

**COMMITTEE ON THE RIGHTS OF THE CHILD**

**Forty-eighth session**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 44 OF THE CONVENTION**

**Concluding Observations of the Committee on the  
Rights of the Child: Sierra Leone**

1. The Committee considered the second periodic report of Sierra Leone (CRC/C/SLE/2) at its 1330<sup>th</sup> and 1331<sup>st</sup> meetings (see CRC/C/SR. 1330 and 1331), held on 29 May 2008, and adopted, at the 1342<sup>nd</sup> meeting, held on 6 June 2008, the following concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the second periodic report as well as the written replies to its list of issues (CRC/C/SLE/Q/2/Add.1) and commends the frank and self-critical nature of both the report and the replies to the list of issues, which gave a better understanding of the situation of children in the State party. The Committee regrets, however, that due to unforeseen circumstances, the State party was unable to send a multi-sectoral delegation to participate in the dialogue and therefore responses could not be provided on some issues raised.

**B. Follow-up measures and progress achieved by the State party**

3. The Committee welcomes the adoption of the following legislation and measures:
  - (a) the Education Act 2004;
  - (b) the Trafficking in Persons Act 2005;
  - (c) the Inheritance Act in 2007;
  - (d) the Customary Marriage Act in 2007;
  - (e) the Domestic Violence Act in 2007;
  - (f) the national Child Rights Act in 2007;
  - (g) the Human Rights Commission in 2004 and;
  - (h) the National Children's Policy in 2006.

4. The Committee welcomes the implementation of a number of programmes and projects related to child rights issues, including:
  - (a) the justice sector development programme;
  - (b) the orphans and other vulnerable children's programmes;
  - (c) the child friendly centre programme;
  - (d) the Family Support Programme of Sierra Leone; and
  - (e) the Cross Border Family Tracing and Reunification Programme.
  
5. The Committee welcomes the ratification by the State party of:
  - (a) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in September 2001;
  - (b) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in May 2002; and
  - (c) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in April 2001.

### **C. Main areas of concern and recommendations**

#### **1. General measures of implementation (arts. 4, 42 and 44, paragraph 6 of the Convention)**

#### **Committee's Previous Recommendations**

6. The Committee notes that several concerns and recommendations made upon the consideration of the State party's initial report (CRC/C/15/Add.116) have been addressed. However, it regrets that some of its concerns and recommendations have been insufficiently or only partly addressed, including those related to coordination, data collection and discrimination.
  
- 7. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial report that have not yet been implemented or sufficiently implemented and to provide adequate follow-up to the recommendations contained in the present concluding observations on the second periodic report. In this context, the Committee draws the attention of the State party to general comment No.5 on general measures of implementation.**

#### **Legislation**

8. The Committee particularly welcomes the recent adoption of the Child Rights Act, which broadly encompasses many areas of protection of child rights, as well as other legislation directly or indirectly relevant to child rights. The Committee takes note with appreciation of the fact that the Act was drafted to take into account the concluding observations relating to the State party's initial report in 2000 (CRC/C/15/Add.116). The Committee also notes with interest that an implementation plan is being prepared, and an information dissemination strategy is being designed, for the Child Rights Act.

9. **The Committee encourages the State party to take, as a matter of priority, all appropriate measures to ensure that the Child Rights Act has precedence, in juridical terms and in practice, over previous legislation relating to child rights. The Committee also recommends that the State party ensure adequate human and financial resources for the full implementation of the Act's provisions, particularly with regard to the ability of local councils to carry out the necessary planning and implementation of programmes in this regard.**

#### **Coordination**

10. The Committee notes with interest that the Child Rights Act calls for the establishment of a National Commission for Children which will coordinate activities on child related issues. The Committee notes, however, that this Commission has not yet been established. The Committee is concerned that, currently, the coordination role is divided between a large number of task forces that have been established, each dealing with specific child-related issues.
11. **The Committee recommends that the State party establish a high-level body responsible for coordination of activities on child-related issues and that it ensure that this body has the adequate financial and human resources to carry out its role efficiently.**

#### **National Plan of Action**

12. The Committee notes with appreciation the draft National Policy on Child Well-being, which is intended to combine with other laws to protect, promote and enforce child rights. The Committee is concerned, however, that there is no national plan of action on children.
13. **The Committee encourages the State party to adopt a National Plan of Action on Children and to ensure that it addresses fully all of the rights of the child enshrined in the Convention, and takes into account the outcome document "A World Fit for Children" adopted by the United Nations General Assembly at its special session on children held in May 2002 and its mid-term review of 2007. The Committee also recommends that the State party provide a specific budget allocation and adequate follow-up mechanisms for full implementation of the Plan and ensure that it is equipped with an evaluation and monitoring mechanism to regularly assess progress achieved and identify possible deficiencies. The Committee encourages the State party to also monitor the implementation of the "Accelerated Call for Action" adopted during the mid-term review of "Africa Fit for Children, held in Cairo in November 2007.**

#### **Independent monitoring**

14. The Committee notes with appreciation that the newly operational Human Rights Commission has a broad mandate to examine all cases of human rights abuse, including those affecting children. The Committee expresses concern, however, that there is no section within the Commission to focus specifically on children's rights
15. **The Committee recommends that the State party ensure that the Human Rights Commission has a mandate to monitor the implementation of the Convention on the Rights of the Child, and that it be established in accordance with the Paris**

**Principles (General Assembly resolution 48/134) and taking into account the Committee's general comment No. 2 on national human rights institutions. Such a body should be able to receive and investigate complaints from, or on behalf of, children on violations of their rights and should be provided with the necessary human and financial resources. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and OHCHR.**

#### **Allocation of Resources**

16. While noting that the Ministry for Social Welfare, Gender and Children's Affairs (Ministry for Social Welfare) works on children's issues in collaboration with other ministries, departments and agencies, which have their own budget allocations, the Committee notes with concern that the Ministry for Social Welfare itself receives only a small fraction of the State party's annual budgetary allocations and that it lacks adequate funding to carry out its work relating to children. The Committee also notes that the Ministry is very dependent upon development partners to implement its mandate for children, a situation that is not sustainable.
17. While noting the expressed commitment of the Government to pursue a vigorous anti-corruption campaign, the Committee nevertheless expresses concern over reports of continuing corruption which may have a negative impact on the allocation of already limited resources for the promotion and protection of children's rights.
18. **The Committee urges the State party, taking into account the Committee's recommendations during its Day of General Discussion in 2007 on "Resources for the Rights of the Child - Responsibility of States", to prioritize and increase budgetary allocations for children at national and local levels, to ensure that the Ministry for Social Welfare receives adequate financial and human resources to carry out its work relating to children. The Committee also recommends that the State party take all measures to eradicate corruption, including by continuing and strengthening its anti-corruption campaign, strengthening the role and independence of the Anti-Corruption Commission and effectively prosecuting acts of corruption. The Committee further recommends that the State party start budget tracking from a child right's perspective with a view to monitoring budget allocations for children, seeking technical assistance for this purpose from, inter alia, UNICEF.**

#### **Data collection**

19. The Committee expresses its concern at the inadequate data collection, including on different categories of vulnerable children. Furthermore, the Committee is concerned at the reported loss in 2005 of the database developed in cooperation with donors and that the data lost has not, as of yet, been retrieved.
20. **The Committee encourages the State party to continue to strengthen its data collection system as a basis for assessing progress achieved in the realization of child rights and to help design policies to implement the Convention. The State party should ensure that information collected contains up-to-date data, allowing for disaggregation and analysis, on a wide-range of vulnerable groups including former child combatants, children living in poverty, street children, children with disabilities, child laborers, etc. The Committee also recommends that the State party seek technical assistance from, inter alia, UNICEF.**

### **Dissemination, training and awareness-raising**

21. The Committee notes with appreciation the efforts made by the State party in disseminating the provisions of the Convention and related laws through, inter alia, publicity and sensitization campaigns and regular training programmes for Child Forum Network members, ministry officials, community animators and social workers. The Committee welcomes efforts to actively engage children in the dissemination process. The Committee is concerned, however, that training programmes have been targeted towards only a limited scope of professional groups working with children. The Committee is also concerned that there has been no incorporation of human rights, including child rights, into the school curricula.
- 22. The Committee recommends that the State party strengthen its efforts to ensure that the provisions of the Convention are widely known and understood by adults and children. It also recommends the reinforcement of systematic training of all professional groups working for and with children, in particular law enforcement officials, teachers, including teachers in rural and remote areas, health personnel, social workers and personnel of childcare institutions. In this regard, the Committee recommends that human rights education be included in the official curriculum at all levels of education.**

### **Cooperation with civil society**

23. The Committee takes note of the State party's indication that it has maintained and increased constructive working relationships with local and international non-governmental organisations and community-based organisations. The Committee welcomes the fact that the system of collaborative networking and joint monitoring between non-governmental organisations and community-based organisations, related to child protection, has been decentralised to, and is currently working in, the rural areas as well. The Committee is concerned, however, that the limited capacity of national NGOs may not enable them to perform the tasks expected of them.
- 24. The Committee recommends that the State party prioritize capacity building of local NGOs both at central and local levels, with a view to ensuring sustainability. The Committee invites the State party to draw on the resources of international partners as well as UN agencies working in the State party, including UNICEF. The Committee further recommends that the State party strengthen its collaboration with civil society and widen the scope of cooperation so as to ensure cooperation on a broad level in all areas related to the promotion and protection of the rights of the child, including activities related to the implementation of the Convention and the follow-up to the concluding observations of the Committee.**

## **2. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

25. The Committee notes with appreciation the section on the principle of non-discrimination, including against girls, contained in the Education Act (2004) and the

ongoing and increasing efforts to educate the public on the need for non-discrimination, particularly against the girl child and children with disabilities. The Committee regrets nevertheless that the Constitution continues to allow discrimination against women and children, particularly in matters relating to marriage and inheritance, through restrictions and privileges available under customs and tradition.

- 26. The Committee urges the State party to continue and strengthen its efforts to remove all discriminatory laws from its statute books. In particular, the Committee urges the State party to review the Constitution with a view to ensuring that its provisions on non-discrimination are in full compliance with article 2 of the Convention. The Committee also encourages the State party to adopt a comprehensive strategy, including awareness raising campaigns, to eliminate discrimination on any grounds and against all vulnerable groups.**

### **Best Interests of the Child**

27. The Committee takes note of the State party's affirmation that recent legislation and measures, including the Child Rights Act and the National Children's Policy, uphold the principle of the best interests of the child. It also notes with interest the State party's declaration that the Ministry for Social Welfare and its partners use the principle of best interests in actions concerning children, including post-war rehabilitation and reintegration programmes. However, the Committee also notes with concern that the principle of the best interests of the child does not seem to be a priority in major actions regarding children, including with regard to budget allocations.

- 28. The Committee recommends that the State party continue and strengthen its efforts to ensure that the principle of the best interests of the child is appropriately integrated in all actions, particularly those regarding budget allocations, legal provisions as well as in judicial and administrative decisions and in projects, programmes, and services that have an impact on children.**

### **Right to life, survival and development**

29. The Committee notes with appreciation the inclusion of efforts to ensure child survival and development in the Poverty Reduction Strategy Paper document and the Country's Vision 2025 Plan of Action. The Committee welcomes the efforts made by Child Protection Agencies and Community-Based Organisations working on child survival and development programmes to be present in remote villages and urban areas. The Committee shares, however, the State party's concern that efforts to improve food security are not adequate for the survival and development of the child.

- 30. The Committee urges the State party to continue and strengthen its policies and programmes to address issues related to the right to life, survival and development of children, including food security, and to ensure that priority is given to all children, including those living in rural or remote areas of the country.**

## **Respect for the views of the child**

31. The Committee notes with appreciation that the Ministry for Social Welfare and its partners have ensured the active participation of children and their Child Forum Network administration in transitional justice programmes, including participatory child sessions with the Truth and Reconciliation Commission. The Committee also notes with interest that children's views were heard and, to some extent, incorporated into the Child Rights Act and the National Children's Policy. The Committee is concerned, however, that such initiatives are not mainstreamed in all sectors and that children, particularly those belonging to vulnerable groups, are not always given the opportunity to express their views in administrative and judicial proceedings, the family, schools and the community.
32. **The Committee calls the attention of the State party to the recommendations adopted on the Day of General Discussion on the right of the child to be heard, held on 15 September 2006, and recommends that the State party continue and strengthen its efforts to implement article 12 of the Convention and promote respect for the views of the child, including in administrative and judicial proceedings and schools. The Committee also recommends that the State party mainstream successful pilot initiatives promoting the participation of children in all matters that concern them in the family, school, other children's institutions and the community.**

### **3. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37(a) of the Convention)**

#### **Birth registration**

33. The Committee welcomes the various measures taken to promote birth registration of all children. It notes with concern, however, that the birth registration rate continues to be low, particularly in the rural areas.
34. **The Committee recommends that the State party continue and strengthen its efforts to register all children with a special focus on children in the rural areas, including by providing the opportunity for late registration free of charge, mobile registration centres and financial assistance.**

#### **Corporal punishment**

35. The Committee notes with appreciation that the Child Rights Act repeals the Corporal Punishment Act, under which boys under age 17 could receive up to 12 lashes as punishment, and that corporal punishment had not been judicially applied for several years. However, the Committee is concerned that corporal punishment is not prohibited and, in fact, is widely practiced in homes, schools or alternative care contexts and detention centres.
36. **The Committee recommends that the State party ensure the full implementation of the Child Rights Act and that it explicitly prohibit by law all forms of violence against children, including corporal punishment, in all settings, including in the family, schools, alternative childcare and places of detention for juveniles, and implement those laws effectively. The Committee also recommends that the**

State party intensify its awareness-raising campaigns in order to promote the use of alternative forms of discipline in a manner consistent with the child's human dignity and in accordance with the Convention, especially article 28, paragraph 2, taking into account the Committee's general comment No.8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/C/GC/8, 2006).

#### **Follow-up to the UN Study on Violence against Children**

37. The Committee, while noting efforts by the State party to combat violence against children, is concerned nevertheless that violence against children is still widely practiced against children in various forms.
38. The Committee encourages the State party to prioritize elimination of all forms of violence against children. With reference to the United Nations Study on Violence against Children, the Committee recommends that the State party:
- (a) **Take all necessary measures to implement recommendations of the United Nations Study on violence against children (A/61/299), taking into account the outcome and recommendations of the Regional Consultations for West and Central Africa (held in Bamako, Mali from 23-25 May 2005). In particular, the Committee recommends that the State party pay particular attention to the following recommendations:**
    - (i) **Prohibit all forms of violence against children**
    - (ii) **Strengthen national and local commitment and action**
    - (iii) **Promote non-violent values and awareness-raising**
    - (iv) **Enhance the capacity of all who work with and for children**
    - (v) **Ensure accountability and end impunity**
  - (b) **Use the recommendations of the Study as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that all children are protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time-bound actions to prevent and respond to such violence and abuse; and**
  - (c) **Seek technical cooperation in this respect from OHCHR, UNICEF and WHO, and other relevant agencies, inter alia, ILO, UNESCO, UNHCR, UNODC, as well as NGO partners.**

#### **4. Family environment and alternative care (arts. 5, 18(paras.1-2), 9-11, 19-21, 25, 27 (para.4) and 39 of the Convention)**

##### **Family environment**

39. The Committee notes with appreciation that the Child Rights Act imposes parental duties and rights – on both parents – and mandates Central and Local Authorities to appropriately support parents and guardians where necessary, and that sensitization on

parental/guardian rights and responsibilities has continued through the work of the Ministry for Social Welfare. However, the Committee is concerned, that the Ministry has very limited human and financial resources and is lacking in training and logistical support.

- 40. The Committee recommends that the State party take all necessary measures to ensure the allocation of appropriate financial and other support to the Ministry for Social Welfare and the Central and Local Authorities in order to allow these bodies to carry out work relating to programmes that support parents in the exercise of their responsibilities.**

#### **Children without parental care**

41. The Committee welcomes the establishment in 2004 of the national Orphans and Other Vulnerable Children Task Force, set up to prepare a situational analysis for the development of a strategic plan of action for orphans and other vulnerable children in the country. The Committee notes with appreciation the efforts made by the State party and Child Protection Network partners to respond to the plight of orphans and other vulnerable children, including separated children, particularly efforts by the State party to reunite separated children with their families. However, the Committee notes the concern of the Task Force at the increase in the number of children orphaned by HIV/AIDS.

- 42. The Committee recommends that the State party, while taking into account the recommendations of the day of general discussion on children without parental care (CRC/C/153, 2006), continue its efforts to reunite separated children with their families. The Committee also recommends that the State party take all necessary measures to address the issue of children who become orphans due to HIV/AIDS and to provide adequate care and support to families caring for orphans and other children without parental care.**

#### **Residential and Foster care**

43. The Committee notes that the Ministry for Social Welfare and its Child Protection Network partners have undertaken to broaden and increase enforcement measures in monitoring day-to-day observance of provisions of law regarding fostering, among others. However, the Committee is concerned at the lack of information about the condition of children living in residential care.

- 44. The Committee recommends that the State party ensure the full implementation of the Child Rights Act regarding foster placement. The Committee also recommends that the State party ensure that the placement of children is done in conformity with the Convention and that a periodic review of placement is established.**

#### **Adoption**

45. The Committee is concerned that the 1989 law on adoption has not yet been evaluated and that the State party is not a party to the Hague Convention.

**46. The Committee recommends that the State party:**

- (a) **Evaluate the 1989 law on adoption in relation to article 21, in particular, and other articles of the Convention, especially article 3 on the best interests of the child, article 8 on the right to his/her identity, article 5 on the rights and duties of parents and article 12 on the right of the child to express his/her opinion.**
- (b) **Recalling the Committee's previous recommendation on this issue (CRC/C/15/Add.116, paragraph 53), consider acceding to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.**

**Abuse and neglect**

47. The Committee notes that the Child Rights Act provides for the criminalization of, and increased penalties for, ill- treatment of children, including their abandonment by their parents, legal guardians or service providers, and that it implicitly repeals several provisions of the Prevention of Cruelty to Children Act, including the Act's definition of childhood. The Committee shares the State party's concern about the large number of children affected by sexual violence or abuse. The Committee also regrets the absence of mandatory reporting of abuse of children.

**48. The Committee recommends that the State party take all necessary measures and actions to implement existing legislation to address and prevent sexual violence or abuse of children, including the setting up of a mandatory reporting system for abuse of children, the creation of a special police unit to deal with violence against children and the strengthening of rehabilitation services and advocacy.**

**5. Basic health and welfare**

**(arts. 6, 18 (para.3), 23, 24, 26, 27 (paras.1-3) of the Convention)**

**Children with disabilities**

49. The Committee notes that the State party works with NGOs, Child Protection Agencies and other humanitarian agencies to provide for the welfare of disabled persons, including children. It also notes that there are a number of facilities in place to care for the needs and well-being of children with disabilities and in which enrollment has increased. While the Committee notes with interest that a National Policy for the Protection of Persons with Disabilities is being developed by the State party, it remains concerned at the lack of appropriate legislation to cover the needs and protection of persons with disabilities. Further, the Committee regrets that no information is provided regarding any efforts to include children with disabilities in society. Finally, the Committee expresses its concern over reports that children with disabilities are excluded from the regular education system due to parents who do not want to send their children to school, the lack of teachers trained to teach children with disabilities and the inaccessibility of the infrastructure to children with disabilities

**50. In light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96)**

and the Committee's general comment No. 9 on the rights of children with disabilities (CRC/C/GC/9, 2006), the Committee recommends that the State party:

- (a) **Take all necessary measures to ensure the effective implementation of existing legislation, and take all necessary measures to expedite the completion and adoption of the National Policy for the Protection of Persons with Disabilities;**
- (b) **Make every effort to provide programmes and services for all children with disabilities and ensure such services receive adequate human and financial resources;**
- (c) **Carry out awareness campaigns to sensitise parents as well as the public about the rights and special needs of children with disabilities and encourage their inclusion in society;**
- (e) **Provide training for professional staff working with children with disabilities, such as teachers, medical, paramedical and related personnel and social workers; and**
- (f) **Consider ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol.**

#### **Right to health and access to health services**

51. The Committee welcomes reports that there is improved and increased access to health facilities since the war. The Committee notes that immunization for children and antenatal coverage have also increased. The Committee also notes that Child Welfare Committees and social development workers have been trained/re-trained and assigned across the country. The Committee is concerned, however, at under-five and maternal mortality rates in the State party, which continue to be among the highest in the world. It is also concerned at the high malnutrition rate, limited access to drinking water and sanitation facilities and inadequate protection of children from malaria.

52. Furthermore, the Committee notes with concern the gender and regional disparities in access to basic health services, as well as the lack of basic medical supplies and fully-trained nurses in health centres across the country. While noting the efforts by the State party and its partners to promote exclusive breastfeeding of babies for the first six months of their lives, and the subsequent improvement in the number of exclusively breastfed infants, the Committee remains concerned at the low rates of exclusive breastfeeding in the country.

53. **The Committee recommends that the State party take the necessary steps to ensure that health care is both accessible and affordable to all children and that it continue to conduct appropriate training for health workers. The Committee urges the State party to undertake as a matter of priority, efforts to address the problems of infant and maternal mortality, malnutrition, acute respiratory infections, and diarrhea and to take measures to protect children from, inter alia, malaria including by ensuring that they sleep under insecticide-treated mosquito nets (ITNs). The Committee also recommends that the State party continue and strengthen efforts to promote exclusive breastfeeding of infants for the first six months of their lives. In this regard, the State part is urged to adopt legislation on the International Code of Marketing of Breast-milk Substitutes**

**(1981). The Committee encourages the State party to seek technical assistance from UNICEF and WHO, among others.**

- 54. The Committee further recommends that the State party ensure that maternal, child and adolescent health issues are strategically integrated into and given priority in national development policies.**

#### **Adolescent health**

55. The Committee notes that campaigns against sexually transmitted diseases are helping to reduce their spread amongst teenagers. However, the Committee is concerned at the absence of an adolescent health policy or strategy and a mental health policy catering to adolescents affected by conflict and post conflict situations. The Committee also notes with concern that the levels of substance abuse, especially alcohol and marijuana, are increasing and yet the Child Rights Act omits any provisions referring to substance abuse. Furthermore, there are no minimum ages for the sale of alcohol or cigarettes to children and no penalties are set out for adults who encourage the use of illegal substances by children.

- 56. The Committee recommends that the State party, taking into account the Committee's general comment No.4 on adolescent health and development in the context of the Convention on the Rights of the Child (CRC/GC/2003/4), establish a comprehensive policy on adolescent health, develop effective programmes and services in this area and collect valid data on adolescent health concerns through, inter alia, studies on the issue. The Committee also recommends that the State party, in consultation with affected youth, elaborate clear policies and, when applicable, legislation, to address the prevention of adolescent health-related issues, in particular, suicide, drug and alcohol abuse, early pregnancies, and mental health concerns.**

#### **Harmful Traditional Practices**

57. The Committee notes with appreciation that the recently adopted Child Rights Act prohibits harmful traditional practices such as early/forced marriage, forced initiation, child betrothal and any other harmful cultural rite, custom or tradition that may inflict physical, psychological or emotional pain on a child or otherwise endanger him/her, and criminalizes and penalizes the commission of such acts. The Committee notes with interest that alternative strategies are being implemented to make practitioners of FGM and traditional secret societies positively useful. The Committee nevertheless remains concerned about the persistence of harmful traditional practices and expresses particular concern that female genital mutilation (FGM) is not explicitly prohibited by law. In this regard, the Committee reiterates the concern expressed by the Committee on the Elimination of Discrimination against Women (CEDAW/C/SLE/CO/5, paragraphs 22 and 23) over the persistence and high incidence of FGM and the serious health and social complications for girls that may arise out of this harmful practice.

- 58. The Committee urges the State party, in collaboration with civil society, to:**

- (a) Implement without delay legislative and other measures to prohibit traditional practices that are harmful to children, including female genital mutilation, early/forced marriage, child betrothal and**

- forced initiation, and ensure that perpetrators of such acts are brought to justice;
- (b) Continue and strengthen its strategies for awareness-raising and sensitization for practitioners, families, traditional or religious leaders and the general public in order to encourage a change of attitudes towards harmful traditional practices;
  - (c) Take adequate measures to provide practitioners who give up female genital mutilation with adequate training and support to find alternative sources of income; and
  - (d) Take other appropriate measures from a child-rights perspective to eradicate FGM and other traditional practices harmful to the health, survival and development of children, especially girls; and
  - (e) Put in place effective monitoring systems to assess progress towards the eradication of harmful traditional practices against children.

## **HIV/AIDS**

59. The Committee welcomes the development by the State party in 2002 of an HIV/AIDS policy aimed at raising awareness about HIV/AIDS, which has included the “Prevention of mother to child transmission programme” and care, support and treatment of orphans of HIV/AIDS and people living with HIV/AIDS. The Committee also welcomes the establishment by the State party of an HIV/AIDS secretariat, which set up an HIV/AIDS prevention, control and treatment plan for the 2004 to 2008 period. However, the Committee is particularly concerned about the large discrepancies among information sources as to the number of children orphaned by HIV/AIDS which does not allow for a correct assessment of the number of children affected by HIV/AIDS.
60. Furthermore, the Committee is concerned about the low level of knowledge about HIV/AIDS prevention among young persons and the low percentage of pregnant women having access to counseling and voluntary testing. The Committee also remains concerned at the information that people’s attitudes show a climate of stigmatization and discrimination against persons with HIV/AIDS with many misconceptions existing about the modes of transmission and prevention of the virus.
61. **The Committee urges the State party, while taking into account the Committee’s general comment No.3 on HIV/AIDS and the rights of the child (CRC/GC/2003/3) and the International Guidelines on HIV/AIDS and Human Rights, to take measures to prevent and reduce HIV/AIDS infection in its territory, particularly with regard to the young people through, inter alia:**
- (a) Fully implementing the HIV/AIDS prevention, control and treatment plan and continuing and strengthening implementation of the ‘Prevention of Mother to Child Transmission’ programme, including through increased coverage and access to prevention of mother-to-child transmission services;
  - (b) Developing, strengthening and continuing policies and programmes to provide care and support for children infected or affected by HIV/AIDS, including programmes and policies to strengthen the capacity of families and the community to care for such children;

- (c) **Continuing activities aimed at reducing stigma and discrimination related to HIV/AIDS and providing awareness-raising on human rights within the context of HIV/AIDS;**
- (d) **Taking effective measures to prevent discrimination against children infected with HIV and/or affected by HIV/AIDS, particularly with regard to equal access to education;**
- (e) **Continuing to disseminate information and materials to the public, particularly to women and girls, to increase knowledge about prevention and protection methods, including safe sex practices; and**
- (f) **Seek technical assistance, as appropriate, from UNAIDS, UNICEF and WHO.**

### **Standard of living**

62. While the Committee welcomes the fact that food security for children is part of the basis of the State party's poverty reduction strategy paper (PRSP) and Vision 2025 action plan, it nevertheless shares the State party's concern at the low levels of nutrition in the State party, especially for children. The Committee also notes with concern that legislation is still in force that provides unrealistically low child maintenance fees, and unfair conditions for receipt of those fees, for abandoned or separated wives and their children and for children born out of wedlock. Furthermore, the Committee remains concerned about the high proportion of children living in poverty and enduring serious deprivation in basic social services
63. **The Committee recommends that the State party continue and strengthen the application of poverty reduction strategies in order to provide economically disadvantaged families with, inter alia, economic opportunities, adequate food, shelter and clothing. The Committee further recommends that the State party take all necessary measures, including through legislation, to ensure the fulfillment of the obligations of parents to provide adequate maintenance to their children, including children born out of wedlock and children of separated or abandoned wives. The Committee also recommends that the State party take specific measures to reduce child poverty and regularly monitor progress therein.**

### **6. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

64. The Committee notes that the Education Act (2004) mandates free and compulsory basic education and junior secondary education for government-assisted schools and affordable school charges for private schools. The Committee further notes that the Act and a corresponding Education Policy promote education for girls, vocational training, including for drop-outs and enhanced quality, inter alia by teacher training. The Committee is concerned that despite increased enrolment and completion rates in primary schools, enrolment is still low, in particular for girls, and that the number of teachers, in view of the large class sizes, is too small. The Committee also expresses concern at the practice of public schools to charge additional fees. Finally, the Committee is concerned over reports of sexual abuse of children, mostly girls, by teachers and the continued practice of corporal punishment in schools.

**65. The Committee recommends that the State party, taking into account its general comment No. 1 (CRC/GC/2001/1) on the aims of education:**

- (a) Ensure that primary education is free of charge, and also of other (additional) costs, in order to facilitate the participation of all children in primary education;**
- (b) Expand access to education, including early childhood education, to all regions of the State party;**
- (c) Improve the quality of education through the increase of the number of well-trained and fully qualified teachers and invest sufficient resources to provide adequate school facilities, materials and salaries;**
- (d) Continue and strengthen promotion of vocational education and training, including for children who have dropped out of primary or secondary schools;**
- (e) Reduce socio-economic, regional and gender disparities in access to and full enjoyment of the right to education;**
- (f) Take appropriate measures to address charges of sexual abuse in schools and prosecute perpetrators;**
- (g) Promote the use of alternative forms of discipline in a manner consistent with the child's human dignity and in accordance with the Convention, especially article 28, paragraph 2; and**
- (h) Include human rights and child rights in the curricula of schools.**

#### **7. Special protection measures**

**(arts. 22, 38, 39, 40, 37(b) and (d), 30, 32-36 of the Convention)**

#### **Unaccompanied, refugee and internally displaced children**

66. While the Committee notes with appreciation the efforts of the State party, in cooperation with UNHCR to ensure that refugees remaining in the country receive appropriate services and protection, it remains concerned that cases of rape and indecent assault registered in respect to children have been on the increase in refugee hosting areas.

**67. The Committee urges the State party, taking into account the Committee's general comment No.6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, to take the necessary steps, in collaboration with civil society and other governments, to complete the resettlement of all Sierra Leonean refugees, including children, without delay. The Committee also urges the State party to make every effort to protect children in refugee camps against rape and indecent assault and to prosecute perpetrators of such acts.**

#### **Economic exploitation, including child labour**

68. The Committee welcomes efforts to address common forms of child labour through, inter alia, the provision of compulsory basic education for children, the promotion of vocational skills training for adolescents, and the upholding of the protective legal provisions for children contained in existing laws of the State party. The Committee also welcomes ongoing campaigns to stop child labour in the country, including

recent community initiatives, that prohibit child labour in mining areas. The Committee notes that a Policy on Mining, including a prohibition on the use of children in mines, is being developed by the Government of Sierra Leone and that the Child Rights Act provides protection against hazardous forms of child labour as well as forms of economic and sexual exploitation of children. Nevertheless, the Committee notes with concern the continuing existence of child labour, including hawking/peddling, domestic labour, and the widespread use of children for purposes of manual labour in mining areas. The Committee also notes with concern that the law does not limit working hours for children and, while school attendance is required through the age of 12, the Government does not enforce this. Finally, the Committee expresses its concern over reports that adults have asked orphanages for children to be used as household help.

- 69. The Committee encourages the State party to continue and strengthen efforts to address common forms of child labour, including child labour in mining areas, domestic labour and hawking/peddling. The Committee urges the State party to ensure that any policies, plans and legislation to address child labour, particularly in its worst forms, also provide effective protection for girls and children belonging to vulnerable groups. The Committee also urges the State party to take concrete action to address the root causes of child labour, including cultural traditions and high levels of extreme poverty. The Committee encourages the State party to consider ratifying ILO Convention 138 concerning the Minimum Age for Admission to Employment and ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Committee encourages the State party to seek technical assistance from ILO/IPEC.**

### **Street Children**

70. The Committee notes with appreciation that training has been provided on the care and protection of street children for, inter alia, social workers, police, community leaders and child rights monitors and that street children have benefited from skills and reintegration programmes. However, the Committee notes that a number of children are still working and/or living in the street in the State party and that these children are vulnerable to social vices, lack shelter and do not attend school. The Committee shares the State party's opinion that street children, and other disadvantaged children, deserve special care and attention and notes that the Ministry for Social Welfare and its Child Protection Network partners provide interim care facilities for such children. The Committee notes with concern, however, that this response serves only as a temporary measure and does not permanently resolve the issue.
- 71. The Committee recommends that the State party adopt an all-embracing approach, legislation and policy, backed by social action, for all disadvantaged children. It recommends that the State party elaborate and implement concrete proposals and measures to meet the needs of these children, in close cooperation with civil society and taking into account the views of the children themselves. Furthermore, the State party is urged to include measures to provide the necessary support to families in order to prevent or reduce the likelihood of children going to the streets.**

## **Sexual exploitation and abuse**

72. The Committee notes that the Child Rights Act provides increased protection and penalties relating to sexual offences against children and that this Act supersedes the Prevention of Cruelty to Children Act, which sets a lower age definition for child victims of sexual abuse, provides minimal penalties for perpetrators of sexual misconduct against children and allows frivolous defenses to justify the sexual misconduct alleged. The Committee notes with concern that available data on sexual abuse demonstrates a marked increase in rape, indecent assault and carnal abuse of children shortly after the civil war. The Committee also notes that rapid response strategies such as community sensitization and prosecution of offenders are ongoing and have yielded some results but is concerned that delays in the Department of Justice and the limited availability of trained medical experts are delaying the prosecution of sexual offenders.

### **73. The Committee recommends that the State party:**

- (a) Take appropriate legislative measures to address the issues of sexual exploitation and abuse, including implementation of the Child Rights Act;**
- (b) Take appropriate measures to ensure the prompt prosecution of perpetrators of sexual offences against children, including through the provision of trained medical experts and the elimination of causes of delays in the Department of Justice;**
- (c) Ensure that child victims of sexual exploitation or abuse are not criminalized or penalized and that they are not stigmatized because of sexual exploitation or abuse; and**
- (d) Implement appropriate policies and programmes for prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.**

## **Sale, trafficking and abduction**

74. The Committee welcomes the adoption in 2005 of the Anti-Human Trafficking Act and the subsequent creation of a Trafficking in Persons Task Force. The Committee also welcomes awareness-raising campaigns on this issue that have been carried out countrywide and with a particular focus on children, the main victims of trafficking. However, the Committee is concerned that there are reports of growing numbers of IDP children being trafficked regionally and internationally, and that police and army officials at international borders are not effectively monitoring, reporting or investigating such unlawful practices. Additionally, the Committee notes with concern that, while the practices of sale of children, child prostitution and child pornography are decreasing, they nevertheless remain prevalent in the country. The Committee is also deeply concerned at the State party's indications that parental poverty and ignorance, corruption and lack of adequate governmental capacity for law enforcement and monitoring are obstacles to the prevention of sale and trafficking of children. The Committee notes with concern the common practice of giving children away as wards, a practice that the State party considers to inhibit its ability to fulfill its obligations under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

**75. The Committee urges the State party to take all appropriate measures to prevent and eradicate the problems of the sale of children and child trafficking. The Committee recommends in particular that the State party take measures to address issues that present obstacles to the eradication of the sale of children and child trafficking, such as traditional cultural attitudes that promote the “sale” of children, the lack of adequate human and financial capacity in government agencies responsible for dealing with this issue and corruption.**

#### **Juvenile justice**

76. The Committee notes that efforts at reviewing and upgrading current laws on juvenile justice have intensified and are near completion and that the Child Rights Act contains extensive provisions on alternative approaches to the issue of juvenile justice. The Committee welcomes the various measures taken by the State party to improve the situation of children in conflict with the law, including training programmes, awareness-raising and sensitization campaigns, monitoring of Remand and Bail Homes, and the establishment of a task force on juvenile justice to review policy and law and develop best practice for the general administration of juvenile justice. The Committee also notes that the Child Rights Act increases the minimum age of criminal responsibility from 10 years to 14 years. The Committee expresses concern that the State party does not provide legal aid for children within the justice system and that there is only one juvenile court in the country. The Committee is further concerned that the country’s Remand Homes and Approved School are understaffed and ill-equipped, with little or no security, poor learning facilities, little recreation and limited food supplies. The Committee also notes with concern that children suspected of crimes are either incarcerated with adult offenders in deplorable conditions or sent to overcrowded facilities in Freetown.

**77. The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular in line with articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules). In particular the Committee recommends that the State party, while taking into account the Committee’s general comment No. 10 on the administration of juvenile justice (CRC/C/GC/10, 2007):**

- (a) Take the necessary steps to ensure full implementation of the Child Rights Act, which raises the age of criminal responsibility to 14 years;**
- (b) Take all necessary measures, including adopting a permanent policy of alternative sanctions for juvenile offenders, to ensure that children are held in detention only as a last resort and for as short a time as possible and that detention sentences are reviewed periodically;**
- (c) Take all necessary measures to ensure that when detention is carried out, it is done so in compliance with the law and respects the rights of the child as set out under the Convention and that children are held separately from adults both in pre-trial detention and after being sentenced;**

- (d) **Take all necessary measures to ensure that children are not ill-treated in detention, that conditions in detention facilities are not contrary to the child's development, that such facilities are regularly and independently monitored and that children's rights, including visitation rights, are not violated, and that cases involving juveniles are brought to trial as quickly as possible;**
- (e) **Request further technical assistance in the area of juvenile justice and police training from the UN Interagency Panel on Juvenile Justice.**

#### **Protection of witnesses and victims of crimes**

**78. The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that it take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).**

### **8. Ratification of international human rights instruments**

**79. While the Committee notes with appreciation that the State party has ratified a variety of international human rights instruments, it regrets that the State party has not fulfilled its reporting obligations under some of these instruments, particularly the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the International Convention on all Forms of Racial Discrimination.**

**80. The Committee encourages the State party to make every effort to fulfill its reporting obligations under the international human rights instruments it has ratified and particularly under the above-mentioned treaties**

### **9. Follow-up and dissemination**

#### **Follow-up**

**81. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia by transmitting them to the members of the Cabinet or a similar body, the Parliament, and to local governments, when applicable, for appropriate consideration and further action.**

#### **Dissemination**

**82. The Committee further recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available in the languages**

of the country and in an accessible form, to the public at large, civil society organizations, youth groups, professional groups, the media and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.

#### **10. Next report**

- 83. The Committee welcomes the submission by the State party on 31 March 2008 of its initial reports under the two Optional Protocols. The Committee invites the State party to submit its combined third, fourth and fifth periodic report by 1 September 2012. This report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.**
- 84. The Committee also invites the State party to submit a core document in accordance with the requirements of the Common Core Document in the Harmonised Guidelines on Reporting, approved by the 5<sup>th</sup> Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).**