Child Rights Coalition – Sierra Leone (CRC-SL)
Submission to the Universal Periodic Review of Sierra Leone – June 2015

A. Consultation Process

This submission is the product of several consultations at district, regional and national levels among civil society organizations focused on the realization of the human rights of children and child led organizations. The consultations were based on evidence generated from administrative data and from monitoring and assessment reports. Assessments had captured views at policy maker and household levels, including the views of children. Civil society organizations that participated in the consultations were drawn from child protection, education, health and child justice networks.

Organizations that participated in the consultations and contributed to the development of this report are: AMNet, Defence for Children International (DCI), Plan International, Save the Children International, World Vision International Sierra Leone, Christian Brothers, St. George's Foundation, Health for All Coalition, Children's Forum Network, Detention Watch, FORUT-SL, Coin a Child Campaign, Centre for Youth and Exploited Children, Every Child Matters-Sierra Leone, Don Bosco Fambul, Community Concern Network, African Youths and Children's Network, Animated Area Development, Children and Women Empowerment Society, CRC-SL Kono branch, CRC-SL Kenema branch, CRC-SL Bombali branch, CRC-SL Bo, CRC-SL Kailahun, CRC-SL Port Loko, CRC-SL Moyamba, CRC-SL Pujehun, CRC-SL Kambia, CRC-SL Bonthe.

B. Country Context

Sierra Leone has an estimated population of 6.2 million[1] of which more than 50% are aged 18 or under and 18.4% of the population is less than 5 years old.[2] The majority of the population lives on less than $2 a day and 70% of the population lives below the poverty line. The country ranks near the bottom of the Human Development Index; the Human Development Report for 2009 ranks Sierra Leone at 180 out of 182 countries.

[1] Statistics Sierra Leone (2004) Population and Housing Census
[2] GoSL (2005) Draft Country Report on the Implementation of the Convention on the Rights of the Child

Sierra Leone signed and ratified the Convention on the Rights of the Child (CRC) in 1991 to which it is now legally bound and has enacted into law through the national Child Rights Act 2007 (CRA). Sierra Leone has also ratified the following international and regional human rights instruments relating to the protection of children: the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the African Charter on the Rights and Welfare of the Child.

C. Priority Child Rights Issues

Five issues were identified among the myriads of vulnerabilities faced by children as being the most serious and urgent issues that require action at all levels but especially by the government of Sierra Leone. The five issues identified are as follows:

1. Inadequate support to Ebola affected Children
2. Discrimination against girls accessing education, particularly pregnant girls
3. Sexual abuse and violence
4. Child trafficking and child labor
5. Harmful traditional practices (Female Genital Mutilation - FGM and child forced marriage)

1. Inadequate support to Ebola affected children

Children are identified to be among the most vulnerable groups affected by the Ebola Virus Disease (EVD) which broke out in Sierra Leone in May 2014. About one in five people infected with EVD is a child, with mortality rate for children under the age of 5 estimated at 80 per cent, meaning four out of five children in that age group who have been infected have died.[3] The outbreak of the EVD in Sierra Leone increased children's vulnerability to abandonment, violence, exploitation and abuse, and high levels of trauma and neglect associated with losing parents and caregivers, being isolated and forcibly quarantined. The psychosocial impact of the EVD on children can be particularly severe since many face the double burden of coming to terms with the death of their relatives

[3] Ebola- Getting to zero published by UNICEF

and facing stigmatization in their communities. More than 18,000[4] children have been affected in different ways by the Ebola outbreak: more than 11,000 were exposed to an infected person and quarantined; 8,000 children are estimated to have lost one or both parents during the crisis; almost 800 children were separated from family members. The Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA) database identified about 13,000 children needing psychosocial and mental health services.

Before the outbreak Sierra Leone had the highest maternal mortality ratio and the second highest child mortality rates in the world. Health service utilization dropped significantly during the outbreak reversing the 60% access increment which put children at risk, including EVD affected. The outbreak has affected the national economy; the availability of food and the ability to make a living for a large part of the population remain challenging particularly for EVD affected children.

The free education policy for school children in government assisted schools is one major step to ensure children get back to the formal educational system after 8 months. However EVD affected children especially orphans are challenged in returning to school. School charges have created a barrier that is keeping them out of school.

While continuing the immediate response to contain Ebola until there are zero cases, significant investments should be prioritized within the short-, medium- and long-term recovery plans to better build back a strong foundation for the children of Sierra Leone. In the last three months, EVD infection rates have significantly gone down and all but three districts (including Western Area Urban) are Ebola free, having completed 42 days without recording a single case. The government of Sierra Leone has developed a robust recovery plan to be implemented in the next 6-9 months to move the country from "emergency" to "post-emergency". Although the recovery plan focuses on strengthening systems to prevent and respond to the health, education and social needs of Sierra Leoneans there is very little investment in child protection. Social protection programs focus on cash transfers with very little emphasis on strengthening protection systems and addressing specific needs of children affected by Ebola. The government of Sierra Leone is yet to provide budgetary allocation to the implementation of the recovery plan especially the components relating to social welfare and child protection.

[4] Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA) Child Protection (CP) Database

Recommendations

The Child Rights Coalition of Sierra Leone (CRC-SL) requests the Government of Sierra Leone and its partners to build the state back better by strengthening an integrated response that address children's needs and lead to effective and adequate recovery, while continuing the immediate response to contain Ebola until there are zero cases, including:

I. Rapid expansion of support to vulnerable children, including orphans and those directly affected by Ebola. The Government should adequately provide budget to the Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA) to provide alternative care, psychosocial support and assistance in meeting day-to-day needs, while promoting reintegration back into communities;

II. The Government should develop concrete plans to ensure continuous education support for EVD affected children subsequent to the two years free education scheme, as well as to provide an enabling environment for quality education, and appropriate support and care;

III. Increased efforts to address food insecurity and malnutrition, supporting livelihoods and prioritizing interventions to ensure EVD affected children are provided with food safety net;

IV. Expansion of the Free Health Care Initiative to cover all EVD affected children with provision for EVD survivor children to access specialist support in and out of the country;

V. Establishment of a functional inter-ministerial coordination forum on Ebola;

VI. The Government should increase budgetary allocation to Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA) for monitoring and reporting on the care and protection of children affected by Ebola, and the National Children's Commission to support meaningful participation of children in decision that affect their lives

2. Discrimination against girls accessing education, particularly girls who are pregnant

With the recent downward trend in the number of Ebola reported cases throughout the country, the Government of Sierra Leone (GoSL) reopened schools on 14th April 2015, after a nine months break due to the Ebola. To help children return to school, the Government with support from its development partners provided learning materials to children in all schools (public and private). Additionally, the Government provided sanitation and hygiene materials to all schools to help create safe school environments, and to allay fears of parents that would expose children to infection by going to school.
Public exams were conducted for children in mid- and senior- secondary schools. However, restrictions placed by the GoSL on girls who are pregnant prevented them (pregnant girls) from attending school. GoSL through the Minister of Education, Science and Technology, indicated that girls who have become pregnant during recent months would not be allowed to take exams nor return to school before childbirth. He indicated that he could not accept seeing pregnant girls "in a school uniform". CRC-SL and other development partners are concerned of the discriminatory and negative consequences these practices have on the lives of adolescent girls, and beyond that, on the lost opportunity this represents for this country's economic and social development. According to the 2013 DHS, 28% of girls of ages 15-19 are already mothers or currently pregnant (up to 10,000 every year). Development partners have repeatedly advocated against this decision on the following grounds: depriving these thousands of girls of the opportunity to finish their education is extremely detrimental for their future and for that of Sierra Leone as a whole. According to the Demographic and Health Surveys (DHS) 2013, less than 30 percent of women of ages 20-24 attended secondary school and only 10 percent completed secondary school.

A poor level of education for girls and women is an issue that has wider negative consequences for Sierra Leone, including implications for the approximately one-third of Sierra Leonean children who are born to teenage mothers. These children are often disadvantaged. Apart from opportunities to earn income, the education of a mother has been shown globally to improve the health status of children. The importance of this, in a country with the highest infant mortality in the world, cannot be over-emphasized. However, due to the advocacy by Civil Society Organizations (CSOs), the Ministry of Education, Science and Technology has established a Special Needs Working Group as an 8th pillar to the already existing 7 pillars to look into the educational needs of pregnant girls. The Office of the First Lady and Wife of the Vice president of Sierra Leone have set up a Committee in collaboration with Plan Sierra Leone, World Vison, United Nations Population Fund (UNFPA), and others to raise awareness on teenage

pregnancy, especially for Basic Education Certificate Examination (BECE) students, and to further advocate with develop partners to enable them access to adequate educational services.

The United nations Convention on the Rights of the Child (UNCRC), article 28(1) calls on Sate parties to " … recognize the right to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall in particular; (e) Take measures to encourage regular attendance at schools and the reduction of dropout rate"

The United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) 1981 Part 3 Article 10, requires "State parties to take appropriate measures to eliminate discrimination against women and girls in the field of education"

Recommendations

I. The Government must reconsider their position on allowing pregnant girls to attending school, as education is a fundamental human right and essential for the exercise of all other human rights. Sierra Leone is signatory to a series of normative instruments of the United Nations that lay down international legal obligations for the right to education. Sierra Leone is signatory to the, inter alia, United Nations N Convention of the Rights of the Child. The national Education Act of 2004 states the principle of non-discrimination in accessing education (article 4 section 1). Banning pregnant adolescent girls from taking exams and accessing education is thus a human rights violation;

II. The Government must provide reparative and supportive interventions for children who have suffered from discriminatory practices in education, particularly for pregnant teenagers;

III. The Government must invest in and promote sexual and reproductive health rights for girls through the re-introduction of family life education in schools, and the expansion of sexual and reproductive health services to all teenagers;

IV. The Government must enforce the 2012 Sexual Offences Act that confirms 16 as the age of sexual consent, and holds perpetrators accountable for sexual violence against children;

V. Address gaps and weaknesses in interagency collaboration and improve joint planning, programming and information sharing among non-governmental organizations and other service providers to address the special needs of adolescent girls.

3. Sexual abuse and violence

In the first report to the Universal Periodic Review (UPR) Working Group, which was issued on the 11 July 2011 by the United Nations Human Rights Council (HRC), several recommendations were presented to tackle gender based violence (GBV) and sexual abuse of women and children in Sierra Leone. For example, both Norway and Switzerland recommended to Sierra Leone that everything possible, including “awareness-raising of the poor on the provision of the Domestic Violence Act”, should be done “to investigate, prosecute and punish those responsible for rape and other forms of gender based violence”. Austria and Hungary further recommended strengthening of the Family Support Unit of the Police with adequate resources and staff, in order to be able to carry out timely investigation and prosecution of domestic, sexual and gender based violence.

Though Sierra Leone has made some progress in this area by passing the Sexual Offences Act in 2012 and the three gender Acts in 2007, lack of effective implementation and enforcement of these laws continue to make particularly girls and women vulnerable and susceptible to such crimes. Many children are being abused without any legal recourse due to their limited access to justice. Anecdotal evidence reveals that many girls were sexually abused during the Ebola crisis (2014-2015) due to many factors including isolation of communities, suspension of school programs, recess of many NGOs that work on GBV and weakening of community based mechanisms. The call on the government for all institutions including the security sector to fight Ebola also made the police (Family Support Unit) change their priorities from addressing GBV to fighting Ebola.

One of the visible effects on girls is increasing number of teenage pregnancy. Anecdotal evidence reveal that the rate of teenage pregnancy has increased alarmingly especially in rural areas where girls were forced to exchange sex for money and food in order to fend for themselves and family members as a result of the isolation of communities and loss of livelihood of their parents and family members. The majority of these pregnant girls will become single parents confounding the vulnerability of children and families. The longer these girls stay

out of school, the less likely it is to return to school and complete their education. The persistent problem of early marriage also contributes to the high rate of teenage pregnancy, with 16% of girls married before the age of 16 and 38% before the age of 18. The high rates of teenage pregnancy and early marriage have had a severe negative effect on the health, education and life opportunities of girls.[5]

These problems continue to exist largely because of prevalence of impunity. Though many more cases on sexual violence are being reported to the police than before, investigation and prosecution processes are slow and complicated. On average the number of days taken by the Police/FSU to investigate a sexual offence on children in Freetown and regional headquarters (HQ) towns is 11 days[6]. The average number of days taken to conclude prosecution of a sexual offence against a child victim in Freetown and regional HQ towns is 89 days. It takes even longer in the smaller district headquarter towns that are more rural and isolated, which in many cases only have makeshift or circuit courts run by visiting magistrates from the regional headquarters.

Recommendations

I. Ensure full and effective implementation of the Sexual Offences Act 2012 and strengthen the Family Support Unit, Prosecutors, Hospitals, Social Service providers and the Court to investigate and prosecute persons that abuse children;

II. Put measures in place to address poverty and other social services that continue to increase children's vulnerability to sexual and other forms of violence – prioritize prevention measures;

III. Raise public awareness (to both children and adults) on the provisions of the Sexual Offences Act, the Domestic Violence Act and Referral System, particularly to people living in poor communities and rural areas, so that they can pursue legal redress and rehabilitation for victims of sexual and other forms of violence (and have such services adequately in place);

IV. Strengthen community based child protection mechanisms and raise awareness of children and families to use these mechanisms; create accessible and child-friendly reporting systems; address the gender

[5] UNICEF Sierra Leone and SSL , MICS 4, 2011
[6] National Child Justice Strategy- 2014-2018.

dimension of violence against children; develop and implement systematic national data collection and research;

V. Government to review laws and policies and practices in line with the United Nations Secretary-General's Study on Violence Against Children (A/61/299).

4. Child trafficking and child labor

In the previous UPR Report 2011, Slovenia, Poland, Morocco, Senegal and the United States all recommended that measures should be taken to tackle the exploitation of children including domestic work, hazardous labour especially in the mining sector, commercial sex and trafficking, by ratification of the International Labour Organization (ILO) Minimum Age Convention No. 138 and the ILO Convention No. 182 on Worst Form of Child Labour, and to develop a shelter system for victims of trafficking.

The CRC SL is concerned that even though the GoSL has ratified the International Labour Organization (ILO) Minimum Age Convention No. 138 and the ILO Convention No. 182 on Worst Form of Child Labour the government has not put in place adequate mechanisms to fully implement the conventions. The Anti-Human Trafficking Act of 2005 is inadequate in addressing the problems of domestic and cross border trafficking.

The US Department of State lists Sierra Leone as a source, transit and destination country for trafficking of women and children.[7] Additionally the US Government highlighted a number of reasons for Sierra Leone's inability to fully comply with the minimum standards for the elimination of trafficking. Gaps identified include the lack of concerted efforts to educate the population on the dangers of trafficking and ways to prevent it; limited services to identify trafficking victims to provide them with protective services and; weak prosecution and lack of convictions of trafficking offenders.

The government reported 27 investigations, one prosecution, and no convictions of traffickers; compared to the seven prosecutions and zero convictions reported during the previous reporting period. Data collection remains weak preventing evidence based decision making and programming.

[7] US Department of State, Trafficking in Persons Report, 2009.

The majority of trafficking cases are of children being trafficked within the country to urban and mining sectors, where they are at risk of hazardous labor and prostitution[8], which are hardly considered trafficking cases.

It's quite normal to see many children in the street doing trading and other exploitative jobs during school hours. Some are also seen in the quarries, mining sites and farms during school hours. Poor quality education and difficulties in accessing schools are also perceived to contribute to children dropping out of school and becoming involved in exploitative labour or other high risk activities.[9]Primary school attendance, for example, stood at 74%in Sierra Leone. Without access to education, children are less resilient and more vulnerable to various common risks in times of crisis, such as early marriage, pregnancy and involvement in child labour.[10]

Though most of the children orphaned by Ebola have been received by other relatives like uncles, aunts, grand parents and friends of their deceased parents, through an informal foster arrangement, some are likely to be used for domestic servitude. The CRC SL is concerned that if tough measures and monitoring mechanisms are not put in place Ebola affected children placed in different forms of alternative care especially those in institutions may be at very high risk of trafficking out of the country as was the case of war affected children. Parents whose children were adopted from orphanages just after the war have been unsuccessful in their fight to redress the illegal adoption of their children.

According to the MICS 2011, 50% of children are engaged in some form of child labor, though the majority are balancing work with education. While most families accept that involving children in work is often unavoidable, they also believe that contributing to the family is a positive lesson for children and teaches responsibility. Child work is, however, seen as a problem when involvement in labor affects school attendance, has negative health consequences, or leads to exploitation and trafficking.

Recommendations

[8] Mapping and Analysis of the Child Protection System in Sierra Leone, Child Frontiers 2010.
[9] See An Ethnographic Study of Community-Based Child Protection Mechanisms and their linkage with the National Child Protection System of Sierra Leone, the Columbia Group for Children in Adversity, 2011.
[10] UNICEF- Ebola getting to zero, March 2015

I. The Government must accede to the Hague Convention on the Protection of Children and Cooperation in respect to Inter country Adoption;

II. The Government must recall and adequately enact the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Crime (2000);

III. The Government must review the Trafficking in Persons Act of 2005 and the Adoption Act of 1989 in line with international instruments and to put in place mechanisms for the implementation of such laws especially for gate-keeping to prevent recruitment of children for adoption and trafficking ;

IV. The Government must put proactive measures in place, such as awareness raising of the public (including children) on trafficking laws & prevention, and strengthen cross border security, immigration services and community mechanisms to rescue and support victims of trafficking; provide reintegration services for victims and prosecute perpetrators;

V. Develop and implement policies that control child labor particularly street trading, quarrying, mining, street begging with blind persons and domestic servitude, and increase opportunities for children to access quality education.

5. Harmful traditional practices – female genital mutilation (FGM) and child forced marriage

The practice of female genital mutilation (FGM) is widespread and is deeply rooted in tradition that signals the rite of passage for girls into womanhood. Although there is widespread acceptance of FGM the practice is secret and is carried out as part of initiation into the Bondo society. The Bondo society is active in all districts of the country, and practiced among all ethnic groups except among the Creoles in the Western Area.

FGM is central to the Bondo society and involved the partial or total removal of the female external genitalia, or other injury to the female genital organs.[11]

[11] Multiple Indicator Cluster Survey (UNICEF) (2005)

Approximately 94% of women in Sierra Leone are members of a secret society which means by proxy they have gone through the process of FGM.[12]

FGM has many social and health consequences on girls who are initiated at very early ages. Early initiation has well documented short- and long- term health hazards associated with the surgical operation that is performed on girls. Studies have also shown that circumcision leads to early marriage, increases the risk of exposure to early sexual activity, to pregnancy, and to child bearing at relatively young ages, either within or outside marriage. These may result in premature, but permanent interruption of the girl child's education, and will ensure that by the time she gets to full womanhood, she does not possess the capacity for social, political and economic self-empowerment.

Although efforts to minimize and/or eradicate the practice have yielded significant gains there is still much to do to minimize/eradicate the practice of FGM among women and girls in Sierra Leone. To date, the following achievements have been reached:

- Signing of a Memorandum of Understanding (MOU) between traditional leaders, bondo societal heads and the local councils to abolish the practice in Kambia District. Two more districts are in the process of signing such MoUs;
- Harmful Traditional Practices (HTP) desk study have been validated in 2013/2014;
- A working group has been established for abandonment of FGM in Sierra Leone;
- CRC-SL is collaborating with Ministry of Gender and Children Affairs to facilitate the first draft of the Gender Empowerment bill which will have a ban on FGM.

Even though the government of Sierra Leone has expressed commitment to minimize FGM in its development framework, the Agenda for Prosperity, there is no law to prohibit its practice. The Child Rights Act (CRA) does not specifically address or include FGM; article 33 states that no person shall subject a child to any "*cultural practice which dehumanizes or is injurious to the physical and mental welfare of the child*". Specific customary practices such as early marriage and child betrothal are also outlawed in Section 46 of the CRA.[13] However, there is no specific and explicit mention of FGM in the entire CRA.

[12] *Ibid*
[13] Child Rights Act 2007

Ending child marriage and violence must remain a priority for the government and all child protection agencies. Forced and child marriages deny children their childhood, disrupt their education, jeopardize their health and limit their opportunities. Furthermore early and forced marriages entrap women and young girls in relationships that deprive them of their basic human rights. In forced marriages, one or both of the partners cannot give free or valid consent to the marriage. Forced marriages involve coercion, deception, force and emotional pressure by family or community members. The victim can be subject to physical or sexual abuse, including rape.

The CRC-SL wishes to express its condemnation of child marriage which is mostly unofficial in nature. A girl in an unregistered marriage has no legal protections in cases of separation. Forced and child marriages are also more likely to become violent because the relationship is based on the power of one spouse over the other. In addition, complications during child birth are much more common among young mothers. Young girls with low levels of education are more likely to experience violence by an intimate partner. A young girl who is still struggling to understand her own structure is forced to make conjugal relations and often show signs of post-traumatic stress and depression owing to sexual abuse by her older partner. Neither their bodies are prepared nor their innocent minds. Forced sexual encounters lead to irreversible physical damage. The psychological damage cannot even be comprehended.

Child marriage and violence against children are assaults on the values of freedom and basic human dignity. CRC-SL will continue to raise awareness and sensitize about the dangers of child marriage and violence.

However, numerous international legal instruments and domestic laws prohibit forced and child marriage, including the Universal Declaration of Human Rights, the United Nations Convention on Consent to Marriage and the Convention on the Rights of the Child (CRC), the Child Right Act of 2007 and the Sexual Offences Act of 2012. Only a few countries have criminalized forced marriage.

Recommendations

I. The Government must amend the Child Rights Act of 2007 to unequivocally prohibit FGM for anyone under the age of 18, by January 2016;

II. The Government must support full and unequivocal implementation of the strategy to eradicate FGM by 2016;

III. CRC-SL requests the Government to facilitate and create an enabling environment for open dialogue on FGM;

IV. Comprehensive package of services to address retirement compensations, alternative livelihood for Bondo societal heads to incentivize them to give up the practice of initiation;

V. Enforce the 2012 Sexual Offences Act that confirms the age of sexual consent at 16, and holds perpetrators accountable for sexual violence against children;

VI. Increase universal birth and marriage registration and establish additional registration locations. Make birth records accessible to law enforcement authorities;

VII. Codify and endorse bylaws at district and community level that prohibit marriage for persons below the age of eighteen.