

# CHILDREN AND TRANSITIONAL JUSTICE

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*Truth-Telling, Accountability  
and Reconciliation*

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# CHAPTER 5

## CHILD PARTICIPATION IN THE SIERRA LEONEAN TRUTH AND RECONCILIATION COMMISSION

*Philip Cook and Cheryl Heykoop<sup>1</sup>*



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Graça Machel speaks with a war-affected child in Sierra Leone while preparing research for her 1996 report on the Impact of Armed Conflict on Children.

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## INTRODUCTION

Children of this country were forced to fight for a cause we could not understand. We were drugged and made to kill and destroy our brothers and sisters and our mothers and fathers. We were beaten, amputated and used as sex slaves. This was a wretched display of inhuman and immoral actions by those who were supposed to be protecting us. Our hands, which were meant to be used freely for play and schoolwork, were used instead, by force, to burn, kill and destroy.

We do not believe this is the end of our story. Rather, it is the beginning. We, who survived the war, are determined to go forward. We will look to a new future and we ourselves will help build the road to peace.

– Child-Friendly version of the Sierra Leone TRC Report, 2004<sup>2</sup>

In conflicts of the late twentieth and early twenty-first centuries, combatants have targeted children as a means of instilling terror and have used children as tools of violence and social destruction. Transitional justice mechanisms, from truth and reconciliation processes to special courts and tribunals, have had to grapple with the challenges of respecting children's rights, well-being and social reintegration while seeking to involve them in proceedings, listen to them and give due weight to their experiences.

The role of children in truth commissions has been guided by the spirit and principles of international human rights law. The Convention on the Rights of the Child is the axis around which truth commission practice has revolved and evolved, in particular its focus on children's best interests and right to non-discrimination

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<sup>2</sup> *Truth and Reconciliation Commission Report for the Children of Sierra Leone, Child-Friendly Version* (2004), at 3, available at [www.unicef.org/voy/media/TRCCF9SeptFINAL.pdf](http://www.unicef.org/voy/media/TRCCF9SeptFINAL.pdf).

and – not least – the right for children’s voices to be heard and their views to be considered in decisions and procedures affecting them.

Children’s involvement in truth commissions and in transitional justice mechanisms is recent, and the experience in Sierra Leone was foundational in that respect. The Sierra Leone Truth and Reconciliation Commission (TRC) was the first truth commission to involve children in statement-taking and in closed and thematic hearings, as well as in the preparation of a child-friendly version of the Commission report. The role of children in the Sierra Leone TRC was also groundbreaking in setting precedent and developing policies and procedures to protect the rights of children in truth commission processes. This has had a significant impact on the emerging understanding of children’s evolving capacities to contribute to the legal and social aspects of TRC activities.

Sierra Leone endured a brutal conflict from 1991 to 2002. One of its characteristics was its extreme savagery toward children. Atrocities committed included amputation and rape, as well as systematic child recruitment into fighting forces. The conflict has since become an important milestone informing the innovative steps taken to involve children in truth and reconciliation processes, both as victims of the conflict and as change agents in social reconstruction efforts.

This chapter examines children’s participation in the TRC established in the aftermath of this conflict. It examines key issues in applying a rights-based approach to support child participation in relation to cross-cutting themes such as protecting the dignity of children as participants in truth-telling and community reconciliation; understanding children’s best interests in the complexities of transitional justice; applying a holistic, intersectoral approach to collaboration between government and civil society child protection agencies (CPAs); and building the capacity and child rights expertise of TRC commissioners and staff.

Lessons learned from child participation in Sierra Leone’s TRC experience can guide future truth and reconciliation processes and promote a deeper understanding of the implementation and application of human rights norms in a rapidly shifting humanitarian and development context. These insights are related

to three key themes that will require further reflection in the Sierra Leone context and in other countries where children are involved in the work of truth commissions:

1. Understanding children's participation in the TRC in relation to their agency (or capacity for self-efficacy) and their evolving development in a cultural context.
2. Conceptualizing the linkages between protection and participation.
3. Learning from children's meaningful participation as an impetus for broad-based legal and social policy reform and the strengthening of citizenship, especially in regard to fostering intergenerational healing and promoting sustainable peace-building in the aftermath of conflict.

The chapter concludes by considering how recommendations emerging from the experiences of the Sierra Leone TRC, at the levels of the child, family, community and society, can be used to guide applications of transitional justice involving children in Sierra Leone, as well as in other countries affected by war and political violence.

## **Methodology**

The research for this chapter, initiated in 2007, three years after the Sierra Leone TRC had completed its work, involved various forms of data collection that were intended to assess lessons learned from the process applied to support child participation in the TRC. The methods employed included: a desk review of relevant literature; eighty-four key-informant interviews with former TRC staff, academics, government officials, child protection organizations, traditional and religious leaders, children's organizations and civil society; follow-up interviews with eighty-three children who testified in the TRC and their families; and thirteen focus-group discussions with children affected by the conflict and their communities.

A snowball sampling technique that focused on individuals and groups involved in the TRC process was used to gather information, to better understand the lessons learned from the Sierra Leone TRC and to draw conclusions on child participation in TRC processes that can be applied in other contexts. These included key-informant interviews with members of the Sierra Leone TRC; the Special Court for Sierra Leone (SCSL); the United Nations Children's Fund (UNICEF); the United Nations Mission in Sierra Leone (UNAMSIL); Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA); Children's Forum Network (CFN); Save the Children; Caritas; Defence for Children International; Inter-religious Council of Sierra Leone; Council of Churches in Sierra Leone (CCSL); Talking Drum; Golden Kids Radio; parents; support groups; researchers; community members; and children.

Focus-group discussions with children were conducted in Bombali, Kailahun and Bo districts and the capital, Freetown. Diversity was sought across gender, age, role during the conflict, level of support provided by CPAs and ethnicity. Input was also sought from a broad range of individuals with international and national expertise in children's rights and transitional justice (a total of eighty-four people), including academics, government officials, international non-governmental organizations (NGOs), child protection organizations, traditional and religious leaders and community members.

Despite efforts to ensure adequate representation, it is important to note that the findings presented do not represent the views of all Sierra Leoneans or even a representative sampling of the country's children. Rather, the intention is to bring together a diversity of voices and experiences of a sample of children, their communities and key experts to shed light on the process of child participation in the Sierra Leone TRC.

## **FOCUS ON CHILDREN BY THE TRUTH AND RECONCILIATION COMMISSION**

In 1999, the Government of Sierra Leone and the Revolutionary United Front signed a peace agreement in Lomé (Togo). The Lomé Peace Agreement provided for the creation of a truth and reconciliation commission “to address impunity, break the cycle of violence, provide a forum for both the victims and perpetrators of human rights violations to tell their story, and get a clear picture of the past in order to facilitate genuine healing and reconciliation.”<sup>3</sup> In 2000, through passage of the Truth and Reconciliation Commission Act, the Parliament created the Truth and Reconciliation Commission for Sierra Leone. The Act specified a process for selecting commissioners, including public nominations, a selection panel and a coordinating role for the United Nations. Four of the Commissioners were Sierra Leonean and three were internationals. Statement-taking teams were deployed throughout the country for four months, taking more than eight thousand statements from victims, witnesses and perpetrators. Public hearings were held in each of the twelve districts and were widely attended. Thematic hearings addressing specific issues were also held, and these included children’s hearings that were organized on the Day of the African Child on 16 June 2003.

The Sierra Leone TRC was the first to call for a focus on children and to specify the need for procedures to protect the rights of children involved. A role for children in the Commission was anticipated because they had been targeted during the conflict and had suffered devastating impacts.<sup>4</sup> The efforts to involve children and to adopt child-friendly procedures for their participation and

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<sup>3</sup> Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone of 7 July 1999, Lomé, UN Doc. S/1999/777, article XXVI (1).

<sup>4</sup> The Truth and Reconciliation Commission Act 2000, Supplement to the *Sierra Leone Gazette* CXXXI (9), 10 February 2000. Section 6(2b) provides that special attention be given to children; Section 7(4) calls for the implementation of special procedures to address the needs of children and individuals who have suffered sexual abuse so as to facilitate their participation.

protection established precedent as a model for child participation in a truth commission, both acknowledging and involving children in the process for the first time.<sup>5</sup> While the efforts were largely successful, the actual results varied, depending to a large extent on the relationship with the CPA designated as the coordinating partner for the Commission in a given district. From the outset, the TRC's procedures were framed by the spirit, guiding principles and specific articles of the Convention on the Rights of the Child (CRC) as well as the African Charter on the Rights and Welfare of the Child (ACRWC).

At the time the TRC was set up, the SCSL was also established by an international agreement between the Government and the United Nations.<sup>6</sup> While the TRC was mandated to establish a record of what happened during the conflict and to come up with recommendations for moving forward, the Special Court was to prosecute "those who bear the greatest responsibility" for crimes committed in the territory of Sierra Leone during the conflict. It was the first international or hybrid court to prosecute crimes committed against children. Although the Special Court has jurisdiction over persons fifteen years and older, the chief prosecutor made it a policy of the Court that children under eighteen would not be prosecuted. This was based on the understanding that children were not among "those most responsible" for crimes committed during the conflict, but instead were targeted for violations by all parties to the conflict.

Many people, especially in rural areas, were confused about the differences between the TRC and the Special Court. The two institutions were operating at the same time, and there was a lack of

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<sup>5</sup> For a more detailed review of child participation in past transitional justice processes, see Ilene Cohn, "The Protection of Children in Peacemaking and Peacekeeping Processes," *Harvard Human Rights Journal* 12 1999:129, 174-176; *Children and Truth Commissions: Basic Considerations* (UNICEF Innocenti Research Centre and the International Center for Transitional Justice, forthcoming, 2010).

<sup>6</sup> Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone, annex to the Report of the Secretary-General on the establishment of a Special Court for Sierra Leone, UN Doc. S/2000/915, 4 October 2000.

familiarity with their different objectives. This lack of clarity compromised efforts to encourage participation in the TRC process. Former child combatants and their parents feared that statements given in confidence to the TRC would be shared with the Special Court and that children might be called to testify or might face prosecution. The Special Court's policy of not prosecuting children helped alleviate some of the fears. Even so, greater outreach was needed to explain the discrete relationship and complementarity between the two institutions.

### **Child-Centered Guiding Principles**

In 2001, UNICEF, UNAMSIL and the National Forum for Human Rights convened a technical meeting on children and the Truth and Reconciliation Commission, attended by international and national experts and a group of eight Sierra Leonean children who had been identified by child protection agencies. Social workers accompanied the child participants and helped them prepare their own account and recommendations, which were taken into consideration when the principles were drafted. The children's account noted that children "may fear telling the truth" when an incident concerns friends or family members. It also recommended that children "be permitted to participate in family discussions, put their problems forward, and be listened to and taken seriously." The outcome document of the meeting resulted in recommendations for guiding principles and it detailed policies and special procedures for involving children in TRC proceedings. The meeting also highlighted children's role as central to the TRC:

The key task of the TRC in relation to children is to create an impartial and official historical record of what happened to children during the armed conflict in Sierra Leone. In relation to reconciliation, the TRC should build upon existing mechanisms for promoting the reintegration and reconciliation of children, particularly the work of child protection agencies and

traditional leaders and structures. The TRC is thus expected to contribute to the ongoing re-integration of children back into their communities or host communities.

– Children and the Truth and Reconciliation Commission for Sierra Leone

The guiding principles, documented in the meeting report created a benchmark and set the tone for many of the later achievements of the TRC. The guiding principles are the following<sup>7</sup>:

- **Special attention to children:** Because children were targeted during the armed conflict for grave violations, and because of the serious impact of the conflict on children's lives, families and futures, their participation in the TRC was seen as essential. This is reflected in the mandate of the Sierra Leone TRC, which was the first truth commission mandate to call for special attention to the experiences of children and for procedures to address the needs of child participants.
- **Child rights standards should inform the process of the TRC:** In particular, the CRC and the ACRWC, as well as other international and regional legal standards for the promotion and protection of the rights of children, should guide the TRC's child-related work. Emphasis was given to the four fundamental principles of the Convention on the Rights of the Child: (a) in all actions concerning children, the best interests of the child shall be a primary consideration; (b) children have the right to be heard and their views should be taken into consideration in decisions affecting them; (c) children's civil, political, economic,

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<sup>7</sup> United Nations Children's Fund (UNICEF) and National Forum for Human Rights, *Children and the Truth and Reconciliation Commission for Sierra Leone: Recommendations for Policies and Procedures for Addressing and Involving Children in the Truth and Reconciliation Commission* (UNICEF: Freetown, 2001), at 16, [hereinafter *Children and the Truth and Reconciliation Commission for Sierra Leone*].

social and cultural rights should be adequately protected to ensure their survival and development; and (d) children should never be subjected to discrimination of any kind.

- **Equal treatment of all children before the TRC:** Children should not be categorized as victims, witnesses or perpetrators; rather, “for the purposes of the TRC, all children participating in its work, irrespective of their particular experience, are witnesses providing information for the TRC.” The Commission’s decision that all children who gave statements would be considered victims and witnesses of grave violations recognized that children who participated in hostilities were primarily victims of the war.

- **Special attention to girls:** The TRC should give special attention to girls, in particular those targeted for sexual crimes, and should collect disaggregated data on gender-based violence. Staff with expertise on sexual violence should be available to support the participation of girls who wish to give statements to the TRC.

- **Voluntary participation:** All participation of children in the Sierra Leone TRC should be voluntary, with the informed consent of the child and the child’s parent or guardian. In no instance should the TRC use its subpoena power to call child witnesses. In addition, because children in Sierra Leone are not encouraged to express themselves in the presence of adults, sensitization on the importance of child participation is needed.

- **Protection through confidentiality:** Any statement or information provided to the TRC by a child should be confidential and should not be shared with or released to any person, body or institution outside the TRC, including the SCSL. The TRC should guarantee the privacy of children in all aspects of its work.

- **Preserving the anonymity of children:** All children participating in the TRC proceedings should remain

anonymous. The TRC should not disclose the name of any child or present information that might identify a child.

Achieving consensus on these principles set new precedent for children's role in truth commission activities. However, the technical meeting was in 2001, one year before the TRC began its work, and the initial reluctance of the interim secretariat to meet with local CPAs resulted in a stumbling block.<sup>8</sup> The TRC faced numerous challenges, which led to a period of restructuring and reorganization.<sup>9</sup> At the beginning of the statement-taking phase, in 2003, the TRC entered into negotiations with UNICEF and CPAs to establish a framework of cooperation on the involvement of children. The negotiations were not easy, as the CPAs feared that children involved in statement-taking might be re-traumatized by recalling their experiences during the war. Their participation was viewed by some as a risk to their protection from further harm.

The Framework of Cooperation was informed by the guiding principles established as an outcome of the 2001 technical meeting and detailed areas of cooperation between the TRC and the CPAs, in line with their respective mandates. The protection procedures were not closely adhered to during the statement-taking process because of delays and difficulties. Despite a lack of consistency in its implementation, the Framework of Cooperation was groundbreaking in that it established norms for the involvement of children, set valuable precedent for collaboration between CPAs and truth commissions, and informed policy and procedures for protecting the rights of children involved in statement-taking and other TRC activities.

Even without full implementation of the guiding principles,

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<sup>8</sup> Donald Robertshaw and Keith Wright, "The Role of Child Protection Agencies in Supporting Children's Involvement in Transitional Justice Mechanisms in Particular the Special Court for Sierra Leone," (paper prepared for UNICEF IRC expert discussion on Transitional Justice and Children, November 2005), at 3, [hereinafter "The Role of Child Protection Agencies"].

<sup>9</sup> *Ibid.*

their integration into the work of the TRC can be credited with much of the success of protecting children during the TRC and helping to ensure their meaningful participation. The principles also became the foundation for much of the work initiated by the CFN.<sup>10</sup> This countrywide, elected organization led by children became the main interlocutor for children's participation in the TRC process.<sup>11</sup> The partnership between the TRC, CPAs and child-led organizations was a significant aspect of the successful linkage of child protection and participation in the TRC.

## CHILDREN'S PARTICIPATION IN TRC OPERATIONS

### Statement-Taking

When statement-taking began in 2003, the TRC organized a training workshop for all statement-takers. The workshop included training on child rights and outlined procedures for involving children. The statement-takers were deployed for an initial period of three weeks, and TRC staff analyzed the statements that were collected. At that point a second training workshop was convened, and a session was added due to the newly established partnership between the TRC and the CPAs, explaining the procedures to implement the Framework of Cooperation.<sup>12</sup>

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<sup>10</sup> Interview with Abubakar Messeh-Kamara, former head of the Children's Forum Network, November 2009.

<sup>11</sup> Information provided in e-mail communications with UNICEF Country Office, Freetown, March 2008: "The Children's Forum Network (CFN) was formed in November 2000 at the end of a two-day workshop organized by the Ministry of Social Welfare, Gender and Children's Affairs, UNICEF and Plan International.... [and ] was launched on the Day of the African Child (16 June 2001). CFN has a multidimensional focus working with children's clubs in schools in the Western Area, the provincial headquarter towns of Bo, Kenema and Makeni, and other parts of the country. Membership is open to all children."

<sup>12</sup> Interview with Zoe Dugal, former TRC Research Officer, November 2009.

TRC policy was to keep all children's statements confidential,<sup>13</sup> which required special precautions when recording the information in the database. All statements given by children were filed by number to prevent the recording of names. In addition, the specific locations, relatives and other identifying characteristics of incidents were deleted from references in the final report to prevent anyone from tracing the incident or story to an individual child.

To make sure that all children were treated equally as victims and witnesses before the TRC, the statement-taking forms for children omitted the section designated for perpetrators so that children were identified in the database only as victims or witnesses. This made it clear that the policy and approach of the TRC was to include children's experiences in the findings of the Commission, but not to hold children accountable for the atrocities that took place.

A vulnerability assessment and safety checklist were developed to help identify child participants and to ensure that procedures were in place to protect children and to confirm their feelings of security and confidence before giving statements. The checklist included, as a criterion for the interview, confirmation that consent had been given by both the child and the child's parent or guardian. This was intended to determine whether potential child witnesses had family and community support and whether their participation was voluntary.

The TRC deployed statement-takers throughout the thirteen districts in Sierra Leone, and over three hundred statements were collected from children. Girls did not participate to the same extent as boys. Many girls had been victims of sexual crimes during the conflict, and they were reluctant to speak about their experiences.

At that point, taking statements from children in a truth commission process was unprecedented. The involvement of children in the Sierra Leone TRC provided the impetus to develop policies and procedures specific for their protection and safety. According to TRC policy, all children were to be assisted by a social

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<sup>13</sup> *Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission*, Volume 1, Chapter 5, at 145.

worker during the statement-taking and could also be accompanied by a parent, relative or friend. The vulnerability assessment and safety checklist, and CPA relationships with children during the earlier disarmament, demobilization and reintegration (DDR) process,<sup>14</sup> were helpful in determining children's capacity and in building a support network.

According to the Framework of Cooperation, CPAs were to assist the TRC statement-takers in (a) providing guidance and advice on involving children in statement-taking; (b) identifying child statement-givers; (c) facilitating access of TRC statement-takers to child statement-givers; and (d) preparing children and providing psychosocial support to child statement-givers before, during and after the statement-taking exercise.<sup>15</sup> In each region, a CPA was designated as responsible for supporting the TRC work. In some districts where the TRC had a close working relationship with CPAs, the efforts were generally successful, but in other districts a lack of coordination resulted in lapses in protection and psychosocial support for children.

Application of the Framework of Cooperation was also constrained by logistical dilemmas, and a number of key informants for this research highlighted the challenges in ensuring consistent quality in the statement-taking process, especially given limited time and financial and human resources. As a result, in some districts children were interviewed who had not been referred by a CPA, and in some districts fewer statements were collected from children, as referrals were not received quickly enough.<sup>16</sup>

The TRC made an effort to hire female statement-takers in every district, but this was not always possible given the country's high levels of illiteracy. However, in most cases, survivors of sexual violence were offered the option of talking to a female statement-taker. Cases of sexual violence were heard by the TRC in closed

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<sup>14</sup> "The Role of Child Protection Agencies."

<sup>15</sup> "Child Protection Agencies and TRC Framework of Cooperation," 2003, copy on file with the authors.

<sup>16</sup> Interview with Zoe Dugal, former TRC Research Officer, November 2009.

hearings, with only the female commissioners and staff present. To the surprise of the TRC, many adult female survivors of sexual violence decided to testify in public, wanting their stories to be heard. The TRC did not permit girl survivors to appear in public hearings.<sup>17</sup>

While the TRC policy to treat all children equally as victims and witnesses was respected throughout the process, the Commission recognized the complex nature of children's involvement with armed groups. The multiple roles of children during the conflict are analyzed in the TRC's final report, in particular the use of children in hostilities and in the perpetration of crimes.

### **Children's Hearings**

At the conclusion of the statement-taking, the TRC reviewed the statements, and individuals were selected to testify at district hearings across the country.<sup>18</sup> The hearings were public for adults but closed for children to assure confidentiality. Criteria for selection of children included the child's capacity to articulate his or her experiences and the range of experiences and violations suffered, as well as the child's role in the conflict, affiliations with political and armed groups, and gender and geographic location, ensuring a broad spectrum of representation.<sup>19</sup> Upon selection, the regional coordinators sought permission from the child and his/her caregiver to participate, and the child was brought to the TRC district office to share his/her experiences in confidence.<sup>20</sup>

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<sup>17</sup> Interview with Zoe Dugal, former TRC Research Officer, November 2009.

<sup>18</sup> One week of hearings was organized in each of the twelve districts of Sierra Leone; the thematic hearings were held in the capital, Freetown.

<sup>19</sup> Child Protection Agencies and TRC Framework of Cooperation, 2003.

<sup>20</sup> To help ensure the protection of children and to maintain their confidentiality, children traveled in a TRC vehicle with tinted windows. It should be noted that military personnel were present in the interviewing compound, which intimidated some of the children. The fear was alleviated when social workers and staff explained why the military were present. Interview with Zoe Dugal, former TRC Research Officer, November 2009.

Once inside the closed hearing, children testified individually to commissioners, who were supported by an interpreter, a videographer and a psychosocial support worker.<sup>21</sup> Efforts were made to create a supportive environment and establish rapport with the child. Initial questions focused on the child's family background; these were followed with more specific, open-ended questions, such as: what did you see, what happened to you, what were your thoughts? Questions were also asked on what role the Commission could play in fostering healing and reconciliation at the community level.

The thematic hearings for children commenced in Freetown on the Day of the African Child, 16 June 2003, to give visibility to children's issues and to recommend actions to improve the situation of young people in post-war Sierra Leone. Organized collaboratively with children,<sup>22</sup> the hearings began with a children's march through Freetown. Over 350 children attended the hearings from across Sierra Leone. They listened to testimonies and watched video clips from the closed district hearings with children. The identity of the children was not disclosed, as the statements taken in the closed district sessions were recorded with the children sitting behind a screen. Other children, representing children's clubs, appeared in person and provided statements and recommendations. The hearings included art and drama, as well as the performance of a song by members of the CFN and Voice of Children Radio. Excerpts were broadcast on Voice of Children Radio and national television by the Sierra Leone Broadcasting Society.<sup>23</sup> The consideration given to sharing children's experiences, views and recommendations was groundbreaking.

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<sup>21</sup> The interpreter did not face the child during the closed hearings and could not identify the child (personal communication, staff member of the CDHR). The interview was videotaped with the child's face hidden. A parent or child protection agency representative could also be present if reflective of the child's wishes.

<sup>22</sup> The session was a coordinated effort of the TRC, MSWGCA, UNICEF, UNAMSIL, other CPAs, and the CFN. Children participated in both the planning and the proceedings.

<sup>23</sup> Interview with Saudamini Siegrist, principal writer, Children's version of the Sierra Leone TRC report, November 2009.

## TRUTH AND RECONCILIATION COMMISSION'S REPORT AND CHILDREN

The TRC's final report was based on statements collected, information provided in hearings, research and investigation, and submissions from child protection agencies. One chapter of the report is dedicated to the experience of children, including the violations they suffered, and another is dedicated to youth. The chapter on recommendations includes those specific to children and young people, and addresses pertinent actors such as the Government of Sierra Leone and the international community.

### Expert Submissions

The TRC received a number of expert submissions documenting the impact of the armed conflict on children. Nine submissions were submitted by various child rights and protection actors, including the MSWGCA, the Ministry of Youth and Sport, UNAMSIL, UNICEF, Caritas Makeni, World Vision, Cooperazione Internazionale and Christian Brothers. Two submissions came from children's groups, the CFN and the Kailahun Muloma Kids Club. The CFN submission was guided by the MSWGCA, UNICEF and UNAMSIL, but was written by the young people themselves.<sup>24</sup> Summaries of these reports were presented at the thematic hearings on children held in Freetown from 16-17 June 2003.

### Child-Friendly Version of the TRC Report<sup>25</sup>

The preparation of a child-friendly TRC report was first

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<sup>24</sup> Personal communications with an official representative from the MSWGCA and an individual working for a former member organization of the child protection network, Freetown, May 2007.

<sup>25</sup> United Nations Children's Fund (UNICEF), *Adolescent Programming in Conflict and Post-Conflict Situations* (New York: UNICEF, 2002), at 56, available at [www.unicef.org/adolescence/files/adolescent\\_conflict%281%29.pdf](http://www.unicef.org/adolescence/files/adolescent_conflict%281%29.pdf).

discussed during the 2001 technical meeting in Freetown. The CFN made a similar recommendation, calling for a version of the report for children “as a measure to prevent recurrence of what happened.” Preparation of the report was undertaken in 2003 by the TRC with the support of UNICEF, UNAMSIL and a number of children’s groups, including three national children’s networks – CFN, Voice of Children Radio and Children’s National Assembly – which brought together children from across the country. Formal submissions to the Commission by CPAs and others, in particular one prepared by the CFN, proved a valuable source of information.

Over one hundred children participated, with a team of fifteen children representing CFN closely involved in the drafting and design process. Many more children participated indirectly through Voice of Children Radio discussions and attendance at the first-ever Children’s National Assembly meeting in December 2003.<sup>26</sup> Children’s involvement throughout the process of drafting and producing the child-friendly TRC report furthered the partnership between the TRC and the CFN. The child-friendly version was presented together with the official TRC report to the president of Sierra Leone in October 2004.

### **National Vision for Sierra Leone Project**

The National Vision for Sierra Leone project, initiated by the TRC, provided a platform for individuals to creatively express their expectations and aspirations for Sierra Leone after more than a decade of war.<sup>27</sup> Over 250 contributions were received, including

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<sup>26</sup> Personal communication, Saudamini Siegrist, UNICEF Innocenti Research Centre, November 2008.

<sup>27</sup> The TRC advertised its campaign in newspapers, on the radio and in leaflets distributed around Freetown and in the provinces. The TRC suggested that contributions may describe the kind of society the contributor would like to live in; suggest how to make Sierra Leone a better place to live in; set out the contributor’s hopes and aspirations for Sierra Leone; describe where the contributor would like to see Sierra Leone in five or ten years; or provide anything creative that inspires peace and unity – and pride in being Sierra Leonean. *Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission* (2004) Volume 3B, Chapter 8, at 502.

written and recorded essays, slogans, plays and poems; paintings, etchings and drawings; and sculptures, woodcarvings and installations.<sup>28</sup> The National Vision project was exhibited at the National Museum in Freetown and was promoted through leaflets, presentations, meetings and radio shows. By the end of January 2004, more than six hundred schoolchildren had visited the exhibit and taken part in discussions on its significance to Sierra Leone's future.<sup>29</sup>

### Dissemination of the Reports

The Truth and Reconciliation Commission recommended the "widest possible dissemination" of the final report to promote dialogue and debate, and it called on government and civil society to facilitate access by all people, literate and illiterate, in local languages.<sup>30</sup> The TRC recommended using the report in workshops around the country.<sup>31</sup> The Commission also called for incorporating the report contents into the curriculum in schools, from primary to tertiary level, with the children's version to be used at the primary level. This has not yet been done.<sup>32</sup>

The child-friendly version of the TRC report was disseminated in two phases. In 2004, six hundred copies were provided to children's groups, NGOs, government agencies and the media, and in 2005 an additional four thousand copies were distributed

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<sup>28</sup> Among the contributors were people of all ages, backgrounds and religions, including adults and children; artists and laypersons; amputees, ex-combatants and prisoners.

<sup>29</sup> For a description of the National Vision Project, see *Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission* (2004), Volume 3B, Chapter 8, at 499-520.

<sup>30</sup> *Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission* (2004), Volume 2, Chapter 3, Section 543, at 204.

<sup>31</sup> *Ibid.*, Section 544, at 204.

<sup>32</sup> *Witness to Truth: Report of the Sierra Leone Truth and Reconciliation Commission* (2004), Volume 2, Chapter 3, Section 545, at 204.

through UNAMSIL to child advocacy groups, educators and civil society.<sup>33</sup> Despite these efforts, only five of the forty-seven children with whom the authors spoke were aware of the child-friendly version.<sup>34</sup>

A senior secondary school version of the TRC report was also developed for pupils aged fifteen to nineteen.<sup>35</sup> This textbook used cartoons – the story of “Sierra Rat” – to teach secondary school students and other young people about the TRC’s findings and recommendations. Exercises at the end of each chapter guide students to critically reflect on the material and to encourage classroom discussion. Two hundred books were disseminated to secondary schools throughout the country, and it reached forty thousand students. Discussions with children involved in the research for this chapter revealed that a larger percentage were aware of “Sierra Rat.” Of the forty-seven children interviewed, twenty had heard about the senior secondary school version or seen the posters around their schools and their communities. In addition, posters and storytelling were used to reach out to illiterate populations; one hundred and fifty storytellers from across the country were trained to talk about the TRC at public gatherings.

## **IMPACT OF THE TRC PROCEEDINGS ON CHILDREN**

### **Children’s Reflections on Giving Statements**

To date, the impact of children’s involvement in the Sierra Leone TRC has not been fully evaluated. The following

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<sup>33</sup> Women’s Commission for Refugee Women and Children, 2007.

<sup>34</sup> This question was intended to be asked in all focus-group discussions, yet it was overlooked in three of the focus-group discussions. The five children who knew about the child-friendly version were all part of the Children’s Forum Network.

<sup>35</sup> M. Sheriff and E. Bobson-Kamara, “TRC Report: A Senior Secondary School Version.” (Sierra Leone: Truth and Reconciliation Working Group, 2005).

interview excerpts reflect the experiences and impressions of some children with regard to the TRC.<sup>36</sup> Generally, young people interviewed for this research were supportive of the TRC process, even in the face of initial misunderstanding, mistrust and skepticism. The examples below show that the children interviewed generally felt at ease during the TRC proceedings:

They [the statement-takers] came and asked who experienced something bad during the war. They asked us to come out and talk about our experiences. We were a bit afraid. We were afraid of the Special Court, we didn't want people in the community to point fingers at us, and we didn't want those that had wronged us to revenge because we exposed what they had done.

– Focus-group discussion with boys in Dare who gave statements

But, the statement-takers came in and encouraged us and made us feel okay... They told us everything would remain in secret. They also said that if we gave statements it would help bring peace to Sierra Leone. We were all afraid, but the TRC gave us confidence to talk. After talking it took several months to feel good. We thought the TRC were going to take action and take us to court. We thought the TRC would come back, but they didn't.

– Focus-group discussion with boys in Dare who gave statements

If asked to go [to give a statement] again, I would go. It was okay. I felt protected.

– Boy in Dare who gave a statement

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<sup>36</sup> The interviews were conducted in May 2007.

### **Confusion about the Mandate**

Follow-up interviews with children and young people indicate that some confusion remains as to the TRC's mandate, especially in regard to their expectations about compensation in exchange for participation. Interviews carried out in May 2008 indicate that children had unfulfilled expectations as to the role of the TRC in assisting their recovery from the war.

This underlines the need for extensive community outreach in the early phase of a truth commission, to explain its objectives, to benefit from a consultative process at the local level, and to clarify children's potential roles. In Sierra Leone some children thought the TRC would provide financial support and tuition for schooling. The following quotes from young people interviewed for this study help to articulate this perspective:

After giving a statement I thought they were going to pay us. They took us into a separate room, and I thought we would get something. I thought they would help me find my parents. They never did.

– Boy who gave a statement to the TRC and participated in focus-group discussion in Daru

I gave my testimony because I had lost my family. I thought if I said something, some assistance would come... I wouldn't do it again because it didn't help me.

– Interview with a girl who gave a statement to the TRC (without support from a child protection agency)

This confusion about reimbursement may have been partially created by the earlier precedent of the cash-for-arms policy of the disarmament, demobilization and reintegration (DDR) program. It highlights the challenges of the Commission's focus on truth-telling in the midst of chronic poverty, in a country seeking to recover from conflict. While most of the children interviewed supported the

TRC and had had positive experiences, many also identified poverty and lack of schooling as their primary concerns. Participants who expressed dissatisfaction with the TRC mostly did so in relation to the government's inability to adequately link children's truth-telling and reintegration to poverty alleviation and to the provision of basic services such as education and health care.

### **Effectiveness of the TRC in Promoting Reconciliation**

The TRC Act advised that the Commission promote healing and reconciliation and stated that the Commission "may seek assistance from traditional and religious leaders."<sup>37</sup> Some civil society members further recommended children's participation in traditional ceremonies, yet the child participation working group advised against incorporating traditional practices and ceremonies for healing and reconciliation into the proceedings of the TRC.<sup>38</sup> Similarly, during statement-taking children (and adults) were asked to provide recommendations to the TRC, which were meant to encourage people to express their views not only about the conflict but also about the future of Sierra Leone and its children. The majority of children talked about education and asked for assistance in returning to school.<sup>39</sup>

Interviews and focus-group discussions demonstrated mixed feelings about the TRC. Many people – both children and adults – recognized its value, but also felt that it wasn't enough.

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<sup>37</sup> The Truth and Reconciliation Commission Act 2000, Supplement to the *Sierra Leone Gazette* CXXXI (9) 10 February 2000, at Part III 7(2).

<sup>38</sup> *Children and the Truth and Reconciliation Commission for Sierra Leone*.

<sup>39</sup> *Truth and Reconciliation Report for the Children of Sierra Leone, Child-Friendly Version* (2004), at 25; Saudamini Siegrist, "Children's Participation: Truth and Reconciliation Commission for Sierra Leone," (paper prepared for UNICEF IRC expert discussion on Transitional Justice and Children, November 2005), at 12.

The TRC was good but more needs to be done. Follow-up needs to take place and reconciliation that isn't modern or Western like the TRC.

– Interview with a staff member from the Council of Churches in Sierra Leone

Some expressed the view that the TRC did not reflect the culture of Sierra Leone:

Apologizing is alien in our culture. I didn't realize until I married my husband. He doesn't like to apologize because he feels like he's losing face. Apology isn't empowering. Maybe people would prefer silence. Maybe people prefer actions to words. What do you do with an apology?

– Interview with a Human Rights Commission staff member

A number of informants felt that reconciliation was wanted and needed, yet not really achieved:

What we needed was reconciliation. In that way we were different from South Africa.<sup>40</sup> People knew the story in Sierra Leone. People wanted help to reconcile. People asked me, "What can I do to live with these

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<sup>40</sup> One respondent (Moses Khanu) indicated that the process was similar to that of South Africa, but the context was much different. We were comparing apartheid to a political conflict. Consider recent commentary critiquing the responsiveness of the Sierra Leone TRC to the prevailing local sociocultural context, especially in the face of having become part of the "first aid kit" in post-conflict societies, that is, being considered as a "must have" to bring about social reconciliation (Tim Kelsall, "Truth, Lies, Ritual: Preliminary Reflections on the Truth and Reconciliation Commission in Sierra Leone," *Human Rights Quarterly*, 27(2) 2005:361-391); Rosalind Shaw and United States Institute of Peace, "Rethinking Truth and Reconciliation Commissions: Lessons from Sierra Leone" (Washington, DC: US Institute of Peace, 2005).

people?” Instead we should have had a reconciliation and truth commission. There was too much emphasis on truth and not enough on reconciliation.

– Interview with a Human Rights Commission staff member

The TRC was expected to promote healing and reconciliation; however, in practice, more emphasis was given to collecting statements and documenting violations in order to establish a historical record. There was no consensus on what was needed to achieve healing and reconciliation. The following quotes are from a focus-group discussion in Daru and illustrate that, according to some participants, reconciliation also requires judicial accountability:

To bring about healing and reconciliation there needs to be justice. The government said that all those who committed the greatest crimes and bore the greatest responsibility would pay. Some of those who did bad have been left out. We are offended. They should go to the same place and give accounts of what they did. They should be punished.

Those who bear the greatest responsibility should be arrested so that people won't repeat the same thing. This sets an example.

A boy who participated in a focus group in Kailahun said:

The rebel who killed my mother and father, he must be treated that way also [arrested]. Whenever I see him I still feel bad. I want him to die on the spot. He must be punished.

Yet others disagreed and felt that reconciliation could be achieved only by forgetting the wrongs committed:

We don't have that culture to talk about it. People just think it will open all the wounds.

– Interview with Paramount Chief

During a focus-group discussion in Kailahun with girls, many of whom had been victims of sexual violence, one girl stated:

They [the rebels] need to be apprehended to bring peace. The Special Court has not apprehended everyone. There are still some rebels living amongst us who forced us to participate in the conflict. We are angry with them. One is still living in the community, and he boasts about what he did during the conflict. Let the government punish him.

While those who bore the greatest responsibility for the conflict should be held accountable, many expressed the view that children can demonstrate they are sorry by not engaging in violent activities and can be reintegrated, becoming responsible members of society. This underscores an important local belief in the rehabilitative capacities of children and young people and may provide an important tool for harmonizing with child rights principles and standards.

The interviews revealed that the debilitating impact of poverty is one of the greatest limitations to achieving reconciliation. Many focus-group participants expressed the importance of material support to help facilitate reconciliation:

In our culture when someone grieves, you get material things and support. People know it is important to society when someone takes responsibility and supports them. The TRC didn't do this.

– Interview with a staff member of CCSL

This expectation was reiterated by a boy who had lost both his parents in the war:

An apology is not enough to me. I have no parents, so who will take care of me? What about my school fees, and the other members of my family? I must be taken care of.

Another child who participated in a group discussion in Kailahun stated:

To maintain that kind of peace we should be given assistance. If we concentrate on that we will forget about what happened. If we are helped and empowered we will forget. We will truly forgive.

Many people mentioned the importance of communities in promoting and sustaining reconciliation:

People live in communities and neighborhoods, and that is where the emphasis should be. Communities are the natural habitat of people.

– Interview with the former Minister of Youth and Sport

A staff member of the NGO Fambul Tok International, stated:

Specifically, traditional ceremonies and practices in communities are each community's own way to facilitate reconciliation.

But little is actually known about whether cultural practices (religious and traditional) have the potential to positively contribute to the healing and reconciliation of children, or what kind of approaches and methods best contribute to the long-term reconciliation and recovery of children.

## **Good Practices in Child Protection**

A common theme of the discussions and interviews was that children's successful involvement in the truth and reconciliation process requires a supportive environment. In the context of the Sierra Leone TRC, this supportive environment included the child, the family, community leaders, CPAs and the government.<sup>41</sup> There was mixed success in creating this environment, as demonstrated by the differing experiences of two participants, described below.

### **Sia: A Supported Statement-Giving Experience**

"Sia" (not her real name) was abducted as a young girl by the fighting forces. When she returned home from the bush, she was taken in by an interim care centre, receiving food, clothing, school support, medical attention, counseling and opportunities to play. Family tracing did not succeed in locating her family, but a foster-care living arrangement was organized for Sia, with UNICEF providing school support. At the Centre, Sia developed a strong bond with one of the workers, fostering a trusting relationship. It was through this support person that the TRC found Sia, then fourteen years old. She had heard about the TRC process and the importance of child involvement, and she learned more in a discussion with a representative from the International Rescue Committee and the statement-taker, who explained the process privately and in detail. Sia was informed that the statement-taking aimed at learning the facts about the conflict to prevent atrocities from happening again. The statement-taker also reiterated that her participation was voluntary and that those who gave statements would not be identified as perpetrators but considered as victims and witnesses by the TRC.

Sia indicated she was grateful for this private explanation. The trusting relationship that was established made her more comfortable with the TRC statement-taking process. She indicated

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<sup>41</sup> Personal communication, with an official of MSWGCA, May 2007.

the importance of talking about her experiences so that “people would know about what we went through and find ways to stop it.” After Sia gave her statement, Save the Children offered follow-up support, which was supplemented by her relationships with friends and colleagues. Since giving her statement to the TRC, Sia has been able to look forward to the future rather than focusing on the past, and is attending medical school. Her experience with the TRC supported her healthy development and well-being by providing the economic, physical, emotional and social support that are the four cornerstones of healthy development identified in research on child resilience.<sup>42</sup>

### **Fatuma: An Alienating Statement-Giving Experience**

Conversely, when children did not receive sufficient support, they were often left disappointed with the process. The experience of “Fatuma” (not her real name) with the TRC serves as a case in point.

Fatuma, age sixteen, was picked with a group of girls from the community and told she had to talk to the TRC. They were told the experience would be good for them but received no further explanation about it. Once at the venue, the girls were asked to tell their stories to a male statement-taker, who asked a series of questions. Fatuma received no follow-up support and was left disenchanted and confused about the TRC and its purpose. She said, “Even if they ask me for the second time to explain my problem again I won’t do it. For quite a long time people have been coming to us to talk to us, and we have made an agreement that we should not explain our problem to any organization because nothing is being done.”<sup>43</sup>

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<sup>42</sup> Emmy E. Werner and Ruth S. Smith, *Overcoming the Odds: High Risk Children from Birth to Adulthood*. (Ithaca, NY: Cornell University Press, 1992).

<sup>43</sup> Personal communication from a Sierra Leonean girl who provided statement to TRC, May 2007.

Fatuma lacked a clear understanding of the context or process of the TRC and lacked the human networks and connections to nurture her well-being and help navigate the experience. She was also without financial support or security. The lack of assistance provided to Fatuma heightened her vulnerability, and serves as an example of the failure of the protective network.

### **Creating Supportive Systems**

Despite the TRC's understanding of the fundamental importance of fostering support linkages for children who participated in the process, its support for children was inconsistent. As one respondent noted, too much responsibility rested with child protection agencies and statement-takers, and they received too little assistance.<sup>44</sup> Creating supportive structures for children participating in truth and reconciliation mechanisms requires the involvement of many individuals, including children. This collaborative process of child involvement extends beyond transitional justice to incorporate society as a whole. It includes establishing a supportive framework for active citizenship by children and young people and creating a safe space where they can come together with their communities and governments to learn, share and support one another in improving the rights and well-being of children, their communities and the broader society.

The research findings also underline the importance of building linkages among CPAs and communities to create a protective environment that promotes child agency, healing and empowerment, both social and economic, across a wide spectrum of children's experience and interventions.

A UNICEF child protection staff member stated, "the TRC should not be treated as a report but should be integrated throughout government structures and programs from the bottom

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<sup>44</sup> Funds were provided by UNICEF for CPAs to provide support, but according to one respondent, many organizations did not make full use of it (Interview, Sierra Leone TRC expert, May 2007). Discussions with CPA representatives suggest a wavering commitment to child participation in the TRC, which may have been a contributing factor.

to the top. In that way, when we talk about the TRC and what it means for children, it becomes part of the culture and a part of them.”

## CONCLUSIONS

The question “what next?” remains, as articulated by Abubakarr Messeh-Kamara, who served as the elected President of the Children’s Forum Network during the preparation of the Truth and Reconciliation Commission report. When the twenty-one-year-old was interviewed as part of the research conducted for this chapter, he asked: But now that the TRC is over, who is there to transform recommendations and policy into action? If such recommendations are not addressed, then society is heading to a recurrence, another abuse of children. We have to turn the table around this time and divert such colossal financial, technical and human resources wasted in the planning of wars, which could otherwise be invested in children’s health and education.

The Sierra Leone TRC is an important landmark for children’s rights and has established innovative procedures for children’s protection and participation in truth-telling and reintegration processes following the country’s long conflict. Through the creative partnerships established between children’s networks, experts on child protection and children’s rights and members of the TRC, the Sierra Leone truth and reconciliation process offers important lessons linking child protection with child participation. A key strategy was the rights-based approach to children’s engagement, which allowed young people to shape the process and adapt it to the local contexts. The work anticipates a broader trend in child protection that traces a conceptual line from protection to participation to healing to citizenship.

At the core of this emerging paradigm is the notion that efforts to support child protection through processes such as truth and reconciliation commissions are more effective and sustainable when concepts of participation are broadened to include children’s agency and evolving capacities. When children are meaningfully engaged

to help shape TRC processes, as in Sierra Leone, participation broadens from simply listening to children to considering children's efficacy in defining protection systems and building better truth-telling procedures. As a result, their participation leads to better protection, which in turn improves the capacity for healing, both individually and collectively. Finally, creative partnerships with peers and adults result in stronger grassroots networks, both within and between generations, and improved citizenship. This strengthens the basis for peace-building.

Future challenges include the need to consider the broader recovery and development contexts in which TRC processes operate. Further reflection is especially needed regarding how to link truth-telling and reintegration with children and young people's basic economic, education and protection needs. More consideration should be given to linking lessons learned in applying child rights in transitional justice procedures with other areas of legal and social policy development, such as restorative justice and family and community engagement in designing and monitoring child protection systems. Finally, much would be gleaned from a deeper and more systematic engagement with children, young people and child rights experts on the changing nature of childhood and children's development in the context of war and conflict and the implications this holds for social regeneration and reconstruction processes, including transitional justice mechanisms.

The research undertaken for this chapter reaffirms the importance of family and community structures in strengthening the protective environment needed for children to successfully participate in transitional justice processes. Truth commissions need to build relationships with CPAs and community leaders so that children will have the long-term emotional, developmental and material support they need for healing and reconciliation.

Another key focus of future truth commissions should be to harmonize a human rights approach with development, concentrating on poverty reduction. It is also crucial to involve and empower organizations led by children and young people from the beginning of the process, engaging adolescents and reinforcing their peer networks.

The research demonstrates that more knowledge is needed on the intersection of international human rights law, the field of transitional justice and traditional practice and processes concerning accountability and social reconciliation. Such work could also contribute to a greater understanding of local, national and international concepts of childhood. Transitional justice processes also need to be informed by an understanding of child development, protection and agency and to respond to local and collective concepts of trust, accountability, forgiveness, atonement and reconciliation.

The growing understanding of children's agency in transitional justice processes and practices can help inform broader post-conflict social policy reforms in education, health care, social welfare, protection and justice. In addition, child participation in transitional justice processes can serve as an entry point for a larger social discourse on children and citizenship.