



Convention on the Rights of the Child

Committee on the Rights of the Child

Fifty-fifth session

13 September – 1 October 2010

Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Concluding observations: Sierra Leone

1. The Committee considered the initial report of Sierra Leone (CRC/C/OPAC/SLE/1) at its 1551st meeting (CRC/C/SR.1551), held on 15 September 2010, and adopted, at its 1583rd meeting, held on 1 October 2010, the following concluding observations:

Introduction

2. The Committee welcomes the submission of the State party's initial report. The Committee further welcomes its written replies (CRC/C/OPAC/SLE/Q/1/Add.1) to the list of issues and appreciates the dialogue with the high-level delegation. The Committee, however, regrets that the information provided by the State party in both the report and the replies to the lists of issues was lacking in detail.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted following the State party's second periodic report under the Convention on 6 June 2008 (CRC/C/SLE/CO/2) and with the concluding observations adopted on its initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/SLE/CO/1) on 1 October 2010.

I. Positive aspects

4. The Committee welcomes the adoption of the Republic of Sierra Leone Recruitment Policy in 2004, followed by the adoption of the Republic of Sierra Leone Recruitment Act in 2006, which prohibits both the voluntary and compulsory enlistment into the armed forces of all persons below 18 years.

5. The Committee further welcomes the following measures:

(a) The promulgation of the Sierra Leone National Commission on Small Arms Act, approved by the Parliament in June 2010, which established a Commission to address the proliferation of small arms in the State party;

(b) The formulation of the Children's Policy in 2006, covering many aspects of child protection, including the prohibition on child recruitment into the armed forces;

(c) The signing of the Special Court Agreement Act in January 2002 which established the Special Court for Sierra Leone with a mandate to prosecute persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996;

(d) The State party's active collaboration with civil society and non-governmental organisations in efforts to provide support to former child soldiers;

(e) The establishment of the National Child Protection Committee to coordinate child protection work between governmental and non-governmental actors at the national level;

(f) The prohibition, contained in section 28(2)(b) of the Child Rights Act (2007), on the use of landmines and other weapons recognized by international law as being harmful to children.

6. The Committee also welcomes the ratification by the State party of:

(a) The African Charter on the Rights and Welfare of the Child, on 13 May 2002;

(b) The Optional Protocol on sale of children, child prostitution and child pornography on 17 September 2001;

(c) The Rome Statute of the International Criminal Court on 15 September 2000.

II. General measures of implementation

Coordination and implementation

7. The Committee takes note of the State party's information that the Ministry of Social Welfare, Gender and Children Affairs is the government agency responsible for the implementation of the Optional Protocol and the coordination of action in this area among regional and local authorities, as well as with civil society. However, the Committee is concerned that the Ministry of Social Welfare, Gender and Children Affairs has insufficient human and financial resources to enable it to fulfil its functions.

8. The Committee recommends that adequate human and financial resources be made available to the Ministry of Social Welfare, Gender and Children Affairs with a view to ensuring the effective implementation of the Optional Protocol and the coordination of plans and policies among the agencies involved.

Independent monitoring

9. The Committee commends the State party on the establishment, in 2007, of the Human Rights Commission, with a mandate to ensure the promotion and protection of human rights, including children's rights. The Committee is, however, concerned that the National Commission for Children envisaged under the Child Rights Act is yet to be established.

10. In light of its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party:

(a) Take expeditious measures to establish and bring into operation the National Commission for Children in accordance with the Paris Principles, and to ensure its independence;

(b) Ensure that the National Commission for Children has adequate human and financial resources to monitor the implementation of children's rights, including the rights contained in the Optional Protocol;

(c) Ensure effective coordination between the Human Rights Commission and the National Commission for Children.

Dissemination

11. The Committee notes with appreciation that, immediately following the end of the armed conflict, extensive awareness-raising and education campaigns on the prevention of the participation of children in armed conflict were launched nationwide by various governmental and non-governmental actors. The Committee is, however, concerned that specific dissemination of the principles and provisions of the Optional Protocol, including through the media, is inadequate and that no information has been provided in relation to plans to integrate awareness-raising programmes in this area in the future.

12. The Committee recommends that the State party take effective measures to disseminate the principles and provisions of the Optional Protocol, particularly in schools and at community level, and ensure that relevant information is published in all national languages and in a form easily accessible to children. The Committee also recommends that the State party encourage the media to participate in activities to disseminate the Optional Protocol.

Training

13. The Committee welcomes the inclusion of training on the Child Rights Act (2007) and child protection in the curricula of the armed forces and the police following advocacy by the Ministry of Social Welfare, Gender and Children Affairs. It also notes that the armed forces' military codes are substantially in conformity with the Optional Protocol and that training on child rights has been provided to parliamentarians, magistrates and local councils. It is, however, concerned that other groups of professionals working with children, including social workers and medical professionals, have not had access to similar training.

14. The Committee recommends that the State party continue to provide training on the Optional Protocol to members of armed forces, the police, the legislature, the judiciary and local authorities. It further recommends that this training be expanded and be made available on a systematic basis to all groups of professionals working with children, including social workers and medical professionals.

Data

15. The Committee commends the State party for its efforts in the area of data collection, including the Ministry of Social Welfare, Gender and Children Affairs' database on family tracing and reunification and the database on former combatants, including children, maintained by the National Commission for Disarmament, Demobilisation and Re-integration. The Committee notes with concern that these databases are no longer in operation and that there is no data collection system covering child protection matters relevant to the Optional Protocol.

16. The Committee recommends that the State party:

(a) Establish a comprehensive data collection system and ensure that data is disaggregated, inter alia, by age, sex, geographical area and socio-economic background, and systematically collected and analyzed;

(b) Use the data collected as a basis for designing policies to implement the Optional Protocol and assessing progress achieved towards this objective; and

(c) Seek the assistance of relevant United Nations agencies and programmes, including UNICEF, in this regard.

III.Prevention

Voluntary and compulsory recruitment

17.The Committee welcomes the declaration entered by the State party under article 3 of the Optional Protocol, which sets the minimum age of recruitment into the armed forces at 18 years. It also welcomes information that the State party has strictly adhered to this age limit since its ratification of the Optional Protocol in May 2002.

18. The Committee recommends that the State party continue to ensure that persons who have not attained the age of 18 are not compulsorily or voluntarily recruited into the armed forces, in compliance with article 2 of the Optional Protocol.

Birth registration

19.The Committee takes note of the ongoing nationwide birth registration programme and the designation of primary health-care facilities as alternative birth registration centres. It is however, concerned that the majority of children in Sierra Leone are not registered at birth due to lack of information and a poor understanding of the importance of birth registration, the lack of registration facilities in remote and rural areas and the prohibitive costs involved. The Committee emphasizes its concern that the failure to register all children at birth renders it difficult to verify the ages of young recruits.

20. The Committee recommends that the State party:

(a) Ensure that birth registration is free and compulsory in practice;

(b) Establish appropriate administrative mechanisms at all levels, including village and local levels, to register the births of all children;

(c) Consider the use of mobile birth - registration units, particularly for remote areas;

(d) Conduct awareness-raising campaigns, with the support of community leaders, to promote birth registration;

(e) Provide information, in its next periodic report under the Convention, on the impact of the measures taken to improve birth registration.

Peace education

21.The Committee commends the State party on its participation in the development of a training guide for teachers, developed by UNICEF, on issues including human rights, peace and conflict, reconciliation and child rights. The Committee notes with appreciation that teacher training in these subjects is now underway and that negotiations with UNICEF on including these subjects in the school curricula are in progress.

22. The Committee recommends that the State party proceed with the incorporation of peace and human rights education and other relevant subjects, into the curricula of all schools, with a view to promoting a climate of tolerance and peace.

IV.Prohibition and related matters

Recruitment by non-State armed groups

23.The Committee notes with appreciation that both the Republic of Sierra Leone Recruitment Act (2006) and the Child Rights Act (2007) prohibit the voluntary and compulsory recruitment of children into the State party's armed forces. It is, however, concerned that the State party's legislation does not criminalize the use of children in hostilities or the recruitment of children and their use in hostilities by armed groups who are not part of the State party's military.

24. The Committee recommends that the State party, with a view to strengthening measures for the prevention of the recruitment of children and their use in hostilities, explicitly prohibit by law and criminalize the use of children in hostilities by the armed forces and the recruitment and use of children in hostilities by non-State armed groups.

Extraterritorial jurisdiction

25.The Committee expresses its concern that the State party's penal law does not provide for the exercise of extraterritorial jurisdiction in cases involving the offences set out in the Optional Protocol.

26. The Committee recommends that the State party amend its penal law in order to provide for the exercise of extraterritorial jurisdiction for the offences set out in the Optional Protocol when they are committed by or against a person who is a citizen of or has other links with the State party.

V.Protection, recovery and reintegration

Disarmament, demobilization and reintegration (DDR)

27.The Committee notes the efforts made by the State party towards the disarmament, demobilization and reintegration of children

recruited into armed groups or used in hostilities, as well as the State party's policy of treating former child combatants as victims rather than offenders. The Committee is, nevertheless, concerned that, relative to the estimated number of children who participated in the armed conflict, few benefitted from the DDR programme due, in part, to the fear of stigmatization and the ineligibility of those not deemed to have been directly involved in hostilities.

28. The Committee recommends that the State party:

(a) Take effective measures to monitor the situation of former child combatants who were not included in the DDR process, particularly girls, with a view to providing them with the assistance necessary to facilitate their full reintegration ;

(b) Ensure the payment of reparations to former combatants in accordance with the recommendations of the Truth and Reconciliation Commission.

Assistance for physical and psychological recovery

29. The Committee takes note of the work of the now-defunct National Commission for War Affected Children, established in January 2001, in providing psychosocial counselling and training opportunities for children affected by armed conflict. The Committee remains concerned about the inadequate attention paid to the physical and psychological recovery needs of former child combatants, particularly girls formerly associated with armed groups, the majority of whom have been victims of sexual violence and who continue to suffer stigma as a result.

30. The Committee recommends that the State party take all necessary measures to address the physical and psychological recovery needs of former child combatants, particularly girls who have been victims of sexual violence and, to this end, develop and implement a comprehensive programme of assistance and support. The Committee encourages the State party to seek technical assistance from relevant United Nations agencies and programmes, including UNICEF, in this regard.

Treatment of children associated with armed forces or groups

31. The Committee notes that the Statute of the Special Court for Sierra Leone provides that the Special Court shall not have jurisdiction over any person who was under the age of 15 at the time of the alleged commission of the crime. It also notes the provisions in the Statute on the treatment of children above the age of 15 appearing before the Court, in particular the possibility for the Special Court to order, inter alia, care guidance and supervision orders, community service orders, counselling and correctional, educational and vocational training programmes. The Committee expresses its concern that, upon the termination of the mandate of the Special Court, these practices may not be continued by the national courts.

32. The Committee strongly recommends that the State party continue, and incorporate into its legislation, the practice of the Special Court with regard to the treatment of former child combatants as victims, the treatment of children appearing before the Special Court and other child protection matters. The Committee also encourages the State party to draw inspiration from the jurisprudence of the Special Court in this area.

Arms export

33. While noting the State party's information that no arms are exported out of Sierra Leone, the Committee is concerned that the State party's legislation does not prohibit the sale of arms to countries where children are being recruited by armed forces or groups or used in hostilities, or where they are at risk of falling victim to these practices.

34. The Committee recommends that the State party consider introducing a specific prohibition on the sale or transfer of arms where the final destination is a country where children may be, or are being, recruited or used in hostilities.

VI. International assistance and cooperation

35. The Committee recommends that the State party strengthen its cooperation with other countries in the Mano River Union, particularly in the field of security sector reform, with a view to monitoring regional threats to security, such as the proliferation of weapons, and promoting peace-building initiatives.

36. The Committee further recommends that the State party, in accordance with article 7 of the Optional Protocol, strengthen its bilateral and multilateral cooperation, particularly with countries in the region in the implementation of the Optional Protocol, including in the prevention of any activity contrary thereto and in the rehabilitation and social reintegration of persons who are victims of acts contrary to the provisions of the Optional Protocol.

VII. Follow-up and dissemination

37. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the Head of State, the Supreme Court, Parliament, relevant ministries and local authorities for appropriate consideration and further action.

38. The Committee recommends that the report and written replies submitted by the State party and these concluding observations be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups, and children themselves in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

VIII.Next report

39. In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol and these concluding observations in its combined third and fourth periodic reports under the Convention , due on 1 September 2012 , in accordance with article 44 of the Convention.