

REPUBLIC OF SIERRA LEONE

Written reply by the Sierra Leone Government concerning the list of issues (CRC/C/OPSC/SLE/Q/1) And (CRC/C/OPAC/SLE/Q/1) related to the consideration of the initial report of Sierra Leone 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)
- 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)

Updated: September 2010

## INTRODUCTION

On 8 September 2000 and 15 May 2002, the Government of Sierra Leone signed and ratified, respectively, the Optional Protocols to the UN Convention on the Rights of the Child (CRC) on:

- The involvement of children in armed conflicts, (OPAC)
- The sale of children, child pornography, and child prostitution (OPSC).

Sierra Leone submitted its initial report on the status of implementation of those protocols in August 2007.

This report is the State Party's response to the additional and updated information on the list of issues to be taken up in connection with the consideration of the initial OPAC and OPSC reports

## BACKGROUND

Since the submission of its initial report on the Optional Protocols in August 2007, Sierra Leone had a change of Government in September 2007. Fundamentally, a large number of developmental policies, particularly as they bear on children, are the same. However, the thrust of the new presidency is "attitudinal and behavioural change". This is the underlying principle of the Government's Agenda for Change, requiring concerted effort by all Sierra Leoneans to adopt a positive attitude towards the "emancipation" of the country from poverty and marginalisation.

Central to its planned development trajectory is to improve delivery of health care, particularly maternal and child health, education, and water services to facilitate the attainment of the Millennium Development Goals (MDGS), while enhancing the country's ranking in the UNDP Human Development Index.

In its pursuit to enhance improved service delivery, the Government is implementing public sector institutional reform measures, through a Public Sector Reform Unit in the Office of the President and conversion of the former Establishment Secretary's Office into the Human Resource Management Office. These reform measures are largely supported by foreign donors, such as the UK's Department for International Development (DFID).

Among the public sector agencies that are being reformed is the Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA). The on-going reform measures, which focus on streamlining the prevailing structures and ensuring personnel competence, will result in a Social Welfare Ministry that is more effective in coordinating and monitoring child protection in Sierra Leone. As part of the re-structuring process the Ministry has been active in rationalising its staff list, ensuring for example that staff retire at the correct age. As a result the number of staff in the Ministry both at central level and out in the field has been reduced. Senior level positions have been advertised and the interviewing process is ongoing. Additionally the Ministry has established five Directorates including one specifically focussed on children's

affairs. The children's affairs Directorate will complement the formation of the National Commission for Children which is in the process of being established

Donor partners, particularly the UN Children's Fund (UNICEF) continue to be instrumental in providing much needed support to the Ministry. Other partners, such as the UN Fund for Women (UNIFEM), the UN Fund for Population Activities (UNFPA), the Justice Sector Development Programme (JSDP), and various International and National Non-Governmental Organizations provide support and collaborate with MSWGCA for ensuring effective service delivery to the children of Sierra Leone.

Since the submission on the initial report, new child focussed legislation has been enacted, older child focussed legislation has been amended and new legislation is being drafted:

- The Child Rights Act enacted in 2007 is a domestication of the UNCRC and the African Charter on the Rights and Welfare of the Child
- The Domestic Violence Act was enacted in 2007
- The Registration of Customary Marriage and Divorce Act was enacted in 2007 and discussions are on-going for harmonising the age of marriage in this Act with that in the Child Rights Act.
- The Adoption Act 2010 is awaiting Parliamentary consent
- The Anti Human Trafficking Act 2010 is before Cabinet
- The Bill on Sexual Offences is being finalised by the Law Officers Department and will be presented to Cabinet in September 2010 for discussion.

Despite the current legislation, various challenges need to be overcome if Sierra Leone is to achieve the much-desired results expected by International Conventions and Protocols, of which the country is a signatory. The majority of the population live in rural areas and whilst governed by national legislation, they also follow traditional practices. The Government continues to work on ensuring that the Sierra Leonean population is educated about national legislation. The government and NGO partners have been engaging with traditional leaders to educate them about domestic legislation and ensure that their traditional laws are in line with them. However, pervasive poverty in Sierra Leone continues to leave people, especially children, vulnerable to exploitation.

One area of the 1991 Constitution of Sierra Leone still needs reform. Section 27 are considered to be discriminatory against women and girls:

*27. (1) Subject to the provisions of subsection (4), (5), and (7), no law shall make provision which is discriminatory either of itself or in its effect.*

*(4) Subsection (1) shall not apply to any law so far as that law makes provision—*

*d. with respect to adoption, marriage, divorce, burial, devolution of property on death or other interests of personal law;*

However, new laws have been enacted that counter this discriminatory clause. The Devolution of Estates Act 2007 and the Registration of Customary and Divorce Act 2007 address the rights of women and children with respect to inheritance rights and support to children in the event of the death of a parent or if the child is born out of wedlock. Section 27 of the Constitution is an entrenched clause that can only be amended or expunged through a referendum. The Government of Sierra Leone recognises that there is a need for a Constitutional Review which would address this issue and this is a process that will take place soon.

The Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA) has developed a Community Development Initiative, the aim of which is to engage with communities and traditional leaders to carry out sensitisation and ensure that customary laws are in line with national legislation. It is the strategic direction of the Ministry which will guide its work with children, in social welfare and on gender.

Sierra Leone is committed to abiding by the provisions and requirements of the International Conventions and protocols to which it is a signatory.

#### RESPONSE TO QUESTIONS FROM THE UN CHILD RIGHTS COMMITTEE

##### A. OPTIONAL PROTOCOL ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT (OPAC)

**Question 1** – The State Party's interpretation of the concept of "direct participation" in hostilities.

**Response** – Direct Participation is taken to mean children who actually held arms and were engaged in combat activities, as well as those who served as porters or "bush wives". The Special Court for Sierra Leone (SCSL) recognised that children who participated in one way or another in the armed conflict in Sierra Leone was due to their being victims. Children were abducted and forcefully enlisted by the warring factions, especially the Revolutionary United Front (RUF).

The Special Court for Sierra Leone was established to try those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996.

**Question 2** – Sanction for the crime of recruitment and enlisting children provided for in the Child Rights Act (CRA).

**Response** – Provision 28 of the CRA stipulates that every child has the right to be protected from involvement in armed or any other kind of conflicts, and accordingly, the minimum age of recruitment in the armed forces is eighteen. The provision goes on to state that government shall not recruit or conscript any child into military or para-military service or permit such recruitment or conscription by the armed forces. This section only specifies recruitment into

the armed forces of the Government, and Government recruitment into the para-military. The CRA does not cover recruitment by armed groups distinct from the armed forces. Other legislation covers the recruitment of children by armed groups.

Provision 35 of the CRA in Part III 'Child Rights, Parental and State responsibilities', which is the part of the Act that lays out the rights of children and the penalties for failing to uphold those rights, including provision 28 regulating the age of recruitment into the armed forces, states that:

*"Any person who contravenes a provision of this part commits an offence and shall be liable on summary conviction to a fine not exceeding thirty million Leones, or to a term of imprisonment not exceeding two years or to both fine and imprisonment".*

The CRA does not cover recruitment of a Sierra Leonean child for a conflict outside the country.

**Question 3** – Follow up on the recommendations from the Human Rights Commission 2008 report on the monitoring of demobilised ex-combatants.

**Response** – There has been no follow-up to the recommendations of Human Rights Commission Sierra Leone 2008 report. The Disarmament, Demobilisation and Reintegration (DDR) programme was completed in 2003 and since then there have been no Governmental mechanisms in place to monitor ex-combatants. There are however some NGOs providing training and job placements for demobilised ex-combatants, especially those that are out of school.

**Question 4** – Status of establishment of the National Commission for Children (NCC)

**Response** – The Child Rights Act (CRA) requires the establishment of the National Commission for Children (NCC). Before the CRA existed, the Government of Sierra Leone established NaCWAC. However, to ensure that two children's commissions do not exist at the same time and perform similar functions, Government ordered the closure of the National Commission for War Affected Children (NaCWAC) in August 2009. The aim was for that commission to give way to the establishment of the National Commission for Children.

MSWGCA has finalised the framework for the NCC, including preparation of the necessary budget. The NCC is factored into the Government Budgetary allocation. It is envisaged that the commission will be established by the end of 2010, contingent upon the amendment to the CRA being approved by Parliament. The CRA, which provides the legal framework for the establishment of structures, underwent an amendment which has a bearing on the establishment of the NCC. The amendment has been approved by Cabinet and will shortly be sent to Parliament. The NCC consists of a Chairman, Commissioner and Deputy Commissioner, to be appointed by The President. Additionally it will have twelve board members. Organisations and bodies who should propose candidates for these positions as stipulated in the Act have been contacted and are putting together a list of nominees.

**Question 5 –** Measures taken within the framework of Security Council Resolution 1612 (2005)

**Response –** All armed conflict in Sierra Leone was over in 2002. Since that time the law does not allow for the recruitment of children under eighteen into the armed forces.

Of note, in 2002 the Government established the National Commission for War Affected Children (NaCWAC). NaCWAC and its implementing partners supported and protected an estimated 3,500 war affected children from 2002 to August 2009. Psychosocial counselling, training, family tracing, mediation and reunification activities were undertaken. In the final year of NaCWAC the most easily identifiable children affected by the conflict had been reunified. The Commission then moved into working with street children who, it was often found, were living on the street as a result of having been involved in the conflict and being unable to return to their families. This work with street children continues through the Ministry of Social Welfare, Gender and Children's Affairs to date.

**Question 6 –** Measures taken to prevent possible recruitment of Sierra Leonean children in conflicts in neighbouring countries.

**Response –** The Government of Sierra Leone does not tolerate the recruitment of Sierra Leonean children in conflicts in any country. The Government does not have any officially reported cases of Sierra Leonean children involved in conflicts in neighbouring countries.

However, it should be noted that with the enactment of the 2005 Anti-Human Trafficking Act, Sierra Leone put into place mechanisms to control and monitor the movement of Sierra Leonean children across its borders. The Immigration Department through its officials at border and crossing points inspect all documents, especially those of children who are travelling without their parents. All children travelling outside of Sierra Leone without their parents are required to have a letter of authorisation from the MSWGCA. If an immigration official is not satisfied with the documentation presented to him then the official will stop the child from leaving and will contact the MSWGCA.

**Question 7 –** Training for, and dissemination on, OPAC amongst professional groups working at national level with children who may have been recruited or used in hostilities.

**Response –** There has been no formal OPAC focussed training for professional groups. However, at the end of the conflict training was conducted on child rights and child protection with the army, police and social workers. This work is ongoing. There has been consistent and ongoing awareness raising and sensitisation sessions nationwide on the Child Rights Act conducted by MSWGCA and its various child protection partners.

Additionally, child rights and child protection issues have been incorporated into the training curricula of the Sierra Leone Police, Immigration and Republic of Sierra Leone Armed Forces.

Human Rights education has been included in the school curriculum in social studies lessons and religious and moral education lessons. These lessons are taught in the final year of primary

school and the first two years of secondary school. Some schools have human rights clubs. Fourah Bay College, a constituent college of the University of Sierra Leone, runs diploma and degree courses in Peace and Conflict Studies, an important aspect of which pertains to protection of children in the event of conflict.

**Question 8 – Schools in military precincts**

**Response –** The schools located in military precincts are both at primary and secondary level. They are civilian institutions of learning and operate under the control and supervision of the Ministry of Education, Youth and Sports (MEYS). The teachers and Heads are civilians, and the pupils are mostly offspring of military personnel in the nearby barracks and from the surrounding civilian communities. The pupils' ages are in line with the MEYS regulations.

**Question 9 – Measures to improve the birth registration system and mechanisms to control and verify age of recruits.**

**Response –** The birth registration system in Sierra Leone has improved considerably, through training of personnel at all levels on how to complete the necessary forms to register new births, the establishment of birth registration centres in all Peripheral Health Units (PHUs) and registration posts in district headquarter towns. Every District birth registration office has been supplied with a computer on which a birth registration database has been set up. Birth registrars have been trained on how to input information into the database. This work has been facilitated with support from UNICEF and Statistics Sierra Leone. The national database will be networked through internet so that all birth registration offices in the districts will be linked to the central database. This will expedite data collection and monitoring.

The Ministry of Health and Sanitation (MOHS) is planning to review the birth registration system. This review process will be overseen by a review committee headed by the Vice President and including representatives from the MOHS, Ministry of Local Government, Government Registration Board and Public Service Reform Unit. A consultant will be hired to carry out the review.

With regards to the verification of the age of recruits, if the young person has no birth certificate they swear an affidavit that they are eighteen years and above. The Army and the police undertake recruitment on a district and chiefdom basis. Where there are no birth certificates, traditional authorities vouch for the ages of applicants.

**Question 10 – Information on children who entered Sierra Leone and may have been recruited or used in hostilities abroad.**

**Response –** There is no information on children who have entered Sierra Leone and who may have been recruited or used in any hostilities abroad.

**Question 11** – Treatment received by children who may have committed crimes while recruited or used in hostilities.

**Response** – There has been no hostilities in Sierra Leone since the civil war ended in 2002. No child involved in that conflict was subject to criminal trial in any court, even the Special Court for Sierra Leone (SCSL). The Truth and Reconciliation Commission organized special close-door sessions for children. For children involved in the conflict, psychosocial counselling and reintegration to the school system and reunification with their families was a priority action for the Government of Sierra Leone.

**Question 12** – Mechanisms put in place to ensure the same standards and procedural guarantees applied by the SCSL are also applied in national courts.

**Response** – The State Party is working out the appropriate modalities for ensuring the application of SCSL standards and procedures into national judicial system. The Special Court of Sierra Leone (SCSL) has an exit strategy; 1) legacy – how will the international standards used in the SCSL be applied in the national court system; and 2) Residual – what will happen once the SCSL is dissolved and a suspected war criminal is seen on the street.

**Question 13** – Regulation of access to arms in Sierra Leone. What are the rules regulating the production, sale and distribution of small arms and other weaponry

**Response** – The Government of Sierra Leone instituted a complete ban on the use of weapons and ammunition, except by the armed forces and the police. There is also a total ban on the wearing of camouflage fatigues outside of the armed forces. The Office of the President is actively implementing the “ECOWAS Protocol on the Proliferation of Small Arms and Light Weapons, Their Munitions and Other Related Material”.

Additionally, the State Party launched the Arms for Development initiative, supported by the United Nations Development Programme (UNDP). This was carried out between 2002 to 2009. Through this initiative, citizens were encouraged to surrender small arms voluntarily. Their communities then benefitted from development projects which the community itself identified and which was funded by the initiative.



**B. OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (OPSC)**

Question 1 – Statistical data, disaggregated by sex, age group, urban/rural areas for the years 2007, 2008 and 2009 on key OPSC issues.

Response –

a) There is no information on the number of cases of sale of children, child prostitution and child pornography.

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

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

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

VOTs	Internal trafficking	Cross border trafficking	International trafficking	TOTAL
0 – 2 years	3	0	0	3
<b>Total</b>	<b>125</b>	<b>14</b>	<b>6</b>	<b>145</b>

**Victims of Trafficking (VoTs) – January to November 2009**

VOTs	Internal trafficking	Cross border trafficking	International trafficking	TOTAL
<b>Total Minors and Adults</b>				
Minors	20	3	0	23
Adults	1	0	0	1
<b>Total</b>	<b>21</b>	<b>3</b>	<b>0</b>	<b>24</b>
<b>Types of Exploitation</b>				
Domestic exploitation	18	3	0	21
Sexual exploitation	2	0	0	2
Others	1	0	0	1
<b>Total</b>	<b>21</b>	<b>3</b>	<b>0</b>	<b>24</b>
<b>Gender</b>				
Female	16	0	0	16
Male	5	3	0	8
<b>Total</b>	<b>21</b>	<b>3</b>	<b>0</b>	<b>24</b>
<b>Age Breakdown</b>				
18 years and above	1	0	0	1
11 – 17 years	18	1	0	19
8 – 10 years	1	2	0	3
2 – 7 years	1	0	0	1
0 – 2 years	0	0	0	0
<b>Total</b>	<b>21</b>	<b>3</b>	<b>0</b>	<b>24</b>

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

It is important to note that the Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA) and its partners do provide support to victims of trafficking to support their basic needs whilst in temporary shelter and to carry out their reintegration with their families after investigations have been completed.

**Question 2** – More information on measures to establish an effective system of data collection on issues in the OPSC.

**Response** – In March 2010, MSWGCA and JSDP (Justice Sector Development Programme) opened a resource centre at the central MSWGCA premises. The resource centre will be the nerve centre for the collection of data for all Ministry of Social Welfare, Gender and Children's Affairs activities.

As part of the re-structuring of the Ministry, a new Directorate "Policy Development and Strategic Planning" has been established. One of the key functions of this directorate is to oversee the collection, analysis and use data as well as coordinating research. The research and statistics gathered will be used to develop programmes and policy. The Public Service Commission is responsible for all civil service recruitment, and posts to fill the positions in the Directorate have been announced. The Ministry expects that the new personnel will assume their duties within the next three months. In the meantime, a new consultant has been recruited to develop a data collection system: including indicators, data collection forms and a database. The database will cover all aspects of the work of the Ministry.

The Ministry of Social Welfare, Gender and Children's Affairs has a framework and budget for establishing the National Commission for Children. It is anticipated that the National Commission for Children will be established before the end of the year, once the Child Rights Act amendment has been approved by Parliament.

**Question 3** – Indicate efforts to make the provisions of OPSC known and promote public awareness, including children, through education and training, about the harmful effects of the offences in OPSC.

**Response** – The Government of Sierra Leone is aware that children are at increased risk of the offences in the optional protocol. The State Party has been undertaking a series of media discussions, community-based sensitisation and awareness raising on such issues. The MSWGCA and its partners have conducted training and sensitisation on the Anti-Human Trafficking Act, the Domestic Violence Act, the Adoption Act and the Child Rights Act. There has been specific training of border personnel such as customs and immigration officials as well as the police on these Acts.

The MSWGCA is developing a programme targeting commercial sex workers, including child commercial sex workers, through psychosocial counseling, family reunification and reintegration and economic empowerment.

The Children's Forum Network, the leading child advocacy organization in Sierra Leone, has received training of child rights and child protection as well as on child focused legislation. They have subsequently carried out sensitization on these areas through TV and radio discussions, development of skits and short documentaries that they show in communities and community discussions.

**Question 4** – Measures taken to improve birth registration system aimed at ensuring that all children are registered, and as a means to reduce the risks of becoming victim of the offences in OPSC.

**Response** – The birth registration system has been improved considerably, through extensive training of healthcare workers across the country to carry out birth registration sensitisation with pregnant women at clinics and full scale computerisation of birth registration at district headquarter towns.

With improved birth registration systems there is more reliable documentation on all citizens of Sierra Leone. However, there is no assurance that birth registration reduces the risk of children becoming victims to these types of offences. Other measures are being used to reduce the risk of being victim to these offences; for example TV and radio sensitisation, review of legislation and development of new legislation such as the Bill on Sexual Offences to make penalties for these types of offenses more severe.

**Question 5** – Update on recent legislative developments that cover offences in the OPSC.

**Response** – The State Party, in collaboration with Non-Governmental stakeholders, has drafted a Bill on Sexual Offences. The Bill includes the offences of child pornography, child prostitution and the sale of children. The Bill is currently with the Law Officers Department for finalisation before being sent to Cabinet in September 2010 for approval. The Anti-Human Trafficking Act 2010 is currently with Cabinet for approval.

**Question 6** – Inform how the State Party deals with the contradictions that seem to exist between the CRA and customary law and practices.

**Response** – The Registration of Customary Marriage and Divorce Act was enacted in 2007. Through this the Government has attempted to correct the divide between customary law and national legislation.

and The MSWGCA established a committee, made up of the Ministry and its partner NGOs, to review the contradictions between the Registration of Customary Marriage and Divorce Act 2007 and the Child Rights Act 2007 with respect to the age of marriage. The committee recommended that the Registration of Customary Marriage and Divorce Act 2007 be amended, in order to be consonant with the Child Rights Act; in other words to raise the age of customary marriage to 18 years.

With regards to age of sexual consent, there is nothing in the Child Rights Act on the age of sexual consent. This has been addressed in the Bill on Sexual Offences, which puts the age of sexual consent at 16 years.

It should be noted that these legislations are still new and that customary law and practices are centuries old traditions. The Ministry and its partners are carrying out awareness raising about age of marriage at community level and with traditional leaders. However, there is a pragmatic approach to the work and the emphasis for the Government is to continue to dialogue with traditional leaders to ensure that over time customary laws fall in line with national legislation.

**Question 7** – Information on the moratorium on adoption and the announced review of the legislation and procedure regarding adoption.

**Response** – A committee established by the MSWGCA to review the Adoption Act 1989, placed a moratorium on adoption in May 2009. This moratorium is still in effect. The Act has been amended and incorporates the Hague Convention on inter-country adoption. It also stipulates the establishment of an adoption committee made up MSWGCA, registry of births and deaths, judiciary, law officers department, immigration, Interpol and a private practitioner. This committee oversees all adoption applications. They will order a home study assessment to be carried out by a social worker. Upon approval of the assessment the committee will sign a placement order. During the period of the placement order the child and adoptive family will be monitored. Once satisfied that it is a satisfactory situation the case will be sent to court for an adoption order. The Adoption Act 2010 is currently awaiting Parliamentary consent. Since the Adoption Act 2010 sets out the steps for adoption there was no need to specifically legislate against illegal adoption since not following the established steps for legal adoption will constitute a breach of the Act and result in a penalty.

**Question 8** – Clarification of whether the definitions of sale of children, child prostitution and child pornography have been incorporated under Sierra Leone legislation. Indicate whether State Party has introduced or plans to introduce into the criminal code specific prohibition for each of the offences.

**Response** – The Bill on Sexual Offences 2010 incorporates the definitions as indicated in article 2 of the OPSC. Additionally the Anti-Human Trafficking Act contains definitions from the OPSC:

- The definition in article 3.1(a) (i) a and c of the OPSC are contained within the Anti-Human Trafficking Act of 2005, provision 2.3
- The definition in article 3.1 (a) (ii) is contained within the Adoption Law of 1989 provision 6.1(c)
- The definition in article 3.1(b) of the OPSC is contained within the Anti-Human Trafficking Act of 2005, provision 2.3

The Bill on Sexual Offences includes specific prohibition for each of the offences.

**Question 9** – Inform whether the State Party may establish its jurisdiction over all the offences in OPSC in all cases indicated in article 4 notably when the crime is committed abroad against a national of Sierra Leone; when the crime is committed by a national of Sierra Leone against a non-national of Sierra Leone in another country; when alleged offender is in Sierra Leone.

**Response** – Under provision 14 of the Anti-Human Trafficking Act, a court in Sierra Leone shall have jurisdiction to try an offence under this Act where the act constituting the offence has been carried out:

- a) Wholly or partly in Sierra Leone;
- b) By a citizen of Sierra Leone anywhere;
- c) By a person on board a vessel or aircraft registered in Sierra Leone

Thus, the sale of children for purposes of sexual exploitation and engagement of the child in forced labour and offering/obtaining/procuring/providing a child for child prostitution are incorporated under this Act.

The Bill on Sexual Offences as drafted will incorporate State Party jurisdiction over all the offences in OPSC.

**Question 10** – Indicate whether the offences are included in all bilateral and multilateral extradition treaties. Does the State Party apply the double-criminality rule?

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

**Question 11** – Whether there are provisions in the State Party's legislation to establish, where appropriate, the liability of legal persons for sale of children, child prostitution and child pornography.

**Response** – Sierra Leone has criminal laws which are all encompassing. In the case of the sale of children, child prostitution and child pornography the perpetrator would be charged under the appropriate section of the appropriate law. The new Sexual Offences Bill will establish liability of legal persons of the sale of children, child prostitution or child pornography.

**Question 12** – Whether special training, in particular legal and psychological, is provided to professionals who may come into with child victims of the offences under OPSC.

**Response** – Once enacted into law by Parliament, subject to prior approval by Cabinet, the Bill of Sexual Offences, as well as parliamentary approval of all amendments to relevant Acts, the MSWGCA and its partners plan to carry out awareness raising and training of all relevant professionals on the new and amended legislation. The MSWGCA has factored this work into

its 2011 plan and budget to ensure there are financial resources available for this programme activity.

At the moment the Government relies on the services of the NGOs with regards to psychological training. However, the MSWGCA is planning to re-establish a National Training Centre with a revised curriculum to meet emerging contextual issues. The new curriculum would include training in psychosocial counselling for social workers and service providers.

To date, the Ministry in conjunction with NGOs has carried out training to the judiciary, police, NGOs, community leaders and other service providers on the Anti-Human Trafficking Act, the Gender Acts (Domestic Violence, Registration of Customary Marriage and Divorce and Devolution of Estates) and the Child Rights Act. The MSWGCA continues to intensify training, advocacy and community-based partnerships to promote the protection of children.

**Question 13** – Information on measures taken to protect the rights and interests of child victims of offences in OPSC at all stages of the criminal justice process (privacy, safety, appropriate support services).

**Response** – Child victims of the offences in the Optional Protocol are housed in temporary shelters, such as an approved residential home (for example St Georges Foundation and others who work in collaboration with the Ministry), for a maximum of six weeks. During this six week period victims are given psychosocial counselling by social workers. Ministry social workers trace the victim's family and then carry out community and family counselling to prepare them for the arrival of the child victim. Social workers also facilitate mediation between the child and family and conduct follow up to ensure the continued safety of the victim of trafficking. Sometimes cases are only heard in court after the victim has been reunified with their family. In such instances, the organisations supporting the victim will transport the child to and from court. Court cases involving minors are closed door hearings, often in the chambers of the magistrate. This is to ensure the child's identity is kept secret and the procedures are carried out in a more child-friendly environment. Currently the Ministry, due to the lack of social workers, relies on support from partners such as IOM (International Organisation of Migration) and CVT (Centre for Victims of Torture) and FFAST (Faith Alliance Against Slavery and Trafficking).

**Question 14** – Further information on the social reintegration assistance, as well as physical and psychological recovery measures available for victims of offences in OPSC: Measures taken to ensure child victims of the offences and especially child prostitution are not criminalised. Measures taken to avoid stigmatisation and social marginalisation of victims

**Response** – Victims of trafficking, which may include the sale of children for the purposes of prostitution, are provided with temporary shelter where they receive psychosocial counseling, clothing and toiletries. Their families are traced and efforts made to reunify them. Each child receives a reunification package depending on their individual circumstances and there is follow up monitoring of the child. The same process is followed in the Ministry programme for street

children who are considered to be especially at risk of the offences in the Optional Protocol, especially child prostitution.

In the MSWGCA's 2011 budget there is provision to establish interim care centres for victims of trafficking and other vulnerable people, including street children, as well as increased support to carry out family tracing and reunification, reunification packages and follow up visits. Key partners working to support victims of trafficking include Faith Alliance Against Slavery and Trafficking (FAAST) and International Organization for Migration (IOM).

The Bill on Sexual Offences specifically recognizes that a child prostitute is a victim and should therefore not be criminalized. With the enactment of the Bill, training and awareness raising will be conducted which will cover this aspect.

**Question 15** – Provision of information on measures taken to strengthen international assistance toward investigations or criminal or extradition proceedings brought in respect of the offences in OPSC with regards to cross-border trafficking.

**Response** – Sierra Leone is a member of Interpol – the International Police Organization, which provides cross border investigative and prosecutorial assistance to member countries.

The State Party is also a member of several international bodies regulating human trafficking, chief among which are the African Union and the Economic Community of West African States (ECOWAS). The ECOWAS Convention on Mutual Assistance on Criminal Matters strengthens links between countries in the sub-region. Though Sierra Leone is yet to ratify the Convention, two important policies of the Convention have been incorporated into the amendment of the Anti Human Trafficking Act. The two ECOWAS policies included in the amended Anti-Human Trafficking Act pertain to Protection and Assistance to victims of Trafficking in Persons in West Africa.

The MSWGCA has had recent promising discussions with USAID regarding cross border trafficking programmes.