greatest responsibility for the crimes perpetrated during the conflict. While some children are assisting as protected witnesses in the prosecution of these crimes at SCSL, other children participated as statement-takers, investigators and witnesses at TRC hearings. Through support from UNICEF-Sierra Leone, UNAMSIL and other supporting agencies/institutions, TRC has now published a child-friendly version of its national report.

168. To maintain unity, peace, harmony and the stability already fostered, Sierra Leone has, in many respects, continued to observe and respect the absolute pardon and reprieve accorded to former combatants and their collaborators under the Lomé Peace Agreement (Ratification) Act (of 1999).

169. Apart from action taken in cooperating with the establishment of SCSL and TRC, the Government recently passed the Anti-Human Trafficking Act (2005) to deal with trafficking in persons and related crimes. The Act, inter alia, makes the unlawful removal of any human organ criminal and punishable. Previously, children were reported to be the largest victims of trafficking. The Act is thus a rapid response to that crime.

170. The Human Rights Commission of Sierra Leone Act (2004) has also been enacted to deal with all cases of human rights violations and abuses, including the torture and cruel treatment of children.

171. Furthermore, in April 1998, the Ministry for Social Welfare, with support from UNICEF-Sierra Leone, established the Gross Child Rights Violations Monitoring Network (GRIVMON), a project that is coordinated by the child rights division of the Council of Churches in Sierra Leone (CCSL). Since its inception, the project has monitored gross child rights abuses and violations such as torture, rape and other forms of sexual violence against children, child labour and other cruel treatment of children. GRIVMON is a CPN partner and reports to both the Child Welfare Secretariat of the Ministry and UNICEF-Sierra Leone.

172. Monitoring and reporting by GRIVMON and other CPN partners involved in the prevention of torture and other cruel treatment against children have helped the Ministry to collect a wider cross-section of data and take appropriate action by working with the Law Officers Department and the FSU of the Police to address, redress and prevent the recurrence of such abuses.

173. The Government also reiterates that the death penalty, though applicable in the country, does not apply to persons below 18 years or pregnant women.

174. Moreover, although the Corporal Punishment Act (chap. 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. The Child Rights Bill repeals the Corporal Punishment Act and makes the infliction of cruel punishment, including corporal punishment, a punishable crime.

175. In the area of sexual violence against children, UNICEF-Sierra Leone - the Ministry’s focal partner - reports that between 2004 and 2005, it provided medical care, counselling, legal advice and family mediation to a total of 3,393 child survivors of sexual abuse and exploitation in 6 provincial districts within the country. A total of 1,109 service providers (teachers, social and health workers, and police officers) were also trained on ways to respond to cases of sexual abuse and exploitation of children, especially girls. IRC, another CPN partner, reports that it has provided holistic services to child victims of sexual abuse and exploitation nationally, and documents over 1,900 cases that it has treated through its Sexually-Assaulted Referral Centre (SARC) programme, which it started in 1999.

176. While hoping that the foregoing contributions favourably respond to the civil rights and freedoms concerns of the Committee, as expressed in paragraphs 42 to 47 of its concluding observations under the rubric of the Ministry and its CPN partners, including CBOs, commit themselves to continuing their determined and coordinated efforts to monitor, report and address any known case of torture, exploitation and degrading treatment of children within Sierra Leone.

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental responsibilities, rights and duties

177. The Government of Sierra Leone equally notes the observations and recommendations of the Committee in its concluding observations on the need for Sierra Leone to strengthen family ties and the capacity of parents to fulfil their role in contributing to child well-being.

178. Article 13 (h) of the Constitution of Sierra Leone imposes a duty on adult citizens to ensure the proper control and upbringing of their children and wards. Unfortunately, the section immediately following this provision in the Constitution states that the foregoing section, among others, does not confer legal rights and cannot be enforceable in any court of law. The Government admits that this raises a need for constitutional reform to, inter alia, protect and promote child rights.

179. In order to respond to these odd realities, several concrete steps have been recently taken by the Government to ensure that parental/guardian responsibilities and rights vis-à-vis their children/wards are observed and respected. As noted, both the Child Rights Bill and the draft National Children's Policy are founded on the principle of the child's best interests, together with other complementary principles like the principles of first call for children, non-discrimination, and responsible enjoyment of human rights. To this end, the Child Rights Bill imposes duties and responsibilities for child rights protection and promotion at all levels of the social ladder - beginning with parental duties and rights, through to the duties and support required of village/community Child Welfare Committees, Chiefdom Child Welfare Committees, District Child Welfare Committees, Child Panels and then to the responsibilities placed on a proposed national Commission for Children to secure and promote child welfare in Sierra Leone. This structure shows that support from all levels, in a decentralized form, is required for child welfare promotion. The Central and Local Authorities are equally mandated by the Bill to appropriately support parents and guardians where necessary.

180. In particular, the Child Rights Bill imposes equal duty on both parents to, inter alia, promote the growth and educational well-being and development of their child(ren), prevent disease, facilitate safety and seek and comply with professional advice for the well-being of their child(ren), including advice from family members and community leaders. Parents are also to raise their child(ren) on the principle of equality for the sexes. Similar responsibilities/duties are imposed on guardians for the upbringing of their wards. Corresponding correlative rights are equally enjoyed by parents/guardians, for example, the right to coexist with their children/wards or to regulate their children/wards' residence, the right to control and guide the child's upbringing and, among other things, the right to act as the child's legal representative in matters affecting the child.

181. Though the Bill is yet to be enacted, the Ministry has continued to ensure that its SDOs work with CPN partners to ensure that parental responsibilities and rights are enforced and observed. In the case of adoption for example, the Ministry SDOs, as empowered by law under the Adoption Act (1989), prepare a comprehensive social history and background information on the child to be adopted as well as on their parents (if alive) and the child's would-be adopters. This background information aids the Court in reaching a responsible decision in order to avoid trafficking and illicit transfers. Similarly, SDOs or probation officers are mandated

by law to prepare social antecedents of every child in conflict with the law so that a Juvenile Panel can properly determine the best form of reform and care for the affected child.⁴³

182. Moreover, in 2003 per se, the Ministry reported that it resolved a total of 185 cases as well as requested 300 defaulters to pay regular child maintenance fees to their separated wives/partners.⁴⁴ Apart from these contributions to the promotion of child welfare, sensitization on parental/guardian rights and responsibilities has continued under work of the Ministry and its CPN partners.

183. The Ministry for Social Welfare, however, remains grossly understaffed and needs training and logistical support for its limited staff. As reported, effective national monitoring and reporting has not been successfully done or completed over the years because of lack of capacity by the Ministry, which continues to receive minimal logistical support from the Government of Sierra Leone. To function well, the Ministry currently relies a lot on partner support from international CPAs like UNICEF-Sierra Leone, IRC and GOAL as well as local CPAs and Governmental Agencies like NCWAC, the Police and DCI-Sierra Leone section to name a few. In cases where the Line Ministry has had to rely on extensive partner logistical support for its work, the Ministry programmes and action plans have sometimes been compromised to harmonize with partner policies and procedures.

184. The Government of Sierra Leone should do more to provide logistical support to the Ministry to facilitate its child protection and promotion duties as recommended in paragraphs 10, 14 and 15 of the CRC Committee's 2000 concluding observations. It is also hoped that the Human Rights Commission, when fully established, will take up the required leadership role on monitoring, advocating and reporting human/child rights issues generally.

B. Social security and recovery of maintenance for children

185. As highlighted above, the Government is aware of the acute need for law reform in the provision of maintenance for separated/divorced wives and their children. It, however, acknowledges that the Law Reform Commission is carrying out law reform on the issue of the provision of wife and child maintenance, regardless of whether the child is legitimate.

186. In that regard, the Married Women's Maintenance Act (chap. 100 of the Laws of Sierra Leone, 1960) and related Acts, continue to provide not only unrealistically low maintenance fees for abandoned or separated wives and their children, but set discriminatory and unfair conditions for receipt of the fees, for example, proof of desertion by the husband, proof that the wife has not committed adultery and so forth. Also, the Bastardy Laws (Increase of Payments) Ordinance is not only odd in its nomenclature, but has also continued to provide unrealistically low maintenance fees for illegitimate children. Furthermore, the fees do not meet rising inflationary trends in the country.

187. In response to these problems, the Child Rights Bill provides that a parent or person legally liable to maintain a child or to contribute towards the child's maintenance is under a duty to supply the necessities of health, life, basic education and reasonable shelter for the child. Depending on the earnings of the parent in default, the Family Court as proposed by the Bill may, firstly, request a probation officer or SDO to prepare a social enquiry report on the issue of maintenance for the affected child, and then subsequently order the payment of either periodic or

lump sum payment to maintain the child. The earnings or property of the person in default may be also attached. In extreme cases, placement in alternative care may be ordered by the Court.

188. The draft National Children's Policy also seeks effective child welfare by demanding that maintenance be provided for all categories of children for their growth and development. It is hoped that both the Bill and Policy, when enacted/regulated, will repeal and set aside unresponsive legislation on child maintenance and related matters.

189. On the question of social security for children, the National Social Security and Insurance Trust Act (2001) seeks to, inter alia, establish "a social security scheme to provide retirement and other benefits to meet the contingency needs of workers and their dependants and to provide for other related matters". This Act defines "dependant children" as "every child wholly or mainly maintained by [a deceased parent or guardian]";⁴⁵ and provides that children who are dependants of deceased members of the NASSIT scheme shall be entitled to 60 per cent of the social benefit due to the deceased member until the child would have 18 years in the case of children not enrolled in full-time education, or 23 years in the case of children in full-time education. The surviving widow/widower receives the remaining 40 per cent. If the deceased member is not survived by a widow/widower, the dependant children shall be entitled to the whole of the deceased member's benefits, provided however that a single child shall not be entitled to more than 60 per cent of the benefit, whether or not both of his/her parents are deceased.⁴⁶

190. In order to make the NASSIT programme functionally realistic, continuous sensitization and awareness-raising campaigns are unfolding within the country. The social security scheme is undoubtedly significant for child welfare because it covers all registered employees within the country, whether from the public or private sector. The Ministry and its CPN partners also conduct ongoing sensitization and advocacy campaigns on maintenance for children at risk.

191. Similarly, law reform is in progress to address intestate succession issues and the related share of benefits/entitlement due surviving wives and their children under intestate inheritance.

C. Separation from parents/Best interest principle

192. The Government notes the Committee's deep concern for "the large numbers of children who have been deprived of a family environment through the death of, or separation from, their parents or other family" expressed in paragraph 50 of its concluding observations, but prefers to address this observation more fully below in the section entitled Children deprived of their family environment/Orphans and other vulnerable children. The present report discusses below the legal situation of separation vis-à-vis the best interest principle and to show efforts by the Government to address anomalies noticed.

193. As already noted, article 13 (h) of the Constitution obliges every citizen to "ensure the proper control and upbringing of his/her children and wards". The sustenance of a proper family environment for the development of children is a key ingredient of the Sierra Leone Vision 2025 and PRSP documents. Under existing law, that is the Prevention of Cruelty to Children Act (chap. 31) aforementioned, the courts may order that a person who has been either convicted of cruelty to the child or committed for trial or bound over for the said offence should have the affected child removed from that person's custody, charge or care and be placed in the care of a relative or other fit person named by the Court until the child attains the age of 16.

194. The Child Rights Bill has moved a step further to increase the age of majority to 18 years. Also, the Reference Groups of civil society organizations that had worked on the proposal for the Bill defined separated children as a category of “children in a situation of disadvantage” and proposed that a broad array of support services by local and central governments be provided for their care and welfare. The proposal placed an obligation on parents/guardians to care for their children and wards and prohibited social service providers from abusing or exploiting children. It is hoped that these views shall be taken into account when the Child Rights Bill is reviewed.

195. The existing and proposed law also provide that separation of children from their parents or legal guardians may be only ordered in the child’s best interests. Notwithstanding, the Ministry for Social Welfare notes with concern the lack of adequate facilities to respond to the situation of separated children and places responsibility for this failure on mounting logistical difficulties facing the Ministry, including understaffing, poor training, insufficient equipment, and attendant judicial constraints. In the case of the latter, it is reported that child protection matters coming before the courts often go through the same delays experienced in the normal justice system in lieu of being given special and deserved treatment as a vulnerable category in need of care and protection.

196. Admitting that the situation of separated children was worsened by the civil conflict, which accounted for tens of thousands of unaccompanied/displaced children, including orphans and children associated with the fighting forces, the Government undertakes to ensure that the Child Rights Bill is enacted without undue delay, as well as initiate structures and mechanisms for implementing the law once enacted.

D. Children deprived of their family environment/ Orphans and other vulnerable children

197. Children in this category are also described as orphans and other vulnerable children and the Government reports that a national Orphans and Other Vulnerable Children Task Force was established in December 2004, set up to spearhead a situational analysis for the development of a strategic plan of action for orphans and other vulnerable children in Sierra Leone so that a national process to address problems facing all such children could be initiated. The Task Force comprises representatives from the Ministry for Social Welfare, the Ministry of Health and Sanitation, UNICEF-Sierra Leone and other selected CPN partners.

198. In pursuance of its objectives, a draft report on the “Situational analysis of [orphans and other vulnerable children] in Sierra Leone” was presented to the national Task Force in July 2005, and the report, inter alia, documents that over 10,000 children (including 4,000 girls) were directly affected by problems associated with the civil conflict through family separation and abductions and indiscriminate violence.⁴⁷ The draft report further indicates that a total of 6,845 children were reported to have associated with the fighting forces (including 8 per cent girls) and that 2,171 separated non-combatant children were recorded as being reintegrated and provided with care at various ICCs around the country. The Ministry for Social Welfare *Social Agenda* newsletter reports that in 2003 alone, the Ministry reunited 1,682 separated children with their families. It is further estimated that 98 per cent of all separated children were reunited with their families within the State party, and that of a total of 72,500 combatants demobilized, children represented 9 per cent of all demobilized combatants.

199. Moreover, the draft national report on orphans and other vulnerable children notes with concern an increase in the number of children orphaned by HIV/AIDS. It states that by 2001, 42,000 children aged between 0 and 14 years had reportedly been orphaned by HIV/AIDS. However, statistics obtained from estimates provided by the Sierra Leone HIV/AIDS Response Project (SHARP) show that only 21,000 HIV/AIDS orphans and 408,000 non-HIV/AIDS orphans existed in the country at the time of reporting. This is still an alarming situation for the country, considering that several undocumented cases of HIV/AIDS exist.

200. Another cause for concern is the large number of children affected by sexual violence/abuse and exploitation. In its 2004 to 2005 Programme Review, UNICEF-Sierra Leone indicated that it provided 3,393 child survivors of sexual abuse and exploitation in six provincial districts of the State party with medical care, family mediation and legal advice, and provided 26,164 pupils and 14,447 adults (including service providers) with knowledge and training on child sexual abuse/exploitation and prevention mechanisms as well. Also, IRC reports that between January and December 2004, 710 new cases of sexual assault against women and children were reported and treated at its various ICCs nationally. The Government notes that more has to be done in order to address and prevent sex crimes against children across the country.

201. In 2003 in particular, the Ministry for Social Welfare, in collaboration with other CPN partners, addressed the following matters relating to orphans and other vulnerable children and gave special protection to separated children as follows: provided community reintegration services for 5,552 children affected by the conflict; identified and resettled 478 Sierra Leonean refugee children from Liberia and Guinea; provided emergency transit care for 408 separated Liberian children; organized the Community Education Investment Programme (CEIP) as a rapid educational response programme that consequently benefited 2,788 children affected by the civil conflict; and, among other things, provided emergency shelter for 719 street children in Freetown, reunifying 215 of them with their families.

202. Various complementary efforts by CPN partners to respond to the plight of orphans and other vulnerable children or separated children include the preparation of a report by NCWAC on the Rapid Assessment Survey that it had conducted on a total of 9,995 street children and other war-affected children across the country. The report was produced in January 2004 and aimed, inter alia, at providing the Commission, Government (including the Ministry), NGOs and other policy planners with reliable information on the actual post-war situation of street and other war-affected children so that their problems can be properly addressed. Similarly, in November 2004, a report entitled "Assessment of Disadvantaged Children, Youths and Communities in Rural and Urban Areas of the Western Area of Sierra Leone" was produced by GOAL, another CPN partner. This report targeted Freetown and its environs.

203. UNICEF-Sierra Leone reports that by the end of 2005, a total of 7,204⁴⁸ separated ex-combatant and non-combatant children were recorded in its reintegration programme. Of this total number, 7,060 children were reunified with their families. Further, 3,539 of the separated children were provided with formal basic education while 1,583 more were provided with non-formal education or skills training. Of the said separated reunified children, 203 are yet to be reintegrated.

E. Adoption, custody, trafficking and illicit transfers

204. The Government also notes paragraphs 52 and 53 of the Committee's concluding observations on the issue of local and intercountry adoption.

205. In reply, the Government reports that the existing law, i.e. the Adoption Act of 1989, sets out rigid conditions for the grant of an adoption order by a properly constituted High Court in the country. Though the Act defines a juvenile as a person below 17 years, the Child Rights Bill has increased the age limit for adoption to below 18 years. The Act requires both the applicant and the juvenile to be resident in Sierra Leone at the time of the adoption and that the juvenile should have been in the continuous care and possession of the applicant for a minimum of six consecutive months immediately prior to the order for adoption. Also, in all cases concerning the adoption of children, the Ministry for Social Welfare should be accordingly notified at least six months prior to the application. The Ministry shall keep a record of the background of the juvenile and his/her applicant.

206. Closely related with the law on Adoption is the Anti-Human Trafficking Act (2005), which has been mentioned as a legislative response to illicit transfers and trafficking in human beings, including children, for purposes of carnal and other forms of exploitation.

207. In the case of children, defined in the Act as persons below 18 years, the Anti-Human Trafficking Act criminalizes and punishes child trafficking and illicit transfers, child/forced labour, child servitude/slavery, the removal of child organs for rituals and other unlawful purposes, and, inter alia, child sexual exploitation. It concludes by providing restitution or compensation for victims of trafficking and illicit transfers, as well as forfeiture by the convicted person of assets involved in the offence to the State. A lot of advocacy and awareness-raising campaigns had been carried out on the Anti-Human Trafficking Bill before it was enacted and the campaign has continued.

208. A 2005 report on Child Trafficking in Sierra Leone,⁴⁹ which was sponsored by UNICEF-Sierra Leone, indicates that although there are no available statistics to assess the rate of child trafficking in the country, preliminary assessments found that child trafficking is frequent and is an issue of concern in the country. The report states that all the preconditions for the existence of child trafficking, including poverty, war, corruption, porous borders, child labour, early marriage, limited education and normative migration, are present in Sierra Leone. It, inter alia, concludes that existing child protection structures do not currently accommodate the specific needs of trafficked children. The report, however, notes that the Anti-Human Trafficking Act and current national counter-trafficking strategies and action plans are signs of commitment to stop and similarly prevent child trafficking nationwide.

209. The Government further reports that the Trafficking in Persons Task Force was formed in November 2004 by the Ministry and its governmental and CPN/NGO partners. The Task Force is to serve as an oversight body on trafficking matters. Additionally, it articulates the provisions of the Anti-Human Trafficking Act and develops action plans and strategies to combat all forms of trafficking.

210. On the issue of child custody, it has already been explained in the present report that custody matters in Sierra Leone are in part regulated by the Prevention of Cruelty to Children Act. The child's best interests are the paramount requirement for applications for custody or adoption to the Courts.

F. Child abuse, neglect and abandonment

211. Similarly, the current law on child abuse, neglect and abandonment is found in the Prevention of Cruelty to Children Act. As noted above, this Act is outmoded in its definition of childhood⁵⁰. Besides, punishments for acts of cruelty against children are comparatively light, mostly limited to small fines or an imprisonment term not exceeding six months or two years as the case may be. Moreover, proven acts of cruelty against children are described as "misdemeanours" under the Act⁵¹. Offences applying to sex and sex-related matters, like carnal abuse, procuration and indecent assault, carry weak penalties and entertain defences like knowledge that the child victim of procuration for sex is "a common prostitute or of known immoral character". The Government has observed that the Prevention of Cruelty to Children Act is out of date and seeks its repeal through the Child Rights Bill.

212. The Child Rights Bill amends, by implied repeal, several provisions of the Prevention of Cruelty to Children Act and criminalizes, with increased penalties, any cruel or inhuman treatment of children, including their neglect or abandonment by their parents, legal guardians or service providers.

213. At the practical level, the CCSL GRIVMON Project, a UNICEF-Sierra Leone-supported and Ministry-authorized project, has continued to monitor, advocate against and report on acts of cruelty, abuse, neglect and abandonment of children.

G. Child placement and institutionalization: rehabilitation, reform and reintegration of vulnerable children and juveniles in conflict with the law

214. The Government recognizes that child placement and institutionalization should, in the child's best interests and development, serve as a measure of last resort and are to be considered against a number of factors including the child's personal circumstance.

215. The Government regrettably reports that though determined strides are under way to respond to the current juvenile justice situation, especially regarding placement/institutionalization, existing structures necessary to reform children in conflict with the law and to rehabilitate other children at risk are either non-existent for a larger part of the country (mostly the provincial regions) or are ill-equipped and under-staffed when available. In the latter situation, the Remand Home and Approved School for child custody and reform available in Freetown and to which affected children are sent, are yet to receive required facelift to ensure necessary juvenile rehabilitation. The Remand Home in Bo is similarly substandard. The Ministry for Social Welfare notes that due to logistical difficulties prevalent in the running of these institutions, inmates of the Homes frequently escape into the streets where crime abounds, not having undergone any appropriate reform or rehabilitation.

216. In order to respond to the problems posed by placement and institutionalization, the Ministry emphasizes fostering and alternative care for affected children. Plans are also underway to set up Bail Homes in each provincial headquarter town, with one already set up in Makeni in the north of Sierra Leone. The Homes are to serve as temporary care centres for detained juveniles or children in need of protection. In the interim, the Ministry advocates that bail or probationary care be granted juvenile offenders, and only seeks “custody or detention” as a last resort. The Police, as reported herein, also operates FSU to ensure compliance with child protection standards and guidelines on the arrest, detention and treatment of child suspects/offenders.

217. Other CPAs or CPN partners of the Ministry, such as NaCWAC and Don Bosco Home for Children, provide alternative care and services for street children. NaCWAC currently operates ICCs in various towns within the State party where street children are cared for on a temporary basis. Also, Don Bosco Home for Children operates homes and skills-training centres for street children and children at risk in selected parts of the country. Similar other CPN partners like GOAL provide rehabilitation and reintegration support services to street children.

218. Additionally, various private and State-sponsored Homes are operating in the provincial regions to aid children with disabilities including those with mental and physical challenges.

VII. BASIC HEALTH AND WELFARE ISSUES

A. Child survival and development

219. The Government notes the recommendation at paragraph 55 of the Committee’s concluding observations that Sierra Leone should provide basic health services as well as set up a comprehensive mental health programme to respond to her deteriorating health situation. Similarly, the Government recognizes that the UNICEF The State of the World’s Children Report 2005 gives graphic health indicators that continue to place the country as one of the least developed in the world.

220. In particular, the Government notes the following accounts from the 2005 UNICEF report: the report indicates that only about 57 per cent of Sierra Leone’s estimated 5 million people have access to and use improved drinking water sources whilst only about 39 per cent use adequate sanitation facilities. Undoubtedly, children suffer the brunt of any lack of access to drinking water and sanitation. Besides, the report records that 9 per cent of under-five infants have acute respiratory diseases and that only 50 per cent of them have had access to service providers. Also, while 61 per cent of under-five children have received antimalarial drugs, only about 2 per cent of them have access to treated mosquito nets. Furthermore, the report states that by 2001, only 16 per cent of the population of young people had been made aware of HIV/AIDS, although this estimate has greatly increased today. It also states that 170 out of every 1,000 infants die during their infancy, while the under-five mortality rate per live birth, is 286 out of every 1,000 live births. Maternal mortality is rated at 1,800 per every 100,000 live births. Malnutrition in the country, according to the report, is estimated at 46 per cent as of the year 2002, whilst vitamin A deficiency is rated at 40 per cent as of the year 2003. Average life expectancy is generally estimated at 35 years. Already this grim health picture poses greater

challenges for the Government of Sierra Leone, but at the same time infuses stronger resolve in the Government, in its determination to promote and protect child rights and well-being under the Vision 2025 and PRSP programmes.

221. In order to respond to this unimpressive health situation, the Government has initiated a number of programmes and policy reform measures through the Ministry of Health and Sanitation and its partner institutions/organizations. The Ministry for Social Welfare and UNICEF-Sierra Leone are also key partners in the country's health sector development programmes in order to ensure and promote national child survival and development.

222. The current Health Policy of the Government embraces an all-inclusive child survival strategy which targets safe motherhood, improved quality of and access to health services, free basic education, safe water and sanitation in schools, communities and peripheral health units, as well as community participation and outreach services.

223. The child survival strategy of the Government is yielding fruits: since 2001, there has been no confirmed case of polio within Sierra Leone; there is also an increased immunization rate of 50 per cent in 2005 compared with 25 per cent in 2001; while access to health facilities has generally increased. To facilitate the latter, the 2004 Local Government (Assumption of Functions) Regulations mandate the devolution of functions to health officers and their respective sectors in all local government districts, chiefdoms and wards. Primary and secondary health-care services are also in the process of decentralizing; same with births and deaths registration, public health information and education, environmental health care and, inter alia, health facilities management. These facilities, if properly managed, will cumulatively enhance improved health care in the country.

224. Correspondingly, the net enrolment in primary schools has increased from 42 per cent in 2000 to 76 per cent in 2005, with a marked reduction in gender gap. Also, there is increased food assistance by NGO and related agencies to pupils in several primary schools to boost basic primary education. As indicated, food security and a comprehensive health improvement strategy for the entire country remains one of the hallmarks of the much talked-about PRSP and Vision 2025 documents. The country is focused, and shall remain committed and dedicated, to health sector improvement especially at the primary level.

B. Disabled children

225. The Government also notes the concerns and recommendations of the Committee in its concluding observations regarding the undertaking of an assessment on the situation, needs and rehabilitative care for children with disabilities pursuant to article 23 of the Convention as well as the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96).

226. The Government acknowledges that there has been marked increase in disability issues since the end of the civil conflict. Thus, in addition to existing cases of common disabilities like blindness, speech and hearing defects as well as other physical disabilities, a large number of war victims, including children, were amputated, mutilated and scarred during the civil conflict. The Government notes that in all cases of disabilities, whether war-inflicted or not, children suffer the most. Their physical or mental impairment increase their vulnerability.

227. In this regard, the Government reports that at present, there are a number of facilities in place to care for the needs and well-being of child victims of disabilities. The Ministry for Social Welfare and its partner - the Ministry of Health and Sanitation - work with NGOs, CPAs and other humanitarian agencies to secure the welfare of disabled persons including children. Consequently, the enrolment level for institutions for disabled persons within the country has increased.

228. Available records from the Disabilities Division of the Ministry for Social Welfare indicate the current enrolment and graduation levels in the various known schools/institutions for the disabled persons within the country as follows:

Table
Enrolment and graduation of the disabled

	Number enrolled	Graduates
Western Area		
Milton Margai School For The Blind	130	54
National School For The Deaf and Dumb	65	23
Cheshire Home	244	93
School For The Mentally Retarded	75	15
Catholic Mission Home For The Disabled	247	83
Northern Province		
National School For The Blind - Kabala	100	34
Makeni School For The Blind	53	None
Catholic Vocational Skills Training For The Handicapped	350	128
Southern Province		
Cheshire Home	150	46
St. Paul School For The Blind	51	12
Eastern Province		
Kenema School For The Blind	25	None

229. Besides, Mercy Ship, a humanitarian body, has, in partnership with the Ministry for Social Welfare, the Ministry of Health and Sanitation and other partners, initiated the New Step Project, which among other things targets the education of disabled children and the training of teachers to care for their special needs in various identified communities in Sierra Leone.

230. Moreover, other NGOs like Physicians for Human Rights and CPN partners like Handicap International-Sierra Leone have helped in providing artificial limbs and wheelchairs for amputee victims of the conflict, as well as in removing odious war inscriptions from their bodies. Many war-affected children have benefited immensely from these programmes.

231. Also, a National Policy for the Protection of Persons with Disabilities is being developed by the Government of Sierra Leone through the Ministry for Social Welfare. The Braille Press Management Committee for the National Blind Schools across the country has been re-established as well to cater for the educational needs of the blind, including children.

232. In keeping with the principle of non-discrimination against children at all levels, the Child Rights Bill and draft National Children's Policy have respectively provided for the protection of the rights of disabled children. The Bill stipulates that a disabled child has a right to special care, education and training wherever possible in order to develop his/her maximum potentials. The draft Policy, inter alia, requires the Ministry and all other departments of government to devise and implement programmes and measures to promote the well-being of every child with disabilities. Similarly, the Education Act (2004) referred to herein promotes free basic education for all children, using the principle of non-discrimination as the benchmark for enrolment.

233. Nevertheless, the Ministry notes that at the moment there are serious practical constraints in providing care and related services for disabled children. Regular logistical difficulties in the Ministry have not facilitated the achievement of desired goals for children with disabilities across the country.

C. Maternal and child health care

234. As noted above, the 2005 report by UNICEF, *The State of the World's Children* paints a gloomy and unsatisfactory picture of the maternal and child health situation in Sierra Leone. Both under-five and maternal mortality rates continue to be among the highest in the world, with 286 infants dying out of every 1,000 live births, and 1,800 women in maternity dying out of every 100,000 live births. The malnutrition rate as at 2002 is estimated at 46 per cent whilst the prevalence of underweight at the moment stands at 27 per cent. In 2003, 350 children were said to be orphaned by HIV/AIDS. The Government considers these health indicators as a serious cause for concern.

235. To respond to this odd situation, the health department of the Government, which is undergoing rapid decentralization to ensure access to health and sanitation by every Sierra Leonean, has increased immunization for children from 25 per cent in 2001 to 50 per cent in 2005. It also has increased antenatal care coverage to 70 per cent of Sierra Leonean women, with about 50 per cent of trained nurses providing delivery services at various community clinics and health centres across the country. The Government reports improved and increased access to health facilities since the war.

236. Having improved stability and security for its people, the Government has continued to work on a health policy and strategy that focuses on child survival and development, improved quality of and access to health services, access to safe drinking water and proper sanitation, and an enhanced community participation to achieve the State party's Vision 2025 and PRSP schemes.

D. Family planning and the regulation of prejudicial traditional/cultural practices

237. The Government of Sierra Leone notes with deep concern the observations and comments of the Committee in paragraphs 61 and 62 of its concluding observations on the subject of female genital mutilation (FGM) and the need for its prohibition and prevention.

238. In reply, the Government reports that in drafting the Child Rights Bill and national Policy, the issue of FGM and other prejudicial traditional practices emerged as hindrances to enacting an all-encompassing Act for Children. Extensive cross-cultural and inter-ethnic debates, discussions and community engagements at national level have been made on the FGM and related issues. Alternative strategies to make FGM and traditional secret society practitioners more positively useful have been suggested and pursued by various CPAs including UNICEF-Sierra Leone and other CPN partners.

239. The Government is happy to report that the Child Rights Bill prohibits FGM, early/forced marriage, forced initiation, child betrothal, and any other cultural rite, custom or tradition that may inflict physical, psychosocial or emotional pain on a child or otherwise endanger her or him. The Bill also criminalizes and penalizes the commission of any of these acts against children. The Government shall ensure that the said Bill and Policy are enacted or regulated shortly.

240. On the issue of family planning, the Ministry and various advocacy groups, such as the Planned Parenthood Association and other CPN partners, have continued systematic and structured sensitization programmes within the country, which focus on birth control methods, prevention of teenage pregnancies, condom use, prevention of HIV/AIDS and sex-related diseases.

E. HIV/AIDS and sex-related diseases: their prevention, control and treatment

241. The Government also notes paragraphs 59 and 60 of the Committee's concluding observations on the issue of HIV/AIDS.

242. In response to the Committee's observations, comments and recommendations, the Government of Sierra Leone invited the Centre for Disease Control and Prevention to conduct a cross-sectional assessment of the prevalence of HIV/AIDS and behavioural risk factors regarding the transmission of the virus. The Centre reported preliminary HIV/AIDS prevalence results at 4.9 per cent but confirmatory testing resulted in a revised estimate of 0.9 per cent. According to the study, people's attitudes showed a climate of stigmatization and discrimination against persons with HIV/AIDS. The study showed HIV/AIDS testing to be about 3 per cent by 2002 and found that many misconceptions existed about transmission and prevention of the virus. In essence, until recently, little was known about HIV/AIDS within Sierra Leone⁵².

243. Following the research, the Government, in 2002, developed an HIV/AIDS Policy aimed at ensuring that young people, among others, have sufficient knowledge and facility to protect themselves against HIV/AIDS. The Policy includes issues such as the "Prevention of mother to child transmission" programme, care, support and the treatment of orphans of HIV/AIDS victims and people living with HIV/AIDS. Although the Policy is not exhaustive on the provision of

care and support for Orphans and Other Vulnerable Children, the Government has, through the World Bank and related donor funding, established an HIV/AIDS Secretariat. The secretariat in turn has, through SHARP, set up a strategic HIV/AIDS prevention, control and treatment plan for the 2004 to 2008 project period.

244. The Joint United Nations Programme on HIV/AIDS reports that by the end of 2003, an estimated 170,000 people within Sierra Leone lived with HIV/AIDS and that 16,000 of the said estimate were children. It also reports that by 2001, about 42,000 children aged below 14 years were orphaned by HIV/AIDS. As reported earlier, current estimates by the Government SHARP programme, however, indicate that there are 21,000 HIV/AIDS orphans and 408,000 non-HIV/AIDS orphans in the country. The data indicates that there are 11,000 HIV/AIDS orphans.⁵³

245. Whatever contradictions may exist in the statistics, the fact is that the SHARP project has continued to promote awareness and knowledge of HIV/AIDS in schools, local communities and other public places. HIV testing facilities are now available at various district hospitals, while support services for children orphaned by HIV/AIDS exist as well through the SHARP project. The Government particularly notes that the PRSP and Vision 2025 documents, inter alia, target the control, prevention and eradication of HIV/AIDS nationwide.

246. Regarding other sexually transmitted diseases such as gonorrhoea and syphilis among teenagers, both the HIV/AIDS campaign (on abstinence and condom use) and other campaigns by CPAs and institutions are helping to reduce their spread. Improved access to health care and services is aiding the process as well.

F. Nutrition and food security for children

247. Mention has already been made of the low level of nutrition, especially for children, in Sierra Leone, according to the nutrition indicators of UNICEF 2005 report, *The State of the World's Children*. As noted, the Government is deeply concerned by this situation.

248. Present food security strategy pursued by the Government targets, inter alia, the availability and access to food by children. As indicated, food security and improved health care for children form one of the founding pillars of the country's PRSP and Vision 2025 action plans. Support is currently provided by humanitarian NGOs and CPAs to certain schools in order to boost feeding and improve education. It is hoped that continued health service availability and accessibility coupled with food security will improve child nutrition in the country.

G. Child care and support services

249. The Government also notes paragraphs 63 and 64 of the Committee's 2000 concluding observation on the need for psychosocial assistance and care for children affected by the recently-concluded conflict in the country.

250. In reply, the Government reports that, through support from UNICEF-Sierra Leone and other CPN partners, the Ministry has been re-established in all 12 districts of the State party and now has Child Welfare Committees in all three regions of the provinces as well. This is in

addition to the national offices and Child Welfare Secretariat the Ministry operates in the western area. Social Development workers or SDOs have been (re-)trained and assigned to various line offices across the country. In particular, between 2004 and 2005, UNICEF-Sierra Leone trained 145 staff members of the Ministry on child rights protection and welfare promotion issues.

251. In addition, the Ministry for Social Welfare reports that its child protection database is now fully operational and has been extended to the provincial towns of Bo and Kenema as well. The database contains information on reintegrated and resettled children, children in the criminal justice system, street children and, inter alia, sexually abused children. Through the Ministry SDOs and support services from CPN partners, child abuses and violations as well as protection and promotion issues are now easily documented, monitored and addressed.

252. As noted in the overview to the present report, care and support services for children is an all-embracing exercise that includes positive action by the Ministry and collaborative efforts by CPN partners working through various national subcommittees in a decentralized manner. Through this network, service providers are available to juveniles in conflict with the law, street children and other children at risk, sexually assaulted/abused children, children with disabilities, children in special circumstances/emergency situations (e.g. displaced, returnee and separated children), children involved in hazardous labour and other categories of vulnerable children.

253. However, greater financial and logistical support from the Government for the Ministry for Social Welfare, is needed to improve and increase care and support services to all categories of children. At the moment, and as repeatedly noted in the present report, only a small fraction of the national budget is appropriated to the Ministry for its work and support services⁵⁴. The Ministry is extensively reliant on UNICEF-Sierra Leone and other donors for support in pursuing its aims, objectives and goals for children. This situation is unfavourable and cannot continue for long. Financial and logistical independence is needed for the Ministry to meet both short- and long-term goals effectively and efficiently. This observation is in line with the Committee's recommendation in paragraphs 9 and 10 of its 2000 concluding observations mentioned herein.

VIII. LEISURE, EDUCATION AND CULTURAL ACTIVITIES

A. National education: policy/strategy and the Education Act (2004)

254. The Government of Sierra Leone acknowledges with interest and concern the comments and observations of the Committee in its concluding observations herein on the subject of education, leisure and cultural activities in Sierra Leone⁵⁵.

255. The Government has now developed an Education Policy/Strategy that harmonizes with the Education Act (2004). Both the Education Act and Policy are gender-sensitive and discrimination-free. In particular, the Act mandates free and compulsory basic primary and junior secondary education for all government-assisted schools, and reasonable and affordable school charges for private schools. The Act also encourages education for the girl child and promotes skills/vocational training for early school leavers. It criminalizes neglect by parents/guardians and caregivers to send their children and/or wards to school, and further empowers the Ministry of Education to make rules and regulations for the discipline and effective conduct of schools. The Act provides additional functions for the National Basic

Education Commission by stating that it shall protect the right to basic education for every Sierra Leonean, including amputees and disabled persons. Finally, among other provisions, the Act promotes quality and increased teacher training programmes in Sierra Leone.

256. To promote awareness of the Act and meet its obligations under the Convention, the Government, towards the end of the civil conflict, embarked on mass literacy programmes for its citizens, which included the “no child left behind” action plan. Thus, improved access to basic education saw the national enrolment rate in primary schools increase from 42 per cent in 2000 to 76 per cent in 2005. The gender gap also decreased from 6 per cent in 2003 to 5 per cent in 2005. Current high enrolment has resulted in class sizes of 100 or more pupils per class. This has, unfortunately, led to congested conditions for schools and classrooms, with some pupils using inadequate learning facilities to stay in the “no child left behind” programme. Furthermore, the 6-3-3-4 system of education introduced in 1993 has continued, and it now forms the subject matter of the 2004 Education Act.

257. To promote country-wide education, the Government, in 1999, undertook payment of primary school fees for all government-assisted schools. In 2001, fees were waived for all national school examinations conducted by the West African Examinations Council. Also, the Government increased teacher salaries by 100 per cent in 1998, and has gradually continued to increase salaries to entice and increase the number of teachers generally. The payment of school fees for basic education pupils has as well continued under the “SABABU Project” of the Ministry of Education.

258. In summary, according to statistics from the Ministry of Education, primary school enrolment by 2003 was 1,092,721, while the Complementary Rapid Education Programme (CREP) ensured the enrolment in 2003 of 11,857 pupils in 184 centres. CREP was designed to respond to the immediate post-war education situation. Also, in the 2003 academic year, technical and vocational schools enrolled 21,191 pupils, whilst secondary schools enrolled 162,141 pupils.⁵⁶ These figures increased rapidly for the 2004/05 school year.

259. The Government also reports that the annual pass rate in the National Primary School Examinations increased to 80 per cent in 2003 and has since been maintained. Girls have generally continued to perform well in national school exams. Correspondingly, literacy within the country is increasing. It is estimated that there are currently 78 pupils to a teacher, while nationwide school enrolment for girls is rated at 40 per cent.⁵⁷ In order to entice and sustain girl enrolment in schools, educational packages including books, uniforms and tuition have been donated to girls in junior secondary schools of targeted communities in parts of the northern and eastern provinces.

260. To respond to the problems posed by overcrowding at schools, the National Commission for Social Action (NCSA) has, through sustained donor funding, continued to build and refurbish schools in many communities across the country thereby increasing access to education.

261. However, despite this improved state of affairs at the education front, various problems and challenges continue to affect the system. As said, classrooms continue to accommodate more than the maximum capacity of pupils, even though the dual school shift system has now been introduced. The available number of qualified teachers is also relatively small to meet enrolment demands, especially as teachers are constantly dissatisfied with conditions of service.

262. In order to relieve the burden of parents/guardians for their school-going children who were affected by the civil conflict, UNICEF-Sierra Leone has continued to provide educational materials and support for all registered separated children, children associated with the fighting forces and their schoolmates. Besides, in spite of the numerous problems and challenges faced, the Government has generally continued to improve and increase the quality and access to education. The Child Rights Bill makes the right to education a fundamental right to be enjoyed by every child.

B. Promotion of leisure, recreation and cultural activities for children

263. On the provision of leisure and access to cultural activities by children, the Ministry, its CPN partners and related NGOs continue to work to improve this sector. Partners like Right to Play and War Child-Sierra Leone are assisting the Ministry to improve access to recreation and leisure facilities for children in the country. Also, the Ministry of Tourism and Culture has, as part of its agenda, programmes that promote culture among children. The rights to participate in cultural activities and to be protected against harmful cultural practices are guaranteed in the Child Rights Bill.

264. Children also participate in promoting human and child rights education among their peers. As part of its objectives, CFN works with pupils and disadvantaged children to disseminate and promote awareness on the provisions of the Convention and related local laws. CPN partners of the Ministry such as IEARN International-Sierra Leone and DCI-Sierra Leone have organized School Internet Clubs and Human Rights Clinics for Children in certain parts of the country, including Freetown and Kenema, in order to promote access to appropriate educational information by school pupils across the country.

IX. SPECIAL PROTECTION MEASURES/CHILDREN IN SITUATIONS OF EMERGENCY

A. Disarmament, demobilization and reintegration of children associated with the fighting forces

265. The Government notes the deep concern, observations, comments and recommendations expressed by the Committee in paragraphs 70 to 79 of its concluding observations on the subject of children affected by the recently-concluded civil conflict.

266. The Government of Sierra Leone reiterates that upon ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in May 2002, the minimum age of recruitment into the Armed Forces was increased from 17½ years, as provided by the Military Forces Act (1961), to 18 years. Additionally, the Child Rights Bill protects children from armed conflict, a right to be enjoyed by every child. The Bill consequently criminalizes the recruitment or enlistment of any child for the purpose of engaging him/her in armed conflict within Sierra Leone. The policy against child recruitment into armed forces or groups for purposes of combat also forms another crucial element of the draft National Children's Policy.

267. Regarding the response of Government to the civil conflict, which was officially declared at an end in January 2002, the Government reiterates that it disarmed, demobilized and reintegrated into society a total of 6,845 children associated with the fighting forces out of a total of 72,490 combatants who were disarmed and demobilized from all factions. The DDR process entailed three phases between December 1998 and January 2002. After setting the age of majority for purposes of the DDR programme at 18 years, the Government noted that 8 per cent of the total number of demobilized combatant children were girls. Various methods were used to determine age, including birth certification, confirmation of age by parents/guardians as well as by the affected child, teeth testing and other medically-approved methods. Also, the age of recruitment was, in many cases, ascertained from the time of recruitment.

268. The Government, through the Ministry for Social Welfare, UNICEF-Sierra Leone and other CPN partners, further reports that it has used a number of child-responsive programmes to react to the problems associated with demobilization and the attendant psychosocial trauma. Various ICCs equipped with welfare support workers and “camp followers” were set up in order to make demobilization of children associated with the fighting forces child-centred. Mediation with families, psychosocial healing, rapid response and education recovery methods, as well as skills training for older children were systematically applied. An exit strategy for children was also created through the Family Tracing and Reunification (FTR) programme to trace and reunite lost and found children with their families/guardians or relations. Fostering and responsible placement were also conducted for children who were orphaned by the conflict or whose parents/guardians could not be traced. Certain child protection groups/organizations, such as the Forum for African Women Educationalists, undertook medical treatment of children who were victims of sex-related diseases, early/forced pregnancies and drug abuse. These groups/organizations kept comprehensive data on the abuse of women and girls and the treatment they received for sex-related diseases and complications.

269. In summary, a group of child protection programmes was put in place to immediately arrest and respond to the myriad problems associated with disarmament and demobilization, and these include the ICC or alternative care programme, the FTR programme (which has continued and has been modified to suit other situations like the treatment of street children and delinquents), the CEIP programme (which was a rapid response education programme), and the Training and Employment Programme for adolescents and youths. Child participation continued to be the hallmark of all of these programmes.

270. The Government also acknowledges that UNICEF-Sierra Leone, the focal partner of the Ministry for Social Welfare, has continued to provide reunification support in the form of education packages, including school items and fees, for a total of 3,086 children affected by the DDR programme. In particular, UNICEF-Sierra Leone reports that since 2002, a total of 957 teaching/learning/recreational packages were supplied to 550 schools where children associated with the fighting forces were enrolled; consequently, a total of 272,527 pupils and 7,644 teachers in the 550 schools benefited directly from the packages. Besides, the agency records that 1,414 girls who had not been included in the DDR programme due to various fears, including stigmatization, were reintegrated and provided with DDR services. To date, many children associated with the fighting forces have either graduated from school or are advancing their education in institutions of higher learning or skills centres.

271. The Government reports too that the current basic education programme is greatly complementing reintegration services available to war-affected children generally. The Ministry, UNICEF-Sierra Leone and other CPN partners continue to monitor the general reintegration patterns of affected children into peaceful society.

B. Resettlement and reintegration of displaced and returnee children

272. Closely related to the issue of children associated with the fighting forces is the resettlement and reintegration of displaced/separated children as well as returnee children into communities.

273. In its 2005 Midterm Programme Review, UNICEF-Sierra Leone reported that 93 per cent of all registered separated children in Sierra Leone have been reintegrated. The FTR programme, which comprised key stakeholders in protection matters for children such as the Police, other CPN partners and local authorities, proved to be efficient and reliable in tracing and reuniting families with their lost children.

274. The International Committee of the Red Cross also supported the FTR programme by publishing pictures of children who had been found along with their biological data to facilitate public identification and tracing. Significant reunification was achieved through this method as well. IRC, a CPN partner, also reports employing various rural/village level reintegration mechanisms for separated and ex-combatant children. Cleansing rituals and family reunification was achieved through these programmes; and in many cases involving sexually-abused child victims, communities accepted the victims and their plights as incidents of war. War Child-Sierra Leone and several other CPN partners also use recreation and psychosocial healing to impact effective reintegration of affected children.

275. The Government particularly reports that in 2003 alone, the Ministry for Social Welfare and its CPN partners together with the Office of the United Nations High Commissioner for Refugees (UNHCR) effectively resettled and reintegrated a total of 478 Sierra Leonean children, comprising 310 boys and 168 girls, from the neighbouring countries of Guinea and Liberia. The Ministry and its partners equally provided alternative care for 408 separated Liberian children as earlier explained. One hundred and thirty one of these Liberian children were subsequently reunified with their families.

276. Though the Government of Sierra Leone is yet to fully resettle all Sierra Leonean refugees from the neighbouring countries, it has been acknowledged that the UNHCR and UNICEF-Sierra Leone have, in the meantime, continued to effectively respond to the refugee and returnee situations involving children generally. UNICEF-Sierra Leone notes that as at December 2005, an aggregate of 386 Sierra Leonean children continue to live in Guinea as refugees. About 315 of these children are reportedly registered with UNHCR in Guinea.

277. The Ministry and its CPN partners undertake to continue to monitor and report on the situation of refugee and returnee Sierra Leonean children generally.

C. Protection of child victims of rape and sexual abuse

278. The Government further notes paragraphs 85 to 89 of the Committee's concluding observations on this subject and appreciates the Committee's recommendations.

279. The Government, however, regrets that the earlier-mentioned Prevention of Cruelty to Children Act is yet to be repealed, especially as the Act sets a lower age definition for child victims of sexual abuse, and provides minimal penalties for perpetrators of sexual misconduct against children. For example, the Act provides different penalties for sexual abuses against children between the ages of 14 and 16, as compared with those between the ages of 13 and 14 on the one hand, and for those under age 13, on the other hand. The Act also condones frivolous defences such as knowledge that the child victim of the crime was of known immoral character or was a common prostitute to justify the sexual misconduct alleged.⁵⁸

280. Despite the above-mentioned, the Government reports that it has made considerable strides at repealing the Prevention of Cruelty to Children Act and other related statutes as evidenced in provisions of the Child Rights Bill and the 2005 Anti-Human Trafficking Act, both of which, *inter alia*, increase the age of majority to 18 years and provide higher punitive measures for sexual offences against children.

281. As explained above, many CPAs and NGOs provided medical and psychosocial treatment for sexually-assaulted girls and women during and immediately after the civil war. Similar efforts have continued into the reintegration phase as well. Women and girls are also participating in the transitional justice systems currently operating in the country. Some girls participated in the already-concluded TRC hearings, while others are serving as protected witnesses before SCSL. As noted, both institutions were established to, *inter alia*, heal by addressing/redressing past injuries, including violent sexual abuses against women and girls.

282. Moreover, the Ministry for Social Welfare and its CFN partners work through SVC, comprising representatives of the police, the Ministry, community representatives and identified CPN partners, to respond to and document sexual abuses against children. Available data on sexual abuses against children recorded a marked increase in rape, indecent assault and carnal abuse of children shortly after the civil war. Rapid response strategies by SVC and CPCs, such as community sensitization and prosecution of offenders, yielded results. These strategies are ongoing.

283. Nevertheless, the Ministry notes that delays in the Department of Justice coupled with the limited availability of qualified/trained medical practitioners are delaying the prosecution of sex offenders. Sex crimes against children demand firmness and facility to deter perpetrators and prevent a recurrence of the misconduct; increased access to efficient justice promotes child rights.

X. CHILDREN IN CONFLICT WITH THE LAW

A. Development of policy and law reform

284. The Government notes paragraphs 90 to 93 of the Committee's concluding observations and acknowledges the Committee's concerns and recommendations. The Government also admits its treaty obligations under the Convention and related norms like the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (General Assembly resolution 40/33).

285. In response, the Government reports that efforts at reviewing and upgrading the current law on juvenile justice (i.e. the Children and Young Persons Act, chap. 44 of the Laws of Sierra Leone, 1960) have intensified and are near completion. Thus, the Child Rights Bill contains extensive provisions on alternative/diversionary approaches to the issue of juvenile justice and the attendant reform, rehabilitation and reintegration of affected children.

286. On the question of legislation, the Child Rights Bill places the juvenile offender not only as the bearer of rights, but also as a vulnerable victim in need of parental care and society's support. The 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 Bill suggests that persons who attain 18 years and are convicted for offences committed prior to that age shall be entitled to rehabilitation therapy under the supervision of a probation officer.

287. Furthermore, the proposal for the enactment of the Child Rights Bill, as suggested by the various Reference Groups, provides that children jointly charged with adults should be tried separately. The proposal also situates the nuclear families of both the offender and victim, assisted by an SDO, as the primary forum for resolving disputes and matters involving children. It is hoped that these proposals would be incorporated into the Bill before it is passed into law. Thus, where an alleged child offender is held responsible for a criminal or unlawful conduct, it is anticipated that the Child Rights Bill when enacted shall, at all stages of the investigation into the alleged offence, pursue diversionary methods, including verbal sanctions or advice, conditional discharges, fines, expropriation and compensation orders, suspended sentencing, probation and supervision orders, referrals and, inter alia, non-institutional treatment like community service orders. Referrals may, where necessary, be subsequently made to a Mediation Committee, which shall be the Child Welfare Committee of the given location.

288. The Child Rights Bill provides also that the formal court system shall be used as a measure of last resort and that proceedings in the court shall be informal, free from naming or stigmatizing of the suspected child offender. Such proceedings are to be held in camera and a number of alternative or diversionary methods of disposing of the case, without ordering custodial sentences, should be applied. Such orders, according to the Bill, include care order, guidance, fine, foster care and, inter alia, treatment orders. Custodial sentences are to be used as a last resort and should be applied only where the offender poses a threat or danger to society. Capital and corporal punishments are prohibited. The Reference Groups in their proposal for the Bill also suggested that orders for custodial sentences state that the child has a right to early or conditional release. Moreover, the proposal suggested that criminal records of juvenile offenders be destroyed 10 years after the court's decision. In summary, the Bill and the proposal leading to

it posit the juvenile or affected child's best interests as the primary focus of juvenile justice and its administration. Similarly, the draft National Children's Policy considers the affected child's best interests as crucial to all decisions involving or affecting him/her.

Actions taken

289. The Government acknowledges that there is much to be done to improve the current difficult situation in which juveniles in conflict with the law find themselves. It is also noted that this difficulty is exacerbated when children are jointly charged and tried with adults for alleged crimes. Under the existing law, namely, the Children and Young Person's Act, a juvenile jointly charged with an adult for an offence loses all legal protection due him/her save various disposal methods available to a Juvenile Panel. Subsequent referrals are made to the Juvenile Panel for the disposal of the juvenile's case after the close of the affected child's matter in the adult court.

290. In 2003, the Ministry for Social Welfare reported that 212 juveniles were in conflict with the law or found abandoned in Sierra Leone, including 110 reported cases in the western area (79 boys and 31 girls) and 102 in the three provinces. Of those in the western area, 26 were remanded in the Remand Home while 18 were kept at the Approved School. The rest of the affected children, including those in the provinces, were either detained in police cells or prisons, discharged, kept on bail or probation, or were reunified with their families or guardians in line with their respective cases.

291. The present report also notes that although corporal punishment is still legal in Sierra Leone, it has not, for some time now, been judicially applied to children. Moreover, capital punishment, as earlier noted, is illegal for persons below 18 years. The Child Rights Bill expunges both forms of punishment from the laws relating to or affecting children.

292. In order to improve and enhance a child-responsive juvenile justice sector, the following include ongoing programmes undertaken by the Ministry for Social Welfare and its CPN partners:

(a) Establishment of CCJSC comprising probation and social development workers in the Ministry, representatives of the FSU of the police and interested CPAs. As noted earlier, the Committee meets once every month and reports to the Child Protection Committees at regional level, which in turn report to the Child Welfare Secretariat;

(b) Conducting regular refresher training programmes for SDOs, police officers in the FSU programme, community elders and child protection workers on local and international norms relevant to the administration of juvenile justice. The programmes ensure that at least a social worker or a CPN volunteer is attached to every police station to monitor juvenile justice compliance standards and investigate cases of alleged sexual abuse of children. SDOs and CPN volunteers collaborate with the police to seek alternative disposal or diversionary methods of settling disputes involving or affecting children;

(c) Ongoing awareness-raising campaigns on radio and at communities for the implementation of best practices for affected children in the juvenile justice system. Guidelines on the Establishment of Bail Homes as well as Standards for the Protection of Children in the Criminal Justice System are respectively being developed to enhance best practice;

(d) Collaboration with CPN partners such as DCI-Sierra Leone and LAWCLA for the continued provision of free legal services and care to juvenile offenders and child victims of abuses, especially victims of torture, child labour and sexual abuse;

(e) Regular visits to and monitoring of the Remand and Bail Homes and Approved School for Children to assess management levels and compliance strategies for maintenance of the well-being of child inmates. A senior SDO is assigned to manage each facility;

(f) In addition, the Justice Sector Project implemented by the British Council of Sierra Leone is currently reviewing the juvenile justice situation in Sierra Leone and is determining intervention strategies to improve child well-being within the criminal justice system. A task force, or subcommittee, on juvenile justice comprising the Ministry, the police, civil society and other governmental and non-governmental partners has been established to review policy and law, and develop best practice for the general administration of juvenile justice in the country.

293. On behalf of the Government, the Ministry further reports that the juvenile justice situation experienced gradual improvement in the 2004 and 2005 years. With UNICEF-Sierra Leone support, the following were specifically achieved by the Ministry and its CPN partners:

One National and four Regional Committees on Juvenile Justice (West, North, East and South) became operational;

Bail Homes Guidelines were developed with a view to establishing them;

One hundred and one staff members were trained on child rights and juvenile justice standards in Freetown and the three provincial headquarter towns of Makeni, Kenema and Bo;

One hundred and sixty children (141 boys and 19 girls) were reunified by probation officers (or SDOs) with their families; while 112 children in the available correctional facilities within the country participated in regular recreational, educational and counselling activities;

A tally of children living or working on the street was also carried out in Freetown, Makeni, Bo, Kenema, and Koidu towns respectively; a total of 2,874 street children were documented. The children benefited from various skills and reintegrational training programmes;

Training provided on the care and protection of street children for 125 participants including social workers, the police, community leaders and child rights monitors;

An assessment of the entire juvenile justice system was conducted and recommendations made. SDOs and CPN workers documented and monitored 1,184 children in police cells, prisons and juvenile facilities across the country. Five hundred and seventy-five affected children were released and 69 alleged child offenders (62 boys and 7 girls) were provided with legal aid;

Sensitization campaigns on protection and promotion of the rights and welfare of children, especially those in difficult circumstances, were carried out at all levels of society.

B. Provision/Monitoring of legal aid for children

294. The Government notes that the Ministry for Social Welfare does not provide legal aid for children within the current criminal justice system. However, the Ministry monitors and collaborates with organizations and institutions involved in providing legal aid for children.

295. LAWCLA and DCI-Sierra Leone are key partners involved in providing legal aid or pro bono services for children in conflict with the law, in addition to other support services respectively coordinated and given out by them to vulnerable children.

296. Over the reporting years, the two organizations mentioned above have enlarged their scope and areas of operation to include children in similar situations in the provinces. Thus, through support from UNICEF and other donors, LAWCLA has continued to provide legal aid for children in the western area, while DCI-Sierra Leone has now expanded to the four regions in the provinces, accessing Makeni, Koidu, Bo and Kenema among other towns. Their respective services to affected children include legal aid for child victims of sexual abuse, torture, neglect and child labour.

297. The Ministry particularly acknowledges that the respective interventions of these organizations have ameliorated the plight of children in conflict with the law and child victims of abuses, reduced stress from affected parents/guardians and improved access to the current formal juvenile justice system. Their efforts have also eased the burden on the under-equipped and understaffed Probation Office of the Ministry. Similar endeavours by other CPN partners in various fields of child protection are helping to improve and promote child well-being in the country.

C. Reform, rehabilitation and institutionalization of affected children

298. The state of affairs regarding reform, rehabilitation and institutionalization of children in conflict with the law leaves much to be desired. There are now two Remand Homes⁵⁹ and one Approved School⁶⁰ in the entire country. One of the Remand Homes and the Approved School are in the western area and are both understaffed and ill-equipped, with little or no security, poor learning/vocational facilities, little recreation, and limited food supplies. Faced with dire straits and unfavourable conditions, inmates frequently flee and abscond from custody into the streets and marketplaces, where crimes abound.

299. The Ministry notes that without proper management, training and logistical support, the above-mentioned institutions cannot function as true reformatories to rehabilitate, reform and educate child offenders and other disadvantaged children. The Ministry is greatly constrained in this sector. The absence of Reform Homes for children in other parts of the provinces (i.e. the northern and eastern provinces) continue to worsen the child rights and welfare situation there; children suspected of crimes are either incarcerated with adult offenders in equally deplorable conditions or are sent to the facilities in Freetown, thus creating overcrowding.

300. To respond to this unfavourable state of affairs, the Child Rights Bill provides that institutionalization of children should be used as a measure of last resort in dealing with cases involving child offenders. As an additional interim measure, small-scale support has been sought from willing donors to ameliorate the problems encountered in the Remand Home and

Approved School, respectively. Also, Bail Homes⁶¹ in each provincial region have been conceived by UNICEF-Sierra Leone and the Ministry as a rapid response measure to serve the needs of affected children outside the western area; there is already one at Makeni. As an immediate short-term objective to tackle the constraints, the Government intends to undertake a comprehensive reform backed by attendant development measures on juvenile justice.

D. Transitional justice mechanisms

The Truth and Reconciliation Commission

301. TRC was established by an Act of Parliament in 2000, after the enactment of the Lomé Peace Agreement (Ratification) Act in 1999. TRC was a major requirement of the Lomé Peace Agreement and was designed to produce a true picture of what transpired in Sierra Leone before and during the civil conflict, heal the wounds of victims, and make recommendations for accountability by perpetrators and the way forward for the country. The truth-telling and healing processes were designed to complement the amnesty provisions in the Lomé Peace Agreement.

302. The Truth and Reconciliation Commission Act (2000), inter alia, mandated that TRC give “special attention to the experiences of children in the armed conflict” and “implement special procedures to address the needs of child victims and work with child perpetrators as well”.

303. In consideration of the above-mentioned, UNICEF-Sierra Leone, in collaboration with local and international human rights organizations, organized in June 2001 a technical meeting of international and national child rights experts to consider the protection for and role of children in the TRC process. Certain affected children also participated. Key to the recommendations of the meeting was the requirement that the TRC process be consistent with the Convention in its treatment of children. It was also suggested that children be allowed to take part in every aspect of the process as statement-takers and witnesses within a supportive and secure environment. Families and the larger community were also to be sensitized about their respective roles and the role of children in the truth process. Further, customary and traditional methods of reconciliation and healing, known to the country’s diverse ethnic groupings, were to be fully utilized.⁶²

304. TRC held both closed and thematic hearings for children. For those who participated as statement-takers and witnesses, the session meant reuniting with families, attending school and finding a peaceful place in the community to live happily again. It also meant accountability for affected individuals and fighting groups in the country, including a forum to gather testimony, create an accurate record of past events and crime, and, inter alia, provide a basis for social cohesion.

305. In June 2003, as part of the thematic hearings for children, CFN prepared a submission to the Commission which, among other things, called for lasting peace, promotion of child welfare, and for a child-friendly version of the TRC report to be prepared so that children, teachers and child organizations can also help “disseminate findings and recommendations of the Commission to the young and unborn generation of Sierra Leone as a measure to prevent recurrence of what happened”. The child-friendly version of the TRC report is available, having been prepared by UNICEF-Sierra Leone, TRC and UNAMSIL and supported by many Sierra Leonean children. It

gives a lucid and detailed narrative of the civil conflict from the perspective of affected children, and includes submissions, art works of the conflict and recommendations by children.

306. Additionally, the child-friendly version of the TRC report notes that, as part of the Commission's findings, the fighting forces in the war comprised mostly youths and children, and that while children were used for various purposes by all factions to the conflict, they were also made direct targets. As a result, they suffered violent deaths, injuries, torture and sexual abuses.

307. The child-friendly version of the report recommends, inter alia, the following: harmonization of national laws on children with international norms; the empowerment of youths in democratic decision-making and policy implementation; establishment of human rights values and culture; effective monitoring to prevent, punish and end corruption; and the legislation/regulation of laws and policies that protect, promote and enhance child rights and well-being in Sierra Leone.

308. The Ministry for Social Welfare, UNICEF, TRC, UNAMSIL and CPN members are together helping to adequately disseminate the child-friendly version of the TRC report within the country.

309. Correspondingly, the Government reports here that it has received and noted the TRC findings and recommendations and shall use them as reference points and guiding tools for issues of national security, peace, stability, unity and development.

The Special Court for Sierra Leone

310. SCSL was created by agreement between the United Nations and the Government of Sierra Leone after the signing of the Lomé Peace Agreement and following the disarmament and demobilization of all combatants involved in the civil conflict. It is mandated to try those who bear greatest responsibility for local and international crimes committed in the Sierra Leone civil war.

311. Section 7 of the statute of the Special Court for Sierra Leone provides for criminal responsibility or judicial accountability by children aged between 15 and 18 within properly defined rules on the administration of juvenile justice, provided that the said children bear greatest responsibility for outlined crimes in the statute. This portion of the statute, though yet to be amended or repealed, was greeted with mixed feelings and a large measure of public disapproval at the inception of the Court. The Ministry, UNICEF-Sierra Leone and its CPN partners considered all children who were involved in the conflict as vulnerable victims who bore direct and violent consequences of the conflict. Children were made combatants, sexually abused, molested, tortured, killed, harassed, amputated or maimed, and then reduced to criminals by warlords, whose agenda they knew little or nothing about.

312. Consequently, after several public statements to the effect, the Special Prosecutor to the SCSL stated in a press release dated 27 November 2003, that he would not prosecute any child of whatever age, as children did not qualify for the category of persons defined by the statute as bearing "greatest responsibility" for the crimes committed in Sierra Leone.

313. In that regard, the Special Prosecutor to the SCSL has in lieu proceeded to indict various individuals for the crime of conscripting or enlisting children below 15 years of age into armed forces or groups or using them to participate actively in hostilities/combat. Moreover, in a recent majority decision of the Appeals Chamber of the SCSL, the Court ruled for the first time in international humanitarian and criminal law that child enlistment or conscription into armed forces or groups is criminal and punishable under international criminal law.⁶³ The Special Prosecutor has thus sought to use child witnesses to prosecute this crime. Child witnesses before the Court are specially protected; their testimonies are given anonymously using video links, voice distortion and other non-disclosure mechanisms.

314. The Government notes that as transitional justice institutions, both TRC and SCSL are independently working to ensure peace, enhance stability, sustain accountability and justice for perpetrators and victims alike, build a culture of frankness and tolerance among Sierra Leoneans, as well as create an enabling environment for children to live happily, responsibly and productively. The Government recognizes the significance of both institutions in the current context.

XI. ENVIRONMENT PROTECTION

A. Right to safe and healthy environment

315. The Government recognizes that the fundamental requirement for child survival and development is the right to a safe and healthy environment, which includes the right to clean air, safe drinking water, healthy food, availability and access by parents and children alike to quality health facilities, availability and access to schools, vocational institutions, as well as recreational and cultural facilities, ensuring good and well-monitored parenting and/or guardianship, enhancing national social security including access to shelter and well-being for all, and, among other things, the maintenance of forest and animal reserves for posterity.

316. In this regard, the Government enacted the Environment Protection Act in 2000 to inter alia “provide for the effective protection of the environment”, whereby “environment” is defined as including “land, air, water and all plants, animals and human beings, living therein and the interrelationship which exists among these or any of them”. The Act mandates the Minister of Lands, Country Planning, Forestry and the Environment, to cooperate with NGOs, industries, voluntary organizations and other groups in fostering awareness on environment protection issues. It also requires that an environment impact assessment be undertaken for every project that impacts the environment, and a report be prepared to that effect for subsequent scrutiny.

317. Similarly, the Local Government (Assumption of Functions) Regulations 2004 provide for the devolution of functions concerning environment protection so that all corners of Sierra Leone can be involved and covered in the process.

318. However, the Ministry for Social Welfare again notes that in order to achieve the objectives and agenda set out in the Environment Protection Act, as well as the Vision 2025 and PRSP action plans, theories and rules should be translated into practice and enforcement so that children can actually benefit from national laws, policies, programmes and plans. Constraints such as the unavailability of safe drinking water to many children, lack of electricity in many

parts of the country, indiscriminate tree felling for log and wood, high incidence of infant and maternal mortality, and prevalence of malnutrition and diseases (like malaria and typhoid) in the country, altogether threaten the availability of and access to a safe and healthy environment for children. Nevertheless, the Government of Sierra Leone continues to make frantic efforts to overcome these unfavourable indicators within a reasonable time frame.

B. Child mining and other forms of child labour

319. The Government equally notes the Committee's observations and recommendation on the subject of child labour, including child mining, as indicated in paragraphs 80 to 82 of its concluding observations.

320. The Government reports that the economic exploitation of children culminating in child labour was especially high during the civil war period. Thus, although common forms of child labour - like hawking/peddling, domestic labour and mining - are yet to be eradicated, the incidence of slave labour common to activities like mining, child combatancy, food search, and carrying of arms and looted items over long distances, prevailed among the warring factions during the civil conflict.

321. The Government further reports that almost all of the children affected by the conflict have been fully rehabilitated and reintegrated into families and structured communities. Other common forms of child labour are also being addressed through the provision of compulsory basic education for children, promotion of vocational skills training for adolescents, and upholding of the protective legal provisions for children contained in the existing laws. The Child Rights Bill criminalizes hazardous labour for children, especially young children. Various forms of economic and sexual exploitation of children are also criminalized by the Bill. Similarly, the Anti-Human Trafficking Act (2005) contains provisions for the prevention of child labour through anti-trafficking laws.

322. There is an ongoing campaign by the Ministry for Social Welfare, UNICEF-Sierra Leone and its CPN partners to stop child labour in the country. Diverse community campaigns and advocacy strategies have been employed and are yielding fruits. World Vision-Sierra Leone, a CPN partner, has, for example, documented the widespread use of children for purposes of manual labour in the mining areas of the provinces, including Kono. Hundreds of children are documented as child miners. Recent community initiatives involving local leaders and other stakeholders have resulted in resolutions being passed to the effect that child labour is generally prohibited in the mining areas. A Policy on Mining, including a prohibition on the use of children in the mines, is also being developed by the Government of Sierra Leone.

C. Protection of street children and other disadvantaged children

323. By the same token, the Government of Sierra Leone notes that a safe and secure environment includes not only the prevention of child labour and the provision of basic necessities for child/human survival, but also the protection of street and other vulnerable or disadvantaged children, by providing them with shelter, clothing and above all, food and education.

324. In March 2004, UNICEF-Sierra Leone documented the 2,874 children working or living on the street in the towns of Bo, Makeni, Kenema and Koidu/Kono in the provinces as well as in Freetown in the western area. Also, in its January 2004 report conducted through cluster and rapid assessment surveys, NCWAC reported that about 65 per cent of street children in Sierra Leone were displaced children, and that of a total of 9,995 street and war-affected children interviewed, 80 per cent were boys and 20 per cent girls. The report noted that street children were generally vulnerable to social vices like drug-taking and trafficking, stealing, prostitution and child labour. Many were without shelter and lived in marketplaces and street corners, and do not attend school. Sometimes, they begged in the streets or in marketplaces, stole or peddled small items to feed both themselves and their families at home.⁶⁴

325. The Government recognizes that street and other disadvantaged children deserve special care and attention. In this regard and as a response to the immediate post-war conditions in particular, in 2003 the Ministry and its CPN partners provided shelter for 719 street children in Freetown as an emergency measure.⁶⁵ Similarly, several CPN partners of the Ministry such as GOAL, NCWAC, IRC and St. George's Foundation for Children in the western area, provide interim care facilities for street and disadvantaged children. Help a Needy Child International (HANCI), a CPN partner, also regularly provides learning and other welfare materials to street children across the country, including various donations in 2005 to children of the Mark and Caroline Children's Home in Bo, southern Sierra Leone and to other institutions in the north and east.

326. The challenges facing Government are substantial and the Ministry notes that an all-embracing approach should be sought to address the plight of street children and disadvantaged children. Legislation and policy backed by social action, including welfare support to families, proper placement in alternative care, fostering, compulsory basic education, probation and mentoring, and the availability of other support systems such as a child-responsive juvenile justice programme, are urgently needed as a single action package for child development.

327. On the issue of providing a protective and safe environment for children, the Strategic Planning Committee for Orphans and Other Vulnerable Children has identified and developed eight benchmarks for building a "protective environment" for children within Sierra Leone, and these include: (a) the country's commitment to protecting child well-being and rights; (b) the existence and enforcement of child protective laws; (c) the existence of attitudes, customs and traditions that support and protect child rights and well-being; (d) the holding of frank and open discussions on issues affecting children; (e) the existence of an informed society, including parents/guardians, social workers, teachers, health workers and other service providers, that cares for its children; (f) the availability and accessibility of appropriate information, education and vocation to every child; (g) the effective and efficient monitoring of child protection matters; and (h) the availability and accessibility of essential services to prevent child abuse/violation and to recover and reintegrate affected children into communities.

XII. CONCLUSIONS

A. Challenges and prospects

328. The challenges facing the Government of Sierra Leone are numerous and the Government is fully aware that the journey to full realization of child rights and well-being in the country is long and arduous. The Government is, however, determined to live up to the challenges and has already specified various benchmarks and indicators to safeguard, protect and enhance child survival and development in Sierra Leone. These benchmarks and indicators include, but are not limited to, strategies and action plans for progress highlighted in the PRSP and Vision 2025 documents of Sierra Leone, respectively. In particular, it is noted that the Vision 2025 catchphrase: “United people, progressive nation, and attractive country”, can never be fully realized if child rights and well-being are not fully guaranteed, protected and promoted.

329. Essentially, the Government has identified the following problems in its PRSP document as the main poverty indicators in the country, which must be overcome if child survival and development are to be ensured: insufficient food, poor shelter/housing, poor health and high infant and maternal mortality, high level of illiteracy, limited access to clean water, and general lack of financing. The PRSP document also identifies the main causes of deprivation as, including the past civil conflict, poor access to health and education facilities and services, unemployment, large family size and other ongoing economic and social vulnerabilities. All of these factors reinforce themselves to create a bleak picture, and each factor adversely affects child survival and well-being.

330. To reverse this trend, the Government of Sierra Leone has embarked upon a new strategic direction and medium-term objectives that harmonize with the commitments of the Government under the Millennium Development Goals. These objectives include the promotion of three key pillars: (a) good governance, security and peace; (b) pro-poor sustainable growth for food security and job creation; and (c) human rights. The Government anticipates that mutual responses, interactions and interlinkages in enforcement or implementation strategies shall ultimately impact and facilitate child well-being and overall national development.

331. At the ministerial level, the Ministry for Social Welfare particularly summarizes among its constraints during the reporting period of 1996 to 2005⁶⁶ the following:

(a) Limited transport facilities in all sectors of the Ministry to carry out fieldwork, coordination and monitoring hampered effectiveness and efficiency of work in the Ministry. Though attempts have been made to improve transportation for the department by, for example, providing the three provincial/regional headquarter offices with a vehicle each, as well as making available motorcycles to each District Social Development Office, more needs to be done to enhance efficiency and prevent compromises and setbacks in monitoring exercises, especially where many CBOs and CPAs in the child protection network are better logistically placed than the Ministry;

(b) Lack of trained and adequate staff in the Ministry, especially in professional areas such as the Gender and Children’s Affairs Division, Disability Issues Division and administrative functions such as filing clerk, information technology specialist and shorthand

typist, further compounds the problems of the Ministry. Similarly, the lack of regular refresher training for senior professional staff to keep them abreast of modern approaches to issues on child rights and welfare, weakens the department further;

(c) Inadequate logistics, including too few computers and filing/data processing facilities, lack of public information equipment for community sensitization and unavailability of incentives for SDOs and probation officers, worsen the situation;

(d) Inadequate funds to service the Ministry's numerous welfare programmes, including the provision of ready interim care for the many street children and abandoned children, as well as other children in difficult circumstances, often frustrate the willingness of the Ministry to intervene in even desperate situations. Through the Help to the Needy Programme for example, the Ministry receives numerous requests for scholarships, food, clothing, temporary housing and, inter alia, medical bills for affected children. The funds available to this programme are grossly inadequate for meeting the enormous demands of the unquantifiable child clients and poverty-stricken families with which the Ministry meets and dialogues on a daily basis;

(e) Family/community misconceptions of certain child protection and welfare issues especially at the rural, ethnic and cultural levels operate as structural impediments to the prosecution of certain violations, such as rape, and the promotion of child rights;

(f) The absence of a clear and organized reporting structure and guidelines for abuses and violations against children. In short, overwhelmed by myriad constraints and challenges, the Ministry makes much of the little it has, by strengthening collaborative ties with its CBO and CPA partners, including local and international organizations, across the country.

332. Besides the above constraints and challenges envisaged by the Ministry, the Government notes that much strides have been made in the areas of law reform and policy formulation for child well-being as evidenced by the Child Rights Bill and the draft National Children's Policy, both of which shall hopefully be soon enacted into law or regulated. Furthermore, in the area of enforcement, a strong and sincere disposition by law enforcement agencies backed by the determination and logistical motivation to the Ministry and its networking partners are identified as the necessary ingredients for positive action.

333. In the light of the foregoing, the Government of Sierra Leone particularly undertakes to comply with the recommendations of the Committee in its concluding observations, regarding the provision of adequate resources, necessary authority and support to the Ministry, in order to aid its work for children, as well as to help it "develop a cross-ministerial strategy for the protection of child rights", pursuant to paragraphs 9, 10, 14 and 15 of the concluding observations.

B. Concluding remarks

334. The Government of Sierra Leone has come a long way through a labyrinth of poor governance, illiteracy, mismanagement, poverty, a devastating civil conflict that lasted for a decade and continuing economic constraints. Throughout this trying time, women and children have especially borne the brunt of the hardship and deprivation that are concomitant with these

setbacks. The growth, development and prosperity of women and children are of primary concern to the Government of Sierra Leone. While thanking various donor institutions, organizations, charities, child protection agencies and well-wishers for their support during these difficult times, the Government implores their continued and sustained support to make the vision of “Sierra Leone as a child-caring environment” a reality. On its part, the Government of Sierra Leone will stay focused, determined and committed, and will work assiduously towards the full realization of this vision.

Notes

¹ Article 40 (4) of the national Constitution of Sierra Leone (Act No. 6 of 1991) prescribes that all treaties, conventions and agreements entered into by the President on behalf of the country be approved and domesticated by Parliament, the country’s law-making body.

² Available at website: <http://www.cia.gov/cia/publications/factbook>.

³ The provisional census report estimates the most populous districts to be Port Loko in the north (247,463 people), Kenema in the east (227,428 people) and Bo in the south (209,754 people). There are approximately 127,917 people in the western urban area. Provisional census results, Population and Housing Census 2004, Central Statistics Office, Government of Sierra Leone, with the assistance of the United Nations Population Fund and the European Union.

⁴ See *World Population Prospects: the 2002 Revision, vol. II, Sex and Age Distribution of the World Population* and *vol. III, Analytical Report*, United Nations, New York.

⁵ *The State of the World’s Children 2005*, UNICEF, New York, 2005, p. 138.

⁶ The Temnes and Mendes are the largest ethnic groups spread over the northern and south-eastern provinces respectively. Quite a number of people belonging to both tribes can also be found in the western area.

⁷ NCWAC was established in January 2001 by an Act of Parliament to address and help alleviate the myriad problems affecting children, in the civil war, as well as to advocate and facilitate the domestication and implementation of international instruments on children, to which Sierra Leone is a party. It published a detailed report on street and war-affected children in Sierra Leone in January 2004.

⁸ See the Government of Sierra Leone PRSP Document entitled “A National Programme for Food Security, Job Creation and Good Governance (2005-2007)”.

⁹ See the Official Summary *The State of the World’s Children 2003*, UNICEF, New York, 2003.

¹⁰ *Social Agenda* newsletter, vol. 3, December 2003, Ministry for Social Welfare, Gender and Children’s Affairs, Sierra Leone.

¹¹ *Ibid.*

¹² Ibid.

¹³ The main difference between CPCs and CWCs is their respective compositions and levels of participation in child protection and promotion matters. Whilst CPCs appeal to institutional, mostly governmental and non-governmental participation, CWCs appeal to local community involvement in matters affecting the children of their communities. Both committees work towards the same objective and do so in collaboration with the Ministry.

¹⁴ Sierra Leone has 14 political districts, including 12 in the 3 provincial regions of the north, south and east and 2 in the western area, namely, the western rural and western urban districts, respectively.

¹⁵ Aryee J., “Revised report of assignment for Legislation to Implement the United Nations CRC in Sierra Leone”, 30 August 2001.

¹⁶ CFN was officially launched by the Minister of Children’s Affairs on the Day of the African Child (16 June) 2001.

¹⁷ GKP targets primary and elementary school-goers as it is operated by their peers. The programme educates children on basic things like science, health and sanitation, human rights and use of language, and has a national coverage as well.

¹⁸ At the time of reporting, UNAMSIL is reported to have nearly completed a building near the Ministry for the continuation and sustainability of the “Voice of Children” activities after the expiry of the UNAMSIL mandate in Sierra Leone.

¹⁹ UNICEF-Sierra Leone, in collaboration with the Line Ministry, reports that as at 2005 it had established and made operational a total of 105 village Children’s Clubs in the country.

²⁰ See section 3 of the Act.

²¹ See section 4 of the Act.

²² See the presentation by the Minister, *Social Agenda* newsletter, vol. 3, December 2003.

²³ See the Charter, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force on 29 November 1999. In contrast with the Convention, the Charter defines a “child” as any person below the age of 18 years without any proviso thereto.

²⁴ See UNICEF *A world fit for children*, at paragraphs 31 (a) and 4, respectively, UNICEF, New York, 2002.

²⁵ The Goals were measured against 1995 as the baseline year.

²⁶ See *Sierra Leone Vision 2025, "Sweet Salone"*, Government of Sierra Leone Document (2003).

²⁷ Government of Sierra Leone Document (2005).

²⁸ See Committee on the Rights of the Child, concluding observations: Sierra Leone (CRC/C/15/Add.116).

²⁹ See draft Policy on Child Well-being for National Well-being, August 2004.

³⁰ See section 20 (2) (f) of the Act. See also the Local Government (Devolution of Functions) Regulations (2004) pp. 8-12.

³¹ The current revised Education Act (2004) does not define childhood.

³² By virtue of the Military Forces Act (1961, Act No. 34).

³³ It borrows entirely from the African Charter on the Rights and Welfare of the Child, which leaves no room for a different interpretation of childhood by States parties.

³⁴ Section 16 (2) of the Act.

³⁵ See the "Briefing note on status of disarmament and demobilization of child ex-combatants in all phases", NCDDR (25 April, 2002).

³⁶ The report was a sample survey conducted nationally and focused on 9,955 children in all the regions of Sierra Leone.

³⁷ Act No. 31 (of 1965) at sections 215 and 216.

³⁸ Article 27 (3) of the Constitution (Act No. 6 of 1991).

³⁹ Article 27 (4), at subsection (d) and (e), in particular.

⁴⁰ Part II, section 4 of the Act.

⁴¹ See sections 215 and 216 of the Criminal Procedure Act (1965).

⁴² See section 4 (6) of the Act.

⁴³ See the Children and Young Persons Act (chap. 44 of the Laws of Sierra Leone, 1960).

⁴⁴ Op. cit. at note 10.

⁴⁵ Section 45 (7) of the Act.

⁴⁶ See section 45 of the Act.

⁴⁷ The draft report was prepared by Frances Foord and Katie Paine and represents a rapid response to the situation of children deprived of a family environment. It was funded by UNICEF.

⁴⁸ This includes a total of 6,845 children associated with the fighting forces, also called child ex-combatants.

⁴⁹ *Child Trafficking in Sierra Leone*, Rebecca Surtees, Freetown, Sierra Leone, UNICEF, 2005.

⁵⁰ The Act was passed as a colonial Ordinance in April 1927 and defines a child as a person below 16 years of age. It also outlines crimes and punishments for various categories of persons below 16 years.

⁵¹ See section 4 of the Act.

⁵² For this statistical information, see *Situational Analysis of Orphans and Other Vulnerable Children in Sierra Leone*, July 2005.

⁵³ Ibid.

⁵⁴ See, for example, *Government of Sierra Leone Budget and Statement of Economic and Financial Policies for the Financial Year 2003*, 29 November 2002, at page 26, annex 2, on “Non-salary, non-interest, recurrent budgetary allocations for the financial years 2002-2005”.

⁵⁵ Reference in particular to paragraphs 65 to 69 of CRC/C/15/Add.116.

⁵⁶ See Handout on *The State of the World's Children 2004*, UNICEF-Sierra Leone.

⁵⁷ See *The State of the World's Children 2005*, UNICEF, New York 2005.

⁵⁸ Similar defences also exist in the Protection of Women's and Girls Act (chap. 30, Laws of Sierra Leone, 1960).

⁵⁹ Built for the custody/detention of children awaiting trial and who are without bail or surety. The second Remand Home was recently opened in Bo, southern province of Sierra Leone and is now operational as well.

⁶⁰ Built to rehabilitate children whose offences have been found and are to be reformed and reintegrated.

⁶¹ These exist to serve as transit care centres for children awaiting or undergoing trial.

⁶² For more on the recommendations, see website: <http://www.unicef.org/emerg/SierraLeone-TRCReport.pdf>, last accessed on 11/02/03.

⁶³ See *Sam Hinga Norman*, Appeals Chamber Decision on Preliminary Motion based on Lack of Jurisdiction (Child Recruitment), 31 May 2004 (SCSL 2004-14-AR72-E).

⁶⁴ GOAL, a humanitarian organization registered in Sierra Leone, also did an assessment on disadvantaged children, youths and communities in the western area in November 2004 and came out with similar findings on the situation of street children in the western area.

⁶⁵ Op.cit. at note 10.

⁶⁶ Ibid.
