

HUMAN RIGHTS COMMISSION OF SIERRA LEONE (HRCSL)



BUSINESS AND HUMAN RIGHTS IN SIERRA LEONE

GREETINGS

The Human Rights Commission sends Greetings to you members at the UN Forum on Business and Human.

We could not attend as a Commission because we did not receive the invitation.

We are however happy that we have this opportunity to share out views, thoughts And work around Business and Human Rights.



MANDATE OF THE HUMAN RIGHTS COMMISSION OF SIERRA LEONE

The Human Rights Commission of Sierra Leone (HRCSL) was established by an Act of Parliament (Act No. 9) of 2004. Its mandate is promoting and protecting human rights in the country through investigations,

- ▶ **public education, monitoring, advising government, reviewing draft & existing legislation and producing an annual state of human rights report to President, Parliament & the public.**



WHY ARE WE INTERESTED IN BHR

- ▶ An analysis of complaints received since the Commission started operations in 2007 revealed that a significant number were allegations against businesses and their operations some of which were systemic and affected large groups within communities.



- ▶ **These complaints emerged mainly from individuals in host communities affected by large scale land acquisition by multi-national companies for mining or agriculture as well as labour related grievances from workers in both multinational companies and other businesses.**



- ▶ **The Commission also received complaints from individuals who were also affected by Government supported infrastructural development.**
- ▶ **The complaints related to large scale land acquisition without proper consultations and compensation, environmental degradation, displacement, loss of livelihood, food security issues,**



- ▶ and that attempts to resolve issues by communities are resisted by Paramount Chiefs and the Companies resulting in escalation of conflict, arbitrary arrests and other forms of persecution.



- ▶ **In 2007, 2011 and 2012, police response to protest by aggrieved workers and host communities In two mining communities led to the death of a total of 5 unarmed civilians from gunshot wounds and many injured.**



- ▶ **The Commission therefore welcomed the Protect, Respect and Remedy Framework and the U.N. Guiding Principles endorsement by the Human Rights Council in 2011.**
- ▶ **In that same year, supported by GIZ and Danish Institute for Human Rights, Commissioners and staff of the Commission were trained on the Guiding Principles.**



- ▶ **It is an additional but most important tool the Commission uses to engage both government and businesses on their human rights obligations to prevent and address violation and abuses in the business sector.**



- ▶ **In 2011 during the Universal Periodic Review of Sierra Leone by the Human Rights Council the Commission's submission to the Council called on the government to implement the U.N. Guiding Principles on Business and Human Rights.**



BUSINESS AND HUMAN RIGHTS BENEFITS

- ▶ **Businesses can promote human rights when they fulfill their corporate responsibility to respect human rights.**



- ▶ **Some of the economic and social benefits they can bring include employment, increase capacity of employees, wealth creation, provision of goods and services, taxes for government, philanthropic activities, infrastructure development , public private partnerships, connectivity to the world .**



WHY WAS THE GUIDELINES DEVELOPED

- ▶ With increasing large-scale investment in Sierra Leone, there has been an upsurge in reported incidences of human rights abuses & complaints.



- ▶ **Investors are in an environment where many of the regulatory mechanisms that should ensure that businesses operate in a proper and accountable manner, conducive to respect for human rights are weak.**



- ▶ **Businesses activities do affect human rights through labour exploitation, discriminatory employment practices, corruption, environmental pollution, unlawful acquisition of land, and forced eviction of communities from their lands and related negative consequences.**



- ▶ **Protests and demonstrations by communities and workers have led to conflicts and instability and police responses have led to deaths, injuries, damage to property and increase in complaints.**



- ▶ **These negative consequences gradually erodes confidence and trust in the police and government's ability to govern & protect rights.**



- ▶ **There is therefore a need for both government and businesses to take steps to prevent human rights violations and abuses and to remediate them when they occur as provided in the protect, respect and remedy framework in the U.N. Guiding Principles.**



OBJECTIVES OF THE GUIDELINES ON BUSINESS AND HUMAN RIGHTS

- ▶ **The Guidelines was developed in partnership with Irish Human Rights Commission and the Danish Institute for Human Rights to provide the Human Rights Commission of Sierra Leone with a clear**



- ▶ **and consistent platform for monitoring the operations of business enterprises in Sierra Leone, and their respect for human rights standards, in line with its statutory mandate.**



- ▶ **It is a tool to raise awareness around business and human rights and to prevent related human rights abuses.**
- ▶ **It will also support other organisations, including businesses, government, civil society and trade unions, in understanding and contributing to the achievement of full respect for human rights in the business context.**

- ▶ **It is a monitoring tool that is to be used by HRCSL and other institutions organizations in assessing human rights compliance by government, businesses, identifying and addressing gaps to promote human rights in business.**



- ▶ **The Guidelines are based on the following:**
- ▶ **The laws of Sierra Leone and international human rights instruments that Sierra Leone has signed**
- ▶ **The UN Guiding Principles on Business and Human Rights (United Nations Human Rights Council Resolution 17/4) and other relevant international standards**

- ▶ **Policies and other voluntary guidelines that the Sierra Leone Government and companies have signed and endorsed.**



- ▶ **To inform the development of the Guidelines, consultations were held by the Human Rights Commission of Sierra Leone with key stakeholders, including civil society organizations, government Ministries, Departments, and Agencies, and multinational enterprises.**

CONTENTS IN THE GUIDELINES

- ▶ The Guidelines is divided into five sections. Each section addresses an area of business activity, as follows:
- ▶ Section 1: Employment practices
- ▶ Section 2: Environment and communities
- ▶ Section 3: Security

- ▶ **Section 4: Legal and government affairs**
- ▶ **Section 5: Contractors and supply chain**



- ▶ Each of these sections contains a set of *questions* and *indicators* that address key human rights issues and applicable standards in that particular area.

- ▶ In addition, a narrative is provided for each question that explains the rationale of the question and indicators, in terms of human rights standards.
- ▶ Each section has a list of applicable national laws, policies and international human rights instruments.



Section 1 Employment Practices

- ▶ Guided by national laws and policies, regional and international standards, HRCSL will look at policies, practices, processes and systems covering the following:
 - ▶ Employment status and dismissals
 - ▶



- ▶ **Work hours, rest periods and leave**
- ▶ **Wages and benefits**
- ▶ **Non discrimination and diversity**
- ▶ **Workplace health, safety standards and systems**
- ▶ **Training and personal protective equipment**



- ▶ **Child labor, forced and bonded labour**
- ▶ **Freedom of associations and collective bargaining**
- ▶ **Worker's privacy**
- ▶ **Employee grievance mechanisms**
- ▶ **Company/employer provided facilities**

Section 2 Environment and Communities

- ▶ Guided by national laws and policies, regional and international standards, HRCSL will look at policies, practices, processes and systems covering the following:
- ▶ Environmental social and human rights due diligence.



- ▶ **Community engagement and consultation**
- ▶ **Environmental health and safety**
- ▶ **Land acquisition, lease and use**
- ▶ **Social impacts**
- ▶ **Community complaints and grievance resolution**



Section 3: Security

- ▶ Guided by national laws and policies, regional and international standards, HRCSL will look at policies, practices, processes and systems covering the following:
 - ▶ Security management
 - ▶ Private security
 - ▶ Public security



Section 4: Legal and Government Affairs

- ▶ **Guided by national laws and policies, regional and international standards, HRCSL will look at policies, practices, processes and systems covering the following:**



- ▶ **Anti-Corruption risk assessment**
- ▶ **Anti-Corruption policy and procedure**
- ▶ **Anti-bribery and corruption training**
- ▶ **Combating bribery and corruption**
- ▶ **Investment agreements**



Section 5: Contractors and Supply Chain

- ▶ Guided by national laws and policies, regional and international standards, HRCSL will look at policies, practices, processes and systems covering the following:
 - ▶ Due diligence for contractor and supply chain management
 - ▶ Performance Standards



HOW WE INTEND TO USE THE GUIDELINES

- ▶ The Guidelines will be launched on 16th December 2013 and after its launching the Commission will embark on awareness raising with all sectors on its contents and purpose

- ▶ **It will guide the Commission's face-to-face interaction with businesses, government officials, employees, local authorities and communities during field monitoring visits and round table engagements.**

- ▶ **The Commission will develop a detailed work plan for implementation of its business and human rights monitoring, reporting and follow up engagement activities using the Guidelines**



- ▶ It will promote HRCSL collaboration with CSO's and other partners using a common framework.
- ▶ The Guidelines will also be a useful resource for the Commission's investigations, public education and advisory services to government as well as its response to incidents from the field.



CONCLUSION

- ▶ The use of HRCSL Guidelines on Business and Human Rights with the co-operation of businesses, government and other stakeholders is bound to make a positive impact on the promotion and protection of human rights in Sierra Leone.



- ▶ **It will promote sustainable development prevent or reduce human rights violations, abuses, conflicts, disputes and those aggrieved or affected will have access to effective grievance mechanisms and redress.**



- ▶ **Regulatory mechanisms will become more efficient and effective and there will be increased accountability and transparency.**





THANK YOU

WISH YOU FRUITFUL DELIBERATIONS