

United Nations Study on Violence against Children

**Response to the questionnaire received from the
Government of SIERRA LEONE**

United Nations Secretary-General's Study on Violence against Children

Questionnaire to Governments

RESPONSE FROM THE GOVERNMENT OF SIERRA LEONE THROUGH THE MINISTRY OF SOCIAL WELFARE, GENDER AND CHILDREN AFFIARS

January 17, 2005

I. LEGAL FRAMEWORK

This part of the questionnaire aims to determine how your country's legal framework addresses violence against children, including prevention of violence, protection of children from violence, redress for victims of violence, penalties for perpetrators and reintegration and rehabilitation of victims.

International human rights instruments

1. Describe any developments with respect to violence against children which have resulted from your country's acceptance of international human rights instruments, including, for example, the Convention on the Rights of the Child and its optional protocols, the Palermo Protocol or regional human rights instruments. Provide information on cases concerning violence against children in which your country's courts or tribunals have referred to international or regional human rights standards.

No case of violence against children was referred to International or regional courts. However the country is in the process of developing a Child Rights Bill which has been presented to Parliament so that it can become part of our laws.

Legal provisions on violence against children

2. Describe how forms of violence against children are addressed in your country's constitution, legislation and subsidiary legislation, and, where appropriate, customary law.

The Offence Against the Persons Act 1861 (OAPA) Section 43 of this Act provided that persons convicted of aggravated assaults on girls and boys under 14 years of age may be imprisoned or fined. This allows for serious assaults or battery against such persons to be punished more severely even if the original charge against the accused was not for aggravated assault. This is meant to act as a deterrent. Section 54 child stealing or receiving a stolen child is an offence though it defines a child as under 14 years. Protection of Women and Girls (Cap 30) of the Law of Sierra Leone 1960 (PWGA) Section 2 of this statute states that any person who procure or attempts to procure any girl or women under the age of 21 years who is not a common prostitute or if unknown immoral character to have carnal connection either with or offender of Sierra Leone with any other person, shall be guilty of an offence punishable by a maximum of two years imprisonment. Section 3 makes it an offence to use threat or intimidation to procure or attempt to procure a woman or girl to have unlawful carnal knowledge within or outside Sierra Leone.

3. Provide details of any specific legislative provisions on:
 - Prevention of all forms of physical, sexual and mental violence, injury or abuse, neglect or negligent treatment, and sexual abuse;
 - Protection of children from all forms of violence;
 - Redress, including compensation, for child victims of violence;
 - Penalties for perpetrators of violence against children;
 - Reintegration and rehabilitation of child victims of violence.

Prevention of Cruelty on Children Cap 31 of Laws of Sierra Leone 1960 (PCCA)
- This Act defines a child as anyone under the age of 16 years. Section 4 (1) provides as follow: **If any person over the age of sixteen years, who has the custody charge, or care of any child, wilfully assaults, ill treats, neglects, abandon, or exposes such child, or causes or procures such child to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause such child unnecessary suffering or injury to his health (including injury to or loss of sight or hearing, limb, organ of the body and any mental derangement) that person shall be guilty of a misdemeanour and for the purpose of this section a parent or other person legally liable to maintain a child shall be deemed to have neglected him in manner likely to cause injury to his health if he fails to provide adequate food, clothing, medical aid or lodging for the child."**

The penalty for this offence is a fine and/or imprisonment of a maximum of 2 years if convicted on indictment and if summarily convicted a fine and or maximum of 6 months imprisonment. This section covers a wide range of abuse on children and would afford protection to children in Sierra Leone inline with international obligations under the CRC if it was utilized. It should be noted that even if a child's suffering is alleviated by another person or the child dies, an accused person may still be convicted under this section No exception is made for natural parents.

Section 6 and 7 make it an offence to unlawfully carnally know and abuse any girl under the age of fourteen with or without her consent. The difference between the two sections is that section 6 related to girls under the age of 13 where the penalty is a maximum of 2 years while section 7 relates to girls above thirteen but not yet fourteen and carries a penalty of maximum of 6 months. The distinction is absurd liable to bring the law into disrepute and should be erased with both offences carrying the same but more severe penalty.

Section 9 creates the offence of indecent assault and attempted carnal knowledge of a girl under the age of 14 years. This section makes no distinction based on age and provided a maximum penalty of two years.

As these offences are sexual assaults corroboration is needed to prove them in a court of law.

Section 13 makes it an offence for anyone in charge of a child "to encourage the seduction prostitution of unlawful carnal knowledge of a child". The Committee wondered whether this provision could not be used against parents and "Soweis" who initiate very young girls into the "Bondo" society.

Section 8 provides that it is an offence for a parent or guardian of a person having the care of a child above the age of four to allow such a child to reside or frequent a brothel.

Cap 31 also affords some procedural protection is given to a child giving evidence as it allows for the evidence of a child of tender years to be given without the taking of an oath provided the child understands the proceedings.

Moreover pursuant to Section 21 a hearing may proceed without the presence of the child if the court feels such presence is not essential.

Section 19 (1) gives the courts the power to remove a child from the custody and care of an "unsuitable person". i.e. a person who has been either convicted or committed for trial or bound over to keep the peace in respect of an offence under section 27, 56 of the OAPA 1861, any offence against a child under sections 5, 42, 43, 62 of the same act or of any other offence involving bodily injury to a child. The court may then place the child in the custody of a parent (if that parent is not the perpetrator), relative or other fit person. There is some cause for concern as any such order made is void if the person committed is acquitted which could occur for technical reasons that have no bearing on the merits of the case'.

4. Indicate whether any specific legislative provisions address all forms of violence including physical, sexual and psychological violence, injury or abuse, neglect or negligent treatment and sexual exploitation against children which take place in:
 - The family/ home;
 - Schools and pre-school care and education (both formal and non-formal, state and private);
 - Military schools;
 - Institutions including care, residential, health and mental health;
 - The context of law and public order enforcement including in detention facilities or prisons;
 - The neighbourhood, street and the community, including in rural areas;
 - The workplace (informal and formal);
 - Sports and sporting facilities.

Prevention of Cruelty to Children – cap 44 of the laws of Sierra Leone – Cap 44 Sec 37 makes provision for the protection of children in the family and home.

5. Indicate if corporal punishment of children, in any setting, including in the family, is explicitly prohibited in your legal system. Provide details of any legal defences available to those who administer corporal punishment to children, including in the family. Provide information on penalties applicable to those who administer corporal punishment to children, including in the family.

Corporal punishment is prohibited in schools and families. There is a provision in the educational Act of Sierra Leone prohibiting the implementation of corporal punishment in schools. However, it is moderately implemented by school administration as a last resort to combat bad behaviour in children. Children outside the school system are also protected by the provisions of the human rights protection of the child as spelt out in the UN chart. – Government is strictly against corporal punishment and jail sentences are prescribed for culprits who cause injury or the child in the process of implementing corporal punishment on children both inside and outside the school system i.e. both in school and the family.

6. Provide information on whether the penal code permits corporal punishment and/or capital punishment as a sentence for crimes committed by under 18 year olds.

Children under 18 are protected from having corporal/capital punishment by the juvenile court and the Ministry of Social welfare, Gender & Children's Affairs. Even in the Law Court, they are protected by Cap 31 Section (5) of the Laws of Sierra Leone (An ordinance to prevent cruelty to children – 24th Dec. 1926).

7. Provide details on whether bullying/hazing and sexual harassment are explicitly addressed by legislation.

There is a law guiding sexual violence or sexual harassment in Sierra Leone as perpetrators are given jail sentences. Two years for unlawful carnal knowledge and fourteen years and above for married women.

8. Provide information on the way in which harmful or violent traditional practices, including but not limited to female genital mutilation, child marriage or honour crimes are addressed in your country.

The Government in collaboration with NGOs are addressing such issues by carrying out massive sensitization throughout the country, educating people about the hazards involved in giving their daughters to men as an early age.

9. Provide information on the applicability of specific provisions to address all forms of violence against children to non-citizens and stateless children, including asylum seekers and displaced children. If specific provisions do not apply to such children, provide details of protection offered to them.

There are provisions for such children in the law. The Ministry of Social Welfare assist in providing care and protection by placing them to foster parents under the supervision of the Ministry.

10. Provide information on any difference in the definition of violence and the applicable legal framework according to:

- The sex or sexual orientation of the victim and/or of the perpetrator;
- The age of the victim and /or of the perpetrator;
- The relationship between the victim and the perpetrator, including, but not limited to infanticide, sexual violence in marriage, incest and sexual abuse within the family, and physical chastisement.

Violence is defined as any harm that is perpetrated against a person's will and that has a negative impact on the physical or psychological health, development and identity of the persons.

This definition clearly spells out that:

- (a) **Harm is caused on women by men through sexual violence**
- (b) **That children under age who fall victim of sexual violence do so against their will**
- (c) **That sexual violence cause on women does not normally call for formal relationship between the parties. As a result of this, the act involved physical or brutal harm on the victim.**

11. Provide information on any recent comprehensive review of the legal framework to address violence against children.

Most recently, urgent action has been taken by the Government to set up a Family Support Unit which is now in operation and jointly working with the Ministry of Social Welfare to address the issue of sexual violence in Sierra Leone Rainbo Centre has been set up by ICRC to address rape issues.

12. Provide information on any studies and surveys which have been undertaken to assess the impact of legal measures to address violence against children.

The Family Support, Ministry of Social Welfare, Rainbo Centre and the Court jointly carry out a survey on the number of cases related to sexual violence on women.

Courts tasked with addressing violence against children

13. Identify those parts of the court structure in your country tasked with addressing violence against children. Indicate if your family or juvenile courts have specific responsibility for this issue.

The Magistrate Court in Sierra Leone is charged with the responsibility of addressing cases of sexual violence. The urgent need of the government to address the issue of sexual violence has made it possible for the appointment of a Government Lawyer in the Magistrate Court solely charged with the responsibility of addressing sexual violence related cases in court. The Magistrate Court is also responsible for all juvenile related cases.

Minimum age for sexual activity

14. Provide information on any legislatively defined minimum age required for valid consent to sexual activity. Is this age different for girls and boys? Is this age different in respect of heterosexual and homosexual activities?

The minimum age for marriage in Sierra Leone is 18 years for girls. This is reflected on the electoral franchise provision made by the Electoral Commission. There is no minimum age for boys, but in most cases, they get married when they are working or engaged in economic activities from their families. However, girls in traditional homes get married when they reach puberty.

15. Provide information on the minimum age of marriage for women and men.

There is no specific minimum age for marriage in Sierra Leone. However, in the Traditional Society, the puberty stage in the development of the girl child is the major determinant that is, between 15 – 18 in most cases. Comparing this with electoral franchise in Sierra Leone 18 years of age could be the marriage for the girl child who is not in the school system.

Sexual exploitation of children

16. Provide information on legislation and other measures to prevent the commercial sexual exploitation of children, including through prostitution and other unlawful sexual activities. Provide details on means to ensure that child victims of such exploitation are not criminalized. Provide information on legislation or other measures to prohibit all forms of sale or trafficking in children, including by their parents.

Cap. 44 of the Laws of Sierra Leone 1960 provides care and Protection for the children and young people of 18 years. It says that a child offender should not be treated as criminal but as misdirected or misguided child.

Pornography and harmful information

17. Provide information on legislation and other measures to prohibit the production, possession and dissemination of child pornography. In particular, please provide information on any controls on pornography produced and/or disseminated via the internet.

Pornography and all other forms of related Human Rights violation against the child are all covered by Cap. 31 Section (s) of the Laws of Sierra Leone. Jail sentences are prescribed for crimes involving pornography of a child.

18. Provide information on any legislation or guidelines to protect children from injurious information and material transmitted through the media, Internet, videos, electronic games, etc.

Injurious information about children in Sierra Leone is not a common phenomenon except probably photographs of children that were maltreated during the war and who photographs were taken by coincidence e.g. films produced by Samora of the BBC on the war of Sierra Leone.

Reporting obligations relating to violence against children

19. Provide information on legislation, regulations or administrative directives requiring reporting of all forms of violence against and abuse of children in all settings to appropriate bodies. If reporting legislation, regulations or administrative directives exist, please indicate whether all citizens are required to report, or whether the obligation falls on certain professional groups only. Provide details of any sanctions for non-reporting.

Sexual abuse/exploitations cases are reported directly by the victim or her parent to the Minister of Social Welfare, Gender & Children's Affairs and The Family Support Unit is another Reporting Centre.

Complaints procedures

20. Provide information on any complaints procedures relating to all forms of violence against children perpetrated in:
- The family/ home;
 - Schools and pre-school care and education (both formal and non-formal, state and private);
 - Military schools;
 - Institutions, state and private, including care, residential, health and mental health;
 - The context of law and public order enforcement including in detention facilities or prisons;
 - The neighbourhood, street and the community, including in rural areas;
 - The workplace (informal and formal);
 - Sports and sporting facilities.

The family/human such cases are reported to the Ministry of Social Welfare, FSU and other human rights agencies.

21. Indicate whether children or persons acting on their behalf can access these procedures. Indicate whether legal aid is available to facilitate submission of complaints, and the circumstances in which legal aid will be available.

Yes, they can access it and legal aid is provided by Human Rights groups like LAWLCLA, Defence for Children International and the Probation Officer always solicit such legal aid and for children.

22. Describe steps which have been taken to raise awareness of possibilities to submit complaints about violence against children.

Sensitization messages through radio discussion, jingles are being carried out in schools. Posters have been put up. The F.S.U. now collaborates with the Ministry of Social Welfare to carry out such messages.

23. Provide information on any special procedural or evidentiary rules which may apply in proceedings with respect to violence against children.

Cases of violence against Children is treated by the Police (FSU) and the Ministry of Social Welfare. Perpetrators are arrested, prosecuted to court and jailed.

24. Provide information on the usual outcome of complaints of violence against children (e.g. compensation, punishment of perpetrators, perpetrator rehabilitation, family therapy).

The perpetrators of such acts have been brought before the law and they are punished by jail sentences.

25. Provide information on the usual outcome of legal proceedings in which children and juveniles are found guilty of perpetrating violence (e.g. imprisonment, corporal punishment, community service, perpetrator rehabilitation, family therapy).

Such children are sent to the Approved School at Wellington for reformation for a period not exceeding three years.

II. INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN

The aim of this section is to establish if your country has an institution coordinating multi-sectoral activities concerning violence against children, which include prevention, protection, redress, reintegration and rehabilitation.

26. Are there any Governmental authorities, structures and mechanisms, including at federal, state/provincial, municipal and local level which are currently responsible for addressing violence against children?

If YES, identify these authorities, structures and mechanisms and describe how coordination is ensured.

Ministry of Social Welfare, Police, Family Support Unit, Child Protection Committees. Ministry of Social Welfare deal with the Social aspect that is the protection of the child against the abuser and the FSU deals with the Criminal agent and see that the crime is investigated properly.

27. Is there a lead Government authority tasked with responsibility for addressing violence against children?

If YES, provide details.

Yes. Ministry of Social Welfare and FSU (Police)

28. Are specific financial and/or human resources allocated by your country to address violence generally?

If YES, indicate the extent of these allocations.

The Ministry offers coordinating advise to NGOs whose projects focus on violence against children and women.

29. Does your country allocate specific financial and/or human resources to activities to address violence against children?

If YES, provide details.

Yes the Ministry of Social Welfare coordinates and monitors NGO programmes which focus' on child sexual abuse and directly implements a child abuse investigation and response programme with the Sierra Leone Police.

30. Do international or bilateral donors provide resources to your country for activities to address violence against children?

If YES, indicate the extent of these resources and the way in which they are used.

Yes – donors like UNICEF provide funds for training and also provide funds to NGOs to provide care and protection for abused children. Also medical services and counselling is provided by Rainbo Centre supported by UNICEF and DFID. Also, Forum for African Women Educationalist (FAWE) provide funds for medical and counselling of girls who have been abused and also help in sending our sensitization messages on issue of violence against children.

31. Does your country provide any assistance to other countries' efforts to respond to the problem of violence against children?

If YES, provide details.

No

32. If your country has a national human rights institution, such as a human rights commission or ombudsman, or a child-specific human rights institution, does it have any role or competence in the area of violence against children, including receiving complaints?

If YES, provide details.

Yes complaints of such nature are then referred to the Ministry of Social Welfare and the Family Support Unit of the Police

33. Are there any particular parliamentary structures (for example special committees) to address violence against children?

If YES, provide details.

There is a informal Parliamentary Committee which meets on Children's issues when the need arises.

34. Have there been any recent parliamentary initiatives to address violence against children?

If YES, please give details.

No

III. ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

The aim of this section is to elicit information on civil society activities relating to violence against children.

35. Describe significant civil society initiatives addressing violence against children in your country, including the types of institutions involved (such as academic institutions, professional associations, women's associations, student associations, community-based groups, faith-based groups, child and youth-led groups, trade unions, employer's organizations, national non-governmental organizations, international non-

governmental organizations) and the major activities engaged in (including advocacy, awareness raising, research, prevention, rehabilitation and treatment of children harmed by violence, provision of services, provision of resources).

Not Available for now

36. Describe the support provided by your Government for these activities and the efforts made to coordinate civil society and government initiatives.

Not Yet

37. Describe the role played by the media in addressing violence against children.

The media especially the electronic media assist in carrying out sensitization messages through jingles, radio discussions etc.

IV. CHILDREN AS ACTORS IN ADDRESSING VIOLENCE

This section is designed to extract information on children’s activities to address violence.

38. Provide information on the involvement and consultation of children in designing activities, and in implementation and monitoring of programmes and policies to address violence against them. Provide details, including ages and other details of the children involved.

The Children’s Forum Network has been formed and the Ministry of Social Welfare is co-ordinating their activities. They are also active participants in the National Child Protection Committee. They bring most of their problems to this committee and this committee ensure that their grievances are addressed. The ages of these children range from 10 – 17 years.

39. Describe the involvement, if any, of children in designing special procedural or evidentiary rules applying in court proceedings with respect to hearings concerning violence against children. Provide details including ages and other details of the children involved.

Not yet

40. Describe the amount and type of resources made available to support children’s participation in activities to address violence against children.

Child are not yet involved in addressing violence against them.

V. POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

A comprehensive policy for dealing with violence against children is one that addresses multiple forms of violence against children, that works across the different settings in which violence occurs, and which includes components for prevention, protection, victim medical, psychological, legal and social assistance, victim rehabilitation and reintegration, and perpetrator interventions. Such policy is distinguished from specific programmes that address selected sub-types of violence against children or its effects in specific populations and settings.

41. Does your Government have a comprehensive policy concerning violence against children?

If YES, provide details and describe any gender-specific provisions included in the policy.

There is no child policy as yet but a policy is presently being developed to be tabled before Parliament.

42. Does your Government deliver, or provide direct support for delivery by other agencies, of specific programmes aimed at preventing and responding to violence against children?

If YES, please provide available summary reports, or URLs, of these programmes, and indicate, using the table below, which settings and types of violence are addressed by these programmes:

	Physical	Sexual	Psychological	Neglect	HTPs	Other
Family/Home						
Schools						
Institutions						
Neighbourhood/						

Community						
Workplace						
Law enforcement						
Other						

No direct support is delivered by Government.

43. Does your Government monitor the impact of these policies and programmes directed towards violence against children?

If YES, describe the monitoring systems and provide a URL or other reference where the system and outcomes are described in greater details.

NO

44. Does your Government participate in any internationally coordinated activities concerning violence against children?

If YES, please provide details.

No

VI. DATA COLLECTION, ANALYSIS AND RESEARCH

This section aims to provide an overview of information systems and information about violence against children that may be used to inform, plan and monitor policy, legal and programmatic interventions concerning violence against children.

45. Over the past five years, has there been any victimization, epidemiological or other population-based surveys of any forms of violence against children in your country?

If YES, provide details or references, or attach.

No.

46. Have there been any small-scale or representative interview studies with parents and children on violent victimisation of children?

If so, please give details.

NO

47. Over the past five years, has your Government conducted or commissioned any scientific research projects on the problem of violence against children?

If YES, indicate the subject of this research and where the findings of these projects may be consulted in more detail.

No

48. Have studies or surveys been undertaken into the impact of legal measures to address violence against children?

If YES, provide details or references, or attach.

No

49. Does your Government have a system for formal inquiries into all child deaths in which it is known or suspected that violence may have played any part?

Provide details.

No

50. Are regular (e.g. annual) reports published describing the statistical profile of the known or suspected violent deaths investigated by the system?

If YES, what proportion of all homicide deaths are under the age 18?

.....%

NO

51. If reports on the national profile of known and suspected violent deaths are published by your Government, indicate how the data is broken down for the purpose of reporting (check all that apply):

Sex	
Age	
Ethnicity	
Manner of death (homicide, suicide, undetermined)	
External causes of death (firearm, strangulation, etc.)	

Geographical location of incident (address)	
Scene of occurrence (home, school, etc.)	
Time and date of incident	
Victim-perpetrator relationship	
Other:	

No

52. Provide the total number of reported cases of violence against children in 2000, 2001, 2002 and 2003.

No

53. Provide the total number of convictions and reported cases for the various categories of crimes of violence recorded against children in 2000, 2001, 2002 and 2003.

Sensitization campaign carried out by FSU/Ministry of Social Welfare on sexual abuse/exploitations

VII. AWARENESS, ADVOCACY AND TRAINING

This section is aimed at gathering information on any awareness-raising, advocacy and training activities relating to violence against children which may have been conducted by your Government.

54. Over the last five years has your Government conducted or commissioned any campaigns for raising awareness of and preventing violence against children?

If YES, please describe any recent campaigns, including the settings and types of violence that were the subjects of the campaigns and the target audience (general public, caregivers, teachers, etc.).

55. How were the campaign messages and information disseminated (check all that apply)?

Print media	X
Radio	X
Television	
Theatre	X
Schools	X
Others	

Radio/postals/television, theatre, schools and communities

56. Over the last five years, has your Government provided, commissioned or sponsored training programmes in the area of violence against children?

If YES, indicate which of the following areas were addressed by the last such training programmes and which provider groups received training (check all that apply).

	Prevention	Protection	Redress	Rehabilitation	Penalties
Medical Professionals (including paediatricians, nurses, psychiatrists and dentists)	X	X			
Public health practitioners	X	X		X	
Social workers and Psychologists	X	X	X	X	X
Teachers and other educators	X	X			

Court officials (including judges)	X	X	X	X	X
Police	X	X			
Prison officers	X	X			
Juvenile offenders personnel Institution personnel Parents/guardians	X	X	X	X	X
Other (please specify)					

Please provide details.

The Government approved the training of Social Workers and the Police to carry out joint intervention to combat sexual abuse and exploitation.