

# Child Trafficking in Sierra Leone

2005



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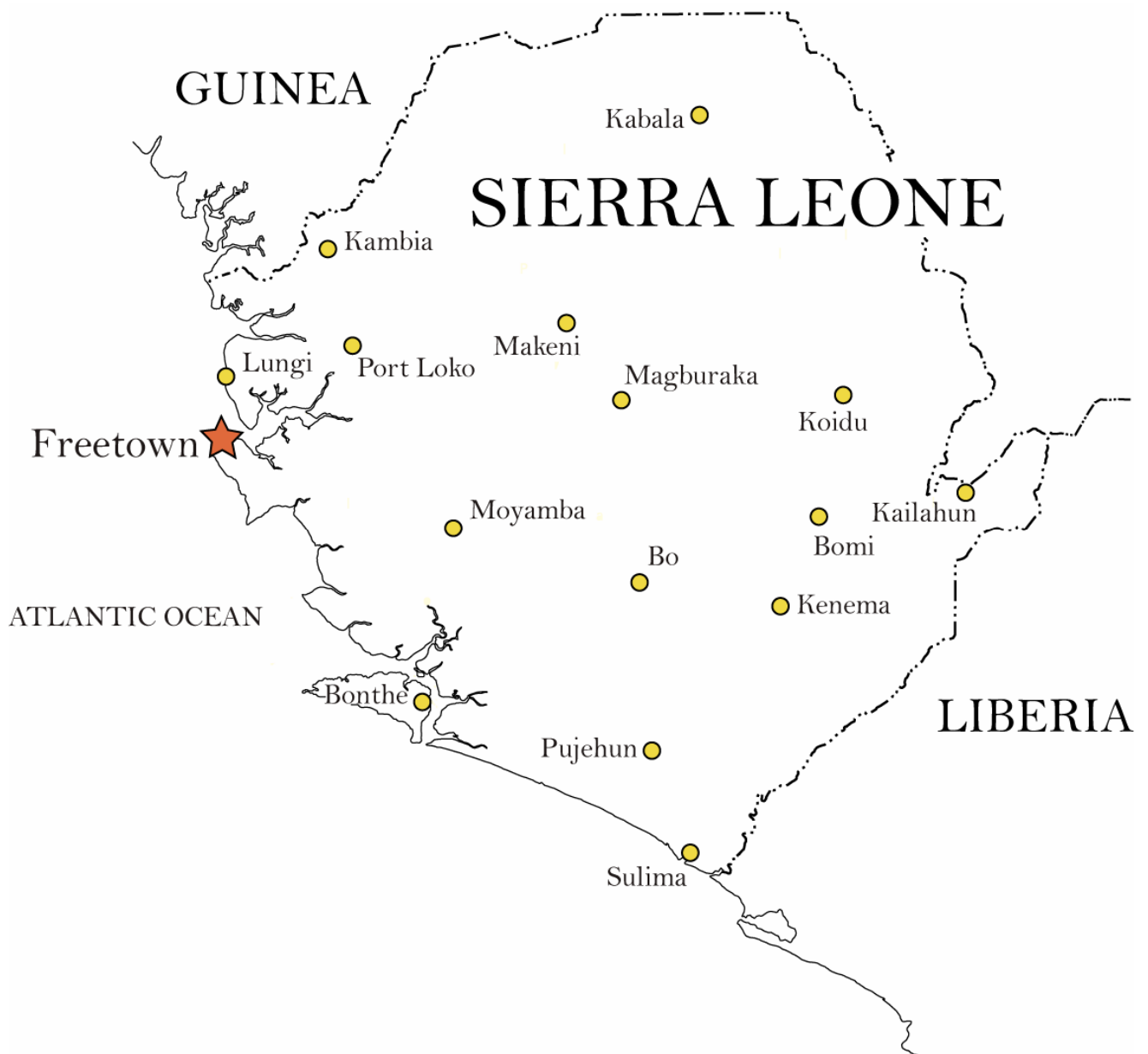
## **Acknowledgements**

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## Executive Summary

This preliminary assessment finds that child trafficking is an issue of concern in Sierra Leone. Sierra Leone is primarily a source country both for internal trafficking (from rural to urban areas) as well as trafficking abroad. To a far lesser extent, Sierra Leone may be a country of transit and destination. Child trafficking victims were both male and female of varying ages. While this assessment primarily considered child trafficking, it was noted that adults were also trafficked from and within the country. Trafficking occurs for a range of different purposes including sexual exploitation (prostitution, marriage), labour (domestic work, mining, fishing, trading and vending, agriculture), begging and petty crime, adoption and into the fighting forces.

While there are no statistics available to assess the rate of child trafficking, this preliminary assessment found that child trafficking is apparently occurring quite frequently. This conclusion is based on the rate of (negative) migration experiences by community members in the six districts surveyed as well as a consideration of vulnerable groups in the country, a portion of whom appear to have been trafficked. The most common manifestation of child trafficking appears to be internal cases for the purpose of forced labour and sexual exploitation. This affects both boys and girls. In the absence of confirmed statistics on trafficking, it is perhaps sufficient to note that the various preconditions for trafficking noted in other countries also exist in Sierra Leone. These include economic causes (poverty and material aspiration), political and legal factors (war, corruption, porous borders), cultural factors (normative migration, child labour, early marriage, etc), social condition (limited education, violence in the home) and individual characteristics (rebellion and peer influence). As such, child trafficking must be an area of concern generally for government and civil society as well as factored among the more pressing child protection issues.

The current child protection structure does not currently accommodate the specific needs of trafficked minors nor have there been programmes to prevent child trafficking. Further, few trafficking cases have been identified and pursued in the criminal justice system. However, there is currently much commitment to addressing this issue amongst government, NGOs and international organisations. A barometer of this commitment is the recent passage of the anti-trafficking law. It is imperative that continued efforts be focused on child trafficking to address the current situation as well as prevent the further escalation of the problem. The assessment outlines, in addition to the current state trafficking in the country, the various legal, policy and programmatic efforts underway in the country that can be mobilised against child trafficking. Also discussed are the gaps and issues to be considered in on-going counter-trafficking efforts.

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## Acronyms

ACC – Anti-Corruption Commission  
ACILS – American Centre for International Labour Solidarity  
AFRC – Armed Forces Revolutionary Council  
CDF – Civil Defence Forces  
CEDAW – Convention on the Elimination of Discrimination against Women  
CICP – Centre for International Crime Prevention  
CID – Criminal Investigations Division  
CIDA – Canadian International Development Agency  
CIVPOL – Civilian Police  
CRC – Convention on the Rights of the Child  
CBO – Community Based Organisation  
CSDO – Central Social Development Officer  
CSO – Community Service Organisation  
CTP – Counter-Trafficking Programme  
CWC – Child Welfare Committees  
DFID – Department for International Development (UK)  
DPKO – Department of Peacekeeping Operations  
ECOWAS - Economic Community of West African States  
EU – European Union  
FGD – Focus Group Discussion  
FSU – Family Support Unit  
HRW – Human Rights Watch  
ICMC – International Catholic Migration Commission  
IDP – Internally Displaced Persons  
ILO – International Labour Organisation  
IOM – International Organisation for Migration  
IRC – International Rescue Committee  
LAWCLA – Lawyer’s Centre for Legal Assistance  
MSWGCA – Ministry of Social Welfare, Gender and Children’s Affairs  
NaCWAC – National Commission for War Affected Children  
NGO – Non Government Organisation  
NMDHR – Network Movement for Democracy and Human Rights  
NPA – National Plan of Action  
NRA – National Revenue Authority  
ONS – Office of National Security  
PHR – Physicians for Human Rights  
PSDO – Provincial Social Development Officer  
PTSD - Post-Traumatic Stress Disorder  
RUF – Revolutionary United Front  
SCSL – Special Court for Sierra Leone  
SEE – Southeastern Europe  
SLA – Sierra Leone Army  
SLP – Sierra Leonean Police  
SOPs – Standard Operating Procedures  
SRSG – Special Representative of the Secretary General  
STC – Save the Children  
THB – Trafficking in Human Beings  
TIP – Trafficking in Persons  
UNAMSIL – United Nations Mission in Sierra Leone  
UNDP – United Nations Development Programme  
UNFPA – United Nations Population Fund  
UNHCR – United Nations High Commission for Refugees  
UNICEF – United Nations Children Fund  
UNIFEM – United Nations Development Fund for Women  
UNIOSIL – UN Integrated Office in Sierra Leone  
UNODC – United Nations Office for Drugs and Crime  
USAID – United States Agency for International Development  
VoT – Victim of Trafficking



## **Chapter 1: Introduction**

Trafficking in persons is a human rights issue that has gained increasing recognition and prominence in the past decade. It is increasingly being covered in the media, recognised as an issue by the general public and addressed by government and civil society actors throughout the world. In spite of the increased prominence of the issue, there is limited concrete and verifiable information about the phenomenon. This is particularly the case in Sierra Leone where, until, recently, trafficking was an unrecognised phenomenon and no studies have considered the subject. This study is intended as a first step in mapping the nature of child trafficking in Sierra Leone.

### **1.1: Background**

This study was commissioned by the UNICEF office in Sierra Leone in response to an increased awareness of trafficking as an issue in the country and as a child protection issue. Funding for the assessment was generously provided by the UNICEF Global Thematic Fund for Child Protection and the Government of Canada (Canadian International Development Association – CIDA).

The specific focus of this assessment is child trafficking, an effort to consider the extent of child trafficking in Sierra Leone and its importance as a child protection issue. In the collection of data and mapping of policy and programmes, specific attention was paid to minors. That being said, it is critical to recognise that child trafficking cannot be viewed in isolation. Effective prevention and protection efforts require an appreciation of the broader trafficking context. Understanding trafficking broadly is also strategic and important from a child protection perspective. Many trafficked persons may be adults when they are identified but were children when they were trafficked. As well, trafficking in adults (mothers and fathers, elder siblings, relatives and neighbours) impacts the environment in which children are raised and the risks they necessarily face. Not only are many children without family and support because of trafficking but also returned trafficking victims are often ill equipped to care for their children. As such, wherever possible, the assessment seeks to highlight how trafficking occurs within the population generally as well as with specific attention to children. Further, child trafficking can occur both within the country as well as across borders. Accordingly, this assessment considers both internal trafficking as well as trafficking that takes place to, through, and from the country.

### **1.2: Aims and Objectives of the Study**

This assessment was commissioned with the intention of casting light on the issue of child trafficking in Sierra Leone. The assessment has three primary objectives:

- To conduct a qualitative assessment of child trafficking in Sierra Leone, including the forms and nature of child trafficking as well as destinations and routes;
- To identify and assess the availability and functionality of existing community and national policies, laws and mechanisms in place to address the issue of child trafficking in Sierra Leone;
- To identify and assess existing counter-trafficking programmes, including their strategies, constraints and lessons learned.

### **1.3: Target Audience**

This report is intended for counter-trafficking actors and other child protection agencies currently working in the fields of prevention, protection and prosecution in Sierra Leone. It is intended to be of assistance both to those working at an operational level as well as those working in the area of policy in Sierra Leone.

## Chapter 2: Research Outline and Methodology

### 2.1: Research Methodology

The research was comprised of four main components between July and September 2005 – 1) a literature review of trafficking resources and related issues; 2) primary data collection from communities and community leaders; 3) interviewing secondary sources in Sierra Leone (government, international organisations and civil society actors); and 4) data collection from secondary sources in countries of destination, transit or origin about Sierra Leonean trafficking victims. Details of each component are outlined below.<sup>1</sup>

#### 2.1.1: Literature Review

An initial literature review was undertaken both prior to the commencement of field research in Sierra Leone as well as during and following the field research. Literature on human trafficking within or from Sierra Leone is almost entirely absent. To date, only one trafficking-specific assessment has been undertaken in Sierra Leone by local NGO Network for Democracy and Human Rights (NMDHR). The assessment, entitled *Human Trafficking in the Context of Sierra Leone*, is a survey of various sources of information about how trafficking takes place in the East of the country. Other literature was collected from various organisations working in Sierra Leone and, while none was specific to trafficking, it did consider related child protection issues such as child soldiers, street children, sexual assault and abuse, etc. Trafficking literature from other West African countries was also reviewed. These studies assisted in developing a regional picture of forms of trafficking as well as routes and patterns. A full list of literature and resources consulted during the assessment appears in the reference section.<sup>2</sup>

#### 2.1.2: Primary data from communities and community leaders

Primary data collection was undertaken in communities identified as potential source areas for migration<sup>3</sup>. It was comprised of four components – 1) in depth interviews with the village chief; 2) FGDs with community leaders and members (male, female and youth); 3) FGDs with children aged 10-17 years; and 4) an inventory of community resources, which served to measure the specific socio-economic context of each village.<sup>4</sup>

**Table 1: Community Information Sources on Child Migration in Six Districts**

District	Interview with Village Chief	FGD with Male Community Members (over 30 years)	FGD with Female Community Members (over 30 years)	FGD with Youth Community Members (under 30 years)	FGD with Children (ages 10-17 years)	Inventory of Community Resources
Bombali	1	16	8	9	10	1
Kailahun	1	12	11	12	9	1
Kambia	1	13	12	15	12	1

<sup>1</sup> Once the research plan and tools were developed, the lead researcher and research team attended the fortnightly Trafficking in Persons (TIP) Task Force Meeting to present the research plans and methodology and solicit inputs from attending government departments and civil society actors.

<sup>2</sup> Trafficking resources were collected and compiled into an electronic file to be shared with all interested individuals or organisations. The resources were shared with UNICEF Freetown as well as with Care International's Huridec programme in Freetown, which manages a resource centre for local organisations working on human rights. Individuals interested in these resources should contact Care International.

<sup>3</sup> The identification of these communities was based on inputs from various sources, including the researchers themselves who had recently completed a national survey in rural communities, authorities in the district capital and UNICEF staff. The general criteria used for the identification of potential source villages were that they must be villages from where migrants originate (rather than a destination for migrants) and the distance from destinations areas must be sufficient to constitute 'migration' or movement outside of the migrants support network.

<sup>4</sup> This component of the field research was undertaken by a team of four Sierra Leonean researchers trained in FGDs and in-depth interviews. The research team was comprised of Aba Kamara, Sahr Senessie, Bah Saidu and Sam Grosvenor. Prior to commencing the research, the team was also trained in trafficking issues as well as ethical issues related to trafficking research and research with children.

Kenema	1	13	11	11	9	1
Kono	1	8	12	8	10	1
Pujehun	1	8	10	10	12	1
Total	6	70	64	65	62	6

The objective of this component of the research was to learn from village members and leaders as well as children about their experiences of child migration, including prevalence, forms of trafficking, the recruitment process, decision-making about child migration, positive and negative impacts of migration and personal migration experiences.<sup>5</sup> Importantly, the term 'trafficking' was not used in community FGDs and interviews so as not to confuse participants with this largely unknown concept.<sup>6</sup> Employing the trafficking concept would have required much explanation with participants and, given that trafficking is a negative and now illegal practice in Sierra Leone, the use of the term would likely have distorted responses and prevented participants from speaking freely on the subject. The FGD and interview questions were field tested in one district to ensure that they elicited appropriate responses. Once minor adjustments were made, the team continued with the field research.

### **2.1.3: Secondary sources within Sierra Leone (government, international organisations and civil society actors)**

The second component of the research involved interviews with individuals from government, international organisations and civil society within Sierra Leone. For a complete list, please see table 2 (below). This component also included site visits to border areas and district capitals where government agencies were interviewed, particularly law enforcement authorities, immigration and MSWGCA. Border sites visited included Kambia (Gbalanmuya border), Kailahun (Belu Border) and Pujehun (Gendema, Bongela Border). District capitals visited included Makeni (Bombali district), Kambia (Kambia district), Kenema (Kenema district) and Koidu (Kono district). As well site visits were undertaken at facilities of various service providers<sup>7</sup> in Freetown and Makeni, such as shelters, care centres and training facilities.

The objective of this component was to develop a picture of the trafficking situation in the country based on the experiences of various governmental and non-governmental agencies that, in the course of their daily work, may have come into contact with trafficking and related issues. Also central was an assessment of the existing programmes and policies geared toward child protection generally and child trafficking more specifically.<sup>8</sup>

**Table 2: Organisations and Individuals Consulted in Sierra Leone**

District	Organisations Consulted
Bo	Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA)
Bombali	UNICEF Child Protection Unit, UNICEF Education Unit, Action for Children in Conflict (Interim Care Facility), Lorenzo Clinic – Sisters of St. Josephs, Action for Children in Conflict (Sexual Abuse of Girls), Caritas Makeni, Sierra Leone Police – Criminal Investigations

<sup>5</sup> For details of the FGD questions with community members, please see appendix 2 and 3.

<sup>6</sup> In only one instance in community focus group discussions was the term 'trafficking' used by respondents. In this circumstance, a community youth referred to his negative migration experience as trafficking.

<sup>7</sup> 'Service Providers' refers to organisations (government, non-governmental and international) that provide one or more of the range of services needed by trafficking victims and vulnerable children. This includes shelter, medical care, legal assistance, psychological assistance, return assistance, family mediation, case monitoring and reintegration assistance. 'Assistance and Protection' refers to measures undertaken by non-governmental, governmental, international and other relevant organizations to provide for the physical, psychological, social and legal recovery of trafficked victims as described in, but not limited to, Article 6 of the UN Protocol. Assistance and protection measures may range from a single service (such as transportation to country of origin) to multiple services, including housing, medical, psychosocial, legal, educational and vocational services.

<sup>8</sup> Interviews with secondary sources were loosely structured so as to adapt to the specific experiences, programmes and work of the various organisations and individuals interviewed.

	Division (CID), Sierra Leone Police – Family Support Unit (FSU)
Freetown	Ministry of Foreign Affairs, Department of Immigration, Customs – National Revenue Authority (NRA), Sierra Leonean Police – Family Support Unit (FSU), Sierra Leone Police – Inspector General’s Office, Office of National Security (ONS), Ministry of Social Welfare, Gender and Children’s Affairs (MSWGCA), Ministry of Labour, Parliamentary Committee on Human Rights, Ombudsman of the Republic of Sierra Leone  Action for Development, Faith Consortium, Centre for Community and Youth Empowerment, COOPI, Don Bosco, Care International (HURIDEC), IRC Rainbo Centre, GOAL Ireland, Lawyers Centre for Legal Assistance (LAWCLA), Network Movement for Democracy and Human Rights (NMDHR), Women in Crisis Movement, World Vision, Human Rights Youth Coalition, Organisation for Social Welfare and HIV/AIDS, SOS, Parents without Partners and war victims, Youth Movement for Peace and Prosperity and People’s Rights  International Organisation for Migration (IOM), UNICEF, United National Population Fund (UNFPA), UNAMSIL Civilian Police (CIVPOL – focal points for SLP/FSU and SLP/CID), US Embassy, Special Court for Sierra Leone, United National High Commission for Refugees (UNHCR)
Kailahun	Sierra Leone Police – Family Support Unit (FSU)
Kambia	Ministry of Social Welfare, Gender and Children’s Affairs (MSWGCA), Department of Immigration, Sierra Leone Police (SLP), Border Guard (Guinea)
Kenema	Ministry of Social Welfare, Gender and Children’s Affairs (MSWGCA), Sierra Leone Police – Family Support Unit (FSU)
Lungi	Department of Immigration
Kono	Sierra Leone Police – Family Support Unit (FSU)
Pujehun	Department of Immigration, Sierra Leone Police (SLP)

#### **2.1.4: Secondary sources from countries of destination, transit or origin about Sierra Leonean trafficking victims**

The third component involved interviews and email correspondence with various organisations in potential destination countries for Sierra Leonean trafficking victims and unaccompanied minors. These destination countries were primarily situated in the EU and West Africa, although efforts were also made to contact sources in the Middle East and the United States.<sup>9</sup> The organisations listed in the table below are those who kindly took the time to provide information on the situation in their country. The objective of this component was to assess the degree to which Sierra Leoneans are being or have been trafficked abroad to various destinations countries. Wherever possible, efforts were made to assess numbers of trafficking victims assisted at each destination, the form of trafficking for which they were exploited and the percentage of victims who were minors. In the absence of information about trafficking victims, data about unaccompanied minors (UAMs or ‘separated children’) was documented as a potential indirect indicator of trafficking.<sup>10</sup>

<sup>9</sup> Inquiries were sent to a number of organisations working on trafficking in children in West Africa and Europe. In West Africa, queries were sent to the following countries: the Gambia, Ghana, Guinea, Ivory Coast, Liberia, Nigeria and Senegal. In Europe, queries were sent to the following countries: Austria, Denmark, Germany, Ireland, Italy, the Netherlands, Switzerland and the United Kingdom. Other countries contacted included Lebanon, Israel and the United States. Those who responded appear in table 3 (above).

<sup>10</sup> While the correlation between UAMs (‘or separated children’) and trafficking victims is not direct, there can and often is an overlap between the two categories of minors. Some unaccompanied minors are trafficking victims, while some UAMs fall victim to traffickers as a result of their unaccompanied status.

**Table 3: Organisations and Individuals Consulted outside of Sierra Leone**

<b>Country</b>	<b>Organisation</b>
Austria	Lefo, Vienna City Crisis Centre for UAMs & Refugees
Denmark	Save the Children
Gambia	IOM, UNICEF
Ghana	IOM
Germany	IOM
Ireland	Irish Refugee Council
Ivory Coast	IOM
Liberia	IOM, UNICEF
Netherlands	STV, Dutch National Rapporteur on Trafficking in Human Beings
Nigeria	IOM, UNICEF
Switzerland	IOM Headquarters, Counter-Trafficking Service (CTS)
United Kingdom	IOM, UNICEF, Poppy Project, Refugee Council

## **2.2: Limitations of the Study**

- *Lack of specific trafficking information:* The absence of resources and studies on trafficking in persons in Sierra Leone as well as the lack of studies and research on issues potentially related to trafficking in persons, such prostitution, child labour, etc.
- *Limited knowledge or experience on the issue:* Very few organizations were focused on the issue of trafficking and most organizations did not have a clear understanding of trafficking or the issues surrounding trafficking in persons.
- *Limited time and scope of assessment:* The assessment was designed as a preliminary assessment to map the nature of child trafficking. The research included four weeks of field research by the lead researcher and research team and five weeks for literature review, data analysis and drafting by the lead researcher. The limited time of the study informed what methodologies and approaches were used to collect data as well as the scope of what could be studied and data that could be collected.
- *Timing of the research:* Research took place over the summer holidays, which meant a number of key stakeholders working on trafficking and related issues were on leave. As well, NGO classes were also in recess, which made it difficult to access potential trafficking victims through service providers or identify other victims through clients of assisting NGOs.

## **2.3: Ethical Considerations<sup>11</sup>**

Outlined below are some of the ethical issues involved in interviewing and conducting research with trafficked children, including how they were handled in the course of the assessment.

**Risk Assessment:** Trafficking often involves criminal elements and plays on power dynamics within communities and between individuals. Trafficking is also often accompanied by the use of violence or at minimum the threat of violence. Both researching trafficking and relating one's own trafficking experiences can potentially be risky and, as such, assessing the risk involved in the research is essential to protect researchers and research participants.

<sup>11</sup> For further discussion of the issues outlined in this section, please see Fafu 2004, Laws 2002, Save the Children 2004, WHO 2003, Surtees 2003.

Because trafficking is a new issue in Sierra Leone, we were not fully aware of the risk factors in seeking to meet with trafficking victims and if there would be any repercussions for children who shared trafficking experiences. It is unclear at this stage who, if anyone, in communities are complicit in trafficking (i.e. village leaders, families, locally based recruiters, etc.) and what might happen to persons reporting on traffickers activities. As such, we did not feel it was ethical to actively seek out child victims for interviews without knowing if there would be negative repercussions for said children. We also did not want to encourage children to be vocal in ways that might put them at risk. Instead, we anticipated that some cases of negative migration and/or trafficking would be captured within our FGDs and we could learn from them in this more general discussion forum. Given the time limitations of the field research, neither were we able to assess risk to researchers of raising trafficking as an issue within communities, another important consideration.

**Referral and assistance options:** We were aware that any trafficking victims identified in our FGDs would likely have been interviewed on this subject for the first time and would potentially require follow-up support or counselling as well as some monitoring to ensure that the research had not put the children at risk. However, we were equally aware that there are few, if any, services available in communities and also limited availability of service even in district towns. Instead, we developed a response plan if trafficking cases were detected – the case was referred to UNICEF who then referred it to one of its network of partners in the specific area and that partner followed up with the case. The research team was careful not to raise expectations of possible assistance. No promises were made to children or community members.

While our questions were not aimed at soliciting direct migration experiences of children, we did anticipate that the FGD could elicit such information. This required preparing and equipping the research team with possible scenarios and appropriate responses. In cases where a child related an experience which may have been trafficking and/or issues that researchers deemed were better discussed in private, the note-taker spoke to the child apart from the group and listened to her/his story. The case was then referred to UNICEF, as outlined above.

**Confidentiality & Researcher's Responsibilities:** All primary data about victims and assisted cases have been anonymised and the data kept confidential. While confidentiality is an important tenet of research, researchers also have a duty to report when they encounter child protection issues in their work, like child abuse or trafficking. This involves a difficult decision for the researcher, a balance between not putting the child at further risk and considering available care options, including if they are sufficient to meet the child's needs and if referral to care options put the child in jeopardy. Ideally, such action should be taken in consultation with the child and take into account the child's wishes. In our research, care options in the villages and even district towns were extremely limited. When potential cases were identified by the researchers, information was collected by the research team and referred to UNICEF for follow-up and appropriate referral.

**Limitations of time:** Building trust is essential for interviewing trafficking victims, but this is a process that requires time. As well, time is needed to assess risk to the participant, gain informed consent of victims, etc. Because of the limited time available for the assessment, our methodology was designed in a way to garner the most amount of information without relying on individual relationships and without putting respondents in uncomfortable or unsafe positions.

**Informed Consent:** This refers to the agency of the research participant and their right not to participate in research. It is widely acknowledged that research participants must be fully informed of the topic of the research and fully consent to participate. They are also free at any stage of the interview or research process to end their participation or determine how data they have shared may and may not be used.

Prior to commencing all FGDs, participants were informed that their participation was entirely voluntary and that they could leave if they preferred not to participate. In addition, participants were informed that they were free to end their participation at any time as well as decline to

answer any of the questions. Extra time was taken when conducting FGDs with children to ensure they were aware of these issues and felt comfortable with their participation. One of the central guidelines in the FGDs with children was their right to decline to answer questions or leave the FGD at any stage. Researchers were also fully aware that children who may have been pressured by community leaders or parents to participate should be given the opportunity to not participate prior to beginning the discussion.

***Child participation:*** We recognise that children should be involved in all research on children and that they were in the best position to describe their reality and articulate opinions, experiences and concerns. As this was among the first assessment on child trafficking in Sierra Leone, we felt it was essential to hear directly from children. Child participation was solicited through FGDs with children between 10 and 17 years of age in villages in six districts. Some thought was also given to interviewing child trafficking victims in communities during the field research. However, given the scope of the assessment (including being unable to realistically assess security and personal risks for child trafficking victims) and that the researchers were new to trafficking and the specifics of trafficking research, it was decided that to focus specifically on trafficking could potentially be harmful to participating child victims.

### Chapter 3: Trafficking related Terms and Definitions

An essential starting point for any discussion of trafficking in persons is a clear definition of trafficking as well as the associated abuses. In what follows, we will consider both trafficking and associated terminology toward a more precise picture of the various issues.

#### 3.1: Defining and Understanding Trafficking in Persons

According to Sierra Leone's recently enacted Anti Human Trafficking Act,<sup>12</sup> 'trafficking in persons' is defined as follows:

*'The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation'.*

This definition is consistent with the definition outlined in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000),<sup>13</sup> which serves as a Supplement to UN Convention on Trans-national Crime.

However, the definition is quite complex. Alternatively and more simply, the following framework<sup>14</sup> outlines the requisite components in trafficking in persons. To determine what constitutes trafficking, one must consider each of the components of the framework. Where the three components (process, means and goal) are realised, this is a case of trafficking in persons.

#### Trafficking in Persons:

Process	+	Means	+	Goal
Recruitment		Threat		Prostitution/Sexual Exploitation
Or		Or		Or
Transportation	A	Coercion	A	Pornography
Or	N	Or	N	Or
Transferring	D	Abduction	D	Violence/Exploitation
Or		Or		Or
Harbouring		Fraud		Force Labour
Or		Or		Or
Receiving		Deception		Slavery/Similar practices
		Or		
		The Abuse of Power or a Position of Vulnerability		
		Or		
		Sale/Purchase		

Importantly, in the case of children, the 'means' is considered irrelevant in determining whether the case constitutes trafficking. That is, if the victim is under 18 years of age, it is not necessary for there to have been coercion, force, deception or use of any other means listed in the framework. As such, when there has been both 'process' (recruitment, transportation,

<sup>12</sup> The law was accepted by Parliament in June 2005 and signed by the President and entered into force in August (UNICEF 2005a).

<sup>13</sup> The Protocol addresses criminalizing the trafficking of persons, assistance and protection for trafficked persons, temporary or permanent resident status in destination countries in appropriate cases and measures to prevent and combat trafficking in persons and protect persons from re-victimization.

<sup>14</sup> This framework was adapted from that developed as part of the USAID funded Counter Trafficking Programme (CTP) in Indonesia managed jointly by the American Centre for International Labour Solidarity (ACILS) and the International Catholic Migration Commission (ICMC). For further detail of this framework as well as this counter-trafficking programme, see Rosenberg 2003.



transferring, harbouring or receiving) and 'goal' (one of the aforementioned forms of exploitation), this constitutes human trafficking.

One complication, however, can be what is meant by exploitation. According to the Sierra Leonean Anti-Trafficking Law, 'exploitation' includes, at a minimum – (a) keeping a person in a state of slavery; (b) subjecting a person to practices similar to slavery; (c) compelling or causing a person to provide forced labour or services; (d) keeping a person in a state of servitude, including sexual servitude; (e) exploitation of the prostitution of another; (f) engaging in any other form of commercial sexual exploitation, including but not limited to pimping, pandering, procuring, profiting from prostitution, maintaining a brothel, child pornography; (g) illicit removal of human organs.

Demarcating precise parameters of exploitation are helpful in the application of counter-trafficking efforts and general awareness-raising. How different people understand exploitation will have a significant impact on how exploitation can be addressed in practical terms. This is particularly complex in an environment where labour exploitation, child labour, forced labour and prostitution are relatively common. As one NGO staff observed, 'It is hard in this country to say that it is trafficking because these are things that we have always done. How can we say it is exploitation? What is exploitation really?'

For example, an aunt who brings her niece to town to work as a domestic worker in her household and requires she work 14 hours a day and receives no salary may not see this as exploitation. Rather, she may see this as an opportunity for the child to learn how to care for a household. As well, the child may have been working as many hours at home and so this is not seen as a deterioration in her work conditions. Given that this is an apparently common scenario in many families and communities, it may be challenging for people to recognise this as exploitation and trafficking. Similarly, the Government's minimum wage of 100,000 Leones per month (34.5 USD)<sup>15</sup> generally does not provide a decent standard of living for a worker and family, begging the question as to whether this constitutes exploitation.

This is not meant to argue that exploitation is relative and that definitions of exploitation must depend on each socio-economic environment. What is being argued here is that it is complicated to combat exploitation (and by implication trafficking) when different actors have differing views of what this does and should mean. What is needed is a discussion and definition of what, in practical terms, constitutes exploitation in Sierra Leone.

### 3.2: Associated Issues, Abuses, Terms and Definitions<sup>16</sup>

In addition to trafficking *per se*, there are a range of abuses and issues that may intersect and overlap with trafficking. These are also outlined below.

**Adoption** – The legal act of permanently placing a child with a parent or parents other than the birth parents. Adoption results in the severing of the parental responsibilities and rights of biological parents and placing those responsibilities and rights with the adoptive parents.

**Fostering** – The temporary placement of a child with a foster or temporary family who provides care and support (basic needs, education, etc.). This often occurs when a family is without the means to adequately support the child and places her/him temporarily in a foster environment for her/his well-being.

**Bonded labour** (also known as **Debt Bondage**) is when a person's labour is demanded as a means of repayment for a loan. For example, when a domestic worker incurs a debt to an employment agent and is made to pay back that debt through her labour. In many cases the loan is a pretext and often is imposed in a way that makes it unlikely to every be repaid. An example is (over)charging bonded agricultural workers for room and board in order that their debt increases rather than is paid off.

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<sup>15</sup> Minimum wage is designated in the Labour Code of Sierra Leone, specifically in the Employers and Employees Act, Cap. 212.

<sup>16</sup> These terms and definitions have been adapted from Surtees 2003 and Surtees & Widjaja 2003. For a more comprehensive glossary of terms related to trafficking, please see Surtees & Widjaja 2003b.

**Child Labour** is comprised of economic and non-economic activities done by a minor. While there is a range of different definitions for child labour, the broad definition of child labour includes any form of economic activity for at least 1 hour per week, and/or domestic chores for at least 7 hours per week, and/or school labour for at least 5 hours per week. Children working in factories, in plantations and on farms are all examples of child labour.

**Worst Forms of Child Labour.** Child labour that is exploitative and hazardous, that by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. This includes all forms of slavery or slavery-like practices (i.e. sale and trafficking of children, debt bondage, forced labour, child soldiers); prostitution or pornography; and illicit activities (i.e. drugs trafficking).

**Forced Labour.** Forced labour is when people are forced to work through the use of violence, threats or coercion, with their individual freedoms restricted. The coercion may be physical, psychological or legal. For example, a trafficker may warn a victim who is illegally in the country that he will turn him over to law enforcement/immigration officials if he doesn't do as he is told.

**Labour Exploitation** - To profit from the labour of others without giving a just return (i.e. minimum wage, reasonable working conditions, acceptable labour standards, etc.). For example, a factory worker who is made to work 12 hours per day or receives less than minimum wage. Not all labour exploitation constitutes forced labour or trafficking.

**Migrant** - A migrant is a person who leaves his or her country or community of origin for political, economic, social, religious or other reasons. There are different types of migration – legal and illegal, urban and rural, international and domestic. An illegal migrant is a person who migrates without the legal authority to do so (i.e. without proper documentation or consent of the parents).

**Prostitution:** Trafficking into prostitution is among the more common forms of trafficking exploitation. UNICEF uses the terms 'children in prostitution' and 'child prostitutes' rather than 'sex work' or 'sex workers'. This is because 'sex work' and 'sex workers' hide the harms and exploitation done to children in prostitution. Prostitution highlights that children working in prostitution are 'victims' and not 'workers'.

**Smuggling** – Facilitating the illegal entry of a person into a state of which the person is not a national or permanent resident, in order to obtain, directly or indirectly, a financial or other material benefit. For example, when a person is paid by a third party to assist that third party in illegally entering a foreign country.

**Slavery** - The ownership of one person by another. Sexual slavery is when a person owns another and exploits them for sexual activity.

**Unaccompanied minor (UAM):** Any foreign national under the age of 18 years who enters a foreign country and/or resides there without being accompanied by mother, father, legal guardian or spouse. Some unaccompanied minors are also trafficking victims, while others fall victim to traffickers as a result of their unaccompanied status. UAMs may also be referred to as 'separated children'.

**Victim:** The term 'victim' has generated much debate in the context of violence against women, as many argue that it implies powerlessness, rather than the resiliency of the victim. As such, many people prefer to use the term 'survivor'. However, in the area of human rights and protection, the term 'victim' is used to refer to someone experiencing injustice for which the perpetrator is responsible. It indicates that the person or persons experiencing human rights violations have the right to protection, assistance and reparation (Billings et al. 2005). In the context of this assessment, the term 'victim' is used with the above clarification to highlight the rights of the victim to protection as well as the responsibilities of government and civil society to afford this protection. A 'trafficking victim' is a person who qualifies for this status in

accordance with Article 3 of the UN Protocol and the Sierra Leone Anti-Human Trafficking Law.

### **3.3: Distinguishing between Trafficking and Associated Issues<sup>17</sup>**

There is a great deal of overlap between the issues outlined above and, in many cases, these violations can also be acts of trafficking. However, this is not the case in all circumstances and it is important to also recognize where issues and terms diverge. Although these are exploitative practices that should be addressed, not all are trafficking in persons.

For example, trafficking may include forced labour, as in the case of a woman trafficked into domestic work who is bound by debt to her employer where she works and lives. But there are also situations where forced labour occurs without trafficking, as in cases of persons forced by a debt to work on a plantation in their village but who return home every evening. Similarly, not all child labour involves trafficking. A child working full time in agriculture while living at home with his family is a case of child labour and not trafficking. However, in cases where children are recruited for work in mines, far from their place of origin and exposed to hazardous mining, this is trafficking.<sup>18</sup>

In the Sierra Leonean context, there are some important distinctions to be drawn between different issues and abuses. The following section explores some of the blurred lines between trafficking and associated abuses in the country.

#### **3.3.1: What is the Difference between Trafficking and Forced Labour?**

Although these terms are connected, trafficking refers to the recruitment and transportation of people by means of coercion, deception, fraud or for the purpose of exploiting them for work or services. Forced labour is a form of labour exploitation in which people are forced to work, with their individual freedoms restricted. Trafficking may include forced labour such as in cases where children are trafficked into domestic work or mining. However, not all people who find themselves in conditions of forced labour have been trafficked (Wijers & Lap-Chew 1999: 39).

#### **3.3.2: What is the Difference between Illegal Migration and Trafficking?**

An illegal migrant is a person who leaves his or her country of origin and enters a new country without the appropriate legal authority to do so (for example without a visa). Many illegal migrants migrate without deception, coercion or force and without the resulting exploitation that characterizes trafficking. While trafficking often involves illegal entry into a foreign country, many trafficking victims also enter countries legally, as brides, tourists, maids. Therefore, a trafficking victim is not necessarily an illegal migrant. However, it is important to remember that a person may choose to migrate voluntarily and illegally, but on arrival, have their movements restricted, their wages withheld, be exposed to violence, etc. by their recruiters or employers. As such, they become victims of trafficking (Wijers & Lap-Chew 1999: 39).

#### **3.3.4: What is the Difference between Smuggling and Trafficking?**

Smuggling is characterized by facilitated illegal entry of a person who knowingly chooses to enter a foreign country illegally. Trafficking requires that there be coercion or deception about the nature of the transfer and that the person be subjected to exploitative work on arrival. That being said, many of those smuggled can become victims of trafficking if they are forced into slavery-like or exploitative conditions on arrival.

### **3.4: Defining Childhood – Who is a Child in Sierra Leone?**

For the purpose of this assessment, children are persons under 18 years of age. This is the most universally recognised definition of child, as outlined in the Convention on the Rights of

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<sup>17</sup> This section was originally produced in a trafficking research manual as part of the USAID funded Counter Trafficking Programme in Indonesia managed jointly by the American Centre for International Labour Solidarity (ACILS) and the International Catholic Migration Commission (ICMC). See Surtees (2003). This section has been adapted to accommodate the abuses and distinction for trafficking in persons within the Sierra Leonean context.

<sup>18</sup> This does not mean that the violation or exploitation that is occurring is not important or serious. All exploitation must be considered, identified and redressed. However, we need to understand the precise issue(s) involved and the true nature of the violations in order that we can act and react accordingly.

the Child (CRC) to which Sierra Leone is a signatory. More importantly, this is the law in Sierra Leone for trafficking purposes and is consistent with the Protocol.

However, defining and understanding who is a 'child' in Sierra Leone is problematic because of the inconsistencies between laws, which are not clear about the age of majority. The various laws pertaining to minors in Sierra Leone make different distinctions about the age at which a child becomes an adult. According to the Children and Young Persons Act (Cap. 44), a child is below 17 years of age. This differs from the Prevention of Cruelty to Children Act (Cap. 31), which defines a child as under 16 years, and the Ordinance to Regulate the Infliction of Corporal Punishment, which designates children as those under 15 years of age (Nicol-Wilson & Wilson 2004: 7). Similarly, social norms often measure adulthood according to physical maturity.

In the course of fieldwork, researchers asked participants who they define as a 'child'. The results from this are presented in appendix 4. It is interesting to note the disparate responses provided. Of particular interest is the number of respondents who saw children as those under 14, 15 or 16 years old. Also interesting are those respondents who determined adulthood by the child's behaviour or maturity rather than by age.

Amongst government officials, there were also differing views as to who is a child. All immigration officials and staff of the MSWGCA designated a child as someone under 18 years of age. Law enforcement authorities provided different responses including those under 18 years, those under 16 years, those under 14 years and those between 0 and 10 years of age. Generally these responses were given with the caveat that there are discrepancies between the Sierra Leone and international norms. As one police officer in Kailahun District noted, 'According to the police law, a child is someone we consider from day of birth up to 16 years of age, but the international law says anyone under the age of 18 years'. Another police officer from Kenema gave a similar response but with a different age range: 'According to Sierra Leone law a child is someone under the age of 14 year. But this is different from the international definition where a child is defined as a person under the age of 18 years'.

Prior to commencing interviews and FGDs, the international definition of a child – as anyone under 18 years – was outlined for and discussed with participants. Respondents were asked to answer all questions about children and childhood according to this definition. In the context of this report, the term 'minor' is used interchangeably with 'child'.

## **Chapter 4: Overview of Child Trafficking in Sierra Leone**

### **4.1: Trafficking as an 'emerging' issue in Sierra Leone**

A consistent comment by civil society organisations was that trafficking was 'an emerging issue', one that had long existed in Sierra Leone but was only being newly recognised as a form of exploitation. As a corollary, there was a good deal of confusion surrounding what was and was not trafficking.

Within the civil society sector in Sierra Leone, it was striking how few organisations reported having handled trafficking cases in their work. However, over the course of the interview, it became clear that trafficking cases were indeed amongst their assisted caseload. Cases which were seen as sexual assault cases, street children or child labour were also in many instances, cases of child trafficking. That being said, many of the cases cited as trafficking by various sources, upon closer examination, may not have been trafficking. Very commonly cases of migration were said to be trafficking even where there was no clear evidence of exploitation. Similarly, internal trafficking was often not recognised as trafficking.

Knowledge about trafficking was also constrained in the population generally. Many people had not heard the term, while others had heard of it but understood it only in a very limited sense, involving abduction of children for adoption abroad. Others had a more generalised sense of the issue and flagged issues such as forced marriage and prostitution. Overall, there was much confusion over what did and did not constitute trafficking. And many cases went unrecognised. For example, in training the team of researchers about trafficking, it became clear that in their day-to-day living they encountered trafficking cases quite regularly and in various constellations but had not, to date, recognised them as trafficking.

Even amongst groups who are likely to have had some trafficking experience – such as street children or child prostitutes – knowledge was limited. In one survey of disadvantaged children and youth in the Western Area, 68.9% of boys and 65.5% of girls thought that trafficking was when a child was abducted and sold, while 15.5% of boys and 19.4% of girls thought that trafficking involved luring children with money and gifts. An additional 8.5% of boys and 6.7% of girls said trafficking was when a child goes missing and is never seen again, 0.8% of boys and 1.4% of girls said it was when a car was used to capture the child and 0% of boys and 5.6% of girls said it was when children were put into bags. Other explanations of trafficking involved drug users (4.7% of boys and 0% of girls), that it was a bad idea (0% of boys and 1.4% of girls) and that they didn't know (1.6% of boys and 0% of girls (GOAL 2004: 42). While some of these scenarios can involve trafficking, it is not inevitable. Further, there are many other scenarios – ones likely to have been encountered and potentially even experienced by these disadvantaged children – that were trafficking.<sup>19</sup>

As an emerging issue, there is an urgent need to clarify the subject, amongst civil society, government and the population more generally. This will require extensive awareness-raising and sensitisation efforts as well as professional training. There is a valuable opportunity to shape trafficking issues effectively and strategically in Sierra Leone, to make wise decisions about counter-trafficking approaches informed by experiences around the world. Child protection agencies can benefit from the successes and lessons learned of counter-trafficking efforts globally.

### **4.2: Sierra Leone as a Source Country**

Preliminary analysis suggests that Sierra Leone is primarily a country of origin for trafficking in persons, including children. This is the case for victims trafficked abroad (to other countries in West Africa, the Middle East and the EU) as well as within the country itself (mining areas, fishing communities, district towns, the capital Freetown). Both adults and children are

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<sup>19</sup> In one survey of disadvantaged children in the Western Area, 14.4% were aware of child trafficking in the country and only 2% of the sample knew of girl children being trafficked. 2.5% of girls and 1.7% of boys had a friend or relative who had been trafficked (GOAL 2004: 14, 43). However, these statistics must be read with some caution as these same respondents demonstrated a constrained and sometimes confused view of what constituted trafficking in persons.

trafficked from Sierra Leone for a range of different purposes, including prostitution, labour, child soldiers and adoption.

#### **4.2.1: Source Country for Internal Trafficking**

A significant proportion of Sierra Leonean trafficked persons appear to be trafficked internally, primarily from rural areas to towns and cities.<sup>20</sup> This form of trafficking, often undertaken under the guise of fostering or child placement, impacts large numbers of children who are exploited for sexual or labour purposes. Of the disadvantaged children surveyed by GOAL Ireland in 2004, almost two thirds were migrants from the provinces (GOAL 2004: 9). While it is unknown what percentage of these children were trafficked, it is clear that rural-urban child migration is commonplace and that there is space within this migration for abuse, including trafficking. Children are often forced to work as domestic workers, street hawkers, traders and prostitutes as a result of this trafficking. To date, there is little evidence of trafficking for adoption within the country, although the possibility cannot be ignored.<sup>21</sup>

As well, there is evidence of children being trafficked from various districts (rural and urban environments) to mining areas, and preliminary signals of trafficking into the fishing and agricultural sectors. Generally, this recruitment is more overt – with promises of work, rather than through child placement. Some children were apparently recruited as ‘apprentices’ and subsequently exploited. With the cessation of the civil war, internal trafficking of children as combatants, forced labourers and rebel ‘wives’ also ended. However, large numbers of children (many of whom are now adults) were impacted by this form of trafficking during the civil conflict.

In some countries, internal trafficking is a first step in movements abroad. This is often done strategically to weaken a victim’s resistance before moving across borders where the risk of detection is high. Currently in Sierra Leone, this does not appear to be a common approach, with victims trafficked either within the country or abroad. However, counter trafficking actors should be cognisant of this risk, given the seemingly high rate of internal trafficking that occurs within the country.

#### **4.2.2: Source Country for International Trafficking**

Information collected from various destination countries indicates that Sierra Leoneans have been trafficked abroad for different forms of exploitation. Further, the presence of Sierra Leonean unaccompanied minors (UAMs) in various destination countries is arguably a signal of trafficking or, at least, trafficking risk. That is, UAMs may have arrived in a destination without having been trafficked but may subsequently fall victim to trafficking.

The table below notes some of the destinations where Sierra Leoneans trafficked persons and UAMs have been identified and assisted. This information should be read with the caveat that these numbers are simply a sampling of assisted victims. Generally the numbers presented are from only one organisation in each country. Similarly, where no numbers are listed, this can be read only as information from those agencies consulted. The numbers, far from complete, are presented as a starting point for mapping where Sierra Leoneans have been trafficked in the past and the extent to which Sierra Leone is a source country for international trafficking.

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<sup>20</sup> Importantly, the December 2001 Declaration on the Fight Against Trafficking in Persons states that trafficking in persons includes human trafficking that takes place both trans-nationally as well as within the country. Sierra Leone is a member of the Economic Community of West African States (ECOWAS) (ECOWAS 2001).

<sup>21</sup> It is important to make the distinction between adoption and fostering or child placement. In the course of field research, many people confused the two issues, seeing fostering/child placement as adoption. However, adoption refers only to situations in which the child is formally (and legally) placed with a new family and the birth family has relinquished all legal rights over the child.

**Table 5: Number of Sierra Leonean Victims of Trafficking (VoTs) and Unaccompanied Minors (UAMs) identified in various destination countries in West Africa, the Middle East and Europe<sup>22</sup>**

Country of Destination/ Year <sup>23</sup>	2002		2003		2004		2005	
	VoTs	UAMs	VoTs	UAMs	VoTs	UAMs	VoTs	UAMs
Austria	0	N/a*	0	7	0	3	0	N/a
Belgium <sup>24</sup>	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a
Ireland <sup>25</sup>	N/a	15	N/a	6	N/a	5	N/a	3
Germany <sup>26</sup>	N/a	N/a	0	N/a	N/a	N/a	N/a	N/a
Ghana	0	0	0	0	0	0	0	0
Guinea	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a
Italy <sup>27</sup>	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a
Lebanon <sup>28</sup>	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a
Ivory Coast	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a
Liberia	N/a	N/a	0	N/a	0	N/a	0	N/a
Netherlands <sup>29</sup>	12	N/a	11	N/a	6	N/a	9	N/a <sup>30</sup>

<sup>22</sup> This information is drawn from cases reported by various NGOs and international organisations working in West Africa and Europe. For a full listing of these organisations, please see table 3: Organisations and Individuals consulted outside of Sierra Leone in Chapter 1. In addition, the following sources were consulted: Nationaal Rapporteur Mensenhandel 2005, de Pauw 2002, IOM 2003, Somerset 2004.

<sup>23</sup> The year reflects when the trafficked person was identified and/or assisted, not when s/he was trafficked.

<sup>24</sup> While there is no specific information for Belgium, it is perhaps significant to note that 12 Sierra Leonean UAMs were among 255 unaccompanied minors who disappeared in Belgium prior to 2002 (de Pauw 2002: 21). There are serious concerns that in such cases the minors fall victim to traffickers. Further, in 2000, in Belgium, 611 Sierra Leoneans claimed asylum, 20 of whom (3.3%) were UAMs (Costner 2003).

<sup>25</sup> In 2000, 23 UAMs arrived in Ireland from Sierra Leone, increasing to 34 in 2001 and 15 in 2002. There is no data about the sex or specific age of these minors. For data since 2002, please see table above. UAMs identified in 2003 were both male (2) and female (4) and were primarily teenagers (16 and 17 years old), although one was a six year old girl. In 2004, three of the UAMS were 17 years old, one was 14 years and another was three years old. To date in 2005, the UAMs were ages 3, 7 and 10 (Email Correspondence with Heilean Rosenstock-Armie, Irish Refugee Council, August 12, 2005).

<sup>26</sup> Data from KOK's 2003 NGO Shadow Report accompanying the official German CEDAW report documented a number of cases of Sierra Leonean trafficking victims – 11 in 1999, 10 in 2000 and 11 in 2001. This data was collected from 17 of KOK's 30 member organisations (Email correspondence with Jana Hennig, IOM Berlin, August 11, 2005, cf. KOK 2003). The report does not specify how many of these victims of trafficking were minors, although all were female.

<sup>27</sup> While there is no concrete information about Sierra Leoneans trafficked to Italy, approximately 20% of the 18,000 estimated foreign prostitutes in Italy are from the Mano River Countries (Sierra Leone, Guinea and Liberia) and Cote d'Ivoire (IOM 2005). In addition, the Ombudsman Office in Sierra Leone and the Parliamentary Committee on Human Rights identified Italy as a primary destination for Sierra Leonean victims (Interview with Francis Gabbidon, Ombudsman of the Republic of Sierra Leone, Freetown, Sierra Leone, October 2005, Interview with Hon. Alusine Fofanah, Chairman, Parliamentary Committee on Human Rights, Freetown, Sierra Leone, October 2005).

<sup>28</sup> While no cases of trafficking to Lebanon were confirmed, there was a good deal of anecdotal information on the subject and a number of cases which emerged in community FGDs. Further, recent reports cite the abuse of migrant workers in Lebanon as well as trafficking in persons from Asia and Africa to the country. See US Dept of State 2005 and Huda 2005.

<sup>29</sup> The office of the Dutch National Rapporteur on Trafficking in Human Beings documented number of cases of Sierra Leonean trafficking victims in the Netherlands since 2000 – 10 victims in 2000, 6 in 2001 and 12 in 2002. For data since 2003, please see table above. Of note is that some Nigerians have claimed to be Sierra Leonean, hoping that this might improve their chances to receive a residence permit in the Netherlands. As such, among Sierra Leonean nationals listed may be, as yet unrecognised, Nigerians or other African nationalities (Email Correspondence with Monika Smit, Sr. Researcher, Dutch Rapporteur on Trafficking in Human Beings, August 16, 2005; cf. Nationaal Rapporteur Mensenhandel 2005).

<sup>30</sup> Recently, the government of Netherlands conducted an assessment mission in Sierra Leone to identify services to be mobilised for the return of Sierra Leonean UAMs who are currently in Netherlands. As many as 4,000 UAMs of West African origin are currently in the Netherlands, the majority of whom claim Sierra Leonean nationality. To date,

Nigeria	N/a	N/a	1 <sup>31</sup>	N/a	0	N/a	0	N/a
UK <sup>32</sup>	N/a	N/a	N/a	N/a	1	N/a	2	12

\* N/a – not available. This designates situations when sources were unable to either confirm or deny that their country was one of destination for Sierra Leonean victims of trafficking or unaccompanied minors. It was striking how often organisations reported that there were no official statistics available. One notable exception is the Netherlands, which hosts the Office of the Dutch National Rapporteur on Trafficking in Persons.

Importantly, not all victims of trafficking listed in the table above were minors at the time of identification. Amongst victims identified in the Netherlands since 2000, the numbers listed include both minors and adults and only one of the nine victims assisted in the Netherlands in 2005 was a minor. Similarly, only one of the three trafficking victims assisted in the UK in 2004 and 2005 was a minor. However, these cases have been included in the table to reflect destination countries generally, to provide a general mapping of routes and destinations. Adults have also been included because the age of the victim is that at identification, not trafficking. As such, some of these adults may have been minors when trafficked.

### ***Destinations in the EU***

Much trafficking to the EU appears to be for prostitution. All assisted trafficked persons in the Netherlands were working in the sex industry. However, labour was also not uncommon. For example, in September 2003, 'Edith' was sent from Sierra Leone, having been promised that she would work in the United States as a hairdresser. Instead she was sent to the United Kingdom where she worked for one year. After one year, she was able to escape and sought assistance.<sup>33</sup>

### ***Destinations in the Middle East***

In the course of field research, Lebanon was identified as a key destination for Sierra Leonean children. They were generally recruited with promises of education or well-paid jobs in Lebanon but, in reality, worked as domestic workers and/or were sexually exploited by their employers. As one village chief from Kambia explained, 'a Lebanese businessman once living here wrote to a woman requesting that her 12 year old daughter migrate to Lebanon. The child left and was away for seven years where she was exploited'.

There is also the possibility of Israel as a destination in the region. In 2005, IOM supported the voluntary return of over 200 Sierra Leonean illegal migrants from Israel.<sup>34</sup> Because Israel has been identified as a destination both for trafficking victims and exploited migrant workers of other nationalities, it is worth flagging the potentiality of this destination.

### **Case Study 1: Trafficking to Lebanon**

One 65 year old woman trader living in rural Kambia related her daughter's trafficking experience:

*'A relative was once working for a Lebanese businessman in Freetown. They came to us and*

none have been repatriated (Interview with Andrew Choga, Chief of Mission, IOM, July 26, 2005). In 2000 in the Netherlands, 2,023 Sierra Leoneans claimed asylum, 757 of whom (37.4%) were UAMs (Costner 2003).

<sup>31</sup> The source of this information is the US State Dept Report on Trafficking in Persons, which noted the return and reintegration of a 17 year old Sierra Leonean girl from Nigeria (US Dept of State 2004, Email correspondence with Andrew Choga, Chief of Mission, IOM, Sierra Leone, September 5, 2005).

<sup>32</sup> In addition to the numbers presented in the table, Sierra Leone was among the countries of origin for child trafficking in an ECPAT study of social services in the UK, although no concrete numbers were provided (Somerset 2004: 16). Further, since 2001, IOM has supported the assisted voluntary return of 18 Sierra Leoneans from the UK – five females and thirteen males, including one accompanied minor (Email correspondence with Andrew Choga, Chief of Mission, IOM, Sierra Leone, September 5, 2005).

<sup>33</sup> Email Correspondence with Helen Johnson, Refugee Council, Children's Panel, UK, August 22, 2005.

<sup>34</sup> Interview with Andrew Choga, Chief of Mission, International Organisation for Migration, July 26, 2005. For more information about trafficking to Israel, please see Levenkron 2003 and Kav LaOved. Neither of these reports specifically mention Sierra Leonean trafficking victims, although Kav LaOved estimates that there are as many as 15,000 migrants workers from Africa in the country (2003: 10).



*requested my daughter to be adopted by the Lebanese. Because the relative was with the Lebanese, we trusted him and entrusted the responsibility of our daughter to them. My daughter was by then only twelve years. When they left, we were sent a few provisions. After a month of their departure, we received a letter claiming that my daughter had been flown to Lebanon to assist in raising the children of the Lebanese businessman. For fifteen years, I did not hear from the relative or the Lebanese man'.*

*'After fifteen years, my daughter returned seriously ill and impoverished. She narrated some of the gruesome abuses she was subjected to in all those years. She was forcefully deflowered by the Lebanese businessman in Lebanon... and later sold her into prostitution for ten years until she was no longer fit to be in the brothel. She was sent back home where she died soon after her arrival. This is a total loss to my family'.*

### **Destinations in West Africa**

There were many accounts of children trafficked within the region. Available data suggests children are being trafficked for labour within the region (i.e. plantations in Guinea and Ivory Coast); for begging and petty crime (i.e. Guinea) as well as prostitution (i.e. Liberia, Guinea, the Gambia). Trafficking of child soldiers is apparently an emerging issue, with preliminary evidence of Sierra Leonean minors trafficked into the fighting forces in Liberia, Ivory Coast and Guinea (IRIN 2003, IRIN 2005, cf. HRW 2005).

#### **Case Study 2: Trafficking for domestic work to Guinea**

Marie was born in Moyamba District. During the war, at the age of nine years, she was separated from her parents. She managed to get to Government Wharf in Freetown, where she met Alice who took her to Guinea to work as a domestic worker. Her salary was paid directly to Alice.

Alice had a lot of young girls from Sierra Leone working for her in Guinea, both as house girls and prostitutes. Some of the girls are trafficked solely for prostitution; Alice finds clients for the girls and takes a portion of their earnings.

Source: UNICEF Case Files, interviewed January 2004.

Proximity to borders was a key determinant in the child's destination. One village chief in Kambia noted, 'children migrate to Guinea because it is close to us here', while a village chief in Pujehun district (near the Liberian border) observed that 'there is a heavy flow of children migrating to Liberia'. One FSU officer in Koidu town (Kono district) recounted a case in which a boy was kidnapped while fetching firewood outside of his village and taken to Guinea by three men who attempted to sell him. When the men were unable to sell him he was returned to Sierra Leone to be cared for until they could organise his sale. After a period of three months, the boy was found, being held by a woman in another village. The boy said that while he was with the woman other men were coming to the woman, carrying many children from her house to unknown destinations. Other instances of children trafficked within West Africa appear throughout the report.

#### **Case Study 3: Child Trafficking abroad for prostitution, the Gambia**

'Hannah' is from Bo district. When she was four years old, her mother abandoned her and went to live in the Gambia. She was raised by her grandmother. When 'Hannah' was 16 years old, her mother returned, saying that she wanted to care for her daughter. She promised to take her back to the Gambia where she would enrol her in school. Anxious to renew her relationship with her mother, she agreed.

Upon arrival in Banjul, the capital of the Gambia, 'Hannah's' mother told her she did not have enough money for school fees and that she would have to work instead. She locked her daughter in her room where she was forced to have sexual relations with men for money. When she refused to have sex with these men, her mother denied her food. She worked in this situation for several years.

After some time, at the age of 24 years, she escaped and met an older German man whom she married. She wanted to renew contacts with the mother and so introduced her to her new husband. Her mother, seeing that the man had money, seduced her husband and 'Hannah' fled again, returning to her grandmother in Bo district.

Source: Faith Consortium, Freetown

#### **4.3: Sierra Leone as a Transit Country**

In the course of this assessment, few cases were presented whereby an individual was trafficked through Sierra Leone. One of the few concrete cases of Sierra Leone as a transit country occurred in 2003 with the arrest of a Nigerian allegedly involved in trafficking Chinese nationals to the United Kingdom for labour via Sierra Leone. The individuals were trafficked under the guise of being refugees (UNODC 2005: 25).

Given limited documented cases, it is difficult to establish the degree to which Sierra Leone serves as a country of transit. Perhaps most significantly, porous borders and largely unmanned border posts contribute to the risk of Sierra Leone serving as a transit country. While borders are patrolled by police, resources for this activity are limited, rendering many points of passage easy to access.<sup>35</sup>

Sierra Leone may also be a transit country because it is deemed possible to obtain false documents. Recently, new passports were developed to prevent falsification, however, there is arguably still space within the existing regulations for abuse. To receive a passport, the applicant requires a birth certificate, a recommendation from high official and an application form.<sup>36</sup> But no photographic identity is required and the recommendation from an official, intended as a 'check' on the identity of the individual, can presumably be obtained relatively easily given corruption within the government. As Sierra Leoneans arguably attract less attention than other nationalities abroad, other West African nationalities may seek to travel on Sierra Leonean documents.<sup>37</sup> There have been serious allegations of corruption within the Immigration Department, which, in practice, may translate into falsified passports being obtainable by foreign citizens.<sup>38</sup>

#### **4.4: Sierra Leone as a Destination Country**

No service providers reported assisting foreign nationals trafficked to Sierra Leone nor did neighbouring countries report cases of their nationals trafficked to Sierra Leone. Further, the dire economic circumstances in Sierra Leone as well as the decreasing number of peacekeeping forces, often a catalyst for trafficking into prostitution, makes it unlikely that Sierra Leone is currently considered a desirable destination for traffickers.

That being said, information on the subject is sparse and coordination and communication between organisations and governments within the West African region is limited. This may

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<sup>35</sup> Interview with Johnathan Sandy, Director & Alfius Kamara, Office of National Security, Freetown, Sierra Leone, July 26, 2005; Interview with Anthony Aruna, Deputy Chief Immigration Officer, Department of Immigration, Freetown, Sierra Leone, July 27, 2005.

<sup>36</sup> Interview with Anthony Aruna, Deputy Chief Immigration Officer, Department of Immigration, Freetown, Sierra Leone, July 27, 2005.

<sup>37</sup> The office of the Dutch National Rapporteur on Trafficking reported that in the Netherlands there had been cases of Nigerian citizens claiming to be Sierra Leoneans in an effort to improve their chances of assistance (Email Correspondence, Monika Smit, Sr. Researcher, Dutch Rapporteur on Trafficking in Human Beings, Netherlands, August 16, 2005).

<sup>38</sup> In July 2005, renewed allegations of corruption and passport fraud within the Department of Immigration were reported in the media (Interview with Andrew Choga, Chief of Mission, IOM, Freetown, Sierra Leone, July 26, 2005). Similarly, as Dr. Fofanah of the Parliamentary Committee on Human Rights observed, 'Sierra Leone is used as a transit point since it is easy to get passports for people to travel. As such you find non-Sierra Leoneans holding Sierra Leonean passports' (Interview with Hon. Alusine Fofanah, Chairman, Parliamentary Committee on Human Rights, Freetown, Sierra Leone, October 2005).

camouflage trafficking to Sierra Leone. Further, strong ethnic links between different groups in neighbouring countries, like Guinea and Liberia, may serve to facilitate trafficking routes to and through the country, possibilities which merit further attention. As well, labour in the diamond mines have, in the past, involved forcible recruitment and there is the possibility that people from Liberia or Guinea, including children, are being trafficked to these specific locations for mining and associated labour. As well, an assessment by NGO GOAL Ireland found that 8.5% of disadvantaged children and youth were aware of foreign children working in the sex industry, primarily from Guinea and Liberia, a portion of whom were likely trafficked (GOAL 2004: 43). Some may have been come in response to the presence of large numbers of peacekeepers in the past. As well, Liberian and Guinean women and girls in refugee camps may fall victim to traffickers, having come into contact with traffickers in their efforts to find work outside of refugee camps.

#### 4.5: The Scope of the Problem

At this stage it is impossible to establish the scope of the trafficking problem in Sierra Leone – either as a country of origin, destination or transit. To date, no quantitative study of the trend has been conducted. And a common source of information about the number of trafficking victims – from service providers<sup>39</sup> – was not possible as no service provider in the country specifically targets trafficking victims.

One means by which it may be possible to indirectly quantify trafficking is by considering statistics on related phenomena such as prostitution, street hawkers, domestic workers and child beggars. However, in Sierra Leone, there are few quantitative studies on any of these phenomena.<sup>40</sup> As well, service providers assisting beneficiaries who may have been trafficked – i.e. prostitutes, street children, child labourers, etc. – have not generally considered trafficking as an issue within their caseload and have not systematically recorded such cases.

Another potential source of information – law enforcement – yielded only a few potential cases of trafficking<sup>41</sup> intercepted by police at Lungi Airport. The numbers reflect roughly equal numbers of Sierra Leonean and foreign nationals. There are no statistics available from other border crossings.<sup>42</sup>

**Table 6: Cases of Alleged Trafficking Identified at Lungi Airport, 2003 & 2004**

2003		2004	
Male	Female	Male	Female
25	17	15	3

Source: Office of National Security (ONS)

<sup>39</sup> The number of assisted trafficking victims is often the most direct way that trafficking can be documented. However, it is important to stress the limitations of trying to quantify trafficking by considering only assisted trafficked victims. That is, the number of assisted victims likely represents only a fraction of the actual number of trafficking victims. Further, it is questionable how representative assisted victims are of trafficking victims generally. Assisted victims may represent a particular subgroup of trafficking victims, those who were willing and able to access assistance and, thus, are likely to differ systematically from other victims of trafficking (Brunovski & Tyldum 2004, cf. Surtees 2005a: 24-26).

<sup>40</sup> Some assessments have been conducted and provide information on these groups. For example, in 2004, World Vision registered 389 child prostitutes in Freetown (US Dept of State 2005), while GOAL conducted a survey in Freetown in which 96 prostitutes were interviewed (GOAL 2004). A head count of street children by UNICEF and its child protection partners in Bo, Western Area, Makeni and Kenema documented 2,874 street children, 2,516 boys and 358 girls (UNICEF 2004b). And between 1,400 to 2,000 child miners in Kono were noted by World Vision to be receiving NGO services (US Dept of State 2005).

<sup>41</sup> Among the suspicious aspects noted by law enforcement were the use of false passports, false visas, being told they would be met at the airport but after being delayed by the police no one meets them, etc.

<sup>42</sup> In the course of field research, interviews were held with various border officials, all of whom explained their record keeping methods. All records are written on paper with no method for the analysis of data.

Law enforcement authorities provided some general estimates of child migration generally based on their direct work in communities, a portion of which is likely to be trafficking. In Kenema, one SLP officer explained, 'To give a rough estimate – about 20% of the children from the surrounding villages migrate to Kenema town. These children migrate for survival or for livelihood. There are also other reasons for which children migrate. Some children migrate as a result of people taking them out of these villages on the pretext that they are coming to send them to school or maybe give a better standard of living'.<sup>43</sup> Similarly, in Kono, an FSU officer noted: 'I cannot tell the exact percentage, but as we go about doing our job I can tell you that on average between 50 and 60 children leave these villages per week'.<sup>44</sup>

While not all child migration stories constitute trafficking, discussions in communities yielded many stories of child migration that could potentially be categorised as trafficking. Take, for example, the experience of a 17-year-old girl from a rural village in Kambia district:

*'One of my sisters was asked for by one woman who came from Guinea. This woman told my mother that she liked my sister because the woman and my sister resemble [each other]. She asked that my sister go with her to help sell in her shop. But when my sister migrated to Guinea she was forced to do dirty jobs. She used to clean up toilets. My father went to Conakry one day and met my sister cleaning toilets. He became angry and brought my sister back'.*

Similarly, another 17-year-old girl from the same village and daughter of the local village chief explained how her sister had exploited her:

*'This elder sister took me with the pretext that she will assist me in my education. When I was taken to Freetown I was enslaved and not properly cared for. My parents heard about my worst condition and the bad treatment my sister was giving me. On hearing my plight my father sent for me to be brought back'.*

Discussions with service providers yielded some estimates within their assisted group of beneficiaries, which may shed light on the scope of the issue. For example, the IRC's Rainbo Centre in Freetown reported assisting 40 to 60 clients each month, all of whom were victims of sexual violence. Of these, an estimated 10 (15% to 25%) of these clients likely fall within the trafficking definition. In many circumstances, the women or girls have been moved from their villages by a family friend or relative to work in the city. There they are exploited as domestic workers or street hawkers, denied schooling and often exposed to physical and sexual violence. As IRC assisted 433 beneficiaries in 2003, 576 in 2004 and 354 as of July 2005,<sup>45</sup> from this caseload alone we might conservatively (at 15%) extrapolate 65 victims in 2003, 86 in 2004 and 53 to July 2005. Similarly, according to AFC's Interim Care Facility in Makeni, approximately 5 of the 204 children assisted by the programme since 2003 would fall within the definition of trafficking in persons.<sup>46</sup>

It may be that with a better understanding of the issue, more cases of trafficking will be identified. Most organisations (government and non-government) do not have a clear understanding of what does and doesn't constitute trafficking. Most reported no cases of trafficking initially. However, over the course of the interview in which trafficking was explained, they indicated that, in fact, some of their beneficiaries had been trafficked.

As well, a strict application of the trafficking definition outlined both in the Palermo Protocol and the Sierra Leonean Anti-Human Trafficking Act, finds many more cases of trafficking than

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<sup>43</sup> Interview with Ola Williams, Assistant Superintendent of Police, SLP, Kenema, August 7, 2005.

<sup>44</sup> Interview with Tamba Keimbay, Detective Police Constable, FSU, Koidu, Kono, August 3, 2005.

<sup>45</sup> Interview with Florence Sandy, Assistant Programme Manager, IRC Rainbo Centre, Freetown, Sierra Leone, July 28, 2005.

<sup>46</sup> Interview with John B. Kamara, Abu Bakar Jalloh & Andrew Koroma, Social Workers, AFC ICC, Makeni, Sierra Leone, August 3, 2005.

appear at first glance. Typical trafficking cases involve recruitment, transportation and/or transfer. However, the definition also includes cases of 'harbouring' and 'receipt'. This means that some situations in which a child migrates independently but is harboured or received by another person and subsequently exploited can be included as trafficking cases. Here the key is the intention on the part of the 'receiver' or 'harbourer' to exploit the child. Such cases appear to be quite common in Sierra Leone.

Numbers aside, it is important to stress that all of the 'normal' preconditions for trafficking – poverty, normative migration, corruption, porous borders, war, etc. – are prolific in Sierra Leone. This suggests that trafficking within the country does exist and is simply under-recognised. However, importantly, even if trafficking in children is not yet prolific, there is space and opportunity for it to develop and flourish. If this proves to be the case – that trafficking is an as yet underdeveloped pattern in the country – Sierra Leone is in a unique position to develop and implement mechanisms and strategies that can stem the development and proliferation of the problem. This type of preventative action can have a significant positive impact on the well-being of the country and potentially provides an example for other countries of how meaningful prevention, undertaken at an early stage, can serve to effectively curb the expansion of this phenomenon.

In either instance, quantifying the scope of trafficking in Sierra Leone is important. It is critical to know the extent to which it is an issue and more detail about how most cases are undertaken. It is also essential to establish baseline information against which to assess the further development of the issue in, through and from the country as well as the efficacy of policies and programmes put into place to combat trafficking. In addition, more in-depth qualitative analysis is needed. Far more must be understood about the nature of trafficking in the country – i.e. the recruitment process, the routes and destinations, victim profiles, the forms of exploitation, the impacts in individuals and communities, etc. This qualitative texture is as important as quantifying the scope.

## Chapter 5: Forms of Child Trafficking in Sierra Leone<sup>47</sup>

### 5.1: Trafficking for Sexual Exploitation and Prostitution

Among the most common forms of trafficking is that for prostitution and other forms of sexual exploitation. In Sierra Leone, there are different manifestations of 'sex trafficking' noted, which will be discussed in turn.

#### 5.1.1: Prostitution & Sexual Services

Currently in Sierra Leone there is a prolific prostitution arena,<sup>48</sup> with widespread prostitution in every district town as well as Freetown. Key economic areas such as mining districts and towns also serve as a draw for prostitution.<sup>49</sup> Various sources reported that prostitution was also widespread at the village level. Also of concern are other forms of sexual exploitation. In a survey of disadvantaged children and youth in the Western Area of Sierra Leone, 59.5% had been photographed naked and depending upon case-specific facts, it is likely that a large percentage of this group may fall into the definition of trafficking for sexual exploitation (GOAL 2004: 13). However, it is important to note that not all women and girls working in prostitution have been trafficked. Indeed, preliminary assessment of recruitment into prostitution amongst prostitutes in Freetown suggests that many women/girls enter prostitution without the mediation or facilitation of another individual.<sup>50</sup> Further, even where another individual is involved in the decision to enter prostitution, it is generally in the guise of peer group pressure, with the 'mediator' accruing no financial benefit from the person's entry into prostitution.

This is not to say, however, that there is no trafficking for prostitution in Sierra Leone. Indeed, a number of such cases were reported. There were allegations of direct recruitment from villages by female pimps (*Kaklat*) who house the prostitutes while in Freetown and take a portion of their earnings. Others were trafficked into prostitution by the relatives who promised to foster them. One 30-year-old woman from rural Kono explained, 'some of the girls are forced into prostitution by those with whom they stay in the city, their relatives and guardians'.

However, generally it was observed by organisations working with prostitutes that recruitment was not through pimps. Rather, women and girls entered prostitution on their own<sup>51</sup> and were then approached by pimps who facilitated access to clients in exchange for a fee. Prostitutes

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<sup>47</sup> These forms of trafficking also apply to adults, according to this preliminary assessment. In all cases, there have also been adult victims of the various forms of trafficking. The extent to which adults vs. children are impacted by trafficking is unclear, as this preliminary assessment focused primarily on children. However, cases of trafficked adults were also documented. Too rigid a focus on adults or children may not be productive in terms of addressing the issue and affording assistance to trafficked persons.

<sup>48</sup> The prostitution arena may be roughly sub-divided into three levels, according to the daily earnings accrued. At the low level, a prostitute might earn 5,000 Leones, which is equivalent to USD1.73. A mid level prostitute might earn 80,000 Le to 100,000 Leones, approximately USD 34, while a high level prostitute might earn between 150,000 to 290,000 Leones, approximately USD\$50-100 (Interview with Hannah Heroe, Director, Centre for Community and Youth Empowerment, Freetown, Sierra Leone, August 6, 2005).

<sup>49</sup> Prostitution in Sierra Leone is primarily street based, although there are also bars and clubs frequented by prostitutes to attract clients. Street trading is sometimes used as front for prostitution, with girls and women supplementing their trade revenues with the sale of sexual services. Another commonly cited location of prostitution was women who went aboard the ships in the harbour to provide sexual services. Some women might travel with the crew for some time, some use the ship as a means to travel abroad, while some provide sexual services only while the ship is in port. There have also been cases of prostitutes not returning and serious allegations that they have been killed and thrown overboard by the crew.

<sup>50</sup> Interview with Juliana Conteh, Director, Women in Crisis Movement, Freetown, Sierra Leone, July 27, 2005; Interview with Hannah Heroe, Director, Centre for Community and Youth Empowerment, Freetown, Sierra Leone, August 6, 2005.

<sup>51</sup> While poverty and the need to earn money was a catalyst for engaging in prostitution, the specific condition surrounding entry varied. Some entered prostitution after early marriages that they didn't like (GOAL 2004: 73). Other young girls entered prostitution to pay for their school fees. In Kenema, for example, one education institute in particular found that this was a pressing issue amongst its students (Interview with Alberta Kaikai, Faith Consortium, Freetown, Sierra Leone, July 30, 2005). Similarly, a nurse working for AFC SAG in Makeni said that when she talks to the girls about leaving prostitution they often reply, 'if I don't do this work who will pay for my school fees?'.

may be controlled by *brahs* ('older brother' or controller), *sisis* ('older sister' or controller) or *kakleks* (female pimp) as well as by older prostitutes. Depending upon the circumstance of these arrangements, an argument could potentially be made that this involves trafficking, by drawing on the receipt and harbouring component of the trafficking definition. Because the trafficking definition technically includes persons who 'harbour' and 'receive', pimps might be considered traffickers in some cases. The extent to which pimping occurs within the sex industry in Sierra Leone is unclear. Some sources working with prostitutes reported it to be common, while others asserted that more commonly women work freelance. In part the different view may be tied to different target groups and profiles of beneficiaries. More information is needed about the prostitution arena at all levels to determine the rate of trafficking within it.

Some women/girls may have been trafficked into prostitution, but at the time they come into contact with service providers are no longer under another person's control, making it difficult to identify all trafficking cases. Further, it is reasonable to assume that cases of trafficking in which the victim was deceived or forced into prostitution or are under the control of a pimp are less visible than 'voluntary' prostitution.

#### Case Study 4: Trafficking for Prostitution

'Annie' is a young girl from Kono. She was living with her family in a rural village when one of her male relatives came to visit the family. He offered to take her to Freetown with promises of school and money for the family. Her family agreed that she go to Freetown with this relative.

When 'Annie' arrived in Freetown, her relative forced her to work as a prostitute. He rented her out to different adult men. Most often the sex was unprotected. Her relative kept all of the money she earned through prostitution.

Eventually, 'Annie' escaped. She went to the MSWGCA, which referred her to NGOs COOPI and IRC Rainbo Centre for assistance. In the provision of medical assistance, it was discovered that she had contracted HIV/AIDS as a result of prostitution. Her family was traced and contacted and the NGOs supported her reintegration. Unfortunately, she became ill with AIDS quite soon upon return to her family. She was 14 years old when she died.

Source: IRC Rainbo Centre, Freetown

#### Case Study 5: Trafficking for Prostitution

'Ellen' is in her early twenties. When she was 17 years of age, at the height of the war, she was approached by a Nigerian male acquaintance who offered to take her to Guinea Bissau where he would assist her in migrating to Spain or Portugal. 'Ellen' agreed and travelled to Guinea Bissau, via Guinea, where she was instructed to contact a colleague of her acquaintance. Upon arrival in Guinea Bissau, she met the contact who informed her that she would first work in prostitution there. With no money to return home and no one to assist her, she had no other option but to agree. She paid a portion of her earnings to the Nigerian man in exchange for shelter and protection. Four other Sierra Leonean girls were in a similar situation.

'Ellen' soon learned that there were many Sierra Leonean and Liberian women working in prostitution in Guinea Bissau but who were not controlled by a pimp. She escaped this situation. She continued to work in prostitution for two years in Bissau and then made her way to Conakry in Guinea where she remained until 2000, when she finally returned home.

Source: UNICEF case files, interviewed January 9, 2004.

It is unclear the degree to which prostitution has flourished as a result of the presence of large number of peacekeepers in the country. Neither is it clear how much of the resulting prostitution is in fact trafficking. In some countries – most notably the Balkans – women were

trafficked to provide sexual services to peacekeepers and aid workers. This poses a risk also in West Africa. The draw of peacekeepers may equally lead Sierra Leonean women to be trafficked into prostitution in neighbouring Liberia<sup>52</sup>, a point corroborated by one village chief in Pujehun district: 'there is a heavy flow of children migrating to Liberia especially girls for prostitution with UN soldiers in Liberia as this is the place they find lucrative'.

There is also prostitution and sexual exploitation of Sierra Leonean girls and women undertaken abroad – EU countries, Lebanon and within West Africa. In one situation, a Sierra Leonean girl married a German man who she met in Sierra Leone. However, when she returned with him to Germany, he forced her into prostitution. She escaped with the assistance of the Sierra Leone embassy.<sup>53</sup> Similarly, case studies and examples in this report relate cases of trafficking for sexual exploitation abroad.<sup>54</sup>

In addition to overt prostitution, some children are sexually exploited outside of the sex industry. There were a number of reported cases of girls being trafficked to towns and Freetown as domestic workers where they are sexually abused by their employers and/or relatives. Girls working in mines, agriculture or other arenas of labour may also be sexually exploited. These, too, may be considered trafficking for sexual exploitation. This demonstrates the importance of having a criminal code, as is the case in Sierra Leone, which flexibly addresses the full spectrum of trafficking forms and not limit the crime of trafficking solely to trafficking for sexual purposes.

### **5.1.2: Arranged and Forced Marriage**

Some sources reported girl children in Sierra Leone trafficked for arranged or forced marriage.<sup>55</sup> However, it is difficult to know the extent of such practices. One 30-year-old trader from Kailahun district related one of the more straightforward cases of trafficking for marriage:

*'One woman recruited seventeen girls, all under the age of ten from the same extended family in Koindu, promising them various skills training packages in Guinea. Her method of recruitment was simple. If a family member has two daughters, she will ask for one of them, if four, she will ask for two, etc.... These children have been there for the past fifteen years. These children were all forced into marriages with the dowries going solely to the recruiter. Nothing was sent home to the family. None of these children achieved the promises made to them; instead they are now single mothers with two or more children in their care. They had no benefit but suffering in their lives'.*

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<sup>52</sup> In recognition of this issue, the UN Department of Peace Keeping (DPKO) has established a unit to enforce its 'zero tolerance policy' on the use of prostitutes by UN personnel. In addition, in Sierra Leone, the Special Representative of the Secretary General (SRSG) has initiated a listing of 'off-limits' establishment where prostitution is thought to occur and which UN staff are not permitted to frequent (Interview with Martha Gumunyu, CIVPOL UNAMSIL, Freetown, Sierra Leone, July 28, 2004). As well, the United Nations Department of Peacekeeping Operation's (DPKO) has developed a tool for training DPKO staff – the *Human Trafficking Resource Package* which provides a brief overview of human trafficking particularly in the context of environments with UN peacekeeping missions, outlines DPKO's policy on the issue and includes a power point presentation, talking points and a training module for implementation with UN DPKO staff. See UN DPKO (2004).

<sup>53</sup> Interview with Ambassador Wurie, Director General and Ambassador at Large, Ministry of Foreign Affairs and International Cooperation, Freetown, Sierra Leone, August 5, 2005).

<sup>54</sup> Conditions and experiences of sex trafficking differ from country to country. It may be proper to assume at this initial stage that the experiences of Sierra Leonean victims parallel those of women trafficked to these destinations from other regions. Recent research on trafficking for sexual exploitation from SE Europe into the EU noted that trafficking victims in countries such as Italy and France tended to be prostituted on the street, although minors might also be found in hotels and private apartments. By contrast, in Germany and Austria, victims were generally exploited in bars and brothels with sexual services provided on site (Surtees 2005a: 34-35).

<sup>55</sup> Customary law deems a girl of an age ready for marriage when her breasts have developed, menses has started and she has been initiated. This can be as young as 12 years. By contrast, the statutory age of marriage under general law is 21 years (HRW 2003: 17).



However, more subtle cases were also presented and it can be difficult to disentangle when arranged or forced marriage is and is not trafficking. Technically, Sierra Leone's law would not require the prosecuting official to demonstrate movement to obtain a trafficking conviction. However, it would be unusual and, arguably, outside the spirit of the law, for a trafficking case not to include movement as part of the facts of the case. The key, then, for analysis in most countries is based upon the intended end purpose of the marriage.

A requisite aspect, then, is the exploitation but here too the Palermo Protocol is not always conclusive. It is arguable if a girl who is forced to marry a boy or man in another village but is not exploited could be classified as trafficked. One might argue that being forced into a marriage – thereby superseding the will of the girl – is sufficient exploitation to constitute trafficking. More information and case-by-case analysis would be needed to decide what constitutes 'exploitation' in the context of trafficking for marriage. Within many marriages, there is exploitation and there needs to be more thought about how to evaluate appropriately the range of activity within a marriage and in the arrangement of marriage which may render it trafficking. This is an area of research, which merits further examination.

There have also been allegations of women being 'trafficked for marriage' by ECOMOG troops. One woman interviewed in a study on sexual violence related how she was held by the rebels when ECOMOG attacked the base and she was taken as the wife of an ECOMOG soldier and moved around with the ECOMOG troops for one year (PHR 2002: 67). As well, many Sierra Leonean women married ECOMOG soldiers while in Sierra Leone and as ECOMOG troops withdrew from the country, these women returned with their husbands, generally to Nigeria from where most ECOMOG forces originated. Some families have reported that upon arrival in Nigeria, the women learned that they were the second or even third wife and, thus, had been deceived by their husbands. In some cases the wife was obliged to work within this new household and under poor and difficult conditions. Other women work in the fields (NMDHR 2005). However, it is debateable whether such cases can be deemed trafficking. Other families whose daughters married ECOMOG soldiers and returned home with them report that they have not heard from them again. As one 42 year old woman from Kailahun observed, 'An ECOMOG soldier took my daughter along with him to Nigeria... She was promised safety and that they will later send for me so that we will all go and live in Nigeria. I have not heard from her since'. While these cannot automatically be considered trafficking – the current status of these women is unknown – one can identify space within this situation for trafficking and other types of abuse.

## **5.2: Trafficking for Forced Labour**

### **5.2.1: Domestic Work**

This appears to be among the most prominent forms of trafficking within the country. Many children, particularly from rural villages, are lured to the city by relatives offering them the opportunity for education. Most commonly, they are taken to the city and forced to work as domestic workers for these relatives. In other cases, they are taken to another household by the relative and forced to work there. As one adult man from Freetown explained:

*'There is a case in my compound where this woman went to her friend in the village and offered to take her daughter for work and school in the town and to take care of her. The mother agreed but in the town the woman gave the girl to her friend. Her friend treats her very badly – she works all day and gets no rest, she does all of the work and cannot go to school. My wife and I say to the woman 'how can you do that? You see how she treats the girl'. But she doesn't care. She comes every day and does nothing to stop the ill treatment'.*

Conditions faced by domestic workers are commonly exploitative. Child domestic workers report long working hours, being the first to rise in the morning and required to be the last to go to sleep at night. As another man explained,

*'There is a girl in the compound where I live and she is responsible for the care of all of the families in the compound. She does all of the work and never goes to school.*

*She is the first one awake and the last one to bed. Her life is so hard since she came from the village to work’.*

Similarly, one 22-year-old male from rural Bombali district recounted his experience as a child:

*‘I migrated from here to live with my aunt in Freetown who initiated the idea. She promises that she would ensure that I continue schooling in Freetown. Once with my aunt, I never attended school but instead took care of my aunt’s children. That’s how I ended my education’.*

Trafficking abroad for domestic work also occurs. The most common examples cited by respondents referred to trafficking to Lebanon,<sup>56</sup> although cases were also reported in Sweden, Guinea, Lebanon and the United Kingdom.<sup>57</sup>

Importantly and as has been noted elsewhere,<sup>58</sup> trafficking for domestic work can and often does involve sexual exploitation. This was the case for trafficking within the country as well as abroad. For example, Ambassador Wurie of the Ministry of Foreign Affairs and International Cooperation related one case during his tenure as Ambassador in Lebanon of a Sierra Leonean girl sent as a domestic worker but who was also being sexually abused by both the father and the son within the household.<sup>59</sup> Similarly, girls brought to the city by relatives are vulnerable to sexual abuse by relatives or neighbours: ‘They might be lured by a neighbour who has been kind to them and then get abused. We often have to tell the children that there are different types of touches and they can say no’.<sup>60</sup>

#### Case Study 6: Trafficking for Domestic Work

When ‘Ellen’ was eight years old, a Lebanese man approached her father, requesting that ‘Ellen’ come to Lebanon to work as a domestic helper for his sister who was recently married. She would undertake minor household chores and attend school alongside his sister’s daughter who was the same age as ‘Ellen’. Her father agreed that she go.

When she arrived in Lebanon, ‘Ellen’ was subjected to long hours of work within the household, up to fourteen hours a day. She was responsible for cleaning, shopping, cooking, ironing, laundering and childcare. She was also often abused by her employer, one day severely beaten with a leather belt over the course of a twelve-hour period. She was not permitted any contact with her family over this period and her passport, which listed her age as older than she was, was held by her employer. When she asked to go home she was sometimes told that it was impossible because of the war. Other times her employer threatened to report her to the police for theft, and that she would be jailed. She was also told that her father had signed a ten-year contract, relinquishing all of her rights.

<sup>56</sup> Statistics from the Ministry of Labour in Lebanon do not find a prominent representation of Sierra Leonean nationals amongst foreign migrants workers in Lebanon (Jureidini, nd: 3). This is not to say that Sierra Leoneans are not trafficked there for work, but rather that they likely arrive in the country illegally. This point was corroborated by the various first hand accounts of trafficking to Lebanon documented in the field research. As one woman from rural Kambia explained of her sister’s ‘migration’ to Lebanon, ‘He promised the clothes, the food and to educate her in Lebanon. No formal documents were required’. An illegal stay in a destination country heightens the individual’s risk as they are unable to access assistance or leave the country on their own. Fear of authorities, including arrest or deportation, can prevent trafficking victims from accessing assistance, fears that traffickers often exploit to their advantage.

<sup>57</sup> See NMDHR 2005; Email Correspondence with Helen Johnson, UK Refugee Council Children’s Panel, UK, August 22, 2005.

<sup>58</sup> See Blanchet, 2002, Rosenberg 2003, Surtees 2005a, Surtees 2004.

<sup>59</sup> In this instance, the Embassy of Sierra Leone intervened on behalf of the girl and she was returned home. Four other children in similar situations in Lebanon were assisted in this period (Interview with Ambassador Wurie, Director General and Ambassador at Large, Ministry of Foreign Affairs and International Cooperation, Freetown, Sierra Leone, August 5, 2005).

<sup>60</sup> Interview with M’balu Sesay, Action for Development, Freetown, Sierra Leone, July 23, 2005.

When 'Ellen' was older, she was allowed to attend church where she met other Sierra Leonean women who had also been brought to the country as children to work but now lived there independently. Following their advice, she became recalcitrant at work and constantly pressured her employer to release her. She withstood the beatings inflicted and continued to rebel. After several months, she was sent back to Sierra Leone. She received no payment for her twelve years of work. And upon return home she learned that her father had only been given small amounts of compensation over the years.

When 'Ellen's parents learned of her ordeal, they approached the Ministry of Labour. To counteract this, the Lebanese man who had recruited her gave her father two million Leones. The family continued to contact the Ministry of Labour for assistance over the course of eight months, but no follow up action was taken.

Source: UNICEF Case Files, interviewed on December 30, 2003.

### **5.2.2: Mining**

Mining, particularly diamond mining, is an important industry in Sierra Leone,<sup>61</sup> with preliminary findings suggesting a notable amount of child trafficking for labour in the mines.<sup>62</sup> While some labourers seek out work in the mining areas, others are recruited or taken there by family members or former commanders. In the latter cases, such cases may be trafficking.<sup>63</sup>

Prior to the conflict, children were a sizeable percentage of the labour force in the mines, a pattern exacerbated by the war. The degree to which this child labour constituted trafficking is difficult to establish. During the war, however, many children captured and abducted by RUF and AFRC fighting forces were obliged to provide labour in the mines, the yields serving to sustain the rebel forces economically. Such cases constitute trafficking and were apparently prolific.

Following the conflict and in the current context, many children continue to work in the mines.<sup>64</sup> One recent survey reported 2,000 child miners in Kono district (UNICEF 2005b) and from discussions with organisations working in this area, trafficking is one means by which these children enter work. Mining often involves recruitment, with 21.8% of crew bosses surveyed by World Vision having recruited the children currently working for them. Some crew bosses (4.4%) had someone recruit the children for them, while others (17.6%) were the child's former commander and, thus, held sway over them (World Vision 2002: 27). Further, 15% of crew bosses reported that they would not let the child miners stop working for them if someone came to stop child mining and 35% said they would try to convince the children to stay (World Vision 2002: 29). There have also been allegations of Liberian refugee children living in camps in Sierra Leone being lured with offers of work (and wealth) in the diamond mining.

Many of the children working in mining do so with the consent, even encouragement, of their parents. One man noted the calamitous impact that trafficking into mining had on his family:

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<sup>61</sup> Kono district is the primary area for diamond mining in Sierra Leone, although it is also undertaken in the districts of Bo, Pujehun and Kailahun.

<sup>62</sup> Child miners are less expensive than adults (some are even unpaid), less likely to demand their rights and wages and less likely to be bold enough to steal diamonds from the mines. As one of the worst forms of child labour, mining adversely affects children, negatively impacting their physical and psychological health and denying them the opportunity to attend school.

<sup>63</sup> One FSU officer in Kono noted that on average between 50 and 60 children leave the villages surrounding Koidu each week; 'Most of these children from these villages go to mining towns like Tombodu, Bumpah, Gaiyah near Yengema' (Interview with Tamba Keimbay, Detective Police Constable, FSU, Koidu, Kono, August, 3, 2005).

<sup>64</sup> Generally children working in the mines are young boys, although girls also work in mining. Girls are more commonly found 'supporting' the mining industry as cooks, domestic labourers, traders or prostitutes.

*'I have one brother who died. My parents sent him away to work and he worked in the mines; they worked him so hard even though he was a small boy. When he came home he was very sick and then died. He died because of what happened in the mines'.*

Children that go on their own with 'encouragement' of parents can also, in some circumstances, be defined as trafficked. Here again, the aspect of 'harbouring' and 'receipt' can render a migration experience into a trafficking one, depending upon the intent and actions of the persons who harbour and receive the child.

Exploitation, a requisite component of trafficking, is endemic within the mining industry. Amongst children surveyed by World Vision, 43.3% did not get much benefit from proceeds, 12.5% reported receiving inadequate food, 27.5% reported working excessively, 7.8% received no proper care and 8.9% suffered frequent illness. Further, nearly 30% of children had not earned any money from their mining activities and 9% of crew bosses reported that they never paid the children (World Vision 2002: 20-21, 28).

The mining industry also attracts other forms of labour and there are risks that children are also trafficked into labour that supports the mining industry. Little information was available on this subject and it merits further consideration. Children may be trafficked as traders and hawkers in the mining areas or labourers (i.e. cooking, cleaning, fetching water) in the mining camps. Prostitution is also common in mines everywhere in the world and often involves trafficking. Child prostitution is said to be widespread in the mining areas of Kono and Tongo fields, highlighting these risks in Sierra Leone.

#### Case Study 7: Trafficking into Mining

'Jeremiah' is fourteen years and comes from a very poor family. He was never sent to school. His uncle who lived in Kono district offered Jeremiah's parents assistance. He said that he would take care of Jeremiah and even promised to send him to school. Jeremiah wanted very much to go to school and his parents agreed that this was a good opportunity.

In Kono district, however, his uncle insisted that mining was a better option for him. So Jeremiah joined his uncle's gang to mine. He nevertheless was frustrated about not attending school: 'I always felt unhappy seeing other children of my age going to school and I couldn't. There was nothing I could do to get my uncle to change his mind'.

Jeremiah worked in mining for three years. He was then identified by World Vision social workers who offered him assistance. He has since moved to live with his aunt in Kono who is supporting his education. He is now in class 4.

Source: World Vision, Freetown and Kono

#### 5.2.3: Agriculture

Agriculture is among the central economic activities in Sierra Leone. However, preliminary discussions yielded limited information on trafficking. Far more detail is needed about this economic sector to assess the presence of trafficking within it. Some preliminary signals suggest the possibility that trafficking for agricultural labour may occur within Quranic schools, where labour is part of children's responsibilities in exchange from learning. Children report working long hours and receiving little education. Some children are also rented out by the *Karamoko* to do contract work on farms.<sup>65</sup> In some such circumstances, the children are exploited and, arguably, trafficked.

*'In the Quranic schools you have children who are forced to work. They are supposed to go there to learn from the Quran and then they must work on the farms or beg.'*

<sup>65</sup> Interview with James Mathews, Director, NMDHR, Freetown, Sierra Leone, July 21, 2005; Interview with Abu Conteh, Caritas, Makeni, Bombali, August 3, 2005. Cf. NMDHR 2005: 7.

*Many times they don't even get any education, they just work' (adult male from Freetown).*

*'Children enter these situations either because their parents send them or because the Karamoko will invite them to come' (adult female from Freetown).*

Some children, particularly those along the border, are recruited for agricultural labour in other countries. According to recent survey, an estimated 300 boys between the ages of 12 and 14 went from Koindu to Ivory Coast to work on the cocoa plantations.<sup>66</sup> It is unclear from the available information how this migration takes place, if the labour is exploitative and, therefore, whether it can be classified as trafficking. However, within child migration for agricultural work, trafficking can and, at times, does take place.<sup>67</sup>

#### **5.2.4: Trade and Vending**

Children are strongly represented amongst street vendors and traders in Sierra Leone. And there are strong indications that many of these children have been trafficked into this form of work. It is not uncommon, for example, for a wealthy relative to recruit children from villages and towns with promises of a better life and opportunity for education, bring them to the city and force them to work as street traders. Such children generally endure long hours of work, seldom receive any salary, often receive insufficient food and are not able to attend school. Explained one man,

*'Sometimes relatives would come here and take in a child, promising that they would support them in education, but they are deceived as they are only given goods to hawk' (27 year old man, Bombali district).*

Trafficking for trade may also occur internationally, particularly given the prolific trading that occurs between neighbouring countries in the West Africa region. However, no such cases were reported in the course of the assessment.

#### **Case Study 8: Trafficking for Labour as Street Trader**

'James' grew up in a poor family in the provinces. He had never attended school because his parents did not have enough money to cover the costs of education. One day he was visited by his aunt who promised the opportunity to come to school if he came to the city with her. He and his parents agreed because it was a unique opportunity. However, when he arrived in the city with his aunt he was not sent to school but instead assisted his aunt with her work as a petty trader. Every day she would send him out to sell and he was to return his earnings to her every night.

In the neighbourhood was an automechanic garage and 'James' began to hang around the garage. The staff there liked him and taught him some skills. They also bought some of his produce so that he would not get into trouble. Over time, his aunt noticed his decreased productivity and became angry. She locked him in the house and forced him to do household chores. He also had to help her at the restaurant and he spent all day washing dishes and splitting roots and working

One day he went to the market and met some boys there who lived on the street. They told him about their life on the street and invited him to join them. He decided to escape from his aunt and left one day when he was sent on an errand to the market. He said the reason he left was because his aunt promised to send him to school and she never did.

Source: COOPI, Freetown

<sup>66</sup> NMDHR 2005: 9, Interview with Andrew Choga, Chief of Mission, IOM, Freetown, Sierra Leone, July 26, 2005.

<sup>67</sup> Other studies in the region note trafficking of children for labour as well as child labour migration more generally. See de Lange 2004, Plan no date, Bjerkan et al. 2004, Castle & Diarra no date.

### **5.2.5: Fishing**

Trafficking into the fishing industry has been noted in other countries of West Africa, like Ghana.<sup>68</sup> And there are preliminary indications that some of the entry into the fishing industry in Sierra Leone is also akin to trafficking. One source who worked in a number of fishing communities in Sierra Leone from 1984 to 1999 reported high rates of child trafficking into the industry from other areas in Sierra Leone or other countries in the sub-region.<sup>69</sup>

Currently, young boys either come independently or are brought from rural areas to work as apprentice fishermen. They fish, bail water from boats while at sea, mend nets and other fishing related tasks. As part of these informal apprenticeship programmes generally boys work long hours and receive no wages. Boys as young as seven and eight years old work as apprentices, live with their employer and stay in these conditions for years. Fishermen maintain that the apprentice's payment is learning how to fish and that this practice is a means by which boys learn the art of fishing. Most fishermen themselves learned the trade as a small boy in the same way. Determining when such apprenticeships constitute trafficking once again requires a closer consideration of the exploitation involved as well as analysis of specific cases.

Some forms of fishing are particularly exploitative and in some countries have commonly involved trafficking. For example, children working on *jermal* (deep sea fishing platforms) in Indonesia can be deemed trafficked as they are forcibly kept on these platforms for months and under very severe conditions (Davis 2003). Similarly, in Cambodia, there have been serious allegations of men trafficked aboard fishing vessels where they are deceived about the conditions and work and severely exploited (Derks 1998). With much commercial fishing in Sierra Leone (albeit often illegal), similar forms of trafficking may also be noted in the Sierra Leonean fishing industry. This may involve Sierra Leonean children and/or adults. It may also involve foreign nationals trafficked to Sierra Leonean waters for fishing.

### **5.3: Trafficking into the Fighting Forces – Combatants, Wives & Labourers**

During the civil conflict, rebel fighting forces abducted large numbers of children. They were forced to engage in a wide range of tasks intended to assist and support the rebel groups – as labourers (i.e. porters, messengers, and cooks), 'wives' and combatants. Many of the children suffered multiple forms of exploitation. Many of the 'wives' were also forced to fight or work. As well, abductees often started off labouring in the camps but were later forced to fight.

#### **5.3.1: Child Soldiers/Combatants**

Large numbers of children – as many as 10,000 children under 16 years of age – were abducted and forced into military service during the civil war in Sierra Leone (US Dept of Labour 2004: 363, cf. Stephens 2004). These child combatants were kept for years, brutalised and forced to brutalise others.<sup>70</sup> The case study below provides a snapshot of trafficking into the fighting forces.

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<sup>68</sup> For example, IOM is currently managing a return and rehabilitation programme for Ghanaian children trafficked into the fishing industry in fishing communities within Ghana. To date, IOM has assisted over 500 trafficked children with the next phase of the project aiming to assist 1600. Under the programme, children and their parents are provided with various forms of assistance (education, skills training, micro-credit, etc.), while fishermen who have released trafficked children receive micro-credit (Rispoli 2005, cf. IEP 2005).

<sup>69</sup> Email correspondence with Joe Rispoli, IOM, Ghana, August 25, 2005. Information related by an NGO director currently working in Ghana and providing assistance within fishing communities.

<sup>70</sup> While many children underwent demobilisation successfully, there are children allegedly still living with their commanders. Such cases can also be seen as trafficking, with specific assistance and intervention needs. Negotiating how to address the dynamics of this particular manifestation of trafficking is intensely complex.

#### Case Study 9: Trafficking into the fighting forces

Johnny was abducted at eight years of age and forced to fight with the rebels. During the war, he was required to spy, loot, carry looted items and scavenge in the bush for food. Later, in 1997, he became involved in the fighting. Many young boys of his age were used in the same manner.

Following the war, he was demobilised and received skills training. But he reports that some former rebel commanders are still holding boys and girls they abducted during the war. These children see their commanders as their boss and, in some cases, as family.

Source: UNICEF case files, interview conducted on January 9, 2004.

In addition, Sierra Leonean children have also reportedly been trafficked as soldiers to other conflicts in the region, including Liberia and Ivory Coast (US Dept of Labour 2004: 363, IRIN 2003, IRIN 2005, cf. HRW 2005). In such cases, children are generally recruited by their former commanders with whom they may still be living.<sup>71</sup> As early as 2003, the United Nations Special Representative on Children in Armed Conflict, Olara Otunnu noted this vulnerability,

*'Already we have reports of what could be a phenomenon of recycling child soldiers within the neighbourhood. Possible ex-child soldiers from Sierra Leone fighting in Liberia for Liberian factions. And we have reports of English-speaking children fighting in the western Ivory Coast. This could be children from Liberia or Sierra Leone' (Donahower 2003).<sup>72</sup>*

Given continued instability in the region, particularly in neighbouring countries as well as the porous and fragile nature of Sierra Leone's borders (ICG 2003: 2-4, 6), this form of trafficking poses a continued risk.

#### **5.3.2: Forced Marriage and Prostitution during the war**

In the context of the civil war, large numbers of girls and women were abducted by the fighting forces and forced to provide sexual services.<sup>73</sup> In some cases, combatants claimed a girl/woman as his 'wife'. In other circumstances, the girl/woman was forced to provide sexual services to different combatants on demand. In both circumstances the girl or woman was vulnerable to sexual violence by other combatants in the camp. In addition to sexual services, 'wives' were subjected to forced labour, which included cooking, washing, farm work and carrying ammunition and looted items (HRW 2003: 3).<sup>74</sup>

<sup>71</sup> Some former child soldiers did not want to return to their communities after demobilisation, having lost contact with family and identifying their commander as family. Some commanders have not released children, as they are a source of labour for them. Other commanders have allegedly sold their 'wards' to foreign fighting forces (Interview with Koi Dimoh, Mr. Yama and Mohamad Gbenga World Vision, Freetown, Sierra Leone, Augusts 5, 2005).

<sup>72</sup> A 30-year-old commander, who crossed from Liberia to Côte d'Ivoire in October with five children he still considers to be under his command, described his operation:

*'I have been in Côte d'Ivoire since October of last year. I'm now working for the Ivorian government. We are on contract to capture Bangolo and a few other towns. I just returned to Liberia a few days ago. I'm here on a small recruitment operation. That was the order my commander gave me. He said he wants some children because they are good – they follow orders and don't ask questions like the rest of us. The operation is on; just this morning a pick-up left with 18 people on board. I think about 6 of them were boy soldiers. But they aren't children anymore – they have been fighting for years and after all they've done and gone through – they are big men now. Besides, none of us are doing anything else – the U.N. people promised us education and jobs, but we've seen nothing and heard nothing since we handed in our guns last year. They were all lies. They should learn that just as you would never make a fool out of a drug dealer, so you should never make a fool out of a rebel' (Human Rights Watch 2005).*

<sup>73</sup> The main perpetrators of this form of trafficking and violence were rebel forces – the RUF, AFRC and the West Side Boys, a splinter group of the AFRC (HRW 2003: 3)

<sup>74</sup> Escaping such circumstances was extremely difficult and abductees were often terrified of what might happen to them if they were caught. Some rebels sought to prevent escape by carving the name of the rebel faction in to the victim's chest. 'Marked women' who were intercepted by the government forces would be mis-identified as rebel

#### Case Study 10: Trafficking into Forced Marriage

Sampa was at home when the rebels came to her village: 'I woke up in the morning about two o'clock and cleaned my house... As soon as I lifted a load I was trying to carry, my daughters said 'Mama, the rebels are coming!' I dropped everything. I am ready to flee to the bush with the baby on the back. There are so many I cannot escape. They hit me, they took the baby from my back and threw the baby, the baby is too tired. Then he started to do the act on me – there are many of them.

During the next five days she was raped regularly: 'Every day I had to sleep with the boys. Every day I sleep with the boys and I cannot refuse – guns all over, they threaten me with guns'.

She travelled for two years, living as the 'wife' of one rebel. He kept her compliant by forcing her to take drugs: 'Every day this man would give me some tablets to take, some are green, some are blue, some are red. I was using the tablets so I wouldn't get any problem with the man'.

Source: Physicians for Human Rights 2002: 66.

While there are no statistics on the number of women trafficked into marriage and prostitution during the war, it is widely recognised as a common practice.<sup>75</sup> While the impact of this form of trafficking was devastating to both women and girls, minors were arguably more seriously impacted. In addition to the physical impact of sexual violence and, commonly, early pregnancy, the developmental years of these girls were informed by this exploitative experience, including their notions of relationships, marriage, family and sexual relations. How this informs their current relationships and behaviours must be considered. A disturbing example of this impact is the decision by many women/girls to remain with their 'commanders'/'husbands' following the demobilisation process and in spite of the option to leave.

#### Case Study 11: Trafficking into Forced Marriage

'Sarah' was abducted at the age of 13 from Koinadugu town in Koinadugu district when RUF and AFRC rebels besieged the town. She was brutally raped vaginally and anally by five RUF rebels after which she was given to one of them as a wife. In Koinadugu town that day the rebels killed 35 women including 'Sarah's' grandmother who they cut and beat. Afterward, 'Sarah' was taken to live in the rebel camp and to serve her 'husband'. She was later raped by two other commanders when her 'husband' was on patrol.

Source: HRW 2003: 30 & 43

#### **5.3.3: Labourers – porters, messengers, labourers and cooks**

In addition, some children (and adults) were forcibly recruited by rebel forces and made to work as labourers, such as porters, messengers and cooks. While a form of labour trafficking, the specific context of war renders these experiences unique in terms of the brutality suffered and limited avenues of escape. Abductees describe long walks through the forest, carrying heavy loads, transporting munitions and regularly being on the move – advancing with the

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supporters and often killed. Other women feared returning to their families and be blamed for their violation. Another issue was that women and girls developed a connection with their captor akin to the Stockholm syndrome whereby the hostage identifies with, and even feels affection for, the hostage taker (HRW 2003: 3, 44).

<sup>75</sup> Physicians for Human Rights (PHR) in 2002 found that 9% of women had been subjected to conflict related sexual violence. An extrapolation of this prevalence rate suggests that as many as 50,000 to 64,000 IDPs may have been subjected to sexual violence during the war. Further extrapolation led PHR to conclude that as many as 215,000 to 257,000 women and girls had been exposed to sexual violence during the conflict (PHR 2002: 3-4), a percentage of whom were likely trafficked. Indeed, PHR found that 33% of women who were sexually violated had been abducted and 15% had been subjected to sexual slavery (PHR 2002: 2).



rebels or retreating under attack. Many children trafficked for labour within the rebel forces were also obliged to fight as well as serve as 'wives' in the case of the girls/women.

#### 5.4: Trafficking for Adoption

There have been extensive allegations within Sierra Leone of trafficking for adoption. Indeed when discussing 'trafficking', it is this form that is most often imagined and presented. However, most examples cannot be clearly deemed cases of trafficking for adoption. Generally, far more detail would be required to establish whether it is, in fact, trafficking. The issue of trafficking for the purpose of adoption has been less considered than other forms of trafficking, with limited attention paid to the complexity of this manifestation. Further, the Palermo Protocol (and the Sierra Leone Anti-Human Trafficking Law) does not provide great clarity on this point. In many cases, it requires a case-by-case assessment based upon a detailed review of case-specific facts to determine when adoption is considered trafficking.

#### Discussion Points: When is adoption considered 'child trafficking'?

Because the Palermo Protocol provides little guidance on trafficking for adoption, it is an area that merits careful consideration and caution. There is an inherent complexity that must be acknowledged and accommodated and these are by no means resolved issues.

The various scenarios below illustrate the difficulty in distinguishing cases of trafficking from those of adoption fraud. The legal definitions within the Protocol were not designed to easily accommodate this particular form of trafficking. Also critical to consider is what constitutes exploitation in the case of trafficking for adoption. Is it sufficient that the child is taken from their home environment or denied the possibility to return to their family? Or does trafficking for adoption require exploitation such as abuse? More consideration of this subject is required to draw clear lines between illegal adoption, adoption fraud, abduction and trafficking for adoption. Further, it is critical to remember that conclusions about what constitutes trafficking can change based on small facts and so scenarios need to be assessed on a case-by-case basis. For the purpose of illustrating some of these issues, the scenarios below sketch out some general fact patterns that are worth considering.

Scenario 1: A child is sent to an orphanage by his parents, they are too poor to care for him. They do not discuss adoption, only fostering the child. The orphanage contacts orphanages abroad to place the child with a family who can care for him. A suitable family is found and the orphanage makes arrangements for formal adoption. This involves the adoptive family paying fees for the care of the child while the documents are processed as well as some other fees. The fees are not legal. Is this trafficking?

*Answer: This is, arguably, a case of trafficking. Because there has been no discussion with the parents about adoption, they have in some ways been exploited, as has the child. Further, the child has been transferred without notice or consent. Finally, the presence of illegal fees adds weight to the suggestion that a sale has occurred and that this case constitutes trafficking.*

Scenario 2: An orphanage staff visits a rural village and speaks to parents about giving their children up for adoption. The staff explains that he can find them homes abroad and that they will receive US\$500 if they give the child up and sign away their parental rights. The parents agree. Is this trafficking?

*Answer: These facts suggest a case of trafficking as the child is sold, which, in and of itself, is a form of exploitation. In this case, the orphanage staff is trafficking the child and the parents are complicit in this transfer.*

Scenario 3: A foreign couple is desperate to have a child. They hear about the possibility of adopting a child from Sierra Leone and contact an adoption agency in their home country. The agency contacts an orphanage in Sierra Leone and a match is arranged, although the child has living parents. The orphanage prepares fraudulent paperwork indicating the child is an orphan and the adoption proceeds. After one year the family comes to the orphanage to

collect their child but she is gone.

*Answer: This case appears to be one of both child trafficking and fraud. One might reasonably argue that the exploitation was in the transfer itself, because it denied the rights of the parents as well as that of the child to be raised in their family, community and country.*

The above points notwithstanding, this form of trafficking poses a serious risk in Sierra Leone. Given the normative nature of fostering or child placement, many children are potentially in a situation where they could be trafficked. Parents in some cases are strongly 'persuaded' by orphanages or adoption agencies to renounce their parental rights to their child. The power dynamic between adoption agency and often poor, illiterate parents contributes to this vulnerability. Many parents do not (legally) understand what is meant by adoption; often it is confused with fostering and child placement, both of which are temporary. As a result they may sign adoption papers without understanding that the arrangement is permanent. In other cases, the orphanage registers the child as an orphan and adopts them out without notifying the parents. There is potentially a strong argument that such cases constitute trafficking. In a number of cases parents have returned for their children to find their child had been adopted abroad.<sup>76</sup> In 2004, employees for one Sierra Leonean NGO were charged with 22 counts of child stealing, allegedly having sent these children to foreign countries for adoption (Daily News 2004).

This form of trafficking also poses a risk due to the lack of enforcement of adoption regulations by the Ministry of Social Welfare, Gender and Children's Affairs (MoSWGCA). Technically orphanages must register each orphan who comes into their care. However, this is often not done in practice and there is limited enforcement. Further, other sources report that parents are not adequately briefed about the implications of adoption and the cessation of parental rights.<sup>77</sup> Furthermore, corruption and abuse within the adoption process creates space for this form of exploitation and, thus, merits attention and concern.

Many of these problems come to light when visas are requested for children to be placed abroad. Said Rachael Doherty of the US Embassy: 'The US Embassy has strict procedures for international adoption including investigation into each case. However, in the course of these investigation the embassy often learns that the child is not an orphan. This shows that that the system generally is not working'.<sup>78</sup>

Adoption may also serve as a cover for exploitation for other purposes. One FSU officer in Kailahun reported a case he had investigated in which the man recruited primarily girl children to be sent to America for adoption but where there were strong suspicions that the children were to be exploited for other purposes, such as labour or prostitution. Explained the officer:

*'He goes to people and makes a request for their children and tells them that, they are going to assist them in caring for the children and educate them. He was mainly requesting for girl children and even some white people come in the country which he posed to be showing as some of the people that these children are staying with in America... When the police further probed into the matter, the man only insisted on child adoption, but there was no legal documentation to prove that...'.<sup>79</sup>*

<sup>76</sup> Interview with Rachael Doherty, Political and Economic Affairs Officer, US Embassy, Freetown, Sierra Leone, July 16, 2005.

<sup>77</sup> According to the Adoption Act of 1989, relinquishment of parental rights should be done in the presence of a senior member of MSWGCA (Interview with Teresa Vamboi, CSDO, MSWGCA, Freetown, Sierra Leone, October 2005).

<sup>78</sup> Interview with Rachael Doherty, Political and Economic Affairs Officer, US Embassy, Freetown, Sierra Leone, July 16, 2005.

<sup>79</sup> Interview with Sheku Tarawallie, Inspector of Police, FSU, Koindu, Kailahun, August 2005.

### 5.5: Trafficking for Begging & Petty Crime

In the context of this preliminary assessment, few cases of trafficking for begging were reported. Information about begging within Sierra Leone suggests that it is largely an unorganised practice and that persons are not recruited for this purpose. That being said, some of the children who are 'fostered' by wealthier relatives in the city and forced to work may have been brought to the city with the objective of begging or committing acts of petty crime (i.e. pick pocketing). Further, as has been noted in other sections, the components of 'harbouring' and 'receipt' within the law mean that persons accommodating and exploiting minors for begging or other acts of petty crime may be classified as traffickers. However, more information on this subject is needed to firmly establish the degree to which it is an issue in Sierra Leone.

One form of begging that may involve trafficking is that organised by *Karamoko* (Quranic teachers). In addition to being obliged to work on farms, some children are obliged by their teachers to beg on the street and do not receive the education promised to their parents. While more case specific information is needed, there are elements of trafficking within this practice.

*'The children will beg or walk around people and sing and recite the Quran for money. And all of the money goes to the Karamoko' (adult female from Kambia district).*

*'And the children will not steal any of the money they collect because they fear the teacher and think that something bad will happen, that they will be cursed. The Karamoko has total control over them' (adult male, Freetown).*

Trafficking for begging and petty crime also occurs abroad. Cases of Sierra Leoneans trafficked for this purpose were reported in West Africa, as detailed in the case study below. As well, the EU countries have noted a large number of cases of trafficking for begging and petty crime (Surtees 2005a) and Sierra Leoneans may currently, or in the future, factor among them. With Sierra Leonean UAMs assisted in locations, such as Austria where trafficking for begging does occur, this is a considerable risk.

#### Case Study 12: Trafficking for Begging and Petty crime

Mohamed is 13 years old and lives on the streets of Freetown. He is originally from Kambia District in the Northern Region of Sierra Leone, but his family moved to Freetown during the war. When he was eight his mother died and he left home to escape his alcoholic father. He started living on the streets, surviving by pick pocketing and doing odd jobs in the market.

In 2003, his *brah*, a 23-year-old man, offered to take him by boat to Guinea to *dreg*.<sup>80</sup> The *brah* that pays for the children's passage gets all the stolen items as well as their earnings. Mohamed agreed, travelling to Guinea by boat along with thirteen other children (one girl and twelve boys) and three other *brahs*. Upon arrival in Conakry, Guinea, the children and *brahs* worked together as a team stealing in the city centre. Their relative 'success' made other Sierra Leoneans jealous and they were reported to the local police and arrested. During their detention, all eighteen children and *brahs* were severely beaten; one child was badly injured. The stolen goods were confiscated.

Following an intervention by the Sierra Leone Embassy, the children and *brahs* were released from police custody and taken to a childcare centre operated by an international organisation. There they were provided with basic needs (accommodation, food, clothing) as well as recreational and sporting facilities. Mohamed's *brah* did not feel comfortable at the centre because he was not allowed to go outside the compound and was also nervous about being in Guinea during the presidential elections. Mohamed's *brah*, Mohamed and another boy

<sup>80</sup> *Dreg* is an illegal or undignified means of making money such as pick pocketing, petty thieving, domestic labour, etc..

escaped from the centre and returned to Sierra Leone by boat. The others were assisted in their return by the international organisation.

Source: UNICEF case files, interviewed January 17, 2004 in Freetown.

### **5.6: Trafficking for Ritual Sacrifice**

One form of trafficking, which was mentioned consistently in discussions with stakeholders, was that of ritual sacrifice. Ritual sacrifice involves the killing of a person and the use of their organs and body parts to enhance the power and influence of the perpetrator. While the objective is always the same – to enhance the power of the perpetrator – it can be undertaken for different reasons and in different contexts. According to one source, there are two reasons for ritual sacrifice – for political power (usually during elections) and for traditional power (undertaken in secret societies and rites of passage).<sup>81</sup> The extent of such practices is impossible to establish. While there have been cases reported in the media, there has been no independent corroboration of these allegations. One NGO source observed, 'There was a case a few months ago where a woman was killed and it was in the papers with the suspicion of it being ritual sacrifice but I can't corroborate it. Also two months ago there was a case of a Muslim leader cajoling his niece away from home, which ended in her brutal murder. There was suspicion that it could be ritual sacrifice'.<sup>82</sup> Nevertheless, when children do disappear, there is a general assumption that the child has been abducted for ritual sacrifice.

Importantly, not all cases of ritual sacrifice are cases of trafficking. In the course of documenting trafficking in the east of Sierra Leone, NMDHR reported an instance in Kissi Tongi Chiefdom in May 1986 when a man was taken from his village and found two days later having had his kidneys, lungs and penis removed (NMDHR 2005). Without more information about the specific circumstances of this case, it is difficult to say clearly if this was trafficking. It may instead have been murder, mutilation, etc. outside of a trafficking context. Questions should also be asked about how commonly rituals murders can be categorised as trafficking. The assertion that this is a predominant form of trafficking in Sierra Leone should be treated with some caution.

### **5.7: Trafficking for Multiple Forms of Exploitation**

Some children may also be trafficked for more than one form of exploitation.<sup>83</sup> The two forms of exploitation may occur simultaneously – as in the case of a domestic worker also being sexually abused by the employer or being sold out for prostitution. In other circumstances, the form of trafficking may change over time – as in the case of young girls who are initially trafficked for begging but when they reach puberty are forced into prostitution. Multiple forms of abuse appear also to occur in Sierra Leone. Many girls working as domestic workers in private homes were sexually abused by relatives as well as other men in the compound.<sup>84</sup> In the diamond mines some former commanders employ former child soldiers still in their care as labourers in mines. And, during the war, many of the abducted children were obliged to undertake a range of tasks, including fighting, labour and prostitution.

Noting multiple forms of exploitation is essential in terms of developing effective assistance for child victims. Needs vary according to the form of trafficking as well as period of exploitation. Importantly, in cases where children have spent the bulk of their developmental years in trafficking situation, their assistance needs are many and complex.

<sup>81</sup> Interview with James Mathews, Claudia Nimneh, Abdul Karim Habib & Genneh Moriba, NMDHR, Freetown, Sierra Leone, August 1, 2005.

<sup>82</sup> Interview with Alberta Kaikai, Faith Consortium, Freetown, Sierra Leone, July 30, 2005.

<sup>83</sup> This trend has been noted in SE Europe where as many as 21.3% of SE European victims assisted in 2003 and 10.9% in 2004 were exploited for two or more purposes. The rate of multiple form of trafficking is likely to be higher still, as many service providers do not systematically document this variable. In one striking case in 2003, a Moldovan victim was exploited sexually as well as obliged to undertake begging and labour tasks (Surtees 2005a).

<sup>84</sup> Interview with Florence Sandy, IRC Rainbo Centre, Freetown, Sierra Leone, July 28, 2005; Interview with M'balu Sesay, Action for Development, Freetown, Sierra Leone, July 23, 2005.

#### Case Study 13: Trafficking for Different Forms of Exploitation

A woman went to Bo town where her relatives lived. There she met her family and offered to care for them. She said she would send them to school and support for them. She brought the children – boys 10 and 11 years of age – back to Makeni with her. She did not fulfil her promises for their education but made them work long hours for her. During the day, the boys did domestic labour in the house and sometimes trading. At night, they worked as security, guarding the house. They received very little sleep and were often beaten by the woman.

The boys worked for her for four months and had no contact with their parents during that time. The boys were identified when an NGO staff saw the woman beating the children and intervened. He reported the case to the police and the woman was charged with child abuse. The children received one month of care by AFC and have now been reintegrated with their parents.

Source: AFC Interim Care Centre, Makeni.

## Chapter 6: Causes and Contributors to Child Trafficking in Sierra Leone

There are myriad causes and contributors to trafficking in persons within and from Sierra Leone, which are often mutually reinforcing and co-terminous. There is no single cause or explanation. In what follows, we will explore the various factors – social, cultural, economic legal and political and individual – that intersect and contribute to human trafficking. This is an effort to contextualise how trafficking is played out within and from the country. In so doing, we can potentially note areas where prevention efforts can be firmly and appropriately situated and interventions developed.

### 6.1: Economic Factors

#### 6.1.1: Poverty and limited economic options

Limited economic options in one's home community – for oneself or one's family – may create an incentive to migrate in search of better opportunities. In the course of movement, either within one's own country or abroad, people may be exposed to recruitment and exploitative work options, which, in practice, translates into trafficking.

*'Some boys know that their parents are poor and their families are large... Such children will migrate in search of money in mining towns where they think fortune will smile on them and they will return to help members of their family' (adult female, rural Kailahun).*

*'One of the main purposes for child migration from this village is due to poverty, most of the parents here cannot afford to feed their children let alone send them to school, or look after their basic needs' (14 year old female, rural Kailahun).*

*'Migration of children is very common because of poverty in the home. My father is a teacher, and most of the times, they don't pay them their salaries on time... and as a result we perish at home because there is no finance to upkeep the home. I had to migrate to my uncle that is living in Kenema, to assist my dad in helping me get my basic needs and also pay school fees' (another 14 year old female, rural Kailahun).*

As poverty is endemic in Sierra Leone,<sup>85</sup> vulnerability to trafficking is pronounced. That being said, as poverty is so endemic, poverty *per se* is not a definitive explanation for trafficking. Rather, this poverty couples in important ways with other factors and contributors.

One associated aspect is ignorance of the living and/or work conditions to be faced by the child. One girl, trafficked at age eight to Lebanon and exploited there as a domestic worker for twelve years, asserted that poverty was not the real cause of trafficking. She also came from a very poor family but used to go to school and would have continued schooling if she had not accepted the work offer in Lebanon. Her family's decision to accept the offer was linked to the recruiters offer of education abroad. She asserts that her parents would not have sent her abroad if they had been aware of what conditions awaited her in Lebanon (see case study 6).

Poverty also has an associated social element that may amplify risk. The poor may be vulnerable to trafficking and associated abuses by virtue of holding little social power and having few avenues to earn income. They may also not feel adequately empowered to challenge social superiors in terms of migrant contracts and work conditions. Even within a family, the wealthy relative from the city may have sufficient sway by virtue of being wealthy that the family may not feel that they are in a position to decline the offer of work or education.

<sup>85</sup> Various indicators signal pervasive poverty in Sierra Leone. In 2002, under five mortality rate was 284 for every 1,000 live births, one of the highest in the world. Between 1999 and 2001, 57% of urban children and 65% of rural children between ages five and fourteen were engaged in child labour. Only 66% of the total population in 2000 had access to adequate sanitation facilities. And life expectancy at birth in 2002 was 34 years (UNICEF 2004a). Similarly, approximately 70% of the population currently live below the basic needs poverty line and 26% are unable to meet basic food needs. The poorest districts were Kailahun, Bombali, Kenema, Bonthe and Tonkiliili, with 8 of 10 residents living in poverty. Poverty was most pronounced in Bombali and Kailahun. Rural areas tend to be poorer than urban areas, although poverty in Freetown was higher than expected (Government of Sierra Leone 2005: vii, 7).

This is arguably illustrated by an example provided by the MSWGCA PSDO from Kenema who noted that many parents come to the Ministry to seek assistance when they feel relatives are not caring for their children properly. Seeking the mediation of a government office (they are not asking for legal intervention or reprimand) infers how socially powerless they may feel in relation to their wealthier family members.<sup>86</sup>

Finally, it seems important to highlight that while poverty often translates into trafficking vulnerability, it is not only the poor that are trafficked. In many environments, trafficking victims are not from the poorest economic strata.<sup>87</sup> This is also worth considering and exploring further in Sierra Leone.

### **6.1.2: Material aspiration**

Desire for material wealth may serve to increase an individual's vulnerability to trafficking. For example, in one study 2.1% of child and youth prostitutes surveyed indicated that 'love of money' was the main enticement for their entry into prostitution (GOAL 2004: 65). Similarly, in FGDs with community members and children many people raised material aspiration as a reason for child migration.

*'Some girls migrate because of their lust for property' (17 year old boy, rural Kambia).*

*'The children want quick wealth; they do not want to suffer in getting their education' (45 year old woman, mother, Pujehun).*

*'The type of life they want to live makes them to migrate. Girls imitate others for dress. They admire girls who have left the town for big towns because such girls are well dressed. Since their parents are poor and cannot provide all their needs, they migrate to big towns like Freetown to prostitute in order to meet their needs' (15 year old male, rural Kambia).*

*'When they see their companions well dressed in jeans and other fashion or styles from Freetown and other urban places, they migrate and follow them so that they will engage in the same work and find money and buy the same dressings' (male farmer, rural dweller, Bombali district).*

*'Most girls migrate so that they can get married to rich men in the city. Men in this town are poor and so cannot give women sufficient money' (16 year old male, rural Bombali district).*

Children also observed how recruiters play on material aspirations as a recruitment strategy.

*'The recruiters give a lot of gifts to children – crepes, clothes, shoes, watches. This will make the poor children to become attracted to the perpetrators' (teenage girl, rural Kambia).*

*'They fool you by giving you lots of gifts and money to convince you to leave with them' (15 year old girl from rural Kambia)*

Information on the link between material aspiration and trafficking has not been considered in Sierra Leone and merits further attention. In other countries in West Africa, the desire to own a bicycle (a symbol of wealth in many communities) was a central contributor in the decision

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<sup>86</sup> Interview with Patrick Bangura, PSDO, MSWGCA, Kenema, August 5, 2005.

<sup>87</sup> A ten country study in SE Europe found that while poverty was a contributor to trafficking, it was by no means a sufficient explanation. While most victims originated from 'poor' and 'very poor' economic backgrounds, a striking number of victims also originated from 'average' or 'well-off' families. This was the case for all countries in SE Europe. For example, amongst Moldovan victims of trafficking for sexual exploitation assisted in 2004, 29.5% originated from 'average' economic backgrounds and 2.3% from 'well of' backgrounds (Surtees 2005a).

to migrate (Plan nd, de Lange 2004). Interestingly, in Burkina Faso it was often the individualised needs of the boys rather than the family as a whole that led to migration (de Lange 2004), a possibility that should also be considered in Sierra Leone.

## **6.2: Legal and Political Factors**

### **6.2.1: War and Conflict**

The recent civil conflict in Sierra Leone as well as the various wars and conflicts in neighbouring countries have important points of intersection with trafficking risk. In an overt way, the conflict resulted in the trafficking of adults and children into rebel factions, as soldiers, porters, messengers and 'wives'. It also led to trafficking vulnerability as citizens sought to escape the country, as explained in case study 5. Similarly, war in neighbouring countries has also, arguably, led to the trafficking of Sierra Leonean children as fighters abroad (IRIN 2003, IRIN 2005, cf. HRW 2005). More subtly, war results in an amplification of factors that contribute to and cause trafficking, including poverty, social vulnerability, decimated government infrastructure and services, impunity, corruption and social dislocation (refugees and IDPs).

### **6.2.2: Lack of birth registration**

In Sierra Leone, large numbers of children are unregistered. Children who are unregistered are vulnerable to exploitation, lacking identification within and protection from the state. A birth certificate allows citizens to establish their legal age, receive social support and protection (i.e. medical care, education, social assistance), prove their nationality, purchase or inherit property, legally marry, be employed as well as other rights afforded to citizens.

Lack of birth registration facilitates trafficking in important ways. When children are sent abroad they are sent with falsified documents, documents in which their ages are raised to adulthood to facilitate their movement. Without proper documentation, it is difficult to approach authorities while abroad (for fear of arrest and deportation), something that is often exploited by traffickers. Unregistered persons may also face difficulty in proving their nationality. And upon return, accessing social services and assistance is difficult for unregistered persons. Currently in Sierra Leone, there is a campaign underway to register all children in the country. This can and will serve as an important prevention and protection in cases of trafficking as well as other forms of exploitation.<sup>88</sup>

### **6.2.3: Corruption**

Corruption in Sierra Leone is endemic. According to Transparency International, Sierra Leone ranks as the 32<sup>nd</sup> most corrupt country (114 of the 146 surveyed), having earned 2.3 out of 10 on the organisation's Corruption Perception Index Score (Transparency International 2004). Corruption serves to facilitate trafficking in persons in different ways. One example relates to the falsification of documents. Children may be given passports without the consent of their parents, who may not be aware of their intended migration. As well information within a child's passport may be falsified to make the child older and therefore able to travel legally and unaccompanied. Falsification may also involve changing the individual's name or other personal information.<sup>89</sup> Passport fraud can also result in Sierra Leone becoming a transit country for trafficking, with victims routed here to obtain the necessary documentation to travel further afield.

Corruption within the state apparatus also impacts the investigation and prosecution of trafficking cases. Law enforcement may not investigate cases, may manipulate the investigative file or may tamper with evidence. Prosecutors may chose not to pursue cases

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<sup>88</sup> Article 9 of the CRC stipulates that all children should be registered immediately upon birth, including being provided with a name and nationality. Birth registration is to be free for all children. The CRC was ratified by Sierra Leone in June 18, 1990

<sup>89</sup> Travelling on falsified documents renders the migrant/trafficked person extremely vulnerable to abuse. They will likely be told by traffickers that because of their false documents they cannot approach the police for fear of arrest or deportation. This serves to keep trafficked persons in their trafficking situation.



through the criminal process or may reduce the charges to be levied and judges may rule in ways favourable to the trafficker, including throwing a case out of court or imposing light sentences. Other government departments may also be involved in this corruption. In one case study presented earlier (see case study 6), one trafficked girl alleged that the Ministry of Labour had ignored her requests for assistance in pursuing the man who had trafficked her to Lebanon, citing corruption as the reason. Similarly, abuses within the adoption process suggest some level of corruption within the state apparatus. The situation often becomes self-perpetuating, with the resulting climate of legal impunity serving to exacerbate criminal activity and various forms of exploitation. The absence of trafficking legislation until very recently necessarily played a role in this impunity. Further, while there are other laws that can potentially be used to prosecute trafficking, the inefficiency of the legal system and the paucity of appropriate laws has generally prevented this from happening.

#### **6.2.4: Porous borders**

There is a general acknowledgement that Sierra Leone's borders are extremely porous. As one representative of the FSU in Kailahun noted:

*'The border areas here are porous. As they have so many [illegal] crossing points, there are mass movement of people that go in and out of the country with no documents nor check of who is the person and his or her mission'.<sup>90</sup>*

While technically all persons crossing the borders of Sierra Leone must carry a passport or other form of photographic identification, in practice this is not always enforced.<sup>91</sup> Said one FSU officer,

*'They don't take any document when they want to cross to each other, as they think documentation should not exist between them when they want to visit either side. It is only recently when we were holding border security meetings that we discussed the need to be taking documents when one wants to go across the border points as a way of identifying which nationality the person is'.*

Lack of enforcement of existing regulations also exacerbates border fluidity. One law enforcement officer working at one border crossing observed:

*'Most times they use their discretion for children within the age of 7 years and below accompanied by adults or parents by not producing any documents. As long as the person or adult going with him or her produces his or her documents and we certify it to be legal, we don't mind about the child, as we consider him or her to be under nursery. Though it is not a law, it is discretionary. If the child is above 7 years we know that is a school going child and if the adult or parent of the child produces a document or results of the child that too we can allow, for both coming in and out of Sierra Leone as long as it is within the Mano river union countries. But [this is] discretionary and not a law'.<sup>92</sup>*

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<sup>90</sup> Interview with Sheku Tarawallie, Inspector of Police, FSU, Koindu, Kailahun, August 2005.

<sup>91</sup> If someone is leaving the country and does not have a passport, immigration officers have the mandate to issue Emergency Travel Certificates (ETC). This is also the case for persons arriving in Sierra Leone, valid for fourteen days after which the individual must report to the embassy for renewal. Children also require a passport, Laissez Passer or ETC Emergency Travelling Certificate to cross the border (Interview with Mohamed Koroma, Assistant Deputy, Department of Immigration, Mano River Crossing, Pujehun, August 9, 2005).

<sup>92</sup> Similarly the recording of data about children crossing borders is not rigorous. Another SLP officer observed:

*'We only enter for the adult more for those that cross the border on foot. For those that go along with vehicle, we enter the adult indicating the number of children she had and if the children don't have individual documents to identify them. But if they have we record all of them in our books except in cases where they don't have, we document it that the adult with all his/her particulars is accompanied by a child stating the number of children'.*

Where border authorities are apparently more conscientious is when children try to cross the border unaccompanied. Explained the same officer;

*'If a child is not accompanied and wanting to cross the border we know that is a street child. We interrogate him/her as to know the problem and take care of the situation, by handing him or her to those that take care of child welfare, like the FSU or the Social Welfare Unit'.<sup>93</sup>*

Further, many of Sierra Leone's border posts are unmanned, affording much access for those wishing to enter and exit the country unnoticed. While there were 55 crossing points before the war, currently only eleven are manned.<sup>94</sup> In addition, the rivers exacerbate this trend, with boats travelling from Guinea into harbours in Sierra Leone like Gbalgatukeh with apparently no formal checks. Boats are also able to collect and deposit people along the coast with only minimal interference from law enforcement who are constrained in their monitoring by limited resources. Porous borders are among the conditions that traffickers seek to exploit in perpetrating their crime.

That being said, it has been pointed out that strong borders and restrictive migration policies can increase trafficking vulnerability and risk. Where potential migrants are prevented from crossing borders, this may lead them into accepting risky migration options and accessing the services of facilitators who, in turn, traffick them. In the development of policy, it is important to consider the extent to which making migration more difficult can lead potential migrants into the hands of traffickers.

### **6.3: Cultural Factors**

To understand contributors to trafficking in Sierra Leone, we must understand how trafficking (and associated practices) are understood within the country and how they intersect with traditional social structures. Is bonded labour accepted as a temporary solution to an economic crisis? Is child labour a socially acceptable economic option? Understanding such dynamics, even in a partial sense, provides insight into trafficking as a cultural (and historical) event and, by implication, the meanings of such behaviour and mechanisms to victims and perpetrators themselves. As Dr. Fofanah, Chairman of the Parliamentary Committee on Human Rights observed, 'The issue is embedded in traditions and culture so that trafficking can occur unknowingly, for example, a relative taking a child away on the pretext of sending him to school'.<sup>95</sup> This, in turn, equips us with information needed to develop appropriate interventions.

#### **6.3.1: Acceptability of Child Labour**

Within Sierra Leone, child labour is socially normative and economically necessary. Between 1999 and 2001, as many as 57% of urban children and 65% of rural children between ages five and fourteen were engaged in child labour (UNICEF 2004a).<sup>96</sup> The degree to which it is

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<sup>93</sup> Another immigration officer outlined a different practice:

*'As a child comes with his or her correct documents we will allow him or her to travel, or go across the border without him/her accompanied... But again we will refuse a child to go across the border even though he/she may have the correct document, based on his/her age 10 years and below; for they should be accompanied by parents, more especially he/she doesn't know the place he/she is going and for the first time, we return him/her to go and call his/her parents and to be accompanied'.*

<sup>94</sup> The Office of National Security (ONS) considers the porous nature of borders a central security issue meriting urgent attention. An interagency task force was established to develop a proposal to address all issues related to borders. The result is a proposed border pilot project which includes ONS, Department of Immigration, SLP and NRA/Customs at each border to coordinate and address all relevant border issues. Under the coordination component there are proposed institutional mechanisms, including sub-committees on issues like trafficking in persons (Interview with Johnathan Sandy, Director & Alfius Kamara, Office of National Security, Freetown, Sierra Leone, July 26, 2005)

<sup>95</sup> Interview with Hon. Alusine Fofanah, Chairman, Parliamentary Committee on Human Rights, Freetown, Sierra Leone, October 2005.

<sup>96</sup> The minimum age for work is 12 according to Sierra Leonean Law. The Employers and Employees Act prohibits child labour for children below the age of twelve years, with Cap 212, section 51 stating that 'Children who appear to be under the age of twelve years shall not be employed in any capacity whatsoever'. The law also permits

socially acceptable for children to work and even be 'sold' or 'rented out' for work must be considered in terms of understanding trafficking.

Child labour is further reinforced by the general view that children have an obligation to help support their families. Children are traditionally expected to contribute to the household economy and, if necessary, make sacrifices for the sake of the family.<sup>97</sup> As one woman from rural Kailahun observed, 'particularly the elder children will go to other places to find jobs so that they can help their parents and siblings'. In some cases these socially prescribed obligations have translated not only into child labour but also worst forms of child labour and trafficking.

According to social norms, it is also through child labour that children are said to be 'educated', with social values transmitted, at least in part, through work. As such, it is considered normal within Sierra Leone that children help in the house and in the farm from a young age (Cf. ILO 2001: 4). In a desire to conform to these socially prescribed obligations and patterns, children (and parents) often perceive child labour (and, by implication, in some cases trafficking) as an acceptable, even honourable, means to generate income. Trafficking, then, within this perspective may be seen in Sierra Leone as a family survival strategy or work option rather than as exploitation.

### 6.3.2: Normative Migration<sup>98</sup>

The normative nature of migration (abroad and internal; legal and illegal) and the social acceptability of this economic strategy influences children's and parent's willingness to accept migration and work offers. This should also be considered in terms of its relationship to trafficking. Further, some people may be pressured by family to migrate to fulfil what, in some cases, may be seen as a responsibility or obligation to family. In FGDs with community leaders and children between 10 and 17 years of age, there emerged a strong pattern of child migration, as outlined in table 7: (below). While different reasons were given for this migration, the most common was for work or education.

**Table 7: Community Members with Personal Experiences of Child Migration**

	Village Chiefs	Male Community Leaders	Female Community Leaders	Youth Community Leaders	Community Children (10 to 17 years)
Respondents with a direct experience of child migration	3	26	39	14	13

apprenticeships only for children of fourteen years and above. The Government of Sierra Leone lacks resources to enforce these laws. As Mr. Gbenda, Commissioner of Labour observed,

*'this is due to inadequate logistics including staff. In the 1950's the ministry had 16 Labour Inspectors and there were no industries at the time. Now that there are industries, there are only four Senior Labour Inspectors and no Labour Inspectors... The required staff and other resources are unavailable to conduct proper monitoring both in Freetown and in the provinces. No proper monitoring can take place without a vehicle' (Interview with Mr. Gbenda, Commissioner of Labour, Ministry of Labour, Freetown, Sierra Leone, October 2005).*

Some efforts have been made by the Ministry of Mineral Resources to enforce regulatory prohibitions against the worst forms of child labour, including diamond mining. However, enforcement is largely ineffective according to various groups working directly with child labourers. Further, the Department of Foreign Affairs and International Cooperation is responsible for reviewing overseas work applications to ensure that no one under the age of 14 was employed for this purpose. However, here too sources report ineffectiveness in implementation and enforcement of these regulations (US Dept of Labour 2004: 363).

<sup>97</sup> Interview with Andrew Choga, Chief of Mission, IOM, Freetown, Sierra Leone, July 26, 2005.

<sup>98</sup> For the purpose of the study, 'migration' was defined as someone who had left, either temporarily or permanently, for work or education or to live with family. Visiting family during the holidays or other temporary travel were not included as migration.

Respondents who did not report a direct experience of child migration	0	44	25	35	28
Insufficient information	3	0	0	16	21
Total	6	70	64	65	62

\* A direct experience of migration involved either the individual himself or herself as a migrant or a relative of the individual, generally a child or sibling. While most cases related were contemporary, there were a handful of cases that had happened during the respondent's childhood, some 10 to 20 years in the past.

Even where leaders and children did not report personal migration experiences, they were often able to relate stories from their friends and neighbours who had migrated. For example, of ten children who participated in FGDs in a village in Bombali, nine had at least one friend who had migrated:

- *'One of my friends, a girl, was 15 years and the other, a boy, was 17 years when they migrated'.*
- *'Those I know of were one aged 1 years and the other aged 13 years'.*
- *'My friend migrated from this town at the age of 17 years'.*
- *'I know a friend who was 16 years before he migrated'.*
- *'The two children I know who migrated were 10 and 12 years'.*
- *'Those who left this town were 8 years and 12 years of age'.*
- *'I know of three friends who ages were 15 years, 16 years, and 17 years when they migrated'.*
- *'The child I know that has migrated was 18 years'.*
- *'My friend was 12 years old when he migrated'.*

In other villages around the country the pattern was similar. Said one female farmer and mother of six children, 'the number of children who left this town last year are many. I know of twenty in my family alone'. In addition, children in all six districts expressed a desire to migrate. Of the 62 children who participated in FGDs in six districts, 44 said that they were currently considering migrating – both for education and for work. Desired destinations included district capitals, Freetown, America, Switzerland, the United Kingdom and Germany.

Another contributor is the prestige associated with a family member living abroad:

*'parents whose children have migrated command respect from other members of the community. You are more respected if the community is aware that you have a child living in the USA or Freetown' (male village chief, rural Bombali district).*

Children who did not wish to migrate generally explained that there was no need to migrate as they were in school and being cared for, because they were assisting their parents or because their parents would miss them.

*'My parents are taking care of me and they are providing all my school requirements' (15 year old male, rural Bombali).*

*'My parents love me and provide all of my needs' (12 year old male, rural Bombali)*

*'I have decided not to migrate because I am assisting my parents in the farm' (17 year old male, rural Kambia)*

However, in some cases, some of those choosing not to migrate made this decision based on negative migration experiences in the past.

*'The main reason why I did not want to venture out of [this village] is because of what one of my sisters experienced when she migrated. My sister was taken to Conakry and she*

*was not treated well. When my sister came back home she advised me strongly not to go out of [the village] to anyone. She told me she can hardly explain what she went through in Conakry. Based on the advice I received from her who had migrated before, I decided that I will not go anywhere. I will stay here till my parents die or till I am capable of taking care of myself' (13 year old female, rural Kambia).*

*'Some parents will not be happy as a result of past experiences. Some people have migrated with children before and these children were not well treated. Parents would therefore refuse sending their children to other people' (15 year old male, Bombali district).*

Tied intimately to the issue of migration is the flow of remittances. Where remittances are an essential source of economic stability, migration is socially valued. This makes it difficult for children (and adults) to reject even clearly exploitative migration offers for fear of letting down one's family. As an associated issue, one must consider if migrants feel shame when they fail to remit adequate funds? This can increase trafficking risk, with migrants more willing to accept risky situations to provide remittances for family. Importantly, information that reaches families and communities often presents only successes, reinforcing the positive aspects of migration and suppressing the real experiences of exploitation inherent in much migration. As a result, potential migrants and trafficked persons do not receive accurate information about hazards, which prevents them from making an informed decision and augments trafficking risk (IOM 2005: 4).

Where minors are trafficked, there is a risk that they will conceptualize these experiences of exploitation as normal migration and work, having undergone them during formative developmental years. This, in turn, informs their ideas about work and migration and will likely translate into how they raise their own children.

That being said, it might also be argued that in environments where migration is socially normative, there exist migration channels, contacts and availability of information, which can serve to protect migrants. Family members in destination countries may serve as a protective as well as exploitative force, an issue which merits more attention.

### **6.3.3: Child Placement or Fostering<sup>99</sup>**

Child placement or fostering has long been a socio-economic survival strategy in Sierra Leone. Children are placed with wealthier relatives for care and educational opportunity or apprenticeship programmes. This is generally consistent with the extended family structure in West Africa in which the upbringing of a child is the responsibility of the extended family. For example, of the disadvantaged children and youth surveyed by GOAL Ireland in the Western Area, 2.7% reported going to the street because they were fostered (GOAL 2004: 25).<sup>100</sup>

Child placement involves a relative (or non-relative) offering to care for the child and providing them with opportunities, which are not possible within the family. This includes education, apprenticeships and work. Far too commonly, however, these children are not afforded education and are required to work as a domestic work, as a trader or even in prostitution. As one child explained of child placement from his village,

*'Most of the time we get reports that when people migrate with these children and promise the child and the family that they will send these children to school, they don't. When they go with them, most of them used these children as domestic slaves as they do all the work at home, even sublet these children to be selling cold water and ginger for other people that have freezers and at the end of every month they pay*

<sup>99</sup> Other terms that can be used interchangeably with 'child placement' are 'fostering' and 'child minding'. There is much confusion about the term 'adoption', with this often used interchangeably with 'child placement'. This can, and often does, lead to confusion when children are to be adopted and parents are not fully cognisant of the legal ramifications of this arrangement.

<sup>100</sup> This pattern has been noted in other West and Central African countries. See ILO 2001.

*the money to their guardian ' (17 year old male, Kailahun district).*

Similarly, the PSDO from MSWGCA in Kenema noted, 'We must pay attention to what happens in the cases of child minding, here there can be a lot of abuse'.<sup>101</sup>

#### Case Study 14: When Child Placement is Trafficking

*'The other child was fostered by my sister who personally came here to request that I give her my daughter... My child was 5 years old when she left and she has been away for ten years. Whilst she was living with my sister, she often complained that my child is behaving badly. Neighbours, however, informed me that she, in fact, is ill treating the child by making her perform all her housework. I was not satisfied with the report, so I had to take my child from her' (male village chief, rural Kono district).*

*'Most of our relatives who take our children away overwork them and do not allow them to go to school' (30 year old, female farmer, rural Kono district).*

*'Consider someone like me, having parents who are poor and who stay far in the interior. I stay with someone who is not my parent and he uses me as a slave for his own children, overloading me with all the work in the house. I'm not sent to school, I don't have good clothing and I don't get sufficient food; yet I do trading to bring income into the house while the children with parents are living a high life and getting all the opportunities and privileges'- non-orphan, Freetown (Foord and Paine, 2005: 51).*

Importantly, child placement is not in and of itself a negative cultural practice. It is, like many social practices, borne of a specific socio-economic context and constitutes a strategic effort to negotiate what is often a difficult economic environment. In situations where child placement is genuine, it can result in a positive experience for the child including receiving an education that would not have been possible in the village.<sup>102</sup> A male village chief in rural Kono observed, 'if a child is fortunate and falls into good hands and is well taken care of and becomes educated with the brighter future, it saves the family from poverty and improves the status of the family'. As another adult man in Freetown observed, 'we say that the children who go to school will make a better future and can help to support their parents. Society depends on them so we must educate them'.

Child placement is problematic when it is abused, when the child does not receive the promises made (whether education, an apprenticeship or paid work), is exploited and the separation/migration from their family is used to make this possible.<sup>103</sup> One 35 year old mother of three from Kenema, 'some of our relatives do not take care of our children who migrate. This leads to suffering on the part of the migrating child'. At times, it can be complicated to disentangle cases of child trafficking from those of genuine child placements,

<sup>101</sup> Interview with Patrick Bangura, PSDO, MSWGCA, Kenema, August 5, 2005.

<sup>102</sup> Explained one man from outside Freetown who was raising his brother's children alongside his own, 'there are so many children in our area who are from relatives in the village. In my community there are about 3,000 people and maybe 70% of them have a child staying with them from a relative who they send to school. In my community, all of the children go to school. But this is not always the case. It is also common that children are forced to work and don't ever go to school.'

<sup>103</sup> This form of trafficking exploits the child's separation from parents. For most rural villagers, travel to the town or city is expensive and is not feasible and telephone communication is not possible. This means child placement is not generally monitored by parents, leaving space for abuse. Said one man who cares for his brothers children, 'My brother and his wife come often to visit because they have business in the city and they always come to see the children. But it is very common that when people in the village send their children, they don't have contact. Sometimes maybe five years and they never see their child'. One woman and mother of six from rural Kenema noted, 'even when parents know where their children are, they cannot get in contact with them because they cannot afford the transportation cost to visit these children. If the children do not have the means, they too will not be able to get in touch with their parents or other family members'. In one village in rural Kono, all women who had a child who had migrated had not had contact with the child since they left, with periods ranging from three to eight years.

particularly where the child is required to undertake work for the relative. Here again we return to the question of what constitutes exploitation in such circumstances. This requires careful thought in terms of marking the boundaries between trafficking, child labour, and genuine child placement or fostering.

Because of strong kin relations in Sierra Leone, it is difficult for people (adults and children) to speak out against relations who have exploited them. This is likely to impede the investigation and prosecution of trafficking cases. That being said, some parents are speaking out about these abuses. MSWGCA PSDO Patrick Bangura reports,

*'We have a lot of complaints that came to the Ministry, where the parents are not satisfied with the care that their children receive. We also have reports by parents that the child was taken by a relative, especially girls, but since then they have had no contact with the child. Children are not always safe in child minding so we need to look at this very carefully and there needs to be monitoring.'*<sup>104</sup>

#### **6.3.4: Debt Bondage or Bonded Labour**

While forced and bonded labour is prohibited under the constitution, these practices continue to exist (US Dept of Labour 2004: 363, US Dept of State 2005). The practice of loaning or renting out one's own labour or that of a family member to pay off a debt of earned income is not an uncommon economic, survival strategy in Sierra Leone. As one NGO staff explained, 'It is common that when people owe money, they will offer themselves and their services to pay off the debt. They might also offer their children's services to help pay the debt off faster. This practice is called *kpombeh* in Mende language'.<sup>105</sup> Under the Chiefdom's Council Act, individual chiefs may impose forced labour as punishment. They also may require members of their villages to contribute to the improvement of common areas, although there is no penalty for non-compliance. There were also reports of bonded labour in rural areas and debt bondage among alluvial diamond diggers and miners (US Dept of State 2005).

That these practices are cultural and historical practices serves to explain, at least in part, their continuation in the present and their seeming acceptability amongst some segments of society. It also serves as a facilitator in its preservation and perpetuation. Efforts to combat trafficking in persons must be cognizant of these social norms and consider how to strategically work against them.

#### **Case Study 15: Debt Bondage**

'Susan' is a twelve-year old girl from Kailahun district. Her father was in debt. He had borrowed money from another man to pursue a land case in the courts and was unable to pay back the debts he had incurred. In response, his daughter was taken from home to another town and forced to work on a farm for a year to pay back her father's debt.

Source: NMDHR 2005: 9

#### **6.3.5: Karamoko**

*Karamokos* are Quranic scholars who manage schools where children receive Quranic instruction.<sup>106</sup> Parents place their children with scholars to provide them an opportunity to learn and, in exchange, the child is to undertake light chores for the *Karamoko*. The practice affords children access to education when it might not otherwise have been possible. However, this system is sometimes abused by the *Karamoko*, with children exploited as

<sup>104</sup> Interview with Patrick Bangura, PSDO, MSWGCA, Kenema, August 5, 2005.

<sup>105</sup> Interview with Alberta Kaikai, Faith Consortium, Freetown, Sierra Leone, July 30, 2005.

<sup>106</sup> A similar pattern was noted in Senegal where *Marabouts* (Quranic scholars) exploit children as *talibés*, recruiting them from rural areas and requiring them to beg in urban centers. Parents believe that the *marabout* will care for their child and give him religious instruction. However, one 1999 study found that the *talibés* spend only 30 percent of their time memorizing the Quran (Bop et al. 2004: 7, 27-28).

labourers or rented out to other farms. Other children may be obliged to beg on behalf of the *Karamoko* by singing and reciting the Quran on the street in exchange for money (NMDHR 2005: 7). Circumstances may be classified as trafficking when the *Karamoko* (or persons associated with the Quranic school) are actively engaged in the recruitment and/or transferring of these children and/or their subsequent exploitation. Cases may technically fall within the trafficking definition where *Karamoko* have harboured and/or received these children and subsequently exploited them.<sup>107</sup>

#### **6.3.6: Ethnicity<sup>108</sup>**

It may also be that vulnerability is informed by a child's ethnicity. In some areas of the world, ethnic minorities are heavily represented amongst trafficking victims.<sup>109</sup> This may be due to social practices within the ethnic group that potentially intersect with trafficking, such as normative migration or practices of arranged marriage. It may also be tied to greater vulnerability of ethnic minorities, who may be socially and economically disenfranchised within their communities.

While ethnicity was not highlighted as a critical factor in trafficking in Sierra Leone, insufficient attention has been paid to this indicator to draw substantive conclusions. Ethnicity is an important variable in Sierra Leone in terms of identity, relationships, behaviour and worldview and, on a number of occasions, explanations for a specific behaviour were couched by pointing out an individual's ethnicity. Further, discrimination along ethnic lines allegedly informs government appointments, contracts, military commissions and promotions (US Dept of State 2005). As such, ethnicity does have strong currency in the country and attention to this potential site of trafficking vulnerability is worthwhile.

#### **6.3.7: Early and forced marriage**

Customary law deems a girl ready for marriage when her breasts have developed, menses has started and she has been initiated. This can be as young as 12 years. While, the statutory age of marriage is 21 years according to the Laws of Sierra Leone (1960, cap. 95 and 97), customary law is commonly followed (HRW 2003: 17).<sup>110</sup> Early marriage is common-place in rural Sierra Leone where men often identify a spouse while she is still a child and sponsor her through her schooling and initiation process, marrying her following initiation. In such marriages, the consent of the bride is not deemed essential. Under Islamic law, children can be given in marriage without their consent. Further, consent is a fluid term, with children influenced strongly by parents and, in any real sense, lacking the choice to refuse.<sup>111</sup>

Early and forced marriage may be a risk factor for trafficking. Where these marriages are exploitative, violent or unhappy, girls may seek escape, leaving them to fend for themselves. According to research from the district of Kailahun, 200 of 400 marriages undertaken in 2004

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<sup>107</sup> It may be difficult for child protection agencies to uncover and address abuses by *Karamoko* as religious sensitivities may be pronounced. Further, *Karamoko* are well-respected persons within a community and have the support of community leaders as well as the community more generally. This poses obstacles in the investigation and prosecution of any trafficking and abuse that takes place within this framework.

<sup>108</sup> Sierra Leone consists of at least 13 ethnic groups who speak distinct primary languages and are concentrated outside of urban areas. The two largest ethnic groups were the Temne in the North and the Mende in the South. Each of these groups comprised approximately 30 percent of the population. There have been reports of ethnic tension during the year (US Dept of State 2005).

<sup>109</sup> In different countries in SE Europe, ethnic minorities were strongly represented amongst trafficking victims. For example, in Albania, in 2004 between 13 to 16% of Albanian victims of sex trafficking were either of Roma or Egyptian ethnicity, while 70.4% of victims of Albanian trafficking for labour, begging or petty crime were of Roma or Egyptian ethnicity (Surtees 2005a).

<sup>110</sup> Article 16(3) of CEDAW states that betrothal and marriage of a child shall have no legal effect, while the International Covenant on Civil and Political Rights stipulates that no marriage shall be entered into without the free and full consent of intending spouses. Sierra Leone ratified CEDAW in December 1988.

<sup>111</sup> Refusal on the part of the child may entail abuse or ostracism on the part of the family (cf. HRW 2003: 17). It may also mean that the girl child does not have a future opportunity to marry, which is problematic in a society where much social value and economic security derives from a woman's role as wife and mothers.



were of girls between the ages of 12 and 14 years, a large number of whom had since abandoned their marriage homes. Some had gone abroad to seek a better life in Guinea and Liberia and some were waiting to go abroad to the Netherlands where they had been promised work as hairdressers. Others were working on yam farms on the border with Guinea in exploitative work conditions (NMDHR 2005: 8-9). Similarly, some of the child and youth prostitutes interviewed by GOAL Ireland entered prostitution after early marriages in which they were not happy. Leaving their marriages meant a loss of support from both husband and parent, which, in turn, forced them into prostitution (GOAL 2004: 73).

Seeking to avoid an early or arranged marriage can also lead to trafficking. One FSU officer in Kono district noted, 'Forced marriages arranged by parents lead to some children migrating because they do not favour such marriages'.<sup>112</sup> Similarly, one 17 year old girl from rural Kambia district explained, 'Some parents sent their girls into forced marriages. Girls who refuse such marriages flee the town to go elsewhere'. In their efforts to escape, these girls may fall prey to traffickers. As such, it is not only in conforming to tradition but also in rejecting it that vulnerability can occur. For example, AFC in Makeni assisted three girls who left their village because they were being forced to marry. They were identified as vulnerable girls by the MSWGCA in Makeni town and referred to AFC for assistance.<sup>113</sup>

Early marriages pose a number of problems for girls and women, including the end of their education, disruption to personal development and early pregnancy. For example, low education (most girls leave school when married) limits girl's economic options and bargaining power, rendering them vulnerable to exploitative employment and trafficking. Similarly, disruption to personal development generally means they have inadequate skills to negotiate adult situations, including working conditions and contracts, seeking assistance in exploitative situations, etc. As critically, young mothers may need to accept risky work offers when faced with the economic burden of supporting their children. This is particularly pressing in cases of divorce where the girl lacks the financial support of her husband.

Marriage offers may also serve as a guise for trafficking, a pattern documented in other regions.<sup>114</sup> One NGO source reported cases where the movement and recruitment were essentially with the promise of marriage; 'we had one case, for example, of a girl taken from her village to the town of Bo where she was required to work for her new husband. It was more labour exploitation than marriage. Marriage promises might end up being for sexual exploitation or labour exploitation'.<sup>115</sup>

## **6.4: Social Factors**

### **6.4.1: Limited Education**

Many children receive little or no education in Sierra Leone. To some degree, lack of education has a gender complexion. Girls are only 42% of primary school students, a gap that increases substantially at higher levels of education. In university, girls account for only 19%

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<sup>112</sup> Interview with Tamba Keimbay, Detective Police Constable, FSU, Koidu, Kono, August 3, 2005. Similar observations were made by SLP representatives from Makeni town. Interview with Inspector O.S. Newland, Family Support Unit & Assistant Superintendent of Police Alie Kortis Koroma, CID, Makeni, Bombali, August 1, 2005.

<sup>113</sup> Interview with John Kamara, Abu Bakar Jalloh & Andrew Koroma, Social workers, AFC, Makeni, Sierra Leone, August 3, 2005.

<sup>114</sup> Amongst Albanian women trafficked for sexual exploitation in 2003 and 2004, a noticeable percentage of recruiters were men with whom the victim was in an intimate relationship. Recruitment by 'husbands', 'lovers', 'fiancees' and 'boyfriends' parallels a recruitment method used in the Netherlands called, the 'lover boy method', whereby the man initiates a relationship with the girl/woman with the intention of exploiting and trafficking her. Accordingly, women entered what they believed to be a genuine relationship and were subsequently pressured by their husbands or boyfriends to engage in prostitution. They were asked to do this to raise money to address a family crisis (i.e. a brother in jail, an ailing grandmother) or to help the man fulfil his dream (i.e. live abroad, buy a house). Attention should be paid to the particular dynamics of recruitment by intimate partners as it is a common and insidious recruitment method. It is also a very effective means of control, which poses problems both for escape from traffickers and for reintegration (Surtees 2005a).

<sup>115</sup> Interview with Alberta Kaikai, Faith Consortium, Freetown, Sierra Leone, July 30, 2005.

of students (Government of Sierra Leone 2005: viii). Similarly, adult literacy is a dramatically low 30%, with only 21% of women being literate (Government of Sierra Leone 2005: 19).<sup>116</sup> However, it is not only girl children who receive little education. Other sub-groups of children – both boys and girls – also do not have access to education, which, in turn, impacts their risk of exploitation. This includes children from rural areas where schools are not available, children from poor families who cannot afford school fees or need the child to generate income, etc. In addition, low education is due, in part, to the low quality of education currently available.<sup>117</sup> One source also asserted that some parents may prefer not to send their children to school for strategic reasons; ‘Often times people don’t want to send their children to school because they won’t stay in the village then. Sending them to school means they have big ideas and ambitions and won’t stay to support the family or work on the farm’.

Low education and illiteracy means children (and later adults) are poorly equipped for the job market or migration, which places them in a vulnerable position and without bargaining power. They are often forced to accept poorly paid jobs, which diminishes the possibility for economic independence. They are unlikely to be able read or understand work contracts or their travel and work documents. Children without adequate education are often without negotiation skills, which may increase their vulnerability. Low education or illiteracy also decreases their chance of accessing assistance, being unaware of their rights, unaware of the services available in the destination country or city and unable to read signs and directions to where they might seek assistance. Such conditions are exacerbated when the individual has been trafficked to a foreign country and may not speak the language or have any knowledge of where to seek assistance.

Lack of educational opportunity in home communities can also lead directly to child migration and, by implication, trafficking in some cases. Many children and community members cited the desire for further education as the main reason for child migration.

*‘There are not many secondary schools in the rural areas, therefore, on completion of their primary education, most of these children will come to Koidu to further their education especially NPSE candidates, who have been successful. Lack of sufficient qualified teachers in the village schools is one factor that causes the migration of primary school children who may be a long way to attempt the NPSE... Most of the children who abscond from the villages do so because they want to come to Koidu to attend schools’ (FSU Officer, Kono District).*

*‘The reason why children are leaving this town is because they are finding it very difficult to cope with the way education is in this village. We are not satisfied with the teachers because majorities of the teachers are not qualified. Besides that they are not teaching our children well. The educational standards in the schools are very low compared to other schools in the big towns’ (female, 45 years, hairdresser, Pujehun district).*

*‘Many children want to further education beyond form three. They are forced to migrate as there are insufficient teachers here’ (16 year old male, rural Kono).*

*‘The reasons why most of our brothers migrate is because there is only a Junior Secondary School. For children who may wait to further their education, they must leave the town to enable them do so’ (15 year old male, rural Kambia).*

*‘It is a very common practice that children migrate from here because of poor*

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<sup>116</sup> Under the government policy on education, special efforts will be made to encourage girls to stay in school, including subsidizing girls education at junior secondary school. This will be for all girls by 2007 and since 2003 applied to girls in the Eastern and Northern regions (Government of Sierra Leone 2005: x, 20).

<sup>117</sup> Following the war, resuscitation of the education system was an urgent priority. However, the rapid expansion of schools led to low quality of education because of the need to staff the schools and the inadequate number of qualified teachers (Government of Sierra Leone 2005: 20).

*schooling system and migrate to Liberia and also other places to further their education as there is no secondary school present here and also lack of teachers or even school building. In the rains there is no school, because there is no structure for even the primary school' (17 year old female, rural Pujehun).*

#### **6.4.2: Violence, maltreatment and neglect in the home**

Environments where violence in the family is present, including violence between spouses, physical and/or sexual abuse of children, are those which children are likely to flee. This, in turn, exposes them to the risk of trafficking as well as other forms of exploitation. In Sierra Leone, this appears also to be the case. Take, for example, the case of Hannah, a 13-year-old girl, who attempted to migrate from Makeni to Freetown on foot due to serious maltreatment from her aunt in Makeni. She attempted the long trek to Freetown to re-unite with her mother'.<sup>118</sup> In another instance, a young woman was promised by her parents in marriage to an old man but she refused. They beat her because of her refusal. Eventually she fled home and turned to prostitution to survive.<sup>119</sup>

Community members cited problems within the family as a not insignificant contributor in the decision to migrate.

*'Some stepmothers force the boys out of the parent's homes' (15 year old from rural Kambia).*

*'Also children migrate because of the abuse in the form of beatings and ill treatment by parents. Some children also move out because they feel rejected by their families' (35 year old male trader and farmer, Bombali district).*

*'Some children migrate because they are maltreated by their parents' (village chief, male, Kailahun district)*

#### **6.5: Personal characteristics and Individual Identity**

While there are generalised social, cultural, political and economic conditions that intersect with trafficking, so to is vulnerability informed by individual identify and personal characteristics.

##### **6.5.1: Adventurism and rebellion**

In some research on trafficking, attention has been paid to more subtle variables, such as adventurism and rebellion amongst children and youth, which can lead to trafficking risk (Surtees 2005a, Alexandru & Lazaroiu 2003, Dottridge 2004). Children who migrate are not always the most naïve and vulnerable; many are adventurous, rebellious and have dreams and aspirations that take them beyond the confines of family and community. It is in this process of following their ambitions that some children (and adults) fall victim to trafficking. Social workers working with street children also noted that many had left home not only because of a need for money but also because they were seeking adventure and had been influenced by their peers.<sup>120</sup> Similar observations were made about child miners and child prostitutes. For example, 6% of child miners said the child/ward was in mining out of disobedience (World Vision 2002: 36). Further, 22.9% of street kids surveyed in Kenema said they didn't want to go home because they wanted independence; 5.3% in Makeni (Norman 2003: 35-36). From a survey of parents of disadvantaged children and youth, 23.9% reported the child left home because of lack of discipline and rebellion. And 20.8% of children and youth in prostitution reported that 'freedom' was the main advantage to this activity (GOAL 2004: 29, 65).

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<sup>118</sup> Interview with Inspector O.S. Newland, Family Support Unit & Assistant Superintendent of Police Alie Kortis Koroma, CID, Makeni, Bombali, August 1, 2005.

<sup>119</sup> Interview with Juliana Konteh, Director, Women in Crisis Movement, Freetown, Sierra Leone, July 27, 2005;

<sup>120</sup> Interview with Carlos Fiatarone (Volunteer) and Momoh Kargbo (Social Workers), Don Bosco, Freetown, Sierra Leone, July 30, 2005.

Many different sources – community members and professionals – flagged these dynamics as a contributor in child migration and trafficking.

*'Some may be attracted by life in the city. Change of environment. Some migrate for the purpose of education or to learn trades. Teenage life, some may want to be adventurous' (FSU officer, Kenema district).*

*'If parents are strict, the girls leave the home to other towns where they can live on their own' (13 year old female, rural Kambia).*

*'The reasons that girls migrate is that most don't want to be under the control of parents as they want to live a free life' (village chief, male, Kono district).*

*'There are others who may just decide to go and have a taste of life in the city' (FSU officer, Kono district).*

*'Some migrate because of adventure; they move with the hope of seeing, knowing and experiencing life in big towns like Freetown' (27 year old male, Bombali district).*

*'Some children migrate on their own because they do not want to be disciplined by their parents. They do not want parental restrictions of their activities' (male leader, Pujehun district).*

*'Children may decide to migrate in order to be exposed to civilisation and city life' (village chief, male, Kambia district).*

Some also migrate because of their 'bad behaviour' or rebellion against social norms while in the village, which makes it difficult to remain.

*'Some boys flee from persecution especially when they impregnate teenage girls. They receive stiff penalties from the girl's parents' (13 year old male, rural Kono).*

*'Some children are troublesome, so their parents decide to send them out to people to handle them, so that their character will be refined' (10 year old female, rural Pujehun).*

The link between trafficking and youth rebellion and adventurism should be examined as an essential first step in prevention efforts (who to target, what message are appropriate, what mediums to use) as well as how to implement more effective reintegration programmes.

#### Case Study 16: Teenage Rebellion

'Susan' lived with her family in the Western Area. She had a male friend of her own age with whom she was in love. Sometimes she would sneak out to meet him. When their families found out, they were furious, thinking this was undignified behaviour. Her family forbade her to see him again. They also kept much closer control on her movements. Frustrated with the lack of freedom, she ran away from home. She lived on the street in Freetown for some time and then disappeared altogether.

A few months later, NGO COOPI was referred the case through UNICEF because 'Susan' was identified in Liberia. Her family was traced and she was reintegrated with her family. However, after only a few months with her family, she ran away again. The NGO has not been able to trace her.

Source: COOPI, Freetown

### 6.5.2: Peer Influence

Peer pressure also played a role in decisions made by children and youth that can enhance their vulnerability to trafficking. Said one FSU officer from Kenema of the recruitment process, 'Peer groups influence may also lead to migration of children... The children normally follow people they know because children have more confidence in people they know'.<sup>121</sup> For example, amongst child miners, 4% reported entering mining because 'all of my friends were doing it' (World Vision 2002: 17). Similarly, 3.9% of disadvantaged children and youth left home initially due to peer influence and the main reasons for being on street were the ability to earn money and wanting to hang out with friend (GOAL 2004: 10, 29). And 17.7% of prostitutes surveyed reported that peer influence was the main reason for engaging in prostitution.<sup>122</sup> As a corollary, for 25% of child and youth prostitutes, one of the main advantages of prostitution was being able to 'hang around with friends' (GOAL 2004: 65). Similar findings were noted amongst street children surveyed in Makeni and Kenema where 48.4% and 44.9% respectively said 'hanging out with friends' was the best part of living on the street (Norman 2003: 27-28).

*'They want to gain social prestige among their peers and they think they can only achieve this feat if they migrate to the big town' (married woman and mother, Bombali district)*

*'Some children would migrate on their own because of the influence from their friends who may give them beautiful and promising experiences about life outside the village' (village chief, male, Kenema).*

*'Children of these days admire their peers. They want to be like their peers so without any promise they can follow their peers to different places' (female trader, married, 21 years, Kono district).*

*'It is more common with the girls to migrate more than the boys from this town, as most girls are influenced by their peer groups with regards fashion dressing that are coming from other urban areas' (17 year old male, Kailahun district).*

*'Most of the children that came from these urban towns explain to their companions how they live in the city and the type of social amenities they are exposed to; this triggers most children to migrate' (male, court clerk, rural dweller, Bombali district).*

*'Some of our children who migrate follow bad friends who introduce them to all sorts of vices like drugs and alcoholism' (40 year old woman, housewife and mother, Kono district).*

*'The reasons that girl children migrate are due to poverty, as their parents don't have the upper hand to encourage them, they eventually move to place where life will be much better for them, or being influenced by peer group and engage in prostitution to earn money...' (17 year old male, rural Pujehun).*

The role of peer groups is an important one amongst children and adolescents. Importantly, it can and should be mobilised in prevention campaigns on trafficking. As well, peer educators and counsellors can be mobilised in assistance programmes.

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<sup>121</sup> Interview with Ola Williams, Assistant Superintendent of Police, SLP, Kenema, August 7, 2005.

<sup>122</sup> Other reasons included poverty (34.3%), to earn living (36.5%), sexual and physical abuse (5.2%), influenced by parents/relatives (2.1%), love for money (2.1%), other (2.1%) (GOAL 2004: 65).

## Chapter 7: Vulnerable Groups

While many children within Sierra Leone may be deemed vulnerable to trafficking, there are some sub-groups of children who are particularly 'at risk'. Particular attention to these groups is essential in prevention efforts. There is also a need to monitor the emergence of other vulnerable groups.

### 7.1: Street Children<sup>123</sup>

Children living and working on the streets may, in some cases, have been trafficked to the city where they are exploited for work or for prostitution. As social workers from GOAL Ireland observed, 'Many have been brought from the provinces having been promised schooling in the city. In the city they are not sent to school but instead must work. They are often punished if they don't bring enough money and are also often abused at home. This can then lead them to leave the home and end up as a street child'.<sup>124</sup>

*'I am in the street because of the maltreatment received from my uncle. He sent his own children to school but I was left to do the domestic work; my food was insufficient and he beat me for minor things. He took me from my parents because of their poor financial status and said he would care for me; but when I came to him it was different to what he'd told my parents' (one street girl from Bombali, Foord and Paine 2005: 67).*

*'most of them used these children as domestic slaves as they do all the work at home... The misuse of these children leads most of them into the street' (17 year old male, Kailahun district).*

Equally salient, however, is that children living and working on the street may fall victim to trafficking as they may accept offers of work, study or overseas adventures by recruiters who target this particular group. As one social worker observed,

*'Street children are often easily manipulated and lured. They are looking for someone to care for them and will accept love or support from anyone. So someone that shows them support or affection or money can easily persuade them. Although this also depends on the age – older kids are more wary and know that they need to be suspicious. They are more independent and streetwise. Kids between 8 and 10 years are so vulnerable and easy to trust and can be easily manipulated'.<sup>125</sup>*

Currently in Sierra Leone a survey found over 3,000 street children living in six urban centres (UNICEF 2005b). As the phenomenon of street children is linked in important ways with child trafficking, the relationship and points of intersection merit increased and urgent attention.<sup>126</sup>

#### Case Study 17: Trafficking and Street Children

One village chief recounted his own experience:

<sup>123</sup> In Sierra Leone, the term 'street children' refers both to children who are permanently living and working on the street as well as those who may work on the street during the day but return to relatives in the evening for sleep and/or food. Of the disadvantaged children and youth surveyed by GOAL Ireland, 34.7% were living with relatives and 71.3% go home on a daily basis. Their main reasons for being on the street were the ability to earn money and wanting to hang out with friends (GOAL 2004: 9, 10).

<sup>124</sup> Interview with Peter Middlesmiss, Mohamed Sosie Kanneh, Tommy Vandy and Abass Kamara, GOAL Ireland, Freetown, Sierra Leone, July 28, 2005.

<sup>125</sup> Interview with Carlos Fiatarone (Volunteer) and Momoh Kargbo (Social Worker), Don Bosco, Freetown, Sierra Leone, July 30, 2005.

<sup>126</sup> Street families may also fall victim to trafficking. In countries like Moldova and Romania, entire families have been trafficked for labour, begging and petty crime (Surtees 2005a). This, too, is a child protection issue.

*'My boy child migrated from here in 1990 when he was 8 years old. My sister living in Freetown came here and requested that she foster him, promising to educate him. She was not paid for facilitating the migration. Whilst the boy was with her, she did not fulfil her promise of sending him to school. She used the boy to do most of her household work. The boy spent most of the daytime fetching water for the household'.*

*'One day the plastic container that the boy used to fetch water fell off his head and was damaged. Because of this she gave him a severe beating; this caused the boy to run out of the house and went to the street. He became a street boy in Freetown. He was living in the street for 11 years'.*

## 7.2: Child Prostitutes

Significant numbers of children in Sierra Leone are involved in prostitution. While there are no concrete numbers, some signals can be found within beneficiaries of NGO programmes. GOAL Ireland conducted a survey of 96 prostitutes, 31.3% of whom were under 20 years of age (GOAL 2004: 60) and the NGO Women in Crisis Movement reported that about 60% of the prostitutes assisted by the organisation were under 18 years of age. While not all prostitutes have been trafficked, in the case of children, much prostitution is likely trafficking, involving as it often does, the process (recruitment, transfer, receipt, etc.) and exploitation. Movement was a frequently reported characteristic of prostitution in Sierra Leone, with approximately 55% of the 96 prostitutes surveyed being from outside of Freetown or another country (10.4% were Liberian, 4.2% were Guinean and 41.7% originated from outside the Western Area) (GOAL 2004: 60). Some children were brought to the city with the express purpose of exploiting them for sexual exploitation and prostitution.

The prostitution arena is also potentially a fertile recruiting ground for trafficking. Offers of work and high earnings in other countries (or even towns/cities) are likely to be very persuasive where earnings in other sectors are low.<sup>127</sup> Opportunities are so constrained in Sierra Leone that even wealthier, educated girls and women may accept work in prostitution abroad.

As well, child trafficking can lead to prostitution. Children trafficked for domestic work or trading in the city may find the conditions so deplorable that they seek to escape. However, having escaped they have few economic options (due in part by their lack of education) but to do odd jobs, begging, petty crime or prostitution. One young girl brought to Makeni by her aunt faced precisely this situation. She had been promised that she would attend school but when she arrived in Makeni her aunt forced her to work as a domestic worker. Not only were the hours long and the work hard but she was most upset because her aunt's children were allowed to attend school while she had to work. After some time she fled her aunt's home. She started with prostitution because there was no other work that she could do and she needed to survive.<sup>128</sup>

<sup>127</sup> Earnings within the prostitution arena varied, as outlined in the table below. The Sierra Leone Integrated Household Survey (SLIHS) defined those in poverty as those living on less than 2,111 Leones a day (approximately 0.73 USD) (Government of Sierra Leone 2005: 7). As such, even the poorest paid prostitutes were often earning more than many people in the country.

Table 8: Daily Earnings in the prostitution arena, 2004 (GOAL 2004)

Daily Earnings (in Sierra Leonean Leones – Le)	Percentage of prostitutes earning this amount
Less than 10,000	6.3%
10,000 to 19,999	9.4%
20,000 to 29,999	13.5%
30,000 to 39,999	5.2%
40,000 to 49,999	10.4%
+50,000	7.3%
Variable	47.9%

<sup>128</sup> Interview with Rossetta Kobba & Augustine Conteh, AFC (SAG), Makeni, Sierra Leone, August 3, 2005.

### 7.3: Disabled Persons

In Sierra Leone, there are a noteworthy number of disabled persons. In some cases disabilities are a result of the war (war injuries or maiming by rebel forces<sup>129</sup>), while others are the result of birth defects or disease like polio. Disabled persons are less able to work in regular occupations and feature prominently among the unemployed. This may render them more vulnerable to recruitment for work or begging within Sierra Leone as well as abroad.

Perhaps worth noting is that there is a high rate of disabilities amongst many victims of trafficking for begging identified in Southeastern Europe and the European Union.<sup>130</sup> As many Sierra Leoneans are disabled because of the war and still others due to disease, this group may prove particularly vulnerable to trafficking. This is a site of vulnerability to be considered in prevention and protection efforts. There is, however, no evidence at this time of organized trafficking operations in Sierra Leone for begging similar to those in parts of South and South East Asia where traffickers disable or disfigure victims for the purpose of garnering more sympathy (and, thus, more profit) while begging.

In addition to the potential recruitment of disabled persons, there is also a potential vulnerability amongst children of disabled persons. These children are often the sole source of support for the family, with parents unable to find work. Importantly, even with income generation programmes in sending areas, it may not be possible for disabled parents to work or participate effectively in these programmes. This then means that children of the disabled remain vulnerable to promises of work and good salaries either within the country or abroad.

There are no government policies or programmes specifically targeting persons with disabilities or their families. While there is no direct discrimination against disabled persons within housing and education sectors, neither is there preferential treatment based on their specific needs. Further, given the high rate of general unemployment, work opportunities for persons with disabilities are limited. Individuals maimed during the war were more likely to have received some assistance from humanitarian organizations (i.e. reconstructive surgery, prostheses, and vocational training). However, amputees complained that they did not receive sufficient assistance, particularly when compared to that received by ex-combatants (US State Dept 2005).

### 7.4: Internally Displaced Persons (IDPs) and Refugees

Elsewhere in the world, a link has been made between IDPs/refugees and trafficking vulnerability. Preliminary findings signal that this may also be the case in Sierra Leone. For example, 31% of child labourers in the mines in 2002 were refugees and 52% were IDPs (World Vision 2002: 17), many of whom may be seen as victims of trafficking.

In 2004, 280,000 Sierra Leoneans were repatriated (UNHCR 2004: 11). This mass return was supported by UNHCR and its implementing partners and assistance is provided as a part of this return process. However, returning refugees can still be considered potentially vulnerable, depending upon their economic situation as well as their reception within home communities. Some attention should be paid to the vulnerability of these returnees in terms of trafficking and exploitation more generally. Reintegration, particularly given the dire economic circumstances of the country, is difficult, which can translate into vulnerability and abuse. There were, for example, numerous reports that refugees and IDPs returned to find their homes occupied, leaving them without proper accommodation (US Dept of State 2005).<sup>131</sup>

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<sup>129</sup> During the war, 100,000 people were disabled as a result of RUF mutilations (Heyzer nd).

<sup>130</sup> Persons with physical and mental disabilities were increasingly noted amongst assisted trafficking victims in SE Europe in 2003 and 2004. This trend was particularly noted in Serbia and Albania, although disabled victims were also noted from Romania, Bulgaria and Moldova (Surtees 2005a). As well, disabled persons also factors among trafficking victims in SE Asia, such as those trafficked from Cambodia to Thailand (Derks 1998, Surtees 2000).

<sup>131</sup> Currently there are about 10,000 Sierra Leonean refugees abroad – 5,650 in the Gambia, 2,368 in Liberia, 1,840 in Guinea and 1,335 in Ghana (Interview with George Kuchio, UNHCR, Freetown, Sierra Leone, August 2, 2005).



As well, there are currently 62,000 refugees in Sierra Leone, the majority of whom are from Liberia.<sup>132</sup> These refugees are likely vulnerable to recruitment for forms of labour, which can result in trafficking.<sup>133</sup> Further, the high rates of pregnancy amongst girls in these camps signals the risk that these female refugees are exposed to sexual exploitation within the camps (US State Dept 2005)<sup>134</sup> and are also vulnerable to trafficking for sexual exploitation. That being said, UNHCR reported no cases of trafficking in persons amongst refugees. However, as freedom of movement is afforded to all refugees in camps, it is difficult for UNHCR to state unequivocally that refugees who have left the camps have not been trafficked.

### 7.5: Unaccompanied minors (UAMs)

UAMs and 'separated children' are potentially vulnerable to trafficking. Minors often move in search of education, work or status in a foreign country or as refugees. They lack the protection of adults and may be particularly susceptible to offers of work or education. They also lack the capacity to assess risk and dangerous situations. UAMs may also be in the trafficking stream. In some cases traffickers are known to have manipulated the immigration procedures in destination countries. The child is instructed to enter the country and claim asylum as a UAM and then to leave the centre after a few days or weeks to meet up again with the trafficker (Dottridge 2004: 48).<sup>135</sup>

Sierra Leonean UAMs have been identified in West Africa and within the EU. Minors who seek asylum within the EU are sent to reception centres where they are to be housed while their application is processed. Minors are often housed alongside adults, endure time-consuming application procedures and do not receive tailored assistance to support them in the asylum process. This leads many minors to leave reception centres ('disappear'),<sup>136</sup> at which point they may fall victim to traffickers, who represent an alternative way to either stay in the country or gain access to another (Costner 2003). As is outlined in table 5 (above), there are Sierra Leonean unaccompanied minors in EU countries, most notably in the Netherlands. There are also UAMs in other countries in West Africa, such as Guinea and Liberia.

### 7.6: Orphans

A large number of children – some estimate as many as 14% – lost both of their parents as a result of the civil conflict in Sierra Leone, leaving them without parental care and support

<sup>132</sup> Interview with George Kuchio, UNHCR, Freetown, Sierra Leone, August 2, 2005. Sierra Leonean law does not provide for asylum or refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees or its 1967 Protocol. Nevertheless, the Government currently provides protection against *refoulement* (return to a country where the individual fears persecution) and grants refugee status and asylum in cooperation with UNHCR and other organizations. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention on Refugees or its 1967 Protocol (US Dept of State 2005).

<sup>133</sup> According to the US Dept of State (2005), some refugee camps in Sierra Leone camps in 2004 were unable to provide adequate food or shelter for arriving refugees. However, UNHCR reported that food provisions were in accordance with the U.N. standard of 2,100 calories per day per person and that every family was given private quarters.

<sup>134</sup> In 2002, Save the Children and UNHCR documented cases of women and girls engaging in 'survival sex', forced to have sex with aid workers to secure aid provisions for their families (Heyzer nd). The government, NGOs, international organizations and the United Nations have taken steps to address this serious issue. See Chapter 9.3.3: Trafficking related National Policy, Structures and Bodies. See *Coordinating Committee for the Prevention of Sexual Exploitation and Abuse*.

<sup>135</sup> Between 1998 and 2002, in one school for unaccompanied minors in Athens, 487 of the 644 children referred there by the public prosecutor disappeared (Dottridge 2004: 48).

<sup>136</sup> Belgian NGO Child Focus identifies three categories of disappearances: 1) minors that don't reach the reception centres. When intercepted by authorities, they are given a train ticket and an address and must travel to the centres on their own, rendering them vulnerable to traffickers; 2) minors who give a private address or who are sent somewhere by the authorities. These minors often leave without anyone noticing. When they do not show up for the interview, they are merely crossed off the list; and 3) those that disappear from the centre or foster families after a period of time (Costner 2003).

(Foord & Paine 2005, PHR 2002: 28). Such children may be particularly likely to migrate in search of family or support and in so doing, become vulnerable to trafficking.

*'Girls that are orphans who have lost both parents, they may therefore follow friends whose parents are well to do' (55 year old female trader, Kailahun district).*

*'There are [orphans] who move to urban centres to look for people to adopt them and help them with their education' (female, community leader, Kailahun district).*

*'Some children have lost one or both parents and do not have relatives who can take up their responsibilities. These children are not well cared for in this town so they migrate to other towns where they think they can be cared for' (13 year old female, rural Kambia).*

*'Most of the children living here are orphans... Some of these children suffer greatly as they are responsible for themselves, they go into the bushes and fetch wood to sell, before they can earn their living, also they work on the farms for people and they pay them, and some who want to go to school pay for themselves. But as it goes, the constraints are too much for them, they are unable to undertake it and so at the end they migrate to other places where they think life would be better of for them' (14 year old female, Kailahun district).*

Even in cases where orphans are taken in by relatives or neighbours they may still be trafficked. Some are vulnerable because they run away after being maltreated by their carers:

*'Particularly ones who have lost their parents, they're the ones tortured, beaten, not having sufficient food, no good clothing or shelter to sleep and given heavy loads to carry on their heads. Many houses in the community take these orphans as domestic slaves. Children they have not borne are the ones maltreated' - community woman, rural Kono (Foord and Paine 2005: 58).*

*'I am planning to go out in the street to live on my own as I cannot continue to bear it any longer. These people I am staying with are cruel to me because I am an orphan' – orphan, urban Kono (Foord and Paine 2005: 58).*

Other orphans are directly trafficked and exploited by their carers.

*'Family members and the community are not treating these children well. People engage under-aged orphans in mining activities. They give them shovels, buckets and other mining materials to carry to the mining site. They will be there for the rest of the day, only to come home and not have enough food to eat' – community male, Kono (Foord and Paine 2005: 38-39).*

*'I know an orphan girl who stays with her aunt who led her into prostitution to get money for the home to sustain them. This was her intention of taking the orphan' – non-orphan (Foord and Paine 2005: 38-39).*

Vulnerability of orphans is pronounced in Sierra Leone where there have been allegations of adoption fraud, with some orphanage staff accused of baby trafficking or illegally giving children away for adoption.

### **7.7: Children in Conflict with the Law**

Child trafficking victims can be mis-identified as young offenders. For example, children trafficked abroad may be seen as illegal migrants and deported in response. Children trafficked for begging or petty crime may be arrested for theft, with their trafficking situation going unrecognised by authorities. Some efforts must be made to train law enforcement, probation officers and social workers who work with children in conflict with the law. There are many instances where conflict with the law is a direct result of a trafficking experience.

Similarly, children in conflict with the law may fall victim to traffickers. They may be recruited to undertake petty crime or theft in another town or country.

## **Chapter 8: Impact and Consequences of Trafficking on Child Victims**

Trafficking in persons exposes children to a wide range of exploitation and abuse – from the moment that they are moved from their family or support environment, through the transportation phase and during the period of exploitation. Children and young people find it difficult to cope with such experiences, as they have not yet fully developed coping mechanisms, which may lead to dysfunction in their behaviours. In what follows, we will consider each of the possible stages of trafficking and their impact on minors.<sup>137</sup>

### **8.1: Separation phase – separation from the child’s family or support network**

Separation from family or support networks entails the severing of ties, which have been central to the child’s sense of identity, security and well-being. Relationships with friends and playmates are also lost as is playtime and other aspects of childhood development. These relationships are generally replaced with abusive ones with the trafficker, relationships characterised by sexual violence, physical abuse and criminal action. This cannot help but impact the child’s social and psychological development. Separation also results in the child leaving school (if they have been attending school), which impacts the child’s intellectual development and will likely translate into limited economic opportunities and earning potential later in life. The central importance of movement in trafficking is that it is part of the trafficker’s conscious strategy to sever the individual’s ties with family, friends and their community.

### **8.2: Transportation phase – within the country or abroad**

In this stage, children are moved, often illegally and covertly and with the use of false or no documents. The actual transportation itself may be physically taxing for the child (travelling long distances, forced to cross borders illegally, across rough terrain) as well as frightening and disorienting (fearful of arrest, under pressure from trafficker, unsure of where they are and if help can be found). Even where borders are not crossed and movement is not covert, this phase is when the child is first under the control and direction of their trafficker, which is disruptive and frightening. This may also involve some form of violence or abuse (or threat of violence or abuse) as a means of exerting control over the child.

### **8.3: Exploitation phase**

In this period the minor is potentially exposed to a wide range of abuse – physical, sexual and psychological – which serves to create feelings of fear and helplessness and has a severely negative impact on the child and their development. During exploitation, through a combination of punishment and rewards, various forms of antisocial behaviour are instigated with the intention to garner obedience. A dramatic example of this method comes from Sierra Leone where children were abducted into the fighting forces and were forced to kill those closest to them to ensure obedience and to prevent them from returning to their family (Baucal et al. 2005). In addition, the exploitation period denies children access to education and healthy physical and intellectual development, which will have an adverse effect (on child, family and community) in the long term.

### **8.4: Post-Trafficking phase**

Where no assistance is available to children, the impacts of trafficking can continue long after the child has left their trafficking situation. Also problematic is when available services are inappropriate and care professionals lack the skills and knowledge to meet the needs of the child in sensitive and appropriate ways. Returning home without support and assistance can be very difficult and may even expose the victim to the risk of re-trafficking as the (social and economic) conditions that led to the trafficking have often not changed.

### **8.5: Impact and Consequences of Trafficking on Child Victims**

The impact of trafficking is informed not only by the stages of trafficking but the specifics of the trafficking experience itself. These include (Baucal et al. 2005):

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<sup>137</sup> For a discussion of the various stages of trafficking and the resulting (negative) impact on minors, see also Baucal et al. 2005.

- the form of exploitation (i.e. sexual exploitation,<sup>138</sup> labour, begging, petty crime, combatants, adoption<sup>139</sup>);
- the living and working conditions while trafficked;
- the duration of the trafficking experience;
- the age and development phase of the child;
- the presence, duration, intensity and frequency of abuse while trafficked;
- the specifics of the trafficking experience;
- availability and appropriateness of assistance.<sup>140</sup>

In addition to the consequences of trafficking in the individual child, it is also important to flag the consequences for the family and community. The rupturing of family ties negatively impacts the family as a whole. Relationships are severed, which can disrupt feelings of connection and belonging for all family members. Having been deprived of a normal childhood, trafficked children have not had the opportunity to develop inter-personal skills in terms of family members or peers. Trafficking generally involves having been victimized and betrayed by persons whom the victim trusted and were close to them. As such, this may impact their ability or willingness to embark on new relationships. It is also common for victims of violence to suffer from low self-esteem, which might manifest in a range of behaviours, that can cause problems in the family, including depression, shyness, lethargy, strong emotional responses, emotional numbness, etc. They might also feel shame because of the experiences they have suffered, that they have not succeeded in earning money for their families and because they feel they caused the violations experienced. All of these aspects can problematise reintegration efforts.

More generally, there are serious impacts within the community. Uneducated and poorly trained children will, in time, translate into an unskilled adult labour force. Moreover, the use of child labour depresses wages for all workers, which negatively impacts the economy more generally. Child migration and trafficking can also cause a loss of human resources from villages, leaving villages without manpower and an aging population. Said one village chief in rural Kambia, 'Migration has had a negative effect in this community as the population is fast reducing'. Further, in rural Sierra Leone, cultural traditions and family history are transmitted orally. Not having been raised in this environment means that the child will have lost out on this aspect of his/her identity and sense of personal and community history (ILO 2001: 33).

**Box 1: The impact of child migration on families and communities**

*'Through migration the child's identity and background is lost. The love and affection between children and their families wanes with time' (male, village chief, rural Bombali district)*

*'Long separation and sometimes loss of contact through migration would cause the child to neglect or abandon or completely forget about family ties' (male, village chief, Kenema district)*

<sup>138</sup> Trafficking for sexual exploitation has some specific psychological and health impacts, particularly in the case of minors. Health consequences include sexually transmitted diseases and pregnancies. Sexual exploitation also results in specific psychological problems, with traumatised victims manifesting a range of problematic feelings and behaviours. A common social response amongst victims of sexual violence is the tendency to exhibit sexual behavior, manifested as flirting, touching, etc. This is particularly likely to be the case when the victim has been sexually exploited and may conceptualize their identity in sexual terms. This type of response can be attributed to the fact that it is through sexual interaction (albeit forced) that this person has received attention in the past, that they may feel it is the only way they can express control and/or they may try to earn attention and respect through with this behavior. This type of behavior is more likely to manifest in situations where the victim feels insecure and wishes to express some control, such as in the process of discussing traumatic events (Surtees 2003, cf. Baucal et al. 2005).

<sup>139</sup> Children trafficked for adoption, particularly overseas adoption, may lose their sense of personal and community identity. Parents also suffer as a result of this trafficking, having lost their child (Baucal et al 2005).

<sup>140</sup> Critical points might include the ability to identify victims in a timely manner; provide social, psychological and medical assistance; rehabilitation and reintegration services; prevent secondary victimisation; provide legal aid and protection of the rights of victims and witnesses of trafficking; to prosecute and punish the perpetrators (Baucal et al 2005).

*'There are no advantages because the families do not benefit anything in the form of support from them' (male, village chief, rural Kambia district).*

*'The labour force, particularly from strong able bodied boys, for communal work such as town cleaning is reduced' (male, village chief, Kailahun district)*

*'Through migration the community is losing people who are expected to come together to undertake or participate in communal activities geared towards the development of the village' (male, village chief, Kenema district)*

*'Migration has had more of a negative than a positive effect on the community. For instance, a child migrating at 5 years and with that child been out for 10 or more years, coming back at age 15, it is very difficult for that child to adapt again to the way of life of the family or community he migrated from; his background has been wiped off due to migration; he has completely forgotten his background; he only has memories of it perhaps' (male, village chief, Bombali district).*

## Chapter 9: Legal and Policy Framework

This section examines the legal and policy framework currently in place internationally, at a regional level and in Sierra Leone to address trafficking in persons. It presents various declarations, conventions and action plans to which Sierra Leone is a signatory and which can be mobilised and employed in national and regional counter-trafficking efforts. As important is a consideration of the various national legislations, structures and policies, which have relevance in counter-trafficking work.

### 9.1: International Legislation and Instruments

There are myriad international instruments with elements related to countering human trafficking as well as associated practices such as forced labour and slavery-like practices.<sup>141</sup> These internationally stated commitments are of great importance. However, in and of themselves they are not sufficient to protect the rights of Sierra Leonean citizens. Rather, Sierra Leone as a member of the United Nations and signatory to various international instruments, has an obligation to formulate national legislation and policy to protect the rights articulated in these international treaties.<sup>142</sup> These international instruments provide the principles and basis for the domestication of legislation. As will be discussed later, very few international conventions and standards have been domesticated by the government of Sierra Leone, leaving space for child trafficking and other associated abuses.

#### ***The Abolition of Forced Labour Convention (no. 105) - 1957***

This ILO Convention, which supplements Convention No. 29, (Article 1) calls for the immediate and complete abolition of any form of forced or compulsory labour in five specified cases: (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; (b) as a method of mobilizing and using labour for the purposes of economic development; (c) as a means of labour discipline; (d) as a punishment for having participated in strikes; and (e) as a means of racial, social, national or religious discrimination. This convention was signed and ratified by Sierra Leone.

#### ***Minimum Age for Employment Convention (no. 138) - 1973***

This ILO Convention stipulates the minimum age for admission to employment in all sectors and a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons (Article 1). The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years (Article 3 (1)). Sierra Leone has not ratified this convention.

#### ***Convention on the Elimination of Discrimination Against Women (CEDAW) – 1978, entry into force 1981***

This Convention is the first legally binding instrument with a comprehensive approach to prohibiting discrimination against women. It defines discrimination against women to include the private and public spheres as well as direct and indirect discrimination against women. Sierra Leone signed the convention on September 21, 1988 and ratified later that year, on December 11, 1988. While there are no articles specific to trafficking there are important related issues including:

- Article 5(a) calls on parties to modify social and cultural patterns related to gender to eliminate prejudices and all other practices that are based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for women and men.

<sup>141</sup> For a comprehensive consideration of the international instruments that have relevance as tools to combat trafficking in persons, see Surtees, R. (2002) *International Instruments: Tools for Counter-Trafficking Work in Indonesia*. Indonesia: ICMC, ACILS & USAID. An abridged version of this document appears in Rosenberg, R. (2003) *Trafficking in Women and Children in Indonesia*. Jakarta, Indonesia: ICMC, ACILS and USAID.

<sup>142</sup> For full detail of the various international conventions and protocols signed and ratified by Sierra Leone, see: <http://www.hri.ca/fortherecord2000/vol2/sierraleonerr.htm>. Cf. Office of the High Commissioner for Human Rights (2002) *Human Rights Instruments*. Geneva. Available at: <http://www.unhchr.ch/html/intlinst.htm>. Site last accessed on August 20, 2005.

- Article 6 obligates states to take all appropriate measures, including legislation, to suppress all forms of traffick in women and exploitation of prostitution of women.
- Article 16(2) states the betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.
- Article 14(1) requires states to take into account the particular problems faced by rural women and their significant role in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

***Convention on the Rights of the Child (CRC) – 1989, entry into force 1990***

Almost universally ratified, this Convention bans discrimination against children and provides for special protection and rights appropriate to minors and their evolving capacities. It specifies that a primary consideration guiding all actions concerning children must be the best interests of the child, taking into account the rights and duties of parents or guardians. While the Convention does not expressly define child trafficking, the overarching child protection framework outlined in the CRC provides the essential prevention and protection mechanisms to address the issue. The convention was signed by the government of Sierra Leone on February 13, 1990 and ratified on June 18, 1990. Of particular importance in terms of trafficking are the following sections:

- Articles 9, 10 & 11: A child must not be separated from his/her parents against their will, except when it is in the best interests of the child and States are bound to ending the illegal transfer of children abroad
- Article 19: Protection against violence, injury, abuse, neglect or negligent maltreatment or exploitation (physical or mental), including sexual abuse
- Article 28 & 31: The right to education, rest and leisure
- Article 32: The right of the child to be protected from economic exploitation and from performing work harmful to his or her health or development.
- Article 34: Protection from all forms of sexual exploitation or abuse
- Article 35: Requires countries to take measures to prevent the abduction or sale of, and the trafficking in, children for any purpose or in any form.
- Article 36: Protection against all forms of exploitation which is prejudicial to child welfare
- Article 37: Freedom from torture or other cruel, inhumane or degrading treatment or punishment and any unlawful or arbitrary deprivation of liberty
- Article 39: The promotion of physical and psychological recovery and social reintegration of the child victim

***Convention on the Protection of the Rights of all Migrant Workers and Members of their Families - 1990***

This Convention is concerned with the treatment, welfare and human rights of documented and undocumented migrant workers and their families as well as the responsibilities of sending and receiving States to protect against violence, physical injury, threats or intimidation by public or private individuals, groups or institutions. The Convention extends the concept of equality of treatment between nationals and non-nationals, between male and female migrant workers and between documented and undocumented workers, with attention to eliminating exploitation throughout the entire migration process. Further, it is concerned with ending the illegal or clandestine recruitment and trafficking of migrant workers and discouraging the employment of migrant workers in an irregular or undocumented situation. Sierra Leone signed the convention on September 15, 2000 but it has not yet been ratified. With regard to trafficking, the most salient articles are:

- Article 10: Prohibits torture or cruel, inhuman or degrading treatment or punishment
- Article 11: Prohibits slavery, servitude, forced or compulsory labour
- Article 15: No migrant worker or member of his or her family shall be arbitrarily deprived of property, whether owned individually or in association with others.



- Article 16: The right to liberty and security of person; protection by the state against violence, physical injury, threats, intimidation; minimum standards with regard to verification of identity, arrest and detention
- Article 21 prohibits the unlawful confiscation or destruction of identity or official documents, documents authorizing entry, stay, residence, employment, etc.
- Article 25-30: Minimum standards with regard to labour conditions of migrant workers, remuneration, medical care and social security
- Article 40 & 41: For documented workers, the right to form associations and trade unions to protect economic, social and cultural interests and the right to equal benefits to access educational and health services.
- Article 68: The imposition of sanction against those who use violence, threats or intimidation against migrant workers in an irregular situation

***Optional Protocol to the Convention on the Elimination of Discrimination against Women – 1999, entry into force 2000***

This is a legal instrument to enable victims of gender discrimination to submit complaints to the Committee on the Elimination of Discrimination against Women. Through ratification of the Protocol, a state recognises the committee's competence to receive and consider complaints from individuals or groups within its jurisdiction in cases where they have exhausted domestic remedies. As well, the Protocol allows the committee to initiate inquiries into situations of grave or systematic violations of women's rights. An important feature of the Protocol is found in Article 17, which states that no reservations to the Protocol shall be permitted.<sup>143</sup> The protocol was signed by Sierra Leone on September 8, 2000.

***Convention on the Worst Forms of Child Labour Convention' (no. 182) – 1999***

This Convention requires ratifying States to prohibit and eliminate the worst forms of child labour for those less than 18 years of age. There is also a supplementary recommendation stating that trafficking in children is an unacceptable practice in all countries, irrespective of their level of development. The document contains guidelines for the elimination of child trafficking including conditions conducive to trafficking and protection measures for trafficked minors or children at-risk. Article 3 states that the worst forms of child labour refers to a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. Article 6 & 7 obliges states to take immediate and effective measures (including a programme of action and enforcement measures) to prohibit and eliminate trafficking in girls and boys under 18 years of age. This Convention has received widespread support, receiving 62 ratifications between its adoption in June 1999 and 1 March 2001. Sierra Leone has not ratified this convention.

***Convention against Transnational Organized Crime - 2000***

This Convention focuses on the international fight against organized crime. State parties are obligated to criminalize four offences: participation in an organized criminal group; money laundering; corruption; and obstruction of justice. The Convention outlines ways that countries can improve cooperation on such matters as extradition, mutual legal assistance, technical

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<sup>143</sup> This is significant because of the numerous and debilitating reservations which were made to CEDAW. While CEDAW permits ratification subject to reservations, no reservations may be incompatible with the object and purpose of the Convention, according to the Vienna Convention on the Law of Treaties. However, in reality, a number of States entered reservations to particular articles (especially articles 2 and 16) on the ground that national law, tradition, religion or culture is not congruent with Convention principles, and purport to justify the reservation on that basis. The large number of reservations serve to weaken CEDAW and its impact. The Government of Sierra Leone has not stated any reservations to CEDAW.

assistance, transfer of proceedings and joint investigations. It also contains provisions for victim and witness protection and protecting legal markets from infiltration by organized criminal groups. It is a critical tool in counter-trafficking efforts. Sierra Leone signed the convention on November 27, 2001 but has not yet ratified the convention.<sup>144</sup>

***Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children - 2000***

This Protocol, a supplement to the United Nations Convention against Transnational Organized Crime, includes the first international definition of trafficking in persons in United Nations instruments. A critical change from earlier legislation is that in making coercion and deception central to the definition of trafficking, prostitution is not automatically equated with trafficking and, thus, can be legal. The Convention lays down a number of provisions to fight organized crime, including mutual legal assistance between States, training and technical assistance. Its larger significance lies in that it forces a broader understanding of trafficking as well as conceptualises trafficking victims as victims rather than as criminals. However, it fails to bind state parties to the provision of assistance and protection for trafficking victims. The Protocol was signed by Sierra Leone on November 27, 2001 but has not yet been ratified. Critical articles include Article 3, which defines trafficking.<sup>145</sup> While all provisions are important, some are particularly valuable to note including Articles 6 & 7 which address assistance and protection for trafficked persons in appropriate cases and to the extent possible under domestic law and possible temporary or permanent resident status in destination countries in appropriate cases. As well, Article 9 focuses on measures to prevent and combat trafficking in persons and protect persons from re-victimisation

***Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography – 2000, entry into force 2002***

This Optional Protocol focuses exclusively on the critical issues of the sale of children, child prostitution and child pornography. It explicitly states prostitution and trafficking in children as a specific form of violating the rights of the child. The Optional Protocol was signed by Sierra Leone on September 8, 2000 and ratified on September 17, 2001. Among the critical articles for trafficking are Articles 1 & 2, which prohibit the sale of children, child prostitution and child pornography, and delineates these terms accordingly. Article 3 calls on States to ensure the criminalization of the sale of children (regardless of whether committed domestically and transnationally or by an individual or organisation) including offering, delivering or accepting a child for purposes of sexual exploitation, transfer of organs for profit or forced labour. Article 8 & 10 obliges States Parties to adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol.

***Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts – 2000***

This Optional Protocol focuses on the prevention of the recruitment of child combatants and the protection and demobilisation of existing child combatants. The protocol was signed by Sierra Leone on September 8, 2000 and ratified on May 15, 2002. Central articles for counter-trafficking include:

- Article 2: Persons who have not attained the age of 18 years cannot be compulsorily recruited into their armed forces.
- Article 4 (1): Armed groups distinct from the States armed forces should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.

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<sup>144</sup> There are currently efforts underway by the Government of Sierra Leone to ratify this and other associated conventions. In January 2005, the UNODC participated in a government workshop in Sierra Leone – the National Expert Workshop on Ratification and Implementation of the Universal Instruments against Terrorism – at which the UN Convention and supplementary protocol on trafficking in persons were on the agenda.

<sup>145</sup> Trafficking is defined as 'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments of benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs'.

- Article 6 (3): State Parties are to take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to the present Protocol are demobilized or otherwise released from service as well as accord appropriate assistance for physical and psychological recovery and social reintegration.

## 9.2: Regional Legislation and Declarations

### ***African Charter on the Rights and Welfare of the Child***

This Charter was developed by the Organisation for African Unity (OAU) in recognition of the need to take appropriate measures to promote and protect the rights and welfare of the African Child. The Charter, to which Sierra Leone is a signatory, entered into force on November 29, 1999. Trafficking is specifically addressed in Article 29 of the Charter, which obligates States to take appropriate measures to prevent the abduction, the sale of, or traffick in children and the use of children in all forms of begging. A number of other articles also have resonance in terms of child trafficking including:

- Article 4 specifies that all actions are to be taken in the best interests of the child.
- Article 15 addresses the issue of child labour and guarantees that every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's development.
- Article 21 affords protection against harmful social and cultural practices that affect the welfare, dignity and development of the child. Child marriage and the betrothal of girls and boys are prohibited and the minimum age of marriage is 18 years.
- Article 22 focuses on children in armed conflict and obliges State Parties to ensure that no child shall take a direct part in hostilities, will not be recruited and will be afforded protection alongside other civilians during armed conflict.
- Article 24 considers adoption, specifying that the system of adoption shall ensure the best interest of the child.
- Article 27 addresses sexual exploitation, with children to be protected from all forms of sexual exploitation and sexual abuse; State parties are to take measures to prevent the inducement, coercion or encouragement of a child to engage in any sexual activity; the use of children in prostitution or other sexual practices; and the use of children in pornographic activities, performances and materials (OAU 1990).

### ***Protocol to the African Charter on Human and People's Rights and the Rights of Women in Africa – 2003***

This protocol was adopted with the objective of protecting African women's human rights, committing states to protect the rights of women in Africa on the political, social, cultural and economic fronts. It is the only regionally generated standard to address the specificity of women's human rights. While reinforcing international law, the protocol also, in some cases, provides greater protections than under other international human rights treaties. However, as with CEDAW, the protocol can be undermined if States ratify it with reservations on particular provisions, which, in effect, absolves the States of the responsibility to implement the provision. A number of ratifying States have registered reservations. To date, 13 member states of the African Union have ratified the Protocol, whereas ratification is required from fifteen governments (Mukasa 2005).<sup>146</sup> Central to the issue of trafficking are the following sections:

- Article 3 guarantees women's right to dignity, including the protection of her human and legal rights; the prohibition of any exploitation or degradation of women; and the protection of women from all forms of violence, particularly sexual and verbal violence;
- Article 4 provides for the right to life, integrity and security of person including the prohibition of all forms of exploitation, cruel, inhuman or degrading punishment and treatment. States Parties are to take measures to prohibit and combat all forms of violence against women, including unwanted or forced sex whether the violence

<sup>146</sup> Cf. the following websites for details of the protocol ([http://www.achpr.org/english/\\_info/women\\_en.html](http://www.achpr.org/english/_info/women_en.html)) and the Human Rights Watch advocacy campaign to promote the ratification of the protocol (<http://hrw.org/women/africaprotocol/>). Sites last accessed October 21, 2005.

- takes place in private or public as well as prevent and condemn trafficking in women, prosecute the perpetrators of trafficking and protect those women most at risk;
- Article 5 calls for the elimination of harmful practices which negatively affect the human rights of women and which are contrary to recognised international standards;
- Article 6 ensures that no marriage shall take place without the free and full consent of both parties and stipulates the minimum age of marriage for women as 18 years;
- Article 11 calls for protection of women in armed conflict. States Parties are to protect asylum seeking women, refugees, returnees and internally displaced persons, against all forms of violence, rape and other forms of sexual exploitation, and to ensure that such acts are considered war crimes, genocide and/or crimes against humanity and that their perpetrators are brought to justice before a competent criminal jurisdiction. States Parties shall also ensure that no child, especially girls, take a direct part in hostilities and that no child is recruited as a soldier;
- Article 13 ensures economic and social welfare rights, including introducing a minimum age for work and prohibiting, combating and punishing all forms of exploitation of children, especially the girl-child.

### ***ECOWAS<sup>147</sup> Plan of Action against Trafficking in Persons RAF/03/R55***

According to this Declaration and Plan of Action, specific measures are to be undertaken by ECOWAS Member States, of which Sierra Leone is a member, and by the ECOWAS Secretariat. The measures include the signature, ratification and implementation of a number of regional and international instruments, including the United Nations Convention against Trans-national Crime and the Protocol against Trafficking in Persons. In addition, ECOWAS Member States are obliged to implement other measures, including the criminalization of trafficking in persons, the protection and support of victims, awareness-raising, the creation of specialized units, cooperation between border control agencies, data collection, and the establishment of a national coordination mechanism such as national task forces. The plan of action also calls for standardised formats of data collection with the involvement of Interpol and the Centre for International Crime Prevention (CICP) (Ndjaye 2004, ECOWAS 2001, UNICEF 2002).

Also central to the plan of action is the establishment of a Trafficking in Persons Coordination Unit within the ECOWAS Secretariat to provide the institutional and operational framework for the implementation of the ECOWAS action plan and the coordination of related activities. Another of the Unit's roles will be to establish a coherent regional policy on the issue of trafficking, in support of the work of national task forces (Ndjaye 2004).

### ***Libreville 2000 Common Platform for Action on Child Trafficking***

This was the outcome of the sub-regional consultation jointly organised by UNICEF and ILO to fight child trafficking in West and Central Africa. The Libreville Platform for Action proposed seven strategies to prevent trafficking in children and afford requisite protection for trafficked children.<sup>148</sup> The platform states that the main responsibility for combating trafficking lies with national governments through the development and implementation of national plans of action. That being said, the platform also highlights the important role to be played by NGOs both in protection of victims and in empowering communities in counter-trafficking efforts such as awareness-raising (UNICEF 2002: 4)

<sup>147</sup> Economic Community of West African States (ECOWAS) is a regional organization of 15 West African nations formed in 1975. The objective of ECOWAS was economic integration and shared development toward a unified economic zone in West Africa. More recently, the scope of the mandate has expanded to include socio-political interactions and mutual development in related spheres.

<sup>148</sup> These included: 1) advocacy and awareness-raising efforts to reinforce social regulation mechanisms within communities; 2) establishment of an appropriate legal and institutional framework; 3) improved care for child trafficking victims; 4) enhanced knowledge about and monitoring of child trafficking through de-centralised and flexible mechanisms; 5) strengthening of cooperation between governments of different countries; 6) strengthening of cooperation between government ministries; and 7) ensuring implementation and follow-up (UNICEF 2002: 4).

### **9.3: National Anti-Human Trafficking Legislation, Policy and Structures**

#### **9.3.1: Trafficking Specific Legislation Policy and Structures**

Outlined below are the three main legislative and policy tools employed to address trafficking in persons throughout the world. The discussion focuses on the current status and importance of each in Sierra Leone.

##### ***Trafficking in Persons (TIP) Task Force***

In November 2004, the government of Sierra Leone established the Trafficking in Persons Task Force to serve as the oversight body on issues related to trafficking. The Task Force, co-chaired by the Sierra Leone Police (SLP) and the Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA), is comprised of various government departments as well as international organisations, civil society organisations and the US Embassy. The objective of the task force is to provide guidance on trafficking issues as well as develop strategies and action in the arena of trafficking in persons. Importantly, the task force was a critical catalyst in the articulation and recent passage of the Anti-Human Trafficking Act (UNICEF 2005a).

The existing task force is a temporary body, to be formalised with the passage of the anti-trafficking bill. The new body foreseen under the law is to be comprised of various Ministries (MSWGCA, Attorney-General, Justice, Education, Information, Internal Affairs, Labour, Health, Foreign Affairs, Immigration and Police) as well as two representative from civil society. Responsibility for the effectiveness and comprehensiveness of Sierra Leone's response is vested by the law in the Task Force that it establishes. This requires the task force to attend to prevention, protection and prosecutorial aspects of counter-trafficking work. For example, the law makes the Task Force responsible for enhancing economic opportunities as part of a prevention strategy. It should also be the responsibility of the Task Force to develop the procedures and practices by which victims of trafficking in persons will be provided both protection and assistance, short-term and long-term as appropriate.

From the standpoint of addressing child trafficking, there are some aspects that warrant specific and specialized attention. For example, the Task Force, as part of its duties should ensure that data collected under its auspices is disaggregated by age to allow for accurate tracking of child trafficking. This will also help in tailoring responses to the specific needs of children. The Task Force should also consider the development, adoption and implementation of a national plan of action (NPA) addressing child trafficking.

In addition to the national task force, a district level task force on trafficking in persons has recently been established in Kenema district. The task force is comprised of government (most notably MSWGCA and SLP) and various NGOs like Lutheran World Federation (LWF) and Network Movement for Justice and Development (NMJD).<sup>149</sup>

##### ***National Plan of Action on Trafficking in Persons***

Currently in Sierra Leone, there is no national plan of action to combat trafficking in persons. National Plans of Action (NPAs) are valuable in the implementation of prevention programmes, provision of services and in pursuing prosecutions, as they outline the various tasks as well as the organisations and departments with these responsibilities. The best NPAs also set a realistic timeframe for the achievement of important anti-trafficking milestones. This allows for the tracking of changes and improvements and identifying where gaps and failures exist.

A national plan of action is a valuable starting point to combat trafficking as it bases its action specifically on the trafficking dynamics of the country and seeks to redress the country specific causes and contributors of trafficking. However, national plans of action should also

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<sup>149</sup> Interview with Alberta Kaikai, Faith Consortium, Freetown, Sierra Leone, July 30, 2005; Interview with Patrick Bangura, PSDO, MSWGCA, Kenema, August 5, 2005.

take into account the inter-country dimension of trafficking. As Sierra Leone is a country of origin for trafficking abroad, cooperation and coordination is needed with the countries of destination to ensure humane and sustainable returns and reintegration. Any national plan of action must set realisable goals as well as allocate sufficient funds to achieve these goals.

In Sierra Leone, given that the precise rate of trafficking is unclear, a national plan of action on trafficking may not be the most strategic approach in terms of time and resources. Rather, trafficking might be mainstreamed into child protection issues more generally, which would ensure that the issue is considered as a central protection issue and will be embedded in all responses regardless of the scope of the problem. Such an approach, however, does not take into account trafficking in adults and how this can be systematically tackled. Anti-trafficking efforts must accommodate all profiles of victims – adults and minors – to be effective. As such, thought should be given to whether trafficking requires its own plan of action or if anti-trafficking efforts can be most effective if embedded in a child protection and a general social protection strategy.

Which ever strategy is chosen, it is clear that some plan of action that involves trafficking is needed. While the rate of trafficking is unclear, it is essential to note that the pre-conditions for trafficking are very present in Sierra Leone making the country at risk of prolific trafficking. A national plan of action that takes seriously its roles in terms of prevention can achieve a great deal towards stemming the further development of the issue. It is also important in terms of prosecution, which can serve as a deterrent factor.

### ***Anti-Human Trafficking Act***

Passed by Parliament in June 2005 and signed by the President on August 12, 2005, Sierra Leone's Anti-Human Trafficking Act is the country's newest legislation. And there can be no question that anti-human trafficking legislation is an important step in efforts to combat trafficking. Further it is an obligation for the government of Sierra Leone as signatory to the Palermo Protocol and the ECOWAS Plan of Action.

The anti-human trafficking legislation was drafted by the government and inputs were solicited from various government ministries and civil society actors. Further, community consultations were a component of the process. The Parliamentary Committee on Human Rights, chaired by Hon. Dr. A. Fofana, undertook regional consultations on the draft Act in four districts; Western Area, Koinadugu, Pujehun and Kono. These consultations, done in collaboration with the Task Force, raised awareness on human trafficking and incorporated the contributions of stakeholders into the draft Act.

The law itself is consistent with the Palermo Protocol. Thus it is in line with international standards and norms and benefits from the legal expertise mobilised in the drafting of the Protocol. One strength of the Protocol language is that it is intended to include all forms of human trafficking, including those not necessarily foreseen now. It clearly covers forms of labour trafficking and other variations (i.e. forced marriage, adoption, labour) in addition to sex trafficking. As such, coverage of the Sierra Leone law appears adequate. Also important is that the Sierra Leone law covers internal trafficking and criminal conduct by persons and corporate entities. Further, the law tasks the Task Force with enhancing economic opportunities as part of prevention, a critical component of a comprehensive strategy. This should be one of the cornerstones of the implementation of this law.

Another strength of this law is that the victim is not liable for criminal acts committed while trafficked (section 16), essential recognition of the nature of trafficking and the need for victim support. Also important is that the act of trafficking does not need to be completed for it to be punishable (section 18), although such charges can be difficult to prove. The Sierra Leone law includes two intermediate/alternative crimes that can be valuable, especially if trafficking cannot be proven – 1) confiscating/destroying official documents (up to five years and a fine) and 2) facilitating transnational prostitution (maximum penalty is five years but may be increased to ten years for enhancing circumstances). Finally, article 21 provides additional protection in that it criminalises the transportation of persons across international borders for the purpose of exploiting them for prostitution. While this breach is not trafficking itself, it can

be used as a supplemental charge where trafficking is difficult to prove but where exploitation is present. The anti-human trafficking law provides for forfeiture of criminal assets and victim eligibility for restitution, with priority to the proceeds of forfeited assets. This only works if government aggressively and successfully goes after the assets and it is important for government to support victims in every legal and practical way to receive restitution.

In terms of children specifically, everyone under 18 years of age is a 'child' as a matter of law for the purposes of application of the anti-trafficking law, which, importantly is consistent with the Protocol. Apart from this designation, the law does not contain any child specific components in terms of penalty or protection and assistance.

A potential weakness is in how language based on the Protocol will be implemented. The Protocol is very general, intended to cover trafficking from a global perspective. As such, this lack of specificity may serve as an impediment in the Sierra Leone context where the law must respond to national manifestations of trafficking and must be practically implementable. Prosecutorial authorities may have difficulty clearly discerning elements that must be proven in court. An area that is arguably vague is the definition of exploitation. For example, as a legal concept, what is a practice 'similar to slavery'?

Another concern is that the law does not outline the protection framework to be afforded to identified victims of trafficking. A comprehensive law typically should include provisions for providing assistance for recovery for victims. Protection of victims (and sometimes their family members) from retribution and/or intimidation of the perpetrators, when determined to be needed following a risk assessment, is also recognized internationally as critical. Both the Protocol and the Transnational Crime Convention contain clear language indicating that this should be part of a country's response. There is also a strong law enforcement rationale for this. Law enforcement, investigators, prosecutors and judges regularly advocate for government protection of victims (especially those who serve or may serve as witnesses), as this increases the likelihood that they will cooperate during investigations and trials in obtaining convictions of perpetrators. However, these protection frameworks do not need to be in a country's anti-trafficking laws. Rather, the government can adopt standard operating procedures and practices for victim assistance including victims of trafficking. What is essential is that the framework is available and implemented.

Some elements of needed protection/assistance may be explicitly available under law in the 'Prevention of Cruelty to Children' section of the code, which refers to taking 'to a place of safety any child in respect of whom an offence under this Ordinance . . . is committed'. However, this would appear to apply only to the offences in Chapter 31 of the law so this has limited applicability and could only be used in trafficking cases if these offences are charged against the trafficker along with any charges under the trafficking law. Further, sexual offences of the chapter (sec. 14) require corroboration by another witness or 'some material particular by evidence implicating the accused', which means in practice some cases will be difficult to prove. Certain limited procedural protections are provided in Chapter 31 such as taking a deposition from a child to be admissible as evidence against the accused when a qualified medical practitioner establishes that it involves serious danger to the life or health of the child (sec. 23 & 24).

According to the anti-human trafficking law, responsibility for the effectiveness and comprehensiveness of Sierra Leone's response is invested by the law in the Task Force that it establishes. As such, it should be a formal and explicit responsibility of the Task Force to develop the procedures and practices by which victims of trafficking will be provided both protection and assistance. This would need to be done in cooperation with appropriate Ministries such as MSWGCA, Justice and the Attorney General and all parties should share responsibility and accountability for proper implementation of measures. In the interim and in the absence of this protective framework, government can use existing processes and regulations to support trafficking prosecutions. This might include the SLP providing security for witnesses in trafficking prosecutions or the MSWGCA providing housing and care for child witnesses.

Another area of concern is related to the penalty for trafficking in persons, as outlined in the law. It is 'not exceeding ten years' which, arguably, reflects trafficking's status as a serious crime. However, it is on the low side of maximum penalties provided by countries with specific anti-trafficking laws. Certainly if actual time served by those who perpetrate this crime against children is much less than ten years this would be completely inadequate. As well, the penalty is not in line with the penalty for other associated crimes such as the penalty for rape in the Offences against the Persons Act, which calls for life imprisonment. Similarly, in the Prevention of Cruelty to Children Act (Cap. 31), the penalty for unlawful carnal knowledge of a girl under 13 years of age is 15 years in prison. Also of note is that the penalty for trafficking is higher in the new draft Children's Bill (see below), which calls for a sentence of twenty years. The inconsistencies in sentences must be considered and every effort made to ensure long sentences for traffickers. Other laws can and should be used to bolster trafficking charges and advocacy will likely be needed within the judiciary to advocate for maximum sentencing.

In spite of any weaknesses the law may have, the passage of an anti-trafficking bill is a very important step in counter-trafficking. There is an inclination for trafficking networks to gravitate to environments with a legal vacuum. Having a comprehensive anti-trafficking law can serve as an important deterrent. It is essential that in addition to passage of the law, the government develop a viable legal and institutional framework to ensure that the trafficking law (and other related laws) are enforced. For a discussion of the implementation and enforcement of the law within the criminal justice system, please see section 10.3: Law Enforcement, Prosecution and the Judiciary.

### **9.3.2: Trafficking Related National Legislation<sup>150</sup>**

Authorities should consider the use of other criminal laws in trafficking cases to supplement trafficking charges or when it is not possible to establish all of the elements of trafficking. These may include, but are not limited to, corruption, money laundering, organized crime, sexual assault, rape, forced labour/servitude, labour laws, etc. Some of these laws are discussed below.

#### ***Draft Children's Act***

The draft Children's Act includes various provisions to meet the legal, economic, social and political needs of Sierra Leonean children. The draft Act clearly states the various problems, abuses and violations faced by children and the roles and responsibilities of the various actors and institutions, government and civil society. The draft Children's Act, having passed through a public consultation process and been approved by Parliament is currently awaiting presidential approval.

The draft Children's Act contains language explicitly addressing trafficking. Section 75 states: 'Any person who trafficks (sic) or illegally removes any child from Sierra Leone, his or her community or his or her family commits an offence punishable by at least twenty years imprisonment'. This section will be of importance when the law passes as the penalty outlined in this law is higher than that of the anti-trafficking law. This sentence is more appropriate given the seriousness of the crime.

There are also measures in the draft Children's Act that could apply in some trafficking cases or cases where it is not possible to effectively use the trafficking law but still involve serious exploitation/abuse. These include:

- Section 36: 'A person who abducts a child from a parent or guardian shall be guilty of an offence punishable by at least five years imprisonment';
- Section 41: 'Every child has the right to be protected from work and other practices that threaten his or her health, educational, spiritual, physical or moral development';
- Section 42: 'Every child has the right to be protected from sexual and physical abuse including prostitution and pornography';
- Section 43 addresses recruitment of children as soldiers or supporting violent conflict;

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<sup>150</sup> For a discussion of Sierra Leone legislation more generally particularly as it relates to women, please see LAWCLA (nd) and IRC, LRC & MSWGCA (2003).



- Section 44 contains provisions making parents responsible for an offence involving causing or conducting the seduction, prostitution or abduction of the child;
- Section 55 prohibits children being subjected to early marriage, forced marriage or child betrothal;
- Section 64 considers a disadvantaged child to include one who begs, is sexually abused, involved in hazardous work or is displaced;
- Section 66: 'Any person who engages in sexual gratification, exploitation, harassment, intercourse or violence with or against a child shall be guilty of a crime as provided in the criminal law irrespective of any alleged consent';
- Section 71: 'No person shall encourage or force a child to enter into a marriage of any type or to cohabit with any person in a relationship of a sexual nature'.

In addition, the act details measures to be undertaken and enforced by various government ministries, which serve an important anti-trafficking function. For example, section 41 requires the Ministry responsible for Children's Affairs, Labour and each District Council to devise programmes and measures to ensure that no child engages in labour that adversely interferes with his or her physical, emotional, educational, and holistic development. Similarly, section 42 states: 'The Ministries responsible for Social Welfare and Children's Affairs, the Police and each District shall devise and implement programmes progressively to eradicate and keep eradicated prostitution and pornography involving or effecting children and shall devise and implement programmes progressively to eradicate exploitation of children in both rural and urban areas'.

### ***Prostitution Laws and Regulations***

There is no law specifically legalising or criminalising prostitution in Sierra Leone. There are, however, some laws and regulations that seek to address some of the surrounding issues, in particular, child prostitution. For example, the Freetown City Council introduced a regulation barring minors from nightclubs, a common venue for commercial sex transactions. As well, under section 12 of the Public Order Law, it is illegal to operate a brothel and this law can be used to target those facilitating the exploitation of trafficked children.<sup>151</sup> Similarly, there are laws against procuring a female by threats or coercion for the purpose of prostitution as well as laws that deal with the sexual abuse of girls and women (see Prevention of Cruelty to Children Act (Cap. 31) and Protection of Women and Girls Act (Cap. 30). And in 2004 government authorities reportedly became more vigilant in closing down brothels as a potential site of trafficking for prostitution (US Dept of State 2005).

### ***Protection of Women and Girls Act (Cap. 30), 1960***

Section 2 stipulates that any person who procures or attempts to procure any girl or women under twenty-one years of age, not being a common prostitute or of known immoral character, to have unlawful carnal connection, shall be guilty of an offence. While this law affords space to prosecute sexual assault, the enclosed caveat ('not being a common prostitute or of known immoral character') also prevents prostitutes from pressing sexual assault charges and may potentially translate into the victim being discredited as someone of known immoral character by the perpetrator. Section 3 criminalises any person who by threats or intimidation procures or attempts to procure any girl or women to have unlawful carnal connection. The maximum sentence for both of these offences is two years, which is low for a crime akin to sexual assault and is generally inconsistent with the sentences outlined in both the trafficking act and the Prevention of Cruelty to Children Act. The law does not afford any of these protections for boy children.

### ***The Prevention of Cruelty to Children Act (Cap. 31), 1960***

There are various sections within this law that can potentially be mobilised in counter-trafficking. However, there are also some noteworthy contradictions between this law and other laws that should be considered in the choice of charges to be brought in trafficking cases. Section 6 prohibits unlawful carnal knowledge of girls less than 13 years, with or without her consent. The crime is a felony and carries a maximum sentence of 15 years in prison. The sentencing conflicts with the trafficking legislation, which is a maximum of 10

<sup>151</sup> Interview with Fenella Khellah, Family Support Unit (FSU), Freetown, Sierra Leone, August 5, 2005

years. There may be situations in which trafficking has involved this form of abuse and, thus, it is preferable to use this law as a means to afford a stricter sentence than what is possible under the anti-trafficking legislation.

By contrast, other sections in the code are considered misdemeanours, rendering it less reasonable to use in an effort to tackle trafficking. The decreased sentences in spite of the victim being a child must be of concern. These include:

- Section 7, which criminalises unlawful carnal knowledge of girls between 13 and 14 years of age, calls for a maximum sentence of two years.
- Section 9 criminalises indecent assault on or attempts to have carnal knowledge, the penalty for which is a period not exceeding two years.
- Section 10 prohibits procuring or attempting to procure any child for unlawful carnal connection who is not a common prostitute or of known immoral character. This is a misdemeanour, punishable by up to 2 years in prison.
- Section 12 pertains to the separation of girls from parents for immoral purposes and applies to any unmarried girls under the age of 16.
- Section 13 prohibits any person having custody, care or charge of a child to cause or encourage their seduction or prostitution or unlawful carnal knowledge of that child.

While there is the potential to use these laws for trafficking (in spite of the low sentences), an additional complication is that according to section 14 sexual offences require corroboration by another witness or 'some material particular by evidence implicating the accused'. This makes some cases difficult to prove. Moreover, the sections explicitly refer to girl children rather than children generally, except for sections 10 and 13. Practically this means that the abuse of boys may not be sufficiently covered by the Sierra Leone's criminal code, a gap that should be considered.

In terms of protection and procedures, the law includes some positive elements. Section 18, for example, refers to taking 'to a place of safety any child in respect of whom an offence under this Ordinance . . . is committed'. Section 26 allows a child's absence from the hearing and sections 23 and 24 allow for depositions in cases of risk to the child. The limitation, however, is that they seemingly apply only to Cap.31 rather than the legal framework more generally.

#### ***Children and Young Person's Act (Cap. 44)***

This legislation governs the treatment of juveniles in conflict with the law in Sierra Leone and applies to those below 17 years of age. This law may be relevant for trafficking in that trafficking victims can be mis-identified as criminals and, therefore, come into conflict with the law. For example, a child may be trafficked for the purpose of begging or petty crime and arrested by law enforcement authorities. It is essential that law enforcement is equipped with the information to separate children who are exploited for these purposes from those who are in conflict with the law. As well, the law may provide some protection for children who are initially identified as an offender. That is, section 27 states that children found begging or in danger of falling into bad association or are destitute should not be treated as offenders but as misguided youth. The court may order the young person be sent to an approved school, commit him to the care of a fit person or be placed under the supervision of a probation officer.

There are also protective provisions within the law. Section 3, for example, specifies that children should be tried in buildings and environments separate from the normal court building. It also prevents the publication of the name, address, school or photograph or an identifying feature of the child.

#### ***Offences against the Person Act, 1861***

Under this law, section 24 & 25 prohibits rape of a person over the age of 16 and applies a maximum sentence of life imprisonment. Rape is defined as 'the unlawful carnal knowledge of a woman without her consent by force, fear or fraud' and penetration is required to render the crime rape (HRW 2003: 19). Because the sentence in cases of rape is heavier than cases of

trafficking, here too it may be advisable to consider, where appropriate, the application of this all alongside or instead of trafficking in appropriate cases to ensure maximum sentencing.

Other sections within this law can be used to prosecute trafficking cases. For example, section 43 criminalises aggravated assaults on girls and boys under 14 years of age and allows for serious assaults or battery to be punished more severely. Similarly, section 54 child stealing or receiving a stolen child is an offence though it defines a child as under 14 years.

### ***Adoption Act***

The Adoption Act of 1989 affords important protection against illegal adoption and trafficking for adoption, as outlined in the sections below.

- Sections 4 to 6 detail parental consent as a requisite component in all adoption processes as well as cases where consent may also be required from persons who are not the parents of the child but who, under religious or customary law, have rights and obligations with respect to the juvenile. Consenting individuals must fully understand that the adoption will permanently deprive them of their parental rights;
- Sections 7 & 8: The child cannot be removed from Sierra Leone without the leave of the Court and, where the applicant is not a citizen of Sierra Leone, the Court shall postpone determination of a case for not less than six months;
- Section 19 prohibits adopters or parents of an adoptee to receive or agree to receive any payment or reward in consideration of the adoption, except where permitted by the Court. The penalty will be imprisonment for a term not exceeding six months or a fine not exceeding 5,000 Leones or to both;
- Section 20 prohibits persons to permit the care of a juvenile to be transferred to a person who is resident outside of Sierra Leone and who is not the guardian or a relative of the juvenile, if he knows or has reason to believe that the person had entered into any arrangement with a parent of the juvenile or with any other party which it will or may lead to the adoption of the juvenile under the law of any country outside of Sierra Leone. The penalty will be imprisonment for a term not exceeding two years or a fine not exceeding 20,000 Leones or to both;
- Section 21: Upon advice of the Chief Social Development Officer, the court may authorize the care and possession of the juvenile for whom an adoption order has been made to be transferred to a person resident outside of Sierra Leone. This order takes place when the Court is satisfied that the person to whom the juvenile is to be entrusted is suitable and the transfer is for the welfare of the child. Importantly, due consideration is to be given to the child's view of the transfer, relative to the child's age and understanding.

However, in practice, the application of the law is uneven and there have been extensive reports of the abuse of the adoption process. Further, there are legal and logistical loopholes that traffickers can potentially exploit. For example, regulations stipulate that in cases of formal adoption, the Ministry of Social Welfare, Gender and Children's Affairs must investigate the prospective adoptee parents. However, the thoroughness of these investigations in unclear and monitoring adoption agencies is also sporadic. Further, some organisations purportedly place children with international adopted parents without the biological parents' consent. This highlights the urgency of improvements in this arena, including closer monitoring of adoption agencies. Penalties outlined in the adoption act are minimal which means that, while use of the adoption act may be possible in cases where all elements of trafficking for adoption cannot be proven, the penalties are not commensurate with the crime.

### ***Employers and Employed Act (Cap. 21) - Labour Laws***

The existing labour legislation affords some basic protection of children, which can potentially be mobilised in terms of counter-trafficking. Children under twelve years of age are not to be employed except in the following circumstances: in agriculture, horticulture or domestic work by a member of the family. In such circumstances, the law states that children should not commence work before 6 am, not end later than 8pm, not exceed two hours per day and not involve heavy lifting or carrying.

In addition, section 52 of the Act stipulates that children under fifteen years are not permitted to work in any private or public industrial undertaking or in a vessel unless in an undertaking or vessel in which family members are employed. Furthermore, no boys under eighteen or women of any age are to be employed during the night in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed (section 48). Also of note is that males under sixteen years and no females of any age shall be employed underground in mines (section 47).

While the laws do afford some protection, they are not effectively enforced. In part this is due to a lack of knowledge of these laws. However, in larger part, it is likely because of the socially normative nature of child labour and that child labour in many circumstances is an economic necessity.

### ***Immigration Restriction Ordinance***

According to this ordinance, a prohibited immigrant is anyone engaged in prostitution, is or has been a brothel-keeper, allows a minor under 13 years to be in a brothel, causes or encourages the seduction or prostitution of a girl under 13 years, trades in prostitution or is a procurer. A prohibited immigrant cannot enter the country and may face deportation.<sup>152</sup> It might be possible to mobilise for trafficking as a means of excluding an identified trafficker from the country. However, it seems that this ordinance might also be used in ways that could harm trafficking victims, such as to deport a foreign woman found in prostitution even if she had been trafficked. The law then must be considered with caution and counter-trafficking actors made aware of the ways in which some legislation can potentially harm victims.

### ***Constitution of Sierra Leone***

The constitution itself affords some protection, which can be of assistance in protecting against child trafficking. Act Number 6, Chapter III, Section 19, sub-section 1 of the 1991 Constitution Sierra Leone says “No person shall be held in slavery or servitude or be required to perform forced labour or traffic or deal in human beings”. This, however, seems to exist in principle and it is not practically enforced.

### ***Customary Law***

Within the Sierra Leonean legal system there are three systems of law – general, customary and Islamic.<sup>153</sup> The laws discussed thus far have focused on the system of general law that refers to the statutory law (codified) and common law (based on case law) that was inherited during the colonial period from the United Kingdom. (HRW 2003: 15).<sup>154</sup> Customary law refers to customs applicable to certain communities in the country. While each ethnic group has its own customary law, there are fundamental similarities between the laws of the various groups. Customary is not written down and is applied through local courts in the various districts. The court is presided over by a chairman with the assistance of chiefdom councillors who are familiar with customary law (HRW 2003: 16).

When considering the legal system *vis a vis* trafficking, it is important also to consider what customary laws might apply here. Also important is to consider if these laws serve to support or victimise the trafficked person. For example, in cases of rape, customary law dictates that the perpetrator must pay fines to the victim's family and chiefs. ‘Virgin money’ is payable to the victim's family if she was virgin or if she was married, compensation is paid to her husband. This fining system can on the one hand serve to flag the guilt of the perpetrator. However, on the other hand, it implies a commodification of the female body, which has broader social and personal implications. In other circumstances, customary law might proscribe that the perpetrator marry the offender as she has been spoiled for other men.

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<sup>152</sup> Interview with Andrew Choga, Chief of Mission, IOM, July 26, 2005.

<sup>153</sup> Islamic law applies only to marriage, divorce and inheritance amongst Muslims and Shariah law is not applicable in Sierra Leone (HRW 2003: 16).

<sup>154</sup> This law is administered through a court system with magistrates hearing ‘less important cases’ and ‘more important cases’ heard by the High Court. There is also an appeal process within general law, through the Court of Appeal and then the Supreme Court (HRW 2003: 15).

Clearly, marriage to one's rapist has attendant rights violations that must be considered.<sup>155</sup> Therefore, if a rape occurred in a trafficking case (and it often does), the remedies available under customary law seem ill suited to the nature of the crime. For many Sierra Leoneans living in rural areas, customary law informs their every day much more than general law. It is worth considering how in practice this law intersects with trafficking in persons, including when and how these law protect or harm victims.

### 9.3.3: Trafficking Related National Policy, Structures and Bodies

#### ***The Special Court for Sierra Leone (SCSL)***

The Special Court is a hybrid national and international court mandated by the UN Security Council to try persons who 'bear the greatest responsibility for serious violations of international humanitarian and Sierra Leonean law' (HRW 2003: 4). Currently there are nine leaders from RUF, AFRC and CDF who are indictees before the court.<sup>156</sup>

Significantly, a number of the accused face charges of forced labour, sexual violence (including forced marriage) and child abduction<sup>157</sup> committed during Sierra Leone's civil war.<sup>158</sup> The Trial Chamber of the Special Court for Sierra Leone approved the addition of 'forced marriage' to the indictments against six defendants accused of leading AFRC and RUF.<sup>159</sup> The allegation is under the category of sexual violence within the larger framework of crimes against humanity. This marks the first time in which a court recognises forced marriage as a crime against humanity under international law (Heyzer nd). The decision to include forced marriage was precedent setting and, importantly, recognises that this violation differs from rape and other such crimes. On a widespread basis during the war, rebels abducted women as 'wives', forced them to have sex with them and also to bear their children. The women were threatened with death if they sought to escape and some had RUF carved into their bodies (Stephens 2004).

There are strong intersections between these violations and the issue of trafficking. Indeed, many of the indictments specifically consider the trafficking of persons into the fighting forces, as child soldiers, 'wives' and labourers. As such, these indictments take an important step toward criminalising and punishing trafficking in the context of war.

#### ***Coordinating Committee for the Prevention of Sexual Exploitation and Abuse***

This is an Inter-Agency group established in response to the UNHCR and Save the Children report that uncovered cases of sexual exploitation by humanitarian workers in 2002. The body, comprised of NGOs and UN agencies, is tasked with the prevention of sexual exploitation within the humanitarian assistance structure and trained over 400 UN, NGO and

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<sup>155</sup> For a discussion of this issue in Cambodia, see Surtees 2002 and Surtees 2000.

<sup>156</sup> Email Correspondence with Roni Kerekes, Head Stenographer, Special Court for Sierra Leone, Freetown, Sierra Leone, August 29, 2005.

<sup>157</sup> As many as 10,000 children under 16 years of age are estimated to have been forcibly abducted into military service during the civil war in Sierra Leone (US Dept of Labour 2004: 363, cf. Stephens 2004).

<sup>158</sup> The trials are broken down according to fighting faction with indictments against nine members of the AFRC, CDF and RUF. From RUF, the accused are: Issa Sesay, Morris Kallon and Augustine Gbao and have been indicted for sexual violence, physical violence, use of child soldiers, forced marriage, abductions and forced labour. From CDF the accused are Sam Hinga Norman, Moinina Fofana and Allieu Kondewa who have been indicted on charges of unlawful killings, physical violence and mental suffering, terrorising the civilian population and collective punishments and use of child soldiers. Indictees from AFRC are Tamba Alex Brima, Brima Bazzy Kamar and Santigie Borbor Kanu who have been indicted for terrorising the civilian population and collective punishments, unlawful killings, sexual violence, physical violence, use of child soldiers, forced marriage, abductions and forced labour. Other indictments for the different factions include looting and burning. For full details of the indictments, please see <http://www.scs-sl.org>. To date there have been no convictions, with most trials expected to finish before the end of 2005 (Email Correspondence with Roni Kerekes, Head Stenographer, Special Court for Sierra Leone, Freetown, Sierra Leone, August 29, 2005).

<sup>159</sup> A recent report from the University of California Berkeley's War Crimes Studies Centre explores the reasons behind the exclusion of all considerations of serious allegations of systematic sexual violence on the part of CDF. See Kendall & Staggs 2005.

government staff on issues of sex/gender, human rights, sexual exploitation, principles of work for humanitarian workers and a code of conduct and standards of accountability. MOUs were developed with implementing partners, the basic tenet being zero tolerance with regard to acts or threats of sexual exploitation. Operational agencies such as WFP and UNHCR took additional measures to embed these principles in their field operations. As well, beneficiaries have been sensitized on the issues including their rights and entitlements. The committee has developed three volumes of Human Resource Manuals for recruiting staff and a training manual on sexual exploitation and abuse for humanitarian workers. Currently the focus is on the training of humanitarian workers on sexual exploitation and the Code of Conduct.<sup>160</sup> Given that in other areas of the world, international peacekeeping troops have arguably been involved in trafficking, most commonly as consumers of sexual services by women trafficked for prostitution, this committee can play a role in counter-trafficking efforts.

### ***Sexual Violence Committee and Referral Mechanism***

The Sexual Violence Committee was formed in March 1999 in response to the prolific rape of girls by RUF soldiers during their invasion of Freetown that year. The committee, comprised of implementing NGOs and is chaired by the Ministry of Social Welfare, Gender and Children's Affairs at regional and the national level, established a network of services which afforded rape victims access to medical care and counselling services. During the emergency period rape was the main focus and twelve agencies formed the network. Following the emergency, new issues and problems arose, including high incidences of child abuse, and the committee adapted its activities accordingly. Issues faced by victims of sexual and family violence include the cost of medical care, which also deterred victims from reporting rape, and problems in the prosecution of cases, including frequent adjournments, which led families to accept settlements from perpetrators.

In response to these and other problems, the committee and its implementing partners have drafted a general framework for the provision of services for sexually abused children nationwide as articulated in a protocol entitled 'Protocol procedures: Response to and Prevention of Sexual and Gender based Violence in Sierra Leone'. This includes the mapping of available services (i.e. medical and legal services) as well as outlining referral pathways for services. A central component of the referral process is the joint investigation undertaken by the MSWGCA and the SLP, more specifically the FSU. The structure mapped out by this committee has value not only for victims of sexual violence but of all forms of violence and exploitation. Where trafficked children are identified, the emergency services provided by this structure could equally be applied to them. Service providers would require additional training and capacity building toward understanding and appreciating the specific impacts of trafficking. However, importantly, these service providers already have many of the requisite skills to assist this target group.

One noteworthy gap in the services is the absence of a safe house or shelter for victims. Without even temporary accommodation, abused children may be required to return to an abusive family environment. This could also pose a serious problem if victims of trafficking were assisted within this paradigm as the child may be returned to family who were involved in their trafficking, putting the child at risk of re-trafficking or abuse for having escaped their trafficking situation. Similarly, while the protocol outlines the framework for care, there are no guidelines and protocols for the provision of services. More specific details of standards of treatment, particularly in terms of protection and care for minors, are essential.

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<sup>160</sup> Recently a UN Country Team Theme group was formed on sexual exploitation and abuse. The emphasis is on the Secretary-General's bulletin and Code of Conduct and training is being organised for UN humanitarian workers. NGO humanitarian workers will also be trained using the same materials (Email correspondence with Glenis Taylor, Child Protection Unit, UNICEF, Freetown, Sierra Leone, September 9, 2005). Also valuable is the recently developed United Nations Department of Peacekeeping Operations' (DPKO) *Human Trafficking Resource Package*. See UN DPKO (2004).

### ***Child Welfare Committees (CWCs)***

Trained to provide support to children within their communities, these bodies have been central in the reintegration of child soldiers, abducted girls and street children and can potentially be used in greater profile with trafficking victims. The effectiveness of these groups, however, must be considered prior to mobilising them for trafficking programmes. One recent assessment of the reintegration programmes in Kailahun district found that the CWCs were not always effective, operational or implementing child participation principles. While there were CWCs meeting regularly in many communities, most children were unaware of their existence and did not receive equipment that was to have been distributed by the committees. As well, where children's clubs also existed, links between the clubs and CWCs were generally weak (Save the Children UK 2004: 21).

### ***National Commission on Child Labour***

This governmental body was established to support efforts to eliminate child labour, particularly the worst forms of child labour, within the country. In 2000, UNICEF estimated that 72% of children between 5 and 14 years of age were working, with the majority performing unpaid work for someone other than a household member (US Dept of Labour 2004: 362). To date, however, the commission has not been fully operationalised and the issue of child labour not tackled effectively. Successful efforts to combat child labour will likely have a positive impact on child trafficking, particularly internal cases. Some thought should be given to how counter-trafficking actors can support the effective operationalisation of this body.

### ***National Commission for War Affected Children (NaCWAC)***

This body is tasked with supporting the demobilisation of child combatants, developing and implementing strategies to address the needs of young girls and service provision for children separated from their parents (US Dept of Labour 2004: 362). The NaCWAC consists of a chairman appointed by the President and other members from MSWGCA, UNAMSIL, UNICEF, CSOs and NGOs. The NaCWAC Commissions are operational at the provincial and even some district headquarter levels. However, their capacity is limited due, at least in part, to the resources available to them.

While the focus is on 'war affected children', the commission could provide interim care for child trafficking survivors. It was the NaCWAC Executive Secretary who was involved in reporting and following up on the Makeni Case in which 47 children were to be trafficked to Libya (see case study 20). Upon learning about the case, the Executive Secretary visited the Mosque and contacted both MSWGCA and UNICEF to discuss how to provide emergency care for these children. While NaCWAC did not provide direct care and support for children in this case, the Commission was central in galvanizing action and response.<sup>161</sup> The experience and expertise of this commission could potentially be used in greater profiles in counter-trafficking efforts.

### ***Anti-Corruption Commission of Sierra Leone***

This commission was established by the Government of Sierra Leone in response to the alarming rate of corruption and its adverse effect on nation building.<sup>162</sup> The Commission is the result of the Anti-Corruption bill, whose provisions were discussed on a nationwide basis and eventually enacted by Parliament on 3<sup>rd</sup> February 2000. The Anti-Corruption Commission was established to implement the Act and has developed a five-year strategic plan. To date, the ACC has not realised extensive success in the operationalisation of its mandate and is impeded in its work by lack of cooperation on the part of the Attorney General's Office (ICG 2004: 20).

The Anti-Corruption Commission has a valuable role to play in terms of counter-trafficking. Where public officials are involved in trafficking it is this commission that can investigate and

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<sup>161</sup> Email Correspondence with Miah Nemoto, Child Protection Officer, UNICEF, Sierra Leone, August 30, 2005.

<sup>162</sup> According to a national perception survey by the Anti-Corruption Commission, 95% of respondents said that corruption is rampant in most Government Departments. For more details of the Anti-Corruption Commission, please see the following website: <http://www.anticorruptionsl.org/main.html>.

take appropriate action. Law enforcement authorities who have accepted bribes in exchange for permitting children to be trafficked across borders can be investigated by the commission. The anti-trafficking law, in section 4, specifically refers to corruption, stressing the role of the Task Force in enforcing the law, including the prosecution of corrupt public officials who facilitate trafficking.<sup>163</sup>

#### ***UNIOSIL (UN Integrated Office in Sierra Leone)***

In his report of April 26, 2005 (S/2005/273), the UN Secretary General noted that with the termination of UNAMSIL's mandate at the end of 2005, a strong United Nations presence would likely still be required in the country to support peace building, political and economic governance and national capacity for conflict resolution. This sentiment was echoed by President Kabbah who, in a June 21, 2005 letter to the UN Secretary-General, emphasized that the country faced on-going challenges and requested continued United Nations integrated presence in Sierra Leone. This resulted in the establishment of the UN Integrated Office, which is tasked with assisting the Government to promote good governance, development, human rights and security, in building its national capacity and to prepare for the 2007 elections. The integrated office will comprise five sections focusing on the following key pillars of its mandate: 1) consolidation of peace and good governance; 2) security sector reform; 3) promotion of human rights and rule of law; 4) economic and social development; and 5) public information (Angelo 2005).

Human trafficking is expressly stated as one of the issues to be considered by the human rights and rule of law section which is tasked with monitoring, investigating and reporting as well as assisting in building national institutions and capacities for the promotion and protection of human rights. Priority attention is to be given to the development of a national plan of action for human rights, with emphasis to be placed on vulnerable groups, especially women and children and victims of human trafficking (Angelo 2005).

Also central to counter trafficking will be the offices' work in economic and social development, which will seek to tackle critical contributors to trafficking including wide-spread unemployment, poor management of the economy, corruption, the lower status of women and children, lack of food security and inadequate health and educational services. These activities are to be undertaken in line with the Government's Poverty Reduction Strategy Paper (PRSP), the national report on the Millennium Development Goals (MDGs) and a revised United Nations Development Assistance Framework (UNDAF) (Angelo 2005).

#### ***Draft National Policy on Child Well-being (Children's Policy)***

This policy is intended as a tool to establish a framework for national consideration of children's issues and well-being. Section 1.4.9 does mention the presence of social problems like sexual exploitation, child trafficking and child selling, which must be addressed. Essentially the policy calls for a legal and administrative framework for the protection of children and assurances of their well-being as well as the allocation of sufficient resources for implementation of the policy.

#### ***National Youth Policy***

Approved in 2003, this policy specifically targets disadvantaged children including those targeting street children, child prostitutes, refugees and returnees, sexually abused children, former combatants, orphans and young mothers (GOAL 2004: 15). By capturing so many of these groups that intersect with trafficking, it does potentially provide some degree of safety net for child trafficking victims.

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<sup>163</sup> Currently, one potential case of trafficking is under investigation by the Anti-Corruption Commission. In 2003 a lieutenant from the Sierra Leonean military was detained in Belgium having been identified travelling with four children who were not his own. The officer had allegedly promised the children's parents that he would take them abroad for education and falsified their documents to facilitate movement. While it is unclear for what purposes the children had been transported, there are strong suspicions of trafficking (Interview with Alberta Kaikai, Faith Consortium, Freetown, Sierra Leone, July 30, 2005).



***National Education Act and Action Plan***

The primary objective of the action plan, finalised by the Ministry of Education in 2000, is to realise universal education in Sierra Leone. This policy focuses on improvements in the quality of education; expanded access of primary education, especially for girls and the rural poor; and building and management of the Ministry of Education, Science of Technology. Under this policy, the national government is to pay fees for National Primary School Exams, the Basic Education Certificate exams and the reduce the cost of school text books by 60% (US Dept of Labour 2004: 362, Government of Sierra Leone 2005: 20). Further, special efforts will be made to encourage girls to stay in school, including subsidizing girl's education at junior secondary school (Government of Sierra Leone 2005: x). The national education act was passed in 2003, making basic education compulsory and imposing punitive measures on those who hindered it (Government of Sierra Leone 2005: 20).

In practice, only 42 percent of school-aged children were enrolled in school in spite of the extensive reconstruction of school facilities destroyed in the civil conflict. In large part, low enrolment can be attributed to the formal and informal fees attached to education, which many families cannot afford. Indeed, there are widespread complaints about the associated costs of education – books, uniforms, supplies and unofficial teachers fees (US Dept of Labour 2004: 364, US Dept of State 2005).

Education in and of itself can serve as an important means of trafficking prevention. Education provides important skills and capacity toward a skilled labour force as well as negotiation and decision-making skills on the part of individual employees and citizens. Further, educating students about safe migration both within and outside the country is an important life skill. As the curriculum is currently under revision and various life skills topics are to be included, this is a valuable opportunity to include safe migration lessons as well as child rights and other child protection issues. In addition, some consideration must be given to informal education and how such messages can be embedded into this curriculum.

***National Policy on Child Mining***

The Government of Sierra Leone recently enacted a national policy that prohibits child mining. Mines Monitoring Teams assess the operational aspects of diamond mining including ensuring all agents have licenses and do not use child miners. The penalty for non-compliance with this policy is the withdrawal of the agent's mining licence. However, this policy lacks enforcement and more attention is needed to ensure rigorous compliance.

## **Chapter 10: Programmes, Policies and Responses to Child Trafficking in Sierra Leone**

This section considers the programmes, policies and responses in place in the country to address trafficking in persons, particularly child trafficking. However, currently in Sierra Leone, such efforts are limited. Very few organisations work exclusively on the issue of trafficking in persons; other organisations assist trafficking victims under the framework of child protection generally; and still others have had little or no contact with trafficking cases or trafficking as an issue.

There is a need to consider the development of programmes to tackle the issue of child trafficking. This will require attention to the areas of prevention, protection and prosecution. As importantly, specific programmes must be oriented to whether the country is one of origin, transit or destination.<sup>164</sup> Sierra Leone appears primarily to be a country of origin for both internal and international child trafficking. As such, efforts must consider all of the above areas – prevention, protection and prosecution – in ways that take into account this profile.

It is also important to consider whether trafficking programmes should be distinct from other child protection issues or whether trafficking can be mainstreamed into the existing framework. This latter strategy has decided advantages in terms of sustainability. However, there is a risk in such an approach that the distinct needs and experiences of trafficking victims will not be adequately understood or appropriately addressed. Another important issue is that embedding child trafficking into child protection programmes generally misses adult trafficked persons. Unless trafficking is addressed as a distinct issue, at least initially, there is a risk that no programmes will be set up to meet the needs of adult victims. While this may not appear to be the concern of child protection agencies, in reality it should be. Some adult trafficked persons were trafficked while children. Others are parents and so their recovery directly impacts their children's well-being. More generally, the issue of trafficking impacts all children in terms of the security, safety and health of the society in which they live. To not systematically consider adult as well as minor trafficked persons misses a significant portion of the issue and impedes our ability to support and assist all children as well as society as a whole. There needs to be a discussion between the government, the United Nations agencies, international organisations and NGOs about how to strategically and effectively tackle child (and adult) trafficking in Sierra Leone, including decisions about which organisations and government ministries will take the lead and what constitutes a viable and appropriate strategy.

### **10.1: Prevention Programmes**

Effective prevention requires both awareness-raising and more systemic efforts to tackle the root causes and contributors to trafficking. In many countries a good deal of focus has been on awareness raising at the expense of more systematic approaches. More holistic prevention efforts should be developed alongside awareness-raising efforts.

While much of what is discussed below considers the 'supply side' of trafficking, prevention strategies should also address the demand side of the trafficking equation. This can include awareness-raising campaigns amongst relatives who foster children, prospective adoptive parents abroad, clients in the prostitution arena, employers, consumers of products made by child labour, etc. More systematic prevention efforts should also consider the demand side, such as enforcing laws on exploitative child labour; rigorous enforcement of laws on sexual exploitation and facilitation of prostitution; monitoring child fostering, orphanages and the adoption process, etc.

#### **10.1.1: Awareness-raising and sensitisation efforts**

Where trafficking programmes exist in Sierra Leone, they are primarily focused in the area of prevention and, more specifically, awareness-raising. A handful of organisations have initiated

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<sup>164</sup> Countries of origin must consider both prevention and protection/reintegration efforts, while countries of destination must focus more strongly on identification, assistance and return. Transit countries must be strongly oriented toward strengthening monitoring mechanisms, border control and interception/identification (UNICEF 2002: 10).

community sensitisation and awareness-raising campaigns on child trafficking, some as a part of their child protection programmes and others specifically on the subject of trafficking in persons.

The FSU has been engaged in outreach to communities to educate and sensitise them on domestic violence, child abuse and sexual violence. This has been done through community meetings, radio and television discussion programmes, school visitations, meetings, seminars and workshops. Such initiatives create a strong link with community and also forge relationships of trust, all of which can be mobilised in efforts to combat trafficking in persons.

Faith Consortium, an NGO that focuses on human trafficking, has conducted educational round tables, school dramas, community meetings and radio dramas all aimed at raising community and stakeholders knowledge about trafficking. Similarly, the NMDHR has conducted training with NGOs and has recently targeted community leaders at the chieftdom level in its training activities. Action for Development has also raised the issue of trafficking in its work with community leaders, particularly chiefs and religious leaders who they hope to mobilise on the issue. As well, as part of the development of the anti-trafficking bill, the Parliamentary Committee on Human Rights conducted a sensitisation campaign in four districts, with the intention of soliciting inputs into the draft bill.

Generally on the subject of sensitisation and awareness raising, it is worth exploring the advantages and disadvantages of focusing on the issue of trafficking rather than on exploitation issues generally, which would include trafficking. Given that the prevalence of trafficking is to date unclear it may be advisable to develop more generalised sensitisation efforts that focus on the issue of exploitation (whether for labour, sexual or other purposes). However, it is important that these awareness programmes are tailored to reflect the range of exploitation that trafficking exhibits (or realistically may be anticipated to occur) in Sierra Leone, along with messages that support safe migration. Safe migration campaigns should focus on the problems that could be faced by the migrating child, as the lack of family knowledge about conditions in neighbouring communities or countries can be an issue in allowing children to migrate abroad. These messages can be part of an intelligent and comprehensive awareness campaign.<sup>165</sup>

In situations where minors are the target group of awareness-raising campaigns, some thought must be given to how minors process information and how they digest messages. Minors and children have different ways of seeing the world and minor's age and individual experience informs how minors digest (or fail to digest) prevention and protection messages.<sup>166</sup> More attention is needed to how minors see and understand these messages. It is also important to increasingly access information about children's decision-making processes – who they consult (peers, teachers, parents, etc.), at what point they make their 'decision' and how we can reach them before their decision has been made (Surtees 2005b: 22). Also critical is how decisions are made in families and communities.

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<sup>165</sup> It is valuable to consider what have and have not been effective awareness-raising efforts elsewhere in the world. Dottridge (2004: 62-65, 70-71) outlines a number of aspects of successful campaigns including examples from other countries. Cf. Gimon et al. 2003, Lazaroiu et al. 2004. In addition, training in how to undertake awareness-raising efforts may be helpful. The counter-trafficking programme in Indonesia, managed by ICMC and ACILS', developed and implemented a training manual on how to develop and effective counter-trafficking awareness-raising campaign. See Fatimana et al. 2003.

<sup>166</sup> Vivid illustration of this point can be found in a recent study on trafficking awareness amongst minors in SE Europe (see Gimon et al. 2003). The study reviewed awareness-raising campaigns from the perspective of minors, with attention to how they saw and reacted to the messages. Often minors saw and understood the messages differently from how they were intended. In considering one poster in which a woman is portrayed as a Barbie doll in a box with a price tag of \$600, one Albanian boy responded 'She's worth more than that'. Similarly, another poster that used a bar code metaphor (a woman trapped behind a bar code to symbolise commoditisation of women in the trafficking process) was often misunderstood by children, with one minor noting 'I don't think it is a good idea to stand behind pipes'. Children surveyed did not understand the imagery of the bar code, most likely because they came from rural areas and had not been exposed to these symbols (Surtees 2005b: 22).

**Table 9: Decision-making about Child Migration in Six Districts in Sierra Leone**

Child's Role in Decision-Making about Migration	Male Community Members	Female Community Members	Youth Community Members
Children play a role in decision-making on migration*	38	18	12
Children do not play a role in decision-making on migration	5	5	3
Depending on the age of the child*	0	2	13
No Response	27	39	37
Total	70	64	65

\* This category included children who take the decision independently as well as those in discussion with their parents. In a number of cases age determined whether children were involved in the decision-making. Explained one married woman from Bombali, 'for younger children one to three years, they do not decide. But for older children, they are always informed'. Other respondents used other age designations about the age at which they would consult the child about migration (i.e. above six years, above nine years, etc.).

While there were different accounts of the decision-making process (see quotes below), many children were involved in some way and, thus, must be a key target group in awareness-raising and prevention efforts.

*'Parents may take the decision for the child to migrate but may consult the child to find out whether the child is willing to migrate or not. Most parents involve the children in the decision to migrate. There are, however, some parents who force their children' (woman, 41 years, married farmer, Kenema district).*

*'If the child is around five or six years old, I will not ask his/her consent because at that age he/she cannot reason properly, so I take the decision' (male, 35 years, Imam, Kenema district).*

*'The children make up their minds to migrate and they do so without informing any family member' (woman, 55 years, trader, Kono district).*

*'If I want to send my own child away to live with my brother somewhere else, I see no need to involve my child in this decision' (male primary school teacher, rural Kambia).*

*'Children are involved in the decision to migrate. When my aunt came for my brother to migrate, he was involved in the arrangements' (17 year old male student, Bombali district)*

The medium to be used for such campaigns is also important to consider. According to one survey amongst disadvantaged children and youth, the most popular source of information about HIV/AIDS is the electronic media – radio and, to a lesser, extent television. In rural and less serviced areas, respondents rely on information from sensitisation sessions including street education, dramas and other forms of performance (GOAL 2004: 51-2). There is also a need to consider how prevention efforts can be targeted given that many minors do not have access to information through formal schooling or even informal education programmes or clubs. Further, prevention must target parents in appropriate venues and at an appropriate education/literacy level.

Finally, throughout the campaign, it is important to monitor progress, to ensure that the campaign is on track and its objectives have been met. Upon completion of the campaign, it is equally vital to evaluate and critically analyse the campaign, including successes, weaknesses and lessons learned. Further, cooperation and coordination is essential between governments, international organisations and civil society. Organisations should share information from past campaigns, including successes and failures, to augment future efforts.

### **10.1.2: Systemic Prevention**

It is essential that prevention efforts go beyond basic awareness-raising campaigns. Prevention efforts must adequately appreciate the different causes and contributors to child trafficking and build these issues into programmatic approaches. As poverty is a catalyst for migration or child placement, poverty reduction must be an overarching strategy to tackle trafficking. Other efforts might include skills training and income generation programmes. Loans to at-risk families will decrease the need for child labour and increase the possibility of a child attending school. Also valuable would be educational support. Availability of schools and qualified teachers in villages and truly free education will also curb the need to send children away to school with relatives. To date, no programmes have been initiated in Sierra Leone, which consider trafficking prevention from a more systematic perspective.

Also critical is the need for prevention programmes that target families and communities as a whole alongside those for specific target groups. This is particularly important in Sierra Leone where, at present, a wide range of persons are vulnerable to trafficking. As well, important lessons can be drawn from demobilisation programmes in communities where many complaints were levied that child soldiers received undue assistance and attention. Targeted community development programmes can potentially prevent trafficking in high sending areas and avoid feelings of resentment in the community, which can negatively impact vulnerable persons.

### **10.2: Protection and Assistance**

In this section, the existing protection available for children will be considered in terms of what services may be appropriate for victims of trafficking. Currently there are no specific assistance programmes for trafficked children or adults.

#### **10.2.1: Identification and Referral Mechanisms**

To date, identification and referral of the handful of trafficking cases has been *ad hoc*. Suspected trafficked children have been identified by various actors, including social workers, NGOs, international organisations, law enforcement and private citizens. More effective would be a national referral mechanism for the identification and referral of cases to allow for appropriate care. Ideally, this referral mechanism would be maintained by the MSWGCA and dovetail with referral processes for other social issues. However, the limited capacity and resources of the MSWGCA problematises this recommendation.

To properly identify trafficking victims – both adult and children – carefully developed and standardised identification criteria is a necessary precondition. Different criteria will likely be needed for children trafficked within the country as compared to those crossing borders or deportees.<sup>167</sup> Children can be trafficked for a range of different purposes and criteria that considers one form of trafficking specifically (for example, trafficking for sexual exploitation) will be unable to adequately identify other forms (for example, labour trafficking). Various actors will need to be trained not only in identification criteria but also the appropriate and sensitive referral of trafficked persons.

Currently there is no standard criteria for the identification of trafficked persons. Rather, identification is based on an individual's perception and understanding of trafficking. For example, government authorities consulted during field research provided different responses to the question of how one can identify a trafficking victim.

*'We can infer from the way the victim looks, especially his facial expressions. In most cases, he might seem distressed/unhappy, even the way he talks is unusual. His facial expressions may be very unusual even when the child is well dressed, as is often the case' (CID Officer).*

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<sup>167</sup> Children who have been deported may have been trafficked and gone unrecognised in the destination country. It is important that deportees are screened for potential signs of trafficking and referred appropriately for potentially needed care. Here, too, standard criteria must be developed to assist authorities in the identification process.

*'Usually the trafficked person is withdrawn, not happy to be with the trafficker and may be reluctant to cooperate with the trafficker' (FSU Officer).*

*'Trafficking victims look pale, confused and not quite confident' (FSU officer).*

*'Most times trafficking children are terrified and restless' (SLP Officer).*

*'Africans do not get involved in trafficking. Traffickers are mostly white who do trafficking for adoption or other reasons. It is unusual to see white parents with black children. When such a scene occurs here, we interrogate the suspected traffickers and the children separately'<sup>168</sup> (Immigration Officer).*

*'Sometimes from the mood of the person is what we call the guilty state of the mind. By that again I will be able to pick up such people using my professionalism' (FSU Officer).*

*'There is criteria by which you can assess if a child has been trafficked by seeing him or her crying, not happy; one can assess from the attitude of the child and also you can see fright in the child signifying that there is something wrong' (SLP Officer).*

*'By seeing someone going with sets of children like six, from that point you start judging why so many children and we can go through the documents and also interview the children separately, by asking the names of their mother, father. And by that if his/her mothers name is different from the one that is migrating with him then from that point we pick up the changes and we will investigate and know the truth of the matter' (FSU officer).*

Some of the above responses might be mobilised in the development of an identification criteria. Most, however, highlight limited comprehension of trafficking and how it plays out in Sierra Leone. For example, much trafficking within and from Sierra Leone involve traffickers known to the victim (i.e. relatives, family friends, neighbours). This means that children will often not be nervous or frightened. It is essential that identification criteria be contextualised to respond to the specifics of trafficking in Sierra Leone – according to the type of exploitation, whether it is internal vs. international trafficking, victim's relationship to traffickers, etc.. As well, how trafficking takes place may change over time, with traffickers adapting to effective identification procedures. There will likely be a need to adjust and revise identification criteria over time.

Identification criteria might include some of the following indicators:

- No documents or the use of false documents<sup>169</sup>;
- Children travelling on their own;
- A group of children travelling with an unrelated adult;<sup>170</sup>
- Not being aware of a specific destination or the activity to be undertaken at the destination;
- Children said to be travelling for schooling or medical care but without documentation from the relevant institution;

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<sup>168</sup> Often authorities will interview only the adult and not the child. Interacting directly with the child in a private space away from the accompanying adult is far more likely to uncover suspicious cases, including trafficking. Where there is any suspicion about the relationship between the adult and child or the purpose of the movement, authorities should investigate more fully.

<sup>169</sup> While this can be a valuable indicator, it may not be appropriate in all circumstances. Identification criteria must take into account that trafficked persons may cross borders legally and with legal documentation. One finding of a recent study in SE Europe was that trafficking victims were increasingly crossing at legal border points and with legal documents, an effort by traffickers to camouflage this movement (Surtees 2005a). As such, identification criteria must also take into account individuals with legal documents.

<sup>170</sup> At regular border crossings, adults with legal documents may claim that the children travelling with them are their children. During fieldwork it was noted at one border crossing that children and adults were able to cross having only shown their birth certificate, a handwritten document that does not have a picture of the child and can easily be forged.

- Travelling for work but without work contract or appropriate work permission;
- Contact person in the destination country/community is not someone known to the child/youth;
- Prepared story (about destination, purpose of travel, etc.) that does not seem true or logical

Importantly, identification in transit and prior to exploitation is very difficult. At this stage the child likely still believes the promises made and will not report any suspicious behaviours on the part of the 'trafficker'. This makes the identification process quite complicated when victims are in transit.

#### Case Studies 18: Proactive Identification by Law Enforcement

While the cases below do not necessarily constitute trafficking in persons, they provide positive examples of proactive intervention by various law enforcement authorities in the identification process. It is critical to build on this enthusiasm and commitment and provide the requisite identification and investigation skills for trafficking cases.

Case 1: Recently at Lungi Airport a man was travelling with a number of children to Ghana. The man was not related to the children and officials became suspicious of his intentions. The man claimed the children were *en route* to Ghana for medical treatment but had put the appropriate documentation in his suitcase. The man was temporarily detained while his story was investigated and found to be true. The man was required to report upon his return with the validated medical documentation for the children and their travel documents, which he did (Source: ONS)

Case 2: An officer working at the Kambia border crossing with Guinea related a suspicious case he encountered in his work:

*'I have known a lady who is prominent in business between Freetown and Conakry. After two months I stopped seeing the lady. In the following month I saw the lady in a vehicle heading for Conakry; she had a two-month-old baby on her lap. When they reached the checkpoint, everybody alighted the vehicle to cross the checkpoint. She did not come down from the vehicle, telling the driver that she had a newly born baby. The driver agreed to let her sit in the vehicle because of the baby. I asked the driver why the woman did not come down and he told me the woman had just given birth to a baby. The woman forgot that I have been here for quite some time and I am accustomed to nearly all the prominent business people that ply this route to Guinea regularly. I have been seeing her with no pregnancy, so how come for her to give birth to a baby without being pregnant? So I had to insist and probe into the matter and later found out that the woman had no document for the child. So I took her to Kambia police station and later to Freetown and we later understood that the child was illegally adopted by her' (SLP officer Kambia).*

In the course of initial identification, it is possible that the identifying organisation may identify children who are in other exploitative or abusive situations. These might include forced labour, prostitution, begging, petty crime, etc. While perhaps not trafficked, these children also require assistance and care. Thus, referral procedures must take into account and train authorities on what to do when the child is not a trafficking victim but still requires care. It is imperative that all children in need of protection – trafficked or not – receive the requisite care and support.

#### **10.2.2: Assistance Programmes**

It is essential to recognise child trafficking as a particularly complex child protection issue, with a number of different stages and violations that must be considered and redressed in protection and assistance efforts. While it overlaps with many issues (i.e. child labour, child prostitution, sexual abuse, etc.), it also has elements and experiences that are distinct. Child trafficking involves removal from the family/support network; transportation (with all of the attendant risks and violations); the child's illegal reception or sale; and placement in an

exploitative situation. Importantly, while exploitation is a central element of the trafficking experience, the rights of trafficked children have been violated long before the exploitation begins.

Children are particularly vulnerable to trafficking, as they are not always able to assess risky situations, evaluate dangers and/or take needed precautions to guard against trafficking. As importantly, the impact of trafficking can be particularly deleterious for children as it occurs during the development stages of life, impacting their physical, mental and emotional development and informing their views of relationships and behaviours. Children's assistance needs change over time and assistance must be cognisant of the various developmental stages of childhood. This requires the development and adjustment of measures and mechanisms to ensure that children's rights are respected in accordance with their needs.

Given this situation, some thought must be given to how protection efforts generally are (and are not) appropriate and adequate in cases of child trafficking. How does the act of recruitment and transportation of children amplify vulnerability? In what ways are the needs of trafficked minors different to those of abused and/or exploited minors more generally? This is not to argue that a distinct assistance framework is needed for trafficking victims. Such a strategy would be unsustainable in the long term, fail to mobilise existing skills and expertise and, arguably, result in duplication of some services. However, neither can trafficked children be simply absorbed into the child protection framework, without attention to the specific needs of trafficked victims. There is a need to consider how trafficked children differ from other disadvantaged or exploited minors and how their specific needs can be met. Some aspects of trafficking can be addressed within a more generalised child protection paradigm, while others may not. Some thought should be given to how policies, guidelines and assistance frameworks may require modification to appropriately meet the needs of trafficked children (UNICEF 2002: 7).

Elsewhere in the world there is a standard package of services for trafficking victims, which include short term care (shelter, emergency medical and psychological assistance, food and clothing, processing documents) as well as longer term assistance (medical care, legal assistance, counselling, education and/or skills training, job placement, reintegration support, case follow-up). In Sierra Leone, such a package of services does not currently exist, either for adults or children. Further, generally the availability and quality of services are limited for all socially vulnerable groups, with trafficking victims particularly under-considered. Standards and protocols are needed to ensure quality of care.<sup>171</sup>

To follow is a discussion of the various services required by trafficked persons, including the current status of these services in Sierra Leone.<sup>172</sup> Most funding for services and assistance is from donors and much service delivery is through NGOs and international organisations. Ministries, such as MSWGCA, do not currently play an active role in service provision. It is essential that in the development of assistance for trafficking victims, government services form the foundation of this work, toward sustainability and accountability.

***Shelter and accommodation services:*** Shelters can be both short term (for emergency care) and longer term (for rehabilitation and support). Shelters are valuable as a safe place

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<sup>171</sup> While handbooks and guidelines on victim assistance have been developed, they are generally either internal documents that are not shared or they are too general to be directly applicable for service providers. IOM is currently finalising a Direct Assistance Handbook for use in service provision for trafficking victims by NGOs and governments in SE Europe. This will be published and disseminated in late 2005. It will, however, require tailoring and adjustments to be applicable and helpful in the Sierra Leonean context.

<sup>172</sup> This section does not include a survey of traditional healing strategies or the availability of such services. However, it seems important to note that many Sierra Leoneans access these healing pathways alongside or instead of traditional assistance and care available through NGOs and government. Traditional healing mechanisms may be mobilised in efforts to address trafficking violations (see Surtees 2000). However, care must be taken to ensure that these interventions attend to child protection principles and standards of care. As well, there have been allegations that some traditional healers like *Karamokos* and *Mori* men take sexual advantage of their clients (Utas nd: 33), allegations which must be rigorously investigated prior to mobilising these actors in efforts to assist trafficking victims. For a discussion of traditional healing in Sierra Leone and how it is used to address sexual abuse, see Utas nd.



for victims in the initial recovery period and as decisions are made about assistance options based upon the individual needs of victims. Longer-term housing assistance may also be essential in cases where the adult victim is unable to return home to live. Temporary housing allows trafficked persons to get work and save money toward independent living.

Currently there are some short-term accommodation options for disadvantaged children, although primarily for male street children. There is no dedicated accommodation for trafficking victims. While the establishment of childcare institutions is not necessarily desirable, some thought might be given to an emergency care centre for victims of violence, including trafficking. This would allow for a period of reprieve in which the victim could be stabilised and family tracing and risk assessments be undertaken to develop an appropriate assistance programme. Currently, children referred to the MSWGCA are often accommodated in the remand home, which provides accommodation for juveniles in conflict with the law. This can serve to exacerbate the trafficked child's victimisation. In other cases, children are taken home by social workers, which is also a problematic practice, as it is not sustainable and, in a worst-case scenario, potentially creates space for abuse of the child.<sup>173</sup> Some NGOs highlighted the possibility of placement with extended family, who have traditionally played a role in supporting family members. However, as family may be complicit in the exploitation and trafficking of children, there is a need to carefully consider this aspect of vulnerability in assistance options. Further, in an assessment of the reintegration of children associated with the fighting forces, it was noted that a large number of children living within extended families complained of abuse and neglect.<sup>174</sup>

**Medical Care:** Medical services are essential for trafficking persons. Trafficking minors are likely to have particularly acute medical problems as the impact of trafficking is compounded by their young age and can serve to impede their healthy physical development. Both emergency and longer-term medical care (general health and reproductive care) is generally needed. In cases of extreme abuse, surgical care may be required.

Lack of medical care constitutes a gap in services in Sierra Leone. Apart from a few NGOs,<sup>175</sup> medical care is fee based, which can serve as a deterrent for many poorer people. Medical care appropriate for trafficking victims – who may require gynaecological care, surgery, etc. – is concentrated in major towns and beyond the reach of most people.

**Legal Assistance:** Legal assistance can include informing victims about their rights; providing legal representation in criminal and civil cases; assisting the victim in the processing of personal documents and identity papers; and accessing government services.

Currently legal assistance is limited. LAWCLA, a legal NGO based in Freetown and with branches in various towns, has provided assistance in cases of abuse, violence and child protection generally. However, they and other legal organisations have not been involved in trafficking cases. Importantly, it is allowable for victims to have legal representation in the court but they have to arrange and pay for their own lawyer in such cases. Where criminal cases are pursued, it is important that the victim/witness be afforded legal representation. This is particularly important in Sierra Leone where the judiciary is often unresponsive to the needs of the victim. As one NGO staff working with rape victims observed, 'It is important to have legal representation for the victim because we have problems in cases where they do

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<sup>173</sup> One NGO reported cases in which social workers take children home with them because there is no where else for them to go and a remand home is too traumatic. One case involved a girl who was assaulted by her stepfather. As it was not safe to return her to her home, she was referred to MSWGCA and they placed her in the remand home. Because this placement was very difficult for her, one of the social workers offered to take her home to stay temporarily. The NGO staff continued to monitor the case while the girl resided with the social worker (Interview with Florence Sandy, IRC Rainbo Centre, Freetown, Sierra Leone, July 28, 2005).

<sup>174</sup> Said one 15 year old male ex-combatant, 'they took us in as domestic servants and overworked us'. Similarly, one 15 year old girl noted of her experience, 'I am always on the farm while his [her uncle] own children are in school' (Save the Children UK 2004: 17).

<sup>175</sup> For example, only 3.1% of disadvantaged children and youth surveyed by GOAL in 2004 reported that their medical bills had been paid by an NGO (GOAL 2004: 49).

not have this representation. There are frequent adjournments of cases, cases are delayed or the case gets ignored when there is no legal representation. More happens when the legal representative is there to push the case'.<sup>176</sup> Also, there are special legal assistance issues involved when the trafficking victim is a child.

**Psychological Assistance:** Psychological counselling is an essential service toward stabilising the victim in the immediate and toward longer term healing. In some countries, because of resource issues, social workers may attempt to perform psychological counselling with trafficking victims, but this is not preferred. Addressing serious mental health issues suffered by trafficked children, such as post-traumatic stress disorder (PTSD), require the attention of specially trained professionals. Other important aspects of counselling are to support minors in the development of inter-personal skills, healthy relationships, trust, coping mechanisms, etc.

Accessibility of counselling in Sierra Leone is quite limited, particularly outside of towns and cities. Further, traditional types of counselling might more appropriately be deemed 'advice' or 'instruction from an elder'. As one NGO source observed, 'we have natural social mechanisms in communities for counselling where we can sympathise with a victim. But the question is to what extent you can be healed through these means. Maybe the person can talk to a teacher or village elder, parents might access these sources of assistance. But these sources also often lack empathy. Another problem is that there is a power dynamic involved when talking to elders. If we are going to build on these existing structures, we need to have them properly trained'.<sup>177</sup>

**Education, skills training and job placement:** Both education and skills training are essential assistance mechanisms to support reintegration and prevent re-trafficking. Education<sup>178</sup> and skills training should take into account the specific labour market needs to enhance the possibility of long-term employment. Also important is training in life and social skills, which are generally un or under-developed as a result of their trafficking experience. Such skills may include basic money management, health and nutrition, hygiene, home making, sexual education, problem solving, 'how to keep safe', etc. Assistance is also needed in translating skills into paid employment. Assistance with job placement might include helping victims to look for work, prepare for interviews and provide counselling and support to them once employed. Following a traumatic experience like trafficking, victims may find it difficult to concentrate, may lack motivation, may feel easily discouraged, etc., considerations which must be embedded in these programmes. With low education amongst many victims' parents, the educational and training needs of parents also has an important place within the assistance framework.

Currently skills-training is available to many disadvantaged groups. There appears to be a standard package of skills available from all organisations – tailoring, hairdressing, tie-dye, etc. – but it is unclear how these translate into viable economic ventures in the long term. Educational reintegration programmes are implemented by NGOs when returning children to their homes and some NGOs provide informal education programmes. To date, there has been very limited attention to job placement, although some organisations provide graduates of skills training with business start-up kits.<sup>179</sup>

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<sup>176</sup> Interview with Florence Sandy, IRC Rainbo Centre, Freetown, Sierra Leone, July 28, 2005.

<sup>177</sup> Interview with M'balu Sesay, Action for Development, Freetown, Sierra Leone, July 23, 2005.

<sup>178</sup> This educational assistance might take the form of reinsertion into the mainstream education system, specific educational programmes by NGOs or non-formal education systems. Also valuable may be 'catch up education' which allows older children to attend classes to achieve an educational level appropriate for their age prior to their reinsertion into the school system.

<sup>179</sup> One village chief highlighted the problems within his community on this subject, 'we have a skills training centre here established by some members of the community. The centre is poorly equipped in terms of trained and qualified instructors and equipment... There are no job facilities, no industries or factories where our children who have learnt skills could work' (village chief, male, Bombali district).

**Return:** Assisted return is vital as traffickers can intercept returning victims in the transportation phase and upon arrival in the home country. This is particularly important in the case of minors who should be accompanied in the return process. For Sierra Leonean children trafficked abroad, some thought must be given to the advisability of return to ensure that it is in the best interests of the child. This should be based upon a case-by-case assessment considering a number of factors such as whether the family knowingly facilitated the trafficking of the child and the availability of facilities to provide care needed to assist the child toward recovery. Limited services for trafficking victims complicate the return process.

The Ministry of Foreign Affairs and International Cooperation has, on an *ad hoc* basis, assisted in the return of trafficked or exploited children from abroad. This Ministry will continue to be central in the return process, working closely with the MSWGCA and SLP. Protocols should be developed for the return process, including the necessity of a security and family assessment prior to return to assess the advisability of the child's return as well as alternative avenues of care in the country.<sup>180</sup>

**Reintegration Assistance:** This involves supporting the return of the trafficked child to his or her home community, including preparation of child, family and community and ensuring that they are adequately cared for and supported. While, ideally, family reunification should be pursued for trafficked minors, the issue of family involvement in trafficking poses difficulties in reintegration. Return to a family that has been complicit in trafficking places the minor in a vulnerable position with serious risks of re-trafficking. Even where parents were not overtly complicit, there are issues in terms of reintegration, with both the parent and child often requiring assistance and case monitoring. As critical is that traffickers may seek to re-traffick children and families may be without the power to stop them (Surtees 2005: 20-21).<sup>181</sup>

Reintegration poses one of the biggest obstacles in all child protection interventions, including trafficking. This is because the pre-conditions for trafficking continue to exist (whether poverty, family tension, child labour, material aspiration or peer influence), and are amplified by the negative impacts of trafficking. Meaningful reintegration requires a package of services for the child and the family to address the root causes of trafficking as well as the physical, mental and social impacts of trafficking. Even after a year there are serious risks. As one social worker explained, 'I had one case, a boy who stayed with his family for one year. The family was really supportive but they just couldn't cope financially. So he left again to find a job'.<sup>182</sup> Family mediation is also often an essential component in reintegration efforts.

Further, attention must be paid to the social environment more generally – how trafficking may create stigma for the child,<sup>183</sup> how assistance to trafficking victims can create hostility on

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<sup>180</sup> The government of Bulgaria has developed and is currently implementing standard operating procedures (SOPs) for the safe return of minors from abroad. This procedure involves both a family assessment by social workers and a risk assessment by law enforcement (Surtees 2005a). IOM would likely be an appropriate partner for supporting the return process as it is experienced in facilitating voluntary returns (of both irregular migrants and victims of trafficking) and also has standard protocols for the safe return of trafficking victims, including security measures.

<sup>181</sup> At the same time, alternatives to reintegration in Sierra Leone are limited. There are few housing options and foster care placements are difficult when so many children are in need in the country. Where foster care is pursued, and organisations like Don Bosco are mobilising foster families, appropriate and on-going training and orientation of foster families is essential on the subject of trafficking and its impact on minors. This will facilitate successful placement of the minor as well as mitigate tension in the foster family.

<sup>182</sup> Interview with Carlos Fiatarone (Volunteer) and Momoh Kargbo (Social Worker), Don Bosco, Freetown, Sierra Leone, July 30, 2005.

<sup>183</sup> It is often assumed that stigma is linked with girls who have been trafficked for prostitution because this constitutes a breach of social norms. However, other research has questioned this assertion, suggesting instead that stigma may be more closely tied to issues of failed migration, not having returned home with money. For example, in Burkina Faso, some boys migrated again in spite of trafficking experiences because they had returned home empty handed (without a bicycle) which means shame and humiliation before their peers (de Lange 2004, Cf. Derks 1998, Surtees 2005a). Attention to how this dynamic plays out in Sierra Leone is essential. One 50 year old mother from rural Kailahun observed, 'there are children who may never come back because they have not succeeded in their ventures. They may not even have transport fare to return, let alone gifts to bring back home for relatives'.

the part of other community members, etc. Important lessons can be taken from the successes and failures of the reintegration of child soldiers, street kids, etc. For example, assistance targeting only the vulnerable child or family will likely create hostility within the community. As such, reintegration requires incentives for communities who receive trafficked children. Community mediation, with the intervention of Child Welfare Committees (CWCs), can assist in this process, but capacity building of CWCs will be essential.<sup>184</sup>

**Case Monitoring and Follow-up:** Reintegration is a difficult process and on-going support is generally required. Ideally follow-up should take place for two years as it takes a good deal of time for children to stabilise and become accustomed to home again. Indeed the longer the period of time that a child is away, the longer it will likely take him or her to adjust. There needs to be continuity of care in the long term and enduring attention to minors, which is not always necessary for adults.

Ability to conduct longer-term follow-up is constrained in Sierra Leone by limited resources. Without vehicles and means of communication, it is difficult for NGOs and MSWGCA to follow-up cases in outlying areas. As MSWGCA SDO from Kambia observed, 'I am responsible for the whole district but I have no means to monitor. I am supposed to be in the field, not at this desk. At the border we have a lot of rape cases and I can't do outreach to them. Some of my villages are 30 or 40 miles from Kambia town'.<sup>185</sup>

**Specialised assistance for minors:** Trafficked minors for all forms of exploitation have their own specific assistance needs. While on paper the inventory of assistance and service may appear the same, in practice, this is not the case. Assistance needs will depend upon if the child was trafficked for mining, as a combatant, for sexual exploitation, etc. Not only are the assistance needs different but so too are the ways by which this assistance must be implemented. 'Child friendly' protocols are needed for all services. For example, all interactions and interviewing of minors must be guided by child-friendly techniques and all social care actors trained in these skills. Also needed are services tailored to minors – a trained child psychologist rather than a generalist; legal assistance that includes the appointment of a legal guardian; family mediation and counselling, etc. Moreover, the development of programmes for minors is an ongoing process with new groups of at-risk and vulnerable minors regularly being identified (Surtees 2005: 19-20).<sup>186</sup> There are various principles and guidelines that can be of assistance in developing and designing appropriate services and protection for trafficked persons, including those with specific attention to minors.<sup>187</sup>

Generally attention to minors has been sufficient in Sierra Leone, with many agencies specifically focused on child protection issues. Quality of services, however, does merit some attention both generally and in terms of the needs of trafficked children. Basic protocols have been developed for the identification, referral and care of victims of sexual violence, which can serve as the basis for trafficking protocols. Further, training has been conducted with FSU

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<sup>184</sup> A recent Save the Children assessment noted some limitations with the CWCs in Kailahun district and similar attention needs to be paid to issues of their capacity elsewhere in the country prior to mobilising them on the reintegration of trafficking victims. Cf. Lieby 2003: 15.

<sup>185</sup> Interview with Bakie Kamara, SDO, MSWGCA, Kambia, Sierra Leone, August 4, 2005.

<sup>186</sup> For example, staff at the 'Minors and Child-Friendly Wing' of the IOM rehabilitation centre in Moldova have observed that minors themselves are a diverse group with distinct needs. The Wing currently supports five distinct target groups of minors: 1) minor victims of trafficking (generally 14-16 year-old girls trafficked for sexual exploitation), 2) children trafficked with their mother/parent, 3) mothers who return home pregnant or with a baby; 4) children left in Moldova while their mothers were trafficked and reunited with their mothers during rehabilitation; and 5) minors victims of trafficking (young males, 16-17 years old). Attention to diversity within minors and changes in profiles and experiences is essential (Surtees 2005: 19-20).

<sup>187</sup> These include: United Nations – *Recommended Principles and Guidelines on Human Rights and Human Trafficking*; UNICEF – *Guidelines for the Protection of the Rights of Child Victims of Trafficking in South-Eastern Europe*; UNHCR and Save the Children – *Statement of Good Practices*; UNHCR – *Guidelines on Policies and Procedures in dealing with unaccompanied children seeking asylum*; and UNICEF - *Principles for Ethical Reporting on Minors*.

and MSWGCA on investigation into child abuse and sexual violence cases, which is also an important building block. Essential now is to dovetail the existing protocols and standards as well as further elaborate them to include a more diversified package of child protection needs.

An overarching tenet of assistance to minors is that it is undertaken in accordance with 'the best interests of the child'. This is an important principle, but provides little concrete guidance. This means that some social care actors, those who lack resources, training and support, are without the guidance, expertise and resources to appropriately and adequately assist minor victims. This can, and at times does, mean that minors do not receive the specialised care that they require. As such, we need to think through what 'the best interests of the child' means concretely and specific to Sierra Leone. Training, examples and options are needed for people working with minors. Attention must be paid to different profiles of victims and their experiences of exploitation. As well, we must consider that 'the best interest of the child' are measured differently by different actors – by service providers, the criminal justice system, across borders, etc. They all have different perspectives and balancing and accommodating these different perspectives and mandates is intensely complex (Surtees 2005: 21-22).

Finally, while minors require specialised assistance, there is also a need for assistance to adult victims. Services for adult victims of trafficking are almost non-existent, constituting a significant gap in the assistance structure. Adults (male and female) are equally entitled to and in need for assistance. As well, assistance to adults will inevitably translate into child protection, as support to mothers, fathers, relatives, community members has an impact on the well-being of children generally. If trafficking issues are to be mainstreamed into the existing child protection framework, thought must be given to how the needs of trafficked adults can also be met.

### 10.3: Law Enforcement, Prosecution and the Judiciary

As important as the anti-human trafficking law itself is the implementation and enforcement of this legislation by law enforcement and the judiciary. Most law enforcement officers had heard of human trafficking. However, they were far less informed about the specifics of the law as well as what exactly trafficking was. Some defined trafficking as simply movement, while others seemed aware that it required some form of exploitation.<sup>188</sup> Similarly, judicial personnel, such as judges, prosecutors, magistrates and justices of the peace, have limited knowledge of trafficking in persons as well as international human rights standards that guard the rights of children. An essential starting point is training and sensitisation amongst law enforcement and the judiciary on the anti-human trafficking act as well as on children's rights more generally. Sierra Leone should sponsor skills-based training for front-line police, border officials, investigators, lawyers, prosecutors, and judges (as part of continuing education programmes, including addressing the specific issues of children).

#### Box 2: Knowledge of Trafficking within Law Enforcement and Immigration Officials

Respondents from immigration and different sections within the SLP were asked 'Is trafficking a criminal offence in Sierra Leone?' If they answered yes, they were asked 'what are the penalties for trafficking in person?' Below are some of the answers:

*'Of course trafficking is a criminal offence in Sierra Leone... Right now I cannot tell you the penalties for trafficking in person as it depends on the degree of how the trafficking issue take place whether, the child is being trafficked by his or her family members. Someone is innocent of committing a crime until proven guilty by the court of law and the penalty may depend on the gravity of the crime' (SLP officer).*

*'Internally, yes trafficking in person is a criminal offence, but in Sierra Leone the process is yet an early stage to consider trafficking a criminal offence. The bill has been passed in parliament and if the president should endorse that bill, trafficking persons will become a*

<sup>188</sup> One FSU office defined trafficking as follows: 'To me trafficking in persons is the movement of persons by other people for certain benefits at the expense of the victim'.

*criminal offence in Sierra Leone. I want the government to regard trafficking in persons as a felony, which is a serious offence. It should be equated to murder or treason so that the punishment will be very severe. I recommend 15 years imprisonment or life jail' (FSU Officer).*

*'It depends on the circumstances. Traditionally, most of us grew up with foster parents. In this way, I do not regard it as trafficking. There is also the western version where the foster parent and child co-exist. As long as the child is going to school, child abuse does not to me mean child trafficking. Trafficking is a criminal offence in Sierra Leone' (Immigration officer).*

*'Yes trafficking is a criminal offence, because if it is not a criminal offence, then they would not have lectured us on it. But with regard to the penalties for trafficking in persons I would not tell you outright. I know it is a criminal offence, but the court of law has to tell you, based on the gravity of the offence upon which the matter is charged to court. The penalties are going to be levied on the culprit that committed the crime' (Immigration Officer).*

*'Yes, especially with minors. Foreigners particularly would take minors out of the country to other countries and it is possible that these children might not return to the country again. Yes, it is illegal and a criminal offence in Sierra Leone. Traffickers are charged to court and if found guilty, they are imprisoned' (FSU Officer).*

*'It is a criminal offence. The judiciary decides the penalty' (SLP officer).*

*'Penalties for trafficking in persons depends on the circumstances leading to or the gravity of the trafficking. As in a case of a woman who is not happy with how her husband is treating her son, and she knows that she is coming from a wealthy family from Freetown... and sent to someone in Freetown to come and take the child along to Freetown without the notice of her husband. The child was taken to her family in Freetown, this is trafficking. But in this case the penalty is not effective... Later that will just be settled at family level rather than punish the mother of the child who is the agent of the trafficking or the one that plays the middle role in taking the child to Freetown. The person that will take a child to other places by not having relation to the child for inhumane purpose, child abuse or slavery, if that sort of person is caught, then the law will take its course according to the constitution of the land' (SLP Officer).*

Investigation and prosecution of human trafficking cases requires special skills in terms of interviewing and communicating with children as well as knowledge of the impact of trafficking.<sup>189</sup> Currently all cases of sexual and physical violence are handled by the Family Support Units (FSUs).<sup>190</sup> For child sexual abuse cases, SLP and MSWGCA conduct a joint investigation and provide necessary support to child victims according to the protocol on the prevention and response to gender based violence. These teams are specifically tasked with handling sensitive cases of sexual abuse and violence and have received training appropriate to this. The mandate of these teams should be expanded to include child trafficking, with training tailored to the specificities of child trafficking cases. FSUs and MSWGCA have been involved in the few cases of trafficking handled to date.

Generally, the legal system in Sierra Leone is extremely slow and, due to a lack of judicial and court personnel,<sup>191</sup> cases are plagued by frequent adjournments. This has been the case

<sup>189</sup> A valuable resource on this subject is the UNICEF/UNMIK manual from Kosovo entitled 'Let's Talk: developing effective communication with child victims of abuse and human trafficking'. The manual outlines the various issues associated with abuse and trafficking, the various stages of interviewing, effective communication with children and specific skills for interacting with adolescents and young people. For full publication details, see UNICEF & UNMIK 2004.

<sup>190</sup> Family Support Units (FSUs) have been established in all districts and the Western Area, and 48 officers have been trained to investigate crimes against women and children, particularly sexual and physical violence. FSUs have been involved in the few cases of trafficking handled to date.

<sup>191</sup> Currently, only 40% of Magistrates have been deployed (UNICEF 2005b).

for many child protection issues, including the sexual abuse of children. Other sources report lax and even incompetent prosecution of cases that result in an unwillingness amongst victims to initiate legal proceedings. In cases where the family opts to pursue the case, a disturbing number become so frustrated with the process that they accept monetary compensation from the perpetrators instead, increasing the risk that the alleged perpetrator will commit similar crimes in future.

#### Case Study 19: A trafficking case?

A police officer was travelling by public transport one day from Bo town. Also travelling on the bus was a group of four boys, around 14 to 17 years old, accompanied by a man not much older than themselves. The police officer overheard their conversation and learned that the man was taking them to Freetown to help them find work. The officer became suspicious of the situation thinking this might be trafficking, so he arrested the man. The man is currently facing charges in the Freetown court.

The boys were referred for care to Don Bosco and one social worker was tasked with their case. The boys were to be returned to their families in Bo town and reintegrated. The social worker accompanied the boys home but upon arrival in Bo town the boys ran away from the social worker. The next day the social worker followed up with their families and, in the course of discussions with the boy's families, the social worker learned that the man was also from their neighbourhood and not much older than the boys. They had met him on the street one day and asked where he had got his new jeans. He offered to take them to a man in Freetown he worked for and help them to get a job. Based on discussions with family, the social worker began to suspect that this may not be a trafficking case. As the social worker observed, 'I don't think this is a case of trafficking, I think it's more about peer group pressure'.

The case was recently called before the court and the social worker attended the hearing as a witness and to provide his account of what had transpired; 'I went to the court to testify. I waited all day in the courtroom and then right before it was my turn to testify they judge adjourned the case for a month. Now who knows how long it takes before the case comes up again'.

Source: Don Bosco, Freetown

Police and judicial officials often lack the skills and training to deal sensitively with victims of trafficking in persons. One social worker said of the judiciary's handling of rape cases, 'in the handling of rape cases we can have problems. Not all prosecutors are trained in handling such cases sensitively'.<sup>192</sup> Children appearing within the criminal justice system as victims and witnesses do not receive adequate care and protection required given both their age and their experience of violence. While there are some mechanisms that can be employed – such as giving evidence in closed chambers – they are currently insufficient.<sup>193</sup>

In terms of children, it is important to highlight the rights of the child to be fully informed about all matters relating to the judicial process. This is often overlooked when dealing with minors. This would include the need to tell the minor about the security issues surrounding their involvement in the criminal process before they agree to testify and that the child is informed of her/his right to initiate civil proceedings. Every child must have proper access to justice, fair treatment, restitution and compensation and contact with the suspect should be avoided as much as possible. The child should also be provided with legal representation and translation into her/his mother tongue in legal proceedings (UNICEF 2003). Inadequate protection

<sup>192</sup> Interview with Florence Sandy, IRC Rainbo Centre, Freetown, Sierra Leone, July 28, 2005.

<sup>193</sup> There have also been allegations of interference in the investigation and prosecution of rape and sexual abuse cases by some paramount chiefs. There have been cases of traditional leaders lobbying FSU to drop the case or going to court and talking directly to the magistrate. This has been especially the case in the provinces (Interview with Florence Sandy, IRC Rainbo Centre, Freetown, Sierra Leone, July 28, 2005). This may pose a similar problem in trafficking cases.

measures for child victims and witnesses contributes to their further victimisation. An independent lawyer protecting and advocating for the child's interests serves to mitigate such hazards.

One issue that must be considered in the implementation of the new anti-human trafficking law is that many cases of trafficking involve parents who give their children to wealthier, urban relatives for fostering purposes out of a desire to give them better life options. Cases also involve relatives who take their nieces and nephews to the city for labour purposes – domestic work, street hawking, etc. – which they may not consider to be exploitative but rather is seen as part of normal children's labour. In such circumstances, questions need to be asked about intent and whether prosecution is the most effective way to tackle the phenomenon. It is a delicate balance in terms of weighing up incrimination of parents vs. protection of the family. Where parents may not be completely ignorant of the risks involved in their child's migration, their breach of the responsibility of care must be considered seriously. Relatives should not be immune from criminal charges. That being said, parents may not be aware of the risks and problems to be faced. And criminalisation of parent's actions can have very serious social and familial implications that can work contrary to the best interests of the child (UNICEF 2002: 19).<sup>194</sup> Further, power dynamics between relatives may come into play in terms of prosecution. Poor relations may not feel that they are in a position to stand up to their relatives. It is also frowned upon to violate sanctity of family and kin ties. Power dynamics may also be an issue when *Karamoko* or other customary or religious figures are involved in trafficking as these individuals carry much weight in the community and disenfranchised rural dwellers are unlikely to be willing to testify in cases against them.

#### Case Study 20: Trafficking in Children from Makeni

In November 2004, the SLP in Makeni were notified by a private citizen that a large number of children were being held at the Makeni mosque under unclear circumstances. The children had been seen begging around Makeni, but always returned to the Mosque. The police followed up with the case and found 47 children lived at the mosque, 40 boys and 7 girls. One of the children in the mosque, who was very ill, was taken immediately to hospital but died a short time later. Another of the children, a girl, reported that she had been sexually abused by the cleric keeping them at the mosque and the case was handed to the FSU.

After an investigation it was learned that the children have been recruited by a Muslim cleric from surrounding villages promising free education in Libya. He warned their parents that Sierra Leone law requires them to educate their children and that they risked being prosecuted for failing to send their children to school. The suspect had certificates purporting to be issued by the Libyan government and African Muslims Agency.

The suspect mobilised community leaders and Muslim scholars to help him recruit the children, promising a better life for the children and also to build schools and mosques for the community. Parents were told that they had to register their children as orphans, pay 5,000 Leones (USD 1.73) and provide a passport photo. In total there were 600 children registered in the suspect's notebook who had agreed to migrate, although only 47 had been sent to Makeni at that point.

The suspect was accused of sexually abusing the girl and is currently facing this charge in court. With regard to the trafficking charge, the SLP are waiting to hear from the Director of Public Prosecution in Freetown as to whether the charge of trafficking will be used.

Source: Interview with Alie Koroma, Assistant Superintendent of Police, Criminal Investigations Division (CID), Makeni, Sierra Leone; Interview with O.S. Newland, (Inspector – FSU) and Alie Koroma (Assistant Superintendent of Police – CID), Makeni, August 1, 2005.

<sup>194</sup> More strategic may be awareness-raising efforts amongst parents and communities that highlight the risks of these practices and present the reality faced by children who are sent to live with relatives. Where the practice continues in spite of increased awareness, prosecution may be pursued. Also central must be more systemic prevention efforts that acknowledge the push factors for trafficking – i.e. lack of economic and educational opportunities – and seek to redress these.



#### 10.4: Information Gathering, Documentation and Databases

Collection of data is an essential tool in efforts to combat trafficking in persons. Reliable information is needed at both an organisational level as well as within the government at all levels. This information, if collected, used and shared effectively, will be central in noting changes in how trafficking is played out in the country and will allow policy makers and practitioners to act and react appropriately. Generally, organisations and government are not collecting trafficking data. Neither are organisations analysing potentially valuable data about trafficking collected in their daily work with beneficiaries. There is a need for a comprehensive and agreed-upon data collection mechanism within the country to allow for a quantification of the problem and an assessment of the needs of victims and vulnerable groups.

Many different actors, both government and NGO, cited the need for a counter-trafficking database as a central concern. This was seen as a means to track trafficking cases and quantify the problem. A database can be a helpful tool for counter-trafficking actors but the development and implementation of the tool requires careful consideration and coordination. Most importantly, thought must be given to the purpose of the database and the organisation's specific mandate. For example, organisations providing direct services to victims would require a database as a tool in their case management and service delivery. Such a database would necessarily be victim centred and could, in addition, provide some (confidential) information that is helpful in terms of research and assessment.<sup>195</sup> By contrast, law enforcement's mandate includes the contravention of laws, integrity of borders and security of the nation state. Thus a law enforcement database would need to concentrate more specifically on crimes committed and the profiles of perpetrators/traffickers, including crimes other than those of trafficking in persons (i.e. passport fraud, illegal migration, facilitating prostitution, smuggling, etc.).

In practice, then, more than one database system will be needed by counter-trafficking actors to address their specific programmatic needs. For example, ONS should have a database, which consolidates information from all law enforcement actors on criminal aspects of trafficking, including trafficker profiles and pending cases. Importantly, victims may choose not to be identified or become involved in the criminal process, in which case it is inappropriate for them to be included in a central database maintained by law enforcement. Similarly, the MSWGCA would be the most appropriate custodian of a database on trafficking victims, including their assistance needs and the status of their care. NGOs and international organisations might also choose to have their own databases specific to their programmatic needs, although efforts should be made to coordinate and consolidate information from the respective databases. In addition, the design of databases should draw upon the experiences and expertise of such practices elsewhere in the world.

Any central repository of information on trafficking must ultimately be the responsibility of the government of Sierra Leone. This is essential toward sustainability in the long term as well as meaningful ownership of the issue. The major obstacle, however, is the capacity of the government to maintain and protect this data as well as willingness to share and mobilise the data to counter trafficking. Given the sensitivity of this data and the risks for the victim if this information is not secure, issues of capacity and resources must be taken very seriously. It may be necessary to temporarily supply staff and equipment to government bodies to ensure that this is done correctly and according to respect for the rights of victims and international standards. In all cases of trafficking data (whether in a database or case files), there are critical issues of security and data protection that must be taken very seriously by all organisations and actors and will vary according to the type of data required. Protocols and laws on the protection of victim information must be established and rigorously enforced.

In addition to data collection, there is a need for further research and analysis on trafficking in the country. Research needs to be regularly updated to mark changes in patterns and trends

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<sup>195</sup> For example, information about assisted victims can provide information relevant for prevention programmes (i.e. recruitment practices, victim's relationship to recruiter, area of origin, victim profiles, etc.), for identification (i.e. means of transportation, routes, use of legal or illegal documents), law enforcement (i.e. traffickers profiles, destinations) and protection and assistance (i.e. experiences trafficked, resulting physical and psychosocial needs).

and as a measure of the impact of counter-trafficking efforts. Both qualitative and quantitative studies are needed. All research should attend to the specific ethical issues related to trafficking research as well as research with children.

### **10.5: Training and Capacity Building**

Little training has taken place to date on the issue of trafficking. This constitutes a significant obstacle in efforts to tackle the issue. The limited knowledge of trafficking by various government and non-governmental actors was striking and must urgently be re-dressed. As a first step, far more clarity is needed about what does and doesn't constitute trafficking in persons. Practical application of the law to the real life situations faced by the various organisations and departments would be a critical first step.

Training will need to be tailored to the different groups. This is particularly pressing for those on the frontline of the counter-trafficking work, those providing assistance and protection. Among the types of training required are:

- *For Law Enforcement:* Sierra Leone should sponsor skills-based training for front-line police, border officials, investigators, lawyers, prosecutors, and judges (as part of continuing education programs). Other countries and regions – such as SE Europe and SE Asia – have developed or are developing training programmes with sophisticated curricula and other training material for these critical actors. It would be particularly valuable to improve and adapt the training material to the specific issues of children.
- *For Service Providers (Government & NGO):* While service providers have valuable experience borne of their existing work with child protection, training on trafficking assistance is needed to ensure appropriateness of care. The specific needs of trafficking victims must be carefully considered. Existing training material can be adapted to the local context.
- *For the Trafficking in Persons (TIP) Task Force:* As the main body responsible for counter-trafficking in Sierra Leone, it is imperative to build the capacity of the task force. This will require training on theory and the practice of combating human trafficking and may be undertaken through national workshops, round table discussions, seminar, etc. The participation of all national stakeholders, including civil society, legal experts, the media and research institutions, is desirable toward maximum capacity and impact.
- *For Judiciary:* Training is needed for legal practitioners on the national and international legal frameworks in place to address human trafficking. Key aspects of this training will need to be effective prosecution, victim/witness protection, the provision of legal assistance, sensitivity to victims, especially minors, in the legal process and data collection on trafficking cases.
- *For Awareness-raising campaigns:* Effective awareness-raising efforts require skills in the development of a campaign. Training in how to undertake and evaluate an effective awareness-raising campaign will improve the campaign itself and build the capacity of the child protection organisations. Thought must be given to the target group, an appropriate medium, what are effective messages as well as monitoring and evaluating the campaign.

Other groups and sectors will require training and sensitisation on trafficking. For example, if prevention is to take place within formal and informal education programmes, teachers will require training on trafficking and safe migration messages. Similarly, if medical professionals are to play a role in the identification of victims, training will also be needed on both the issue and the referral mechanism more generally. Also advisable is multi-disciplinary training among these professionals to ensure effective communication and cooperation as well as cross pollination of ideas, experiences and strategies. Other potentially frontline counter-trafficking actors are embassy staff abroad who should be equipped to identify and assist

Sierra Leonean trafficked persons who access the embassies. Media training is also important to ensure that journalists report on the issue in appropriate, informed and sensitive ways. UNICEF's *Principles for Ethical Reporting on Minors* can be an important starting point in the development of standards and guidelines for media's handling of child trafficking cases.

Training must not be *ad hoc*. It should mobilise professionally developed and tested modules, with methodologies for adult learning and according to the target group's profession and professional level. Further, training must be on going and updated to keep abreast of developments and changes in this very dynamic industry. Issues of trafficking (and child protection generally) must be built into curriculum for professionals (i.e. police, social workers, doctors, teachers) in order that all professionals working on the issue have received at least basic training and sensitisation. Reference books are another means by which skills can be maintained and shared.

## Chapter 11: Gaps, Issues and Recommendations

### 11.1: In the Area of Prevention...

**Poverty reduction, sustainable livelihoods and income generation:** Systemic prevention efforts must be a central aspect of counter-trafficking activities in Sierra Leone. Individuals, families and communities at risk of trafficking must be included in poverty reduction schemes as well as employment and income generation initiatives. A mapping of at-risk groups as well as appropriate poverty reduction strategies is essential.

**Awareness-raising campaigns are needed about trafficking:** Awareness-raising should take place in a variety of different forums targeting different target groups, including both children and parents. Messages, medium and means of dissemination will need to differ according to the target group and campaigns must be evaluated to assess their impact.

**Safe migration messages as a strategic approach:** As migration is socially normative and an effective economic strategy in Sierra Leone, it is likely to continue in spite of the risks involved. What is vital is to ensure safe migration, which requires warning children about the risks of migration as well as equipping them with the information and tools to seek assistance. Message should include information about where to go in the town for help (i.e. FSU, MSWGCA, NGOs), what your rights are, what adults are not allowed to do, etc.

**Mobilise local leaders in prevention and awareness-raising:** Local leaders, including religious leaders, village chiefs and traditional healers, can be mobilised in awareness-raising on trafficking as well as efforts to stem recruitment and unsafe migration from their communities. Local leaders will require training to ensure that they understand the issue and can convey it sensitively, correctly and according to child protection principles. It may also be possible to mobilise celebrities or public personalities on the issue of trafficking or child protection more generally. This strategy was used to great effect in Indonesia with a popular television personality.

### 11.2: In the Area of Protection...

**Mainstream child trafficking into child protection framework:** Child trafficking is one among many child protection issues in Sierra Leone. Given limited (and diminishing) resources for child protection and in an effort to formulate a sustainable assistance structure, it is recommended that trafficking issues be mainstreamed into the assistance paradigm and considered one of the critical child protection issues in Sierra Leone. Tailoring services for trafficked persons within the assistance framework will be vital.

**Address limitations in existing child protection programmes:** There are a number of gaps and limitations in existing child protection programmes that must be identified and addressed. These include limited capacity, limited resources, geographic distribution of services, quality of care, etc. Building the capacity of child protection agencies and interventions – both government and non-governmental – will be central in assisting victims of trafficking.

**Specialised assistance for minor victims of trafficking:** Care must be taken that cases of child trafficking are handled differently from those of trafficked adults. Principles and measures include specialized interview procedures, identification processes, formal referral mechanisms, the appointment of a legal guardian and tailored assistance for trafficked minors. In addition, assistance must be tailored to the various developmental stages of childhood and adolescents, as needs vary according to the minor's age and stage of development.

**Standards and protocols for victim assistance:** Formally agreed protocols and standards that outline a minimum level of care and a necessary package of services for minor trafficking victims are needed. Protocols are also needed for the implementation of all services – i.e. medical care, legal assistance, shelters, etc. – across agencies and within the government to

ensure to best quality of care for all trafficking victims. Also essential is that the implementation of these protocols and standards are monitored and enforced as well as evaluated.

### **11.3: In the Area of Prosecution, Law Enforcement and the Judiciary...**

**Implementation and enforcement of anti-human trafficking legislation:** Implementation of the anti-trafficking law will be the key in preventing and re-dressing trafficking. Future efforts in Sierra Leone should include a commitment to this outcome. Enforced laws serve as an important deterrent as well as punishment for traffickers. All sectors of the police and the judiciary must be sensitised on the newly passed trafficking law and its requisite components as well as equipped with skills to enforce the law. Law enforcement and the judiciary should also be trained on the use of other laws, which can be mobilised in efforts to combat trafficking.

**Development and enforcement of child protection policies and legislation:** Law reform is urgently needed in the area of victim protection and children's rights. There is an urgent need to articulate and forcefully implement laws and policies, which enshrine these principles. Most pressing is the draft Children's Act, which includes vital measures for combating child trafficking and exploitation more generally.

**Strengthening national borders:** There is an important to address the porous nature of Sierra Leone's borders, as a means to tackle trafficking as well as other forms of crime. Resources will be needed to man border points, enforce regulations and patrol borders. However, policies must be designed in ways that do not restrict migration and force potential migrants into the hands of traffickers. As part of this process, special attention should be given to children. Children should not be allowed to pass national borders without parental consent or where it is estimated to put the child in a vulnerable position.

### **11.4: In General...**

**Training and capacity building:** There is limited capacity of government and civil society actors on the issue of trafficking in persons. Extensive training and capacity building efforts are required, targeting the full range of actors engaged in counter-trafficking. Training on trafficking should not be *ad hoc* but rather must be embedded in professional skills training, such as curriculum for law enforcement, teachers, medical professionals, etc.

**Increased role of the Sierra Leonean Government:** The government of Sierra Leone has a responsibility to lead counter-trafficking efforts in the country. A number of different government ministries and departments are currently active on trafficking in persons, most prominently the Sierra Leone Police, ONS, Customs/NRA and MSWGCA. All ministries have a role to play in combating trafficking – from the provision of assistance and care (MSWGCA, Health) to prevention programmes (Education, MSWGCA); from the identification of victims (Ministry of Foreign Affairs, Law enforcement, Health, MSWGCA, etc.) to the prosecution of cases (Law enforcement, Justice, Attorney General). Training tailored to trafficking and their specific mandate will be required by different departments and ministries. There is a central role to be played by various government ministries in supporting the disparate aspects of prevention, protection and prosecutions.

**Greater coordination and cooperation:** As counter-trafficking efforts are only newly beginning, there is an opportunity to tackle trafficking holistically and strategically, which requires much coordination and cooperation. There is a need for coordination, cooperation and communication between different government ministries to offer effective services to victims and undertake meaningful prevention and prosecution efforts. This is required at a national level, to guide policy and procedures, as well as at provincial and district levels, to inform the more operational aspects of service provision and counter-trafficking efforts. Coordination is also needed between the government and civil society sector. Also important is cooperation between different NGOs, CBOs and other civil society actors.

**Geographic distribution of assistance & programmes:** The geographic distribution of services has been considered in terms of child protection generally, although there remain some significant and debilitating gaps. It is widely recognised that rural areas lack services and most rural dwellers must travel to towns for services, with transportation fees being prohibitive. Geographic reach will increasingly be an issue, with many NGOs and organisations scaling back their activities and in the absence of effective government social infrastructure. Attention to geographic distribution is essential also in terms of prevention. Awareness-raising campaigns and income generation programmes must target rural areas from where many trafficked children originate.

**Develop and implement a national plan of action:** National plans of action are valuable in the provision of services for victims and development of prevention strategies, as they outline the various programmes and services required as well as the organisations and departments tasked with these responsibilities. An essential consideration in the development of NPA is their implementability and the commitment of different actors to work on and according to this plan. A budget must also be formulated and allocated. Similarly, timelines must be developed, with target dates for reaching benchmark objectives. The task force, established under the Anti-Human Trafficking Law, will be the central engine for the implementation of a national action plan.

**Adequate budgetary provision for counter-trafficking activities:** Effective counter-trafficking efforts require adequate support and funds, from the Sierra Leone government as well as the donor community. With few exceptions, assistance and protection in Sierra Leone is supported by funds from international donors and organisations. There is a need for government investment in counter-trafficking efforts as an important step toward sustainability. There is also a need for donor attention to human trafficking.

**Research and evaluation of programmes and policies:** There is a need for more thorough research into trafficking in Sierra Leone, for both children and adults. This assessment is insufficient to provide either a full picture of trafficking or its scope. More information is needed about recruitment practices, routes and patterns, destinations, victim profiles, sites of vulnerability and the extent of trafficking. For example, better understanding the recruitment process or source areas is essential in determining how to mount effective prevention campaigns. Understanding why some children are trafficked and others are not, in spite of similar socio-economic backgrounds, is also valuable in prevention efforts. Ideally an in-depth study should follow to consider these gaps as well as seek to quantify the rate of trafficking. Having baseline data also serves as a means by which programmes and policies can be monitored, measured and assessed over time. Such research should consider both children and adults.

**Data collection and documentation:** It is imperative that data collection is a part of counter-trafficking efforts. Two databases should be established and supported – one focusing on law enforcement and one focusing on victim assistance. These should build on existing expertise elsewhere in the world. Regulations are needed on the issue of victim security and privacy, to be rigorously enforced. Training will be needed in the development and implementation of an appropriate database system. Collaboration between government ministries, international organizations and local NGOs in the design and implementation of these databases is encouraged, as is sharing of information within assisted caseloads, albeit with appropriate attention to issues of confidentiality.

**On-going monitoring and evaluation of programmes:** Monitoring and evaluation is vital in terms of measuring the impact of programmes, whether for prevention or protection. Much can be learned from successes and failures of programmes and meaningful evaluation should be built into every counter-trafficking programme. Ideally, an evaluation of the national framework should be undertaken on a regular basis to gauge successes and identify gaps and problems toward an ameliorated strategy. Evaluations should mobilise the experiences and opinions of assisted children to accurately reflect the good practices and problem areas in terms of trafficking.

**Counter-trafficking efforts must consider adult and child victims:** Both adults and children are trafficked and, as such, counter-trafficking efforts must consider both target groups. Different types of interventions will likely be needed for adults and minors. It is important that counter-trafficking interventions include specialised assistance to minors alongside programmes for adults.

**Transnational Cooperation:** There is a need for enhanced collaboration between countries of destination and origin in the area of human trafficking as well as border control, joint law enforcement operations, organized crime, irregular migration, etc. The Sierra Leonean government and its neighbours should elaborate bilateral agreements, including cooperation between law enforcement authorities and protection and assistance to victims. NGOs and international organizations should also pursue cooperation with counter-parts in destination and origin countries.

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## **Appendices**

### **Appendix 1: Glossary**

*Brah* – ‘older brother’ in Krio language, refers to someone’s patronage and protection

*Dreg* - an illegal or undignified means of making money such as pick pocketing or petty thieving

*Kpombeh* – Bonded labour or debt bondage, in Mende language

*Karamoko* – Quranic scholar

*Kaklek* – female pimp

*Krio* – Lingua franca of Sierra Leone

*Sisi* - ‘older sister’ in Krio language, refers to someone’s patronage and protection

## **Appendix 2: Focus Group Discussions with Community Leaders (Male, Female and Youth Leaders)**

### **1. Definition of a Child**

- Who do you define as a child? Note what age they consider to be children.
- *Explain that we define a 'child' as anyone under 18 years and request that they answer the questions using the definition of child as under 18 years.*

### **2. General Patterns of Migration**

- Is it common in this village for children to migrate?
- How common is this child migration? I.e. how many children left the village last year for work or study?
- For what purpose do children from this village migrate (study, work – specify type of work,...)
- What are places that children from this village go when they migrate?
- At what age do children generally migrate?
- Do both girls and boy children migrate from this village?
- Is it more common for boys or girls to migrate?
- What type of reasons do girl children migrate? What are the reasons for which boy children migrate?
- For what periods of time are children generally away from home?
- What criteria decides which child will migrate? (i.e. eldest, sex of child, smartest child, the recruiter decides...)
- When children migrate, do they keep in contact with their families?
  - If yes, how regularly and how?
  - If no, what prevented them from having contact with the child?

### **3. Personal Migration Experiences**

- Have any of your children migrated? (or if it a young person, you migrate refer to a sibling)
- If yes, can you tell me about the migration process – who arranges the migration?
- Was the person someone that the children know? I.e. Family? Friend?
- What is promised to the child? I.e. Work, high payment, study, adventure...
- Was the recruiter paid for facilitating the migration?
- Was the migrating child a boy or girl?
- What age when they migrated?
- Where did they migrate to?
- What work (or study) are they doing there?
- Are you in contact with the child? (Or if the child returned already, were you in contact with them when they were away?)
- How long have they been away (Or if the child returned already, how long away?)
- Was it a positive or negative migration experience?

### **4. Children's Decision-making in the Migration process**

- What are the reasons that children decide to migrate? Could be both overt push factors (i.e. force, parents told them ) and covert push factors
- Why do some children migrate and others do not? What are the triggers for migration? (i.e. poverty, adventurous child, contacts elsewhere)
- To what degree are children involved in the decision to migrate?

### **5. General Migration Impressions and Experiences**

- What are the advantages to migration for children and their families?
- Are their disadvantages to child migration for children and their families?
- Do children face problems when they migrate? What type of problems have children from this village faced? (i.e. abuse, no payment,...)
- What opportunities are there for children who stay in the village (i.e. work, study...)

### **Appendix 3: Focus Group Discussions with Community Children, ages 10 to 17 years**

#### **1. Definition of a Child**

- Who do you define as a child? Note what age they consider to be children.
- *Explain that we define a 'child' as anyone under 18 years and request that they answer the questions using the definition of child as under 18 years.*

#### **2. General Patterns of Migration**

- Is it common in this village for children to migrate?
- How common is this child migration? I.e. how many children left the village last year for work or study?
- For what purpose do children from this village migrate (study, work – specify type of work,...)
- What are places that children from this village go when they migrate?
- At what age do children generally migrate?
- Do both girls and boy children migrate from this village?
- Is it more common for boys or girls to migrate?
- What type of reasons do girl children migrate? What are the reasons for which boy children migrate?
- For what periods of time are children generally away from home?
- What criteria decides which child will migrate? (i.e. eldest, sex of child, smartest child, the recruiter decides...)

#### **3. Recruitment Process**

- Can you tell me about the migration process – who arranges the migration?
- Is the person someone that the children know? I.e. Family? Friend?
- What is promised to the child? I.e. Work, high payment, study, adventure...
- Is the recruiter paid for facilitating the migration?

#### **4. Children's Decision-making in the Migration Process**

- What are the reasons that children decide to migrate?
- Have you ever considered migrating?
  - For those who migrated? Can you tell me about led you to migrate?
  - For those who did not migrate? Can you tell me about why you decided not to migrate?
- What would your family think about the idea of you migrating?
- Would you consider migrating in the future?

#### **5. Opportunity and Aspirations:**

- What work and study opportunities are available in the village?
- What work would you like to do when you get older?
- Where do you plan to do that work? i.e. in village, town,...





#### Appendix 4: Community Perceptions of who is a 'Child' in Sierra Leone<sup>196</sup>

Age Range or Designation	Male Community Leaders	Female Community Leaders	Youth Community Leaders	Community Children (10-17 years)	Village Chief	Total
25 years and above	2	1	0	0	0	3
18 to 24 years	20	8	19	18	3	68
14 to 17 years	20	8	20	16	2	66
11 to 13 years	2	5	2	2	0	11
5 to 10 years	5	9	7	4	0	25
0 to 5 years	0	1	5	0	0	6
8 to 14 years	0	0	1	0	0	1
6 to 16 years	0	0	1	0	0	1
5 to 18 years	2	0	0	0	0	2
Above 1.5 years	2	0	0	0	1	3
Someone that does not have or know about sex	0	2	0	2	0	4
Someone who doesn't know about life or have family responsibilities	0	2	0	2	0	4
Someone attending school	0	2	0	0	0	2
Someone under parental care	1	0	1	0	0	2
A suckling baby	0	1	0	0	0	1
Total	54	39	56	44	6	199

<sup>196</sup> Not all FGD participants responded to this question, accounting for the discrepancy in responses and the total number of FGD participants.

## Appendix 5: Inventory of Community Resources

Name of Village & District	Population	School Facilities	Health Care Facilities	Other infrastructure	Environmental Problems	Economic situation and common occupations	Recreational and Social Amenities
Kamakwie, Bombali	30,000	5 Primary Schools, 1 Junior Secondary School 1 Senior Secondary School	1 Hospital	No electricity, No pipe borne water, Pump wells	Heavy storms, Bush Fires	Trading, Agriculture, Mining (Diamond and Gold)	Community Centre and Football Field  No Children's club or CWC
Koindu, Kailahun	4,000	7 Primary Schools, 1 Junior Secondary School	1 Community Health Centre	Road conditions fairly satisfactory	Heavy storms and floods in rainy season	Agriculture, Trading	Football Field, Location to watch film No Children's club or CWC
Kassire Village, Kambia	2,117	4 Primary Schools, 1 Junior Secondary School	1 Community Health Centre	No electricity, No pipe borne water, No post office, No market, No reliable transportation 1 police station	Salinity affects soil for farming purposes	Little formal employment, only farming and trading	None (no community centre)

Tissor Village, Kenema	3,000	Primary School to Class 4	No Health Facility	Market, Water Wells, Electricity, Poor Sewage Facilities, Damaged Roofs on Houses	Frequent flooding, heavy storms	Sand selling Charcoal Burning Wood Fetching Farming	None (no community centre, no field for recreational activities)
Njagbewema Tiama, Kono	10,000	1 Primary Schools from Class 1 to 6, 1 Junior Secondary School	1 Health Centre, not functioning	No electricity, No pipe borne water, Pump wells, Poor road network (especially with rainy season), Over 120 houses destroyed in war	Heavy storms	Trading, Farming, Diamond Mining	None
Gemdema, Pujehun	15,000	4 Primary schools from Class 1 to 6, no formal structure, thatch huts	1 clinic with 9 nurses	No electricity, No pipe borne water, 3 functioning had pump wells and 1 not functioning, Poor road network, 265 houses destroyed during war	Frequent flooding, heavy storm	Trade and agriculture	None, Also no child welfare committee or children's club, only one youth club

