

FORGOTTEN CHILDREN OF WAR

SIERRA LEONEAN REFUGEE CHILDREN IN GUINEA

I. SUMMARY	3
II. RECOMMENDATIONS.....	5
To the United Nations High Commissioner for Refugees.....	6
General Policy Recommendations Concerning Refugee Children.....	6
Recommendations Specific to the Situation of Refugee Children in Guinea.....	7
To the Guinean Government	9
To UNICEF, the Special Representative of the Secretary-General on Children and Armed Conflict, and other International Agencies.....	9
To Donor Governments (including Canada, Denmark, Finland, France, Japan, Norway, Sweden, Switzerland, the United Kingdom, the United States, and the European Union).....	9
To the Parties to the Sierra Leonean Conflict.....	10
III. INTERNATIONAL LEGAL STANDARDS.....	11
IV. BACKGROUND.....	12
The Sierra Leonean Civil War.....	12
The Refugee Situation in Guinea	14
Protection of Refugee Children Globally	16
V. LACK OF FOOD SECURITY	18
Assistance Available	18
Protection Implications of Inadequate Assistance.....	20
VI. PROTECTION OF SEPARATED CHILDREN.....	23
International Legal Standards.....	23
Definitions	24
Care Arrangements.....	24
Neglect, Abuse, and Exploitation.....	26
Labor Exploitation.....	26
Physical and Psychological Abuse	28
Denial of Education.....	30
Inability to Leave.....	31
The Role of UNHCR.....	32
Identification.....	33

Monitoring.....	34
Response to abuse.....	35
Family Tracing	36
VII. SEXUAL ABUSE AND EXPLOITATION	37
International legal standards.....	37
Sexual Violence and Abuse.....	37
Child Prostitution	39
Health and Developmental Risks	41
The Role of UNHCR.....	42
Existing Guidelines	42
Sexual Abuse.....	42
Sexual Exploitation	44
VIII. LOCATION OF THE CAMPS	44
International Legal Standards.....	44
Risk of Cross-Border Attacks and Infiltration.....	45
The Role of UNHCR.....	46
IX. CHILD SOLDIERS.....	48
International Legal Standards.....	48
Presence of Combatants	49
Participation of Children	49
The Role of UNHCR.....	50
X. CONCLUSION	52

I. SUMMARY

The personal security of refugees, particularly of women and children, is an essential element of international protection. . . . Assuring physical protection is often extremely difficult. Sometimes refugee populations live in remote areas . . . UNHCR has in recent years been faced with extremely difficult challenges where it has been called to assist populations living amidst conflict. Clearly a basic level of security is needed and should be provided for humanitarian action; but there are times when the office has had to act in its absence. As UNHCR and other organizations have shown, even during ongoing conflict, basic needs of children can be met through extraordinary and creative efforts.

—UNHCR, *Refugee Children: Guidelines on Protection and Care*.

Sierra Leonean refugee children in Guinea are among the most vulnerable children in the world. They have lived through an extremely brutal war—most have witnessed or suffered unspeakable atrocities including widespread killing, mutilation, and sexual abuse. The human rights abuses that drove these children into flight are only the first chapter of hardship for many Sierra Leoneans affected by the crisis. Even after traveling across an international border to seek refuge in Guinea, they remain vulnerable to hazardous labor exploitation, physical abuse, denial of education, sexual violence and exploitation, cross-border attacks, militarization of refugee camps, and recruitment as child soldiers.

Guinea is host to one of the largest refugee populations in the world, including more than 300,000 Sierra Leoneans, up to 65 percent of whom are estimated to be under age eighteen. Most of these children have been in Guinea since early 1998, when Revolutionary United Front (RUF) rebels embarked upon a massive reign of terror after being ousted from power in Sierra Leone. Those who arrived in 1998 have largely settled in the more than sixty camps in the Gueckedou area of southeastern Guinea, which forms a peninsula-like territory stretching into eastern Sierra Leone. Their situation is characterized by the United Nations High Commissioner for Refugees (UNHCR) as one of “care and maintenance” (i.e. normal operations), following the initial “emergency” phase from February to December 1998 when refugees poured into Guinea, sometimes at a rate of thousands per day. Although the parties to the Sierra Leonean conflict recently signed a peace accord, the rights of refugees, including children, must be protected as long as they remain in Guinea. Until true peace, security, and respect for human rights can be guaranteed in Sierra Leone, the refugee children are likely to remain at great risk in the refugee camps.

Children in all the refugee camps may face serious protection concerns at the hands of their caregivers including physical abuse, sexual abuse and exploitation, denial of food, hazardous labor exploitation, and denial of education. These concerns are particularly acute for children who have become separated from their parents during the war, commonly referred to as “separated children” and “unaccompanied minors,” most of whom have been taken in by families whom one child described as “forced caretakers.” (The term separated children refers to all children not being cared for by their parents. They generally live with foster families, either extended family members or families they did not know before the war. The term unaccompanied minors is more restrictive and includes only children in the care of unrelated adults. This report uses the broader term, separated children, which includes unaccompanied minors.) Some of these caregivers say that it is common practice for families to accept children in need into their homes. However, many cautioned that they should not be expected to treat these children as well as they treat their own.

While it is a positive development that these children are being cared for by families rather than in institutions, it is essential that their treatment be monitored. Through implementing partners, UNHCR has established a network of refugee social workers, which is supplemented by UNHCR protection and community services officers, for this purpose. However, social workers interviewed by Human Rights Watch were frequently shocked to learn that the separated children they were responsible for had suffered abuse. In fact, social workers have not even identified or registered the majority of separated children in the camps and, consequently, cannot be expected to monitor their care or intervene on the children’s behalf. While these social workers are well-meaning,

they lack training in international standards and UNHCR guidelines on refugee children, and how to identify and address child abuse and exploitation. Of the fifteen social workers in six camps interviewed by Human Rights Watch, none had received copies of UNHCR guidelines on refugee children and most did not even know that these guidelines existed.

In addition, Human Rights Watch documented sexual violence against girls in the camps, a problem that remains largely unaddressed. Neither UNHCR nor the Guinean government had made sufficient efforts to determine the scale of, prevent, or respond to incidents of sexual violence in the camps. Guinean authorities are not known to have brought any prosecutions for crimes of sexual violence against refugees before the Guinean courts. At the time of publication, more than a year after the refugees' arrival, one promising community-based program combating sexual and gender based violence was about to be launched.

Human Rights Watch also identified a serious problem of child prostitution in the camps, where girls as young as twelve said that they feel compelled to "play sex for money" in order to support themselves and, in some cases, their families. As with the problem of sexual violence, very little has been done by UNHCR to understand the problem of child prostitution in the camps in Guinea or to prevent it. In addition, little has been done to protect the human rights of girls forced into the practice, including their rights to education and reproductive health care.

Another concern, which Human Rights Watch has raised for more than one year, is that many refugee camps are located dangerously close to the Sierra Leonean border, in contravention of international standards and UNHCR policy. In 1999, UNHCR attempted to move some refugees in camps close to the border to safer locations, but the process has been slow and disorganized. Less than 10 percent of the more than 100,000 refugees near the border had been moved to safety as of July 1999. In the interim, these camps have been subjected to several cross-border attacks over the past year, resulting in killings and abduction of dozens of refugees and grave danger for refugee children.

Human Rights Watch also documented the presence of combatants in refugee camps, with large numbers of child soldiers in their ranks. The Kamajors, a Sierra Leonean government civil defense force, maintain a presence in at least two refugee camps, which they have used as a base for military activities. The presence of combatants with children in their ranks in the camps violates international standards mandating the civilian character of refugee camps and prohibiting the use of child soldiers. It is not clear whether armed groups have actively recruited children from the refugee camps. However, the potential for large-scale recruitment of child soldiers, depending on the turn of events in the Sierra Leonean civil war, has been real and was acknowledged to Human Rights Watch by a Kamajor commander.

Many of these protection concerns, particularly the various forms of hazardous labor exploitation, are directly linked to a lack of food security. Refugees and assistance workers in several camps told Human Rights Watch that they had not received food distributions for up to three months; that the distributions they received were inadequate; that some refugees were not able to register and, consequently, to receive any distributions; and that assistance did not always reach separated children and other vulnerable refugees (including the elderly, physically handicapped, and single-headed households); and UNHCR has failed to address these problems.

One alarming result of this is that many refugees, primarily those in camps close to the border, feel compelled to cross into nearby Sierra Leone in search of food to feed themselves and their families. Despite the obvious safety risks involved, caregivers frequently have frequently sent adolescents across the border to forage for food. Human Rights Watch interviewed one seventeen-year-old boy who was abducted by RUF rebels while searching for food in Sierra Leone. Several other children told Human Rights Watch that they encountered rebel soldiers, but managed to escape back to Guinea.

Despite the facts that these children have suffered enormously and that they remain extremely vulnerable, their plight has largely been ignored by the international community. UNHCR, the primary actor responsible for the assistance and protection of refugee children, has developed extensive policies and guidelines over the past

several years aimed at ensuring respect for the rights of refugee children facing these difficulties. Nevertheless, there remain significant shortcomings in the implementation of these policies in refugee camps in Guinea.

Human Rights Watch visited Guinea in February and March 1999. Research focused on refugees in the Gueckedou area, where most Sierra Leonean refugees have lived for over one year. The researchers interviewed staff of UNHCR and its implementing partners in Gueckedou, Kissidougou, and Conakry and traveled to six refugee camps in the Gueckedou area: Boudou, Fangamadou, Koulomba, Kundou-Lengo-Bengo, Mangay, and Massakundou. In the refugee camps, they interviewed dozens of refugee teachers, social workers, and other community leaders as well as forty-nine refugee children: thirty-three girls and sixteen boys ranging in age from six to seventeen. Many of these interviews were conducted in Creole (Krio) with interpreters. Statements cited from these interviews have been translated into English. Most of these children had been separated from their parents during the conflict and are being cared for by other families. This report relates the testimony of these children, whose names have been changed to protect their privacy.

This was the second Human Rights Watch research mission to Guinea to investigate the rights of Sierra Leonean refugees within the past year. Human Rights Watch found that little had changed in intervening months and that the international community had continued to neglect this dire situation. Appeals by UNHCR to donor countries to deal with the refugee crisis in Guinea have largely gone unheeded, while nearly unlimited funds have been forthcoming for refugee crises in Europe.

UNHCR faces substantial political, financial, and logistical challenges in protecting the human rights of refugee children in Guinea. The focus of international attention on recent refugee crises in Europe, as well as “donor fatigue” with respect to African refugees, have served to limit resources available for Guinea. One manifestation of this has been a grossly insufficient number of staff present inside or near camps. UNHCR also faces severe logistical constraints in the Gueckedou area of Guinea, which houses more than sixty refugee camps spread out across two administrative zones. One of the most intractable constraints is the poor state of the unpaved roads, which often become impassable during Guinea’s June to November rainy season, making it very difficult for aid workers to have access to many of the camps. In addition, the remote nature of Gueckedou has made it difficult for UNHCR to recruit qualified staff to move there.

However, the failure to adequately protect the rights of refugee children can only partially be attributed to a lack of resources. The international community has failed to identify vulnerable children; to monitor children for abuse and exploitation; to protect girls from sexual abuse and exploitation; to move the refugees to safe locations away from the border; to preserve the humanitarian character of the refugee camps; and to prevent refugee children from serving as child soldiers.

Children make up 52 percent of refugees worldwide, and 65 percent of the refugees in Guinea. UNHCR, other international agencies, and governments must make a sustained commitment to implement the programs and policies necessary to effectively protect and promote the rights of refugee children.

II. RECOMMENDATIONS

The parties to the Sierra Leone conflict signed a peace accord on July 7, 1999. The international community will now cautiously begin to plan for future repatriation of refugees to Sierra Leone. Nevertheless, it is imperative that implementation of the following recommendations begins immediately—the general policy recommendations concerning refugee children as well as recommendations specific to the refugee situation in Guinea. The rights of Sierra Leonean refugees, including children, must continue to be protected in Guinea regardless of their predicted length of stay.

Repatriation to Sierra Leone must be voluntary. No refugee can be forced to return, and return should only take place if there are full guarantees for refugees’ safety and security and respect for their human rights. At present, Human Rights Watch is concerned that, due to severe food shortages and continued instability in many

parts of Sierra Leone, as well as the need to disarm combatants, the safety and security of refugees cannot be guaranteed. In order for return to be sustainable, UNHCR must prioritize programs aimed at the social and economic reintegration of the refugees. Due to the widespread destruction of property and crops, and devastation of communities, there is an urgent need for shelter reconstruction, health and education programs, and other programs aimed at rebuilding communities. Premature return will not be lasting.

To the United Nations High Commissioner for Refugees

General Policy Recommendations Concerning Refugee Children

- Provide the Office of the Senior Coordinator for Refugee Children with sufficient staff, funding, and authority to monitor and enforce compliance to ensure that UNHCR field and headquarters staff can better address the needs of children. Elevate the office to a higher level within UNHCR in order to achieve this. Recruitment of a Senior Coordinator for Refugee Children, a Senior Coordinator for Refugee Women, and a Senior Education Officer should be priorities.
- Improve the field implementation of UNHCR's *Refugee Children: Guidelines on Protection and Care*, the Action for the Rights of the Child training modules, as well as other existing guidelines and policies concerning the rights of refugee children including separated children, adolescents, and girls (including UNHCR's *Sexual Violence against Refugees: Guidelines on Prevention and Response* and *Guidelines on Protection of Refugee Women*). UNHCR should conduct briefings for staff at all levels, as well as nongovernmental organization (NGO) implementing partners and refugee community leaders, on the contents of these guidelines prior to their employment in the field as well as continuing training after they have been deployed. Staff should be trained so that they can implement safeguards for children's human rights in the beginning stages of refugee emergencies. Programs should be evaluated by a set of indicators for consistency with these guidelines, for example as has been done in the inter-agency Liberian Children's initiative.
- Facilitate greater NGO involvement in monitoring and promoting the protection of refugee children, particularly separated children and girls. For example, conduct an information-sharing and training workshop at the headquarters and field levels with NGOs and UNHCR staff on protection of refugee children.
- Ensure that all segments of UNHCR monitor and share information with respect to the protection of refugee children (including field staff and, at the headquarters level, the regional bureaus, the Division of International Protection, and the Division of Operational Support).
- Update relevant sections of UNHCR's *Refugee Children: Guidelines on Protection and Care* to reflect the position, which UNHCR has taken in international fora, that children under the age of eighteen should never be recruited or used in armed forces or groups. In the section on decision-making by children, UNHCR should delete the illustration of "joining the army" (page 24). In the section on military recruitment, UNHCR should add language indicating that refugee children under the age of eighteen should never be recruited for or used in armed forces or groups (page 85, para. 1). UNHCR policy should also reflect the security risks posed by any military activity, not only by the actions of armed resistance fighters, for refugee children. The word "resistance" should be deleted from the section on camp / settlement character (page 83).
- Amend the 1991 Guidelines on Protection of Refugee Women to address the prevention of and response to domestic violence. In addition to addressing violence against women in the home, these guidelines should also address child abuse against separated children and sexual abuse of children within the family, among other issues. In addition, UNHCR should facilitate community education efforts as a means of preventing domestic violence including child abuse.
- Recognize the problem of child prostitution in Guinea as well as in other refugee situations as a protection issue and implement policies to eliminate the conditions that drive girls to prostitution and protect girls affected by it by providing services including education, adequate assistance, and adequate health care.

Recommendations Specific to the Situation of Refugee Children in Guinea

- One UNHCR staff member in Gueckedou, preferably a protection officer or community services officer, should be charged with overseeing protection of children. She or he should convene regular coordination meetings for UNHCR staff, staff of NGO implementing partners, and refugee community leaders.
- Deploy additional field, protection, and community services staff, including adequate numbers of women, tasked with providing greater protection for refugee children, particularly with regard to treatment of separated children, sexual abuse and exploitation of girls, and the use of child soldiers.
- In conjunction with community organizations and refugee schools, encourage the development of community education programs for refugees focusing on the value of respecting children's human rights—especially separated children, girls, and adolescents—including the rights to education, freedom from hazardous labor exploitation, and freedom from sexual and physical abuse.
- Expand existing and further develop education and training programs which target adolescents. Encourage the development of youth organizations as a means of reaching adolescents and empowering them to address the abuses discussed in this report. Ensure that adolescents who do not attend school regularly are included in these efforts. Training and education programs should not be discriminatory in the options available to adolescent girls and boys, and they should address invisible barriers to the participation of girls.
- In the context of community education programs and school curricula, children should be educated about their human rights as children and as refugees. Children should be informed of where and to whom they should go in the event their rights are violated.
- UNHCR must ensure that return to Sierra Leone is entirely voluntary. Repatriation to Sierra Leone should not take place until the security and safety of the refugees is guaranteed and there is full respect for their human rights. UNHCR must prioritize programs aimed at the social and economic reintegration of refugees in Sierra Leone and the rebuilding of broken communities. Premature return will not be lasting.

Food Security

- UNHCR and the World Food Programme (WFP) should improve distribution of food assistance to refugees in order to prevent exploitation of children (including hazardous labor such as child prostitution and refugee traffic into Sierra Leone in search of food). Distribution channels should be improved and monitored to ensure that assistance reaches all camps on a regular basis and that assistance reaches vulnerable refugees including separated children and their caregivers. It is more likely that assistance will reach children if family ration cards are allocated to women. UNHCR should work with the Guinean government and NGOs to identify ways in which refugees can be more self-sufficient. In this regard, funds should be sought for income-generating activities.
- All refugees should be appropriately registered. Unregistered refugees, in particular groups classified as vulnerable including separated children, should be registered as soon as possible to avoid further delays in distribution of food and other forms of assistance.

Protection of Separated Children

- UNHCR community services officers and refugee social workers should, with the help of protection officers, identify and register all children who are not being cared for by their parents. Efforts to trace the families of these separated children in Guinea and throughout the region should continue. Family reunification should be a priority for all separated children. UNHCR must continue to monitor the well-being of separated children after any repatriation to Sierra Leone.
- UNHCR community service officers and protection officers and refugee social workers, camp chairmen, and camp committee members who are responsible for monitoring the protection of separated children should receive instruction and training on how to monitor for and respond to abuse and exploitation. This should

include monitoring techniques to identify the types of abuse likely to exist (including physical abuse, sexual molestation, denial of food and medicine, denial of education, domestic labor exploitation, and other labor exploitation) and steps to take in response (including further investigation, counseling of the family, and, when appropriate, finding alternative placement for the child, and legal remedies).

Sexual Abuse

- Community services officers and protection officers, in conjunction with women's associations, should encourage community-based efforts to reduce the incidence of sexual violence in the camps, as with the new sexual and gender-based violence program. For example, communities can encourage women and children going into the bush for firewood to travel in groups to reduce their vulnerability to sexual assault and can conduct sensitivity training for refugee men.
- UNHCR staff, relevant NGOs, refugee community leaders, and staff of the Guinean health service, should conduct screening to determine the scale of the problem of sexual violence in the refugee camps (rather than only focusing on sexual violence committed by RUF rebels inside Sierra Leone) in order to design appropriate preventive measures and responses.
- In conjunction with women's associations and other community organizations, UNHCR should conduct education programs to encourage victims of sexual violence to report incidents of sexual abuse and to seek legal remedies. When cases are reported, UNHCR should provide appropriate counseling for the victims and their families and ensure access to legal protection, in addition to adequate assistance (including health care and psycho-social support).
- Protection officers should encourage Guinean law enforcement and judicial officers to pursue cases of sexual violence against refugee children and provide technical assistance as necessary. As appropriate, these efforts should also improve the capacity of the Guinean judicial system to prosecute cases of sexual violence involving Guinean citizens as well.

Sexual Exploitation

- Work to prevent child prostitution by providing adolescent girls with food security and access to basic education, secondary education, vocational training, income-generating programs, and economic opportunities equivalent to those available to adolescent boys and young men.
- Provide adequate reproductive health care and education as well as other support services to protect the rights of adolescent girls, particularly those who are forced to work as child prostitutes.

Location of the Camps

- Despite the recent peace accord, the security of the refugee camps must remain a priority as long as refugees remain in Guinea. Plans for the relocation of camps located near the Sierra Leone border to secure, accessible areas should continue so that the move can go forward immediately, in the event that it is necessary after the rainy season. UNHCR should consult with NGOs and refugees and take protection of refugees classified as vulnerable and prevention of sexual violence into consideration as it plans the relocation, including in the layout of new camps. Security should not be relaxed as a result of the peace accord.

Humanitarian Character of Refugee Camps

- Protection officers, in conjunction with the Guinean authorities, should identify and separate refugees who are participants in armed groups, including the Kamajors and other Sierra Leonean government Civil Defense Forces (CDFs), in order to secure the exclusively civilian and humanitarian character of refugee camps.

Child Soldiers

- In collaboration with UNICEF, the Special Representative of the Secretary General for Children and Armed Conflict, and community organizations, UNHCR should publicly condemn the recruitment and use of

children under the age of eighteen in armed forces or groups and work together with community organizations to publicize and prevent this practice.

- Take steps to demobilize and reintegrate refugee children who have participated in armed forces or groups, in conjunction with UNICEF, the special representative of the secretary-general for children and armed conflict, and other agencies as appropriate, as has been done in the Liberian Children's Initiative.

To the Guinean Government

- Human Rights Watch recognizes the generous commitment Guinea has made to host large numbers of refugees and urges the Guinean government to continue to provide refugee protection in accordance with international law.
- The Guinean government should provide adequate security for refugees on its territory. In this regard, the Guinean government should cooperate fully with UNHCR's efforts to move refugee camps in the Gueckedou and Forecariah areas away from the border. Specifically, Guinea should provide suitable sites for new refugee camps that have sufficient access to food, water, and firewood. Guinea should seek support from the international community to address any environmental, social, or economic consequences of the refugee camps as necessary.
- Human Rights Watch urges the Guinean government to use its influence and law enforcement capacity with the Government of Sierra Leone, the Economic Community of West African States Monitoring Group (ECOMOG), and Sierra Leonean Civil Defense Forces (CDFs), including the Kamajors, to prevent CDFs from using refugee camps as a base for armed activities and from recruiting and using child soldiers. The Guinean government should cease to use CDFs registered as refugees, especially children, in any military capacity.
- The Guinean government is responsible for prosecuting crimes against refugees, including rape. In this regard, it should request material and technical assistance from donor governments and the U.N. High Commissioner for Human Rights as necessary.

To UNICEF, the Special Representative of the Secretary-General on Children and Armed Conflict, and other International Agencies

- Work with UNHCR to address the protection needs specified above in Guinea and in other refugee situations. Agencies should share their expertise in child protection with UNHCR and explore ways in which the needs of refugee children can be addressed more efficiently.
- Address the recruitment and use of child soldiers from refugee camps in Guinea through existing programs aimed at ending the use of child soldiers in the Sierra Leonean conflict. Specifically, programs of the special representative of the secretary-general on children and armed conflict, UNICEF, and other agencies aimed at ending the participation of children in armed activities of the Kamajors and other CDFs and reintegrating them into society should be implemented in Guinea as well in Sierra Leone.

To Donor Governments (including Canada, Denmark, Finland, France, Japan, Norway, Sweden, Switzerland, the United Kingdom, the United States, and the European Union)

- Ensure that protection of refugee children is given all the necessary attention by UNHCR at the highest levels and through programs in the field. Provide the Offices of the Senior Coordinator for Refugee Children and the Senior Coordinator for Refugee Women with sufficient staff, funding, monitoring, and enforcement powers to ensure that UNHCR field and headquarters staff can better address the needs of children. These posts should be filled as soon as possible and the offices should be elevated to a higher level within UNHCR in order to achieve this.

- Donors should provide earmarked funding for UNHCR programs that specifically address the protection of children and adolescents, rather than assuming that children's needs will be addressed through general programs for refugees.
- Request UNHCR to report on its progress in protecting refugee children, in Guinea and elsewhere.
- Ensure that the rights of refugees in Guinea and elsewhere in Africa are not neglected as the world's attention is focused on refugees in Europe. Donors should provide UNHCR with funds for the following purposes in Guinea:
 - To ensure that refugees receive adequate food assistance and to provide funding for alternate income-generating activities to promote greater self-sufficiency;
 - To deploy additional community services, field, and protection staff, including women, charged with the protection of children;
 - To provide training for UNHCR and NGO staff and refugee social workers and teachers to ensure protection of separated children; and
 - To provide the Guinean government with technical and financial assistance in order to enhance its capacity to prosecute cases of sexual violence against refugee children and other victims.
 - To ensure that refugees in camps too close to the border can be moved to safety by UNHCR as soon as possible, in the event that this is necessary after the rainy season.
 - To contribute to the U.S.\$8 million special appeal issued for repatriation and reintegration of Sierra Leonean refugees, of which UNHCR has received U.S.\$920,000 to date. Funds are urgently required to ensure the sustainable return and reintegration of Sierra Leonean refugees in the event that it is safe for them to return with full respect for their human rights.
- Continue to provide funding, or other assistance, to Guinea to mitigate the environmental, social, or economic consequences of the refugee settlements on local communities.
- Pressure ECOMOG, the Guinean government, the Sierra Leonean government, and Sierra Leonean Civil Defense Forces not to allow refugee camps to be used as a base for armed activities and not to allow children to participate in armed groups. Provide technical and financial assistance for the Guinean government to separate active combatants from the refugee population.
- Support the establishment of an Optional Protocol to the Convention on the Rights of the Child on Children Affected by Armed Conflict, which would raise the minimum age for recruitment and participation in armed forces or groups to eighteen.
- Ratify the Statute of the International Criminal Court.

To the Parties to the Sierra Leonean Conflict

- All parties should respect the civilian character of refugee camps in Guinea.
- Refugees, especially children, should not be abducted, recruited, or used to serve in armed forces or groups. The Sierra Leonean government should implement its international commitments not to recruit or use children, to demobilize all children in government armed forces or groups, and to facilitate the effective reintegration into society of children demobilized from all CDFs.

III. INTERNATIONAL LEGAL STANDARDS

The Convention on the Rights of the Child, which is nearly universally ratified, provides a comprehensive framework for protection of the human rights of all children.¹ Similar protections are enshrined in the African Charter on the Rights and Welfare of the Child (African Charter), which Guinea has signed but which has not yet entered into force.² The rights enshrined in the provisions of both treaties apply to refugee children—including the rights to life, physical integrity, adequate food and medical care, education, and to be free of exploitation and abuse. International law and UNHCR policy emphasize that, in accordance with article 3 of the Convention on the Rights of the Child, the “best interests of the child” should be the key guiding principle in all actions taken with respect to children.

Article 22 of the Convention on the Rights of the Child states:

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23 of the African Charter contains similar provisions.³ Articles 38(4) and 39 of the Convention on the Rights of the Child and Article 22(3) of the African Charter likewise guarantee assistance and protection to Sierra Leonean refugee children, as children who have been affected by armed conflict.

¹ Only the United States and Somalia have failed to ratify the Convention on the Rights of the Child. In this report, the word “children” refers to anyone under the age of eighteen. The convention defines a child as “every human being under the age of eighteen unless, under the law applicable to the child, majority is obtained earlier.” Article 1.

² Guinea signed the African Charter on May 22, 1998.

³ Article 23 of the African Charter declares:

1. States Parties to the present Charter shall take all appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law shall, whether unaccompanied or accompanied by parents, legal guardians or close relatives, receive appropriate protection and humanitarian assistance in the enjoyment of the rights set out in this Charter and other international human rights and humanitarian instruments to which the States are Parties.

2. States Parties shall undertake to cooperate with existing international organizations which protect and assist refugees in their efforts to protect and assist such a child and to trace the parents or other close relatives or an unaccompanied refugee child in order to obtain information necessary for reunification with the family.

3. Where no parents, legal guardians or close relatives can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his family environment for any reason.

4. The provisions of this Article apply mutatis mutandis to internally displaced children whether through natural disaster, internal armed conflicts, civil strife, breakdown of economic and social order or howsoever caused.

The office of the United Nations High Commissioner for Refugees (UNHCR) has elected to apply the Convention on the Rights of the Child as a guiding framework for the agency's activities. The UNHCR Policy on Refugee Children states:

The Convention on the Rights of the Child provides a comprehensive framework for the responsibilities of its States Parties to all children within their borders, including those who are of concern to UNHCR. Moreover, as a United Nations convention, it constitutes a normative frame of reference for UNHCR's action.⁴

In addition, Sierra Leonean children in Guinea who have fled the ongoing civil war in their home country are entitled to refugee status under the 1951 Convention Relating to the Status of Refugees and under the 1974 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa. These conventions also provide protection for child refugees in Guinea, including the right to education.⁵

IV. BACKGROUND

*Refugee children suffer a form of double jeopardy. A denial of their human rights made them refugees in the first place; and as child refugees they are also frequently abused, as the most vulnerable category of an already vulnerable population. When they cross a border to flee persecution or conflict, refugee children often lose whatever social or familial protection they enjoyed at home. Established support systems, such as schools, break down and traditional family structures often collapse with flight. Tragically, the risk of human rights violations against refugee children therefore does not end at the crossing of international borders, even where they may have left behind them a series of traumatic experiences.*⁶

The Sierra Leonean Civil War

The Sierra Leonean armed conflict, which has devastated the country since 1991, pits the Revolutionary United Front (RUF)⁷ rebels against the government of Ahmad Tejan Kabbah. Kabbah, who was elected president in March 1996 in the country's first multi-party elections in almost three decades, was overthrown by a group of senior military officers of the Sierra Leonean army who formed the Armed Forces Revolutionary Council (AFRC) in a coup in May 1997. The rule of the AFRC, which joined the forces of the Sierra Leonean army with the RUF after coming to power, was characterized by serious human rights violations, political repression, and a nearly complete breakdown of the rule of law. The Economic Community of West African States Monitoring Group (ECOMOG), a Nigerian-led peacekeeping force, ousted the AFRC/RUF from power in February 1998, reinstating Kabbah as president. Kabbah's government has virtually no national army and is supported by ECOMOG.⁸

⁴ UNHCR Policy on Refugee Children, presented to UNHCR Executive Committee, October 1993, as Document EC/SCP/82, Para. 17.

⁵ Article 22, 1951 Convention. Guinea ratified the 1951 Convention on December 28, 1965 and the OAU Convention on October 18, 1972.

⁶ "A Human Rights Approach to the Protection of Refugee Children," Statement by Dennis McNamara, Director, Division of International Protection, UNHCR, London School of Economics, November 14, 1998.

⁷ The RUF was formed in 1991 and entered eastern Sierra Leone from Liberia, and has committed atrocities from the outset. Originally, the RUF was a mix of members of Charles Taylor's National Patriotic Front of Liberia (NPFL), NPFL-trained Sierra Leoneans and others.

⁸ Most government forces defected to join the RUF during the reign of the AFRC. After returning to power in February 1998, Kabbah dissolved what remained of the national army. The Sierra Leonean government is currently in the

Local Civil Defense Forces (CDFs), the largest and most powerful of which is the Kamajors, also fight on behalf of the government.⁹ All parties to the conflict have committed atrocities against civilians—including children.¹⁰

In January 1999, RUF rebels launched an offensive against the capital Freetown, which was characterized by systematic human rights abuses against the civilian population. Since then, there have been signs of a possible negotiated resolution to the conflict in Sierra Leone. On May 18, 1999 the Sierra Leonean government and the RUF signed a cease-fire agreement, which came into effect on May 24, and talks between the two sides opened the following day. The talks were guided by a facilitation committee chaired by the foreign minister of Togo, with the participation of ECOWAS, the Organization of African Unity, and the U.N. secretary-general's special representative. On July 7, 1999, the parties reached a peace accord in Lome, Togo.¹¹

At the time of publication of this report, it was too soon to predict whether the Lome Accord would truly bring sustainable peace to Sierra Leone. All parties to the conflict were reported to have breached the May 1999 cease-fire, and Human Rights Watch documented continued atrocities including murder and mutilation of civilians and recruitment of child soldiers in the weeks leading up to the peace accord. It should also be noted that refugees returned home prematurely after the 1996 Abidjan Accord and the 1997 Conakry Accord and were subsequently at great risk, and many were even forced to flee again, when these peace plans were not implemented and fighting continued or resumed.

The conflict has not appeared to be over fundamental political or ethnic differences, but rather as a struggle for control of the country's resources, not least its lucrative diamond mines. Shortly after the conflict began in 1991, RUF leader Foday Sankoh announced that the aim of the RUF was to overthrow the regime then in power, citing massive corruption, and to install a democratic plural political system. However, the RUF has failed to consistently or publicly articulate a political agenda other than a goal of ousting successive governments.

Sierra Leone has been largely ignored by much of the international community, with the exception of those attempting to exploit its rich diamond and mineral deposits. In this mix of exploitation and indifference, combined with a history of weak respect for the rule of law and democratic institutions, military leaders have repeatedly seized power and diverted revenue from the mines for their own benefit. In attempts during recent years to gain political and economic control, both government and rebel groups have sought to tip the balance of power by employing private security firms or mercenaries, often in exchange for lucrative contracts and mining concessions.

process of recruiting and training a new national army with the assistance of the Governments of Nigeria and the United Kingdom.

⁹ CDFs, which fight on behalf of Kabbah's government, were developed primarily in the early 1990s as local protection responses to insecurity and violence throughout Sierra Leone. The "Kamajors," meaning traditional hunter in the Mende language, are the largest and most powerful of these groups, and most Kamajors are from the Mende ethnic group. They dress in traditional clothing, often wearing charms and mirrors. Other ethnic groups, including the Temne, Mandingo, and Kuranko have also formed CDFs known as "traditional hunters" in their respective languages. The Kamajors became an important fighting force under the previous government of Captain Valentine E.M. Strasser, helping to combat the RUF, but also committing human rights violations. The Kamajors were armed by and grew in number under the first Kabbah government, allegedly fueling resentment among the Sierra Leonean military and leading to the subsequent military coup and AFRC government.

¹⁰ See Human Rights Watch, *Sierra Leone: Getting Away with Murder, Mutilation, and Rape: New Report from the Field*, vol. 11, no. 3(A), June 1999; Human Rights Watch, *Sowing Terror: Atrocities against Civilians in Sierra Leone*, vol. 10, no. 3(A), July 1998.

¹¹ Notwithstanding the signing of the Lome Accord, the rights of Sierra Leonean refugees, including children, must continue to be protected in Guinea regardless of their predicted length of stay, and repatriation to Sierra Leone must be voluntary. No refugee can be forced to return, and return should only take place if there are full guarantees for refugees' safety and security and respect for their human rights. At present, Human Rights Watch is concerned that, due to severe food shortages and continued instability in many parts of Sierra Leone, as well as the need to disarm combatants, the safety and security of refugees cannot be guaranteed.

This war has been waged through attacks on the civilian population. While all sides have committed atrocities in violation of international humanitarian law throughout the conflict, the large scale and grotesque nature of the attacks on civilians committed by the RUF since February 1998 has particularly devastated already embattled communities. Survivors told Human Rights Watch that RUF soldiers would typically capture civilians, round them up from their hiding places in the forest or in villages, and commit atrocities against them—often including mutilation—in an effort to instill terror. In some cases, RUF soldiers have further terrorized their victims by forcing them to participate in their own mutilation, for example by asking captives to draw a slip of paper from a hat with the word “hand,” “leg,” “eyes,” or “life” on it—representing what the rebel soldiers would take from them. In some cases, rebel soldiers have reportedly forced those they abducted—including children—to commit atrocities against their own family members.

Forces fighting on behalf of President Kabbah have also committed human rights abuses and violations of international humanitarian law. CDFs including Kamajors have committed numerous abuses including arbitrary killings and torture, although on a smaller scale than those carried out by the RUF. During fighting in Freetown in January 1999, ECOMOG forces too committed numerous violations of humanitarian law including extrajudicial executions of prisoners and suspected rebels.

Human Rights Watch field investigations in 1998 and 1999 revealed that children have been the frequent targets of brutal, indiscriminate acts of violence by the RUF, including murder, mutilation, torture, beating, rape, and sexual slavery. Pregnant women and nursing mothers have also been targets of the RUF. The RUF has abducted thousands of children to serve as child soldiers, porters, and laborers. The CDFs, especially the Kamajors, have recruited thousands of children to become part of their forces for the same purposes. Despite promises by the government to demobilize all combatants under the age of eighteen, recent reports indicate that the CDFs continue to recruit children and to deploy them in combat. Both sides favor children in their ranks because they believe children are often easily indoctrinated, fearless, and have little sense of what is morally right or wrong. Many of the atrocities have been committed by child soldiers, some as young as seven years of age.

The fighting has caused the displacement of more than a million Sierra Leoneans. Most have become internally displaced, while nearly five hundred thousand have fled the country as refugees, predominantly to neighboring Guinea and Liberia. Despite progress made towards reaching peace in Sierra Leone, the conflict continued to cause massive displacement in 1999 as RUF rebels battled ECOMOG forces for control of the country.¹²

The Refugee Situation in Guinea

Many Sierra Leonean refugees suffer from extraordinary psychological trauma due to the intentionally cruel methods of inflicting harm used by the RUF rebels against them, their families, and their communities. They have been displaced from their homes and their communities, which can be traumatizing in itself. Many refugee children have been separated from their parents and, as is discussed below, are living with caregivers who may exploit them or fail to meet their needs. These children have a human right to adequate assistance and protection. Nevertheless, many refugee children remain vulnerable to human rights abuses in refugee camps in Guinea.

In many respects, Guinea has stood out as a generous host nation for many years. Guinea is currently host to the largest refugee population in Africa, with close to half a million refugees—up to 65 percent of whom are estimated to be children—who have fled strife in neighboring countries.¹³ More than 300,000 of these

¹² After the January 1999 offensive, tens of thousands of civilians fled to Guinea, most of whom have settled in refugee camps in Forecariah or in Conakry, the capital of Guinea.

¹³ UNHCR, *Africa Fact Sheet*, June 2, 1999. In addition, UNHCR estimates that more than 200,000 Liberian refugees returned home to Liberia in 1998, and UNHCR has continued to support voluntary repatriation of Liberian refugees in 1999. UNHCR conducted a refugee census in February 1999 but, as of June 1999, had not released the results of the census.

refugees come from Sierra Leone. Most have fled Sierra Leone since February 1998, when the RUF rebels embarked on a massive reign of terror after being ousted from power, and have settled in the Gueckedou area of south-eastern Guinea.

UNHCR administers more than sixty refugee camps for Sierra Leoneans in the Gueckedou area, encompassing the Gueckedou and Kissidougou prefectures. Many of the camps are located within a peninsula-like territory stretching into eastern Sierra Leone. A river running along the border forms a natural barrier between this area of Guinea and Sierra Leone, providing minimal protection to refugees from the RUF soldiers who have frequently operated in the border area. During the November to June dry season, the border provides even less protection. Some of the camps are less than one kilometer away from the border with Sierra Leone.

Refugees now outnumber Guinean nationals in the Gueckedou area.¹⁴ Most of the refugee camps are adjacent to or surround Guinean villages, and are named after those villages. The camps range in population from several thousand refugees to more than 20,000. The refugees have constructed mud huts, which they call “booths,” and community buildings in the camps.

Many of the camps in the Gueckedou area were originally established in 1991 when refugees first began fleeing the Sierra Leonean conflict. Most of this first group of refugees had returned home to Sierra Leone before 1997, leaving the camps almost empty. During the mass influx from Sierra Leone in early 1998, many refugees settled directly in these existing camps, where some infrastructure was already in place. The camps in the Gueckedou area are currently in a “care and maintenance phase” (i.e. normal operations) following the initial “emergency phase” in the spring and summer of 1998.

Every camp has a camp chairman and a camp committee which, in a sense, can be considered local government structures. Local Guinean gendarmes are responsible for security within the camps but, with the exception of patrolling for suspected RUF rebels, do not maintain a significant presence in the camps. In addition, refugees have begun establishing community organizations in the camps. Perhaps most significantly, nearly every camp has established women’s associations which have attempted to ensure that women’s views are taken into account in the camps, including with respect to prevention of sexual violence and addressing the needs of those who were victims of sexual violence in Sierra Leone.

While Guinean citizens have historically peacefully coexisted with the Sierra Leonean refugee population, relations grew tense in some areas in 1999 because many Guineans were fearful that the Sierra Leonean conflict would extend onto Guinean territory, and apparently suspected that refugees had cooperated with rebel forces. In April 1999, Guinean private citizens reportedly attacked a refugee camp in Moola, in the Forecariah area, allegedly because they suspected that rebel forces had infiltrated the camp. Later the same month, after an armed attack on Yefoula, a village and refugee settlement in the Gueckedou area, international observers were fearful that clashes would erupt between the local citizens and refugees, but managed to avoid confrontation.

UNHCR administers the refugee camps in Guinea and provides assistance and protection for the refugees who live in them, with a budget of approximately U.S.\$23 million for operations in 1999. Donor response to funding appeals for the Sierra Leonean emergency have been inadequate and fallen far short of requirements.¹⁵ Governments’ failure to contribute to appeals for Sierra Leone may be symptomatic of the larger problem of “donor fatigue” with respect to refugee crises in Africa.

¹⁴Sierra Leonean refugees and members of the local Guinean population do mix, though they usually live apart. Although the refugees’ movement is restricted, trading does occur and the refugees sell their labor, food obtained from UNHCR, wood, kerosene and other items to nationals. They also trade their rations for a variety of other items, such as salt or rice. This interaction is made easier by similarities in the languages and heritage of the groups, and many share family relationships.

¹⁵ For example, UNHCR requested \$4 million in February 1999 in order to move refugees away from the border before the rainy season began in June. As of July 1999, UNHCR had not received any contributions towards this appeal.

UNHCR operates with a relatively small staff in Gueckedou, none of whom have specific responsibility for refugee children, although they are supposed to address children's issues within their larger functions.¹⁶ UNHCR employs two protection officers and one community services officer in Gueckedou.¹⁷ In addition, UNHCR employs four field officers and three field assistants who are spread out in four zones with more than 300,000 refugees.¹⁸

Several programs in Guinea directly target refugee children. The programs are funded by UNHCR and governments and, in most cases, are administered by UNHCR's nongovernmental (NGO) implementing partners. Virtually every camp has a primary school administered by the International Rescue Committee (IRC). The German organization Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) operates a school canteen program, providing lunch for children in school in some camps. Enfants Refugies du Monde, a French NGO, runs a program allowing children the opportunity to play on a daily basis in three of the camps. In addition, UNHCR provided funding for IRC to begin a program for the protection of separated children (i.e. children not being cared for by their parents), focusing on family tracing and monitoring of care, in March 1999, as a supplement to existing programs by local NGOs in this regard. However, there is little in the way of secondary education, vocational training, or other programs designed for adolescents in the camps.

Protection of Refugee Children Globally

Children make up more than half of all refugees worldwide. Nevertheless, the international community has devoted very limited resources to address children's issues. Among international agencies, UNHCR is the leading actor with respect to refugee children. UNICEF, the primary U.N. agency responsible for children, plays a limited role in most refugee situations.¹⁹ With some exceptions, UNHCR has been responsible for refugee children while UNICEF has assumed responsibility for children who are internally displaced within their own countries. Several international NGOs, including IRC, the Women's Commission for Refugee Women and Children, and members of the International Save the Children Alliance, have played a particularly active role in bringing the issue of refugee children to the forefront.

Until recently, no specific unit in UNHCR had responsibility for refugee children. As a result of two external evaluations, by the United States and United Kingdom, which found that UNHCR was failing to provide adequate assistance and protection for refugee children, UNHCR established the post of senior coordinator for refugee children within UNHCR's Division of Operational Support in 1992. The office of the senior coordinator has provided UNHCR staff with advice and support on children's issues and attempted to ensure that children's

¹⁶ UNHCR maintains a country office in Conakry, the Guinean capital, and branch offices in Gueckedou, Forecariah (where most Sierra Leoneans who arrived in 1999 have settled), and Nzerekore (where most Liberian refugees have settled).

¹⁷ The community services officer and one of the protection officers are U.N. Volunteers. This has, at times, been supplemented. The Danish Refugee Council, for example, has seconded a protection officer and a community officer, both women, to work on the Victims of Violence program which provides assistance and protection for, among others, women and girls who were sexually abused by RUF rebel soldiers in Sierra Leone.

¹⁸ UNHCR developed field monitoring teams in October 1998, but did not receive sufficient resources or any additional personnel for the teams.

It should be noted that all of the UNHCR field and protection officers in Guinea are men, despite the fact that their responsibilities include prevention of and response to sexual violence.

¹⁹ According to the Memorandum of Understanding between UNHCR and UNICEF, UNHCR is ultimately responsible for the wellbeing of child refugees, while "UNICEF's assistance to refugees, agreed in each case with the host government and with UNHCR, is selective and subject to the availability of resources over and above those committed in its Master Plan of Operations for the relevant country programme." Memorandum of Understanding between UNHCR and UNICEF, March 14, 1996, p. 2.

issues are not ignored. UNHCR also created a post of senior coordinator for refugee women in 1992 and has a position of senior education officer.²⁰ However, all three of these posts were vacant as of July 1999.

In 1993, the Executive Committee of UNHCR adopted the UNHCR Policy on Refugee Children. This was followed by the adoption in 1994 of a detailed set of guidelines entitled *Refugee Children: Guidelines on Protection and Care*. In 1996, on the request of the U.N. secretary-general, Graça Machel submitted a report on the impact of armed conflict on children to the United Nations which, among other issues, focused international attention on the plight of refugee children.²¹ UNHCR participated in the preparation of this report. Since then, the Executive Committee has raised the issue of child protection several times.²² In addition, the High Commissioner requested all staff, including in field offices, to devote particular attention to adolescents, sexual exploitation of children, education, prevention/monitoring of military recruitment of children, and separated children.²³

The office of the senior coordinator for refugee children has developed several new initiatives since the Machel study was completed. In coordination with international NGOs, it has begun to implement a training initiative on the rights of refugee children called Action for the Rights of the Child (ARC). It has established new posts of regional policy officers for children in West Africa, the Horn of Africa, Central Asia, and the Commonwealth of Independent States. In West Africa, it has also established a Liberian Children's Initiative for refugees in Liberia which it hopes to extend to Guinea and elsewhere in West Africa through the Neighborhood Initiative, a new inter-agency program in cooperation with the office of the special representative of the secretary-general for children and armed conflict and others. These initiatives have been instrumental in drawing attention to the rights of refugee children and in beginning to implement UNHCR's policies and guidelines on refugee children.

Human Rights Watch believes that, in order to effectively carry out its mandate, the senior coordinator for refugee children should be given greater resources and authority to monitor and enforce compliance to ensure that UNHCR field and headquarters staff can better address the needs of refugee children. However, in an alarming trend, staff and other resources available to the senior coordinator for refugee children have recently been cut back severely. Ostensibly, this represents an effort to "mainstream" children's issues and to incorporate child protection into the general work of UNHCR. However, this approach overlooks the very reason for creating a child protection unit in the first place—that UNHCR has not demonstrated sufficient commitment to protect the human rights of refugee children through its general programs and governments have not held it accountable for failure to do so.²⁴

²⁰ UNHCR had attempted to eliminate the education post last year, but later reinstated it at a lower level.

²¹ Graça Machel, *Promotion and Protection of the Rights of Children: Impact of Armed Conflict on Children*, U.N. Doc. A/51/306 (Aug. 26, 1996), pp. 22 - 29. In response to the Machel study, the secretary-general appointed Olara Otunnu as his special representative for children and armed conflict.

²² Conclusion on Refugee Children and Adolescents, No. 84 (1997); Evaluation of UNHCR's Efforts on Behalf of Refugee Children and Adolescents, No. EC/47/SC/CRP.50 (1997); Refugee Children and Adolescents, Including Follow-Up to the 1997 Evaluation and Report on Implementation of the Machel Study, No. EC/48/SC/CRP.38 (1998).

²³ Sadako Ogata, Inter-Office Memorandum No. 40/97, Field Office Memorandum No. 47/97, 15 July 1997.

²⁴ A similar trend has taken place with respect to refugee women.

V. LACK OF FOOD SECURITY

*Some people keep fields in Sierra Leone . . . Children are made use of more. . . . Thirteen to sixteen year old kids have to carry nineteen kilograms. It's a hard strain, but the parents don't have any choice. . . . It is not far from here to Kumatandu, the border crossing point. Both parents and their children go. If the parents want more, they use their kids to carry some of the load. That's a long walk with hills. It's a forest journey. And it's dangerous by the border!*²⁵

Assistance Available

The lack of food security is a root cause of many of the protection issues discussed in this report. Although the refugees should receive sufficient basic food assistance, this is not always the case in practice.

The World Food Program (WFP) is responsible for distributing food assistance to the refugees in Guinea, in coordination with UNHCR and NGO implementing partners. The basic ration each refugee who arrived since February 1998 is supposed to receive, according to UNHCR, is a nine kilogram package made up of bulgur wheat, vegetable oil, salt, sugar, and pulses (beans) every forty-five days, or 2100 kcal per day per refugee.²⁶ Some refugees, including those termed “vulnerables” (including unaccompanied minors, elderly, blind, and single-heads of households) and those with malnutrition, qualify for additional assistance. School children in some camps also have access to school canteen feeding programs. A small percentage of refugees also participate in a food for work program administered by WFP.²⁷ Nevertheless, many of the refugee children and families interviewed by Human Rights Watch stated that they do not receive enough assistance to meet their daily needs. Human Rights Watch identified significant gaps in registration of refugees, distribution of food, and monitoring by UNHCR staff that contribute to the lack of food security.

UNHCR faces significant obstacles in providing adequate assistance to the Sierra Leonean refugee population in Guinea, not least that the international community has provided relatively little funding for these refugees. The large number of camps dispersed in the border area and the poor state of roads to many camps complicate distribution of aid by humanitarian agencies, especially during the rainy season.

Refugees must register with UNHCR in order to be eligible to receive distributions of assistance. Most refugees registered when they arrived in 1998. However, due to logistical difficulties, UNHCR was not able to register many refugees who arrived in early 1998, including some separated children and their caregivers. Consequently, these refugees had not received any food distributions up to the time of our interviews in March 1999.

UNHCR conducted a refugee census in February 1999, partly to remedy this problem. The census was also intended to ascertain an accurate count of refugees to better plan assistance and to eliminate corruption,

²⁵ Human Rights Watch interview, Koulomba Camp, February 24, 1999.

²⁶ Refugees who arrived earlier, referred to as “old caseload,” are theoretically supposed to receive 1700 kcal per day. However, UNHCR reported that “old refugees” receive “no food supply” and that a nutritional survey conducted in June and July 1999 revealed that 3.6% of these old refugees suffer from global malnutrition and 0.7% suffer from severe malnutrition. In the same study, UNHCR found that 45% of malnourished children belong to “families which have no food supply.” It should be noted, however, that these malnutrition rates fall below the emergency level of 5% malnutrition. Correspondence with Human Rights Watch, Conakry, July 10, 1999.

²⁷ World Food Programme, *Targeted Food Assistance for Relief and Recovery of Refugees, Internally Displaced Persons, and Returning Refugees in Liberia, Sierra Leone, Guinea, Cote d'Ivoire, and Ghana*, WFP/EB.2/99/5-B/1 (April 20, 1999). The food aid strategy for Sierra Leonean refugees was originally articulated as part of Project Liberia Regional 4604.06 in 1997. See World Food Programme, *Targeted Food Assistance for Relief and Recovery of Refugees, Internally Displaced Persons, and Returning Refugees in Liberia, Sierra Leone, Guinea, Cote d'Ivoire, and Ghana*, WFP/EB.3/97/8-b/Add.1 (September 10, 1997).

which has been a significant problem in the camps.²⁸ Due to concerns about corruption, UNHCR refused to register some refugees who had irregularities in their paperwork. In the event that irregularities in paperwork were due to human or computer errors rather than corruption, however, refugees found it difficult to overcome this hurdle and to receive assistance.

Those classified as vulnerable, in particular, had difficulties in registering during the census. In many camps, no special accommodations were made to make registration easier for vulnerable refugees, and refugees told Human Rights Watch that those who are most vulnerable found it extremely difficult to fight their way through the crowds waiting for days in the hot sun in order to register. After the census was completed, international aid workers observed that the number of people registered as vulnerable in almost every camp was significantly lower than it had been before the census and that many vulnerable refugees may have actually *lost* their ration cards as a result of the census.²⁹ As discussed below, UNHCR decided not to use the census as a means of identifying additional vulnerable refugees for a number of reasons, but assured Human Rights Watch that they had already identified all refugees classified as vulnerable in the camps. Nevertheless, although NGOs informed UNHCR that many vulnerable refugees were not registered and have not been able to receive food, UNHCR field and headquarters staff have been slow to recognize and address the problem.

There have also been significant gaps in distribution—even during the November to June dry season when roads are passable. Refugees in Fangamadou and Mangay camps claimed that they had not received a distribution during the three months prior to Human Rights Watch's February 1999 visit, and that the last distribution they had received, in November 1998, was intended to feed them only for one period of forty-five days.³⁰ International aid workers told Human Rights Watch that distributions had failed to arrive at many other camps as well. UNHCR and WFP staff at headquarters were unaware of these gaps in distribution.³¹ In November 1998, UNHCR subcontracted with the U.S.-based CARE to conduct some of the distributions, in an effort to improve efficiency. CARE began making food distributions to a few camps in March 1999, after the census, but logistical constraints precluded making distributions to all camps in the Gueckedou area immediately.

In addition, social workers and other refugee community leaders told Human Rights Watch that what little assistance there is does not always reach vulnerable refugees in the camps, including separated children and single women with children. This can be due to a variety of reasons. As is noted below, some families providing care to children separated from their parents have been known to usurp assistance designated for separated children to feed themselves and their own families. In addition, ration cards for each household are typically issued to male refugees, which gives them the opportunity to deny vital assistance to women and children, whose needs are ostensibly covered by the rations allocated.

Another problem is that WFP has provided the refugees with bulgur wheat which, as WFP staff acknowledged to Human Rights Watch, Sierra Leonean refugees are not used to eating, do not know how to cook properly, and have trouble digesting. Despite the fact that one kilogram of rice is more than four times as expensive than one kilogram of bulgur wheat, many refugees sell their bulgur in the market to purchase rice, because they prefer to eat their traditional staple food.

²⁸ In some cases, for example, ration cards were reportedly for sale in Guinean markets. However, irregularities in paperwork were not always attributable to corruption. In some cases, for example, they were due to computer errors.

²⁹ Human Rights Watch interview, New York, June 18, 1999.

³⁰ Human Rights Watch interviews, Fangamadou and Mangay camps, February 19, 1999, February 20, 1999, February 24, 1999. WFP confirmed that the distributions were intended to last forty-five days. Human Rights Watch telephone interview, Rome, June 12, 1999. When asked for the reasons for these delays in distribution, the UNHCR office in Guinea cited only brief interruptions for the December Guinean presidential elections and the February refugee census. Correspondence with Human Rights Watch, Conakry, July 10, 1999.

³¹ Human Rights Watch interview with UNHCR officer, Geneva, July 2, 1999; Human Rights Watch telephone interview with WFP officer, Rome, June 12, 1999.

Due to the population density in the Gueckedou area, it would be virtually impossible for most refugees living in camps in the Gueckedou peninsula to support themselves independently. A nutrition expert for Medecins sans Frontieres (MSF) has estimated that only 28 percent of the refugees have access to land suitable for cultivation.³² In addition, WFP has noted that its food for work program has not been very successful among Sierra Leonean refugees in Guinea and that the refugees do not have access to a sufficiently diversified economic system.³³

Protection Implications of Inadequate Assistance

The protection implications of the lack of food security for refugee children and families are clear. Many separated children told Human Rights Watch that their caregivers deny them food, choosing instead to share the little they have only with their own family members. In addition, Human Rights Watch documented numerous cases of hazardous labor exploitation of children directly linked to the lack of food. Separated children are particularly at risk. Several girls told Human Rights Watch they feel compelled to work as child prostitutes in order to feed themselves and, in some cases, their families. Children also reported being subjected to other forms of hazardous labor including domestic servitude and strenuous agricultural labor for little or no wages (see below). In addition, many children have been instructed by their parents or caregivers to travel back to Sierra Leone in search of food, despite the very real the risks of the war.

Many refugees—especially those living in camps located close to the border—travel into Sierra Leone to harvest crops including coffee, cocoa, kola nuts, cassava, bush yams, bananas, and oranges, for personal consumption and/or sale in Guinean markets. Refugees sometimes return to Guinea within the same day, and at other times remain in Sierra Leone for two or more days at a time. While there, they have been exposed to the human rights abuses that they fled.

Refugees told Human Rights Watch that, given the danger, they would not have crossed the border if there was no economic necessity to do so. Reflecting the fears of many refugees, one teacher in Kundou-Lengo-Bengo Camp said, “Not across the border, we don’t encourage that! We escaped death there!”³⁴ However, the refugees claimed that they feel compelled to go because they do not receive enough assistance, especially food. A refugee school teacher in Fangamadou explained, “When [school canteen] food is on, more kids go to school. When it’s not, they go across the river.”³⁵

Brama K. is a fourteen-year-old boy from Koidu who now lives with a family in Kundou-Lengo-Bengo camp. When he needs food or clothes, he crosses into Sierra Leone to pick green bananas or oranges to sell in the Kundou-Lengo-Bengo market. He told Human Rights Watch:

I’m afraid when I go because of the imagination of what is happening in Sierra Leone. . . . I ran away from my home in Koidu when the RUF rebels attacked. My mother was pregnant—she couldn’t run. The rebels caught my mother and ordered her to carry a heavy load. She said she

³²Austen Davis, “Revue du Programme D’Aide Alimentaire aux Refugies Liberiens et Sierra-Leonais en Guinee: Rapport d’une mission d’expert realisee sous la direction de Medecins sans Frontieres,” March 1996, p. 4. Although this study was based on data collected during a 1995 mission, MSF believes that the findings still hold with respect to access to land, and that the large influx of Sierra Leonean refugees in 1998 has exacerbated the problem. Human Rights Watch interview, Brussels, March 10, 1999. UNHCR staff in Geneva do not have any information on the refugees’ access to land and UNHCR staff in Guinea did not provide Human Rights Watch with adequate information on this question. Human Rights Watch interview, Geneva, July 2, 1999; Correspondence with Human Rights Watch, Conakry, July 10, 1999.

³³ World Food Programme, *Targeted Food Assistance*, April 20, 1999. The food aid strategy for Sierra Leonean refugees was originally articulated as part of Project Liberia Regional 4604.06 in 1997. See World Food Programme, *Targeted Food Assistance*, September 10, 1997.

³⁴Human Rights Watch interview, Kundou-Lengo-Bengo camp, February 23, 1999.

³⁵Human Rights Watch interview, Fangamadou camp, February 20, 1999. GTZ operates a canteen program in refugee schools that provides lunch for students.

couldn't carry it. They said, "If you don't take it, we will kill you." I ran off. They shot her and she died.³⁶

Children, especially adolescents, are often required or feel compelled to join in this cross border trade in order to support themselves and their families. A social worker in Fangamadou explained, "When food is not available, the refugees will do anything to survive. . . . It's an every day process—this is the season for coffee and cocoa. They bring their children, they can help carry the loads—like that you can carry two or three loads."³⁷

Officially, Guinea's external borders have been closed since December 1998, and the Guinean military ostensibly enforces the closure.³⁸ A military officer in Fangamadou told Human Rights Watch that anyone who goes across is "playing with poison. If you try to come back, you will be swimming with the fish. You will be fish food."³⁹ Other Guinean military officers candidly told Human Rights Watch that the border was open despite the official policy and the risks refugees faced in Sierra Leone:

The border is essentially open to refugee traffic—children know the border, which is porous, well. . . . Commercial traffic goes back and forth without problems. Only when they are in Sierra Leone, the rebels have been known to attack them and mutilations have occurred.⁴⁰

Many refugees reported that they have no trouble crossing the border—so long as they bribe the Guinean border guards. As one refugee girl in Fangamadou said, "If no pay, no go. If no money, they take your goods."⁴¹ A refugee boy in Kundou-Lengo-Bengo camp explained:

I meet the Guinean soldiers at the border. [On the way into Sierra Leone] I usually say I am in search of food and they let me pass. Then, when I am coming back to Guinea, they ask me for something. Pretend this is my bananas on my head. When they stop me, I put it down. We divide it into two shares—half for me and half for them. And then I pass.⁴²

The risks for the refugees who cross the border have been real. According to UNHCR, at least five refugees were mutilated when they crossed the border in late 1998.⁴³ Ayah, a seventeen-year-old adolescent head-of-household, was kidnapped by the rebels while he was picking coffee in Sierra Leone and held captive for ten days before managing to escape back to Guinea. Ayah described his experience with the rebels to Human Rights Watch:

They frightened us, they said "if you try to hide, we will beat you till your life got finished." I was not happy. I was forced to pound rice for them, to cook. I got these blisters on my hands. The boss said any time we heard gunfire, we should go get guns and go towards the fighting. But we were never trained how to use the guns. . . . I heard gunshots every day. We captives went to

³⁶Human Rights Watch interview, Kundou-Lengo-Bengo camp, February 23, 1999.

³⁷Human Rights Watch interview, Fangamadou camp, February 18, 1999.

³⁸The government of Guinea closed the border to prevent population movements prior to its December 1998 national elections there and has not officially reopened it.

³⁹Human Rights Watch interview, February 20, 1999.

⁴⁰Human Rights Watch interview, Gueckedou, February 22, 1999.

⁴¹Human Rights Watch interview, Fangamadou camp, February 24, 1999.

⁴²Human Rights Watch interview, Kundou-Lengo-Bengo camp, February 23, 1999.

⁴³UNHCR Briefing Notes November 20, 1998; Human Rights Watch interview, Gueckedou, February 22, 1999.

hide because we were afraid. The rebels tried to encourage us to use guns and teach us, but we refused. . . .

One night the rebels from Kailahun and the rebels from Koidu got drunk and got in a fight. That's when I decided to escape. When the rebels were quarrelling, the man that captured me ordered me to take the guns from the others (from the Koidu rebels). I said, "we have not guns, we are not trained, If you make us try to take their guns, we are afraid they will kill us." So the boss gave me ten lashes for disobeying him.⁴⁴

Several children told Human Rights Watch that they encountered RUF rebels when they crossed into Sierra Leone but managed to avoid capture. Fatimata S., a seventeen-year-old head of household, told Human Rights Watch that her elder brother drowned in the Meli river when he saw the rebels and attempted to flee back to Guinea.⁴⁵ Ami R., also seventeen years old, reported:

I have been to Sierra Leone in search of food. Here I don't have anything. I have just come last week from Sierra Leone. When I went to Sierra Leone the rebels ran after us so I decided to come back to Guinea. . . . The rebels shouted, "Stop! Stop!" We just ran into the bush, hid there until evening, then decided to walk back to Guinea.⁴⁶

UNHCR is hopeful that, once it succeeds in moving refugees away from the border (see below), the risks of these border crossings will be averted.

One must not forget that Sierra Leone is anything but safe. Everyone who goes back is doing so at his own risk. Children who go back is a tricky question. We have a responsibility to protect refugees, including children. If they can't depend on the family structure, then we have the responsibility to protect them. Absolutely. This is one reason to move the camps. . . . If a trend can no longer be considered an exception, then UNHCR has the responsibility to protect the children from doing it.⁴⁷

However, the move will not be a panacea for this problem. Many refugees will likely be reluctant to move for this very reason—without being guaranteed adequate assistance at a new location, many would prefer to remain closer to Sierra Leone where they have access to farm land. Even refugees who move are likely to continue to make the longer journey across the border if they do not have adequate assistance or sufficient land to cultivate near their camps—even if their safety, security, and human rights cannot be guaranteed in Sierra Leone.

⁴⁴Human Rights Watch interview, Fangamadou, February 19, 1999.

⁴⁵Human Rights Watch interview, Fangamadou camp, February 24, 1999.

⁴⁶Human Rights Watch interview, Mangay camp, February 19, 1999.

⁴⁷Human Rights Watch interview with UNHCR officer, Conakry, February 26, 1999.

VI. PROTECTION OF SEPARATED CHILDREN

*The caretaker's other children are in privilege—they go to school every day. I go to school some days, but when I'm hungry I leave to find something to eat . . . My caretaker is sometimes harsh with me. If I don't do work for her and her kids, such as laundry, she says she will kick me out of this environment. . . . She slaps me on the face, and sometimes takes a stick to me. . . . [I can't leave her] because she took me in when I was wandering around with no guidance.*⁴⁸

*I liked going to school and studying when I was at home in Sierra Leone. I like to study to be clever. . . . [My caretaker's] kids go to school here, but I don't. . . . because my mom's not here and my dad's not here. . . . I don't have a favorite game. I never play. . . . because my mom's not here and my dad's not here.*⁴⁹

International Legal Standards

Separated children are granted special protection under article 22 of the Convention on the Rights of the Child, which guarantees the protection and assistance of all refugee children, “whether unaccompanied or accompanied by his or her parents or by any other person,” and calls on states to cooperate with the United Nations and NGOs in this regard. Article 22 also emphasizes the need for family tracing to reunify unaccompanied children with their families. In addition, separated children are entitled to “special protection and assistance” under Article 20.⁵⁰ Children separated from their parents are entitled to the same rights as all other children.⁵¹

Child abuse and exploitation are serious human rights issues that must be addressed. Under the Convention on the Rights of the Child, states are obligated to:

Take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse . . . while in the care of parent(s), legal guardian(s), or any other person who has the care of the child.⁵²

Likewise, under the African Charter on the Rights and Welfare of the Child:

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,⁵³

States . . . shall take specific legislative, administrative, social and educational measures to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of a parent, legal guardian or school authority or any other person who has the care of the child.⁵⁴

⁴⁸Human Rights Watch interview, fourteen-year-old boy, Fangamadou camp, February 24, 1999.

⁴⁹Human Rights Watch interview, ten-year-old girl, Fangamadou camp, February 24, 1999.

⁵⁰See also articles 23 (refugee children) and 25 (separation from parents) of the African Charter.

⁵¹Article 2, Convention on the Rights of the Child.

⁵²Article 19, Convention on the Rights of the Child.

⁵³Article 15, African Charter.

⁵⁴Article 16, African Charter.

Definitions

This report uses the term “separated children” to refer to all children who have been separated from their parents. Most of these children live together with other refugee families, akin to foster parents, whom they generally call “caretakers.” This report refers to these foster families as caregivers. In some cases, these caregivers are part of a child’s extended family.⁵⁵ In other cases they are unrelated and did not know the child before the war; these children—a subset of the broader “separated children” category—are referred to as unaccompanied minors (UAMs). Many of these children may still have living parents and are thus not orphans.

In this report, Human Rights Watch chose not to use the term unaccompanied minors—the term generally used by UNHCR staff in Guinea—for a number of reasons. UNHCR guidelines on refugee children define unaccompanied minors as, “those who are separated from both parents and are not being cared for by an adult who, by law or custom, is responsible to do so.”⁵⁶ As stated above, this definition of “unaccompanied minor” is narrower than “separated children,” because it does not include the many separated children living with extended family members in the camps. UNHCR policy calls for monitoring of care and protection of all separated children.⁵⁷ The rationale for this is twofold: all separated children are entitled to special protection under international law and all separated children might be at risk of neglect, abuse, or exploitation as discussed below. Nevertheless, UNHCR field staff have provided special protection only to those identified as unaccompanied minors, some 480 in the Guinean camps, excluding the vast majority of separated children.⁵⁸ In addition, “unaccompanied” is actually somewhat of a misnomer, as most of these children are not completely on their own but rather are being cared for by other refugee families.

Care Arrangements

Thousands of refugee children in Guinea became separated from their families during the war, primarily during attacks on their villages or settlements in Sierra Leone. In some cases, children saw the RUF rebels abduct, mutilate, or murder family members. In other cases, families simply scattered during the panic of attacks. Family members, if still alive, may be dispersed across three countries: some may be found in refugee camps in Guinea or in Liberia, while others remain inside Sierra Leone.

Many children told Human Rights Watch that after they were separated from their parents a family or an individual among the thousands fleeing the conflict took them in and brought them to Guinea. Most of the children have become attached to these refugee families, akin to foster families, and refer to their foster mothers and other caregivers as “caretakers.” One separated child explained:

I was in Koidu with my father and mother. We went to the bush to hide from the rebels, but they captured my mother and father. I was by a coffee tree when they killed my younger brother. I had no one left, so I ran away and I followed people here [to Guinea]. As I was crying, crying, a woman saw me and I explained my story . . . so the woman took me along with her. I now stay with this forced caretaker.⁵⁹

⁵⁵ To complicate matters, UNHCR staff in Guinea refer only to children living with extended family members as “separated children.” However, this distinction in terminology is not entirely correct, nor is it useful. All children not with their parents, whether they are living with a grandparent or with a total stranger, are considered separated children and all of these are entitled to special protection. Unaccompanied minors are a subset of separated children: the groups are not mutually exclusive.

⁵⁶ UNHCR, *Refugee Children*, p. 121.

⁵⁷ Human Rights Watch telephone interview with UNHCR officer, Geneva, March 26, 1999.

⁵⁸ As noted below, the figure of 480 registered unaccompanied minors grossly underrepresents of the number of unaccompanied minors, and is an even less accurate reflection of the probable number of separated children.

⁵⁹ Human Rights Watch interview with twelve-year-old boy, Mangay camp, February 19, 1999.

Adama H., a woman in Massakundou camp who cares for two separated children in addition to six of her own children, told Human Rights Watch:

I found the first child at a village in Kono district of Sierra Leone. I saw a group of people gathered around a sick child with a swollen stomach. I asked the child his name and where his parents were. He replied that his parents were lost in the attack. My youngest child begged me to take the child, carry him home, and maybe he would get better. I gave him some food and medicine. . . . From that time the boy has stayed with me. When I try to ask the boy about his family, he just says they got lost. We fled from village to village to the bush, moving a lot, fleeing the rebels. We didn't find the boy's parents, so we said he could stay with us.

Later, we returned to our village in Sierra Leone. There, we met a girl who had been kidnapped by the rebels and raped by them. The girl helped me sell cassava in the market. Then came "Operation No Living Thing."⁶⁰ Things got so bad. We had no food or medicine. The children were sick. So we decided to walk for days to come to Guinea, and we took these two children with us.

Still other children are staying with a grandparent, aunt or uncle, or extended family member in Guinea. Even though they are with relatives, these children have sometimes been subjected to neglect, abuse, or exploitation, as those with unrelated caregivers have. Community leaders told Human Rights Watch that children cared for by an elderly grandparent can be especially vulnerable, as the elderly are frequently not strong enough to work or provide for them.

Families who care for separated children usually receive limited amounts of additional assistance to meet a child's needs, including a mat for the child to sleep on, medicine if the child is sick, and used clothes for the child to wear. They should also receive a food ration for every separated child living in the household, as they do for all family members. They do not, however, receive compensation for caring for separated children.

While many refugee families who have taken children in have done so with the child's best interest at heart, other families neglect, mistreat, or exploit these children for labor. Given the spontaneous nature with which these care arrangements were formed during the 1998 emergency influx, neither UNHCR nor any other organization had the opportunity to screen caregivers to determine whether they would act in the child's best interests. Better monitoring of existing arrangements, however, as well as screening prior to agency placement of a child with a caregiver should be urgent priorities.

Several children interviewed by Human Rights Watch stay in adolescent-headed households in which children, usually adolescents, provide care for other children. Particular problems may arise for the children being cared for as well as for the adolescents struggling to take on such responsibilities. The lack of special assistance to these households can result in everyone in the household, including young children, having to work to survive. Fatimata S., for example, is a seventeen-year-old girl in the Fangamadou camp who cares for six younger children: four siblings and two separated children she found who are not related to her. Fatimata S. had been pregnant when she fled from her village in Sierra Leone, but she miscarried during the trip to Guinea.

I get no assistance, I can't go to school. I went to school in Sierra Leone, up to Form III. . . . The older children who stay with me don't go to school. The ten and fourteen year olds, my sisters, take care of domestic work in the house. They make sugar drink to sell in the market so we can buy soap and kerosene. They also work for Guinean citizens sometimes. The younger ones sometimes go to school, but they have to work, too. . . . Sometimes the neighbors give us food, they take pity on us. . . . I want to do something—any job. I'm just sitting idle but have no chance. I would like to be a nurse.⁶¹

⁶⁰A campaign of terror designed by the RUF in February 1998 to loot, destroy, or kill anything in their path.

⁶¹Human Rights Watch interview, Fangamadou camp, February 24, 1999.

Despite the potential for neglect, abuse, or exploitation of separated children by their caregivers, it is generally in the best interests of the children to remain in family care settings. The solution is not for children to be placed in “children’s homes” or “orphanages.”⁶² As previously noted, there are many caregivers who have provided children with the necessary care and protection; and many who would like to do so were it not for the economic hardship they face. However, because neglect, abuse, and exploitation do exist, UNHCR must continually monitor these cases to ensure that these children receive the assistance they need, with host families that are willing to meet their needs, and that these families do not neglect, abuse, or exploit the children in their care.

Neglect, Abuse, and Exploitation

*She treats me bad. She discourages me. I work for her a lot. [In the morning] I sweep, get water, and clean the room. The caretaker tells me to go to the road, to sell green peas in the market. After work, I go home, fetch water, wash pots, cook. . . . She never appreciates me. I cook for the caretaker’s family and myself. Sometimes she only gives me a little food. At times, when I finish cooking, she takes all the food. . . . The caretaker’s children don’t do anything at home. Only myself, I do all the work. Any time I work for the woman, she shouts at me, doesn’t appreciate me.*⁶³

Refugee community leaders, many of whom have taken separated children into their homes, repeatedly told Human Rights Watch, “It is part of our tradition for Sierra Leonean families to take in children who are in need; but it is not realistic to expect that they will treat them as well as they treat their own children.”⁶⁴ Community leaders, social workers, teachers, and separated children interviewed by Human Rights Watch stated that some caregivers use separated children as forced labor, deny them the chance to go to school, and physically and verbally abuse them. Others, who may have the best of intentions, find that they do not receive enough assistance to meet the needs of the separated children in their care. It is probable that many refugee children living with their parents are subjected to similar types of abuse or neglect to varying degrees. However, UNHCR and the Guinean government have a special responsibility to care for separated children under the Convention on the Rights of the Child and pursuant to UNHCR guidelines.

Labor Exploitation

The most common form of labor exploitation separated children are subjected to is domestic labor.⁶⁵ Other forms of labor commonly performed by separated children include gathering firewood in the bush and selling goods in the market. Many children also told Human Rights Watch that they sometimes work for Guinean citizens pounding rice⁶⁶ or doing other agricultural work, for 300-600 GF (the equivalent of U.S. \$0.20 to U.S.

⁶²UNHCR guidelines recommend that group care should only be considered “where family placements are not possible,” and should be only an interim measure, preferably in small groups. UNHCR, *Refugee Children*, p. 127.

⁶³Human Rights Watch interview with fifteen-year-old-girl, Mangay camp, February 19, 1999.

⁶⁴Human Rights Watch interview, Fangamadou camp, February 24, 1999.

⁶⁵Domestic labor can be particularly hazardous for children. Human Rights Watch research in Guinea as well as other countries has revealed that child domestic labor is often performed under abusive conditions. Children are frequently required to toil from early morning to late night, and to be on call twenty-four hours a day. While they perform chores that might not normally be hazardous, the long hours exacerbate the negative impact the labor has on the child’s well-being. Child domestic servants, particularly girls, are at a high risk of physical abuse and sexual exploitation from their employers. Separated children in Guinea, like child domestic servants in other countries, are rarely compensated for their labor. In addition, child domestic servitude can hamper the child’s long-term development. The subservient attitudes required by employers or, in the case of separated children in Guinea, caregivers, can lead to low self-esteem—particularly when other children in the household are treated differently, for example being permitted to go to school.

\$0.40) or for a little bit of food per day. As noted above, those living in camps near the border with Sierra Leone have also been sent across the border in search of food. Children described to Human Rights Watch having had the responsibility to provide for others in addition to caring for themselves, and sharing the hardships and work of a household in which everyone struggled for survival. Many, however, described having been exploited by their caregivers and others for whom they were obliged to work. The labor described in most of these cases went far beyond a share of a family's chores or participation in the work undertaken by all in the same household.

Bondu L. is a twelve-year-old girl from Kailahun district who lives with a caregiver named Margaret F. in Massakundou camp. On a typical morning, Bondu L. gets up, sweeps, goes to fetch water, goes to the stream to wash Margaret F.'s children's clothes, then washes dishes from the family's breakfast. Bondu L. said she does not get any breakfast. Afterwards, she gets bulgur wheat, which she pounds and cooks. Bondu L. tries to go to school two or three times a week, but she is not able to go when there is too much domestic work to do. She told Human Rights Watch that she needs books, pens, and a school bag. She does not know how to read. In the evening, the caregiver serves the bulgur Bondu L. prepared to her family, and leaves a little in the pot for Bondu L. to eat alone. Finally, Bondu L. washes up and goes to sleep.⁶⁷

Brama K. is a thirteen-year-old boy from Koidu town. He lives with his aunt and uncle and two cousins who are around his age in Massakundou. Brama K. described a typical day to Human Rights Watch.

I wash my face and go get water. Then I help my aunt with domestic work (sweeping washing dishes, fetching wood, etc.). Sometimes, if there is no money for food, I go to Kissidougou [a nearby town] to sell wood. . . . I make 500-600 GF a day for selling in the market and my aunt tells me what to buy with the money. . . . I go especially on Fridays and Saturdays, but even on school days if we need food. . . . If I am sick, my aunt still forces me to go and sell. If I refuse, then she refuses to feed me. . . . Sometimes she beats me if I say I am sick, she says I am just pretending. . . . My cousins don't come with me, they stay home with their parents.⁶⁸

Abby T. is a fourteen-year-old girl who lives with her grandmother in Mangay camp. Before she came to Guinea, Abby T. was captured by RUF rebels, who held her for three weeks and raped her. She managed to escape from the rebels, traveled through the bush, and made her way to Fangamadou where she has an uncle. She then went to nearby Mangay camp, to stay with—and take care of—her grandmother and younger siblings who were already there.⁶⁹ Abby T. told Human Rights Watch:

In the morning, I fetch water, sweep, and pray. Then I go to find a job for the day working for Guineans. I go towards Ouende-Kenema [a town approximately 15 km away]. Usually I pound rice. I work all day, until evening. I get no food, only 400-500 GF. Sometimes they don't even pay me until the next day, so I have to go back. I will be in the sun until evening. I feel pain all over my body. . . . I don't go to school . . . I want to work. I live with my grandmother and she is very old. I need to take care of her.⁷⁰

Kumba C. is a fifteen-year-old girl in Mangay camp who has crossed the border, at the request of her caregiver, to search for food in Sierra Leone. She told Human Rights Watch:

⁶⁶Pounding rice entails using a heavy wooden pole, often much taller than the child, and pounding rice in a wooden bowl repeatedly.

⁶⁷Human Rights Watch interview, Massakundou camp, March 3, 1999.

⁶⁸Human Rights Watch interview, Massakundou camp, March 3, 1999.

⁶⁹Mangay is located approximately one kilometer from Fangamadou.

⁷⁰Human Rights Watch interview, Mangay camp, February 19, 1999.

My problem is that, since I came to Mangay, I don't have anybody. My father was killed and my mother was captured by the rebels. I am living here with a woman. We met in Fangamadou, in Guinea. I went up to her and explained myself and said, "let me stay with you." She accepted, but she treats me bad. She discourages me. I work for her a lot. She never appreciates me. . . .

One time, the caretaker's husband told me to cross the border and if I did he would buy me clothes. I did, but he didn't buy me clothes. I crossed the border twice, went to get food and bring it back. I met the rebels at one village, but they didn't see me. The road is not safe. The rebels are sometimes there in the bush.⁷¹

A refugee social worker in Mangay camp admitted to Human Rights Watch that he does not have the means to prevent this dangerous practice.

When there is no food, they go across the border. The caretakers ask us for help, but we don't get help from the head office, so there is nothing we can do. . . . Caretakers expect food to support the separated children. But they find that UNHCR does not come with food. The child then becomes a burden. Then they don't get to go to school, they have to go work to get money. Their health conditions are very poor.⁷²

Another social worker told Human Rights Watch "Some [separated children] go to school, but when the going gets rough, [the caregivers] prefer to send them across the border."⁷³

Physical and Psychological Abuse

In addition to the hardships faced by all children in refugee households, and the pattern of labor exploitation and the denial of education particular to separated children, these children are often also subjected to physical and verbal abuse and, in some cases, denied food and medical attention. Many separated children told Human Rights Watch they are beaten by their caregivers on a regular basis; almost all of them said they had been beaten within the week prior to the interview. Children told Human Rights Watch that they are usually beaten because they "waste time" or "make a mistake in their work."

Bondu L., the twelve-year-old girl who lives with a caregiver named Margaret F. in Massakundou, was both forced to work and regularly beaten. She said that Margaret F. beat her with a stick on her back two days before she spoke with Human Rights Watch because she "took too long" gathering firewood. Bondu L. explained to Human Rights Watch, "Margaret F. sometimes gets mad. If I don't work, she starves me. She also flogs me with a stick, over all parts of the body."⁷⁴

Human Rights Watch also found that some caregivers frequently verbally abuse separated children in their care. Most commonly, children said that their caregivers taunted them with the fact that they have been separated from their parents.

Thamba M., a fifteen-year-old boy from Kangama in Kono District, lives with a woman named Finda A. in Massakundou camp. When the RUF rebels came to his village in Sierra Leone, he and his parents fled to the bush to hide. But the rebels found them and killed his parents. Only he managed to escape. Thamba M. told Human Rights Watch:

⁷¹Human Rights Watch interview, Mangay camp, February 19, 1999.

⁷²Human Rights Watch interview, Mangay camp, February 19, 1999

⁷³Human Rights Watch interview, Fangamadou camp, February 18, 1999

⁷⁴Human Rights Watch interview, Massakundou camp, March 3, 1999.

My caretaker is sometimes nice, but sometimes she is cruel. One nice thing is that sometimes she will clean or do my laundry. But she makes me work. . . . And she beats me. For example, if I refuse to go fetch wood or if I come home late. . . . The last time she beat me was yesterday. She used a cane and hit my hands and arms. She doesn't beat her own kids . . . Also, she shouts at me sometimes. She yells, "you don't have a mother."⁷⁵

Mameh G. is a nine-year-old girl in Massakundou camp, originally from Makeni. She lost her parents when the RUF rebels attacked her family's hiding place outside of Makeni—her parents fled in a panic and she was left alone. Mameh G. told Human Rights Watch:

My caretaker gets mad at me sometimes. . . . If I stay at the water pump for too long, my caretaker will get mad and beat me. . . . The last time she beat me was yesterday. She was mad because I went out to the bush to fetch wood and I stayed out too late. . . . She rarely beats her own children. She beats me more. Also, when she gets mad at me she shouts, "you aren't my daughter."⁷⁶

Human Rights Watch also documented several cases of sexual abuse of separated children by members of their host families, as well as economic exploitation of girls—whereby girls feel coerced to work as child prostitutes in order to support themselves and sometimes their families. The issue of sexual abuse and exploitation of girls is discussed separately below.

Several children—including Kumba C., Bondu L., and Brama K., whose stories are described above—told Human Rights Watch that they are only permitted to eat once per day while members of the caregivers' families, like most refugees in Guinea, eat twice. Some separated children also said that they are only given bulgur wheat to eat, whereas the caregivers' families eat rice, Sierra Leoneans' customary staple. In the case of ten-year-old Ami in Fangamadou, her host family made her feel bad about eating at all. She told Human Rights Watch, "When the caretaker's kids eat, they shout at me. When I take food they get mad, so I can only take a little bit. They say, 'I don't know why you were mixed with me to shorten our food.'"⁷⁷

Several social workers told Human Rights Watch that some caregivers will take assistance earmarked for the separated children—including food, medicine, and clothing— and use it for their own families. A nun in Gueckedou town has taken in more than twenty separated children whose needs were not being met by their caregivers, and raises money from private sources to finance her operations. She described what happened to six children before she took them to live with her. Their mother was killed in Sierra Leone and their father was killed in an attack on a refugee settlement near Toumandou in Guinea:

Their uncle took them from Toumandou. Only he didn't care for them—he took their belongings and abandoned them. I saw them and found a family to take care of them. I gave the family some food and medicine for the children each week. I returned each week to check up on them and it was clear to me that the family was not giving the children any aid or care. Two of them were very sick, on the verge of death. One of them [a seventh sibling] died, and another remained seriously ill. The family didn't give them the medicine I brought and they were not being fed enough. Finally, I had to take the children to live with me.⁷⁸

⁷⁵Human Rights Watch interview, Massakundou camp, March 3, 1999.

⁷⁶Human Rights Watch interview, Massakundou camp, March 3, 1999.

⁷⁷Human Rights Watch interview, Fangamadou camp, February 24, 1999.

⁷⁸ Human Rights Watch interview, Gueckedou, March 4, 1999.

Denial of Education

Education programs have been available in the refugee camps since 1991 and currently primary education is available in every camp. Approximately 40 percent of refugee children attend school, which—although low by international standards—is similar to the rate among Guinean nationals⁷⁹ and is relatively impressive in a refugee crisis of this magnitude. Adolescents, generally from ages twelve to eighteen, and girls of all ages, however, have relatively less access to educational programs. Even when children do enroll in school in the camps, however, they face many obstacles to effective learning. Many of the children Human Rights Watch interviewed who claimed to go to school—even those in advanced grades—were unable to read or write their own names.

The protracted nature of the conflict in Sierra Leone has had a profound impact on the education of Sierra Leonean children, with few receiving uninterrupted schooling due to insecurity, unrest, and displacement. A teacher in Massakundou camp explained to Human Rights Watch:

Lots of children are not going to school. It is even worse because many people in this camp were internally displaced within Sierra Leone during the first years of the war [which has been going on since 1991]. So there is more illiteracy as many did not go to school even in Sierra Leone. In addition, many children have been traumatized by the war and that also interferes with their learning.⁸⁰

Many separated children told Human Rights Watch that, although they try to go to school in the camps, they are unable to go on a regular basis because they have work to do. Sahr D. is a fourteen-year-old boy in Massakundou camp. He told Human Rights Watch that he attends school regularly and is in Class III, but he cannot read his own name. He explained:

Some days, there is work to do: fetching wood, washing clothes. Sometimes, after that, it is too late to go to school. . . . The caretaker's children work, too. But they don't have to work every day, like I do. . . . When I grow up, I want to be a carpenter. But I can't go for training to be a carpenter. . . . My caretaker says that, if I went for training, there would be no one left to do the domestic work in the house.⁸¹

Christiana J., a twelve-year-old girl who spends her days doing domestic labor for her host family, told Human Rights Watch a similar story. "I want to go to school," she said, "but the caretaker doesn't allow me."⁸²

Another problem is the very limited funding available for programs targeting adolescents. Many camps do not have secondary schools. Children in these camps wishing to attend secondary school must travel to a nearby village, often significant distances away, and pay school fees. Because of language barriers, English speaking Sierra Leonean refugees would have difficulty attending Guinean schools, which are taught in French. In addition, due to budgetary constraints in 1999, UNHCR was forced to eliminate almost all vocational training programs for the refugees.⁸³ Another problem is that it can be difficult for adolescents lacking primary education to sit in class together with much younger children.

⁷⁹Approximately 35 percent of all eligible children were enrolled in primary school in Guinea in 1997. The ratio is considerably smaller for secondary schools. Education International, *Barometer on Human and Trade Rights in the Education Sector*, p. 55.

⁸⁰Human Rights Watch interview, Massakundou camp, March 3, 1999.

⁸¹Human Rights Watch interview, Massakundou camp, March 3, 1999.

⁸²Human Rights Watch interview, Massakundou camp, March 3, 1999.

⁸³The only funding for vocational training in the camps is as part of the Victims of Violence program, which is earmarked for victims of sexual abuse and mutilation by the rebels in Sierra Leone. Human Rights Watch interviews, Gueckedou, February 18, 1999, March 2, 1999.

Teachers and other community leaders have remarked that separated girls, in particular, are pulled out of school at age ten to do domestic work. In Kundou-Lengo-Bengo, for example, out of 803 students, approximately 59 percent (472) are boys and approximately 41 percent (331) are girls. However, these percentages do not accurately depict the severity of gender discrepancies as few girls stay in school long enough to reach higher grades. Teachers in the camp explained to Human Rights Watch, “[there are less girls in school] because parents know that girls are more useful in the homes, more careful with small children. They work in the home, sometimes go out for food, or do child care when the mother goes out for food.”⁸⁴

This is a common phenomenon in many countries, including Guinea and Sierra Leone. UNICEF has reported that, as of April 1998, 48 percent of all children were enrolled in primary school in Guinea (63 percent boys, 34 percent girls), and 50 percent in Sierra Leone (59 percent boys, 41 percent girls). However, 18 percent of boys, compared to only 6 percent of girls, were enrolled in secondary school in Guinea; and 22 percent of boys, compared to 13 percent of girls, were enrolled in secondary school in Sierra Leone.⁸⁵

Inability to Leave

Many separated children feel bound to remain with their caregivers out of a sense of loyalty for their having taken them in or out of guilt or fear. Community leaders have described labor exploitation of separated children by their caregivers as “a kind of slavery. . . . The child thinks she has to obey, that she can’t go anywhere.”⁸⁶

Abu B., a twelve-year-old boy from Koidu town, stays with a family he followed to Guinea from Sierra Leone. He, like other many separated children in Guinea, told Human Rights Watch that he feels he has no choice but to remain with an abusive caregiver who does not meet his needs.

My caretaker is not nice. She doesn’t let her daughter work, she makes me do everything . . . She beats me if I refuse to work. Sometimes she beats me for no reason. . . . I want to go to school because I want to be a doctor when I grow up. . . . Sometimes, I don’t go to school, though, because the caretaker tells me to sell wood. I can’t refuse because I am staying with her.⁸⁷

Mamusu P., a ten-year-old girl, small for her age, lives in Massakundou camp and comes from Koidu town. She stays with a caregiver who forces her to toil all day, only allows her to attend school one day a week, and beats her. Mamusu P. told Human Rights Watch that the caregiver’s husband sexually molested her. Mamusu P. has an aunt and a sister who also live in Mangay camp, but told Human Rights Watch she would be afraid to try to leave to go stay with one of them because the caregiver threatened her.

I won’t try to go live with my aunt, because the caretaker said if I try to leave, she will beat me. She doesn’t want me to leave because I do the domestic work. . . . What I really want is to stay with my sister. I’m afraid that man will try to touch me again if I stay with the caretaker.⁸⁸

During the interview, the social worker who was translating for Human Rights Watch invited Mamusu P. to come live with her family, but Mamusu P. said she couldn’t leave her caregiver.

⁸⁴ Human Rights Watch interview with teachers in Kundou-Lengo-Bengo camp, February 23, 1999.

⁸⁵ www.unicef.org/statis/country_1Page73.html and www.unicef.org/statis/country_1Page158.html

⁸⁶ Human Rights Watch interview, Fangamadou camp, February 24, 1999.

⁸⁷ Human Rights Watch interview, Massakundou camp, March 3, 1999.

⁸⁸ Human Rights Watch interview, Massakundou camp, March 3, 1999.

The Role of UNHCR

It is essential to know which children are unaccompanied as children who are not being cared for by their families face a high risk of not receiving proper protection and care. While unaccompanied minors are usually taken care of by other refugees, experience shows that physical and developmental needs are not always met. It is essential that unaccompanied minors be identified as soon as possible because 1) these children require monitoring to make sure that their needs are being met, and 2) tracing for parents and other relatives must begin immediately.⁸⁹

According to its mandate, UNHCR is responsible for identifying separated children, monitoring their care, intervening if they are being abused or their needs are not being met, and tracing their families for eventual reunification. The guidelines on refugee children make clear that UNHCR protection officers, as well as community services officers, should be alert to the plight of separated children:

It may be very difficult to obtain reliable information about what goes on within families or communities. Often, such information reaches field staff as a result of other activities—for example, needs assessments for income generating projects or family reunification processing. Close cooperation between protection and community services staff is necessary, both in the identification of abuse and in deciding on the most appropriate intervention.⁹⁰

Human Rights Watch is concerned that UNHCR has not accorded protection of separated children in Guinea the priority it merits. Human Rights Watch met with many people, ranging from social workers who monitor separated children on a regular basis to senior protection and management staff in UNHCR, who seemed genuinely shocked to learn of abuses against separated children. In addition, social workers told Human Rights Watch that they had had little or no training in monitoring the care and protection of separated children and were surprised to learn that guidelines on refugee children, which they had never seen, existed.

In Guinea, UNHCR has largely delegated its child protection functions to its NGO implementing partners. Two local NGOs in Guinea, Service Chretien d'Animation pour le Developpement des OEuvres Sociales et du Secours (Secados) and CREA, maintain a network of paid refugee social workers in every camp, some of whom have been assigned to work with separated children.⁹¹ However, as is described in detail below, some social workers whom Human Rights Watch met claimed they had not received complete instructions from their supervisors. Many had received little or no training and, as noted above, many were not even aware that UNHCR had guidelines on separated children or refugee children. In addition, social workers in Boudou camp told Human Rights Watch that they had not been paid for over two months and had not received funds or materials necessary to build an office for their work. In an effort to alleviate some of these shortcomings, UNHCR provided funding for an international NGO, IRC, to start a new program for separated children in 1999.

Under UNHCR guidelines as well as the Convention on the Rights of the Child, however, responsibility for protection of separated children falls squarely on UNHCR and on the Guinean government. The following sections discuss shortcomings in the identification of separated children, monitoring of their care, and response to cases of abuse.

⁸⁹UNHCR, *Refugee Children*, p. 122.

⁹⁰UNHCR, *Refugee Children*, p. 84.

⁹¹Other social workers are assigned to work with the elderly or victims of sexual abuse.

Identification

According to UNHCR's guidelines on refugee children, separated children typically make up 2 to 5 percent of a refugee population.⁹² Using this percentage and UNHCR's estimate of 305,000 Sierra Leonean refugees in Guinea, one would expect to find between 6,100 and 15,250 separated children among the refugee population.⁹³ As of March 1999, however, UNHCR had only registered 480 separated children. UNHCR staff in the field claimed that there are less genuine unaccompanied minors among Sierra Leonean refugees than typical because, in accordance with Sierra Leonean culture, many children have been taken in by relatives or extended family members and, consequently, do not fall within the technical definition of unaccompanied minors. However, this distinction should be irrelevant because, as has been noted above, UNHCR is responsible for identification and monitoring of all separated children, including those living with extended family members.⁹⁴ Human Rights Watch is concerned that, due to the decision not to identify children with extended family members, thousands of children—many of whom are technically unaccompanied minors—are falling through the cracks.⁹⁵

Community services officers at UNHCR told Human Rights Watch that they, together with Secados and CREA, continually seek to identify separated children. However, despite the wide discrepancy between registered and projected figures, this does not appear to be the case in practice. In fact, several social workers interviewed by Human Rights Watch said that identification of additional separated children did not constitute part of their job description.⁹⁶ Social workers in five camps introduced Human Rights Watch to children they knew to be separated children, although many of these children were not on their registration lists. UNHCR decided not to use the February 1999 census as a means of identifying separated children but had not made other plans to address the large discrepancy in numbers.⁹⁷ Although there were valid reasons for not using the census, UNHCR failed to take other necessary steps. Furthermore, as noted above, many separated children and other refugees categorized as vulnerable who had originally been registered were actually removed from registration lists as a result of the census and, consequently, have not received any assistance for months.

UNHCR community service officers and social workers told Human Rights Watch that they are reluctant to register more separated children because they are concerned that families might lie, claiming that their own children are separated children in an effort to gain more assistance, for example extra clothing.⁹⁸ However, it appears that this attitude has led to many children falling through the cracks.

⁹²UNHCR, *Refugee Children*, p. 124.

⁹³Furthermore, it is likely that there could be even more separated children in Sierra Leonean camps in Guinea than in other refugee situations for two reasons. First, an estimated 65 percent of the refugees are children, as compared to 52 percent worldwide in refugee populations. Second, due to the horrific nature of the conflict in Sierra Leone, more children than usual were separated from their parents.

⁹⁴As has been noted above, separated children is a broad term which applies to all children who have been separated from their parents. Unaccompanied minors, who generally live with unrelated families, are a subset of separated children.

⁹⁵For example, many separated children begin to call their caregiver's "auntie" out of respect so social workers assume that they are related when they are not. Furthermore, as has been noted above, children with extended family members are often neglected or mistreated just as those with unrelated caregivers are.

⁹⁶Human Rights Watch interviews, Mangay camp, March 3, 1999; Fangamadou camp, February 20, 1999; and Boudou camp, February 17, 1999.

⁹⁷The guidelines on refugee children provide, "During registration, families should be asked if they are caring for children other than their own, have children from whom they are separated, know of families who have missing children, or know of children who are separated from their families." UNHCR, *Refugee Children*, p. 125. UNHCR staff told Human Rights Watch that the reason they did not attempt to use the census to do this was because they felt that community services officers were better qualified than Guinean census-takers who speak a different language and have not been trained in dealing with vulnerables. Human Rights Watch interviews, February 27, 1999, February 16, 1999.

Adama H. cares for two separated children in Massakundou camp as well as six of her own children. Her separated children call her “auntie” although they are not related. Adama H. told Human Rights Watch:

When we arrived in Guinea, I registered one of the children with CREA. I couldn’t register the other one, because she had been admitted to the hospital in nearby Kissidougou town. A social worker came once and gave me a mat, two pieces of clothes, and one soap for the boy whom I registered. One other time, a supply came for vulnerables: four kg of rice, two kg of beans, and ½ liter of oil.

By the time the other child came from the hospital, the social workers told me that all the registration slips had been sent to Geneva already. They said I would have to wait for the next registration, but they did not say when that would be. I have never received any assistance for this girl.⁹⁹

Social workers in Massakundou camp told Human Rights Watch that, as far as they knew, there would not be another round of registration.¹⁰⁰

The consequences of failure to register are serious for the children. It means that no one will monitor their care or intervene on their behalf in case of abuse, and that it will be nearly impossible for them to be reunited with their families. In the case of Adama H.’s separated children, the unregistered girl, a thirteen-year-old, told Human Rights Watch she works as a child prostitute with three different men a day because she does not have enough food to eat.¹⁰¹

Monitoring

Even when separated children have been identified, UNHCR has not made sufficient efforts to monitor their care and protection. In this regard, UNHCR’s guidelines on refugee children provide insufficient instructions for field workers on how to determine whether a child’s needs are being met. The guidelines state:

The quality of their care arrangements should be assessed and monitored . . . **Intervention:** if children are suspected of being abused, neglected or exploited, the situation must be investigated. . . . For example, when children are used as domestic servants, their developmental needs and needs for affection may be at risk.¹⁰²

The guidelines explicitly direct UNHCR staff to “protect [all] refugee children from employment that is likely to be hazardous to their health or to interfere with their education and development.”¹⁰³ However, aside from warning that domestic labor exploitation can be hazardous, the guidelines fail to discuss *how* to monitor for abuse, what indicators of abuse are, or how to respond. The Action for the Rights of the Child training program, discussed above, is in the process of developing a training module on exploitation of refugee children. When the

⁹⁸Refugee social workers and international aid workers noted that in Guinea, as well as in other refugee situations, refugees have been known to claim their children are separated children or even give their children up so that the children could receive additional assistance. Human Rights Watch interviews, Fangamadou, February 20, 1999; Gueckedou, March 4, 1999.

⁹⁹Human Rights Watch interview, Massakundou camp, March 4, 1999.

¹⁰⁰Human Rights Watch interview, Massakundou camp, March 3, 1999.

¹⁰¹Human Rights Watch interview, Massakundou camp, March 4, 1999.

¹⁰²UNHCR, *Refugee Children*, p. 127 (emphasis in original).

¹⁰³UNHCR, *Refugee Children*, p. 84, citing article 32 of the Convention on the Rights of the Child.

training program is implemented, this should be an important supplement to the guidelines on refugee children, although it focuses primarily on labor and sexual exploitation rather than other forms of abuse.

Response to abuse

When any abuse of children, including separated children, is discovered, the guidelines on refugee children instruct UNHCR staff to:

Make every effort to protect refugee children from abuse . . . Evidence of torture, physical and sexual assault, abduction and similar violations of the safety and liberty of refugee children call for extraordinary measures. *Spare no effort to collect all the relevant facts*, including corroborative evidence and identification of the culprits with a view to their apprehension. *Retain legal counselors* and ensure that offenders are prosecuted. Take measures which may *prevent further incidence* of such abuse.¹⁰⁴

The guidelines also note that “an alternative placement may have to be arranged” for separated children if abuse, neglect, or exploitation is suspected.¹⁰⁵

However, in practice, even when social workers do detect mistreatment of separated children, their response is generally insufficient. Refugee social workers have few resources at their disposal and have seldom been able to do more than provide occasional assistance to the child or the family. In some instances, social workers requested assistance for the child from their head office, but never received a response. Concerned social workers have even been known to offer abused or neglected children food from their own families’ rations.¹⁰⁶ Most frequently, social workers told Human Rights Watch that, if maltreatment is suspected, they would approach the caregiver and try to “encourage” him or her to take better care of the child—essentially by attempting to convince them to sympathize with the child’s plight.

In some instances, severe cases of abuse of separated children have been reported to the refugee camp chairman. However, in most cases, little has been done in response, even when camp chairmen have attempted to intervene.

The camp chairman in Massakundou told Human Rights Watch:

Just yesterday, I dealt with an abused [separated child] who was beaten by his caretaker. I spoke to the caretaker, and tried to tell him that he has to take better care of the child. I also went and got some clothes for the child, but the caretaker gave them to his own children.¹⁰⁷

Abu B., a twelve year old boy in Massakundou camp, stated that he once reported to a CREA social worker about his caregiver who beat him regularly, and the social worker promised to report it to the camp chairman. However, Abu B. had not been informed if his complaint was reported or if any action had been taken in response.¹⁰⁸

¹⁰⁴UNHCR, *Refugee Children*, p. 84 (emphasis added).

¹⁰⁵UNHCR, *Refugee Children*, p. 127. In this section, the guidelines explicitly refer to articles 19 and 20 of the Convention on the Rights of the Child.

¹⁰⁶Human Rights Watch interview, Massakundou camp, March 3, 1999.

¹⁰⁷Human Rights Watch interview, Massakundou camp, March 3, 1999.

¹⁰⁸Human Rights Watch interview, Massakundou camp, March 3, 1999.

Human Rights Watch field research did not reveal any cases of abuse of a separated child by a caregiver in which the Guinean authorities had intervened.

Alternative placement has rarely been arranged for separated children in Guinea. In one case, UNHCR conducted a search for the parents of a fifteen-year-old separated child who had been raped by her uncle in February 1999. As a result, they were able to remove her from her uncle's care and reunify her with her parents in another refugee camp. According to a UNHCR officer, however, social workers, camp leadership, and UNHCR had failed to heed repeated warnings that the uncle was a "risk" and "had his eye" on the girl. No intervention was made to remove her from the abusive household until after the rape was reported.¹⁰⁹

Family Tracing

*I'm here thinking of my family. Here I don't know if they are alive or not. That's what I have at heart to tell you.*¹¹⁰

According to UNHCR's guidelines on refugee children, family tracing and reunification are a primary goal in dealing with separated children.

Tracing for parents or other relatives is essential. Begin tracing as early as possible. In addition to the possibility of family reunion, it can be very important for a child to know that someone is looking for his or her parents. Tracing will depend upon thorough documentation of the child's history, and often upon close cooperation across borders. Coordinate tracing efforts with the International Committee of the Red Cross (ICRC), for example by transmitting a copy of any registration / tracing request. This may increase the chances of locating relatives and avoid duplication of efforts.¹¹¹

Human Rights Watch is concerned that if, as discussed above, many separated children have not been identified or registered as separated children, then no efforts can be made to trace their families. Children who are living with extended family members have a right to tracing and reunification with their parents just as those with unrelated caregivers do.

Various organizations have been involved in tracing the families of Sierra Leonean separated children—including UNHCR, Secados, CREA, and IRC in Guinea and UNICEF and the ICRC in Sierra Leone. IRC, with funding from UNHCR, was planning to begin an aggressive tracing program in Guinea in March 1999, focusing on children under the age of five. Tracing efforts in Guinea, however, have not been systematically coordinated with efforts in Sierra Leone and Liberia, although parents are spread out in all three countries and, according to UNICEF, most of the parents are still in Sierra Leone. UNICEF, for example, was working to trace the families of separated children inside Sierra Leone but was not doing so in Guinea. The ICRC, likewise, did not play an active role in tracing in Guinea, although its Red Cross Message Network (RCM) in Sierra Leone could be an important source of locating lost family members.¹¹² It should be noted that, since December 1998, the security situation in Sierra Leone has made it extremely difficult for aid workers to conduct family tracing activities in the country.

¹⁰⁹Human Rights Watch interview, Gueckedou, February 18, 1999.

¹¹⁰Human Rights Watch interview, twelve-year-old boy, Mangay camp, February 19, 1999.

¹¹¹UNHCR, *Refugee Children*, p. 128.

¹¹²In 1999, however, the ICRC has not yet been able to operate the RCM in Sierra Leone. The Sierra Leonean government expelled the ICRC from the country in January 1999 and did not allow it to return until April. Since then, the ICRC has only been able to conduct limited functions due to the poor security situation in much of the country and has not been able to operate the RCM program. As of July 1999, the ICRC could not accept messages from refugees in Guinea for family members in Sierra Leone because it does not have the capacity to deliver them.

UNHCR, UNICEF, members of the International Save the Children Alliance, IRC, and other international agencies are in the process of establishing a regional database to facilitate family reunification in West Africa. However, it has proven difficult to integrate different existing systems that are not compatible with one another. The project, for which planning began in July 1997, has been slow to get off the ground and is not yet operational.

VII. SEXUAL ABUSE AND EXPLOITATION

*I don't go with boys. The only man who gives me things is the caretaker's husband. . . . He sometimes calls me to scratch his back. . . . I am afraid when I scratch his back—for fear that he would rape me. . . . He once told me to come in the room. I was about to shout, but he shoved a cloth in my mouth. . . . He put his fingers down there (pointing to her vagina). . . . I told my caretaker, his wife, when this happened, and she treated me normal the rest of the day. . . . This happened about a month ago.*¹¹³

International legal standards

Under article 34 of the Convention on the Rights of the Child, as well as article 27 of the African Charter on the Rights and Welfare of the Child, all states have an obligation to protect children from sexual abuse or exploitation.¹¹⁴ They also have the right to be free from economic exploitation and hazardous forms of labor.¹¹⁵ Refugee girls, like all children, have the right to the “highest attainable standard of health” including “preventive health care . . . and family planning education and services.”¹¹⁶ In addition, children who are victims of sexual abuse are entitled to special measures to promote their physical and psychological recovery.¹¹⁷

Sexual Violence and Abuse

Sexual violence can be common in refugee situations like Guinea for a number of reasons. According to UNHCR's guidelines on sexual violence, separated children who live with families that have not been screened, such as those in Guinea, may be especially at risk.¹¹⁸ The large number of refugees in the Gueckedou area has put a strain on natural resources, forcing women and girls to travel farther and farther outside of the camps to gather firewood and food (for personal consumption and for sale in markets), where they may be vulnerable to abduction and attacks by other refugees and by Guinean citizens.¹¹⁹ The layout of the refugee camps can be another factor contributing to sexual violence.¹²⁰ For example, if women and girls must walk long distances without proper lighting to go to the latrine at night, they run the risk of being attacked. Human Rights Watch interviewed one seventeen-year-old girl, Madi I., who was raped in Sowedu camp while she was walking to the toilet at night.¹²¹

¹¹³Human Rights Watch interview, Massakundou camp, March 3, 1999.

¹¹⁴See also article 19, Convention on the Rights of the Child, “States parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse . . .”

¹¹⁵Article 32, Convention on the Rights of the Child.

¹¹⁶Article 24, Convention on the Rights of the Child.

¹¹⁷Article 39, Convention on the Rights of the Child.

¹¹⁸UNHCR, *Guidelines on sexual violence*, p. 8.

¹¹⁹This is also linked to inadequate levels of assistance.

¹²⁰UNHCR, *Guidelines on sexual violence*, p. 9.

¹²¹Human Rights Watch interview, Mangay camp, February 19, 1999.

The lack of a police or UNHCR presence in most camps, particularly at night, can also be a contributing factor to sexual violence.¹²²

It is not clear how widespread the problem of sexual violence against girls is among Sierra Leonean refugees in Guinea. Human Rights Watch documented six cases of rape of refugee girls and two cases of sexual molestation of separated girls by their caregivers among the forty-nine children interviewed in total, thirty-three of whom were girls. All but one of the incidents documented by Human Rights Watch occurred in the Massakundou camp, where there is an active women's association which has helped to cultivate an environment where refugees recognize the problem of sexual violence and feel relatively comfortable discussing it. The situation was quite different in other camps Human Rights Watch visited, where victims were not encouraged to report cases of sexual abuse to social workers, camp leaders, local Guinean authorities, or UNHCR.¹²³

Neither local health posts nor UNHCR protection or community services officers conduct screening to determine the occurrence of sexual abuse in the refugee camps. They have, however, attempted to identify victims of sexual abuse by the rebels in Sierra Leone (before flight to Guinea) in order to provide these women and girls with assistance and protection. While this is commendable, Human Rights Watch is concerned that it has been done at the expense of addressing the problem of sexual violence occurring inside the camps. Some social workers who are mandated to work with victims of sexual abuse, commonly referred to in the camps as "SAs," told Human Rights Watch that they only understood "SA" to refer to women and girls who had been sexually abused by the RUF rebels in Sierra Leone. Few of the social workers expressed concern over the problem of sexual violence in the refugee camps in Guinea.

If cases are reported at all, it is usually to the refugee camp committee—a group of community leaders who deal with grievances and, in conjunction with victims' families, prescribe traditional Sierra Leonean solutions to problems. In cases of rape, victims told Human Rights Watch that the traditional settlement would be an order for the perpetrator to pay the victim's family a sum of money or property (typically livestock). They did not expect their assailants to be punished in other ways or to face criminal charges.

Even when traditional measures ensue, there is no guarantee of the settlement and fine. Mariama O., a twelve-year-old girl in Massakundou camp, was abducted by a refugee man in broad daylight in a public area in the center of the refugee camp, taken away, and raped. She reported the violation to the camp committee. After three days of negotiation, a traditional settlement was reached and the camp committee ordered the abuser to pay her money as compensation. However, her attacker never paid and remains at large in the refugee camp. Mariama O. is not aware of any efforts by the camp committee to enforce the settlement.¹²⁴

Nor is there any guarantee that the camp committee will take any action in response to a report of sexual violence. Virginia M. was raped by a refugee man in Massakundou when she was eleven years old. Her father walked into a neighbor's house looking for her and found her being raped by the neighbor. Her family reported the abuse to the camp committee, but Virginia M. is not aware of any action taken in response.¹²⁵

Agnes B., a sixteen-year-old girl, was abducted by a Guinean citizen in the bush early in the morning. He held a gun to her and said, "Undress or I'll kill you" and then raped her. She came running back to the refugee camp shouting and crying, waking much of the camp, and later officially reported the incident to the camp

¹²²UNHCR, *Guidelines on sexual violence* p. 9 (emphasis in original).

¹²³UNHCR's guidelines on sexual violence discuss reasons sexual abuse is typically under-reported in refugee camps, including the stigma attached to being a victim of sexual abuse. *Guidelines on sexual violence*, pp. 4-6.

¹²⁴Human Rights Watch interview, Massakundou camp, March 4, 1999.

¹²⁵Human Rights Watch interview, Massakundou camp, March 4, 1999.

committee. However, to her knowledge, neither the camp committee, the local authorities, nor UNHCR ever took any action in response to her complaint.¹²⁶

Amara C., a thirteen-year-old separated child in Massakundou who lives with her grandmother, said she did not bother to go to the camp committee when she was raped because, “my caretaker said we don’t have any money to deal with that sort of thing.”¹²⁷ A group of five girls interviewed by Human Rights Watch, all rape victims, concurred, “If you don’t have money, your case won’t go anywhere.”¹²⁸

There is nothing akin to a police force in the refugee camps in Guinea. The local Guinean gendarmes in nearby villages are responsible for dealing with sexual violence against refugees committed in or around refugee camps as crimes committed within their jurisdiction. However, they do not maintain a permanent presence in the refugee camps and reportedly have not been involved in handling cases of sexual violence. Language and cultural differences constitute a further obstacle to Sierra Leonean victims seeking a remedy within the Guinean justice system. Field research by Human Rights Watch did not uncover any cases in which rape of a refugee in Guinea had been prosecuted in the Guinean justice system.¹²⁹

Child Prostitution

Sexual exploitation of girls is a widespread problem in Sierra Leonean refugee camps in Guinea. Human Rights Watch interviewed girls as young as twelve years of age in two camps, Mangay and Massakundou, who say they feel compelled to “play sex for money,” i.e. work as child prostitutes, in order to meet their needs. The frequency of this exploitation ranged from once a week, to two or three clients a day every day. Their clients are primarily refugee men who get their income from trading or working for aid agencies. Several girls in Mangay, a camp close to the Sierra Leonean border, told Human Rights Watch that their clients get their money from selling crops they get by crossing into Sierra Leone.¹³⁰ There does not appear to be a criminal organization involved in exploiting these girls—rather they seemed to engage in prostitution as a last resort to support themselves and, in some cases, their families.¹³¹

It is important to recognize that, among Sierra Leoneans, it can be an accepted practice for “wealthy” men to have sexual relationships with women, with an expectation that the woman will receive a “gift” in exchange. One UNHCR staff member hypothesized that sexual economic coercion of girls was only an extension of this “traditional practice.” “It is not necessarily because they are refugees or need to survive,” he postulated, “maybe

¹²⁶Human Rights Watch interview, Massakundou camp, March 4, 1999.

¹²⁷Human Rights Watch interview, Massakundou camp, March 4, 1999.

¹²⁸Human Rights Watch interview, Massakundou camp, March 4, 1999.

¹²⁹ One case in Nongoa camp was reported to the authorities, but information was not available as to the status of the case.

¹³⁰ Human Rights Watch interview, Mangay camp, February 19, 1999.

¹³¹The problem is not limited to refugee girls, but also affects refugee women. Kula H., a thirteen-year-old separated child in Massakundou who “plays sex for money” with three men a day, feels she has no choice: “My caretaker has had no food for three months. Every day, the caretaker complains that there is no food. The caretaker goes with men to get food, as well. So what am I supposed to do?” Human Rights Watch interview, Massakundou camp, March 4, 1999.

Human Rights Watch interviewed mothers and caregivers in Fangamadou and Massakundou camps, some of whom serve as community leaders or work as paid teachers, who confessed to engaging in sexual relationships in exchange for assistance for themselves and their children and separated children. One such woman in Fangamadou explained, “Imagine if you can’t provide for yourself. I have also experienced this. . . .” Human Rights Watch interview, Fangamadou camp, February 20, 1999.

it's for more money, or for pleasure. Maybe they have enough money, but want a nice pair of shoes. Maybe there are reasons like this.”¹³²

Human Rights Watch does not accept the thesis advanced by the UNHCR staff member. This thesis represents a misunderstanding of the hardship faced by refugees and the attitude behind it constitutes a fundamental obstacle to the protection of refugee girls at risk of sexual exploitation. The sexually exploited girls interviewed by Human Rights Watch lacked the resources to acquire food, clothing, and other necessities for themselves. Separated children in particular have found themselves in a situation where they have lost their families and communities, are mistreated by their caregivers, and some are frequently denied food. Many of the children have been raped or otherwise traumatized during the war in Sierra Leone, and most of the child prostitutes interviewed by Human Rights Watch had been raped in their refugee camps in Guinea. Some are responsible for providing for grandparents or younger siblings. They have little if any access to trauma counseling, education, vocational training, or other programs to promote their development, or to land suitable for farming. They are completely dependent on their caregivers, on social workers, and on UNHCR—and the system in place to protect and assist them has broken down.

As in most refugee settings, community support structures and traditional values in the Guinean refugee camps have been largely destroyed by the brutal conflict and the subsequent displacement. As a result, the support mechanisms that would have protected vulnerable individuals may no longer be present, for example, due to the absence of many male members from the community.¹³³ A group of refugee women told IRC, “[in Sierra Leone,] families were together and could help. . . .”¹³⁴ A community services officer in Conakry explained:

It's the livelihood question. A girl has nothing—no education, no skills. In normal society, she might be protected. In a refugee camp, she might be given to the highest bidder. . . . There are lots of sexual relationships for economic protection.¹³⁵

Community leaders in Fangamadou explained why adolescent girls are frequently at more of a disadvantage than boys:

Boys go to do jobs in the market, carry loads on their head for money. They can manage to live on this. Girls, on the other hand, are forced ‘into the street.’ They force themselves with some men, sex for money, so they can buy something. . . .

Maturity comes early for girls. If she stays with someone who doesn't meet her needs, clothes, food, the child will compare herself to the others and decide to do sex for money. It's simple peer pressure—ask a friend where she got her money, and do the same. . . . I have even been in the home where the mother asked a child to go in search of money because there was no food in the house.¹³⁶

Several girls, all but one of whom were separated children, pointed to economic necessity as the reason for their “going with those men.” Siya E., who claimed she was sixteen years old but appeared physically like many twelve-year-old refugee girls, told Human Rights Watch:

¹³²Human Rights Watch interview, Conakry, March 1, 1999.

¹³³UNHCR, *Guidelines on sexual violence*, pp. 7-8 (emphasis in original).

¹³⁴IRC Focus Group Report, December 1998.

¹³⁵Human Rights Watch interview, Conakry, February 27, 1999.

¹³⁶Human Rights Watch interview, Fangamadou camp, February 24, 1999.

I get 1,000-1500 FG. I go with them maybe once a week. It is the only way I can get food. I want to learn tailoring, but they would ask me for money to take the class. I don't have any money unless I go to men, unless I make sex with those men. . . . I have not taken the class yet because the money I get is very little. It is only enough to eat.¹³⁷

Esther M. also claimed to be sixteen but appeared much younger. She lives with her elderly grandmother. She explained:

I'm here with my grandma in Mangay camp. My grandma is very old now, she is unable to take care of me, to even feed ourselves unless I go to those boys. Even to get clothes—unless we get jobs, all the way to Oeunde. My grandma is sick but I don't have the chance to help her unless I 'fall in love' with those boys. Sometimes the boys give me 1000 FG, sometimes 500 FG for my living. I want to learn a job, but I don't have money to do so unless I go to those boys and ask for money. For me I want to go to school, but I don't have the chance. And my grandma doesn't have anything—she is very old.¹³⁸

Community leaders in Fangamadou also told Human Rights Watch that some refugee girls had had sexual relations with registrars, Guinean citizens hired by UNHCR to conduct the refugee census, in the hopes that this would ensure that they would be properly registered and receive assistance. One such leader claimed, "Prostitution is a much bigger problem, especially with this registration problem."¹³⁹

Health and Developmental Risks

The health and developmental risks resulting from sexual exploitation of girl refugees can be enormous. Most of the sexually exploited girls told Human Rights Watch that they tried to go to school in the refugee camps but, like many separated children described above, find it nearly impossible to attend consistently because of demands placed on them by their caregivers. While many stated that they wanted to become nurses, teachers, or tailors, none knew how to read or write.

The girls run a high risk of getting pregnant, which can have long term health consequences for young girls, and of contracting sexually-transmitted diseases including AIDS/HIV. They are also at risk of emotional trauma. In a frank discussion about playing sex for money and reproductive health, five girls aged twelve to sixteen in Massakundou camp told Human Rights Watch:

- None knew where to get a condom.
- None thought their clients would want to use condoms.
- None of the girls had been pregnant yet, although they had not taken any precautions. They knew many other adolescent refugee girls who have become pregnant.
- All of the girls claimed that they had not contracted a sexually-transmitted disease yet.
- None knew of a clinic where to go if she got a sexually-transmitted disease. They said they might go to an old woman for traditional medicine if they got a sexually-transmitted disease, but this would cost money.
- None had ever had a medical checkup because they said it cost money to go to the doctor.

Three girls did not know what a condom was. The two others had each seen one once, but had never used one.

¹³⁷Human Rights Watch interview, Mangay camp, February 19, 1999.

¹³⁸Human Rights Watch interview, Mangay camp, February 19, 1999.

¹³⁹Human Rights Watch interview, Fangamadou camp, February 24, 1999.

The Role of UNHCR

*Refugee girls are often even more vulnerable than refugee boys. In some cultural and social contexts, girls are often less valued than boys and, consequently, are more often subject to neglect and abuse. Their participation in education programmes is often prematurely curtailed. They are subject to sexual abuse, assault and exploitation in greater numbers than boys.*¹⁴⁰

Existing Guidelines

UNHCR's guidelines on refugee children instruct staff to deal with sexual abuse of children as a problem of special urgency, as they do for other forms of the abuse of children. They specifically state that, "Evidence of sexual assault ... and similar violations for the safety and liberty of refugee children call for extraordinary measures," including factual investigation, legal action, assistance, and measures to prevent further incidence of abuse.¹⁴¹ They also instruct UNHCR staff to ensure that refugee children and their families have the benefit of adequate health care, including health education on sexually-transmitted diseases, and "give particular attention to the need of adolescents for such information."¹⁴² In addition, the guidelines on refugee children refer UNHCR staff to the 1993 "Note on Certain Aspects of Sexual Violence against Refugee Women."¹⁴³ The guidelines on refugee children, do not, however, have a separate section on issues affecting girl refugees.

In 1995, UNHCR developed *Sexual Violence against Refugees: Guidelines on Prevention and Response* which set forth a near-comprehensive framework of steps to be taken to prevent sexual violence against refugees, how to identify cases of sexual violence, and steps to take in response.¹⁴⁴ The guidelines on sexual violence emphasize that UNHCR staff have an important role to play in taking preventive measures and involving the host government in implementing those measures. In particular, they instruct UNHCR staff to stress to government authorities their duties to investigate, prosecute, and punish perpetrators of sexual violence and "to adopt a firm and highly visible policy against all forms of sexual violence. . ."¹⁴⁵ They also discuss several ways in which public information campaigns targeted at refugees, UNHCR staff, NGO staff, and government officials can contribute to the reduction of sexual abuse.¹⁴⁶

With respect to children, the guidelines on sexual violence highlight conditions that can make refugee children particularly vulnerable to sexual abuse, and advise staff on how to conduct interviews with children and respond when cases of abuse are found (either directly or indirectly, as when their primary caregiver has been abused). The guidelines on sexual violence do not specifically address sexual exploitation of refugee girls or women.

Sexual Abuse

UNHCR has not made sufficient efforts in Guinea to implement its existing guidelines to prevent, identify, or respond to sexual abuse. There have been some community-based efforts to prevent sexual violence.

¹⁴⁰ UNHCR Policy on Refugee Children, para 12, presented to UNHCR Executive Committee, October 1993, as Document EC/SCP/82.

¹⁴¹ UNHCR, *Refugee Children*, p. 84

¹⁴² UNHCR, *Refugee Children*, P. 65.

¹⁴³ UNHCR Executive Committee Conclusion No. 73 (XLIV) (1993) on Refugee Protection and Sexual Violence.

¹⁴⁴ The 1994 guidelines on refugee children, which are still in force, have not been amended to reflect the 1995 guidelines on sexual violence.

¹⁴⁵ UNHCR, *Refugee Children*, p. 20.

¹⁴⁶ UNHCR, *Guidelines on sexual violence*, pp. 22-27.

Most notably, IRC has supported nascent women's associations in the camps and facilitated their efforts to conduct community programs. In addition, in July 1999, IRC was beginning to implement an expanded community-based program to address sexual and gender-based violence with support from the U.N. Foundation.¹⁴⁷ In Massakundou camp, the incidence of rapes reportedly went down when the refugee community made an effort to encourage those who went to the bush, particularly women and children, to travel in groups rather than alone.¹⁴⁸

UNHCR, with funding from the U.S. government, created an impressive "Victims of Violence" program in late 1998 which provides, among other things, assistance and protection for women and girls who were victims of sexual abuse by the rebels in Sierra Leone. While the Victims of Violence program was intended solely to assist victims of abuses in Sierra Leone, aid workers implementing the program have intended to expand its scope to prevent and address abuses in the refugee camps to the extent possible. However, UNHCR also has a responsibility to do more to specifically address sexual abuse that occurs in the refugee camps in Guinea.

As noted above, as of mid-1999, refugee victims had not been encouraged to report cases of sexual abuse and UNHCR did not have permanent mechanisms to effectively screen or determine whether cases of sexual violence against children had occurred or how widespread the problem was. Protection officers in Gueckedou were not aware of many of the rape cases involving refugee children that Human Rights Watch documented—despite the fact that many of them had been reported to camp authorities. One UNHCR protection officer informed Human Rights Watch that there had not been any cases of rape involving separated children. However, as noted above, Human Rights Watch interviewed two separated children in Massakundou who had been raped and had reported the incidents.¹⁴⁹

Protection officers told Human Rights Watch that there was little they could do in cases of rape because refugees frequently did not want their intervention, or were afraid UNHCR involvement would draw attention to the victim and exacerbate the social stigma associated with being a rape victim. One UNHCR officer told Human Rights Watch:

It is a paradox . . . Parents have only accepted responsibility in one instance, in Nongoa camp. In other cases, the parents won't even let UNHCR intervene. UNHCR decided to try to convince parents to accept outside support, but there is little we can do. . . . if anything, parents go to the camp chairman or refugee committee, not to UNHCR. . . . We need to take their culture into account, to search for an equilibrium. The families are afraid of being stigmatized. . . . We have not had much success in providing legal protection, so we attempt to alert community services of the cases.¹⁵⁰

UNHCR also cited a lack of resources and field staff as reasons why they were not able to do more. As has been noted above, UNHCR maintains a very minimal field presence in the refugee camps in the Gueckedou area—only seven field officers and assistants—all of whom are men—for more than 300,000 refugees.¹⁵¹ Protection officers attempt to liaise with community services officers, and frequently vice versa, in an effort to channel appropriate assistance to rape victims who do not want to pursue legal action. However, it is likely that

¹⁴⁷ Commonly referred to as the Ted Turner Fund.

¹⁴⁸ Human Rights Watch interview with leader of a community organization, Massakundou camp, March 3, 1999.

¹⁴⁹ Human Rights Watch interviews, Massakundou camp, March 4, 1999.

¹⁵⁰ Human Rights Watch interview, Gueckedou, February 18, 1999.

¹⁵¹ The guidelines on sexual violence recommend hiring female field and protection staff to help prevent sexual violence. UNHCR, *Guidelines on sexual violence*, pp. 17 - 19. For two fixed periods of several months in late 1998 and early 1999, a female protection officer was seconded from the Danish Refugee Council to implement the Victims of Violence Program.

most of the victims do not receive any assistance because their cases are not identified due to the lack of effective screening or other identification mechanisms.

Sexual Exploitation

As has been noted above, UNHCR has not done enough to ensure that separated children and their caregivers receive adequate assistance and that children are not economically coerced into sexual relationships. One UNHCR staff member demonstrated that he did not even understand the challenges facing refugee children and families, asking a Human Rights Watch researcher, “Why don’t women just get food for their children?”¹⁵²

UNHCR has also failed to provide girls with reproductive health care and education. IRC, the American Refugee Committee, and the Refugee Health Group as well as the Guinean government, all operate reproductive health education and care programs in camps in the Gueckedou area. However, these programs primarily target adults rather than adolescents, who are at particular risk. IRC has attempted to conduct reproductive health education, along with other programs, for adolescent refugees in Guinea by facilitating the creation of Young Women’s Social Clubs in refugee schools. However, this program has only been able to reach a limited segment of the population because, as has been noted above, most adolescent girls are not in school. None of the adolescents that Human Rights Watch asked had ever heard of or received any assistance from these programs.

VIII. LOCATION OF THE CAMPS

*It is dangerous at the border . . . It is possible that the rebels can come and attack. If there is an attack, a bullet wouldn’t choose and say, “this is a border, I won’t cross.” This hasn’t happened yet in Koulomba, but I fear it. . . . Security for now, in our own area, there are no problems. Guinean soldiers secure the border on this side. But just on the other side is a rebel zone. It is even more dangerous in Nongoa than here because Nongoa town is right on the river—literally a stone’s throw away. . . .*¹⁵³

The conflict in Sierra Leone has crossed the border with Guinea on several occasions, leaving these refugees vulnerable to armed attacks. Human Rights Watch first called on UNHCR to move the refugees in June 1998. As of March 1999, UNHCR estimated that 100,000 of the approximately 300,000 refugees in the Gueckedou area lived in camps located dangerously close to the border and hoped to move 50,000 to safer locations by June 1999.¹⁵⁴ However, only 12,000 people were moved before the rainy season began and unpaved roads in the Gueckedou area became impassable in June 1999.

International Legal Standards

According to international law and UNHCR guidelines, camps should not be located close to the border. Article II(6) of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa states that, “For reasons of security, countries of asylum shall, as far as possible, settle refugees at a reasonable distance from the frontier of their country of origin.”¹⁵⁵ This has generally been understood to mean a minimum of fifty

¹⁵²Human Rights Watch interview, Conakry, March 1, 1999.

¹⁵³Human Rights Watch interview, Koulomba, February 24, 1999.

¹⁵⁴ In addition, in May 1999 UNHCR and the Guinean government agreed to move 30,000 refugees away from the border in the Forecariah area.

¹⁵⁵ Guinea is a State Party to the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, ratified 18 October 1972.

kilometers from the border. This principle is also reflected in several UNHCR Executive Committee Conclusions, including the 1987 Conclusion on Military or Armed Attacks on Refugee Camps and Settlements.¹⁵⁶

The dangers posed by the location of the camps also jeopardize refugee children's rights to life and physical security under the Convention on the Rights of the Child.¹⁵⁷

Risk of Cross-Border Attacks and Infiltration

The location of many camps in the Gueckedou area has left refugees, including children, vulnerable to cross-border attacks by Sierra Leonean rebels who have controlled much of the Sierra Leonean territory near the border. Between June 1998 and June 1999, several cross-border attacks were reported on different camps located up to thirty kilometers from the border. These attacks were usually short nighttime raids into Guinea, apparently to get food and other supplies, abduct refugees, and instill terror. Such attacks over the past year have resulted in killing, mutilation, and abduction of refugees.¹⁵⁸

The pattern of attacks has depended somewhat on military operations in Sierra Leone. If fighting intensifies in the areas of Kono and Kailahun districts of Sierra Leone that border the Gueckedou peninsula, the refugee population in the Gueckedou area is likely to be at greater risk of attack or infiltration by armed forces. By contrast, between March and May 1999, fighting was heavy in the Kambia district of Sierra Leone and resulted in more cross-border attacks into the neighboring Forecariah region of western Guinea.

UNHCR has been slow in responding to the threat of armed attacks on refugee camps in Guinea, subjecting tens of thousands of refugee children and their families to constant fear and risk. A refugee social worker who was in the Toumandou camp until November 1998 described repeated RUF threats to attack the camp during August 1998:

Boys who came from Sierra Leone would make trouble in the camps . . . The rebels would write every day or every week, saying they were coming to the camp. Boys in the camp would write RUF on the latrines, some thirteen to fifteen years of age. They would do havoc in the night. The chairman met with the U.N. and told them this. But only later [in late October] UNHCR informed the refugees that we would be moved.¹⁵⁹

UNHCR moved the refugees from Toumandou to the already-existing Boudou camp, at a safer location, on November 18, 1998.

All refugees, including children, are at risk during cross-border attacks. In June 1998, Human Rights Watch interviewed a ten-year-old refugee who was shot during fighting between the RUF and the Guinean military near the Nongoa camp.¹⁶⁰ UNHCR has reported that children have been among those abducted in RUF raids on Guinea.¹⁶¹ At least seven refugees were killed during an August 1998 attack on Koulou-Bengu, a refugee settlement in the Gueckedou area, including the father of seven children.

¹⁵⁶ Conclusion on Military or Armed Attacks on Refugee Camps and Settlements, No. 48 (1987), para. (c). See also Conclusion on Refugee Children and Adolescents, No. 84 (1997), para. (a)(ii); Conclusion on Refugee Children, No. 47 (1987), para. (e); Conclusion on Personal Security of Refugees, No. 72 (1993), para. (b); and Conclusion on Safeguarding Asylum, No. 82 (1997), para. (d)(vii).

¹⁵⁷ Articles 6, 19, and 22, Convention on the Rights of the Child.

¹⁵⁸ Human Rights Watch interview with Guinean military official, Gueckedou, February 22, 1999.

¹⁵⁹ Human Rights Watch interview, Boudou camp, February 17, 1999.

¹⁶⁰ Human Rights Watch interview, Gueckedou Hospital, June 17, 1998.

¹⁶¹ Correspondence with Human Rights Watch, November 24, 1998.

In addition, children risk becoming separated from those caring for them during the fear and confusion caused by the threat of attack. In late 1998, refugees fled in fear and panic when the RUF were threatening to attack the Gelema camp at the tip of the Gueckedou peninsula, just a few kilometers from the border. A refugee teacher told Human Rights Watch that the panic resulting when his students heard this threat led to their immediate flight from the classroom while he was writing on the blackboard. Approximately 300 children fled in terror, scattering in the surrounding bush and a nearby village.¹⁶² A social worker in Koulomba explained:

In October or November, the rebels crossed over to Gelema [which is very close to here] and approached a woman harvesting rice in a field. She had the trauma feeling. . . . She ran away, ran to the town and said the rebels have crossed. . . . People fled all over, some fled all the way to Ouende-Kenema. . . . When this panic takes place, everyone—even parents—fight for their own life. It is especially hard for children. One pregnant woman was in labor when the panic hit. She had a stillbirth on the way when she was fleeing. Grown men have more strength to go ahead than children.¹⁶³

There is also a risk that refugee camps could become infiltrated by armed elements. Some aid workers suspect that RUF rebels had infiltrated the Toumandou camp, located near the Sierra Leonean border in the Gueckedou prefecture, before an attack on the camp in late August 1998.¹⁶⁴ The Guinean government also expressed concern in May 1999 that rebels had infiltrated refugee camps in the Forecariah area. However, Human Rights Watch did not find evidence of rebel infiltration in refugee camps in the Gueckedou area in February and March 1999. On the contrary, the Guinean government and the refugees themselves had prevented rebel soldiers from seeking refuge in the camps.¹⁶⁵

The Role of UNHCR

UNHCR guidelines on refugee children call for staff to “locate camps or other accommodation at a safe distance from the border of the country of origin or conflict areas to minimize the danger of armed attacks, harassment or military recruitment.”¹⁶⁶ They also instruct staff to “relocate camps or settlements if they are in danger of being raided by military forces.”¹⁶⁷

UNHCR has made efforts to move the refugees to safety, but has had limited success. The move has proven to be an expensive and cumbersome process. UNHCR requested U.S.\$4 million to complete the move,

¹⁶²After three days, when there had still been no attack, people started to return to the camp and children were reunified with their families. Human Rights Watch interview, Koulomba camp, February 24, 1999.

¹⁶³Human Rights Watch interview, Fangamadou, February 24, 1999.

¹⁶⁴A UNHCR officer told Human Rights Watch that “the manner of the Toumandou attack implied that the rebels know the zone very well. They wouldn’t have been able to carry out the attack without a certain local complicity.” Human Rights Watch interview, Gueckedou, February 17, 1999.

¹⁶⁵The Guinean government attempts to screen rebel soldiers from other refugees as they cross over the border to arrest them. Refugees, who generally resent the RUF for its role in the civil war and for causing them to flee their homes, told Human Rights Watch that they immediately tell the Guinean authorities if they suspect someone of membership in the RUF so that they can arrest him.

It should be noted that this method of screening for active combatants is not consistent with international standards. As a Guinean military commander in Fangamadou said, “What happens is that, if the refugees don’t like someone, they simply report him as being a rebel.” Human Rights Watch interview, Fangamadou, February 20, 1999.

¹⁶⁶UNHCR, *Refugee Children*, p. 83.

¹⁶⁷UNHCR, *Refugee Children*, p. 86.

but international donors did not make any direct contributions to the appeal. It would have been much less expensive to settle refugees away from the border when most of them arrived in March and April 1998 rather than attempting to move them at this late date.

UNHCR has generally been slow to react to risks stemming from the location of the camps, and has failed to take routine steps to avoid the risks in the first place. UNHCR claimed that it had learned from its mistakes in the Gueckedou area and was attempting to settle refugees who arrived in Guinea in 1999 in camps a safe distance from the Sierra Leonean border in the Forecariah area.¹⁶⁸ Nevertheless, it proceeded to settle these refugees in camps near the border that were vulnerable to at least five cross-border attacks between March and May 1999.

Despite longstanding calls for the Gueckedou camps to be moved, the first refugees were relocated only in November 1998. The move came more than two months after a major attack on Toumandou resulting in the killing or abduction of almost two dozen refugees and reports of infiltration in that camp, with UNHCR moving a few thousand refugees to a safer location.

At that time, UNHCR planned to move up to 50,000 of the 100,000 refugees at risk beginning in November 1998.¹⁶⁹ However, the Guinean government, concerned about large-scale population movements within the country before the December 1998 national elections, requested UNHCR to wait until 1999 to begin the move. The Guinean government has also been slow to propose acceptable sites for new refugee camps at safe locations. UNHCR later decided to wait until after the February 1999 refugee census to begin the move, leaving little time before the rains that begin each June.

Although these events explain why UNHCR did not begin to move the refugees sooner, planning should have begun earlier. UNHCR only requested funding for the move, U.S\$4 million, in February 1999—long after the 1999 funding appeal had been issued. UNHCR appointed a coordinator and convened a meeting with its NGO implementing partners to plan the move in March 1999, and the actual move did not begin for more than one month after this process began. The first refugees were moved from Dakongo, one of the most dangerous camp locations, to Katkama, a site significantly farther from the border, on April 12, 1999. Although UNHCR repeatedly and publicly declared its intention to move 50,000 of the 100,000 refugees at risk before the rainy season, this was very likely to be logistically impossible. Approximately 12,000 refugees were moved to safety before the rains began. UNHCR attempted to move some refugees despite the rains, but ultimately had to abandon the operation. In July 1999, UNHCR told Human Rights Watch that completion of the move is a priority and that it had communicated this to its donors.¹⁷⁰

NGOs have also raised concerns about the demographics of the new sites.¹⁷¹ UNHCR's original plan called for one large camp to house 50,000 refugees, as opposed to several smaller camps, the large size of which could increase the risk of crime—including sexual violence—and unrest among refugees. They were also concerned that protection of vulnerable refugees, including single mothers and separated children, was not taken into account early enough in the planning process.¹⁷² In addition, NGOs noted a lack of a "participatory

¹⁶⁸ Human Rights Watch interview, Conkary, March 1, 1999.

¹⁶⁹ Human Rights Watch interviews, Conakry, February 26, 1999; Gueckedou, February 18, 1999. None of the camps visited by Human Rights Watch were slated to be moved in 1999.

¹⁷⁰ Human Rights Watch interview, Geneva, July 2, 1999.

¹⁷¹ Human Rights Watch interviews in Conakry February, 14, 1999 and February 26, 1999; and in Gueckedou, March 2, 1999.

¹⁷² The guidelines on refugee children require the following: "Promote safe living arrangements for refugee children and their families. Provide living facilities that offer families and communities the most opportunities to protect children. Consider needs for privacy, adequate space, spatial configuration of camps, lighting at night, and special security arrangements." UNHCR, *Refugee Children*, p. 83.

approach” as refugees had largely been excluded from discussions of the move and the new sites. UNHCR subsequently hired a site planner to address these issues.

IX. CHILD SOLDIERS

As noted above, both the RUF rebels and the government Civil Defense Forces (CDFs) in Sierra Leone have a history of recruiting and using child soldiers in the thousands. Refugee children in Guinea, particularly those in camps closer to the border, remain at risk of being used in armed forces. Human Rights Watch has not documented active recruitment or abduction of children from the camps by the RUF rebels, although children risk being abducted during cross-border attacks.¹⁷³ Human Rights Watch has, however, documented a significant presence of Kamajors, a civilian defense force that fights on behalf of the Sierra Leone government, in the camps, with children in their ranks, a situation which UNHCR has proven unable or unwilling to address.¹⁷⁴

International Legal Standards

The presence of combatants is fundamentally incompatible with the civilian and humanitarian character of refugee camps. This principle is reflected in several UNHCR Executive Committee Conclusions, including the 1987 Conclusion on Military or Armed Attacks on Refugee Camps and Settlements, as well as in the preamble to the 1969 O.A.U. Convention Governing the Specific Aspects of Refugee Problems in Africa, to which Guinea is a party.¹⁷⁵

The Convention on the Rights of the Child fixes a minimum age of fifteen for participation of child soldiers in hostilities.¹⁷⁶ Article 4(3)(c) of Protocol II Additional to the Geneva Conventions likewise prohibits recruitment of children under the age of fifteen or allowing them to take part in hostilities. In addition, there is a growing international consensus among governments and nongovernmental organizations to raise the minimum age for child soldiers to eighteen. This new consensus, on age eighteen, is reflected in the African Charter on the Rights and Welfare of the Child, which Guinea has signed but which has not yet entered into force. Human Rights Watch and UNHCR, along with other independent international agencies, support the adoption of an optional protocol to the Convention on the Rights of the Child to raise the minimum age for recruitment and participation in hostilities from fifteen to eighteen.¹⁷⁷

¹⁷³See above. At least seven refugees were abducted during the RUF attack on Koulou-Bengu, but (probably by chance) they were all adults. UNHCR told Human Rights Watch that refugee children have been abducted from Guinea. Correspondence November 24, 1998.

¹⁷⁴ This militia should be distinguished from, but draws upon, the traditional Sierra Leonean society known as the Kamajors. (See above.) Kamajor militia have actively participated as combatants throughout the conflict and it is in this role that their presence in the camps is scrutinized.

¹⁷⁵ Conclusion on Military or Armed Attacks on Refugee Camps and Settlements, No. 48 (1987), para. (b). See also Conclusion on Refugee Children and Adolescents, No. 84 (1997), para. (a)(ii); Conclusion on Refugee Children, No. 47 (1987), para. (e); Conclusion on Personal Security of Refugees, No. 72 (1993), para. (b); and Conclusion on Safeguarding Asylum, No. 82 (1997), para. (d)(vii).

¹⁷⁶ Article 38(3).

¹⁷⁷UNHCR has taken the position that eighteen should be the minimum age for child soldiers in international negotiations to draft an Optional Protocol to the Convention on the Rights of the Child raising the minimum age for combat. However, this position is not currently reflected in its guidelines on Refugee Children. UNHCR, *Refugee Children*, pp. 8, 24, 85-6.

Presence of Combatants

Many Kamajors have registered with UNHCR in at least two refugee camps and, in early to mid 1999, were using the camps as bases to support their military activities, which were conducted in border areas.¹⁷⁸ During the February 1999 registration exercise in one camp, a Kamajor commander reportedly announced, “I have a group of Kamajors here. Can we please register them immediately so that they can return to the front?” Other refugees cheered for the Kamajors and permitted them to pass them in line. The census administrator for the camp, as well as the refugees waiting to register, agreed.¹⁷⁹ In another camp, the census administrator told a group of Kamajors that he could not register them *as Kamajors*, but later registered the same individuals as civilians.¹⁸⁰

The exact number of Kamajors in the camps is not clear, but substantial numbers are involved. One Kamajor commander in the Fangamadou camp informed Human Rights Watch that there were 1,400 Kamajors operating with the Guinean military in the border area near the camps.¹⁸¹ An international aid worker estimated that there were 300-400 Kamajors based in the Kundou-Lengo-Bengo camp alone.¹⁸² Human Rights Watch also received reports that the Kamajors maintained a presence in Fangamadou, Koulomba, Konin, and Sowedu camps.¹⁸³

Several other sources also told Human Rights Watch that Kamajor civil defense forces operating in Guinea worked in conjunction with the Guinean military. One international aid worker told Human Rights Watch, “this is a country friendly to Sierra Leone, there is almost an official relationship between the Kamajors and the Guinean authorities.”¹⁸⁴ A Kamajor commander told Human Rights Watch that he took orders from Guinean military commanders, as well as from the Sierra Leonean Ministry of Defense.¹⁸⁵ Kamajors have reportedly often served as scouts for Guinean troops because they are familiar with the border area, and have also served in combat at the front lines on both sides of the border. They have also played a significant role in assisting the Guinean government in separating suspected RUF rebels from the refugee population.

Participation of Children

The Sierra Leone government and leadership of its Kamajor auxiliaries have made public commitments to stop using child soldiers.¹⁸⁶ However, despite these commitments, the Kamajors have continued to recruit, ritually initiate, and use children in their forces.¹⁸⁷ The Kamajor commander in Fangamadou admitted to Human Rights

¹⁷⁸A Kamajor commander in Fangamadou told Human Rights Watch that he succeeded in registering all but seven of the Kamajors in the camp. He was confident that he would nevertheless be able to provide for those seven and their families in the camps. Human Rights Watch interview, Fangamadou, February 19, 1999.

¹⁷⁹ Human Rights Watch interview, February 18, 1999.

¹⁸⁰ Human Rights Watch interview, February 19, 1999.

¹⁸¹ Human Rights Watch interview, Fangamadou, February 19, 1999.

¹⁸² Human Rights Watch interview, Kundou-Lengo-Bengo camp, February 19, 1999.

¹⁸³ Human Rights Watch interview, Gueckedou, February 17, 1999.

¹⁸⁴ Human Rights Watch interview, Kundou-Lengo-Bengo camp, February 19, 1999.

¹⁸⁵ Human Rights Watch interviews, Fangamadou, February 19, 1999 and February 24, 1999.

¹⁸⁶The Government of Sierra Leone, on behalf of the regular armed forces as well as the Kamajors and other CDFs, made a commitment to the special representative of the U.N. secretary-general for children and armed conflict that it would refrain from recruiting or using children under the age of eighteen, demobilize all children in government forces, and facilitate the reintegration into society of children demobilized from all sides. The government has also made commitments in this regard to the government of the United Kingdom.

Watch that there are refugee children under his command.¹⁸⁸ Eight children, the youngest of whom was nine, were identified on a list of eighteen Kamajors which Human Rights Watch saw in the Fangamadou camp. One international aid worker told Human Rights Watch that he had observed “many youth” among the Kamajors in the Kundou-Lengo-Bengo camp. At one of the regular Kamajor group meetings which the aid worker observed in the camp, most of those present appeared to be between the ages of ten and fourteen.¹⁸⁹ All but one of the Kamajors who serve under one commander are illiterate. This young “student” works as a “secretary,” based at the border to keep track of deaths and casualties among the Kamajors.¹⁹⁰

Although there are children in the Kamajors’ ranks both in Guinea and Sierra Leone, Human Rights Watch did not find evidence of active recruitment of children in the refugee camps. However, in late February 1999, a Kamajor commander told Human Rights Watch that he was ready to begin recruitment at any time—as soon as the following week, depending on instructions from the governments of Guinea and Sierra Leone and pending the outcome of peace negotiations.¹⁹¹ He did not deny that new recruits might be children. Shortly after that, the Kamajors embarked upon a large-scale recruitment drive inside Sierra Leone, primarily in Bo and Kenema. Human Rights Watch research in Sierra Leone in 1999 has found that, after initiation into the Kamajor society, many children and adolescents are called upon to perform the most dangerous actions undertaken by Kamajor local defense forces, including use as active combatants in the conflict and in major military operations.

The Role of UNHCR

It is unacceptable under international law for combatants to use refugee camps as a base or to recruit or use child soldiers.¹⁹² UNHCR’s guidelines on refugee children require UNHCR staff to maintain the civilian and humanitarian character of the camps, because “the presence of armed resistance fighters in or near refugee camps or settlements increases security challenges and other problems.”¹⁹³ In addition, the guidelines on refugee children set forth several steps for UNHCR staff to take to prevent the militarization of refugee camps and the recruitment of child soldiers, including to:

- Relocate camps or settlements if they are in danger of being raided by military forces.
- Increase staff in camps and settlements in order to deter and monitor recruitment.
- Provide proper security guards for camps and settlements.
- Convince political and military leaders not to recruit refugee children, and to demobilize those who are soldiers.
- Publicly condemn the recruitment of refugee children.

¹⁸⁷Boys and men must go through a ritual initiation to join the Kamajors, which is based on a traditional hunting society. Many Sierra Leoneans apparently believe that, once initiated, Kamajors become immune to bullets.

¹⁸⁸Human Rights Watch interview, Fangamadou, February 24, 1999.

¹⁸⁹Human Rights Watch interview, Kundou-Lengo-Bengo camp, February 19, 1999.

¹⁹⁰Human Rights Watch interview, Fangamadou, February 24, 1999.

¹⁹¹Human Rights Watch interviews, Fangamadou, February 19 and February 24, 1999.

¹⁹² However, there is an inconsistency on this issue in UNHCR’s guidelines on refugee children. In interpreting article 12 of the Convention on the Rights of the Child, which provides that children capable of forming their own views should be able to participate in deciding matters that affect them, the guidelines state “for example, under national law adolescents may have the right to . . . join the army.” UNHCR, *Refugee Children*, p. 24. Insofar as adolescents may be under the age of fifteen, this position is incompatible with article 38(3) of the Convention on the Rights of the Child. It is also inconsistent with guidelines in the same book concerning military recruitment, and with the emerging international norm prohibiting recruitment or use of children under the age of eighteen in armed forces.

¹⁹³UNHCR, *Refugee Children*, p. 83. It should be noted, however, that the presence of any armed fighters, whether resistance fighters or otherwise, is incompatible with the humanitarian character of refugee camps.

- Cooperate with efforts to rehabilitate refugee children who have been used as soldiers.¹⁹⁴

UNHCR's office in Guinea has repeatedly disregarded reports by headquarters staff, field staff, and international NGOs indicating the presence of Kamajors and child soldiers in some of the camps and has yet to develop a strategy to deal with the problem. Some staff members are ignorant about the situation and need to be informed and told to take action. Others are or should be aware of the situation but have chosen to ignore it. Still others understand the problem but need more direction and support in addressing this difficult situation.¹⁹⁵

Many refugees and aid workers told Human Rights Watch that they found the presence of Kamajors in the camps acceptable because the Kamajors were on the "right" side of the war.¹⁹⁶ Aid workers also expressed the view that the Guinean Government may have been legitimately concerned that the Sierra Leonean conflict could spill over its borders and, consequently, was justified in taking actions such as collaborating with the Kamajors to prevent this.¹⁹⁷ Because the Kamajors appeared to be operating in conjunction with the Guinean government, as noted above, UNHCR action on this issue could be in direct conflict with the host government. In addition, in at least one case, Kamajors made a thinly veiled threat by "informing" a U.N. employee that they were responsible for his personal security.¹⁹⁸

Nevertheless, the Guinean government and UNHCR have a responsibility to address this problem. The only action UNHCR has taken is to move a small number of refugees away from the border, where it would be more difficult for active combatants to use the new camps as a base. Despite knowledge that the Kamajors are present among the refugee population, neither UNHCR nor the Guinean Government has taken steps to screen or separate active pro-government combatants from civilians in the camps. UNHCR chose not to use one recent opportunity to do so, the refugee census in February 1999, and told Human Rights Watch that it did not have plans to screen for combatants in the foreseeable future.¹⁹⁹ Nor have UNHCR or the Guinean government taken any concrete actions to prevent the Kamajors from recruiting, initiating, or using children as soldiers.

As has been noted above, UNHCR employs only two protection officers and one community services officer in Gueckedou and seven field staff for more than 300,000 refugees. Only three of the field staff maintain a regular presence in the border areas. Neither the Guinean government nor UNHCR provide security guards in the refugee camps. Human Rights Watch is not aware of any efforts by UNHCR in Guinea to publicly condemn the use of child soldiers or to educate the public or community leaders not to recruit or use child soldiers. Here, as with other issues, Human Rights Watch urges UNHCR to implement its existing guidelines on refugee children and on preservation of the civilian and humanitarian character of refugee camps and settlements in order to protect the human rights of refugee children.

¹⁹⁴UNHCR, *Refugee Children*, p. 86.

¹⁹⁵Human Rights Watch interviews with UNHCR officers in Kundou-Lengo-Bengo camp, February 19, 1999; Fangamadou, February 19, 1999 and February 24, 1999; Gueckedou February 17, 1999; Conakry, February 26, 1999; and Geneva (telephone interview) June 2, 1999.

¹⁹⁶ Human Rights Watch interviews in Fangamadou February 19, 1999 and February 24, 1999; and in Kundou-Lengo-Bengo on February 19, 1999.

¹⁹⁷ Human Rights Watch interview, Conakry, February 26, 1999.

¹⁹⁸Human Rights Watch interview, Fangamadou, February 19, 1999.

¹⁹⁹UNHCR's rationale for not using the census for screening was twofold. First of all, the Guinean military has actively screened suspected RUF rebels to keep them out of the refugee camps (although this policy had not been applied to Kamajors or other CDFs). Second, the Guinean students hired as census takers were not trained as protection officers and, consequently, not qualified to conduct screening. Human Rights Watch interview with UNHCR officer, Gueckedou, February 16, 1999. However, UNHCR did not have any specific plans to screen for combatants following the census. Moreover, UNHCR field staff actually registered Kamajors during the census in two camps.

X. CONCLUSION

Many of the abuses refugee children in Guinea suffer are typical of abuses faced by refugee children around the world, yet they are committed on an alarming scale. All of these abuses are preventable if appropriate policies are supported and implemented. The Guinean government, UNHCR, and the international community have a responsibility to assist and protect refugee children, yet they have all failed to take basic steps to implement existing law and policies to do so.

In the meantime, the human rights of these children are denied. First, they experienced one of the world's most brutal wars. Now that they have fled to Guinea, they are subjected to a second chapter of hardship including hunger; separation from their parents; the physical dangers of armed attack, recruitment as child soldiers, or sexual abuse; neglect, abuse, and exploitation by their caregivers; or child prostitution. Unless the international community takes action to begin protecting their rights, they will most likely experience greater hardship in the years to come.

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Human Rights Watch Children's Rights Division

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