



**Convention on the Rights
of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-eighth session

SUMMARY RECORD OF THE 1330th MEETING*

Held at the Palais Wilson, Geneva,
on Thursday, 29 May 2008, at 10 a.m.

Chairperson: Ms. LEE

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* No summary records were prepared for the 1328th and 1329th meetings.

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Sierra Leone (CRC/C/SLE/2; CRC/C/SLE/Q/2 and Add.1)

1. At the invitation of the Chairperson, the delegation of Sierra Leone took places at the Committee table.
2. Ms. VAMBOI (Sierra Leone) conveyed to the Committee greetings from the President, people and children of the Republic of Sierra Leone. The delegation was at the Committee's disposal to provide it with any necessary information which had not been communicated in the written replies (CRC/C/SLE/Q/2/Add.1); she was sure that the dialogue with the Committee would be fruitful and serve the interests of the children of Sierra Leone.
3. Ms. SMITH (Country Rapporteur) noted that Sierra Leone had ratified the Convention in 1990. It had submitted its initial report on the application of the Convention in 1996. Sierra Leone had undergone a terrible civil war, which had officially ended in 2002. It was thus understandable that the State party had not submitted its second periodic report (CRC/C/SLE/2) until 2006. That report covered a period of 10 years. It had been prepared by the Ministry for Social Welfare, Gender and Children's Affairs with the assistance of the United Nations Children's Fund (UNICEF), several ministries, non-governmental organizations (NGOs) and representatives of civil society. The report followed the guidelines but did not contain sufficient information about the activities carried out in application of the Convention. In the first few years after the end of the civil war the Government had had to concentrate its efforts on post-conflict emergency measures, such as the reintegration of street children, child soldiers and unaccompanied children, and the repatriation of child asylum-seekers and refugees.
4. She wished to know whether the National Commission for War Affected Children was still functioning and requested additional information about the results of its work. Sierra Leone was one of the world's poorest countries. Over 70 per cent of the population lived on less than a dollar a day and 26 per cent in extreme poverty. The country depended on foreign aid for its development and for consumer goods, etc. The political situation was nevertheless stable.
5. She welcomed the adoption of the Child Rights Act in 2007: it was very comprehensive and replaced all the pre-existing legislation on matters affecting children.
6. The authorities had taken cognizance of the need to give priority to children's education and health; the financing for the measures needed was provided by the World Bank, the African Development Bank, the Islamic Development Bank, UNICEF and the World Health Organization (WHO), among other bodies. Aid was also provided for children with disabilities.
7. However, the State party has indicated in its written replies that programmes of assistance for families, for children living below the poverty line, and for children in need of alternative protection in particular, had not received any funding from the Government in 2007 and that the only resources allocated for those purposes had come mainly from NGOs, UNICEF and the United Kingdom Government.
8. It appeared that children had been somewhat forgotten in the process of restoring peace. She asked whether it was possible for additional resources to be allocated to the Ministry for

Social Welfare and whether the sums deriving from debt relief under the Highly Indebted Poor Countries (HIPC) Initiative might be used for that purpose.

9. The Anti-Corruption Strategy adopted in 2006 had fallen behind schedule. It seemed that there was insufficient political will to bring proceedings against persons suspected of corruption. Additional information on that question would be useful.

10. The Ministry for Social Welfare appeared to be the governmental body responsible for coordinating, with UNICEF assistance, all the programmes, policies and activities for the protection of children. It was cruelly short of human and financial resources. She would like to know whether there was any collaboration between the Ministry for Social Welfare and the Ministries of Health, Education, Justice, and Finance. The Child Rights Act provided for the creation a national children's commission as a coordination and monitoring agency. It would be useful to know whether the commission had in fact been established and whether it had begun to function.

11. The delegation might indicate whether the Ministry for Social Welfare had contacts with the regional and local authorities and provide some information about the child protection committees. The Committee also needed to know how the Child Protection Network was functioning and what the current status of the work of the Human Rights Commission was. According to the written replies, the Commission had been functioning since 2006, but some reports indicated that it was still being set up. The members appointed to the Commission were said to be still undergoing training. Additional information would be welcome.

12. She understood that the National Commission for Children, which reported to the Ministry for Social Welfare, was not an independent oversight body. She would therefore like to know whether there were any plans to create a unit dedicated exclusively to children within the Human Rights Commission.

13. The National Children's Policy adopted in 2006 was apparently intended to supplement the Child Rights Act. It would be interesting to know whether the implementation of that policy had already begun.

14. Article 31 of the Child Rights Act was fully in conformity with article 12 of the Convention. She would like to know whether, in practice, children really participated in the taking of decisions affecting them, in particular in the schools, in judicial proceedings and in matters of adoption. She also asked how the Children's Forum Network functioned.

15. Mr. POLLAR (Country Rapporteur) noted that Sierra Leone was a party to the African Charter on the Rights and Welfare of the Child. He wished to know whether efficient mechanisms were in place for the application of the legislation on the rights of the child.

16. The delegation might throw some light on the existence of customary law alongside statute law, for the lives of 80 per cent of the population were governed by customary law.

17. He also wished to know what the State party intended to do upgrade data collection and analysis in order to improve the monitoring of compliance with children's rights.

18. He noted that a number of NGOs were working to promote the rights of the child and asked whether the State party intended to involve civil society organizations in the overall monitoring of the Convention

19. Mr. PARFITT said that the Child Rights Act was based on the best interests of the child but that did not seem to be true of the Constitution of Sierra Leone, article 27, paragraph 4, of which contained discriminatory provisions.

20. He would welcome additional comments on the legislation on family relations, divorce in particular, and asked whether that legislation referred to the best interests of the child and whether that principle could be incorporated in customary law.

21. He wished to know whether there was any possibility of drafting guidelines for judges, especially local judges, to underline the importance of taking the best interests of the child into account. The Committee was concerned about the fact that many trials were conducted informally and that the decisions were handed down by important local chiefs. It would like to know whether it would be possible for that form of judicial authority to be guided by the best interests of the child.

22. Lastly, he wished to know whether the authorities took the best interests of the child into consideration when preparing the budget, for, as already pointed out, very few resources had so far been allocated to improvement of the social protection of children.

23. Ms. KHATTAB, noting that the State party enjoyed the benefit of international aid, said that such aid alone could not ensure long-term improvement in the situation of children's rights but must be accompanied by a firm determination on the part of the Government to make children's policy a priority and to allocate the necessary resources to it. The training activities for professionals working with children seemed to concern only a very small number of persons. And the question of children's rights did not appear to be included in school curricula. It would be useful to know what the media were doing to propagate a culture of respect for children's rights.

24. Although education was free, the school attendance rate for girls was clearly lower than the boys' rate, and their high dropout rate was continuing to increase. The delegation might perhaps provide additional information on that subject.

25. The Family Assistance Service had stated that girls suffered serious discrimination. The practice of female genital mutilation was one aspect of that discrimination. The delegation might give details of the measures taken to combat that practice.

26. Mr. ZERMATTEN noted with concern that, according to the information contained in the report, the birth-registration rate was extremely low, especially in rural areas, where it was only 40 per cent. He would therefore like to know whether the State had taken specific steps to encourage parents to declare their children at birth to the competent authorities and whether the declaration formalities were free of charge.

27. He was also worried about the fact that the acquisition of Sierra Leonean nationality by foreign children born in the State party's territory was subject to very restrictive conditions, especially with respect to the duration and continuity of residence in Sierra Leone, a situation which meant that such children had to wait many years before being able to apply for naturalization.

28. Where access to appropriate information and the protection of privacy were concerned, he would like to know what measures the State party had adopted to protect children against some of content transmitted in television programmes and carried on the Internet. In view of the fact that media reports had been produced on former child soldiers, did the State party monitor the activities of the country's media in order to protect those children's privacy?

29. Mr. FILALI said that, according to reports brought to the Committee's attention, children aged under 17 who were convicted of crimes could be sentenced to up to 12 strokes of the whip. The delegation might indicate whether those reports were accurate and what specific action the State party had taken to eradicate customary practices, in particular corporal punishment, which were incompatible with the country's statute law.

30. He noted from the report that the Prevention of Cruelty to Children Act applied only to children aged under 16 and asked what protection was offered to minors in 16-18 age group. He also asked whether the Human Rights Commission was functioning; if so, he would welcome details of the way in which it handled the cases of human rights violations brought to its attention and of the action taken in response to the studies on violence which it had produced.

31. Mr. CITARELLA invited the delegation to describe how the provisions of the new Child Rights Act were actually applied by the competent authorities and whether they had sufficient human and financial resources to perform that task. He asked what action the State party had taken to ensure that the Act was effectively enforced throughout the country, including in the northern and central regions where community life was governed essentially by customary law. The delegation might also indicate the current status of the Convention in Sierra Leone and, if need be, how the courts had resolved points of conflict between the Convention and the Child Rights Act. In view of the fact that the country had been torn apart by a ten-year civil war, it would be interesting to know whether certain population groups suffered discrimination, in particular with regard to their access to health care and education.

32. Ms. AIDOO noted with satisfaction that since 2005 the State party had adopted five acts on matters of vital importance to children: trafficking in persons; the rights of the child; inheritance rights; customary marriage; and domestic violence. It would be useful to know whether the State party had made provision for the allocation of credits to the bodies responsible for oversight of the implementation of those acts, including the Ministry of Justice, the police services, and the Ministry for Social Welfare, so as to ensure that the whole population, especially rural dwellers, knew about the rights embodied in the acts and could thus invoke them in the courts if they were infringed.

The meeting was suspended at 11 a.m. and resumed at 11.35 a.m.

33. Ms. VAMBOI (Sierra Leone) said that since 2005 far too few budgetary resources had been allocated to the Ministry for Social Welfare. Nevertheless, the Ministry had been able to continue its activities thanks to the support of international partners, including UNICEF and the United Nations Population Fund (UNFPA), without whose aid Sierra Leone would be unable to submit periodic reports to the treaty bodies, including the Committee.

34. The periodic report had been prepared by a steering committee, which had coordinated the various agencies involved in the drafting of the document. Coordination of the work of promoting the rights of the child was a responsibility of the National Child Protection Committee, made up of representatives of the various ministries concerned (Health, Education, and Development and Economic Planning). That Committee coordinated the activities of the task forces working under its authority, which were responsible, among other things, for combating trafficking in persons, violence against women and the exclusion of marginalized children. It was also responsible for monitoring the application of the Convention.

35. The CHAIRPERSON asked whether the National Committee had a sufficiently large budget to perform the tasks assigned to it.

36. Ms. MUSA (Sierra Leone) said that the task forces were made up of representatives of ministries, departments and public bodies, whose work was funded from the State budget, and of representatives of NGOs, which had their own sources of financing. Accordingly, the National Committee did not need a budget of its own.

37. Ms. VAMBOI (Sierra Leone) said that the National Commission for War Affected Children was still operating but was due to be replaced by the National Committee for the Protection of Children under the Child Rights Act of 2007. A plan for promoting the application of the Act had been produced and had received Cabinet approval, but the date of the latter Commission's start-up had not yet been fixed.

38. An amended version of the Child Rights Act had been submitted to the Ministry of Education with a view to the inclusion of the subject of the rights of the child in school curricula. Discussions were being held to determine whether the courses in question should be taught at the primary or the secondary level.

39. Despite the campaigns launched throughout the country to raise awareness of the importance of school attendance by girls and publicize the introduction of free education, it had to be acknowledged that girls continued to suffer discrimination in access to education. That regrettable situation was due to the fact that the reluctance of parents to send their daughters to school was deeply rooted in cultural tradition and that attitudes were very slow to change. However, the Government was continuing to make every effort to boost the rate of school attendance by girls.

40. The task force responsible for combating violence against women operated at the regional level, with UNICEF support. In cooperation with the Ministry for Social Welfare and the police it had already taken action in cases of violence against women and torture of children; the results obtained so far were encouraging.

41. Thanks to a UNICEF pilot project carried out in the north of the country, which had been extended nation-wide, the registration of births was now free of charge provided that the registration took place within six months of the child's birth. After that time limit, parents had to pay an administration fee; that condition prompted parents to declare their children as soon as possible.

42. Where the fight against poverty was concerned, it should be remembered that the Government had adopted a Poverty Reduction Strategy Paper, one of the key elements of which was the incorporation in domestic law of the international human rights treaties to which Sierra Leone was a party. It was in that context that various pieces of legislation had been enacted, including the Restitution of Property Act, the Customary Law Act, the Marriage and Divorce Act, and the HIV/AIDS Reduction Act. As for the Human Rights Commission, it was still in being and fully operational.

43. Ms. SMITH (Country Rapporteur) asked whether the Human Rights Commission had yet received any complaints concerning children, whether it could take action in that kind of case, and whether the Government intended to create task forces in the Commission to deal with cases involving children or women with children.

44. Mr. FILALI asked whether the Human Rights Commission could request information from the Ministry of Justice or the Ministry of the Interior concerning the cases which it might investigate and whether it could transmit cases to the Ministry of Justice.

45. Mr. PARFITT asked whether the Marriage and Divorce Act addressed the question of children's custody and, if so, whether the principle of the best interests of the child prevailed when decisions were taken on that point.
46. Ms. VAMBOI (Sierra Leone) said that the Marriage and Divorce Act did take the best interests of the child into consideration; it had for example increased children's inheritance portion, which had been set at 60 per cent in the National Social Security Act. The transmission of a deceased person's property could be complicated by the fact that he may have had more than two wives.
47. Ms. MUSA (Sierra Leone) said that the Human Rights Commission had already intervened very effectively in cases involving acts of violence in schools. But she did not know whether task forces had been created for children and women with children. However that might be, the implementation of the relevant plans required budgetary funding. Discussions were being held to establish a child-friendly budget and ensure that the institutions working in the field of children's rights had the necessary resources to carry out their programmes.
48. Mr. PARFITT asked whether the establishment of a child-friendly budget meant that programmes for children would be given priority in the distribution of budgetary resources among the various ministries.
49. Ms. MUSA (Sierra Leone) said that it was a question of giving the various ministries dealing with children's issues sufficient resources for them to carry out the relevant programmes. But the fact was that the State had a very limited budget and had to rely on donor support for project implementation. A total of 64 per cent of the national budget came from external sources.
50. Ms. SMITH (Country Rapporteur) said that while the Government was willing to allocate funds for specific matters relating to children, organizations such as UNICEF contributed double the amount allocated by the State. She suggested therefore that the delegation should encourage its Government to take that approach to resource mobilization.
51. Ms. KHATTAB asked how it had been possible to carry out the campaign to raise awareness of discrimination against girls with a total budget of only \$200,000 and, in particular, how the task forces assigned to that issue had been able to function.
52. Ms. MUSA (Sierra Leone) said that when donors funded a project the State showed that it too was committed to implementing the project by making a concomitant contribution to supplement the funding.
53. The monitoring of project implementation and the preparation of project reports was not a responsibility of the Ministry for Social Welfare alone but also of every one of the agencies which received resource allocations for project implementation.
54. Ms. AIDOO asked whether the Ministry of Social Affairs addressed such questions as gender equity and reduction of gender disparities and whether the other ministries took a rights-based approach.
55. The CHAIRPERSON asked whether steps were being taken to combat corruption and ensure that the funds allocated to projects for children were actually spent on those projects.

56. Ms. MUSA (Sierra Leone) said that State employees received training to enhance their awareness of the question of human rights. They were also under instructions to take human rights into consideration when drafting national instruments such as the Poverty Reduction Strategy Paper.

57. The new Government had decided to review the national strategy to combat corruption. Previously, only the Director of Public Prosecutions had been authorized to bring proceedings in corruption cases. Now, proceedings were instituted systematically. Some officials had already been brought to justice, but most of the cases were still awaiting resolution. Nevertheless, the prosecutions had had a deterrent effect.

58. Ms. VAMBOI (Sierra Leone) said that a national strategy for the production of statistics had been drawn up. Any ministries which could not provide statistics in conformity with the guidelines of the national statistics agency delegated that task to a member of the agency's staff, whom they installed in one of their offices.

59. Ms. MUSA (Sierra Leone) said that one of the objectives of the national strategy was to establish a statistician in every ministry. The Ministry for Social Welfare had copious statistics but they were not disaggregated. It would not be able to submit within in the near future statistics which met the criteria set by the Committee.

60. The 1991 Constitution did not contain any discriminatory provisions. The discrimination against girls was rooted in cultural practices and beliefs which differed from region to region. For example, under the customary law in force in some of the eastern regions of the country women could not take part in decision-making. In the case of discrimination against girls in education, it should be stressed that under the Constitution every citizen had the right to education. If, relatively speaking, fewer girls than boys went to school, it was because poor families could not afford to send all their children to school and preferred to send their boys. But how could such discrimination be punished?

61. Ms. KHATTAB said that the Government ought to make that issue a priority and involve all the relevant actors – the media, the schools and traditional chiefs.

62. Mr. FILALI asked why the Constitution applied in some regions of the country but not in others.

63. Mr. CITARELLA asked whether the age of marriage was different for boys than for girls.

64. Ms. VAMBOI (Sierra Leone) said that the legal age of marriage was the same for boys and girls. The Government hoped to be able to make education free up to age 18 for both sexes.

65. Ms. SMITH (Country Rapporteur) asked whether all the communities were willing to give the Child Rights Act precedence over customary law.

66. Ms. VAMBOI (Sierra Leone) said that before promulgating the Act the Government had held consultations with the various stakeholders, such as traditional chiefs and religious leaders, and that 90 per cent of them had agreed to comply with the Act.

67. A naturalization act was going to be promulgated to establish that children born in the territory of Sierra Leone acquired Sierra Leonean nationality, but that was already the current practice.

68. Ms. SMITH (Country Rapporteur) noted that the malnutrition rate remained high in Sierra Leone, providing further evidence of the fact that the Government did not allocate sufficient funds to policies for children or to social protection. She wished to know the current status of the project to create child protection committees in the chiefdoms as stipulated in the Child Rights Act and whether the Bastardy Laws (Increase of Payments) Ordinance and the Married Women's Maintenance Act, referred to in paragraph 186 of the periodic report, were still in force.

69. Mr. POLLAR (Rapporteur) asked for additional information about demobilized children, in particular about their reintegration in society, their families, the school system and the employment market, and for statistics on the numbers of children wounded or killed during the conflict. He wished to know whether care programmes for children suffering from post-traumatic disorders had been put in place and whether land mines still constituted a major risk in Sierra Leone.

70. On the question of juvenile justice, the delegation might describe the powers of the subcommittees dealing with children in conflict with the law, mentioned in paragraph 252 of the report, and indicate whether the State party was going to establish a training centre for human rights, especially children's rights, which would take over on completion of the temporary training courses currently run by NGOs. If so, the centre should offer certified training for judges and magistrates to ensure that they kept human rights in mind when handing down their decisions.

71. It would be interesting to know whether the pre-trial detention centre for minors and the supervised education centres were subject to regular monitoring.

72. The delegation might also provide further information about the release on bail of children in conflict with the law, for the decisions seemed to be taken not by a judge but by the police officer who had made the arrest, and about the maximum period of pre-trial detention of minors which, according to reliable sources, often exceeded the limit of 72 hours prescribed by the Constitution.

73. Mr. KOTRANE welcomed the fact that the State party had produced a number of policies to combat the various forms of child exploitation, including domestic labour, work in mines, and begging, and said that the Government should carry out on-the-spot investigations to measure the scope of those scourges, especially as the State party had not ratified the Minimum Age Convention (No. 138) or the Worst Forms of Child Labour Convention (No. 182) of ILO.

74. He asked what the age of criminal responsibility was in Sierra Leone and for further details of the bill amending the legislation on children in conflict with the law.

75. Ms. KHATTAB said that it was most regrettable that female genital mutilation was not a criminal offence and that the article dealing with that issue had been withdrawn from the new rights of the child bill, for that harmful practice was very widespread in Sierra Leone. It was also regrettable that Government figures had defended the practice in public and that women's associations ensured that it was perpetuated. The Government should adopt legislation banning the practice. It should also adopt a series of measures to eliminate it; in particular, it should carry out awareness-raising campaigns and organize retraining courses for health professionals who made money from the practice.

76. She welcomed the State party's signature of the Plan of Action of the Economic Community of Central African States to combat trafficking in persons and the efforts which it was making to reintegrate victims of trafficking. She asked for further comments on the fact that

the State party had not made any requests for the extradition of alleged traffickers and on its plan to establish a trafficking database.

77. Mr. ZERMATTEN asked what specific steps the State party was taking to tackle the phenomenon of street children and how many street children there were in the whole country, for sources put the figure at between 3,000 and 10,000.

78. He noted that the periodic report had been submitted in 2006 and asked whether additional measures had been introduced since then to care for children who used drugs, marijuana in particular, and alcohol and whether any progress had been made in that area.

79. Ms. VUCKOVIC-SAHOVIC said that it seemed hardly possible that 13.5 per cent of the national budget was allocated to education and asked whether the allocations were spent on teachers' salaries and on their training, both of which were extremely inadequate, for the teacher/pupil ration was 1 to 66. Noting that the Prevention of Cruelty to Children Act of 1961, which authorized parents and other legal representatives to correct children physically, had still not been revoked and that the Education Act of 2004 made no reference to the means of correction which teachers were allowed to use, she asked whether corporal punishment was prohibited in the schools.

80. Noting that paragraph 258 of the report stated that in 2003 the technical and vocational schools had enrolled 21,191 pupils while the secondary schools had enrolled 162,141, she drew the State party's attention to the fact that poor countries such as Sierra Leone needed more manpower with technical or vocational training than with general education. The delegation might give its views on that point.

81. The delegation might also indicate what facilities the State party had put in place to allow children to take part in recreational and sporting activities in their free time, to help to prevent them from falling victim to sexual or other exploitation.

82. Mr. PARFITT asked whether the 40 per cent of children who, according to the statistics, did not live with either of their birth parents were cared for by their extended families and what plans the Government intended to formulate to provide such children with alternative care, either in foster families or in special institutions.

83. It was regrettable that customary law, unlike the Constitution, did not impose any parental duties on fathers, and he would like to know how the State party intended to bring about a change of attitudes at the local level and align customary law with the rights of the child bill which was being drafted. On a similar point, how did the State party intend to influence the operation of the justice system at the local level, where justice was dispensed by courts of customary law applying rules which often clashed with the provisions of the Convention?

84. Ms. AIDOO noted that Sierra Leone was sadly famous for its record rates of maternal and infant mortality and under-five mortality and asked about the level of the budgetary credits allocated under the national strategic plan to reduce maternal and infant mortality and whether those credits had been unfrozen. She also wished to know whether the credits allocated under the Highly Indebted Poor Countries (HIPC) Initiative had been disbursed as planned.

The meeting rose at 1 p.m.

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