Experience working with disabled children in conflict with the law

Primary readers: Ministry of Social Welfare, Gender and Children's Affairs

Message: To provide special care for disabled children in conflict/contact with the law

Introduction

The Sierra Leone government is signatory to the rights of children with disabilities in the country, however, children with disabilities are still subjected to discrimination and abuse. The Child Right Act (CRA) 2007, provides for the promotion of the rights of the child in line with the Convention on the Rights of the Child adopted by the General Assembly of the United Nations on 20th November 1989, and its optional protocols of 8th September 2000 and the Africa charter on the rights and welfare of the child and other related matters.

Part 111 section 30 of the CRA states that no person shall treat a disabled child in an undignified manner. All persons have dignity because they are human beings and their dignity must be respected and protected. No one is allowed to discriminate against disability. All people are equal and must be treated equally. Still, part V111 section 128 (2) of the CRA also states that work is hazardous when it poses a danger to the health, safety and morals of a person.

Sheku is 17 years old and physically disabled. He was born in a village near Freetown but ran away from his family due to mistreatment. He eventually came to Freetown to find work so that he could go to school but he was forced to sleep rough on the streets because he had never gone to school and had to beg for food. Sheku finds it difficult to trust anyone having been physically abused, attacked and threatened many times and believes that no one cares about him. He believes that people will probably hurt him or let him down as they have done so many times.

Due to the mistrust, Sheku became violent. One day, he was standing in a bar holding a drink, another youth walked past Sheku and knocked into him and spilt his drink. Because Sheku mistrusts everyone feels that the world around him is hostile and unfriendly, he immediately reacted by striking the youth with the bottle in his hand and wounded him. Sheku was arrested and charged with the offence of wounding with intent. He was unaccompanied and unrepresented in court; he was remanded in custody.

Since many children with disabilities face numerous challenges in their communities, such as abuse, neglect and harassment, they become violent, mistrustful, and are more often in conflict with the law. This is further highlighted by the unaccompanied and unrepresented disabled children in court who go on to be remanded, such as the case of Sheku.

As a Probation Officer, I came across Sheku who had experienced various challenges including the lack of legal representation during the pre-trial stage. In the process, he was unable to contact his parents and inform them about what had happened to him. However, as a probation officer, I was able to prepare him for the subsequent court proceeding and also take reasonable steps in ensuring that he is not subjected to further harm. Together with Sheku we also had regular reviews to plan for his future.

Conclusion

Child protection agencies, like the child welfare committees, paralegals, lawyers for human rights and even Sierra Leone Human Rights Commission and the Ministry of Social Welfare, Gender and Children Affairs are to ensure that the rights of children of all abilities are maintained. All human beings are equal and must be treated equally.

All disabled children should be treated with respect and dignity. They should be protected from all forms of abuse which undermines their integrity in any way, including freedom to enjoy their childhood. Positive actions should be applied to address existing discriminatory practices and disadvantaging conditions facing them in their homes and communities.

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