



# General Assembly

Distr.: General  
22 February 2011

Original: English

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## Human Rights Council

### Sixteenth session

Agenda items 2 and 10

### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

### Technical assistance and capacity-building

## Assistance to Sierra Leone in the field of human rights

### Report of the United Nations High Commissioner for Human Rights\*

#### *Summary*

Sierra Leone has made progress in building its capacity for the promotion and protection of human rights. The enactment of some crucial laws in the fields of women and children rights has improved the legal framework to protect the rights of vulnerable groups. However, customs and traditions perpetuate harmful practices such as female genital mutilation and discrimination against women.

Socio-economic conditions remain extremely challenging. Financial and capacity constraints have limited the ability of the national human rights institutions to comply with their tasks, negatively impacting the administration of justice, and creating room for impunity. The constitutional review process has been delayed and crucial recommendations made by the Truth and Reconciliation Commission, including the abolition of the death penalty and amendment of discriminatory legal provisions, have not been implemented. The Reparations Programme has been affected due to gaps in the financial requirements and lack of political will.

OHCHR has been involved in Sierra Leone since 1998, as part of successive UN missions, including the current United Nations Integrated Peace-building Office in Sierra Leone (UNIPSIL). The Human Rights Section of UNIPSIL has engaged with the Government in promoting legislation to protect human rights and has supported the Human Rights Commission of Sierra Leone and civil society in their efforts to advance human rights in the country. The Human Rights Section has engaged in training and advocacy activities with a wide range of stakeholders and has continuously monitored the human rights situation and provided advice and technical services to authorities.

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\* Late submission.

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## **I. Introduction**

1. This report is submitted pursuant to Human Rights Council decision 2/102, in which the Council requested the United Nations High Commissioner for Human Rights to continue with the fulfilment of her activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies. The Office of the United Nations High Commissioner for Human Rights (OHCHR) had initially interpreted decision 2/102 as extending previous reports of the Commission on Human Rights and providing for an annual reporting cycle. Until recently, this interpretation had been deemed to have received the tacit approval of member States. However, an objection was placed on the record in 2010 in the context of another report which also referred to decision 2/102 as the basis for its annual reporting. OHCHR has thus reviewed the said decision, and concluded that the Human Rights Council sought to fill a technical gap by ensuring that reports which were deemed to have been submitted to the sixty-second session of the Human Rights Commission would be extended by one year and transferred to the subsequent substantive session of the Human Rights Council. With this transition period over and an objection now on record with regard to the initial interpretation of annual reporting cycles, if the Human Rights Council wishes such reporting to be continued, a new Human Rights Council resolution or decision on the matter should be tabled.

2. In 2010, the Human Rights Section of the United Nations Integrated Peace-building Office in Sierra Leone (UNIPSIL) continued its engagement in implementing the human rights mandate of Security Council resolution 1829 (2008) and the subsequent extension under resolutions 1886 (2009) and 1941 (2010) which extended UNIPSIL's mandate until 15 September 2011. The mandate emphasizes UNIPSIL's role in providing assistance to the Government by promoting the rule of law and human rights, including more specifically, support to the National Human Rights Commission.

3. The human rights situation in Sierra Leone has improved since the original resolutions were adopted by the Commission on Human Rights. National elections in 2002 and 2007, and local Government elections in 2004 were peaceful and democratic, as was the transfer of power from one elected Government to another in September 2007. The Truth and Reconciliation Commission (TRC) issued its final report in 2004, and some of its recommendations are being implemented. There has been a comprehensive reform of national security institutions, such as the Sierra Leone Police, the Armed Forces and the Office of National Security, and the creation of democratic institutions such as the National Electoral Commission, the Political Parties Registration Commission, the Human Rights Commission Sierra Leone (HRCSL) and the Anti Corruption Commission. While Sierra Leone continues to register a consistent trend towards respect for civil and political rights, many challenges still remain, and the Human Rights Section will continue to provide support to state institutions and all relevant stakeholders to address these challenges.

## **II. Human rights situation in Sierra Leone**

4. There has been progress in the advancement of human rights legislation on disability and freedom of information. At the time of writing this report, a Disability Bill and a Freedom of Information Bill were at advanced stages for enactment by Parliament. There have also been positive developments in relation to policy formulation as the Ministry of Social Welfare, Gender and Children's Affairs developed a National Gender Strategic Plan (NGSP) in June 2010, and the President has launched a National Action Plan based on United Nations Security Council resolutions 1325 (2000) and 1820 (2008). The NGSP aims

at empowering women in all fields, including educational, economic, and political sectors, while the National Action Plan focuses on the participation, protection and promotion of women in all areas pertaining to peace and security. Discussions are already underway between HRCSL, civil society and the Ministry of Justice to develop a national human rights plan of action.

5. However, the report submitted by the Constitutional Reform Commission in 2008 has not received any attention by the Government, and no progress has been made with the review of the Constitution, one of the key recommendations of the Truth and Reconciliation Commission.

### **III. Equality and non-discrimination**

6. Some provisions of the Constitution affecting women, including Section 27(4)(d) and (e), have encouraged discriminatory practices with respect to adoption, marriage, divorce, burial, devolution of property on death, and other personal law issues, thus limiting the general principle of non-discrimination, and compromising the implementation of the three “gender” laws enacted in 2007, which have attempted to promote equal rights in areas of property, adoption, marriage and divorce.

7. Similarly, members of the Lebanese and other Caucasian communities born in Sierra Leone continue to raise serious concerns about the denial of Sierra Leonean citizenship to them as Section 2(b) of the Sierra Leone Citizenship Act (1973) states that only persons whose father is “of Negro African descent” can qualify for Sierra Leone citizenship by birth or naturalization. Sierra Leone has ratified the Convention on the Elimination of all Forms of Racial Discrimination.

8. Though Sierra Leone has ratified the Convention on the Rights of Persons with Disabilities, disabled persons have also been the target of inequality and discrimination. This is further compounded by social stereotyping, as they are mostly regarded as beggars and people deserving favours, and not as holders of the right to equal access to social services. In an effort to address this situation, a Disability Bill, currently in the final stages of enactment by parliament, provides for fundamental improvements in relation to the welfare of disabled persons, including free access to education, health care and criminalization of discriminatory practices against disabled persons.

9. Women constitute 51 per cent of the population, but are underrepresented in the Government (two Cabinet Ministers and four deputies). Out of a total of 124 members, only 17 women sit in Parliament, which is below the 30 per cent quota recommended by the TRC. Traditional practices further compound this situation by forbidding women from holding traditional Paramount Chieftaincy positions in the entire Northern Province and in the Kono district in the east. However, in December 2010, a female candidate participated for the first time in the election to a Paramount Chieftaincy after the High Court ruled that her candidature should be admitted. On another positive note, the by-election for the District Council Chair in Kono was won by a female contestant, who became the first and only female District Council Chairperson in the country.

#### **A. Civil and political rights**

##### **1. Right to life and physical integrity**

10. Sierra Leone has maintained a de facto moratorium on the death penalty for the last 10 years. However, the moratorium has only put a stay on executions and not disallowed the pronouncement of death sentences, despite the TRC’s recommendation to expunge the

death penalty from the statute books. A total of 16 prisoners, including 4 women, are currently sentenced to death.

11. Ritual murder continues to be a major concern to the enjoyment of the right to life in Sierra Leone, and the lack of systematic investigation and prosecution of such cases is an issue. In many of these cases, perpetrators enjoy impunity. The culture of silence and secrecy among residents of the communities in which such crimes occur is also an obstacle to effective investigation.

12. There have also been incidents of assault by security authorities during the reporting period. In February 2010, it was alleged that security forces assaulted employees of Bo-Kenema Power Station. Police sources confirmed the assault and stated that some youths of the ruling APC Party in the area were involved in the incident. The Human Rights Commission recommended that the Government conduct a thorough investigation, but none was ever carried out. In March 2010, residents of the adjoining settlement at Benguema Training Center complained that a group of soldiers had assaulted them and that their houses had been burned and demolished.

13. Metropolitan police also came under criticism over the manner in which they conducted tax collection exercises in Freetown, which included harassing people who could not produce receipts of payment of local taxes, and indiscriminately stopping taxis and other vehicles to check whether they had paid the taxes.

14. The Registration of Customary Marriages and Divorce Act (2007) sets the legal age for marriage at 18 and requires the consent of both parties. It empowers both spouses to acquire property, and states that gifts, payments, or dowries are non-refundable. Furthermore, the Devolution of Estates Act (2007) requires property to be equally distributed between a deceased's spouse and children, and criminalizes expulsion of widows from their homes after the death of their husbands. However, marriage is an area where gender discrimination is still widespread, especially in rural areas.

## **2. Violence against women and harmful traditional practices**

15. Female genital mutilation (FGM) is a very sensitive cultural issue in Sierra Leone as it is considered part of the initiation of the "rite of passage" from childhood to adulthood. The practice is central to the processes involved in becoming a member of many secret societies and constitutes a major source of livelihood for the initiators. Campaigns to discourage the practice have not always been well received by law enforcement officials and politicians alike. There is no law prohibiting FGM in Sierra Leone, although the Child Act (2007) prohibits cruel practices on children.

16. The national consultative dialogues held by the local authorities with 266 *sowies* (circumcisers) in November and December 2010 has led to a positive change in the attitudes of the *sowies* in some districts. In fact, the *sowies* in one district contacted the human rights actors to ask them to go and certify that all initiates were above 18 years. Nonetheless, the practice continues with widespread and systematic conscription of young girls, and there have been reports of girls being forcefully subjected to FGM, which has had various consequences, including fatalities.

17. Although the Child Rights Act (2007) prohibits early marriage, cases of forced and early marriages have been registered. In June 2010, a 14 year-old girl was forced by her parents to marry a diamond dealer in Zimmi Makpele Chiefdom, Pujehun district. Similarly, a 15 year-old girl in Joru, Kenema district was forced into marrying a 45 year-old man, and apparently dropped out of school after her parents received a bride price on her behalf. Both marriages were annulled following intervention by UNIPSIL Human Rights Section and the Human Rights Commission.

18. Harmful traditional practices have continued to perpetuate inequality of and discrimination towards women. The Human Rights Section of UNIPSIL together with the national human rights commission have intervened with the local authorities in cases brought to its attention, and discriminatory decisions in relation to inheritance and forced and early marriage have been reversed on the basis of the existing legal framework. Nonetheless, the persistence of FGM and violence against women remain a challenge.

### **3. Right to liberty/prison conditions**

19. Arbitrary arrest and detention by police officers continued to occur in many parts of the country. During monitoring visits to police cells by the Human Rights Section UNIPSIL, it was found that on many occasions, suspects had been detained for minor offences beyond the constitutionally stipulated period of 72 hours. Indiscriminate arrest and detention by police were observed during peaceful demonstrations. In November 2010, some fifty people were indiscriminately arrested and detained after a community rose up against a mining company in Tonkolili district. They were detained in unhygienic police cells for more than a week without being charged.

20. In 2008/2009, the United Nations Peace-Building Fund (PBF) provided assistance to the Sierra Leone Prison Department, enabling improvements to infrastructure, and the purchase of beds, mattresses and vehicles. However, prison facilities continue to face problems of overcrowding, lack of water, and health and sanitation facilities. The prisons also lack adequate recreational and educational facilities, which makes the rehabilitation of convicts a major challenge. The Pademba prison in Freetown, for example, was intended to house 325 prisoners, but currently houses more than 1,000 inmates. On a positive note, in November 2010, all female detainees at the Pademba prison were relocated to the detention premises of the Special Court for Sierra Leone (SCSL), which previously hosted only SCSL detainees, and which was handed over to the Sierra Leone Prison Service in November 2009.

### **4. Access to justice**

21. Enormous progress was made during the reporting period in the judicial sector in terms of improvement to infrastructure, and the appointment of more magistrates and judges to the bench. The justice system has gained more independence, and overt political interference into the administration of justice has been mitigated. Development partners, including the UK's Department for International Development (DFID) and the United Nations Development Programme (UNDP), have been providing financial support to these processes. Notwithstanding, there are still challenges: the judicial system is critically under-resourced and understaffed, which has resulted in undue delays especially, with criminal proceedings. For close to 6 million residents, Sierra Leone has only 14 judges, 15 magistrates and 7 public prosecutors.

22. Some districts (for example Bonthe) have been without a resident magistrate for a long time. The remuneration for judges and magistrates is still not attractive enough to attract young and energetic legal practitioners to the bench. The insufficient number of public prosecutors has led to the use of police prosecutors in an effort to compensate. However, despite numerous training sessions by international partners, knowledge retention among police prosecutors remains low due to the high frequency of personnel transfers. The technical capacity of justice actors also undermines human rights protection. During interaction with the judiciary, the need for more training in emerging legal areas, such as transnational crimes, as well as longstanding areas of concern, such as juvenile and gender justice, was highlighted. These shortfalls have affected the efficiency of the administration of justice and contributed, in part, to the backlog of criminal and civil cases.

23. Access to the formal justice system is limited, especially in rural areas where a large part of the population resorts to Sierra Leone's 302 local courts and the traditional justice system. Local courts apply customary law and operate under the Ministry of Internal Affairs and Local Government. Currently, there are only 3 customary law officers charged with reviewing all local court decisions to ensure that there have been no errors in law or miscarriages of justice. This situation is made even more serious by the inadequate infrastructure, such as a shortage of court houses, dilapidated court premises, and the absence of a court database system to ensure vital case tracking.

24. Local court staff are also in crucial need of ongoing training. The independence of local court chairpersons to decide matters put before them impartially – without restriction, improper influence, inducements or pressure – has been questioned as the lack of tenure security is perceived as affecting decision making. There are also concerns that paramount chiefs, tribal heads and other traditional leaders continue to adjudicate in courts which do not meet the basic principles on independence of the judiciary nor observe due process guarantees. In addition, customary laws discriminate against women and undermine their general empowerment and access to justice, especially in rural communities. The codification of laws used by local courts, as well as their jurisdiction needs to be addressed and determined.

25. In the area of juvenile justice, challenges remain despite the enactment of the Child Rights Act (2007). There is only one Juvenile Court in the country, which is based in Freetown. In the whole country, there are just two remand homes and one approved school.<sup>1</sup> Juveniles frequently share prison cells with adults.

## **5. Freedom of thought, conscience and religion**

26. A high level of religious tolerance has been enjoyed at the national level between Muslims, who constitute about 55 per cent of the population, and Christians. Christian and Muslim leaders meet regularly as an Inter-religious Council and use this forum for promoting religious tolerance and peace. Official meetings and events normally commence by a recital of Muslim and Christian prayers.

## **6. Human rights defenders and freedom of expression**

27. There have been a number of incidents in which human rights defenders have been intimidated and harassed. The Chairs of the District Human Rights Committees in a number of districts were targeted. One chairman was detained by the Police and threatened with prosecution for treason for leading a peaceful protest in front of the President's residence to draw the President's attention to the increasing number of incidents of sexual and gender-based violence in the district. Another municipality banned the Chairman of the District Human Rights Committee from holding any public office in the district, because his practice of consistently raising human rights issues was not welcome. A Paramount Chief was reported to have humiliated and intimidated a human rights defender for sensitizing residents against forced labour, which the Chief was allegedly imposing on youths in his chiefdom.

28. Citizens of Sierra Leone generally enjoy the right of freedom of expression and information. Sierra Leone Broadcasting Cooperation, an independent broadcasting body, was officially launched by the Secretary-General in June 2010. In September 2010, the

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<sup>1</sup> Remand homes are facilities that accommodate juveniles on trial. If convicted, juveniles serve their sentence in approved schools..

establishment of two new independent radio stations contributed to increased access to information.

29. Restrictions resulting from the application of a Seditious Libel Law (1965) limit the full enjoyment of the rights of freedom of expression and information. The seditious or criminal libel offence is widely used to intimidate journalists by taking them to court, even though magistrates have, in the past, mostly dismissed such cases. In February 2010, a journalist was acquitted of six counts of criminal libel and awarded compensation by the magistrate, while in another district, the court dismissed a case involving the editor of *Awareness Times* who had been charged with committing seditious libel against the President of the country.

30. There have also been instances whereby journalists have suffered other forms of intimidation. In May 2010, the President of the Sierra Leone Association of Journalists (SLAJ) alleged that he had received a death threat as a result of a report which he had sent to the British Broadcasting Corporation about the former Minister of Marine Resources, who was standing trial for corruption-related offences. In December 2010, four journalists were arrested in Freetown, allegedly on the instruction of the Minister of Land. The journalists claimed that they had been investigating a case of fraud involving the Ministry. They were later released on bail.

31. The Sierra Leone Association of Journalists led the advocacy for the enactment of a Freedom of Information bill. At the time of writing this report, the bill had been approved by the Cabinet, discussed in Parliament, and was currently at the Legislative Committee for further consideration. If adopted, Sierra Leone will be the second West African country to have a freedom of information law, which will enhance accountability and transparency among public officials.

## **7. Right to peaceful assembly and freedom of association**

32. An active multi-party democracy has evolved since the end of the civil war, evidenced by two rounds of largely free, fair and credible elections for President, Parliament and Local Councils, with high voter turnout. A policy of political decentralization with direct elections of local councils and ward representatives, combined with devolution of public service delivery, is a welcome development.

33. However political tension, in particular between the governing All Peoples' Congress (APC) and the major opposition party, Sierra Leone Peoples' Party (SLPP), has broken out on several occasions and the relationship between the two major political parties could intensify especially as the 2012 elections approach. Incidents of political violence, as witnessed during the local council by-election in Kenema in February 2010, and the parliamentary by-elections in Pujehun in May 2010, underscored the fragility of the situation. In late November/early December 2010, the run up to the by-elections in Kono District was marked by some worrying incidents, including supporters from each party throwing stones and human faeces at each other, beatings and damage to property. Allegations of voter intimidation in a few chiefdoms have also been reported. Despite these incidents, the elections were peaceful, free and fair, although they highlighted the need to enhance voter education, ensure cancellation of invalid votes. and ensure the full enjoyment of the right to vote.

34. Paramount Chieftaincy elections in 2010 were also surrounded by some tension, and pre- and post-election violence has had a negative impact on the right to property, physical integrity and security of the person. Violence erupted in one election following allegations that a supporter of one of the candidates was bribing tribal authorities to influence their votes.

## **B. Economic, social and cultural rights**

35. In 2009, the Government of Sierra Leone formulated its second Poverty Reduction Strategy Paper (PRSP), called the “Agenda for Change”. While broad-based economic growth is the main goal of this four-year strategy, the rule of law, human rights, peace and security are considered as essential pre-requisites for poverty reduction in the strategy. The United Nations family in Sierra Leone adopted a Joint Vision with 21 programmes aimed at supporting the Government’s Agenda for Change<sup>2</sup> which is now in implementation.

### **1. Right to work**

36. The population employment ratio has remained constant at 40 to 45 per cent since 2004. The labour market has not been able to absorb the supply of labour for several reasons, including lack of access to finance and poor infrastructure, but also lack of critical skills in the existing labour force, including lack of general or specific education. In the short term, the Government is responding to youth unemployment through semi-capital programmes, known as “cash for work”. In the medium to long term, key interventions will be required in investment in infrastructure, skills and growth areas as highlighted in the Government’s Agenda for Change. The recently established Youth Commission and the National Youth Secretariat will provide the institutional framework for coordination and oversight of youth-related interventions, which are supported by country programmes of FAO, UNDP, WFP, the World Bank and GTZ. The achievement of full and productive employment and decent work for all, including women and young people, hinges on accelerating growth and investment in areas such as agriculture, improving the quality and access to essential rural social services, promoting rural employment and industry, and strengthening the capacity for monitoring and evaluating the country’s employment situation.

### **2. Adequate standard of living**

37. The level of poverty in Sierra Leone is still very high. Absolute poverty had fallen from around 70 per cent, after the war, to around 60 per cent by 2007. Although the malnutrition ratio fell from 31 per cent in 2005 to 21 per cent in 2008, progress towards reducing the proportion of people suffering from hunger by half in 2015 is still a daunting challenge. However, current and expected growth in agriculture (subsistence as well as commercial), and recent inflow of private sector investments in the mining and agribusiness sectors are expected to improve livelihoods and boost food acquisition.

38. Inflation is forecast to increase from 11 per cent in 2009 to 14 per cent in 2010, due to the weak currency and rising global oil prices. Food prices have increased as nearly 40 per cent of Sierra Leone’s food needs are fulfilled through importation. Real GDP growth is expected to pick up after a dip in 2009, with a rise to 5.2 per cent in 2010, and 6 per cent in 2011, as the global economy improves. This should boost prices for exports and drive greater foreign investment in mining projects.

### **3. Right to health**

39. Progress in promoting the right to health has been noted. Within the framework of the National Health Strategy that was launched in November 2009, a Free Health Care (FHC) scheme was introduced for under-fives, pregnant and lactating mothers on 27 April

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<sup>2</sup> The Agenda for Change is the strategy document unveiled by the Government of Sierra Leone in 2007 outlining the priority areas which it felt would lead to economic transformation and allow for broad-based economic growth, which is the primary route out of poverty.

2010. The introduction of the FHC program in April 2010 has led to a steady increase in the number of individuals accessing free health care. However, constraints remain and a number of maternal mortalities have been reported at the Makeni Government Referral Hospital, including 12 deaths in September and October 2010 alone. The causes included the absence of a gynecologist and midwives in the hospital, lack of commitment among the nurses and patients, and delays in getting access to hospitals.

40. In November 2010, the President launched “Mami en Pikin Wel Bodi Week” (mother and child health week), during which free medication was administered to children nationwide and 3.2 million bed nets were distributed for free to every household in the country, with a view to reducing the high rate of malaria among children, pregnant and lactating mothers. Efforts were made by the Government and its partners to combat yellow fever, bird flu, elephantiasis and polio by providing free vaccines and treatment to the public. On another positive note, the National AIDS Secretariat stated that the HIV/AIDS transmission rate has been lowered by 25 per cent in Sierra Leone, although out of 48,000 individuals living with HIV/AIDS, only 10,000 were on anti-retro viral treatment.

41. However, enhancement of the right to health continues to be undermined by the lack of access to clean water and the shortage of medical practitioners, drugs and equipment. Expired and sub-standard drugs also adversely affected the right to health; on a few occasions, the Sierra Leone Pharmacy Board confiscated and destroyed a quantity of such drugs.

#### **4. Right to education**

42. The education sector in Sierra Leone is undergoing reform in a bid to improve the quality of education, and meet the Millennium Development Goals. Following the poor performance of pupils in public examinations in 2008, the Government set up the Gbamanja Commission to investigate the causes, and submit recommendations. The reform measures contained in the Government’s White Paper on the Commission’s report, which was presented to the President in March 2010, include, inter alia, a compulsory early childhood component, extension of senior secondary school by one year, free and compulsory primary education in both policy and practice, phasing out of the two shift system, review of the conditions of service for teachers. The Government accepted various recommendations put forward by the Commission, such as the extension of contact hours in schools and criminalizing the practice of illegally accepting pupils who do not meet the pass mark set for public exams. The 2004 Education Policy is also under revision with the aim, inter alia, of improving access to, and the quality of, education, as well as retention and completion of school for the girls.

43. In December 2010, Parliament enacted the Sierra Leone Teaching Service Commission Act (2010) aimed at improving the quality of service provided in educational institutions, with provisions for the establishment of a Teaching Commission to be responsible for the recruitment, development, training and management of teachers in the country. Overall, it is expected to make the teaching profession more attractive for graduates, and improve service delivery in the educational sector. Furthermore, in an effort to improve school attendance by girls in rural areas, the Government has put in place a policy that provides free junior secondary education, uniforms and school materials to girls in the eastern and northern regions.

#### **C. Interaction with international human rights mechanisms**

44. Interaction with international human rights mechanisms improved in 2010, although a number of reports are overdue, notably to CERD (4th report overdue since 1976), CCPR

(1st report overdue since 1997), CESC (1st report overdue since 1998), CAT (1st report overdue since 2002), and CEDAW (6th report overdue since 2009).

45. The Human Rights Secretariat within the Ministry of Foreign Affairs is in charge of coordinating all reporting obligations to international treaty bodies. This was established with the technical advice and support of the Human Rights Section of UNIPSIL. The government has also established an Inter-ministerial Council to serve as an oversight body.

46. In June 2010, a National Consultative Workshop organized by the Ministry of Foreign Affairs and International Cooperation, with technical assistance from UNIPSIL and OHCHR, validated the common core document. Representatives from the Government, HRCSL, civil society organizations (CSOs), and local and international NGOs, faith-based organizations, and members of the fourth estate were present. The document is presently awaiting adoption by the Inter-ministerial Council.

47. In August 2010, the President of Sierra Leone formally launched the Government's engagement in the Universal Periodic Review (UPR) process as the country is scheduled for review in May 2011. The Human Rights Secretariat of the Government conducted nationwide consultations with all relevant stakeholders for the UPR country report. CSOs and NGOs have also been strongly encouraged to fully participate in the key steps of the UPR process, and UNIPSIL/OHCHR has assisted the Human Rights Commission with coordinating the stakeholders' submission for the UPR. In August 2010, HRCSL, with support from UNIPSIL and OHCHR, organized three regional workshops with CSOs from all districts, followed by a National Consultative Workshop in September 2010. The civil society organizations presented their submissions to the UPR in November 2010.

## **D. Transitional justice mechanisms**

48. Attempts to move towards fully implementing the recommendations of the Truth and Reconciliation Commission (TRC) have been obstructed by both a lack of political will and serious funding gaps. Six years after the publication of the TRC report, several key recommendations in the area of human rights have not yet been implemented, including separation of the Offices of the Attorney General and that of the Minister of Justice, setting up of the TRC follow-up committee, abolition of the death penalty, decriminalization of libel, Constitutional review and repeal of discriminatory provisions against women.

49. In addition, the Sierra Leone Reparations Programme (SLRP), established in 2008 to benefit amputees, victims of sexual violence, civilian war widows, severely wounded and child war victims, has delivered only partial benefits to 20,000 of the 32,000 registered victims and conducted symbolic reparation events at the community level. The Government of Sierra Leone also established the national Trust Fund for Victims to contribute to sustaining the Programme by financing emergency medical treatment for victims with life-threatening ailments. Additional grants have been received by UNIFEM (1 million USD for microcredit activities for victims of sexual violence) and the German Government, but there is a dire need for further support from the international community. Failure to continue the reparations entails the risk of fuelling anger, as the victims' fate is in contrast to that of former combatants (apparent perpetrators) who have received financial assistance and training as part of demobilization and reintegration programmes.

50. The trial of former Liberian President, Charles Taylor, for crimes allegedly committed in Sierra Leone, is at an advanced stage at the Special Court. After completion of the defence case and the prosecution rebuttal case, the Trial Chamber will render a judgment on the merits, which is expected to be delivered in June 2011. A sentencing judgment, if applicable, will be delivered 6 to 8 weeks later, followed by the appeal proceedings. The United Nations and the Government of Sierra Leone have also reached a

new agreement on the setting up of a Residual Special Court to facilitate the transition from the Special Court to the residual mechanism upon closure. The Residual Special Court will be mandated to try the only remaining indictee at large, Johnny Paul Koroma, if the case is not transferred to national jurisdiction, preserve and manage the archives, provide protection and support to witnesses and victims, respond to requests for access to evidence by national prosecution authorities, supervise enforcement of sentences, review convictions and acquittals; conduct contempt-of-court proceedings, provide defence counsels and legal aid for the conduct of proceedings before the Residual Special Court, respond to requests from national authorities with respect to claims for compensation, and prevent double jeopardy.

51. The United Nations Peace-building Fund has secured seed money in the amount of 195,000 dollars to assist the Government in establishing a Peace Museum within the complex of the Special Court. The project has three components: archiving of transitional justice-related documents, building of a monument dedicated to war victims, and building a museum that reflects on sufferings during the war, and the process underway towards achieving lasting peace in the country.

52. In retrospect, a better balance between retributive justice and efforts to strengthen existing structures in areas such as the administration of justice and reparations may have contributed to more effective results in developing the country's capacity to promote and protect human rights. Therefore, it may be timely to open discussion on how to ensure the best impact of transitional justice mechanisms on human rights and institutional capacity building. Conclusions from this debate may then be applied to other post-conflict situations.

53. In May 2010, the Government proposed to set up an inquest into the execution of 29 individuals which took place in December 1992 under the regime of the National Provisional Ruling Council (NPRC). While the Government maintains that the inquest is not politically motivated, but rather aims to fight impunity, prominent members of Sierra Leone People's Party stated that it was designed to target its leading members, including some potential presidential candidates for the 2012 elections. They argue that it would be contrary to the Lomé Peace Agreement of 1999 which grants amnesty and pardon for offences committed during the civil war. Furthermore, HRCSL stated that the investigation is unnecessary because the Truth and Reconciliation Commission has extensively reviewed the circumstances of those executions. At the time of writing this report, there had been no further move on the part of the Government on the issue.

## **IV. Human rights activities of the Human Rights Section**

54. Monitoring, capacity building, technical assistance, financial support, training and sensitization activities have been conducted with partners and stakeholders. The Section also provided logistical support such as hiring of office space, communications, including means of transport, and furniture to district human rights committees. Advocacy and sensitization activities were conducted, including radio programmes, activities with pupils in schools, workshops, support to partners in celebrating human rights days, and direct engagement with a number of institutions.

### **A. Human rights monitoring**

55. The Human Rights Section of UNIPSIL continued monitoring incidents of human rights violation and conducted periodic monitoring of Court proceedings, as well as inspections of prisons and police cells. The issues identified in the monitoring exercises were discussed with Government authorities at the local, regional and central levels with

the aim of engaging relevant authorities in addressing human rights issues. Regular district and regional security meetings constituted important forums for discussing those issues. The Section also conducted joint monitoring with district human rights committees and the Human Rights Commission, aimed at building national capacity for human rights monitoring.

## **B. Capacity-building and technical assistance**

56. Training was conducted for nearly 600 law enforcement personnel, and a curriculum on human rights and gender was developed for the training of security forces. Similarly, 280 members of district committees, as well as another 275 beneficiaries from the civil society were trained on human rights. Seventeen sensitization activities on the Convention on the Rights of the Child were carried out in schools for more than 6,000 pupils, and engagement with 250 traditional women leaders on FGM and gender violence had a significant impact in changing their attitude towards FGM. Technical assistance was provided to the Human Rights Commission of Sierra Leone, Parliamentary Committee on Human Rights, and Human Rights Secretariat at the Ministry of Foreign Affairs.

## **C. Partnerships with national actors and United Nations agencies**

57. Bilateral partnerships with State and non-State actors, including the Human Rights Secretariat at the Ministry of Foreign Affairs, Human Rights Commission of Sierra Leone, Parliamentary Human Rights Committee, Office of the Ombudsman, Ministry of Social Welfare, Gender and Children's Affairs, Police and other law enforcement institutions was enhanced. A draft memorandum of understanding has been finalized with the Human Rights Commission to provide technical support for establishing a human rights monitoring directorate within the Commission, developing monitoring tools, and training staff on human rights monitoring. District Human Rights Committees, comprising coalitions of civil society organizations in all 14 districts in the country, also formed an integral part of the Section's bilateral partnerships. The Section played an observer role in District and Provincial Security Committee meetings.

58. The Human Rights Section played a major role in implementing programme 2, "Access to justice & human rights," under the United Nations Joint Vision, together with UNDP, UNICEF & IOM. Outside of the United Nations, the Human Rights Section co-chairs with the Human Rights Commission, regular meetings of the Human Rights Working Group established in 2010. The Working Group brings together UN actors, donors, embassies, national institutions, international NGOs and CSOs for the purposes of discussing priorities, identifying gaps, ensuring coordination, and mobilizing resources among others.

## **V. Challenges**

59. Sierra Leone has made progress in building its capacity for promoting and protecting human rights. Ratification of the Convention on the Rights of Persons with Disabilities and domestication of some crucial laws in the field of children and women's rights have improved the legal framework to protect the rights of vulnerable categories. The establishment of the Human Rights Commission of Sierra Leone and other institutions in charge of human rights is contributing to equipping the State with an institutional structure to better cope with international human rights obligations. The Government's efforts in tackling poverty and improving the socio-economic condition of the population through the

Agenda for Change, and strategies adopted to address the challenges in the areas of health and education are some of the positive developments.

60. However, the level of poverty in Sierra Leone is very high, and the effective implementation of the poverty reduction strategy depends on the mobilization of resources by the Government, as well as on the support of international partners. The Human Rights Commission of Sierra Leone and other human rights institutions are facing enormous financial constraints which limit their capacity to comply with their tasks. Customs and traditions continue to bar full implementation of the laws intended to advance the protection of children and women, and harmful traditional practices, including FGM and gender discrimination, are still widespread. The low rate of prosecution, out of court settlements and interference by traditional leaders in judicial matters continue to undermine the judicial process, thus creating room for impunity, particularly regarding sexual and gender-based violence. The three gender acts enacted to address the rights of women, including the Domestic Violence Act, have not been fully implemented.

61. The law reform process, including the Constitutional review process, is making little progress. The reparations programme, including crucial recommendations made by the Truth and Reconciliation Commission, are yet to be implemented. The removal of the death penalty and the amendment of some blatantly discriminatory provisions in the Constitution are issues yet to be addressed, together with other existing obstacles to the full enjoyment of civil rights, such as the seditious libel provision. There has been slow progress in domesticating the international human rights instruments which have been ratified, and in fulfilling treaty reporting obligations.

## **VI. Recommendations**

62. **The Government of Sierra Leone should:**

- **ensure adequate support to the Human Rights Commission to enable it to fully exercise its functions;**
- **enhance the capacity of the Human Rights Secretariat within the Ministry for Foreign Affairs through the appointment of a trained and permanent Coordinator, and the provision of an adequate budgetary allocation;**
- **ensure support to, and enhance the capacity of, the Human Rights Committee in Parliament, whose role is key to ensuring the enactment of human rights-related bills;**
- **ensure the full and timely implementation of crucial recommendations in the TRC report, including:**
  - **setting up the TRC follow-up Committee;**
  - **completing the Constitutional review process, including repealing discriminatory provisions contained therein, and abolishing the death penalty;**
  - **separating the Offices of the Attorney General and that of the Minister of Justice;**
  - **completing the Reparation Programme and the delivery of benefits to war victims;**
  - **decriminalizing libel;**

- **implement the recommendations of the National Human Rights Commission which were advanced in its reports on the state of human rights;**
- **take all appropriate measures, including legislative and policy, with a view to eliminating harmful traditional practices;**
- **strengthen judicial structures, and provide adequate resources to enable the judiciary to perform its functions properly.**

63. **The international community should:**

- **support the Government of Sierra Leone in the fulfillment of the recommendations presented above;**
  - **provide adequate financial support to human rights-related actions to ensure that the Government of Sierra Leone comply with its human rights obligations;**
  - **ensure adequate financial support to assist the Government of Sierra Leone in completing the Reparations Programme and the delivery of benefits to all war victims;**
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