

1.0 Introduction

1.1 The Human Rights Commission of Sierra Leone (HRCSL) was established by an Act (No 9) of Parliament, 2004 and commenced operations in 2007. Section 7 (1) of the Act provides for its overall mandate - *“the protection and promotion of human rights in Sierra Leone”*. In 2016, HRCSL was recredited ‘A’ Status by the Global Alliance of National Human Rights Institutions (GANHRIs). HRCSL continues to urge government to comply with the Paris Principles which mandates it to support the Commission with adequate logistic and financial resources to perform its functions.

1.2 Sierra Leone underwent its Second UPR in 2016. In line with paragraph 9 of Resolution A/HRC/RES/16/21, HRCSL provided technical support to the State in preparing its Midterm Report. To support the implementation of the recommendations made during the 2nd Cycle review, HRCSL urged Government to popularize the recommendations; set up an Inter-Ministerial Steering Committee for the purposes of swift coordination among Ministries, Departments and Agencies (MDAs) to implement the recommendations. In October 2017, HRCSL provided technical support to Government in organizing a five-day National Capacity Building Training on the UPR for MDAs and CSOs held in Kenema; supported government in developing a roadmap for the implementation of the UPR recommendations and urged Government to produce a UPR Mid-Term Report.¹

Methodology

1.4. HRCSL established an internal UPR Committee to facilitate, coordinate and elicit information for the preparation of HRCSL’s UPR report. From 25th August to 4th September 2020, HRCSL conducted nationwide stakeholders’ consultations for CSOs and MDAs on the UPR with the aim of assessing the status of implementation of the 2016 UPR recommendations. The consultations provided an opportunity for increased knowledge on the UPR process and enabled participants to contribute to the final outcome of this report.

1.5 On 19th and 20th August 2020, the HRCSL aired a public notice on four radio stations and ten community radio stations covering the entire country, eight newspapers publications all of which informed the public and called on CSOs and MDAs to participate in the UPR process. HRCSL in a letter dated 6th August 2020, advised government and urged same to adhere to its international reporting obligations under the UPR mechanism.

2.0 Implementation of Human Rights Obligations/UPR 3rd Cycle Recommendations

2.1 During the second review, government accepted to take measures to ratify outstanding treaties and their optional protocols. HRCSL noted that all of the treaties² accepted by the government are yet to be ratified and HRCSL is urging government to take steps to ratify them. HRCSL notes the steps taken by government to meet its reporting obligations in August 2020, to the Committee on the Convention on the Rights of Persons with Disabilities since the ratification of the Convention.

Recommendation: HRCSL urges government to ratify these treaties and optional protocols recommended in the 2016 UPR process and take practical measures to implement same and submit outstanding reports.

3.0 HUMAN RIGHTS CONCERNS

3.1 ***Right to Health*** - HRCSL noted an improvement in Government’s budget allocation to the health sector from 7% in 2018 to 10.5% in 2019 and 11% in 2020. However, HRCSL observed that GoSL is yet to achieve the Abuja Declaration of 2001 which calls for at least 15 % allocation of a State’s GDP to the health sector.

3.1.1 In 2019, GoSL operationalized the ambulance National Emergency Services (NEMS) and distributed eighty (80) ambulances to all districts across the country. This helped to speed up the successful transfer of patients from community health clinics to hospitals with 50% of these patients being pregnant women and children³.

3.1.2 HRCSL also noted that the Free Health Care scheme initially meant for pregnant women, lactating mothers and children under five has been reviewed to include vulnerable populations such as Ebola survivors, mudslide

¹ *The Mid-Term Report details measures taken by government to implement the Second Cycle UPR recommendations, commitments to improve human rights, the challenges encountered in the implementation of the recommendations, and the realization and enjoyment of basic human rights by all.*

² Recommendation[111.4, 111.5, 111.6, 111.7, 111.8, 111.9, 111.10, 111.11, 111.12, 111.13, 111.14, 111.15], UPR, 2016 (not implemented)

³ Health Sector Performance Report (HSPR) 2018/19

victims, persons with disabilities (PwDs) and the aged. However, HRCSL observed that the implementation of this scheme has been fraught with challenges including the unavailability of certain free health care drugs in some hospitals and the late arrival of supplies in hard-to-reach areas. Also GoSL is yet to develop and implement a clear School Health Policy that focuses on the rights to health of pupils.⁴

Recommendation: *GoSL should develop a National Health Policy that would strengthen the health sector, and also increase its annual budget allocation to 15% as required by the Abuja Declaration of 2001.*

3.2 The Impact of Covid-19 on human rights – On 31st March 2020, Sierra Leone recorded its first case of the COVID-19. GoSL in response declared ‘State of Emergency’ as a public health and social measure in an attempt to prevent transmission of the virus in the country. These measures included: creation of holding centers, tracing and quarantining of contact persons, closure of educational institutions, banning of social gatherings and congregational worships, instituting intermittent lockdowns and the restriction of inter-districts movement, all of which affected the enjoyment of human rights.

3.2.1 HRCSL noted the effort of GoSL and its partners to contain the spread of the virus. As of 28th September 2020, GoSL recorded 2, 215 cases, 72 deaths and 1,681 recoveries. The lessons learnt from the Ebola virus disease in 2015 helped in the response process towards Covid-19.

Recommendation: *GoSL should ensure that human rights are upheld even during health emergency response periods.*

3.3 Access to Clean and Safe Drinking Water - HRCSL acknowledged the enactment of the *Sierra Leone Water Company Act 2017*, the *GUMA Valley Water Company Act 2017* and the development of Sierra Leone’s Medium Term National Development Plan 2019-2023, all of which aim at addressing the perennial problem of access to clean and safe drinking water in the capital city of Freetown and the provincial towns.

3.3.1 HRCSL noted GoSL’s 2019 budgetary allocation of Le 65.8 billion for the construction of water supply systems in various parts of the country including 100 solar powered boreholes, 200 boreholes and 45 industrial boreholes; and additional Le 76.9 billion allocated to Ministry of Water Resources to finance the construction of gravity water system in the Western Area and for the construction of solar powered boreholes in all districts⁵.

3.3.2 However, HRCSL noted that communities across the country continue to face challenges in the enjoyment of this right particularly in provincial areas where people rely on streams and poorly constructed wells as their main sources of water.

Recommendation: *Government should ensure that SALWACO and GVWC are provided with adequate funding to enable them provide access to safe and clean drinking water.*

3.4 Rights to Education: In August 2018, GoSL launched the Free Quality School Education Programme (FQSEP), which aimed at improving the quality and access to education, retention in schools and to strengthen the educational sector generally.

3.4.1 HRCSL noted the increase in budget allocation from 17% in 2017 to 21% in 2018 to the education sector. This resulted in 38% increase in enrolment (from 1,310,644 in 2017 to 1,982,475 in 2019) of pupils in government and government assisted schools and an increase in the number of schools by 421 (from 10,747 in 2018 to 11,168) in 2019⁶. However, this increase exacerbated the poor sanitary conditions in most public schools.

3.4.2 The poor performance of pupils in public examinations remains a concern to HRCSL⁷. There was widespread examination malpractice during the conduct of 2018/19 public and private WASSCE Examinations. Furthermore, allegations of sexual harassment of girls, changing of grades, production of fake results, and illegal collection of admission fees impact negatively on the educational sector.

⁴ Recommendation[111.179, 111.180, 111.181, 111.182, 111.183, 111.84, 111.185,111.186, 111.187, 111.188, 111.189], UPR, 2016 (Partially implemented)

⁵ GoSL Annual Financial Budget 2019

⁶ MBSSE Annual School Census Report, 2019

⁷ E.G.:In 2018/2019 NPSE, 181 primary schools had zero passes and about 41% pupils failed examination nationwide.

Recommendation: *Government should ensure the full implementation of the FQSE programme and investigate into the poor performance in public examination and examination malpractices.*

3.5 Right to Life: Between 2016 and 2020, actions of security forces in maintaining public order infringed on the enjoyment of this right. In August 2016, two persons lost their lives in Kabala Town as a result of police shooting while protesting against plans to move a proposed Youth Village from Koinadugu District to Tonkolili District. In March 2017, police shot and killed one person during a protest by students of Njala University (Bo Campus) against a strike action by lecturers. In 2018, violent confrontations between youths and SLP were recorded in Daru resulting in the death of one person. One person died during a raid conducted by a combined team of SLP, Military and the Transnational Organised Crime Unit (TOCU) to arrest persons involved in illegal cultivation of cannabis sativa in Mathibo and Massengbeh in the Tonkolili District. In April 2020, 30 inmates and one Correctional Service Officer⁸ lost their lives when security forces intervened to stop a riot at the Male Correctional Centre at Pademba Road in Freetown. In July 2020, six persons in Makeni were shot and died from gunshot wounds when security forces clashed with protesters over the relocation of a standby generator from Makeni to Lungi. HRCSL has repeatedly called on security forces to refrain from using excessive force and live rounds in the discharge of their duties particularly in quelling down protests.

Recommendation: *Law enforcement officers should be regularly trained on the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. GoSL should provide anti riots gears and ensure that law enforcement entities should hold perpetrators accountable for the unlawful and unreasonable use of fire arms.*

3.6 The death penalty: HRCSL notes that there has been no record of executions since 1998 and in December 2019, the Government re-affirmed its commitment to maintain the moratorium on the death penalty. However, the longstanding recommendation by the Truth and Reconciliation Commission (TRC) and HRCSL for the abolition of the death penalty has not been implemented. The courts continue to hand down death sentences for crimes like murder and other felonious offences. By October 2020, there were 83 males on death row. Furthermore, although in 2016, the government accepted the UPR recommendation on death penalty subject to Constitutional review, the review process is yet to be completed after it stalled in 2017. The Second Optional Protocol on the ICCPR has also not been ratified despite several calls by HRCSL.

Recommendation: *Government should take immediate steps to complete the 1991 Constitutional Review process.*

3.7 Freedom of Expression, Assembly and Association: In August 2020, Parliament repealed Part V of the 1965 Public Order Act (POA) that criminalized libel. To further strengthen the Independent Media Commission (IMC), the IMC Act was amended in 2020. However, Section 17(2) of the POA that authorizes the police to grant or not to grant permission to exercise the right of procession remains a challenge.

Recommendation: GoSL should fully implement the IMC Act and amend Section 17 of the 1965 Public Order Act to be consistent with Section 25 of the Constitution of Sierra Leone, 1991.

3.8 Judiciary: In 2017 the terms and conditions of service for judicial service personnel was reviewed to attract and retain professionals in the service. HRCSL noted that resident judges and magistrates were recruited to serve in all districts holding courts sessions to address backlog cases and ensure speedy trial. HRCSL noted the commencement of “Prison Court Sittings” in correctional centres with the aim of improving access to justice and decongesting correctional centres⁹.

3.8.1 In 2020 HRCSL noted the establishment of specialized courts including the Sexual Offences Court, the Anti-Corruption Court and the National Social Security and Insurance Trust (NASSIT) Court to expedite trial of related cases. Notwithstanding, HRCSL noted that delay in trials persists particularly at the High Courts as a result of late processing of indictments.

Recommendations: *HRCSL calls on government to recruit more legal personnel to serve in the Judiciary and in the office of the Director of Public Prosecutions (DPP).*

⁸ Sierra Leone Correctional Services Report (7th July 2020) on the incidence of 29th April, 2020

⁹ Recommendation [111.136, 111.37, 111.38, 111.139, 111.40, 111.43, 111.144, 111.145, 111.146, 111.147, 111.148, 111.149] UPR, 2016 (Partially implemented)

3.9 The Sierra Leone Police: HRCSL received 120 complaints¹⁰ between 2017-2019 against the SLP relating to unlawful detention, arbitrary arrests, ill treatment of suspects and the use of excessive force in maintaining public order. The HRCSL continues to observe that general sanitary conditions in police cells are appalling. Corruption, extortion, arbitrary arrests and detention and other unprofessional practices continue to reflect negatively on the image of the SLP.

Recommendation: *HRCSL calls on GoSL to further strengthen the capacity of the SLP with a view to improving their efficiency, accountability and professionalism and to further improve the sanitary conditions of police cells.*

3.10 The Sierra Leone Correctional Services: HRCSL noted the construction of a Pre-Trial and Simulation Centre at Waterloo to decongest the Freetown Correctional facilities, and recruitment of 982 officers in 2017 to manage the increasing number of inmates and to address security concerns within correctional centres. However, overcrowding, poor sanitation, lack of access to formal education and inadequate logistics to transport inmates to courts remain a challenge¹¹.

3.10.1 HRCSL noted that for x-rays and laboratory tests, inmates referred to government hospitals were requested to pay for such services. This contravenes Rule 24 of the Mandela Rules. HRCSL observed that tuberculosis and HIV/AIDs have also contributed to deaths at the SLCS.

Recommendation: *GoSL should adequately fund the SLCS to deliver on its mandate, speed up the amendment process of the Criminal Procedure Act of 1965 to improve access to justice.*

3.11 Women & Children: In 2019, the Sexual Offences Act 2012 was amended to address the increased rate of rape and other sexual and gender based violence. The amended Act introduced stiff penalties for perpetrators of SGBV. In 2019, the GoSL divided the Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA) into two: Ministry of Gender and Children's Affairs (to effectively and efficiently address issues relating to women and children) and the Ministry of Social Welfare. A Sexual Offences Court was established in 2020 to expedite trial of SGBV cases. In 2020, the MGCA setup a National One Stop Centre to provide psycho-social counseling, free medical and legal support for victims of SGBV and a Help Line to quickly respond to victims of SGBV. However, GoSL is yet to develop a National Action Plan that would address issues of women and children. Similarly, the issue of FGM is still prevalent and GoSL has not yet enacted a law to prohibit the practice¹².

Recommendation: *Government should develop a National Action Plan to address the issues of women and children and enact specific law that prohibit FGM*

3.12 Persons with Disabilities: In 2016, GoSL commenced the implementation of Section 14(1) of the Persons with Disability Act 2011 which provides for free tertiary education for Persons with Disability. However, HRCSL noted that challenges still persist in the implementation as only tuition fees are waived and not composite charges.

3.12.1 GoSL continued its support to special needs institutions. However, inadequate and late disbursements of subsidies, limited access to learning and assistive devices, absence of disability-friendly facilities and inadequate number of specialized teachers, were noted as challenges affecting the smooth operations of these institutions.

Recommendation: *GoSL should ensure that PwDs in all educational institutions are fully catered for, ensure modification of the teaching and learning environment and train and recruit specialized instructors for inclusive education.*

3.13 Business & Human Rights (BHR): HRCSL noted the development of the National Employment Policy 2016, the National Labour Migration Policy 2018 and the Corporate Governance Code 2018 to regulate the operations of businesses and ensure human rights compliance.

3.13.1 HRCSL noted that tensions exist in communities over the operations of businesses as a result of improper application of Free Prior Informed Consent Principles by government and companies, lack of sustainable divestment plans by companies; improper handling of wastes, hazardous chemicals and explosives by companies. Furthermore,

¹⁰ Complaints Analyses: 2017 – 27 (13.6%); 2018 – 31 (17.4 %); 2019 – 62 (19 %); Aggregate of 17.1 % of all complaints received for the past three years]

¹¹ Recommendation [111.136, 111.137, 111.138, 111.139, 111.40, 111.43, 111.144, 111.145, 111.146, 111.147, 111.148, 111.149] UPR, 2016 (Serious challenges remaining despite some efforts)

¹² Recommendation [111.47, 111.62, 111.110, 111.122] UPR, 2016

security arrangements are often viewed in host communities as skewed in favour of corporate interest as against public interest while Labour Unions are considered unaccountable to their members.

Recommendation: GoSL should develop a National Action Plan on BHRs