



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Fifty-fifth session

#### Summary record of the 1549th (Chamber B) meeting

Held at the Palais Wilson, Geneva, on Wednesday, 15 September 2010, at 10 a.m.

*Chairperson:* Mr. Zermatten (Vice-Chairperson)

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*The meeting was called to order at 10.15 a.m.*

**Consideration of reports of States parties** *(continued)*

*Initial report of Sierra Leone on the implementation 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; CRC/C/OPSC/SLE/Q/1; written replies of the State party to the Committee's list of issues.<sup>1</sup>)*

*Initial report of Sierra Leone on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/SLE/1; CRC/C/OPAC/SLE/Q/1; CRC/C/OPAC/SLE/Q/1/Add.1)*

1. *At the invitation of the Chairperson, the delegation of Sierra Leone took places at the Committee table.*

2. **Mr. Rogers** (Sierra Leone) said that Sierra Leone was a small West African country with a surface area of approximately 70,000 km<sup>2</sup> and a population of about 5 million. The country had been ravaged by a civil war, and women and children in particular had suffered the consequences. On 8 September 2000 and 15 May 2002, respectively, Sierra Leone had signed and ratified the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography. Since its submission, in August 2007, of its initial reports on the implementation of those two instruments, there had been a change of Government in Sierra Leone. Child policies remained largely the same, but the new Government had asked all citizens to adopt a positive attitude to help lift the country out of poverty. Improving maternal and child health, education and the water supply were at the core of the Government's strategy.

3. The public sector was being reformed, with the support of foreign donors, to improve services. Under the reforms, the Ministry of Social Welfare, Gender and Children's Affairs was to become the Ministry of Social Welfare and would be better placed to coordinate and monitor child protection. The Ministry had created five directorates, including one specifically focused on children's affairs. It continued to receive much needed support from donors, especially the United Nations Children's Fund (UNICEF) and other specialized United Nations agencies and national and international NGOs.

4. Since the submission of the initial reports, new legislation had been enacted, namely: the 2007 Child Rights Act, which incorporated the provisions of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child into domestic legislation; the 2007 Domestic Violence Act; and the Registration of Customary Marriage and Divorce Act, also of 2007. The 2010 Adoption Act was awaiting parliamentary approval, the 2010 Anti-Human Trafficking Act was before the Cabinet, and a bill on sexual offences was scheduled to be presented to the Cabinet in September 2010.

5. Sierra Leone faced several challenges. Most of the population lived in rural areas and followed traditional practices. The Government was working with traditional leaders to educate the population about national legislation and to enforce it. Pervasive poverty continued to leave people, and especially children, vulnerable to sexual exploitation. Section 27 of the Constitution of 1991 had been found to discriminate against women and girls and still needed to be reformed.

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<sup>1</sup> Subsequently issued as CRC/C/OPSC/SLE/Q/1/Add.1 and CRC/C/OPAC/SLE/Q/1/Add.1.

*Initial report of Sierra Leone on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*

6. **Ms. El Ashmawy** (Country Rapporteur for the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) said that political unrest in Sierra Leone had damaged the country's already weak institutions, generated poverty, affected infrastructure development and hindered economic development. The country had nevertheless taken ambitious steps to meet the requirements of the Optional Protocol, including: the enactment in 2007 of the Child Rights Act, which criminalized forced child labour and other forms of economic and sexual exploitation; the adoption in 2005 of the Anti-Human Trafficking Act; the creation of a task force on trafficking in persons; and the ratification of the Optional Protocol on the involvement of children in armed conflict and the African Charter on the Rights and Welfare of the Child.

7. She wished to know whether the National Commission for Children was already functioning, what its mandate was and what plans it had for implementing the Protocol. She asked why it had been established within the Ministry of Social Protection, Gender and Children's Affairs rather than as an autonomous entity.

8. There were no statistical data on the number of children sold or engaged in prostitution or pornography or on the number of children provided with recovery assistance and compensation, and she asked what steps were being taken to remedy that situation. She also wished to know whether the State party intended to bring the Child Rights Act into line with the Optional Protocol and what measures had been taken to fully enforce the Anti-Human Trafficking Act.

9. She asked whether the State party was working on coordinating efforts to address the issues covered by the Optional Protocol and to designate roles and responsibilities to the competent State institutions so that they could prosecute and punish traffickers and better assist and support child victims of trafficking. She wished to know what border measures to prevent trafficking had been taken and what efforts were under way to attack the root causes of the problem and to improve the economic situation of families so that they were less vulnerable to exploitation and trafficking. Finally, she asked whether the State party intended to ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, signed in November 2001.

10. **Mr. Krappmann** commended the State party for its efforts to promote awareness of the issues covered by the Optional Protocol and asked for more information on the training programmes carried out.

11. The Committee regretted that there was no specific budget allocation for the implementation of the Optional Protocol and stressed the importance of assigning resources to awareness-raising, prevention and victim assistance activities under a separate budget line, as that would underscore the importance attached to combating the offences covered by the Optional Protocol.

12. It was also important to ensure independent monitoring of Government action to combat those offences, and he wished to know whether the planned National Commission for Children would assume responsibility for that task.

13. **Mr. Filali** asked about the place that international human rights instruments, including the Optional Protocol, occupied in Sierra Leone's domestic legislation. The 2004 Act establishing the Human Rights Commission, the 2005 Anti-Human Trafficking Act and the 2007 Child Rights Act were the main instruments for child protection and for the

implementation of the Optional Protocol, but he wished to know whether customary constitutional law was also applicable and, if so, what its vision of the child was.

14. He asked whether the authorities had reviewed existing laws and provisions with a view to repealing any legislation that contravened the Optional Protocol. He requested information on measures taken by the State party to combat poverty, ignorance and corruption, and asked whether the Criminal Code contained a definition of the offences covered by the Optional Protocol and whether the State party intended to ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. The lack of statistics on the sale of children, child prostitution and child pornography was regrettable, and he asked what was being done to establish criminal statutes to make it possible to prosecute and punish those guilty of such crimes.

15. **Mr. Koompraphant** asked whether there was a specific mechanism for detecting cases of the sale of children, child prostitution and child pornography, whether child witnesses received assistance and protection and what measures were envisaged for cases in which the perpetrator was a member of the victim's family.

16. **Ms. Maurás Pérez**, referring to the Government programme to promote a positive attitude and improve the well-being of the population, said that, according to reports from civil society organizations and UNICEF, the early age at which people were married, the custom of placing children with another family, the culture of sexual and economic exploitation of children and the low status of women in Sierra Leonean society were the root causes of the problems facing the country. The Government should take into account the latest studies, such as the UNICEF survey on early pregnancy, in its agenda for change. She wished to know whether the Government planned to organize nationwide awareness campaigns in all the languages spoken in the country to encourage changes in attitude. She also asked whether the tourism industry was regulated in Sierra Leone.

17. Given the numerous agreements signed in West Africa and Central Africa, especially within the framework of the Economic Community of West African States (ECOWAS), to combat human trafficking, she asked what action Sierra Leone had taken to give effect to those regional agreements. She was surprised that the Ministry of Social Welfare, Gender and Children's Affairs was not part of the body coordinating trafficking issues within the Mano River Union.

18. **Ms. Varmah** said that although Sierra Leone was not a popular tourist destination, mainly because of its lack of infrastructure, some tourists went there in search of sexual services in places where child prostitutes were available. She asked whether the delegation had any information on the sexual exploitation of children by foreigners.

19. Over 52 per cent of Sierra Leonean children were not registered at birth because their parents did not know how to register them, the procedure cost money and there were no civil registry offices in the communities. She wished to know whether the State party had organized awareness campaigns on the importance of registering children at birth and on the procedures involved and whether it had set up mobile birth registration units to go out into the communities. She asked whether registration of births was obligatory by law.

20. **The Chairperson** asked whether the Criminal Code provided for the prosecution and punishment of legal entities, including those guilty of the offences covered by articles 2 and 3 of the Optional Protocol, and, if so, what sanctions such entities could incur, whether they could be banned and whether their assets could be seized.

21. He also wished to know whether Sierra Leone had established universal jurisdiction over the offences listed in the Optional Protocol and whether it arranged extraditions on the basis of the Optional Protocol rather than bilateral or multilateral extradition treaties entered into with neighbouring States, other States in the subregion or States elsewhere.

*The meeting was suspended at 11.15 a.m. and resumed at 11.45 a.m.*

22. **Mr. Rogers** (Sierra Leone) said that the birth registration system had been improved considerably, particularly through the training given to social workers on awareness-raising among pregnant women and through the computerization, with UNICEF help, of the civil registries in the biggest towns in districts.

23. Measures had been taken to reduce the risk of children falling victim to the offences covered by the Optional Protocol, and the penalties for sexual offences were amongst the heaviest. The new bill on sexual offences, which covered both children and adults, was currently under consideration and would soon be submitted to Parliament for adoption.

24. The country did not have statistics on the number of children sold or engaged in prostitution or pornography. The data on the number of children trafficked to and from Sierra Leone provided in the written replies to the list of issues came from the International Organization for Migration and the Ministry of Social Welfare, Gender and Children's Affairs. In March 2010, that Ministry, together with the Justice Sector Development Programme, had set up a resource centre to centralize all the Ministry's data collection efforts. With the reorganization of the Ministry, a new directorate for policy development and strategic planning had been established. One of its key functions would be to collect, analyse and use data and to coordinate research with a view to developing better programmes and policy.

25. **The Chairperson** asked whether the National Commission for Children would be totally independent.

26. **Mr. Rogers** (Sierra Leone) said that the Commission would be totally independent. It would basically be composed of representatives of NGOs and would answer to Parliament.

27. **Ms. El Ashmawy** asked whether child protection committees had been set up at the local level.

28. **Mr. Rogers** (Sierra Leone) said that child protection committees had been set up at the village level, which was not that straightforward given the number of villages and hence the communication and coordination problems involved. Each village and district was administered by a *chefferie* (chieftancy), and it was through those two levels of administration that information reached the Government.

29. **Mr. Filali** said he wished to know whether the criminal legislation applicable to the sale of children, child prostitution and child pornography contained definitions that matched those in the Optional Protocol and whether the trafficking of children and the sale of children were recognized as two distinct offences. If that legislation had already been invoked in court, he wished to know the case law that had been established as a result.

30. **Ms. El Ashmawy** asked whether customary law set a minimum age for marriage and for sexual consent.

31. **Mr. Rogers** (Sierra Leone) said that some marriages were still entered into at the age of 9. Aware of the need to remedy that situation, the Ministry of Social Welfare, Gender and Children's Affairs was reviewing the contradictions between national legislation and customary law with a view to harmonizing the Child Rights Act and the Registration of Customary Marriage and Divorce Act. The latter needed to be amended to establish a single minimum age for marriage of 18 years.

32. As to sexual offences, a bill that addressed a number of the subjects covered by the Optional Protocol had already been drafted and should be reviewed before the end of 2010. The Anti-Human Trafficking Act, which had been in force since 2005, was also largely

inspired by the Optional Protocol and established heavier penalties for sexual offences committed against children.

33. A bill on the sale of children was before Parliament. Once adopted, the bill would apply to both individuals and legal entities, including NGOs. An NGO had recently been implicated in the sale of children to the United States, and a commission of inquiry had been set up to shed light on the matter. As a result, specific measures had been taken to prevent such incidents from occurring in the future.

34. As a member of the Economic Community of West African States and the Mano River Union, Sierra Leone had signed extradition treaties with the other members of those regional organizations.

35. A moratorium on adoptions had been in place since 2009 pending Parliament's approval of the amended Act on Intercountry Adoption, which would incorporate the provisions of the Hague Convention. The Act would establish a system of adoption panels, consisting of representatives of the Ministry of Social Welfare, Gender and Children's Affairs, civil registries and the judiciary, as well as the police and immigration officers and a medical doctor, to examine adoption applications, vet potential adoptive parents and, if appropriate, issue placement orders. Later a court would make the adoption official.

36. **The Chairperson** asked if the State party intended to ratify the Hague Convention and whether the moratorium applied only to intercountry adoptions.

37. **Mr. Rogers** (Sierra Leone) said that a distinction was made between traditional adoptions, which were still authorized and generally consisted of giving one of one's children to a female relative who could not have children, and intercountry adoptions, on which the authorities had decided to place a moratorium as they were giving rise to abuses.

38. The President, whose party held a majority in Parliament, had signed and stated his intention to ratify the Hague Convention. Ratification should therefore take place shortly after Parliament reconvened. The ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Convention), was also under consideration.

39. **The Chairperson** asked what measures had been taken to prevent the offences covered by the Optional Protocol and to tackle their root causes.

40. **Mr. Rogers** (Sierra Leone) said that when a poor country like Sierra Leone became a conflict zone, it was soon flooded by NGOs, some of whose members took advantage of their position to exploit children. The main preventive action that the authorities had been able to take had been to draft legislation so that individuals would have to answer for their actions.

41. **Ms. El Ashmawy** asked whether shelters and free telephone hotlines were available to children.

42. **Mr. Rogers** (Sierra Leone) said that each district had arrangements not only for housing and feeding, but also for educating children who had been orphaned by the war. Some of the homes for street children were State-run, while others were operated by NGOs.

43. **Ms. Maurás Pérez**, referring to paragraphs 23 to 25 of the State party's report, asked about the measures taken to overcome the difficulties that were preventing the State party from fully meeting its obligations under the Optional Protocol and to change attitudes. She requested information in particular on the practice of giving children to relatives.

44. **Mr. Rogers** (Sierra Leone) said that a distinction needed to be drawn between the custom of entrusting a child to friends or relatives so that the child could benefit from a

better upbringing, which was common among poor rural families, and the practice of placing children in a family that was leaving the country. In the latter case, the children would lose contact with their birth family and risk becoming victims of sexual violence. Parliament needed to adopt legislation to ensure that such placements would be subject to judicial procedures.

*Initial report of Sierra Leone on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

45. **Mr. Pollar** (Country Rapporteur for the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict) noted that Sierra Leone had ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in 2002, but had understandably not been able to submit the initial report that was due two years after ratification owing to the armed conflict in the country at the time.

46. He welcomed the positive achievements of the State party regarding the implementation of the Optional Protocol, in particular its collaboration with civil society and the NGOs providing support to former child soldiers, the hearings held by the Truth and Reconciliation Commission, the plan to pay compensation to war victims, including children, the complete ban on the use of weapons by anyone other than the armed forces, and the implementation of the ECOWAS Convention on the Proliferation of Small Arms and Light Weapons, Their Ammunition and Other Related Materials.

47. As to the general implementation measures, he wished to know whether the National Human Rights Commission had participated in the preparation of the report, how the administrative regions had been involved, and whether the report had been disseminated. He asked whether the Ministry of Social Welfare, Gender and Children's Affairs, which was the coordinating body for monitoring the implementation of the Optional Protocol, had sufficient human, material and financial resources to fulfil that role, what formal mechanisms had been put in place to monitor and evaluate the implementation of the Optional Protocol and which body registered complaints of violations of the Optional Protocol. He also asked for information on the data collection system used.

48. He requested more information on the measures taken to prevent the recruitment of children by non-State forces and specifically on the sanctions established in the 2007 Child Rights Act for the recruitment of children into the armed forces. He also wished to know whether Liberians United for Reconciliation and Democracy (LURD) continued to recruit children and whether there were children in the training camps in Liberia or Côte d'Ivoire.

49. **Ms. Maurás Pérez** said she wished to have more details about the activities carried out to raise awareness nationwide of the Optional Protocol and related instruments. She also wished to know if versions of the Option Protocol and related instruments were made available in all the languages spoken in the country and in a form accessible to children. Were any activities to raise awareness of children's rights and the provisions of the Optional Protocol held in schools and communities?

50. She asked whether the State party received support from international organizations or other States for implementing international resolutions, and Security Council resolution 1612 (2005) in particular, and whether it intended to pass legislation to prohibit the transfer of weapons to countries where children were liable to be recruited as soldiers.

51. **Mr. Filali** said he wished to know the status of the Optional Protocol in the national legislative framework. He asked whether schools set up near military barracks were run by the Ministry of Education or the Ministry of Defence and whether the pupils in them received military training. He wished to know which techniques were used to determine the age of new recruits.

52. **Mr. Koompraphant** asked whether there were any Government support services or programmes for victims of recruitment.

53. **Mr. Krappmann** said he wished to know whether human rights education programmes were given in schools and whether they included education for peace.

54. **The Chairperson** asked how the State party could intervene to prevent the recruitment of persons under the age of 18 by the armed forces or armed groups when the recruitment of minors was not an offence in Sierra Leone. He also wished to know if it was possible to prosecute anyone who recruited Sierra Leonean children abroad.

55. He wished to know why only 7,000 of the 70,000 children involved in the armed conflict had received assistance under the demilitarization, demobilization and social reintegration process.

*The meeting rose at 1 p.m.*