National Child Justice Strategy for Sierra Leone

July 2006
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### Abbreviations and Acronyms

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<tr>
<td>ACRWC</td>
<td>AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD</td>
</tr>
<tr>
<td>AFRC</td>
<td>ARMED FORCES REVOLUTIONARY COUNCIL</td>
</tr>
<tr>
<td>CBO</td>
<td>COMMUNITY BASED ORGANIZATION</td>
</tr>
<tr>
<td>CPC</td>
<td>CHILD PROTECTION COMMITTEES</td>
</tr>
<tr>
<td>CPA</td>
<td>CHILD PROTECTION AGENCIES</td>
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<tr>
<td>CRC</td>
<td>CONVENTION ON THE RIGHTS OF THE CHILD</td>
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<tr>
<td>CWC</td>
<td>CHILD WELFARE COMMITTEES</td>
</tr>
<tr>
<td>EFA</td>
<td>EDUCATION FOR ALL</td>
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<tr>
<td>FSU</td>
<td>FAMILY SUPPORT UNIT</td>
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<tr>
<td>GDP</td>
<td>GROSS DOMESTIC PRODUCT</td>
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<tr>
<td>GRS</td>
<td>GOVERNANCE REFORM SECRETARIAT</td>
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<tr>
<td>HIV/AIDS</td>
<td>HUMAN IMMUNEDEFICIENCY VIRUS/ACQUIRED IMMUNE DEFICIENCY SYNDROME</td>
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<td>IMATT</td>
<td>INTERNATIONAL MILITARY ADVISORY TRAINING TEAM</td>
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<td>JJ</td>
<td>JUVENILE JUSTICE</td>
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<td>JSDP</td>
<td>JUSTICE SECTOR DEVELOPMENT PROGRAMME</td>
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<tr>
<td>JSS</td>
<td>JUNIOR SECONDARY SCHOOL</td>
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<tr>
<td>LAWCLA</td>
<td>LAWYERS CENTER FOR LEGAL ASSISTANCE</td>
</tr>
<tr>
<td>MEST</td>
<td>MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY</td>
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<tr>
<td>MOH</td>
<td>MINISTRY OF HEALTH</td>
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<tr>
<td>MSWGCA</td>
<td>MINISTRY OF SOCIAL WELFARE, GENDER AND CHILDREN’S AFFAIRS</td>
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<tr>
<td>MYS</td>
<td>MINISTRY OF YOUTHS AND SPORTS</td>
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<tr>
<td>NASSIT</td>
<td>NATIONAL SOCIAL SECURITY INSURANCE TRUST</td>
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<tr>
<td>NGO</td>
<td>NON GOVERNMENTAL ORGANIZATION</td>
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<tr>
<td>NRA</td>
<td>NATIONAL REVENUE AUTHORITY</td>
</tr>
<tr>
<td>OVC</td>
<td>ORPHANS AND VULNERABLE CHILDREN</td>
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<tr>
<td>PETS</td>
<td>PUBLIC EXPENDITURE TRACKING SURVEY</td>
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<tr>
<td>PCMH</td>
<td>PRINCESS CHRISTIAN MATERNITY HOSPITAL</td>
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<tr>
<td>PRSP</td>
<td>POVERTY REDUCTION STRATEGY PAPER</td>
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<tr>
<td>RUF</td>
<td>REVOLUTIONARY UNITED FRONT</td>
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In Sierra Leone, the situation of children involved in the Criminal Justice System remains a real concern after a decade-long civil war. The consequences of this prolonged conflict have had a tremendous impact on children and communities resulting to increased numbers of abuses against children and children in conflict with the law.

The Ministry of Social Welfare, Gender and Children’s Affairs (MSWGCA) which has the mandate to provide services for children; has to grapple with emerging challenges of ensuring that the rights of children are protected and adhered to in the midst of limited facilities, inadequate systems and structures and lack of trained personnel to apply modern approaches in handling vulnerable children.

Faced with these challenges, the Ministry of Social Welfare is encouraged that the National Child Justice Strategy seeks to protect children who are involved in the Criminal Justice System as offenders, victims and witnesses and promotes the monitoring and evaluation of all key institutions involved in this process. It is hoped that developing Prevention and Treatment mechanisms at institutional and community levels will not only reduce abuse and delinquency but will help communities initiate systems to protect their own children.

The contents of this strategy come from a consensus reached after a research process which involved extensive consultations using participatory approaches with children, community leaders, juvenile justice practitioners and stakeholders across the country and, a workshop to garner the opinions of children, civil society groups and related ministries on what a Child Justice Strategy for Sierra Leone’s children should entail. This is indeed a national document that is in line with the Convention on the Rights of the Child and the proposed Child’s Right Bill soon to be tabled in Parliament by my Ministry.

It is my hope that the thought and work that have gone into the document will not be in vain and encourage all partners to collaborate effectively to protect our children and create an environment that promotes child well being.

We congratulate the JSDP team, and look forward to continuing a fruitful working relationship with them.

Shirley Y. Gbujama (Mrs.)
Minister, Social Welfare, Gender and Children’s Affairs
11th July, 2006
Executive Summary

The future of every nation lies in the investment made in its children. Investments not only focused on children living in favourable conditions but ensuring and developing structures and mechanisms that will care and protect vulnerable and at risk children giving them the support required to build a meaningful life.

The ten year old civil war weakened family and community structures, institutions and mechanisms that protected and promoted child welfare. This has resulted to an increase in children in conflict with the law and incidences of child abuse.

Dating back to 2004, 795 children (678 boys, 117 girls) were documented and monitored by Probation Officers in police cells, prisons and correctional facilities in the country. In 2005, 1,046 children (955 boys and 91 girls) and in 2006 up to April (194 boys, 17 girls) from the Western Area and the regions have also been documented.

With regards to child victims, incidences of abuse against children are on the increase. Based on an assessment of the Family Support Units (FSU) of the Sierra Leone Police, amongst the offences reported against children in 2003 and 2004, sexual abuse was highest representing about 21% in 2003 and 22.5% in 2004 compared to 11.7% in 2003 and 13% of reported cases of child cruelty. Unlawful carnal knowledge, constituting about 14% and 17% in 2003 and 2004 respectively is reported as the highest form of sexual abuse on children. While statistics for 2005 are still incomplete the same pattern can be observed.\(^1\)

Mechanisms for responding to children in conflict with the law are inappropriate and substandard as revealed by the appalling facilities and conditions of detention and Reformation Centres; frequent escapes from these facilities (44 children in 2005 and 32 children from January 2006 to date absconded from the Remand Home in Freetown); lack of appropriate holding areas within the Police; unnecessary delays in court proceedings due to frequent adjournments or unavailable fuel or transportation to take children to court.

Ensuring justice and rehabilitation for victims of abuse is still a dream as problems of frequent adjournment in court; transportation constraints; lack of social workers at the FSU; lack of safe homes for victims and insufficient access to free medical facilities which for now is only provided by the International Rescue Committee (IRC) in three districts undermines justice for these children.

It is in this light that the Justice Sector Development Programme which has as its mandate the establishment of safety, security and access to justice for the people in Sierra Leone especially the poor and marginalised formed a sub committee to look at specific issues relating to juvenile justice in Sierra Leone.

This sub committee highlighted the need for an overall strategy for juvenile justice and subsequently commissioned a number of consultants to research and develop discussion papers to inform participants at a juvenile justice strategy workshop.

\(^1\) FSU assessment pg 20
The research process involved extensive consultations and open dialogue with children, community leaders and juvenile justice practitioners across the country. Following consultations, a workshop was organised with participants drawn from the Judiciary, Police, Prisons Department, Ministry of Social Welfare and Children's Affairs, Local and International Non Governmental Organisations and Community Leaders from the regions and the Western Area. They deliberated and came to a consensus on what a Juvenile Justice Strategy for Sierra Leone’s children should entail.

It is within this background that this five year child justice strategy was formulated to focus on children in conflict with the law, children who are victims of abuse and children who might be at risk of abuse and delinquency.

The document throws light on existing laws, existing law versus international law and the Child Rights Bill and the gaps between law and practice on issues pertaining to children in conflict with the law and children as victims and witnesses.

Relevant, workable and sustainable recommendations proposed for children in conflict with the law borders around training Judicial personnel and Justices of the Peace in handling children's matters; expanding the mandate of the FSU to handle child offenders; developing a handbook on children's issues for use at the Police Training School; rehabilitating and equipping the Remand Home in Freetown; establishing a Remand Home in Makeni; establishing Bail Homes (community foster care) for areas without Remand Homes and the availability of trained staff in these detention centres.

Main considerations for dealing with victims of abuse centre on advocacy for free medical facilities; the establishment of safe homes or foster families for temporary placement; the establishment of channels and outlets for reporting child abuse; the development of a comprehensive treatment plan with emphasis on ensuring the gradual establishment of FSUs in all Police Stations in the country and a protocol for the Judiciary on handling children's matters during court proceedings.

Bearing in mind that children though not delinquent or abused can be at risk of such and realising that the Child Justice Strategy cannot solve all the problems pertaining to children in Sierra Leone, prevention programmes will focus on sensitization campaigns on what constitutes abuse and effective parenting. Specific Prevention Programmes will be limited to high risk communities. Interventions proposed support Community Policing, training of social workers from Government, NGOs, CBOs, Youth Groups, School Guidance Counsellors and CWCs to detect, respond and work with abused and at risk children and their families; identify threatening situations that might result in delinquency and build the capacity of the Ministry to respond and make adequate referrals as and when necessary.

A key aspect of the strategy proposes diversionary and restorative justice methods in dealing with first time offenders and children who commit minor criminal offences. Restorative Justice prevents accused children from going through the full judicial process on the condition that they undergo some form of rehabilitation, undertake community service or make restitution for damages. It requires that child offenders be held accountable to the persons who were directly injured by their delinquent activity and to communities that suffer when they do not participate as productive citizens.
Diversionary methods could also be extended to the judicial process wherein deprivation of liberty will be considered as the last resort and alternative sentencing like Cautioning, Probation, Community Service, Restitution, Community Treatment Programmes be used by the Presiding Officer in lieu of commitment to the Approved School.

It is believed that these methods will reduce the number of cases brought to court, help address problems leading to crime and reduce recidivism amongst children.

Social Workers and Community Leaders supported this recommendation claiming that it is not beneficial to expose children to the Police and judicial proceedings at an early age and for minor offences.

It should be noted that diversion is already practiced informally in Sierra Leone within the Police, Communities, and by the Local Courts. As this method is not formalized however, community members and Local Court personnel are criticized for meting out punishments that are not commensurate with the nature of the crime and Probation Officers encounter problems with the police who at times do not allow matters to be settled amicably within families.

Diversion is supported in the Draft Child Rights Bill and proposes the setting up of community structures to mediate and settle minor offences. In order for community structures to be set up however, community members need to be trained and clear guidelines need to be developed with the roles and limitations of the Police, Probation Officers and community members as highlighted within the Strategy.

Realising that the Approved School which should only be used as a last resort does not possess the facilities and personnel to reform children or provide follow up programmes after discharge, the Strategy proposes that the School be rehabilitated and upgraded to meet International minimum standards. Equipping the school with trained staff and the provision of basic health, educational and recreational programmes; the establishment of vocational and agricultural programmes and the development of after care programmes for children discharged from the Approved School will be given priority.

The Ministry of Social Welfare Gender and Children’s Affairs plays a pivotal role in the implementation of this strategy. However, much will not be achieved without ensuring the deployment of trained social workers from national to chieftdom levels; building the capacity of the management staff; and improving the provision of logistical support and equipment to the Probation Units. It should be noted that working towards an improved social welfare system will not be possible without a significant increase in the budgetary allocation to the Ministry by Government.

The Passage of the Child Rights Bill as law will give strength and credence to the Child Justice Strategy. Advocating for its enactment and sensitization on the contents of the Bill will therefore be a priority of the Justice Sector Development Programme.

For the implementation of the strategy to succeed, implementation mechanisms will be needed and detailed indicators developed to monitor progress towards its objectives led by the Juvenile Justice Sub Committee. Institutions will be involved at all levels – national, districts, chieftdom and ward and UNICEF, NGOs, Civil Society and Community Based Organisations will continue to play an important part in its implementation.
Monitoring will also be a reflective and learning process to enhance child justice in this country.

Nothing stimulates and enhances growth as much as a safe and protective environment for children. Government needs to improve the quality of life for the vulnerable; secure stable living conditions; ensure the availability of basic and quality services for children; ensure that the poor and most vulnerable access these services, hold parents accountable for not honouring their responsibility towards their children and increase community focus on children.

The promotion of child rights in the nation as a whole will have a positive impact on the prevention of criminal behaviour and abuse against children thus promoting child well being and upholding the tenets of the Convention on the Rights of the Child of which Sierra Leone is a signatory.
1.0 Background

The Justice Sector Development Programme (JSDP) has as its mandate the establishment of safety, security and access to justice for the people of Sierra Leone especially the poor, the vulnerable and the marginalised. The JSDP is closely aligned with the tenets of the Poverty Reduction Strategy Paper (PRSP). The Truth and Reconciliation Commission Report noted among other things that one factor that contributed to the 10-year Civil War was the collapse of the Justice System. It is in this regard that the JSDP has set itself to the development of the Justice Sector in keeping with Pillar I of the PRSP which promotes good governance, security and peace. The JSDP has a multi-sector approach, working with all stakeholders who have a part to play in the delivery of justice, both within the government and civil society.

Within the JSDP, sub committees were formed to look at specific issues relating to justice in Sierra Leone among which juvenile justice is one and paramount. This Sub-Committee on Juvenile Justice highlighted the need for an overall strategy for juvenile justice.

The process for the development of the National Child Justice Strategy started with the commissioning of a number of consultants to research and develop discussion papers to inform participants at the juvenile justice strategy workshop on the following issues:

- The experiences and perceptions of children (offenders, victims, witnesses and children at risk) about justice in Sierra Leone.
- The Legal Process Relating to Children in Conflict and in Contact with the law, highlighting the current state of the law in Sierra Leone in respect of the general administration of Juvenile Justice.
- The Needs of Children in the Criminal Justice System, outlining the fundamental needs of child offenders, child witnesses, child victims of abuses as well as children in need of care and protection and suggesting ways of addressing their needs.
- Community Prevention and Response Mechanisms.
- The Best Practices at International Law and Existing Gaps between National and International Requirements for the Administration of Juvenile Justice.

The research process involved extensive consultations using participatory approaches with children, community leaders, juvenile justice practitioners and stakeholders across the country.

Following preliminary consultations by consultants and preparation of relevant papers, a workshop was organized to garner the opinions of children, civil society groups and related ministries on what a Juvenile Justice strategy for Sierra Leone’s children should entail. Participants at the workshop were drawn from every child justice stakeholder group in Sierra Leone, including Probation Officers, Court Clerks, Magistrates, Justices of the Peace, representatives of the Police and Prison Departments, child focused institutions and child representatives from the four regions. Statements from distinguished personalities including the UNICEF Country Representative, the Minister of Social Welfare, Gender and Children’s Affairs, the President of the Human Rights Clinic at the University of Sierra Leone and the Juvenile Magistrate in the Western Area Court
focused on the state of Juvenile Justice in the country and the prospects for improvement.\(^2\)

The resulting strategy is aimed at securing the best interest of the child, ensuring and enhancing justice for every child in the criminal justice system, the prevention of abuse against children and reducing the risk of children offending.

This National Strategy for Child Justice in Sierra Leone is broadly divided into twelve sections.

The background presents an overview of the strategic development process. The next section, the situation analysis is sub-divided into three parts: The Sierra Leone context which analyzes the general socio-economic and political situation; the Situation of Children in the Country highlights the general condition of children; and Children and Justice Systems in Sierra Leone specifically examines the situation of Children in Conflict with the Law and Children as Victims throwing light on existing laws, existing laws versus International Law and the Draft Child Rights Bill and Gaps between Law and Practice. Other issues mentioned include Children at Risk of Abuse and Offending, Prevention, Diversion, Reformation and Reintegration, the Role of the Ministry of Social Welfare, Monitoring and Social Amenities and Societal Responsibilities.

The final section presents four broad strategic directions and defines strategies on Prevention of Abuse against Children and Delinquency; Alternatives to Trial and Pretrial detention; Enhancement of the Trial Process and the improvement of Human Resources and Institutional Development associated with Child Justice.

Prior to the implementation of this strategy, a plan will be developed that will guide the initial and ongoing process highlighting priority areas for intervention.

### 2.0 Situation Analysis

#### 2.1 The Sierra Leone Context
Following the ten year civil war, which officially ended in January 2002, the Government of Sierra Leone, in collaboration with bi-lateral and multilateral partners, initiated several reform programmes aimed at addressing problems in the economic, social and political sectors. The Government’s post-war development programmes are central to the continued development of Sierra Leone as an economically viable democratic State able to offer all basic human, economic, cultural and social rights to its citizens. These initiatives have so far culminated in the consolidation of peace and relative economic stability and gradual progress in several developmental sectors. In spite of gains made in developing the country however, the impact on the average Sierra Leonean is yet to be felt.

##### 2.1.1 The Economy
The presence of diamonds has been at the forefront of the discourse on the country’s natural resources, Sierra Leone boasts of an array of mineral and natural resources. It is home to twenty-three (23) of the top twenty-five (25) minerals in the world, including gold, platinum, titanium, aluminium, iron ore and rutile; and features impressive marine

\(^{2}\) Consensus views on the workshop are annexed.
resources and wildlife. The country also features a picturesque landscape with beautiful mountains and some of the most beautiful beaches in the world. In spite of its abundant resources, it is estimated that only about 20% of its arable land has been utilized, and that more than half (approximately 57%) of the country’s population lives under US$1\(^3\) a day. The 2004 Population and Housing Census registered a total population of four million, nine hundred and sixty-three thousand, two hundred and ninety-eight (4,963,298.) The 2003 Human Development Index ranks the country as second poorest in the world after Niger, with a life expectancy of 40.8 years. The GDP per capita is US$149, one of the lowest among 177 countries covered by the 2005 UNDP Human Development Report.

Following independence in 1961, the Sierra Leonean economy enjoyed a period of economic stability with a growth rate of 3.5% to 4%. This period ended in the early 1980s when rampant corruption and mismanagement of state resources depressed the growth rate to as low as 1.5%. The economy continued to struggle throughout the 80s to the early 90s, worsening with the outbreak of the civil war. Final collapse came in 1997 as a consequence of the war and a military coup by the Armed Forces Revolutionary Council (AFRC) which depleted the country’s income generating ability.

In 2002, the economic recovery process saw the emergence of several structures and reform programmes. An Anti-Corruption Commission was established not only to expose those engaged in corrupt practices but to raise awareness about the consequences of corruption on national development. It is expected that the Commission, through its awareness raising and sensitization programmes will influence the attitude of Sierra Leoneans at all levels to refrain from engaging in corrupt practices. Another initiative is the institution of the Public Expenditure Tracking Survey (PETS) conducted annually to assess the implementation and performance of government’s programmes. The National Revenue Authority (NRA) was also set up to maximize revenue generation and coordinate and collect tax on behalf of government. With the increased income generated by the NRA, there is the indication that the establishment of this authority is proving worthwhile.

In the absence of a well established and coordinated pension scheme, the National Social Security and Insurance Scheme (NASSIT) was also set up for employees within both the public and private sectors. Funds accrued from this scheme are now being utilized to address some of the country’s priority social needs such as the provision of shelter. If properly managed, it is envisaged that those who have contributed for a minimum of fifteen years would be provided a living wage on retirement. These initiatives have won the confidence of bi-and multilateral donors resulting in substantial support for the country’s Poverty Reduction Strategy.

Another milestone in the effort to develop the economy was the Sierra Leone Investment Forum organized in March 2006. This Forum brought together international investors from around the world and showcased investment opportunities in Sierra Leone. This initiative is an indication to the world that Sierra Leone is now ready and open for business.

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\(^3\) 2005 UNDP Human Development Report
2.1.2 The Politics
Since gaining independence from Britain in 1961, Sierra Leone has gone through different phases of political transition. Independence ushered in parliamentary democracy that was practiced till the country became a de facto One-Party State in 1978 to 1991 when a multi-party constitution was written. Over the last forty years, the political scene has intermittently been interrupted by military coups and One Party dictatorships.

Sierra Leone has made significant strides in ensuring participatory democratic practice. Presidential and Parliamentary Elections were held in April 1996 and Ahmad Tejan Kabbah was declared President. In May 1997, the government of President Ahmad Tejan Kabbah was overthrown by the Armed Forces Revolutionary Council (AFRC) in connivance with the Revolutionary United Front (RUF). With the official declaration of the end of the war, another Parliamentary and Presidential election was conducted in May 2002. This election was acclaimed by both National and International Observers and described as being procedurally peaceful, free and fair.

In an effort to move away from the centralized bureaucratic political system practiced in the country for more than three decades, the 2004 Local Government Act was enacted to guide the decentralization process. The Act provided for Local Government Elections as a first step towards the devolution of power to the people. Citizens can now hold their authorities accountable for their stewardship, an indication that corruption and mismanagement of public resources can be reversed to enhance national development.

Increasingly, political reform programmes are promoting good governance and recognition of the rights of citizens. Among such programmes is the Law Reform Commission which is working on updating outdated and discriminatory laws and laws not in line with international standards that hinder national growth and development.

Sierra Leoneans enjoy comparatively more freedom of expression than at any time in their history with more than 50 independent newspapers and several private and public radio stations.

2.1.3 The Security Status
The country’s internal security situation has continuously improved with constructive capacity building and organizational development initiatives to improve the performance of the Sierra Leone Military, the Police, Prisons and other security apparatus. While the Police receive support through the Commonwealth, the International Military and Advisory Training Team (IMATT) led by the United Kingdom and other friendly countries like the United States are augmenting logistics and providing appropriate training for the military. Since the final exit of the United Nations Mission in Sierra Leone (UNAMSIL) in December 2005, there has been no report of any significant security threat either from within or outside. Potential security threats could be from the neighbouring Republics of Liberia and Guinea. Fortunately, Liberia’s war has also ended, most of their fighting forces have been disarmed, demobilized and reintegrated and democratic elections

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4 UNAMSIL, a UN Security Decision requesting foreign countries to contribute troops to Sierra Leone to build peace in the country. A 17,500 contingent assisted in bringing, maintaining and consolidating peace in the country. The last contingents left the country in December 2005 handing the security to Sierra Leone’s Security apparatus.
were conducted in 2005. On the contrary, Guinea is still led by an ailing President who assumed power through a military coup following the death of the late President Ahmed Sekou Toure. There is great uncertainty within international circles about the future of the country after his death. A deteriorating situation in that country will certainly have implications for Sierra Leone’s security status.

2.1.4 The Social Status

Though several social facilities have been reconstructed and new ones constructed over the last couple of years, these facilities including schools, clinics, hospitals and water and sanitation are far from adequate.

The Government is making considerable strides in promoting education since the EFA Action Plan was launched. According to statistics provided by the Ministry of Education, Science and Technology, for the 2004/2005 school year, there were about 1.2 million pupils enrolled in a total of 4,298 primary schools compared to 525,812 pupils enrolled in 2,845 primary schools in the 2000/2001 school year. However, notwithstanding this improved state of affairs on the education front, various problems and challenges continue to affect the system. Classrooms continue to accommodate more than the maximum capacity of pupils, even though the dual school shift system has now been introduced. The available number of qualified teachers is also relatively small to meet enrolment demands, especially as teachers are constantly dissatisfied with conditions of service.

Many health centres, satellite clinics and hospitals have been constructed and rehabilitated over the last five years. The Princess Christian Maternity Hospital (PCMH) primarily meant for providing health care services to children and women, and Connaught Hospital in the heart of Freetown have been renovated to match minimum health standards. Makeni now has more than two hospitals and a number of clinics. In spite of improvements in the health sector, killer diseases like malaria and sexually transmitted diseases such as HIV/AIDS are on the increase. The 2005 official government figures notes an increase in the HIV/AIDS rate from 0.9% in 2002 to 1.5% in 2005. Access to drinking water for most communities especially in the rural areas is limited. It is estimated that 57% of Sierra Leoneans have access to improved drinking water sources and about 39% to adequate sanitary facilities.

Though infrastructural development is improving, human resources in many of the government institutions are inadequate and weak, and many employees are lost to organizations that provide better wages and opportunities. A substantial number of medical personnel seek employment elsewhere in Europe or the USA where adequate rewards are available. With signs of an increased private investment in the country, maintaining human resources in these institutions is becoming even more crucial.

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5 The election was won by Ellen Sirleaf Johnson, the first elected female president of Africa
6 The 2004 Population and Housing Census showed … schools, … health centres, clinics and health post.
7 IRIN News of December 20 2005
3.0 The Situation of Children in Sierra Leone

It is estimated that 50.5% of Sierra Leone’s population is below the age of 18 years, and approximately 350,000 of them are orphans. Those orphaned are as a result of either the civil war during which many adults lost their lives, or loss to HIV/AIDS and other prevalent diseases. Records from the Sierra Leone HIV/AIDS Response Project, a World Bank supported project indicated 21,000 children are orphaned due to HIV/AIDS. Figures in 1991/2001 estimated that 57% of children were involved in some form of child labour either as child miners, street hawkers or aiding adult beggars. In 2003, about 27% of children under five years old were underweight. From the report, ‘Situation Analysis of Orphans and Other Vulnerable Groups’, a rapid assessment conducted in five towns showed that up to 2,874 children sleep on the street exposed to the risk of getting in contact/conflict with the law.

Only about 30% of children in Sierra Leone live above the poverty line, with the remaining 70% living on less than US$1 a day. In the 2005 UNICEF State of the World’s Children Report, it was estimated that about 9% of children under the age five suffer from acute respiratory diseases with only half of them having access to service providers. The report indicates that whilst 61% of the children have received anti-malaria drugs, 98% have still not had access to bed nets and out of every 1,000 births, an approximate 170 die before the age of five years. The report also indicates that there is widespread malnutrition in the country, recording a malnutrition rate of 46% in 2003. According to the UNICEF – Sierra Leone 2004/2005 program review, 3,393 child survivors of sexual abuse and exploitation in six provincial districts were provided with medical care. Training on child sexual abuse and exploitation and prevention mechanisms was provided for 26,164 children.

The civil war in Sierra Leone compounded the deterioration of the situation of children. It is reported that of the 72,500 demobilized combatants about 9% were children. The draft 2005 ‘Situation Analysis of OVCs in Sierra Leone’ report showed that over 10,000 children were directly affected by the war in Sierra Leone through family separation, abductions and indiscriminate violence. Of the 10,000 children directly affected by the war, 6,845 were reported to have been associated with various fighting forces. The report showed that 2,171 non-combatant separated children were reintegrated and provided services at various Interim Care Centers across the country.

In its efforts to address the bleak picture of the Sierra Leonean child, laws and policies have been developed. The Government of Sierra Leone ratified the Convention on the Rights of the Child (CRC) on June 18, 1990, after its unanimous adoption by the United Nations General Assembly on November 20, 1989. Endorsing the World Summit Goals for Children and the CRC, the government developed a National Plan of Action in 1992 to address the responsibilities assumed at the ratification of the convention. To date the plan has only been partially implemented. In 1996, a proposed Child Rights Bill was drafted for consideration by the Parliament. Although consultative meetings were held on the Draft Bill, it was considered to be both ‘unwieldy and technically weak’.

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9 “Children on the Brink “ report, a joint USAID, UNAIDS and UNICEF Publication, 2004
10 Fighting forces included the dreaded Revolutionary United Front (RUF), Local hunters known as “kamajors” and the Armed Forces Revolutionary, a rebellious faction of the Sierra Leone Military
UNICEF-Sierra Leone consequently assisted in commissioning a consultant to review the Bill and incorporate the CRC Committee’s recommendations into it. Again, though a more detailed and upgraded Bill adopting the CRC Committee’s recommendations was prepared in 2001, more concrete efforts were sought to make the law on child rights both community-based and all-embracing in its approach and methodology. In 2005, a more technical, inclusive and structured Bill was prepared by another consultant and a legal draftsman. This current Child Rights Bill has been accepted by Cabinet but is yet to be presented to Parliament. The proposed Bill lays the foundation for the setting up of Child Welfare Committees (CWCs) at village and ward levels thus ensuring the protection of children and the implementation of the bill at both national and village levels. It is hoped that the draft Child Rights Bill which to a large extent domesticates the CRC with modifications and local adaptations will soon be enacted.


4.0 Children and the Justice System in Sierra Leone

The current laws governing children in Sierra Leone include the Children and Young Persons Act (Chapter 44 of the Laws of Sierra Leone, 1960 otherwise called “Cap 44”) and the Prevention of Cruelty to Children Act (Chapter 31 of the Laws of Sierra Leone, 1960 otherwise called “Cap 31”) along with other related legislations and policies that generally govern children at risk such as the Anti-Human Trafficking Act (2005), the Protection of Women and Girls Act (Chapter 40 of the Laws of Sierra Leone, 1960) and the 2006 Draft Child Rights Bill.

4.1 Children in Conflict with the Law

Sources from the Ministry of Social Welfare, Gender and Children’s Affairs reveal a gradual increase in the numbers of children in conflict with the law. Dating back to 2004, 795 children (678 boys, 117 girls) were documented and monitored by Probation Officers in police cells, prisons and correctional facilities. In 2005, 1,046 children (955 boys and 91 girls) and in 2006 up to April 211 children (194 boys, 17 girls) from the Western Area and the regions were also documented. A total of 4 children were placed in Bail Homes and provided with care and protection.

4.1.1 Existing Law

The Children and Young Persons Act (Cap 44) addresses the treatment of children alleged to be in conflict with the law, including those who are under police investigation or awaiting formal arraignment before the court. Cap 44 also applies to a broad category of children in difficult situations including those who are at risk of committing an offence and those who, by virtue of special circumstances, are vulnerable to abuse and rights violation.

By virtue of the ‘common law of Sierra Leone’11, children below 10 years are doli incapax.12 Any child between the ages of 10 and 17 suspected of committing an offence

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11 See section 170 of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991) for definition of “the common law of Sierra Leone”.
12 Not capable of committing crime.
with the exception of murder, manslaughter or any serious felony carrying an imprisonment term of more than 7 years is entitled to bail.\textsuperscript{13} Bail can be secured by the child’s parent or guardian or “other responsible person” with or without surety, at the discretion of the officer in charge of the police station to which the child is taken. A child may be refused bail if the officer has reason to believe that granting it will defeat the end of justice.\textsuperscript{14}

With regards to detention, a Commissioner of Police resident in the location where the suspected child is arrested or brought for an alleged crime, has a duty to ensure that “so far as practicable”, the child is separated or prevented from associating with an adult offender other than a relative charged with an offence.\textsuperscript{15}

At the Trial level, Chapter 44 provides that the Juvenile Court, sitting with a Panel of a Magistrate and two Justices of the Peace, should adjudicate over and \textit{finally dispose of} all matters in which juveniles are charged alone (i.e. without adults), except where the offences of homicide, including murder or manslaughter, are charged.\textsuperscript{16}

Where a child is jointly charged with an adult, his/her case shall be heard in the ordinary Magistrates Courts\textsuperscript{17}, without protection for confidentiality and without consideration for the best interest of the child. If a child is charged jointly with his/her peers, he or she is tried in the Juvenile Court, which “sits in a different building or room from that in which the ordinary sittings of the court are held or on different times from those at which the ordinary sittings are held”. Only members and officers of the court, relatives of the parties involved, their advocates and others directly concerned with the court are allowed to attend court sittings, unless by order of the court.\textsuperscript{18}

The Act also provides that “representatives of a newspaper or news agency could be present at sittings of the Juvenile Court, except by special order of the court, on condition that no person shall publish the name, address, school, photograph or anything likely to lead to the identification of the child, except permission is granted by the court in so far as required by the provisions of the Act.” Defaulters are subject to a fine not exceeding the equivalent of 10 Pounds Sterling.\textsuperscript{19}

Where a child is charged with homicide or other serious offences, the case should be heard by the High Court if there is sufficient evidence to try the offence. In such cases, the Juvenile Court is responsible for conducting preliminary investigations to determine if there is sufficient evidence to warrant the trial of the juvenile before the High Court. For such cases, no clear rules or guidelines exist as to how the High Court can proceed to hear the child’s matter especially when charged alone.

The laws of Sierra Leone also guarantee the child’s right to closed hearings and non-identification or stigmatization; his or her right to bail; the requirement to refrain from associating him or her with adults with which she/he is not jointly charged; his/her right to

\textsuperscript{13} Section 5 of Chapter 44. Also, section 2 of the Act defines a “child” as a person below 14 years, and a “young person” as a person between 14 and 17 years.
\textsuperscript{14} Id. Section 5.
\textsuperscript{15} Id. Section 6.
\textsuperscript{16} Id. Section 7.
\textsuperscript{17} Id. Section 3(1).
\textsuperscript{18} Id. Section 5
\textsuperscript{19} Id.
understand the charges against him or her and to take a plea; his/her right to counsel or self-defence and to cross-examination of witnesses against him/her, and the requirement to secure the attendance of his/her parents or guardian in court as the court may, in the juvenile’s best interests determine. While the child’s case is being heard in Court he or she can be held in custody at the Remand Home if he or she is not on bail.

Where the child pleads guilty to the charges against him or her, or where the Court finds the child’s offence, the Juvenile Court is required to record the offence proven and obtain further information on his/her “character, antecedents, home, life, occupation and health” before disposing of the case. These antecedents or background information should normally be provided by Probation or Social Development Workers of the Ministry of Social Welfare.

Part III of Chapter 44 provides for the post-trial treatment of children. The Act provides that no child (i.e. person under the age of 14 years) shall be sentenced to imprisonment, whether at the Approved School or any other reform facility. However, the Act further provides that a child above 14 years of age but below 17 (i.e. a young person) may be imprisoned but only where the court considers that none of the other methods in which the affected child’s case may be legally dealt with is suitable. Such child, if “imprisoned” should, “so far as circumstances permit”, be kept at the Approved School or designated reformatory away from adults.

In disposing of the child’s case, the Juvenile Court may order custodial sentences to an Approved School (namely, an Approved School Order) up until the child turns 18, or until he or she is kept for a minimum of 2 years, except where the offender is over 16 years, in which case, he/she should be committed to the School until he/she is 18.

The Act also makes provision for a person who has completed his/her commitment at the Approved School to be recalled to the Approved School for a period not longer than one year if he/she is below 18 provided approval is given by the President (or his designated representative) to so do or upon an order of court to that effect, specifying the period of stay on recall. In either case, however, the Manager of the Approved School may make the application in the affected person’s “best interests”. The person shall not, in any case, be detained at the Approved School after he/she attains the age of 18.

Another vital issue relating to the disposition of the case of an affected child concerns the application of corporal punishment to him/her as a means of ‘disposing of his/her case’. Although this method is rarely used today, the Corporal Punishment Act provides for its application. Under the Act, the number of strokes to be administered on

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20 Sections 8-17 of Chapter 44. The child’s due process rights are also entrenched in section 17 of the 1991 National Constitution.
21 Id. Section 16 of Chapter 44.
22 Id. Section 24(1).
23 Id. Section (24(2) & (3).
24 Id. Section 26.
25 Id., Section 35.
26 Id., Section 36.
27 Id., Section 36(3).
29 Id. Section 5 of the Act.
an offender whose offence has been found in any case, whether for one or more distinct offences, shall not exceed twelve strokes. The penalty is time-bound – to be executed within six months of the judgment. It should not be inflicted in installments or on any female offender, or a male offender who is medically unfit to take strokes. The punishment should be privately administered but parents/guardians have a right to be present.

Although Cap 44 applies only to persons below 17 years at the time of their alleged offence(s), section 216 of the Criminal Procedure Act prohibits the application of the death penalty to all persons below 18 years. It provides that the affected juvenile should be kept in a safe and secure custody at the order of the President.

The Court may alternatively discharge the child on condition that he/she is placed under the supervision of a Probation Officer or Social Development Worker for a period not exceeding 3 years, subject to variation by the Court. The Court may also order the parent or guardian of the affected child to pay the fines, compensation or costs levied by the Court against the child, except where such parent or guardian is missing or did not negligently or otherwise conduce to the child’s offence. For less serious offences, the Court is at liberty to discharge the child with no orders made. The Court may also order the repatriation of the child to his/her “home or district of origin”, for example if he or she is displaced. Still in the alternative, the Court may order that the child be handed over to a willing and fit person or institution for his/her care and protection.

4.1.2 Existing Law vs. International Law and Draft Child Rights Bill

There are several gaps between Cap 44 of the Laws of Sierra Leone and current international standards on children in conflict with the law. In general, Cap 44 is outdated and does not keep with modern approaches to juvenile justice, including rules, guidelines and policies set out in ‘hard norms’ like the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC), as well as ‘soft norms’ like the Beijing Rules, the Riyadh Guidelines and the Havana Rules on children.

The following are crucial pitfalls identified in the existing law that are not in line with laws and standards known and maintained internationally:

Age of a Child

The current/existing laws on the administration of juvenile justice in Sierra Leone, in particular Cap 44 and related laws like the Prevention of Cruelty to Children Act and the Corporal Punishment Act, are at variance, uncertain and largely out of form with international laws and standards on the definition of a child. Whilst Cap 44 infers a

30 Id. Section 8.
31 Id. See sections 7-13.
32 Act No. 32 of 1965.
33 Id. Section 25.
37 The UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990. The Havana Rules are a follow up to the 1955 Standard Minimum Rules for the Treatment of Prisoners, but specific to protecting ‘juveniles in detention or custody’.
38 Chapter 31 of the Laws of Sierra Leone, 1960.
“juvenile” to mean both ‘a child below 14 years’ and ‘a young person between 14 and 17 years’, the Prevention of Cruelty to Children Act, for example, defines a “child” as “a person under the age of sixteen years”.

Similarly, the Corporal Punishment Act does not make any distinction between a child and a young person and merely refers to both categories of children as “juveniles”, inferring that corporal punishment applies to persons between 10 and 14 years of age. This confusion is compounded by the fact that several other laws, including the National Constitution of 1991 and the Interpretation Act of 1971, provide a different age for the protection of young persons and in defining “infants”. Thus, under the National Constitution, for reasons of securing a young person against publicity or labeling, a ‘child’ could be a person below 21 years of age.\(^{39}\) Similarly, the Interpretation Act defines ‘an infant’ as a person who is below 21 years of age.

The international instruments, including the CRC and the ACRWC – particularly the latter, sets a clear age limit for children, whether offenders or not, at 18 years. The soft norms mentioned above re-echo a similar requirement for childhood.

The current Draft Child Rights Bill for Sierra Leone has moved a step forward to extensively harmonize the laws of Sierra Leone by defining a ‘child’ as a person below 18 years.

Age of Criminal Responsibility
The Minimum Age of Criminal Responsibility is still considered low in Sierra Leone. It is set at 10 years by virtue of “common law requirement”.\(^{40}\)

Articles 40 and 17 of the CRC and the ACRWC respectively place greater emphasis on the child’s age for purposes of criminal responsibility and urge that the age be set at an appreciable minimum that takes into consideration the child’s best interests and his or her sense of dignity and worth.

Taking from other practices in jurisdictions abroad, especially those of several Latin American States\(^{41}\) as well as the balance that ought to be struck between the child’s best interests and the maintenance of law and order; the Draft Child Rights Bill has increased the age of criminal responsibility to 14 years. This was also buttressed by participants at the workshop for the development of this strategy who chose 14 years as the minimum age of criminal responsibility for Sierra Leone.

Arrest and Treatment Pending Trial
Cap 44 fails to clearly and adequately outline basic rules and guidelines for the arrest, detention and treatment of a suspected child offender. Practical realities show that many suspected child offenders are treated like adult offenders. They are detained with adults, held for longer than legally required before charged to Court if at all, and inter alia sometimes denied bail on not so clear grounds by virtue of Cap 44’s requirement that bail may be denied if release of the suspected offender “would defeat the ends of justice”.

\(^{39}\) Section 23(3).
\(^{40}\) Section 170 of the 1991 Constitution of Sierra Leone defines “the common law of Sierra Leone” to include the adopted common law of England, which is of general application in the country.
\(^{41}\) Such as Chile, Columbia and Costa Rica.
Defects at Trial/Due Process Reform
No structural alternatives avail under Sierra Leonean law to the formal Juvenile Court system. The nearest that probably exists at the practical level are Local (Customary Law) Courts in the Provinces, which in many cases in the rural areas sit with a panel of court authorities, mostly community elders, and deal with domestic matters within their jurisdiction, including matters affecting children.

Article 40 of the CRC solicits appropriate and desirable measures for dealing with affected children without resorting to judicial proceedings. Usually, the nature of the juvenile’s offence and his/her personal circumstance would determine the diversionary measures to apply to him/her. The Beijing Rules also require that children’s cases be diverted from formal hearings to appropriate community programmes.

In line with this, the current Child Rights Bill suggests the creation and use of Child Panels in every community to hear, in the first instance, matters affecting and/or involving children save serious offences in which case the severity of the given offence may warrant a referral of the matter to the Children’s Division (or Family Support Unit) of the Sierra Leone Police for investigation and possible referral to a proposed Family Court under the Bill. Such Child Panels are to work with Child Protection Committees (CPCs) at the relevant Village, Chiefdom and District levels. Each CPC should comprise of various child protection stakeholders, including child/youth representatives and a resident social worker in the given area.

Similar structures exist at the international level as preliminary and/or diversionary alternatives to the formal Juvenile/Child Court system. For example, the Reaffirmation of the Law Program initiated in France, whereby a representative of the Juvenile Court, parents/guardians of the child, parties to the case and welfare officers meet at a forum to determine and resolve the dispute, mostly criminal, between the parties. Thereafter, the affected child offender is sent to undertake a Group Life Skills Course for about six months to bring him/her back to society. Equally, the Juvenile Cautioning Program in Wagaga, Australia operates by permitting police officers to make referrals of juvenile matters to a Mediation Conference involving the juvenile offender and his/her victim, their respective parents/guardians, social workers, law officers and child rights groups. The Mediation Conference then hears and disposes of the juvenile’s case by making orders that are suitable to both the victim and the offender. The Village Justice System in the Philippines and the Welfare Approach System in most Latin American countries operate along similar lines.

Joint Trials with Adults
Children lose nearly every measure of protection that conforms to their best interests when they are jointly charged with adults save for sentencing, in which case the affected child would be referred to a Juvenile Court for appropriate treatment. This provision in the laws of Sierra Leone violates the law and spirit of the CRC, ACRWC and the soft norms mentioned herein. It creates room for discrimination against categories of child offenders and exposes them to hazards that are clearly against their best interests.

4.1.3 Gaps and Reasons Between Law and Practice
There is little in the Children and Young Person’s Act that addresses exactly how children should be treated when in direct contact with the law. Though every child should
be entitled to bail with or without a surety, bail is left to the discretion of the arresting officer whether to refuse bail based on the gravity of the offence.

Even though Cap 44 called for the separation of juveniles from adults, children are still held in cells with adults. It is unfortunate that most Police Stations and the Law Court Buildings do not have separate cells or holding areas for children. If they are not locked up in Police Stations they are put in open detention under the care of police personnel who are not specially trained to handle children. Children are also still held in prisons across the country. In 2005, 5 children (4 boys and 1 girl) and in 2006, 2 children were found remanded at the Pademba Road Maximum Security Prison.

The current international standards do not apply any conditionality to the separation of children from adults. Child Rights advocacy groups have made an impact and have been lobbying at police stations for the granting of bail, separation of children from adults and for separate Court sittings for children, however the problem still persists.

There is only one Juvenile Court in the country located in Freetown. This is however, a makeshift Court and sits once a week for 3 or 4 hours. Recently there have been attempts to set up other makeshift Juvenile Courts in Makeni, Bo and Kenema. These attempts have not been successful though, and on several occasions the Courts adjourn either due to lack of a complete panel or because the presiding Magistrate is overwhelmed with other work for the day. The result has been extended delays for children held in remand and awaiting trial. Even with a complete panel, Court personnel, including Magistrates, Clerks, the Police and Probation Officers are not fully trained and are ill-equipped to handle and respond to child crime and in keeping with acceptable minimum international standards, such as, issues of security for the child’s person, labelling, bail and treatment during trial.

Cases in which children are jointly charged with an adult are still held in regular open Court with no consideration for the child’s right to privacy and confidentiality. Even though there are fines levied for newspaper agents that report the names of children who are brought before the Juvenile Court, these fines are too low to ensure protection of the child.

Little or no legal aid exists for child offenders, thus delaying justice for poor and vulnerable children who spend longer time in the criminal justice system than necessary. Key organizations working with children in conflict with the law and have provided minimal legal and related services include Defence for Children International Sierra Leone (DCI SL) and Lawyers Center for Legal Assistance (LAWCLA).

Probation Officers and Social Welfare Officers have the responsibility of conducting investigations and doing a social background analysis of the child in order to present findings to the Magistrate. Currently this is not being done. Probation Officers are not properly equipped and there are insufficient personnel to address the needs of the children that pass through the system. For example there is only one probation officer in Makeni District which has a growing number of children in conflict with the law. In addition, probation officers lack training on how to conduct these investigations and analyses. Additionally there is no specially trained and selected staff at the makeshift Court that specializes in the adjudication of juvenile cases or in child rights.
With regards to age determination, the Court has not properly standardized the methods of ascertaining “childhood”. Often ages quoted by Police in their statements are received and accepted without further proof of birth through birth certificates, medical certificates or otherwise. Thus, children are sometimes charged as adults and vice versa.

Children accused of homicide, wounding, or rape are harshly treated by police officers who often determine and increase the ages of the children to 18 in the absence of birth certificates or authentic medical reports. They are refused bail and sent to adult prisons pending trial. According to Cap 44 every crime committed by a child or a young person with the exception of homicide should be dealt with by the Juvenile Court. For the most part however, these children are tried as adults. For instance, a 17 year old child mother was recently tried and sentenced for a year in Kono by a JP with the approval of the Magistrate. She was sentenced together with her 7 month baby who got ill and later died in Prison.

Children who are not granted bail and are awaiting trial are normally sent to the Remand Home. Currently there are only two Remand Homes in the country located in Freetown and Bo. There is little or porous security at the Remand Home in Freetown and this situation has resulted in children escaping from custody. In 2005, forty-four (44) children absconded from the Remand Home and from January 2006 to date thirty-two (32) children have so far absconded. Such children pose a threat to their communities and feel they are free to commit crimes at anytime and get away with it. Transporting children from the Remand Home in Freetown to the Court is also a problem due to transportation and fuel constraints.

Sources from the regions reveal that a large number of children in conflict with the law are street children and normally find it difficult to trace a family member to bail them prior to the trial. These children who normally reside with Probation Officers while awaiting trial eventually run away. To address this situation, MSWGCA and UNICEF established and piloted community based foster homes (bail homes) in Makeni and Kenema where there are no Remand Homes. These homes provide temporary care for children who have been charged to Court and placed on bail by the Court under a Magistrate’s Bail Supervision Order with conditions. The effectiveness of this initiative is yet to be evaluated.

At Post Trial level, many children are sent to Approved School and Pademba Road Prison because of insufficient alternatives to detention. Even though the outdated Cap 44 makes allowances for alternative detention or Probation Officer follow-up, lack of the required skills and limited resources has led to children being sent to the Approved school or Pademba Road Prison. Repeat offenders are especially sent to Pademba Road Prisons.

4.1.4 Child-to-Child Offences

Incidences of children committing minor and major offences against each other are on the increase in Sierra Leone. Although the lack of authentic data does not show the extent of this problem, reports from child protection agencies and the Ministry of Social Welfare have reported on the complexity of this situation especially when children are below the age of criminal responsibility and commit sexual offences.

Compounding this problem is the fact that Law Enforcement Officers do not conduct thorough investigation but are biased based on who reports first, the sex and the
economic status of the child and his or her family. With specific reference to sexual offences, boys are normally regarded as perpetrators irrespective of whether the boy is younger than the girl or not. The general culture and the current laws do not make provision for sexual abuse against boys who are always seen as the perpetrators.

Law Enforcement Officers should be clear on the procedures and various bodies that such incidence could be referred to especially when intervention might need to be extended to the family. Clarity could be achieved by identifying the victim and the offender through adequate training for law enforcement officers incorporating thorough and appropriate investigative techniques. In this way, the most appropriate treatment would be identified for the victim, offender and families involved.

4.1.5 Recommendations

1.) That the Child Rights Bill be enacted into law without a change in the definition of a child and the age of criminal responsibility.

2.) That guidelines and rules for the arrest, detention and investigation of suspected child offenders as set out in the Beijing and Havana Rules, the CRC (Art. 40) and the ACRWC (Art. 17) be adopted, modified and reduced into a handbook for use as reference material by the police training school, law enforcement officers and child protection personnel.

3.) That all matters involving children be handled and investigated by a single unit within the Police. Thus, the mandate of the Family Support Unit should be expanded, personnel trained in relevant skills and the unit strengthened and better equipped to carry out its additional functions.

4.) Children’s Courts or Special Chambers of High Court should be set up to preserve the affected child’s identity and best interests during judicial proceedings. This is inclusive of separate holding areas for children within the Court premises, availability of trained Magistrates, Justices of the Peace and relevant judicial personnel in children’s issues.

5.) Access to legal aid or Pro Bono services should be provided for child offenders in accordance with the constitutional provision in section 28 (5) of the 1991 constitution of Sierra Leone.

6.) The Ministry of Social Welfare should ensure the provision of transportation and fuel for transporting offenders from the Remand Homes and Bail Homes to and from the courts.

7.) The existing Remand Home should be rehabilitated putting in place security measures and provided with basic health, educational and recreational services.

8.) The Ministry of Social Welfare should coordinate with the Ministries of Health and Education for the provision of health and educational facilities in the Remand Homes.

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42 See the Criminal Procedure Act 1965 (Act No. 32), especially section 210.
9.) One Remand Home should be established in Makeni and Bail Homes (community based care) established in districts without Remand Homes.

10.) Staff of the Remand Home should be trained in Counseling and Mediation, Substance Abuse and Prevention etc.

11.) An effective documentation and information management system should be developed in all Remand Homes.

4.2 Child Victims of Abuse/Witnesses

Incidences of abuse against children are on the increase. Based on an assessment of the FSU, amongst the offences reported against children in 2003 and 2004, sexual abuse is highest representing about 21% in 2003 and 22.5% in 2004 compared to 11.7% in 2003 and 13% of reported cases of child cruelty. Unlawful carnal knowledge, constituting about 14% and 17% in 2003 and 2004 respectively is reported as the highest form of sexual abuse on children. While statistics for 2005 are still incomplete the same pattern can be observed.\

4.2.1 Existing Law

The Prevention of Cruelty to Children Act (Chapter 31 as noted), concentrates on the legal protection of child victims of acts of cruelty, including wilfully assaulting, ill-treating, abandoning, exposing or causing children "under the age of 16 years" unnecessary "suffering or injury to [their] health (including injury to or loss of sight, or hearing, or limb or organ of the body and any mental derangement)".

Chapter 31 also extends legal protection to child victims of sexual abuse, including victims of unlawful carnal knowledge and indecent assault, and provides special powers of arrest without warrant to the police. Additionally, the Act orders, in appropriate cases, the removal of ‘children in the custody of unsuitable persons’ to the care and custody of appropriate and willing persons and institutions in order to secure their best interests.

4.2.2 Existing Law vs. International Law and Child Rights Bill

Under current Sierra Leonean law, victims and witnesses are in several ways subjected to the same treatment and conditions as offenders, or persons suspected of committing an offence. The law does not explicitly address the situation of victims and witnesses before the court.

A child witness appears in any delinquent or criminal proceedings that the court requires to give evidence about a case or matter. The current laws of Sierra Leone do not exempt children below 18 years from giving evidence in court.

International standards set out in the CRC, ACRWC and relevant soft norms make special mention of the right to rehabilitation of children who have suffered various forms of cruelty, abuse and exploitation. Article 39 of the CRC specifically addresses this need by placing an obligation on States to promote adequate treatment for children physically or psychologically abused as a result of exploitation and cruelty. This declaration in the CRC is further augmented by specific treatise and protocols that addresses other kinds of child abuse e.g. Protocol on Child Labour and Protocol on Sexual Abuse etc.

43 FSU assessment pg 20
The Laws of Sierra Leone are for the most part silent on the treatment of victims and witnesses.

The Child Rights Bill proposes that bodies such as the Village Welfare Committees, Child Welfare Committees and the Family Support Unit of the Police monitor proven child abusers. Probation and social welfare officers can also accompany police officers to investigate cases of suspected abuse.

An important innovation in the Child Rights Bill is the creation of Child Panels that are responsible for mediating between offenders and victims. The Draft National Standard for The Protection of Children in the Criminal Justice System does, however, recognize the special needs of child witnesses and victims/survivors of abuse and violation and sets guidelines for dealing with such cases from Pre to Post-Trial Levels.

Similarly, Cap 31 fails to outline and provide for interim care and treatment (medical, social and psychological) of child victims of abuse pending investigation and determination of their cases.

4.2.3 Gaps and Reasons Between Law and Practice

Very little attention is given to the needs of child victims and witnesses who have rights and entitlements under the law. As there are no protective mechanisms for child witnesses, children usually appear in open courts irrespective of the consequences they may be faced with. Despite the emotional stress from the nature of proceedings there are no effective procedures or system in place for child witness preparation or protection prior to and after court proceedings.

For crimes like sexual assault on a child by an adult, the child’s best interest is usually compromised. Such crimes are normally treated as “civil matters” between families and are not reported to the Police as a matter requiring criminal investigations. In the regions, traditional leaders often compromise with perpetrators and also prefer to settle the matter at family level. Police investigations into crimes against children are slow. Certain crimes, like child prostitution and pornography, are complex in nature and the Police have limited capacity and resources with which to properly handle such cases.

The judicial process is also hindered by the reluctance of witnesses to testify in Court due to the stigma and transportation constraints, and delays in trials due to frequent adjournments which cause victims to abandon the case as a result of the long distances they normally have to cover to appear in court. Many victims are also easily bribed into silence. Apart from this, personal interests over shadows the child’s best interest. JPs with inadequate knowledge and understanding of the existing laws and international standards on child justice always preside over child abuse/assault cases without prior knowledge/approval of the Magistrate or the other parties. Their decisions are mostly guided by personal or family interests.

Due to the excessive costs of medical examination, sexual abused victims are normally unable to afford medical attention thus making it difficult to prosecute such offences. MSWGCA social workers attached to the FSU cannot adequately fulfil their functions due to lack of logistics.
4.2.4 **Recommendations**

1.) All victims of abuse should have access to free medical services from government hospitals or centres.

2.) The Ministry of Social Welfare should establish safe homes or properly identify and train foster families who will be provided with basic services for the temporary care of child victims.

3.) Statutory provisions for Witness Protection should be included in the Child Rights Bill with the provision to train Probation Officers and Social Workers on Witness Protection.

4.) Modalities should be worked out between the Ministry, the Police and interested NGOs to ensure the provision of transportation to enable victims appear in court.

5.) Channels and outlets for reporting child abuse should be established and disseminated at national level and a comprehensive treatment plan and directory of services developed at national level for child victims of abuse.

6.) The FSU should be provided with adequate logistics and space within Police Stations to undertake their activities.

7.) A protocol on handling all children’s issues should be developed and disseminated to all relevant judicial staff. Emphasis should also be put on developing and maintaining law reporting on children’s issues.

8.) Local and Bi laws dealing with children should be in line with international standards.

5.0 **Children at Risk of being Victims of Abuse, or Perpetrators of Crime**

Children face the risk of offending others as well as being psychologically, physically, or sexually abused by other children, parents, relatives, guardians and unfamiliar assailants. Thus it is unfortunate that the very people that are entrusted with the care and custody of children are the very ones that perpetrate crimes and abuses against these children.

Learned behaviour occurs during association with family, peers and strangers. A child falling into bad company is exposed to moral danger and eventually becomes beyond control; a child who is being cared for by parents with criminal or substance abuse background; and a child persistently ill-treated or neglected by his/her parents or guardians are all prime targets for abuse and involvement in criminality.

The Prevention of Cruelty to Children Act (Chapter 31) and the Children and Young Persons Act (Chapter 44) as well as the Protection of Women and Girls Act (Chapter 30) address aspects of the handling of children at risk of being abused or perpetrators of criminal acts.
Chapter 44 provides that children and young persons “in need of care and protection”, to include children in difficult situations that are at risk of offending and those who, by virtue of their special circumstances, are vulnerable to various forms of abuse, may be “arrested” and brought before a Juvenile Court for proper placing. The Court will then conduct an enquiry into the affected child’s situation and circumstance and make certain orders to ensure and enhance the child’s adequate care and protection in his/her community.

The Child Rights Bill further allows that if the District Council has any reason to believe or suspect child abuse or that a child is in need of care and protection, “it shall direct probation officers and social welfare officers accompanied by the police to enter, search and investigate the premises where the child is kept.” Upon completion of such investigation, appropriate steps to include removal of the child from the home or issuance of a court order to prevent further abuse are taken, depending on the outcome.

The law permits children found in the above circumstances to be brought before the Juvenile Court for appropriate action in the interest of the child. Article 19 of the CRC notes the State’s obligation to protect children from all forms of maltreatment perpetrated by parents or others responsible for their care and to undertake preventative treatment programmes in this regard. The main disconnect between Cap 31 and international standards of the care and protection of children at risk is that Cap 31 criminalizes children at risk by passing them through the criminal justice system.

5.1 Recommendation
1. The capacity of the Ministry of Social Welfare should be expanded to take appropriate action, network with other service providers and make necessary referrals for intervention.

6.0 Prevention

The UN Guidelines for the Prevention of Juvenile Delinquency prescribes national prevention strategies that are accompanied by early family support and assistance; are community-based solutions; focus on youth education and the deterrence of drugs and alcohol use or abuse among juveniles; and the participation of everyone in the society including the media.44

Without any doubt, there is nothing more important in human development than to lay the foundation for healthy functioning in society in the first few years of life, although most of the time we miss the critical opportunity for prevention and intervention by waiting until it is too late.

The Criminal Justice System in Sierra Leone has never had a prevention component that focuses on developing interventions that would minimize crimes against children or prevent delinquency. In Sierra Leone, children targeted within the criminal justice system are either offenders, victims or witnesses.

44 The UN Guidelines for the Prevention of Juvenile Delinquency
Presently there are increased incidences of abuse against children in communities; increased involvement of children in criminal activities and limited capacity and ability of parents and community stakeholders to address underlying and root causes of crime. The effect has left communities and families grappling with problems with little or no solutions.

It has been proved that characteristics of persistent child offenders include low achievement at school, erratic and inconsistent parenting, parental neglect, family criminality, personality factors and residence in poor disorderly communities.

Delinquency has also for the most part been attributed to peer pressure, poverty leading to families not being able to take adequate care of their children, excessive and unmonitored social activities in communities (e.g. cinema halls), lack of parental control, child neglect and lack of adequate opportunities in the communities to occupy children positively.

Given this background, an effective and early prevention programme targeting schools, families and high risk communities can minimize child abuse and reduce delinquency amongst children. It is also cheaper and more beneficial to support an at risk child in school for a year than to support that child in an institution.

6.1 **Recommendations**

1.) Guidelines defining what entails abuse and its legal implications should be developed and disseminated using the mass media.

2.) Train Social workers from the MSWGCA, NGOs, CBOs and School Guidance Counselors to detect, respond and work with abused and at risk children and families.

3.) Resuscitate and establish Guidance and Counseling Units in schools and train counselors in peer mediation and conflict resolution.

4.) Identify high risk communities and establish community prevention, community policing programmes and children clubs in schools.

5.) Work with CWCs, Youth Groups, and CBOs in selected high risk communities to identify threatening situations that might result in delinquency; develop and manage community safety programmes and provide training on sex education, peer mediation, substance abuse and social skills.

6.) Funds should be provided for the implementation of sustainable Prevention Programmes in selected communities and advocate that Prevention programmes be included in the MSWGCA’s annual budget and funded by Government.

7.) Advocate for the non establishment of ghettos, bars and gambling centres near schools or play grounds in selected communities and facilitate the resuscitating of the film censorship board.
7.0 Diversion

Diversion, the process of preventing minor criminal cases and first time offenders from the full judicial process on the condition that the accused undergo some sort of rehabilitation or make restitution for damages is practiced informally in Sierra Leone. Though not formalized in the child justice system parents, relatives or care givers of victims and offenders have been involved in the settling of minor cases in police stations, customary courts or with community and religious leaders.

Within the customary court system, complaints against children are heard, but child welfare advocates have criticized the use of local courts in settling matters relating to children due to their excesses. There has also been wide spread criticism on the way issues of children are being handled, to the extent of being accused of inflicting 'kangaroo court' type punishments on children.

For instance, in Makeni, the Chief reported that if a child was caught stealing, the parents were asked to pay Le30,000 which the families could not afford to pay and for most part exceeded the cost of the stolen item. In another community, if a child stole fruit from some one else's farm he or she would have to pay for the entire tree even when the child stole only one or two fruits from the tree.

In Kenema, with specific reference to Kpetema, members of the Child Welfare Committee (CWC) have agreed that no crime committed by any child in the community should be reported to the Police. Thus, a sub committee has been formed within the CWC that listens to complaints and settles issues between victims and offenders. Although this has been working quite well there are concerns as to some of the punishments that are being meted out at offenders. In one instance a boy who broke into a neighbouring house and stole some items was asked to return the items and allowed food two hours after his colleagues had eaten.

As this process is not formalized, the police in some instances refuse requests by Probation Officers for minor offences like disorderly behaviour and loitering to be diverted from the legal system even when victims have agreed to do so. Failure to resolve such matters amicably results in over burdening of the courts. The congestion of cases in the courts has resulted to unnecessary delays in trials which is an injustice to children.

There is also no distinction in terms of treatment between first and minor offenders from repeated and major offenders. Children picked up from the street for loitering go through the same process and stay in the Remand Home as those accused of murder or house breaking and larceny.

Juvenile Justice Practitioners are now moving from retributive justice in which the offender is seen as having committed an offence against the state to restorative justice which sees the harm done by crime an offence against a person, community or organization.

Restorative Justice requires that juvenile offenders be held accountable to the persons who were directly injured by their delinquent activity and to communities that suffer when
these child offenders do not participate as productive citizens. It is believed that this method helps to address problems leading to crime and has been proved to reduce recidivism amongst children.

Most countries are now moving towards a restorative approach that involves victims, offenders and members of the community searching for solutions which promote repair, reconciliation, and reassurance. Various methods are used but one of the most common is Conferencing.

Rather than the formal court system, participants (victims, offenders, representatives of the community most affected by the crime) sit in a circle without a table between them. The community includes supporters of the victims and offenders (family and/or friends), and others who have been affected. For example, if a crime occurred on a school campus, school staff may be a part of the affected community and participate in a conference.

During this process offenders admit what they did. They explain what they were thinking when they committed the offense, what they have thought about since then, and whom they think has been affected by their actions. Then, the other individuals in the group discuss how they have been affected by the offender’s behavior. The group then discusses and decides what can be done to repair the harm to make things right. Finally, a written agreement is decided upon by the group, which all participants sign. The conference ends with the participants eating together—a ceremonial breaking of bread—which allows for further reintegration, closure, and healing.

In Ghana, the 1998 Children’s Act made provision for the establishment of Child Panels at district level. These panels are intended to assist with victim-offender mediation in minor criminal matters involving a child where the circumstances of the offence are not too serious. The panel may decide to impose a community guidance order on a child or propose an apology or service by the child to the offended person. SC/UK assisted District Assemblies to establish pilot child panels at both district and community levels to facilitate accessibility.

In Uganda, diversion of children in conflict with the law occurs mainly through the discretion afforded officials within the community or village courts, police and family and children’s courts under the 1996 Children’s Statue. Some Local Councils have developed a specific family and children sub committee, while in areas of Gulu, Local Councils have formed CWCs exclusively dealing with issues bordering on child welfare and protection against abuse.

7.1 **Recommendations**

1.) Comprehensive guidelines should be developed on diversion in which the roles and limitations of community members, police and probation officers/social workers are clearly defined.

2.) Child Panels composed of community members of good moral standing with a genuine interest in children should be established at district or chiefdom level to mediate on minor offences and facilitate reconciliation between the child and the

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45 Zehr, 1990, p. 181).
3.) Identified stake holders should be trained on diversion guidelines.

4.) Alternative diversionary methods like Cautioning, Probation, Community Service, Restitution, Community Treatment and Programmes should be used by the Magistrates in lieu of commitment to the Approved School.

8.0 Reformation and Reintegration

The Riyadh Guidelines provides processes that are geared towards rehabilitating and reintegrating the child into society and the Havana Rules addresses the situation of children who are deprived of their liberty. It reinforces the principle that child imprisonment should only be an issue of last resort. In cases requiring institutionalization, this should come only after thorough and careful consideration of alternative dispositional measures have been considered and overruled. Appropriate educational services and care should be provided for all children held in institutions. The Beijing Rules recognizes the use of discretion but holds officers accountable.

The essence of children going through the formal justice system is not to criminalize the child offender but to reform that child for eventual reintegration into the society as a responsible and productive citizen. Ensuring the reformation and reintegration of the child requires necessary facilities and skills acquisition.

In Sierra Leone, there is only one reformative institution for children in conflict with the law, referred to as the Approved School, located in the eastern part of Freetown. With staff strength of 1946, the Approved School has an average of 20 boys most of them referred from the provinces. Constructed in 1947 during colonial times, the buildings are old and dilapidated, with poor sanitary facilities and non-availability of reliable water supply. Inhabitants within the immediate environment of the school at Wellington are now utilizing the only available source of water supply. There is no demarcation of the school from the community leading to encroachment of land. Inhabitants at Kuntuloh, a settlement on the hills at the back of the school use the school as their main route.

Several attempts to prevent intruders have proved fruitless. Even after persistent attempts, the police personnel cannot cope with the prevailing problems of street youths that regularly engage in drug abuse, night robbery and gambling around the environs of the Approved School. Fencing the land has proved a Herculean task.

Normally, children committed and placed at the school are provided three meals daily, but due to the unavailability of funds, food rations are sometimes reduced.

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46 Officer in Charge 1, Matron 1, Cook 1, Labourer 2, Soil Man1, Clerk 2, Agriculture/weaving instructors 2, Store clerk 1, Carpenter 1, Probation Officer 1, Plumber 1, Duty Officers 2, Night watchman 1 and Day watchman 2.
The NGO “Rainbow of Hope” which provides basic Non-Formal education and counselling services trained one of their staff in weaving, the only skill taught at the school. Communication at the school though installed is presently not functional and there is no furniture and stationary for handling administrative issues.

Assessment of these facilities has shown substantial gaps to adequately provide the required services. There is limited access to basic social services like health, education and recreation; personnel required to counsel and ensure psychosocial intervention do not possess the requisite expertise; there is no effective documentation and monitoring system in place; there is no special facility for girls and disabled children; transportation facilities to take children discharged from the Approved School to their home communities is not available and there are no community based programmes to receive children discharged from the reformation school. Reformation of children in conflict with the law has not been successful. Rather than leaving the Approved School reformed, they are on the contrary, released from this institution the same person or even worse off. They return to families that have not been prepared to receive them. There is usually, neither follow up by social workers nor aftercare programmes to facilitate the reintegration of children into their communities of origin. There are no reintegration mechanisms in place to address victim – offender issues, especially in family related crimes. There are weak or no linkages between the Approved School and communities or families of affected children. These shortcomings undermine the essence of reformation and reintegration.

8.1 Recommendations

1.) That the Approved School be used only for highest risk children and those who repeatedly fail to comply with court ordered sanctions. Commitment should only be used as a last resort after all other sanctions have been considered and overruled.

2.) That the Approved school be renovated and upgraded to meet minimum standards equipped with social workers trained in substance abuse, intervention and prevention, counselling skills, mediation, anger management etc, etc.

3.) Children in the Approved School should have access to basic services such as health facilities, formal and non formal education, religious, recreational, agricultural, vocational and other relevant activities that prepare committed children to becoming useful citizens.

4.) That after care programmes be developed and implemented for children discharged from the Approved School.

5.) An effective documentation and information management system should be developed within the Approved School.

9.0 The role of the Ministry of Social Welfare, Gender and Children’s Affairs

Within the Government of Sierra Leone, the Ministry of Social Welfare, Gender and Children’s Affairs has the mandate to ensure the provision of services to the socially
marginalized, disadvantaged, mentally and physically disabled and destitute be it individuals, or groups, less privileged children affected by the war, women, family units and the needy in our communities.

The MSWGCA is divided into the Social Welfare and Gender Divisions. The Chief Social Development Officer is the professional head and in charge of all child protection activities including the Probation Units. The Western Area office has a staff of five officers headed by a Probation Officer whilst the 12 districts have only one Probation Officer.

Probation Officers should enforce Cap 44 (Care and Protection of Children) of the laws of Sierra Leone by ensuring that court proceedings regarding child offenders, victims and witnesses are adhered to and that children are given a fair trial and protected throughout the judicial process. Other responsibilities include monitoring the police stations and the Pademba Road Prisons; support and protect delinquent, destitute, abandoned, neglected children and orphans by placing them into foster families; receive and treat applications or notifications from lawyers for adoption proceedings through the High Court; ensure that discharged children from the Courts are reunified with their families by carrying out follow up visits and counseling; and facilitate financial support to foster families caring for vulnerable children.

Despite the magnitude of work, the Western Area and the district offices are plagued with logistical problems mainly due to the unavailability of transport facilities making it difficult for probation officers to regularly visit police stations, undertake home visits to follow up on children or even regularly monitor activities in the Remand Home or Approved School. Basic administrative support for the Unit is inadequate and normal financial support for abandoned children and foster families has been minimal.

Although there are two courts in the Western Area, only one is monitored by a Probation Officer. Regularly transporting children from the Remand Home in Freetown to the court has also been difficult due to fuel constraints. Only Probation Officers based in the 3 regional towns and Kono and the officers in charge of the Remand Homes have means of transportation but with very little fuel supply to undertake their duties. Documentation in this unit is poorly managed which makes tracking of children a Herculean task. The database system developed is yet to provide information on children in the criminal justice system.

The Ministry was designed in such a way that there should be a social worker in each chiefdom. Staff shortages have led to the use of volunteers who informally respond to child welfare issues on behalf of the Ministry. Presently volunteers are in the North and Eastern Regions. There services are voluntary and cannot be dependable. Until recruitment is undertaken the Ministry has no alternative but to make use of them, although one wonders if qualified social workers would be willing to be deployed and stationed in some of these remote chiefdoms.

In collaboration with the Family Support Unit (FSU) of the SLP, the MSWGCA supports children who are victims of abuse, jointly investigating such cases with the Police. Thirty-One social workers47 and heads of the MSWGCA Regional and District Offices received joint training on Child Sexual Abuse. The MSWGCA social worker should protect and

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47 Both Principal Social Officers and Social Development Officers
represent the best interest of, and support the child throughout the process, from referral for appropriate services to the completion of legal proceedings and reintegration in families and communities afterwards. This requires the attachment of social workers from MSWGCA to each FSU established. Due to staff constraints within the MSWGCA, only 14 Social workers are based in these FSUs and some of them have a dual role serving as Probation Officers in their districts. Joint Monitoring and home visits is also not effective due to transportation constraints.

Over the years, the Ministry has consistently been under funded. The total budget allocated to the Ministry for the 2005/2006 fiscal was Le700m, approximately US$ 250,000. The bulk of this amount is allocated to cover personnel costs and fund limited programmes within the Ministry.

9.1 **Recommendations**

1.) The staff situation within the MSWGCA should be reviewed and relevant staff recruited to reflect an enhanced capacity of the Probation Units; representation at chiefdom level and within each FSU.

2.) Assess the training needs of management staff and provide access to specified training.

3.) Assess the logistical needs of MSWGCA and provide relevant logistics.

4.) Advocate for an increased budget allocation from the Government and a management system committed to enhancing child welfare in Sierra Leone.

5.) Ensure proper and responsible management of the Probation Units.

6.) Provide comprehensive training on relevant juvenile issues for MSWGCA social workers and juvenile justice practitioners.

10.0 **Monitoring**

Within the child justice system in Sierra Leone, monitoring has not been given the desired attention. The absence of a designed monitoring mechanism to follow up on issues related to juvenile justice is evident. Comprehensive and detailed coverage of issues affecting children is hardly undertaken. Information and documentation systems within the government institutions are weak, archaic and porous with very little information available and no reliable database. Moreover, even when the desire to gather information exists, access to the information is most often a nightmare. In the absence of an Access to Information Act, not many institutions are readily positioned to divulge the little available information to the public.

Thus, it is extremely difficult to monitor the situation of children or undertake an evaluation of children in communities, child welfare institutions like the Remand Homes and Approved School or the involvement of children with law enforcement agencies. There is also difficulty ascertaining areas with a high rate of abuse and delinquency or if

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48 Exchange rate of Le2,800 to US$1
there has been a reduction in the numbers of abuses or delinquency. Thus, the lack of a detailed data collection and analysis of this population hinders proper intervention of emerging needs or adjustments in intervention strategies.

Monitoring these processes should not be considered as policing or playing a “watch dog” role, but rather a reflective practice and learning process to enhance child justice in the country. Thus, the need for the child justice related institutions to ensure the availability of reliable information is crucial for effective monitoring, evaluation and planning.

10.1 Recommendations

1.) An effective information, documentation and data base management system within the MSWGCA Regional and District Probation Units, the FSU and the judiciary should be developed and relevant personnel trained in data collection and management.

2.) Procurement of relevant equipment and data base accessories for effective information collection in identified institutions and departments.

3.) The implementation of the child justice strategy has to be monitored to keep it on track. Therefore, there is the need for the development of benchmarks and regular review of the strategy preferably on a quarterly basis to measure implementation progress.

4.) Establish a national interagency forum that will review and discuss on lessons learnt and best practices.

11.0 Social Amenities and Societal Responsibilities

‘To keep hope alive’ we must start by keeping our children alive by protecting them and creating an environment that promotes child well being. Children are the country’s future. They must top the government’s priority list by putting far more resources and investment in the provision and availability of basic social services.

Within the context of Sierra Leone, social amenities need to be improved. In spite of many infrastructural developments including the construction of schools and health facilities, the availability, accessibility and quality of services do not meet the demands of the growing population.

Recreation impacts on a child’s mental health and development plays a major role in the reformation of children. The availability of safe and accessible play areas for children have never been given much priority in government planning.

Nothing stimulates and enhances growth as much as a safe and protective environment for children. Government needs to ensure the availability of services, hold parents accountable for not honouring their responsibility towards their children and develop structures to ensure that the poor and most vulnerable children access basic services.
This cannot be achieved without the support of communities. Increasing community focus on children; facilitating collaborative initiatives; and stimulating new opportunities will bring the desired change.

Prior to the war, traditional African child rearing practices were in existence with communities taking collective responsibility for the care, well being and development of children. However, there is the reality that rampant social change due to the war has affected this community perception towards child rearing. The break down of community structures leading to adverse economic pressure on families and the influence of city life has almost eroded this traditional practice. Despite this, there is the reality that any successful and sustainable initiative should build on this traditional child rearing concept but how it can be reinforced in the light of a growing social change in towns like Freetown, Kenema and Kono needs some consideration.
12.0 Strategies for Child Justice in Sierra Leone

Overall Goal

The overall goal of this national strategy for child justice is to ensure commensurate, fair, effective and efficient justice for every child in contact or at risk with the criminal justice system in Sierra Leone.

The strategy is broadly categorized into four parts:

**Strategic Goal One** addresses the prevention aspect of child justice ensuring that society is aware of what constitutes abuse, can adequately identify, respond, and prevent abuse of children as well as limit the scope of children committing crime.

**Strategic Goal Two** initiates interventions that would ensure that children do not face the formal justice system.

**Strategic Goal Three** focuses on children in contact and in conflict with the law ensuring that children in this category are given fair and speedy trials in line with international standards.

**Strategic Goal Four** takes cognizance of the need to enhance the capacity of the human resource as well as improve systems and structures to realize an effective and efficient judicial process for the children of Sierra Leone.
### 12.1 Strategic Goal 1

Mechanisms to prevent abuse against children and delinquency developed and enhanced.

<table>
<thead>
<tr>
<th>Specific Objectives</th>
<th>Activities</th>
<th>Indicators</th>
<th>Year&lt;sup&gt;a&lt;/sup&gt;</th>
<th>Required Resources</th>
<th>Responsible Stakeholders</th>
</tr>
</thead>
</table>
| Provide interventions for and information on children at risk of abuse and initiate appropriate response mechanisms | Develop guidelines defining what an abuse entails and the conditions that confirm children to be at risk of abuse. | • Guidelines available  
• Standardized Messages developed. | 2006 | Consultant  
NGOs  
JSDP | MSWGCA  
NGOs  
JSDP |
| | Embark on Nation wide awareness-raising campaigns through the media and community based awareness activities on child abuse and effective parenting. | • Crimes against children reduced.  
• Parental skills enhanced | 2006 | Awareness raising materials and tools  
Logistics including transportatio  
Awareness raising facilitators | MSWGCA  
NGOs  
Media Houses  
JSDP |

<sup>a</sup> Being a process, the years highlighted indicates the beginning of the process
| Community intervention and prevention programmes for children at risk of delinquency established. | Undertake assessment to identify high-risk communities in each district. | High Risk communities Assessment criteria  
List of high-risk communities. | 2006 | Consultant and assessment team  
Assessment instruments and materials | JSDP  
MSWGCA |
|---|---|---|---|---|---|
| | Establish community-policing programs in neighborhoods and communities identified as high risk. | Increased collaboration between police, MSWGCA & community leaders  
Reduction in crime rate | 2007 | Transportation Workshop Materials | SLP  
City, Town and District Councils |
| | Work with CWCs, Youth Groups, CBOs to develop and manage community safety and crime prevention programmes and interventions for children in specified communities. | Number of and varied types of prevention programmes & interventions for children | 2007 | Stationery Meeting Place | MSWGCA  
City Town and District Councils  
MYS  
Community Leaders  
CBOs |

Train MSWGCA Social Workers, NGOs, CBOs & School Guidance Counselors to detect and respond to abuse against children and work with at risk families.

- Regional Training of Trainers undertaken
- Community Based Social Workers & Guidance Counselors Trained

2007 Training team and Consultant  
Training Materials  
Logistics

MSWGCA  
MEST  
JSDP
| Provision of resources for the implementation of Prevention Programmes. | • No. of prevention programmes implemented  
• No. of organizations funded. | 2007 | Proposal development format  
Grants  
Project selection committees | MSWGCA  
NGOs  
CBOs |
|---|---|---|---|---|
| Training of trainers on sex education, peer mediation, substance abuse, social skills, resolution and anger management for Community youths & leaders and Children’s groups/clubs in schools & School Guidance Counselors. | • No. of training sessions held  
• No. of community youths and leaders trained  
• No. of Guidance Personnel trained in JSS & SSS  
• No. of children that accessed mediation facilities in schools. | 2007 | Training Consultant  
Training materials and curricula, Logistics | MYS  
NGOs  
MEST |
| Establish and resuscitate Children Clubs in schools located in specified high risk communities to sensitize peers against delinquency, violence and exposure to abuse. | • Number of children’s clubs established. | Teachers, social workers, etc | Head of schools |
| Resuscitate and establish Guidance and Counseling Units in all schools. | • Number of schools with guidance and counseling units. | Teachers school counselors | MEST |
| Train Guidance and Counseling personnel in Peer mediation and conflict resolution. | • No. of JSS & SSS Teachers trained.  
• No. of training sessions organized. | Training Consultant | MSWGCA  
MEST |
<p>| | | | |</p>
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<tbody>
<tr>
<td></td>
<td>• Access to mediation facilities in schools.</td>
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| **Resuscitate the film censorship board.** | • Board resuscitated and operational. | | **MSWGCA**
Ministry of Information
City, Town and District Councils |
| | • Type of films showed in public film halls and places. | | |
| **Advocate for the non-establishment of ghettos, bars and gambling centres near schools or playgrounds in high risk communities.** | • Reduction in anti social activities around schools and play grounds. | | **Advocacy tools**
MEST
Ministry of Tourism
SLP
City, Town and District Councils
MYS |
| | | | **Advocacy tools**
MSWGCA |
| **Advocate for the inclusion of funds for Prevention Programmes in the government budget.** | • Availability of funds by the Government for the implementation of Prevention programmes | |
### 12.2 Strategic Goal Two

**Alternatives to Trial and Pre trial Detention Developed**

<table>
<thead>
<tr>
<th>Specific Objectives</th>
<th>Activities</th>
<th>Indicators</th>
<th>Year</th>
<th>Required Resources</th>
<th>Responsible Stakeholders</th>
</tr>
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</table>
| Increased number of children in conflict with the law prevented from going through the formal justice system. | Develop guidelines for service providers and law enforcement officers to identify and utilize divisionary programmes. Guidelines will include issues regarding:  
- Various types of diversion programmes.  
- Composition of Child Panels.  
- Kinds of offences that should be handled by Child Panels.  
- Investigation and Mediation by diversionary structures.  
- Regulations for restitution and compensation.  
- Role of the Police in diversion  
- Role of the Social Workers & Probation Officers.  
- Role of the Community  
- Role of the Court | Availability of guidelines  
Utilization of guidelines | 2006 | Consultant | MSWGCA  
Line Ministries  
SLP  
JSDP |
| | Training of Trainers on Diversion Guidelines. | No. of trainers at district level. | 2007 | Consultant  
Training materials | MSWGCA  
JSDP |

* α Being a process, the years highlighted indicates the beginning of the process
| Identify and empower structures[^1] to which cases can be diverted. | Functional diversionary structures established. | 2007 | Capacity building Personnel support for community structures | MSWGCA |
| Institute community based diversionary programmes. | Number of children diverted. Number of divisionary programmes available. | 2007 | Community Structures | MSWGCA City, Town and District Councils NGOs CBOs |

[^1]: Such structures could include teachers, social workers, judicial officers, religious leaders etc.
## 12.3 Strategic Goal Three

**Swift, fair, effective and efficient trials for children in conflict and in contact with the law enhanced.**

<table>
<thead>
<tr>
<th>Specific Objectives</th>
<th>Activities</th>
<th>Indicators</th>
<th>Year</th>
<th>Required Resources</th>
<th>Responsible Stakeholder</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Speedy trials for children in conflict and in contact with the law is ensured</strong></td>
<td>Advocate for the recruitment of the following:- 1 juvenile Magistrate in the Western Area including Waterloo. 1 Magistrate trained in juvenile issues in each district.</td>
<td>• Reduced backlog in case docket</td>
<td>2006/2007</td>
<td>Legal Practitioners Personnel support</td>
<td>MSWGCA The Judiciary JSDP</td>
</tr>
<tr>
<td></td>
<td>Provision of Legal Aid by the Law Officers Department / Pro Bono services for children in conflict with the law and child victims of abuse in accordance with constitutional provision in section 28 (5) of the 1991 constitution of Sierra Leone.</td>
<td>• Number of children that receive legal aid from government and Pro Bono services</td>
<td>2007</td>
<td>Legal practitioners,</td>
<td>The Judiciary Sierra Leone Bar Association LAWCLA LAWYERS JSDP</td>
</tr>
<tr>
<td>Issue</td>
<td>Outcome</td>
<td>Year</td>
<td>Implementing Body</td>
<td></td>
<td></td>
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<td>----------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
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<td></td>
</tr>
<tr>
<td>Advocate for the amendment of child related laws.</td>
<td>Relevant child related laws amended.</td>
<td>2007</td>
<td>MSWGCA JSDP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ensure the provision of adequate resources to shuttle child offenders to and from the courts.</td>
<td>Frequency of offenders appearance in court</td>
<td>2006</td>
<td>MSWGCA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enforce court appearance (parents, guardian, witnesses and complainants) in accordance with existing laws and in the best interest of the child.</td>
<td>Speedy disposal of cases.</td>
<td>2007</td>
<td>MSWGCA The Judiciary SLP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Establish Separate juvenile court that meets minimum international juvenile justice standards.</td>
<td>Separate court established in the Western Area and at district levels.</td>
<td>2006/2007</td>
<td>The Judiciary JSDP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide separate holding areas for juveniles within court buildings nationwide.</td>
<td>Juvenile holding areas established.</td>
<td>2006</td>
<td>The Judiciary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Develop criteria for the establishment of community based foster homes or safe homes for victims of abuse.</td>
<td>Criteria developed.</td>
<td>2006</td>
<td>MSWGCA UNICEF NGOs JSDP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Develop training package on the identification, roles and responsibilities of</td>
<td>Availability of training</td>
<td>2007</td>
<td>Training materials. MSWGCA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>foster families.</td>
<td>packages</td>
<td>Training personnel</td>
<td></td>
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</tr>
<tr>
<td>Provision of basic services (medical, education, clothing, footwear etc) for victims placed in foster families or safe homes.</td>
<td>Basic services provided and accessed.</td>
<td>2007 Essential materials support for victims and foster families or homes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advocate for free medical services nationally for all victims of abuse.</td>
<td>No. of children that receive free medical services.</td>
<td>2007 Advocacy Tools</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Establish channels and outlets for reporting child abuse.</td>
<td>No. of channels identified and established.</td>
<td>2007 MSWGCA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Establish separate interviewing rooms for victims of abuse within the FSU.</td>
<td>Availability of separate space</td>
<td>2006 SLP</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Develop a comprehensive treatment plan and directory of services at national level for child victims of abuse.</td>
<td>National directory of services and treatment plan available.</td>
<td>2007 MSWGCA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Develop protocol for the judiciary to handle all cases involving children.</td>
<td>Availability and dissemination of</td>
<td>2006 Training materials</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Child Justice Strategy
| Upgrade Sierra Leonean laws on child justice in line with International Laws and Instruments | Include statutory provisions for Witness Protection within the Child Rights Bill. | Child Witnesses Protected | 2006 | Legal practitioner | MSWGCA | Law Officers Department | The Judiciary | Members of Parliament | NGOs | UNICEF | JSDP |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Standardize and Codify Community, local and bi-laws dealing with children in line with national and international standards. | Existence of standardized and codified laws. | 2007 | Legal experts | MSWGCA | Ministry of Local Government | City, Town and District Councils | JSDP |
| Develop and maintain law reporting on juvenile matters but with particular regard for the child’s privacy, security and best interests. | Availability of periodic reports on court proceedings. | Reporters Equipment and materials | The Judiciary |
### 12.4 Strategic Goal Four

**Human Resources and Institutional Development associated with Child Justice improved**

<table>
<thead>
<tr>
<th>Specific Objectives</th>
<th>Activities</th>
<th>Indicators</th>
<th>Year</th>
<th>Required Resources</th>
<th>Responsible Stakeholder</th>
</tr>
</thead>
</table>
| Adequate and quality reformation and reintegration mechanisms established | Establish Child Panels trained on Diversion guidelines.  | • No. of Juvenile cases concluded successfully. (Maximum time frame – one month) | 2007 | Training Materials  
Facilitators | MSWGCA  
The Judiciary  
City, Town and District Councils  
JSDP |
|                      | Rehabilitate Remand Home and Approved School in line with international standards. | • Remand Home and Approved School in Freetown rehabilitated. | 2006 | Building materials  
Social and recreational facilities | MSWGCA  
JSDP |
|                      | Establish Remand Home in Makeni and Bail Homes (Community Based Family Care) in remaining districts for child offenders. | • 1 Remand Home established in Makeni and bail home care givers identified and trained. | 2007 | Building materials  
Social and recreational facilities | MSWGCA  
UNICEF  
JSDP |
|                      | Provision of resources for the running of Bail Homes | • Bail Homes Funded | 2006/2007 | Resources | MSWGCA  
JSDP |
|                      | Review and restructure staffing and management of the Remand Homes and Approved Schools to enhance effectiveness and efficiency. | • No. of qualified or trained personnel available. | 2006 | Consultant | MSWGCA  
GRS  
JSDP |
<p>|                      | Train staff at Remand Homes and Approved School &amp; MSWGCA Social | • After care programmes developed. | 2006/2007 | Training consultants | MSWGCA |</p>
<table>
<thead>
<tr>
<th>Workers, &amp; Probation Officers, NGOs and CBO workers on Community Reintegration, Witness Protection Programmes, Substance Abuse and Prevention Programmes, Counseling and Mediation services, gender specific programmes and after-care programmes.</th>
<th>• Improved quality care to children</th>
<th>Training materials and curricula Logistics</th>
<th>MOH UNICEF JSDP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establish technical/vocational skills training facilities at the Approved School and Remand Homes.</td>
<td>• Varied vocational/technical training facilities and programmes available for children.</td>
<td>2007 Skill training facilitators Skills training materials</td>
<td>MSWGCA MEST UNICEF JSDP</td>
</tr>
<tr>
<td>Establish a structured educational system in collaboration with the Ministry of Education for children at the Approved School &amp; Remand Homes.</td>
<td>• Standard educational programme with teachers available.</td>
<td>2007 Sustained salaries for teachers</td>
<td>MSWGCA MEST</td>
</tr>
<tr>
<td><strong>Capacity of the legal personnel and other law enforcement agencies enhanced</strong></td>
<td>Specialized training of Police personnel to investigate and handle abuse against children; crimes by children and child to child offences.</td>
<td>• Speedy investigation and trial of abuse against children and crimes committed by children. • Appropriate intervention for child to child offences.</td>
<td>2007 Training Consultant Workshop materials, Logistics</td>
</tr>
<tr>
<td>Specialized training for Magistrates, JPs &amp; Court Clerks in handling children’s issues including alternative sentencing.</td>
<td>• Reduced no. of children committed to Approved School • No. of children diverted to alternative sentencing.</td>
<td>2007 Training Consultant Training materials Curricula</td>
<td>The Judiciary MSWGCA JSDP</td>
</tr>
<tr>
<td><strong>Capacity of child welfare personnel including probation officers, social workers and child focus NGOs</strong></td>
<td><strong>Review and restructure the personnel of the Ministry of Social Welfare to reflect the following:</strong>&lt;br&gt;- At least 6 Probation Officers to cover Freetown and Waterloo Courts and the Probation Office in the Western Area.&lt;br&gt;- At least one Social Development Worker in each Police/FSU Unit.&lt;br&gt;- At least one Probation Officer in each district.&lt;br&gt;- At least one Social Development Worker in each chiefdom.</td>
<td><strong>Improved staff situation.</strong></td>
<td>2007</td>
</tr>
<tr>
<td></td>
<td><strong>Identify and conduct relevant training to enhance performance of PSDOs, SDOs &amp; head of Social Welfare divisions at District Councils.</strong></td>
<td><strong>No. of trained personnel.</strong></td>
<td>2007</td>
</tr>
<tr>
<td></td>
<td><strong>Provision of relevant and adequate logistics to enhance performance of Probation Officers and SDWs attached to the FSU.</strong></td>
<td><strong>Efficient delivery of services to children.</strong></td>
<td>2007</td>
</tr>
<tr>
<td></td>
<td><strong>Expand the FSU to include investigation of offences committed by children.</strong></td>
<td><strong>Functional Unit handling all children’s issues.</strong></td>
<td>2007</td>
</tr>
<tr>
<td></td>
<td><strong>Develop training manual for police recruits on the treatment of children.</strong></td>
<td><strong>Manual available and part of training curriculum.</strong></td>
<td>2007</td>
</tr>
<tr>
<td>Efficient and effective monitoring mechanisms established within the child justice system</td>
<td>Design monitoring and evaluation system within the MSWGCA, SLP, Judiciary and Community.</td>
<td>• Effective monitoring and evaluation system developed.</td>
<td>2007</td>
</tr>
<tr>
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<td>---</td>
</tr>
<tr>
<td>Expanded FSU equipped with adequate logistics.</td>
<td>• FSU equipped.</td>
<td>2006</td>
<td>Office space Transportation Furniture Communication equipment</td>
</tr>
<tr>
<td>Set up a data management, information and documentation system within the MSWGCA Western Area &amp; Regional Offices, and the Police</td>
<td>• Availability of reliable and quality data and information on Child Justice</td>
<td>2007</td>
<td>Computers</td>
</tr>
<tr>
<td>Build capacity of relevant personnel and institutions in the area of data collection and documentation.</td>
<td>• Trained personnel and improved Data collection system</td>
<td>2007</td>
<td>Equipment and materials</td>
</tr>
<tr>
<td><strong>Mechanism to track the implementation of the plan established</strong></td>
<td><strong>Create a National Inter-agency forum comprised of child justice stakeholders and institutions for information sharing.</strong></td>
<td><strong>Improved information sharing and learning.</strong></td>
<td>2007</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td><strong>Mechanism to track the implementation of the plan established</strong></td>
<td><strong>Set clearly defined benchmarks to track the implementation of Plan</strong></td>
<td><strong>Benchmarks defined</strong></td>
<td>2006</td>
</tr>
<tr>
<td><strong>Periodically review plan to assess progress of implementation</strong></td>
<td><strong>Number of review meetings</strong></td>
<td>2006</td>
<td>MSWGCA Coordinating Body</td>
</tr>
</tbody>
</table>

*2006 Strategic Plan implementation coordinator
Logistics for review meeting
Stationery

*JSDP
ANNEX I  Consensus Views from the Workshop

Age of Criminal Responsibility/Consent and Age Verification
- A child should be any person below 18 years.
- The age of consent should be 16 years.
- Age of criminal responsibility should be increased from 10 to 14 years.
- In the absence of a birth certificate, a certified report from a qualified medical doctor and information from a parent/guardian are alternative ways of determining the age of a juvenile.

Dealing with Child Offenders
The following were recommended:
- Documentation of offences by Police.
- Parents of child offenders should pay compensation for damage/pay medical bills of victims where applicable.
- Matter to be referred to court if offender refuses to pay compensation.
- Any restorative-community service should be commensurate to offence and age of offender with the involvement of the courts, community and other stakeholders. For reintegration purposes, skills training, formal and non-formal education can be viewed as appropriate diversion methods.
- Mentoring programmes can be developed to enhance integration.

Dealing with Victims
- Community safety and awareness raising programmes on child abuse should be organized.
- Provision of medical and psychological counselling for victims.
- Provide skills training facilities for witnesses.

Children at Risk
- Government and child protection agencies should provide homes with basic needs such as food, clothing, medical and the like.
- Government and other stakeholders should provide fostering services to children of teenage mothers.

Diversion
The following should be involved in diversion programmes:
- Ministry of Social Welfare, Gender and Children’s Affairs should take the lead.
- Child protection agencies
- Community members
- Police, Judiciary, legal practitioners
- Child Welfare Committees

There specific roles should include:
- Designing, implementing and monitoring policies.
- Supervising the activities of other stakeholders.
- Family tracing and reintegration.
- Registering and mediating with CPAs.
• Sensitizing and educating child offenders through drama, radio programmes and story telling.
• Report all serious violations to the appropriate authority.
• Mediate and settle cases in their communities.

Some of the referred measures should be the police for record purposes but the community should be the point of first contact and not the police.

To prevent the abuse of offenders a “special unit” established within the police (consisting of social workers and police officers) should deal purely with juvenile issues. Staff of that unit should not be uniformed when executing an arrest or requesting from the community or parents that the child be handed over.

Children/youths, community and the government should participate in monitoring the effective implementation of the Juvenile Justice system at national and local level through the establishment of a monitoring system made up of the following:-
• Child Welfare Committees
• Parent/Guardians
• Probation officers from the Ministry of Social Welfare.

The consensus was that the above should:
(a) Determine cases to be investigated.
(b) Duration of such investigations.
(c) Publish findings.

The committee must inform all stakeholders about their activities. If a particular matter falls outside their mandate they should refer such matters to the police. The group should also ensure that parents and guardians are empowered through sensitization.

Children at Risk
• The Ministry of Social Welfare should empower social workers at village, chiefdom, district, and national levels.
• Social service providers in communities should identify and counsel potential child offenders.
• Government in partnership with other stakeholders should organize programmes that would prevent children at risk from committing crimes. This could be done through the creation of job opportunities, recreational facilities, peer mediators etc.
• Membership of existing Child Welfare Committees should be expanded to include representatives of other line ministries and Civil Society Organizations (CSOs).
• Native Administrative Courts can also be reinforced and encouraged to protect and promote children’s rights.
• All community initiatives should involve children and youths in all their activities.
• Skills training centres are to be established at chiefdom levels throughout the country.
• Social workers should be motivated by improving their salaries.
• Budgetary allocation to the Ministry of Social Welfare, Gender & Children’s’ Affairs should be increased.
• Capacity building for service providers and monitoring activities at all levels should be intensified.
• Communities should provide training facilities for children and monitor the activities of service providers.
• Appropriate prevention and response mechanisms should be developed at national, community, family, peer and school levels.
• Monitoring and evaluation mechanisms should be put in place to evaluate the activities of child protection agencies.

**National Level**
• Government must find ways of improving on living conditions of parents e.g. employment facilities so that they can adequately cater for the basic needs of their children.
• Government through the MSWGCA and child protection agencies should educate the public on existing laws relating to child welfare.
• Adequate funds should be allocated to the MSWGCA, Prisons Department, Police and the MYS for the rehabilitation, reintegration and reformation of suspected child offenders.
• More recreational facilities should be provided for children.
• Government should establish institutions geared towards reformation and rehabilitation of children.

**Community Level**
• Existing Child Welfare/Protection committees should be empowered (logistics and personnel).
• Child Welfare Committees should be established in all chiefdom headquarters.
• Responsibilities of child/protection committees to be taken over by local councils through their respective councillors.
• Awareness raising programmes such as workshops and seminars to be conducted on regular basis to service providers as well as other child welfare agencies, targeting ‘Bras’, ‘Sisis’, and other adults in communities that encourage children to engage in delinquent activities.

**Family**
• Parents should monitor the activities of their children to prevent them from gang activities.
• Children should be encouraged and given the opportunity to participate in family discussions that concern them.
• Parents must encourage their children to actively participate in religious activities. (Christian and Muslim)
• Parents should also counsel their children.
• Parents must be educated on and discouraged from selling harmful drugs and substances at home e.g. Cannabis, Cocaine, and Alcohol etc.
• Punitive measures should be taken against adults who sell harmful drugs and substances to children.
• Other family members apart from parents should be encouraged to contribute to the up bringing children.
• Parents should encourage children to participate in games, story telling and other leisure activities.
• Family meetings should be held regularly. Children should be encouraged to participate in such meetings and contribute towards decision making. This gives confidence and dignity to children.
**Peer Group**
- Peers must be encouraged to develop responsible sexual behaviour to avoid HIV/AIDS/ STIs and teenage pregnancy.
- Peer educators must sensitize their colleagues on the adverse consequences of irresponsible behaviour e.g. Teenage pregnancies, early marriages etc.
- Laws governing trafficking, child abuse and other related issues should be reviewed and severe punishment levied against defaulters.
- Programmes on responsible peer behaviour must be introduced at village, town and chiefdom levels through drama, Quiz competitions, games and sports.

**Schools.**
- Schools should in addition to imparting knowledge also educate children on how to interact with adults and peers so that their dignity could be maintained.
- Children’s forums should be established at communities and school levels to enable children make complaints and seek redress.
- In-service training should be regularly organized for teachers in areas such as child care counselling and Juvenile Justice.
- The Family Support Unit (FSU) of the Sierra Leone Police should set up a sensitization committee to educate children on non-violence during school games and sports competitions.
- School clubs should be established under existing children’s forums and supervised by school authorities.

**The Formal Court System**
Juvenile Courts must be reconstituted to include a Police Magistrate, two Justices of the Peace, two Community Elders and a Probation Officer.
- Juvenile cases should be speedily tried and it should be ensured that the prosecution and defence bring witnesses to court as and when required.
- Juvenile Offenders should be provided with legal assistance.
- Diversionary methods should be exhausted before court action is taken;
- A Juvenile desk should be established nation-wide to specifically handle juvenile matters.

**Local Court System**
- Personnel in the Native Courts, particularly the chairman must possess reasonable educational background and must be trained in handling juvenile issues.
- It is mandatory for parents/guardians and probation officers to attend court proceedings.
- Native Courts should refrain from trying Juveniles in an open court and they should allow parents/guardians as well as probation officers to witness juvenile trials.

**Adoption and Fostering**

**Formal Approach**
- Visitation and assessment
- Interviews and social investigations
- Parents must give there consent.
- It should be documented
- The concept of adoption should be explained and understood by all.
• The child should be guaranteed placement in a learning institution.
• There should be a supervision order through the court.

Informal Approach
• The family of the child should consent.
• Rules and safeguards should be in the best interest of the child.
• The child should be involved in the process at all stages.
• There should be a formal agreement between parties (biological and foster parents) with the involvement of the Child Welfare Committees.
• The Child Welfare Committee should refer any anomalies to the appropriate authority.

The consensus views on the definition of the term adoption was relinquishing of one’s biological parental rights to the adopter. The rules and safeguards associated with this were:
• A notification letter should be sent to the Chief Social Development Officer.
• Both parent and adopter should be investigated through interview.
• There should be a letter of acknowledgement of and permission for adoption from the Ministry of Social Welfare.
• Consent of both biological parents must be sought.
• A High Court sitting should determine the adoption order within the framework of the law.
• A Child Welfare Committee member (preferably the Chairperson) should be involved in the court proceedings.
• In the case of a guardian the consent of a close family member of the adoptee should be sought.

The Family
• Counselling
• Monitoring and supervision.
• Recreational facilities should be assured.
• The child should be allowed to participate in decision-making.
• Family networks should be established.

The Community
• The parents should accept the decision.
• Juvenile and parents should be adequately counselled.
• The child and parents should be regularly monitored.
• There should be regular assessment of the child’s educational needs.
• The child should have access to education and other skills training facilities.

The State
• The Ministries of Social Welfare and Youths and Sports should provide educational and recreational facilities for children.
• Existing structures should be rehabilitated and well-equipped.
• New institutions should be established at all regional headquarters.
• There should be regular and adequate logistical support to these institutions.
• Psychosocial and health care services should be provided.
• Special training should be provided to police and other personnel dealing with Juvenile issues.
• More social workers should be recruited by the Ministry of Social Welfare.
• Special Juvenile courts should be established to exclusively handle matters throughout the country.
• Sensitization and awareness-raising on appropriate rehabilitative, restorative and reform mechanisms should be undertaken through community radios.
• Approved Schools should be established in the three (3) Regional headquarter towns Bo, Kenema and Makeni

The group further recommended that:
• The draft report should be publicized through the electronic and print media.
• Monitoring and evaluation mechanisms should be put in place to evaluate the activities of child protection agencies.

Recommendations for an improved national juvenile justice strategy
• Adoption and fostering should be decentralized at regional level.
• Child Welfare Committee should be adequately trained in basic counselling skills and provided with necessary logistics.
• The training package for Child Welfare Committee (CWC) topics should be incorporated in the Curriculum of teacher training Colleges who will in turn replicate this training in their various schools.
• A clear definition of a Juvenile i.e. any person below 18 years of age
• The age of consent should be 16 years.
• Age of criminal responsibility should be 14 years.
• Age of marriage should be 18 years.
• Age of employment should be 16 years.

Guidelines for employment
The employer should ensure that he/she has access to school/skills training.
• Children should have access to health care and shelter.
• Working hours of children should not exceed 18 hours per week.
• Children should not work at night or during school hours.
• Children should not engage in any job involving machinery, construction, underground or other dangerous chemicals.
• Children should not engage in any hard labour.
• The minimum wage of children should conform with national standards.

On employment procedures:
• The child should register with the Ministry of Labour and possess a labour card.
• Employment procedures for children should be supervised and monitored.
• A breach of contract should be punishable by law.

Children in the Criminal Justice System
Pre-trial Issues
• A Child Protection Unit should be established within the SLP and comprise of police personnel and social workers.
• The above unit should be empowered to resolve minor issues.
• There should be well-defined guidelines for diversion.
• Arrehsts involving juveniles should be child friendly.
• Parents/guardians should hand over the child.

Alternatives to Detention
• The child should be granted bail.
• Other diversionary mechanisms such as Child Welfare Committees, Family Settlements, Bail Homes, School Disciplinary Committees should be employed to mediate in minor offences including civil offences.
• Detention should only be as a measure of last resort.
• Children in detention should be separated from adults and not exceed 72 hours.
• There should be standard guidelines for all institutions dealing with Juveniles at pre-trial stage.

Trial Stage
Informal Courts
Composition: Religious leaders, community elders, social worker/teacher, children. Such courts should be thoroughly monitored so as to ensure judicial accountability. There should be a well-defined reporting system.

Magistrate Court
• The court should be child friendly and not sit in the open.
• Mechanisms should be put in place to protect child offenders/witnesses or victims.
• The child should not be deprived of his/her right to freedom of expression or cross-examination.
• The trial of a juvenile should not exceed three calendar months but preferable not more than 6 weeks)
• The child should be provided with legal aid.
• Strategies to bring parents/witnesses to court should be put in place, e.g. court orders, influence of community leaders and school authorities.

Remand Home
• The child should be provided with adequate remand facilities.
• Educational and recreational facilities should be provided at the Remand Home.
• There should be reliable means of transportation for court attendance.

Post Trial
• The child should be released on condition.
• There should be a court supervision order, probation officer, parent or any fit person. While under such care, supervision should be done and report sent to court on a regular basis.
• Alternative measures such as paying of fines by offenders, restitution or compensation by parent should be introduced.
• There should be an established penalty for false accusation against children.

Community Reintegration Scheme
This could be done through the following:
• Foster care
• Repatriation
• Guidance and counselling
• Access to education and employment
• Approved School should serve as a measure of last resort. It should reform and rehabilitate rather than punish.
• There should be additional protection/services for victims.
• The victim’s right should be given top most priority.
• There should be well-defined penalties for perpetrators as well as accomplices.
• Parents and witness should be penalized for non-cooperation.
• Counseling facilities should be provided.
• Victims should live in safe homes/institutions with a fit and proper person.
• There should be adequate welfare support e.g. free medical and free education.
• Care givers should be monitored.
• There should be standard legal procedures for adoption.

The Strategy should:-

• Be simple, accessible and child friendly.
• Seek government’s commitment and budget allocation.
• Be legally binding.
• Involve stakeholders such as government, NGOs and CBOs.
• Provide for standardized training modules, sensitization programmes and guidelines for institutions working for and with children.
ANNEX 2 Consultancy Team

1. Mrs. Olayinka Laggah
2. Mr. Tomaye Morlu Brewah
3. Mr. Abdul Manaff Kemokai
4. Mr. Oju R. Wilson
5. Pa Momo M. Fofanah
6. Mr. Edward Sam
7. Ms. Rhea Alert
8. Mr. John Lahai
1. The Ministry of Social Welfare, Gender, and Children’s Affairs
2. UNICEF
3. Defense for Children International
4. The Sierra Leone Police
5. The International Rescue Committee
6. The Sierra Leone Law Reform Commission
7. Campaign for Good Governance
The Justice Sector Development Programme (JSDP) supports the writing of the National Child Justice Strategy for Sierra Leone.