



Convention on the Rights of the Child

Committee on the Rights of the Child

Fifty-fifth session

13 September–1 October 2010

Written replies by the Government of Sierra Leone to the list of issues (CRC/C/OPSC/SLE/Q/1) related to the consideration of the initial report of Sierra Leone submitted under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/SLE/1)*

(30 November 2009)

1.(a) There is no statistical data available on the number of reported cases of sale of children, child prostitution and child pornography;

(b) Statistical data on the number of children trafficked to and from Sierra Leone, as well as trafficked within the country, comes jointly from International Organisation for Migration (IOM) and the Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA). This information given here is limited to those cases officially reported to IOM and the MSWGCA:

Victims of Trafficking (VoTs) – October 2006 to October 2008

Total Minors and Adults

VOTs	Internal trafficking	Cross border trafficking	International trafficking	TOTAL
Minors	101	9	3	113
Adults	24	5	3	32
Total	125	14	6	145
Types of Exploitation				
Domestic exploitation	71	10	2	83
Sexual exploitation	42	4	4	50
Others	12	0	0	12
Total	125	14	6	145
Gender				
Female	88	10	4	102
Male	37	4	2	43
Total	125	14	6	145
Age Breakdown				
18 years and above	27	4	3	34
11 – 17 years	79	10	3	92
8 – 10 years	9	0	0	9
2 – 7 years	7	0	0	7
0 – 2 years	3	0	0	3
Total	125	14	6	145

Victims of Trafficking (VoTs) – January to November 2009

Total Minors and Adults

VOTs	Internal trafficking	Cross border trafficking	International trafficking	TOTAL
Minors	20	3	0	23
Adults	1	0	0	1
Total	21	3	0	24
Types of Exploitation				
Domestic exploitation	18	3	0	21
Sexual exploitation	2	0	0	2
Others	1	0	0	1
Total	21	3	0	24
Gender				
Female	16	0	0	16
Male	5	3	0	8
Total	21	3	0	24
Age Breakdown				
18 years and above	1	0	0	1

11 – 17 years	18	1	0	19
8 – 10 years	1	2	0	3
2 – 7 years	1	0	0	1
0 – 2 years	0	0	0	0
Total	21	3	0	24

(c) There is no statistical data held on the number of child victims provided with recovery assistance and compensation as indicated in article 9, paragraphs 3 and 4 of the Optional Protocol.

2. The Ministry of Social Welfare, Gender and Children's Affairs has developed a framework and budget for establishing the National Commission for Children. The budget for the National Commission for Children was included in the Ministry's 2010 budget which is effective from January 2010. The Minister will advise His Excellency the President on the appointment of the Chairman of the National Commission for Children.

3. The Anti-Human Trafficking Act, the Domestic Violence Act and the Child Rights Act training packages all contain awareness about some aspects of the Optional Protocol. There has been a lot of sensitisation particularly over the radio which has nationwide coverage.

4. Primary Health Units act as birth registration centres. Primary health-care workers have been trained to fill in the necessary forms to register new births. Every District Birth Registration office has been supplied with a computer on which a Birth Registration database has been set up. Birth registrars have been trained on how to input information into the database. As yet there is no central pool of data, which is being looked into.

5. The Ministry of Social Welfare, Gender and Children's Affairs has drafted a Bill on Sexual Offences. This is one of five Gender Bills of which three have been enacted. This Bill is an all-encompassing Bill on sexual offences covering children and adults. The Bill has been validated by all stakeholders. The Ministry is currently awaiting the validation report after which the Bill will be sent to the Attorney General and Cabinet and then parliament to be enacted.

6. The Ministry of Social Welfare, Gender and Children's Affairs established a committee made up of partner NGOs and the Ministry to review the contradictions between different Acts and the Child Rights Act. The review concluded that the Registration of Customary Marriage and Divorce act will require amendment in order to be in line with the Child Rights Act.

7. A committee was established by the Ministry of Social Welfare, Gender and Children's Affairs to review the Anti-Human Trafficking Act as well as the Adoption Law. The committee placed a moratorium on all adoptions in May 2009. The committee has made some amendments to the Adoption Act and is currently awaiting the final draft of the amended Act which is with the Law Officers Department. The amended Adoption Act sets out the steps for legal adoption so there was no need to specifically legislate against illegal adoption since failure to follow the steps for legal adoption will constitute a crime under the amended Act.

8. The definitions as indicated in article 2 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography have not been incorporated into Sierra Leonean legislation. However, the following definitions as indicated in the following articles of the Optional Protocol are in Sierra Leonean legislation:

The definition in article 3, paragraph 1(a) (i) a and c of the Optional Protocol is contained within the Anti-Human Trafficking Act of 2005, provision 2.3

The definition in article 3, paragraph 1 (a) (ii) is contained within the Adoption Law of 1989 provision 6.1(c)

The definition in article 3, paragraph 1(b) of the Optional Protocol is contained within the Anti-Human Trafficking Act of 2005, provision 2.3

9. Therefore, the above provisions (the sale of children for the purposes of sexual exploitation and engagement of the child in forced labour and improperly inducing consent for the adoption of a child and offering/obtaining/procuring/providing a child for child prostitution) are criminalised under Sierra Leonean law.

10. Under the Anti-Human Trafficking Act, Provision 14, a court in Sierra Leone shall have jurisdiction to try an offence under this Act, i.e. the sale of children for purposes of sexual exploitation and engagement of the child in forced labour and offering/obtaining/procuring/providing a child for child prostitution, where the act constituting the offence has been carried out:

(a) Wholly or partly in Sierra Leone;

(b) By a citizen of Sierra Leone anywhere;

(c) By a person on board a vessel or aircraft registered in Sierra Leone.

12. Sierra Leone is a signatory to the ECOWAS Convention on Extradition but has not yet ratified the convention. Once Sierra Leone ratifies the Convention and integrates the provisions into Sierra Leonean law then extradition would be possible for all offences listed in the Optional Protocol if they are considered an offence under law in Sierra Leone. Even so, under this Convention extraditions within the ECOWAS area can still be effected.

13. Sierra Leone has criminal laws which are all encompassing. In the case of the sale of children, child prostitution and child pornography the perpetrator would be charged under the appropriate section of the appropriate law. There is no provision to establish liability of legal persons of the sale of children, child prostitution or child pornography.

14. Training has been given to the judiciary, police, NGOs, community leaders and service providers amongst others on the Anti-Human Trafficking Act, the Gender Acts and the Child Rights Act.

Child victims of the offences in the Optional Protocol are housed in temporary shelter such as an approved residential home. They are taken to and from court and given counselling by the Family Support Unit (FSU) and the social workers from the Ministry of Social Welfare, Gender and Children's Affairs. Once the case gets to court the Ministry can request that the proceedings be held in the chambers of the magistrate to ensure the child victim's identity is kept secret and the procedures are more child-friendly.

15. Victims of trafficking- which includes the sale of children for the purposes of prostitution - are provided with temporary shelter where they receive psychosocial counselling. Their families are traced and efforts made to reunify them. Each child gets a reunification package depending on their individual circumstances and there is follow up monitoring of the child. In the MSWGCA's 2010 budget there is provision made for the Ministry to augment whatever IOM is providing in terms of reintegration and monitoring.

16. The Anti-Human Trafficking Act includes provision for bilateral and multilateral cooperation though this is not as yet strong. The ECOWAS Convention on Extradition and the ECOWAS Convention on Mutual Assistance on Criminal Matters strengthens links between countries in the sub-region though neither convention has been ratified by Sierra Leone as yet.