

NGO Group for the Convention on the Rights of the Child
**Database of NGO Reports presented to the UN Committee on
the Rights of the Child.**

Document Title:
**Human Rights Abuses Against Sierra Leonean
Refugee Children In Guinea**

Region:
West Africa, Africa

Country:
Guinea

Issued by:
Human Rights Watch

Date of publication of NGO Report:

Date of presentation to preessional working group:
01/99

CRC Session
(at which related national state party report was submitted):

Language:
English

Document Text

[Link to state party report at UNHCHR in English](#)
[Link to state party report at UNHCHR in French](#)

HUMAN RIGHTS ABUSES AGAINST SIERRA LEONEAN REFUGEE CHILDREN IN GUINEA

A Report Prepared for the United Nations Committee on the Rights of the Child

By Human Rights Watch

TABLE OF CONTENTS

I.	
Introduction.....
2	

II. Background on the Situation of Sierra Leonean Refugees.....	2
III.	
Assistance.....	3
IV.	
Protection.....	4
A. Proximity of the Camps to Sierra Leone Border.....	4
<i>Cross-Border Attacks</i>	
<i>Risk of Abduction / Recruitment of Child Soldiers</i>	
B. Detention and Exclusion of Suspected Former Combatants.....	6
C. Sexual Exploitation and Abuse.....	7
V. Steps the Government of Guinea Must Take to Comply with its Obligations under the Convention on the Right of the Child.....	8

I. INTRODUCTION

This report focuses on the rights of Sierra Leonean refugee children in the Republic of Guinea. In many respects, Guinea has stood out as a generous host nation for many years. Guinea is party to the 1951 Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, and the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugees in Africa. Guinea is currently faced with one of the worst refugee crises in the world, host to 470,000 refugees fleeing strife in neighboring countries-the largest refugee population in Africa. UNHCR, *Africa Fact Sheet*, December 21, 1998. In addition, UNHCR estimates that 240,000 Liberian refugees in Guinea returned home during 1998. Ibid. The Government of Guinea estimates that more than 65 per cent of these refugees are children. *Initial Reports Awaited from the States Parties for 1992: Guinea*, June 17, 1997. U.N. Doc. CRC/C/3/Add.48. Para. 93. These children are entitled to the protections afforded them under the Convention on the Rights of the Child ("CRC") without discrimination. However, the section of Guinea's report to the Committee on the Rights of the Child which addresses refugee children fails to address significant shortcomings in assistance to and protection of these children. Ibid, para.s 93 - 98.

The plight of refugee children is particularly severe. Not only have Sierra Leonean refugee children in Guinea suffered grave abuses in their native country-many have been mutilated, separated from their families, witnessed family members being murdered, and been forced to serve as child soldiers-but they have also been denied vital assistance and protection to which they and their families are entitled in Guinea, where they have sought refuge. Many of these children lack adequate food and medical care, remain separated from their families, do not have access to social or psychological services to help them cope with the trauma they have suffered, and are vulnerable to attacks in the refugee camps.

II. BACKGROUND ON THE SITUATION OF SIERRA LEONEAN REFUGEES

More than 350,000 of the refugees in Guinea are from Sierra Leone, See above, note 2. where a brutal civil war has torn the country apart since 1991. The conflict in Sierra Leone continues to cause massive displacement as Armed Forces Revolutionary Council/Revolutionary United Front (AFRC/RUF) rebels battle Economic Community of West African States Monitoring Group (ECOMOG) forces for control of the country. As of January 7, 1999, UNHCR was making contingency plans to receive approximately 30,000 additional Sierra Leonean refugees in Guinea. *Foreign Nationals and Sierra Leoneans Flee*, IRIN - West Africa Special Update on Sierra Leone, January 7, 1999. Since February 1998, when ECOMOG forces ousted the AFRC/RUF from power and reinstated the previously democratically-elected government, the AFRC/RUF has embarked on an unprecedented reign of terror-committing human rights abuses including massacres, mutilations, and sexual slavery-and the refugee situation in Guinea has reached alarming dimensions. Refugees poured out of Sierra Leone in March and April 1998, sometimes at the rate of 3,000 per day, primarily into Faranah, Guéckedou, Kissidougou, and Macenta prefectures, in the forest area of eastern Guinea known as Guinée Forestière. The largest number of this population are settled in approximately 124 camps, or local settlements. Many of the refugees spontaneously settled in Guinea in areas abandoned by refugees from previous years and in new areas. Other refugee sites were planned by UNHCR, creating more traditional camp settings for larger numbers of people. Regardless of size, shape, or history of

formation, the settlements are referred to as "camps" by UNHCR, aid agencies, Guinean authorities, and refugees alike. For the purposes of this report, the term camps will therefore be used to describe all refugee settlements. All of the camps are named after the local villages they are attached to, or are near to. In many cases, the camps are much larger than their namesakes. None of the camps are enclosed or are guarded by the Guinean military, although the border region of Guéckedou has been increasingly militarized with the increase in conflict across the border. Many military checkpoints have been established along the roads in the area. If security issues arise within the camp, they are currently dealt with by refugee camp committee authorities, who may consult with UNHCR and may refer issues to the Guinean police. In the Guéckedou area, where refugees now outnumber Guinea nationals, Sierra Leonean refugees and members of the local Guinean population do mix, though they usually live apart. Although the refugees' movement is restricted, trading does occur and the refugees sell their labor, food obtained from UNHCR, wood, kerosene and other items to nationals. They also trade their rations for a variety of other items, such as salt or rice. This interaction is made easier by similarities in the tribal languages and heritage of the groups, and many share family relationships.

III. ASSISTANCE

On June 14, 1998, the Guinean government blocked access to roads leading to approximately fifty refugee camps, housing over 150,000 newly arrived refugees. The lack of access made it impossible to provide adequate services to the refugees and infringed upon UNHCR's ability to provide protection for over four weeks. The Guinean government's refusal to provide even limited access on a regular basis risked a humanitarian disaster and the possibility of increased insecurity and unrest among the refugee and local populations—a situation no one would have been prepared to adequately address. The World Food Programme was finally permitted to deliver a week's worth of rations on July 14, 1998, meant to feed approximately 130,000 refugees. However, Human Rights Watch is concerned that the Guinean government may have set a precedent for blocking humanitarian access in the future.

Human Rights Watch recognizes the legitimate security concerns Guinea was facing during this period, as fighting in Sierra Leone came very close to the Guinean border during several days in June. The Guinean government and military have alleged that their intention was to protect all those on its territory—refugees and humanitarian assistance workers, as well as the local population—from combatants in Sierra Leone, who represent a serious security threat to the region. The humanitarian consequences of cutting off access to this area, however, are too serious to ignore. The Government of Guinea must find ways to work with UNHCR whereby both imperatives can be met.

The refugee children have a right to appropriate protection and humanitarian assistance under Article 22(1) of the CRC and the Government of Guinea must ensure that Sierra Leonean refugee children enjoy this right without discrimination. The closing of access to refugee camps and consequent blockage of humanitarian supplies resulted in severe violations of, among other rights, the right to health care Convention on the Rights of the Child, Article 24. —especially for the many children who have suffered mutilation in Sierra Leone.

IV. PROTECTION

A. Proximity of the Camps to the Sierra Leone Border

The most immediately striking refugee protection concern in the Guéckedou area is the proximity of some of the refugee camps to the Sierra Leone border. Many of the camps, including camps that were cut off from humanitarian assistance in June and July, are located in the area of Guéckedou which forms a peninsula-like territory stretching into eastern Sierra Leone. Some camps are as little as three kilometers away from the border. Of 15,000 refugees in these camps, 7,000 were moved to safer locations within the Guéckedou area in November 1998 and the rest remain close to the border. A river running along the border forms a natural barrier between Guinea and Sierra Leone, providing minimal protection to refugees who are within gunshot range of AFRC/RUF soldiers, located just on the other side. During the November-June dry season, when the water level goes down, the river provides even less protection.

Cross-Border Attacks

The proximity of refugee camps to the porous border leaves refugee children and their families vulnerable to attack by the rebels. All of the Guinean military and civil authorities Human Rights Watch spoke with in June 1998 rejected the possibility of a cross-border attack by the AFRC/RUF. Nevertheless, gunfire was exchanged across the border in the Nongoa village area on several

occasions in mid-June, resulting in casualties among the Guinean military and small numbers of civilians, including at least one ten-year-old boy. Refugees from a camp in Nongoa fled the fighting. Human Rights Watch interviewed a ten-year-old refugee victim of a bullet wound and observed several wounded Guinean soldiers at Guéckedou Hospital, all casualties from this exchange of fire. June 17, 1998.

Furthermore, Human Rights Watch has received credible reports that the rebels have made several cross-border attacks since August 1998, and Sierra Leonean refugees have suffered injuries including mutilation during these attacks. In a raid on the village Tomandu on September 1, 1998, ten civilians were reportedly killed including seven Sierra Leonean refugees.

Risk of Abduction/Recruitment of Child Soldiers

The dangerous location of the camps leaves children vulnerable to being abducted or recruited to return to Sierra Leone as child soldiers. A 1997 report by the Women's Commission for Refugee Women and Children, an international nongovernmental organization, documented recruitment of Sierra Leonean children from refugee camps in Guinea to join the Kamajors, the Sierra Leonean government militia organization. Women's Commission for Refugee Women and Children, *The Children's War: Towards Peace in Sierra Leone*, June 1997, page 18. More recently, Human Rights Watch has received unconfirmed reports of recruitment from the camps by RUF rebels since September 1998.

Guinea has an obligation to ensure the rights enshrined in the CRC, including the right to life Convention on the Rights of the Child, Article 6. and the right to be free from abuse, *ibid*, Article 19. as well as an obligation to protect refugee children *ibid*, Article 22. and children affected by armed conflict. *ibid*, Article 38(4). Furthermore, with respect to the risk of recruitment to serve as child soldiers, Guinea has an obligation to protect Sierra Leonean refugee children from abduction, *ibid*, Article 35. and an obligation to take all feasible measures to ensure that children under the age of fifteen do not take direct part in hostilities. *ibid*, Article 38.

B. Detention and Exclusion of Suspected Former Combatants

During 1998, Human Rights Watch received reports that possibly hundreds of suspected AFRC/RUF soldiers trying to enter Guinea were detained by Guinean military authorities, and is concerned that adolescents may have been among these. UNHCR and the International Committee of the Red Cross (ICRC) have both been denied access to detainees to determine whether or not they have bona fide asylum claims and whether they are being treated as candidates for exclusion. UNHCR and governments are obliged under international refugee law to deny the benefits of refugee status to persons who would otherwise qualify as refugees if they have committed certain human rights violations. These provisions are commonly referred to as "exclusion clauses." Article 1(F) of the 1951 Convention Relating to the Status of Refugees states that the Convention "shall not apply to any person with respect to whom there are serious reasons for considering" that: (a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes; (b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee; © he has been guilty of acts contrary to the purposes and principles of the United Nations. Article 1(5) of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa contains identical language and excludes from refugee status any person who "has been guilty of acts contrary to the purposes and principles of the Organization of African Unity."

Screening for exclusion should take place after screening for refugee claims, as a person may have a valid fear of return but not be deserving of international protection. Efforts should be made, however, to ensure as much as possible that combatants and war criminals are not mixed in with the rest of the refugee population. Those excluded are still entitled to their rights under international human rights law. The government of Guinea has provided no information about the detainees or the procedures and criteria used to screen, detain, and seemingly exclude these persons from protection in Guinea. The Guinean government should give UNHCR unlimited full access to entry points and places of detention of refugees and asylum seekers, including children, in order to determine their status and provide assistance and protection where appropriate.

Human Rights Watch believes that children under the age of eighteen should not be excluded from

international protection under any circumstances. Human Rights Watch is particularly concerned that children who were recruited to serve as child soldiers in the Sierra Leonean conflict should not be excluded from protection along with those who recruited and used them. Rather, these children deserve care: as children affected by an armed conflict, they have the right to treatment for physical and psychological recovery and social reintegration under Articles 38(4) and 39 of the CRC.

Even if children are excluded from refugee protection, however, they are still entitled to their rights under international human rights law. Without proper screening mechanisms in place, the children's right to be free of arbitrary detention is violated. Convention on the Rights of the Child, Article 37(b).

C. Sexual Exploitation and Abuse

Human Rights Watch has found that single women with children have been subjected to a form of sexual abuse: fellow male refugees often tell women that they will assist them in the camp only in exchange for sex. Volunteer social workers who work with UNHCR to identify, counsel, and assist "vulnerable" Certain members of the refugee population have special needs, are deemed "vulnerable" by UNHCR, and receive targeted assistance. "Vulnerable" populations include such groups as unaccompanied minors, single female heads of household, victims of torture, sexually abused, chronically ill, handicapped, and others. refugees in Nyeadou Refugee camp said:

There are more women than men here. Women have children to take care of and no husbands. There is little money and no one to help with the family. Many women tell us that men tell them, "I'll help you if you sleep with me." This is practiced widely in all the camps. Many women agree because they are in need. It is against their real will, but they don't want to starve. Human Rights Watch interview, Nyeadou Refugee Camp, Republic of Guinea, June 20, 1998.

Human Rights Watch has also received unconfirmed but frequent reports of women and girls entering into prostitution in Guinean cities and villages in order to survive. In addition, Human Rights Watch is very concerned about a series of unconfirmed reports of abductions of girls from the camps and sexual attacks on girls in the camps.

The government of Guinea has an obligation to ensure the security of refugee camps Convention on the Rights of the Child, Article 22. and to protect children from physical and sexual abuse. Ibid, Articles 19 and 34. In addition, girls and single women with children should have access to adequate assistance to ensure that they are not forced to turn to prostitution and are not otherwise sexually exploited to survive in the refugee camps. Ibid, Article 27.

V. STEPS THE GOVERNMENT OF GUINEA MUST TAKE TO COMPLY WITH ITS OBLIGATIONS UNDER THE CONVENTION ON THE RIGHTS OF THE CHILD

- The Guinean government should take necessary measures to ensure that the rights of Sierra Leonean refugee children under the CRC, as well as other international human rights and refugee treaties, are respected.
- The Guinean government should maintain its generous asylum policy for refugees from Sierra Leone and Liberia.
- The Guinean government should facilitate the maximum possible access for humanitarian organizations to refugee camps in the Guéckedou area, by working with UNHCR and other humanitarian organizations to strike a balance between national security concerns and protecting the refugees' rights to assistance and protection.
- The Guinean government should work with UNHCR to facilitate transfer of refugees from camps located dangerously close to the border to safer locations.
- The Guinean government should ensure that child victims of armed conflict, including former child soldiers, have access to education, physical and psychological recovery, and social reintegration to help reunite them with their families and to ensure that these children have the opportunity to become functioning members of society. The Guinean government should not exclude suspected former child soldiers under the age of eighteen from international protection.

- The Guinean government should allow UNHCR full and unimpeded access to places of detention for refugees and asylum seekers, including children.
- The Guinean government should ensure the security of refugee camps and protect children from physical and sexual abuse. In addition, the Guinean government should ensure that refugees are provided adequate assistance so that girls and single women with children are not forced to turn to prostitution and are not otherwise sexually exploited in order to survive.

[Home](#)

The NGO Reports Database on Children's Rights includes all existing and public reports submitted to the Committee on the Convention of the Rights of the Child by NGOs and NGO Coalitions. The copyright of the reports are retained by the authors and use thereof must be duly acknowledged.

The database is the property of the Liaison Unit of the NGO Group for the Convention on the Rights of the Child and is managed by that unit. For further information or other enquiries please contact the Liaison Unit at dcg-ngo.group@pingnet.ch.
