

Human Rights Commission of Sierra Leone

Stakeholder Report on the State of Sierra Leone for the United Nations Human Rights Council Universal Period Review (UPR) Cycle II Review – 24th Session, Geneva



Report Submitted by: Human Rights Commission of Sierra Leone (HRCSL)

(An 'A' status accredited National Human Rights Institution)

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1.0 Introduction/Executive Summary

1.1 The Human Rights Commission of Sierra Leone (HRCSL) was established under Act No 9, 2004 and commenced operations in 2007. Section 7 (1) of the Act provides that “*The object for which the Commission is established is the protection and promotion of human rights in Sierra Leone*”... In 2012, the Commission was accredited ‘A’ Status by the International Coordinating Committee (ICC). HRCSL urges government to comply with the Paris Principles which mandates it to support the Commission with adequate financial and other required resources to fulfill its functions.

1.2 Sierra Leone underwent its first Universal Periodic Review (UPR) in 2011. In line with paragraph 9, of Resolution A/HRC/RES/16/21, the Commission provided technical support to the State’s UPR preparation and submitted a shadow report. To support the implementation of the recommendations made during the 1st Cycle review, the Commission in 2011 organised a national conference on the developing a roadmap and strategy for the implementation of the UPR recommendation of Sierra Leone. In 2013 Commission collaborated with government and the Civil Society UPR Monitoring Group to organize a national mid-term consultative conference with the aim of assessing and reviewing progress made in the implementation of the 1st cycle UPR recommendations.

1.3 This report entails steps taken by government to implement its first UPR recommendations and commitments to improve human rights in the country, the challenges faced in the implementation of the recommendations, and the realization and enjoyment of basic human rights by all.

Methodology

1.4 . The Commission setup a UPR Steering Committee to facilitate, coordinate and elicit information for the preparation of the Commission’s shadow UPR report.

1.5 Staff of the Commission were trained on the UPR Process and how to attract the interest of non-state actors to participate in the process. Two regional consultative conferences were held in the northern and southern regions which brought together stakeholders (Civil Society Organizations {CSOs}, Paramount Chiefs, Ministries, Departments and Agencies {MDAs}, Women’s groups, Local Councils, Youth groups) from across the country on the 20th- 21st May, 2015, specifically, to engage them in assessing, reviewing and updating the UPR matrix of recommendations developed by the Commission. It also trained stakeholders on the UPR Process, and used the opportunity to collect information on key national priorities and emerging human rights issues in the country.

1.6 A validation meeting was organized on 19th June, 2015 for non-state actors which provided them with the opportunity to contribute to the final outcome of the report.

HRCSL and the State Reporting Obligation

1.7 A public notice was aired on the 18th -19th May, on two radio stations, three times daily and eight newspaper publications which informed the public and called on CSOs to participate in the UPR process, The Commission also engaged the Ministry of Foreign Affairs and International Cooperation, the Attorney General and Minister of Justice and the Office of the Chief of Staff (Office of the President) to discuss the State’s UPR report preparation process.

2.0 Implementation of human rights obligations/ UPR Cycle I Recommendations

2.1 During the first review, the government accepted to take further steps to ratify considerable number of outstanding treaties and their optional protocols. The Commission noted that:

Government ratified International Labour Organization (ILO) Convention No. 138 and 182¹ and submitted initial reports on the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and People’s Rights (ACHPR). In 2013, the 6th report on the Convention on the Rights of the Child (CRC) was submitted.

However, government is yet to ratify the Optional Protocol on the Convention Against Torture, inhuman and Degrading Treatments or Punishments (OP-CAT), Optional Protocol

¹ See 1st Cycle UPR recommendation on Sierra Leone(Slovenia)

on Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Optional Protocol to the Convention on the Rights of Persons with Disability (CRPD), the International Convention for Protection of all Persons from Enforced Disappearances,(ICPPED) and the International Convention on the Protection of the Rights of Migrant Workers (ICRMW)²

The government also failed to take steps to sign and ratify the Optional Protocol on the Convention of Economic, Social and Cultural Rights (CESCR)

Recommendation: The Commission urges government to sign and ratify these treaties and optional protocols and take practical measures to implement the provisions there-in.

2.2 Government accepted a number of recommendations made by some states subject to constitutional review. A Constitutional Review Committee (CRC) was setup by government and officially launched on 30th July, 2013 to review the 1991 Constitution of Sierra Leone. The timeframe for the review was 18 months, during which national consultations were to be held to inform the revised Constitution. The outbreak of the Ebola Virus Disease (EVD), subsequently led to the diversion of state resources Restrictions on movement and gatherings delayed the work of the CRC. The work of the Committee has been extended by an additional one year to July, 2016

Recommendation: The Commission encourages government to continue supporting the Constitutional Review Process until the end of its work, ensure citizens' participation and to ensure that the new version of the Constitution fully protects and promotes human rights through domesticating international human rights standards.

2.3 As part of its efforts to combat violence against women government in October 2012, launched a National Referral Protocol on Gender Based Violence (GBV), which aimed at promoting a coordinated and interagency approach to GBV cases. Training was conducted for stakeholders that enhanced the justice sector's ability to address violence against women. Saturday Court sittings have been introduced to fast-track GBV related cases. However, women participation in governance and public offices still remain a challenge as government is yet to enact the 30% Gender Equality Bill

Recommendation: Government to continue its effort to address violence against women and to speedily enact the Gender Equality Bill.

2.4 In 2013, parliament enacted the Right to Access Information Act as a significant step in fulfilling government's obligations under the ICCPR and African Charter on Democracy, Elections and Good Governance. The Access to Information Commission has been established and is charged with the responsibility to operationalize the Act.

Recommendation; Government should adequately fund the Access to Information Commission to make it fully functional.

3.0 Human Rights Concerns

3.1 ***Right to Education*** – In 2012, the government changed from the 6-3-3-4 to the 6-3-4-4 educational system as recommended by the Gbamanja Commission of Inquiry that was setup to investigate the poor performance of students in public examinations and to ascertain the impacts of the 6-3-3-4 system of education in the country. The implementation of this new system has challenges: inadequate structures to accommodate an additional year, shortfalls and delays in the payment of government subsidies to schools, delays in the payment of salaries to new teachers and the shortage of trained and qualified teachers.

Recommendation: Government should ensure the provision of the required resources for the full implementation of the new educational system.

3.1.1 The outbreak of the EVD in May 2014, and its spread adversely affected the enjoyment of the right to education. Schools and colleges were closed as most of their infrastructures were used as holding and treatment centers while public examinations were suspended. E-learning on radio and television was introduced to keep children in touch with their academic work. Schools have now reopened and the E- Learning is still ongoing.

² See 1st Cycle UPR recommendation on Sierra Leone (Spain, Costa Rica, Argentina, France, United Kingdom and Nigeria)

3.1.2 The Commission noted that the closure of schools was one of the factors that led to an increase in teenage pregnancy across the country. Following the reopening of schools, the Ministry of Education, Science and Technology (MEST) banned pregnant girls from taking their Basic Education Certificate Examination (BECE) and from attending school. This contravenes the government's obligation under Article 13 and 17 of the ICESCR and ACHPR respectively and Section 3(2) of the Education Act of Sierra Leone. The Commission issued a press release³ which called on government to guarantee the right to education of these pregnant girls. Despite the press release, government went ahead with its ban.

Recommendation: Government should end discrimination against women and children and adhere to Article 28 of the Convention on the Rights of the Child and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).

3.2 Access to Clean and Safe Drinking Water – The provision of clean and safe drinking water in the country still remains a serious challenge despite being recognized by the UN Human Rights Council that *“the human rights to water is indispensable for leading a life in human dignity...”*.

3.2.1 The Commission observed acute shortage of water in the capital and its environs. This is attributed to poor management of the available water resources, the increase in urbanization disproportionate to the capacity of the water source and the deforestation of water catchments. This acute shortage continues to impact negatively on the well being of all particularly women and children who are out on the street as early as 3.00 a.m. to fetch.

3.2.2 In the provinces, people rely on poorly constructed wells, boreholes and rivers as the main sources of water; these are often unhygienic and lead to illness.

3.2.3 The Commission acknowledges the separation of the Ministry of Energy and Water Resources into two separate ministries to ensure that more attention is paid to the provision of adequate water nationwide.

Recommendation: Government to take urgent steps and explore other options to ensure the availability of adequate water in the country.

3.3 Business and Human Rights – The Commission noted an increase in the activities of extractive and agro based industries. However, there have been challenges in complying with the “Protect, Respect and Remedy” Framework provided in the UN Guiding Principles on Business and Human Rights.

3.3.1 There have been protests by residents of communities where multinational Companies operate due to forced acquisition of land, inadequate compensation, poor resettlement of locals, unfavorable lease / contract agreements and obsolete labour laws. In April, 2012, the Commission conducted a public inquiry into alleged human rights violations in Bumbuna, north of the country where workers of African Minerals Limited protested for better conditions of service. The Inquiry report confirmed a number of human rights violations and made several recommendations to government and other institutions to take action to prevent future occurrence. A good number of the recommendations have been implemented, but some are still outstanding⁴. The Commission also developed a monitoring tool (Guidelines for Monitoring Business and Human Rights in Sierra Leone) to ensure that multinational companies carry out their activities in line with human rights standards.

Recommendation: The Commission calls on government to review the labour laws and ensure compliance with the UN Guiding Principles on Business and Human Rights.

³ HRCSL Press Release of 25th February, 2015

⁴ Full Inquiry report on HRCSL's Web site @ www.hrsl.org

The Commission calls on government to implement in full the recommendations of the Bumbuna Inquiry.

3.4 The Ebola Virus Disease and its effect – The outbreak of the EVD in Kailahun District, Eastern Sierra Leone on 25th May, 2014 and its subsequent spread across the country has adversely affected the enjoyment of human rights generally. As of 14th June, 2015 infected cases were 8649 and 3553 confirmed deaths country wide, including nurses, doctors and other frontline workers. The national health infrastructure was not prepared and thus incapable of handling the outbreak

3.4.1 In response to the outbreak, government declared a State of Emergency and subsequently enacted Public Health Emergency Regulations and Bye-laws to control the spread of the virus. This restricted the enjoyment of human rights. The Commission commends government and partners and the general populace for their efforts in the fight against the EVD which has seen a vast reduction in new infections since February 2015.

Recommendations: *The Commission calls on government to continue its efforts to eradicate the disease. The Commission further urges government to strengthen the health infrastructure, the management of public health system for better service delivery to ensure the adequate handling of future public health emergencies.*

3.5 Freedom of Expression – The seditious libel provision in the Public Order Act of 1965, has still not been repealed and continues to limit the freedom of expression despite the enactment of the Right to Access Information Act, 2014. During the period under review there were police harassments, arrests and intimidation of journalists. The situation was heightened by the enactment of the Public Health Emergency in 2014. In March 2015, a journalist was arrested and detained without due process for allegedly making inciting statements on a regular radio programme. On the 27th April 2015, the Commission’s Senior Human Rights Officer in the Eastern Region was beaten, detained and denied access to medical facilities by the SLP for allegedly inciting the public to demonstrate during a radio discussion programme on the Commission’s Press Release on the discriminatory application of the State of Public Health Emergency Regulations. He has since been released on bail and his trial ongoing.⁵

Recommendations: *The Commission reiterates its call on government to repeal the Seditious Libel Provision in the Public Order Act, of 1965. Government should respect and guarantee the immunity of the Commission and staff and further ensure the protection of human rights defenders in the performance of their work.*⁶

3.6 Freedom of Assembly, Association, and Movement – The Commission observed challenges in the enjoyment of the freedoms of association, assembly and movement particularly by trade unions and LGBT Rights activists. The Public Health Emergency Regulations 2014, posed challenges: Large gatherings and demonstrations were banned, and movement of people restricted. The Commission is concerned about the discriminatory application of these regulations by the Sierra Leone Police. Some people were arrested and detained for gatherings and demonstrations while others were allowed to do so unhindered.

Recommendation: **Government should fully comply with ICCPR regulations on State of Emergency and ensure that the SLP acts in an impartial and professional manner in the exercise of their duties.**

3.7 The Sierra Leone Police (SLP)

3.7.1 The Commission received 168 complaints between 2011-2014 against the SLP of unlawful detention, arbitrary arrest, ill treatment of suspects and the use of excessive force in maintaining public order.

⁵ *Human Rights Commission of Sierra Leone Act No. 9 2004, Section 5 provides for immunity of members and staff of the Commission 4. The setup of the Independent Police Board is a UPR Recommendation*

⁶ See 1st Cycle UPR and TRC Recommendations

3.7.2 The Commission observed that the general sanitary conditions in police cells were appalling. The conditions of service of the police remain a challenge thus affecting their efficiency and effectiveness in the performance of their duties. The continued corruption, extortion, arbitrary arrests and detention and other unprofessional practices may not be unconnected with the appalling conditions of service and working environment of the police. However, the Commission noted some improvements in the work of the Complaints, Discipline and Internal Investigations Department of the SLP. Furthermore, to increase public confidence and accountability, the Independent Police Complaints Board was setup comprising non police officers to investigate and discipline senior police officers and the most serious allegations against police personnel

Recommendation: Government to improve the working conditions of the police with a view to improving their efficiency, accountability and professionalism and to further improve the sanitary conditions of police cells.

3.8 The Sierra Leone Correctional Services: The Commission acknowledges the enactment of the Sierra Leone Correctional Service Act, 2014, which provides for the rehabilitation and reintegration of inmates.

3.8.1 However, the general conditions in the correctional centres are yet to meet the required standards. Basic facilities such as water, medical facilities, toiletries, beddings and recreational services are serious challenges. Overcrowding of these facilities persists due to the high number of remand inmates.

Recommendations: Government to adequately fund the Correctional Service Centers and enact the revised Criminal Procedure Act to improve the administration of justice

3.9 The Judiciary – The judiciary operates the Circuit Courts and Itinerant Magistrates systems as part of efforts to improve on the access to justice. This has still not addressed the problems of prolonged trials, frequent and long adjournments, lack of interpreters, stiff bail conditions and some times denial of bail for minor offenses.

3.9.1 Efforts were made to enhance the capacity of local courts through training of local court personnel and the enactment of the Local Court Act of 2011 bringing them under the supervision of the judiciary. The work of these courts is however affected by nonpayment of salaries and stipends to court personnel.

Recommendation: The Commission urges government to recruit more legal personnel and provide the necessary resources to improve access to justice.

Annexes

1. HRCSL Press Release 25/02/15: ***Ensuring the Right to Access Education by Pregnant Girls and Young Mothers***
2. HRCSL Press Release 23/04/15: ***Implementation Of The Public Emergency Regulations 2014, Constitutional Instrument no. 5 of 2014***