DEFENSA DE NIÑAS Y NIÑOS INTERNACIONAL DNI
DEFENSE DES ENFANTS INTERNATIONAL DEI
DEFENCE FOR CHILDREN INTERNATIONAL DCI
the worldwide movement for children's rights

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Prolonged pre-trial detention of children in Sierra Leone

The national 2007 Child Rights Act of Sierra Leone provides that any person of 14 years of age or above may be subject to and held accountable under the rule of law for committing an offence. This means that even children between the ages of 14 and 18 years can face judicial proceedings when they are suspected of having committed an offence either alone or in a group. However, there are standards and procedures that guide and regulate the process of investigations and trials of children below 18 years of age: the UN Convention on the Rights of the Child and its General Comments No. 10; the UN Guidelines for the Administration of Juvenile Justice; and the African Charter on the Rights and Welfare of the Child all put emphasis not only on adherence to the due process of the law, but that trial and detention of children be a measure of last resort and for the shortest period of time possible.

Defence for Children International - Sierra Leone (DCI - SL) notes that the juvenile justice system in Sierra Leone is not adhering to basic standards and respecting fundamental human rights. Many children are spending far longer time in pre-trial detention than necessary. One of the worse cases DCI-SL is currently working on involves a boy who since August 2010 remains in pre-trial detention at the Freetown Remand Home. Several other children have spent over a year in pre-trial detention and their cases are not making much progress. The most serious issue with these cases is that, following preliminary investigations, they have been handed over to the High Court by the various Magistrate Courts and their indictments have not yet been issued. As a result, their cases are not progressing and these children remain in detention. Sometimes their frustrations push them to misbehave at the Remand Home and when this happens, those involved are

usually transferred to the Pademba Road Prison (where children are not separated from adult detainees) so that they will not 'contaminate' or 'instigate' other young inmates. In 2013, four Remand Home inmates were transferred to Pademba Road Prison by the Court for misbehavior; these children are still at Pademba Road Prison.

This situation has both social and economic implications on the children involved and even the State. The children end up missing out on education and any future career development and their lengthy stay in detention also affects them psychologically. Furthermore, DCI-SL has observed in one of our cases, that the boy being detained has developed abnormal behavioral traits and if he continues to stay in this abysmal situation, he may end up developing a serious mental health problems (DCI has published a brief report on children Mental and Physical Health in Juvenile Detention: A Preventative and Human Rights Based Approach, which is available online: https://www.defenceforchildren.org/images/stories/Brief_Report_SideEvent_mental_health_juvenile_justice_07March2013.pdf).

In this regard, DCI-SL is calling on the Government of Sierra Leone and all actors involved with children deprived of liberty to ensure the following:

- To expedite the process of establishing a Legal Aid Board in order to ensure access to legal aid for poor children languishing in detention.
- To provide education, health and recreational services for inmates at the Remand Home through an inter-ministerial coordinated approach.
- For the Judiciary to put in place administrative mechanisms to exclusively deal with cases of children; this may include the creation of a separate department or even a desk to administratively manage cases of children within the judiciary.