

SIERRA LEONE GOVERNMENT

**MIDTERM REVIEW REPORT**

**on the 2nd Cycle UPR Recommendations:**

**January 2016 – July 2019**

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**ABBREVIATIONS**

**ACC** Anti-Corruption Commission of Sierra Leone

**CSOs** Civil Society Organisations

**EPA** Environment Protection Agency of Sierra Leone

**FCC** Freetown City Council

**GoSL** Government of the Republic of Sierra Leone

**IPCB** Independent Police Complaints Board

**JSCO** Justice Sector Coordination Office

**MFAIC** Ministry of Foreign Affairs and International Cooperation

**MIA** Ministry of Internal Affairs

**MIC** Ministry of Information and Communication

**MDA** Ministry, Department and Agency

**MLGRD** Ministry of Local Government and Rural Development

**MLHE** Ministry of Lands, Housing and Environment

**MLSS** Ministry of Labour and Social Security

**MoAF** Ministry of Agriculture and Forestry

**MoD** Ministry of Defence

**MoF** Ministry of Finance

**MoHS** Ministry of Health and Sanitation

**MoJ/AG** Ministry of Justice and Attorney General’s Office

**MoPED** Ministry of Planning and Economic Development

**MoWR** Ministry of Water Resources

**MPPA** Ministry of Political and Public Affairs

**MBSE** Ministry of Basic and Secondary Education

**MSWGCA** Ministry of Social Welfare, Gender and Children’s Affairs

**MTHE** Ministry of Technical and Higher Education

**MTI** Ministry of Trade and Industry

**MWPA** Ministry of Works and Public Assets

**NaCSA** National Commission for Social Action

**NASSIT** National Social Security and Insurance Trust

**NCC-SL** National Commission for Children-SL

**NCD** National Commission for Democracy

**NCPD-SL** National Commission for Persons with Disabilities Sierra Leone

**NGOs** Non-governmental Organisations

**NMRF** National Mechanisms for Reporting and Follow up

**OHCHR** Office of the High Commissioner for Human Rights

**ONS** Office of National Security

**PPRC** Political Parties Registration Commission

**RSLAF** Republic of Sierra Leone Armed Forces

**SDGs** Sustainable Development Goals

**SLCS** Sierra Leone Correctional Service

**SLP** Sierra Leone Police

**SSL** Statistics Sierra Leone

**UNDP** United Nations Development Programme

**UPR** Universal Periodic Review

**FOREWORD**

This report provides details of the Government’s action to improve the human rights situation in Sierra Leone from January 2016 to July 2019. During this period, the Government strengthened the mandates and oversight boards and commissions of various national human rights institutions. The Government also achieved meaningful improvements in the areas of free quality education, school feeding programmes and national water resources management mechanisms. The Government has enacted new legislation reforming the citizenship law to end discrimination against women who could not pass on citizenship to their children. A new national anti-corruption strategy (the 4th edition) has been launched. The Government adopted policies and laws aimed at strengthening gender equity and protection and guarantee women’s empowerment. Sierra Leone developed new environmental protection measures following the flooding and mudslides of 2017. Sierra Leone has also developed and implemented various health promotion and healthcare policies which have resulted in a decrease in infant mortality rate from 89 deaths per 1,000 live births in 2008 to 56 deaths in 2017, and a decrease in under-five mortality rate from 140 to 94 deaths during the same period.

Sierra Leone is right on track in implementing the human rights recommendations she received in Geneva in 2016. This implementation is without challenges. Prolonged pre-trial detention is still a feature in our criminal justice system due to lack of resources including insufficient magistrates and judges despite recent recruitment. Prison overcrowding is also another challenge as the country is in dire need of bigger and modern correctional facilities. The Independent Police Complaints Board continues to receive and consider complaints against the police and the Board needs resources to strengthen its capacity.

The Government hopes its national report due in late 2020 will provide a detailed account of the improved human rights situation in Sierra Leone together with challenges and strategy to address such challenges.

I therefore feel honoured to present this Midterm Report to the United Nations Human Rights Council on behalf of the Government and people of Sierra Leone.

Nabeela Farida Tunis (Mrs.)

**Minister of Foreign Affairs and International Cooperation**

**20th September 2019**

1. **INTRODUCTION**
2. In January 2016, Sierra Leone’s human rights record was reviewed for the second time at the Second Cycle Universal Periodic Review (UPR) at the Human Rights Council. Sierra Leone received 208 recommendations and accepted 177 and noted only 31 recommendations.
3. **METHODOLOGY AND CONSULTATION**
4. This report was prepared by the Inter-Ministerial Steering Committee of the *Reporting Strategy of the Republic of Sierra Leone to International Human Rights Treaty Bodies 2008.[[1]](#footnote-1)* In preparation to produce this report, consultative workshops on the UPR Recommendations were held in 2016; technical working meetings were organised throughout 2017; a national capacity training workshop was organised in Kenema City in July 2018[[2]](#footnote-2) and a refresher training was organised in Freetown in November 2018[[3]](#footnote-3).
5. Between November 2018 and July 2019, the Committee collected data for the Midterm Report from Ministries, Departments and Agencies (MDAs) using a data collection matrix developed by the Committee. The report drafters also used desk research and publicly available open sources materials on Sierra Leone’s human rights. The first draft of this report was circulated to all MDAs consulted for edit and follow-up contributions.
6. The draft Midterm Report was reviewed and validated at a national workshop attended by MDAs, civil society organisations (CSOs) in Freetown and from the provinces, and other stakeholders including a UN representative, and media, academic association, youths and women’s groups’ representatives.
7. The Acting Minister of Foreign Affairs and International Cooperation, the Deputy Minister of Justice and Attorney General, the Deputy Chairman of the Parliamentary Select Committee on Human Rights, attended and delivered statements at the opening session of the validation workshop on 24 July 2019. Other stakeholders who delivered statements at the validation workshop included the Chairperson of the Human Rights Commission of Sierra Leone, the UN Resident Coordinator, the Charge d’affaires of the Irish Embassy in Freetown, and a representative of civil society organisations in Sierra Leone.
8. **DEVELOPMENTS IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN SIERRA LEONE**
9. **Constitutional review and legislative safeguards**
10. Sierra Leone’s Constitutional Review process runs through the First and Second UPR Cycles in 2011 and 2016 respectively, with the First Cycle containing one (1) UPR recommendation (Rec. 82.21) and the Second Cycle containing twelve (12) UPR recommendations (Recs. 111.39 – 44, 111.55, 111.62 – 63, 111.95 – 96, and 111.154).
11. The first Constitutional Review Committee (CRC) was appointed in January 2007 by President Ahmed Tejan Kabba. In 2008, the chair of the CRC presented its report to President Ernest Bai Koroma and recommended, *inter* *alia*, the repeal of Section 27(4)(d) of the Constitution of Sierra Leone Act, No. 6 of 1991 (on gender discrimination and harmful traditional practices). In April 2013 President Ernest Bai Koroma appointed another CRC which was sworn in on 30th July 2013 to report in March 2015, but this deadline was extended to September 2016.
12. The outbreak of the Ebola virus disease, its state of emergency that restricted public gatherings and movement of people was responsible for the extension of the reporting date of the CRC. On 24th January 2017 the Chair of the CRC presented his report. On 4 February 2017, plans were announced for a referendum on the Constitution before September 2017 and for general and presidential elections on 7 March 2018. However, the Government White Paper on the CRC recommendations was only published on 10th November 2017 on the Sierra Leone Gazette Vol. CXLV111 No. 79, leaving little or no time to hold the planned referendum the elections of 7th March 2018.
13. Like the incomplete CRC of 2007-2008, the recommendations in the CRC of 2013-2017 for the separation of the Office of Attorney General from that of the Minister of Justice, the abolition of gender discrimination, harmful and discriminatory traditional practices, the abolition of criminal libel laws, the abolition of the death penalty, criminalisation of Female Genital Cutting, the justiciability of the human rights in Chapter 2 of the 1991 Constitution, and many more issues, will have to be taken further by the Government.
14. As demonstrated in the national reports Sierra Leone submitted to the First and Second Cycle reviews, significant work has been undertaken, including the passing of the undermentioned instruments, to implement many of the recommendations of the Truth and Reconciliation Commission (TRC) and to provide legislative safeguards of human rights:
	1. the Human Rights Commission Act 2004 and the establishment of the Human Rights Commission of Sierra Leone;
	2. the three Gender Acts passed in 2007, namely the Domestic Violence Act, the Devolution of Estates Act and the Registration of Customary Marriage and Divorce Act;
	3. the Child Rights Act 2007;
	4. the Persons with Disability Act of 2011 and the establishment of the National Commission for Persons with Disability;
	5. the Legal Aid Act 2012 and the establishment of the Legal Aid Board;
	6. the Sexual Offences Act 2012;
	7. the Right to Access to Information Act 2013 and establishment of the Right to Access Information Commission;
	8. the National Youth Service Act 2016;
	9. the amendments of the 1973 citizenship laws in 2006 and 2017 by the Sierra Leone Citizenship (Amendment) Act 2006 and the Citizenship Amendment Act 2017;
	10. the Sierra Leone Water Company Act 2017;
	11. he Natural Water Resources Management Agency Act 2017
	12. The Guma Valley Water Company Act 2017
	13. The Sierra Leone Peace Keeping and Law Enforcement Academy Act 2017;
	14. The Sexual Offences (Amendment) Bill 2019 (currently in Parliament); and
	15. the establishment of the National Commission for Children;
	16. The adoption of many policies on child labour, youth unemployment, moratorium on death penalty, memorandum of understanding on FGM, etc.
15. The Government of Sierra Leone is committed to undertaking necessary reforms that will positively impact on all the rights of its citizens. The UPR process therefore provides a unique opportunity for Sierra Leone to share with the Human Rights Council and its development partners its work in promoting and protecting the rights of its citizens. This work cannot be completed in one or any finite numbers of UPR reviews. It is a process and work is on-going for which Sierra Leone welcomes the constructive contributions of members of the UN family including the Human Rights Council and development partners.
16. **International human rights treaty obligations**
17. Sierra Leone’s commitment to engaging with the UN human rights system remains strong. Sierra Leone has signed all the nine fundamental human rights treaties and submitted initial and/or periodic reports on five of the seven ratified treaties, namely: CAT, CCPR, CEDAW, CERD, and CRC. Sierra Leone however acknowledges that it has outstanding reports and welcomes any support it may be provided by development partners in this regard.
18. **Human rights institutions**
19. In October 2016, the Human Rights Commission of Sierra Leone (HRCSL) was reaccredited with an “A” status – a testament of its outstanding work in promoting and protecting human rights in Sierra Leone. The GoSL continues to discharge its obligations towards the HRCSL in line with the Paris Principles. In 2018, the GoSL allocated 87% of the operational costs of the HRCSL. This is the highest allocation of government funds ever made to the HRCSL since the Second Cycle Review in 2016.
20. The process of reforming the HRCSL that commenced in June 2018 was part of a wider reform process of all government institutions following the general elections in March 2018. This reform process has been completed with a new set of Commissioners nominated by the public, appointed by the President, and approved by Parliament and are now in office as of 11 April 2019.[[4]](#footnote-4)
21. **Policy measures**
22. The GoSL has demonstrated continued commitment to promoting and protecting the rights of women and girls. In December 2018, the First Lady launched the “Hands Off Our Girls” campaign against discrimination and exploitation of girls and women. On 19th February 2019, the President declared a *State of Public Emergency Regarding Rape and Sexual Violence* pursuant to section 29 of the Constitution of Sierra Leone, Act No. 6 of 1991. The Parliament issued a Proclamation on 22 February 2019 approving the President’s state of emergency. The Public Emergency was revoked by Parliament on the 19th June 2019 and in its place, on the 11th July 2019, the GoSL tabled in Parliament the Sexual Offences (Amendment) Bill 2019. This new legislation will abolish the Preliminary Investigation procedure in Section 136 of the Criminal Procedure Act 1965 for all sexual offence cases; so that all sexual offence cases will proceed to the High Court for trial without having to be heard in the Magistrates’ Court to determine the sufficiency of evidence. This will speed up prosecution and trials in all new cases of rape, sexual violence and sexual penetration offences.
23. The Ministry of Social Welfare, Gender and Children’s Affairs (MSWGCA) has since the last review, implemented a National Gender Strategic Plan. A National Steering Committee was set up for the implementation of the National Action Plan on Security Council Resolutions 1325 and 1820. In preparation to join other UN member states in October 2020 to celebrate the 20th anniversary of UN Security Resolution 1325 on Women, Peace and Security (WPS), Sierra Leone has committed to undertake the following policy actions:
	1. finalise the Second Generation of its National Action Plan on the UNSCR 1325 and 1820;
	2. finalise and submit its 7th CEDAW Periodic Report;
	3. Popularise the provisions of Sierra Leone’s medium-term National Development Plan (PRS IV) especially Cluster Five on Empowering Women, Children and Persons with Disability. This National Development Plan addresses WPS issues;
	4. finalise the National Gender Strategic Plan 2019 -2023; and
	5. Establish in 2019 the Peace and National Cohesion Commission as declared by the President in his State Opening of Parliament on 10 May 2018.
24. A memorandum of understanding (MoU) between the government[[5]](#footnote-5) and the ‘*Sowei’* Council[[6]](#footnote-6) is in place as a strategy to ending FGM which calls for girls under the age of 18 years not to be circumcised. The government is using the free quality school education as an entry point to sensitise girls of the harms of FGM and eventually eliminating the prevalence of FGM. The government is also working closely with campaigners on ending FGM to engage the practitioners and to work towards finalization of the National Strategy for Reduction of FGM.
25. Several sensitization and community engagements have been held with stakeholders during the drafting of the National Strategy for the Reduction of FGM in Sierra Leone. The MSWGCA has had sessions with religious and traditional leaders and the Human Rights Commission as part of the consultations to reach an acceptable human right position from a human rights-based perspective that is acceptable to all stakeholders.
26. **PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND: THE IMPLEMENTATION OF THE SECOND CYCLE UPR RECOMMENDATIONS**
27. The Government grouped the 208 recommendations into 14 thematic clusters as follows:

# Scope and Status of International Instruments

# Constitutional and legislative Framework

# Institutional and Human Rights Infrastructure and Policy measures

# Cooperation with Treaty Bodies

# Equality and non-discrimination

# Right to Life, Liberty and Security of the Person

# Administration of Justice, including impunity and the rule of law

# Right to Privacy, Marriage and Family Life

# Right to Religion and Freedom of Expression

# Women’s Empowerment and Political Participation

# Right to Social Security and to an adequate standard of living

# Right to Health

# Right to Education

# Improve Implementation of the UPR Recommendations

1. **Scope and Status of Implementation of International Instruments**
2. **This theme covers recommendations 111.1 – 111.38 which call on the Government to sign, ratify and improve on its reporting obligations of international treaties such as those relating to death penalty, torture, enforced disappearances, discrimination against women, protection of migrant rights, promotion of economic, social and cultural rights, crime of genocide, rights of persons with disability etc. These recommendations enjoy the support of Government. They are consistent with government policy in line with its international human rights image and agenda**.
3. Paragraph 13 above sets out the human rights treaties that the GoSL has signed or ratified. The CRC recommended that the abolition of the death penalty as contained in Section 16 of the Constitution.
4. The Sierra Leone Police currently operates a Strategic Development Plan 2015-2019 and the Police Discipline Code 2001. Some of the core values of these instruments are respect for human rights and prohibition against torture. As a process indicator, the Sierra Leone Police continues to offer its officers training interventions such as:
5. Public Order Training for General Duty Police Officers, 14th – 25th August 2017;
6. Dealing with Business and Human Rights challenges, 4th September 2017;
7. Election Security simulation exercise for Senior Police Officers, 11th – 15th December 2017;
8. Training on Bail and Sentencing Guidelines, 18th May 2018; and
9. Refresher training of police officers on the application of human rights standards in policing post elections: 250 officers in Kambia, Makeni, Pujehun, Port Loko and Bo trained on 4 – 9 March 2019 and 200 officers in Moyamba, Kenema and Kono trained on 1 – 4 April 2019. This training was delivered by the HRCSL, OHCHR and Sierra Leone Police trainers.
10. The following ongoing implementation measures have been put in place to foster better communication between the police and members of the public: on 18th January 2018 the SLP completed the construction of Call Centre Project i.e. 112 Free toll line for reporting incidents; fostered strategic-partnership with INTERPOL, West Africa Coast Initiative (WACI) and Mano River Union (MRU) to combat Transnational Crime; established a Marine Time training facility for the SLP to support the effective surveillance of our territorial waters.
11. The Sierra Leone Police (SLP) and the Republic of Sierra Leone Armed Forces (RSLAF) also contribute to the promotion of gender parity and the discrimination against women. The SLP adopts an accelerated promotion policy for women and offers women officers priority for training opportunities to participate in international peacekeeping missions. In February 2019, RSLAF conducted a 300 all-female recruitment and training programme. This is a cadet officer programme that offers women, especially those with professional qualifications (such as medicine, law, accounting, vocational skills, etc.) to join the officer ranks of RSLAF.
12. Sierra Leone has already ratified the ILO Child Labour Convention 138 (Minimum Age Convention), Convention 182 (Worst Forms of Child Labour Convention), Protocol 029 of 2014 to the Forced Labour Convention 1930, Convention 102 Social Security (Minimum Standards) 1952, Convention 150 Labour Administration, Convention 160 Labour Statistics 1985, and Convention 189 Domestic Workers 2011.[[7]](#footnote-7) Sierra Leone has also put in place the following measures to prohibit and eliminate child labour and promote their welfare: list of hazardous work for children under 18 years of age developed; National Technical Steering Committee on child labour formed; National Task Force on anti-human trafficking formed; National Child Labour Survey conducted in 2011; Awareness raising/advocacy on child labour on world day against child labour conducted; Child Justice Strategy developed; National Action Plan on the Elimination of the Worst Forms of Child Labour including child trafficking developed and validated; and National Employment Policy developed and approved by cabinet**.**
13. **Constitutional and legislative framework**
14. **This theme covers recommendations 111.39 – 111.51, 111.55, 111.62, and 111.63 which call for the promotion of constitutional review, strengthening of the legal regime of human rights including child rights, women and sexual violence, harmonising national laws to meet international human rights standards, use lessons learnt from Ebola in the constitutional review process and eliminate discrimination against women through the constitutional review. Recommendation 111.48 also calls for the prohibition of female genital mutilation.**
15. Sierra Leone has a very strong legislative framework for the protection of the rights of women and children. The government of Sierra Leone has established the Human Rights Commission, National Commission for Children, National Commission for Persons with Disability and on 10 May 2018 His Excellency the President during the State Opening of Parliament announced the establishment of a National Gender Affairs Commission. These institutions are well positioned to address children and women protection issues.
16. The Family Support Units (FSU) of the SLP recorded increases in the number of cases reported nation-wide as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **OFFENCES** | **2016** | **2017** | **2018** |
| Domestic Violence | 9,135 | 9,377 | 9,121 |
| Sexual Penetration | 2,149 | 2,549 | 2,726 |
| Rape | 78 | 103 | 205 |
| **TOTAL** | **11,362** | **12,029** | **12,052** |

1. Though alarming, the increases in the reported cases demonstrate improved confidence in the services the FSU provides. Based on these statistics, the SLP proposes to increase from 67 to 81 FSUs in 2019 across the country.
2. On 23 March 2017, the GoSL launched its new National Land Policy to address land-based discrimination especially against women. The National Land Policy 2017 guarantees equal rights for both women and men, and the elimination of all forms of discriminations against women regarding equitable access and control over land resources. The policy calls for amendment of the Sierra Leone Constitution to include provisions that ensure that women have the right to full and equal protection by the law and have the right not to be discriminated against based on their gender or marital status. The provision should also include enforcing existing non-discriminatory laws and establish a clear legislative framework to protect women’s rights on issues of access/inheritance to land and use of land-based resources and to exercise their tenure rights in general. See also below theme **“v.** **Equality and non-discrimination”**.
3. The Ministry of Lands, Housing and Environment (MLHE) with support from FAO, UNDP and Irish Aid, and within the framework of the implementation of the Voluntary Guidelines for the Responsible Government of the Tenure of Land, Fisheries and Forests, has conducted pilot research studies on the mapping and recording of family tenure in selected chiefdoms in the Provinces. The findings will inform the legislative reform process to protect family tenure rights relating to the access and control of land resources for women.
4. MLHE has, as part of the implementation of the National Land Policy, conducted several training programmes to educate, inform, sensitize local communities, including traditional leaders, local councils and the private sector, on the provisions of the National Policy relating to gender equality and social equity. The MLHE, within the framework of the implementation of the National Land Policy, has also developed a GIS-based Solution for Open Land Administration (SOLA) that allows digitized cadastral recording of land rights and joint spousal registration for both men and women.
5. In terms of lessons learned from Ebola, the Ministry of Health and Sanitation established the Directorate of Health Security and Emergency and is currently engaged in the process leading to the review of the Public Health Ordinance with a view to bringing it up to date with present realities and human rights friendly. The Ministry has also established district-based Rapid Response Teams (RRTs) and has developed emergency response guidelines, SOPs and Protocols at national and district levels. These measures mean Sierra Leone is now better prepared to respond to health emergencies and thereby able to protect the rights of its citizens.
6. **Institutional and Human Rights Infrastructure and Policy measures**
7. **This theme covers recommendations 111.52-54, 111.56, 111.57 – 111.58, and 111.59-60 and calls for funding and ensuring the independence of the Human Rights Commission in order for it to fulfil its role, support implementation of its national plan, promote and protect fundamental freedoms and rights, continue implementation of the National Referral Protocol and National Action Plan on Gender-based violence, and implement a national anti-corruption strategy. These recommendations enjoy the support of the Government as they are in line with current government policies.**
8. Recommendations 111.57 and 111.58 relate to the National Referral Protocol on Gender-Based Violence. This document is often mentioned in our response mechanisms to gender-based violence. The Ministry of Social Welfare, Gender and Children’s Affairs and its partners are hoping to review the National Referral Protocol on GBV and align with the ongoing review and strengthening of the Sexual Offences Act.
9. The government of Sierra Leone through the Ministry of Social Welfare, Gender and Children’s Affairs has drafted ‘Gender Equality and Women’s Empowerment Policy. If the policy is approved by Cabinet, it will contribute to the promotion of gender equality and women’s empowerment.
10. During the International Women’s Day celebrations in 2019, the women of Sierra Leone submitted a position paper to His Excellency the President requesting the reopening of the National Constitution review process. The women of Sierra Leone’s position paper urged the government to use the recommendations of the Constitutional Review Committee to guarantee gender parity in Sierra Leone.
11. On assumption into office, the Government decided to rationalise the parastatals of the State by restructuring their management and oversight boards. The boards of many national institutions were dissolved but the institutions themselves remained. The decision of the Government was contained in a Public Notice issued on 26 June 2018 by the Office of the President with the title “Restructuring of Boards, Commissions, Authorities, Agencies”.
12. The following are some of the state institutions whose boards were dissolved or heads of institution changed: the Human Rights Commission of Sierra Leone; Ombudsman of Sierra Leone[[8]](#footnote-8); Chairman, Sierra Leone Council for Post-Graduate Colleges of Health Specialties; Chairman, Agriculture Research Institute Council; Chairman, Political Party Registration Commission; Board of Directors, Sierra Leone Water Company (SALWACO); Board of Directors, Guma Valley Water Company (GVWC); Board of Directors, Petroleum Regulatory Agency; Board of Directors, Sierra Leone Roads Authority (SLRA); Board of Directors, Sierra Leone Local Content Agency; National Youth Commission; Director-General and Deputy Director-General, Sierra Leone Correctional Service, Independent Police Complaints Board (IPCB).
13. In response to correspondence from the *UN Special Rapporteur on the situation of human rights defenders* and the *Chairperson of the Global Alliance of National Human Rights Institutions (GANHRI)*, the Honourable Minister of Justice and Attorney-General addressed the concerns surrounding the HRCSL. The Honourable Minister of Justice and Attorney-General’s letter, representing the GoSL’s response was dated 6 January 2019. This response has since been cited in an official UN document *A/HRC/40/60/Add.1* dated 22 February 2019 with the title *“Report of the Special Rapporteur on the situation of human rights defenders – Addendum”*. The concluding paragraphs of the AG’s letter contains the GoSL’s position on this matter, as follows:

*The HRCSL was not targeted or singled out in the Public Notice of 26 June 2018, which aims to restructure several state institutions. The Commissioners Fornah, Coleridge-Taylor and Dumbuya were not “dismissed” or “removed” from office to warrant the application of Section 4(3)(g) HRCSL Act and section 137(7) 1991 Constitution of Sierra Leone as has been erroneously misrepresented and canvassed. Vacancies had occurred affecting all the commissioners respectively by operation of law pursuant to Section 4(3) (a), (d) & (e).*

*The three Commissioners conducted themselves in a manner that contravened Section 4(3) (d) & (e) and thereby caused the occurrence of vacancies in their offices. This is further compounded by the flagrant violation by the previous government and the then commissioners of the composition requirements under the HRCSL Act (i.e. five Commissioners including two women and two lawyers) and thereby undermined the Paris principles of pluralism, independence and legal compliance.*

1. Events on the ground progressed quiet smoothly with members of the public nominating candidates for appointment as Commissioners. In line with the procedure prescribed in the Human Rights Act of 2004, the names of seven (7) nominated candidates were presented to His Excellency the President who chose five (5) of the candidates. On Thursday, 4 April 2019 the five (5) Presidential nominees appeared before the House of Parliament and received approval. Accordingly, the five (5) Commissioners of the Human Rights Commission of Sierra Leone are Madam Patricia Naasu Ndanema (Chairperson), Mr Victor I. Lansana (Vice Chairperson), Mr Hassan Samba Yarjah, Madam Simithy Laverley and Dr Gassam Abess (members). The HRCSL is now fully constituted and is performing its mandate to respect, protect and promote human rights across the country.
2. The Government of Sierra Leone through the Ministry of Finance has been providing funding to the Human Rights Commission of Sierra Leone in order to carry out its statutory functions, pay salaries of its workers including Commissioners and staff, as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Year** | **Budgeted** **(Le)** | **Actual Received (Le)** | **%****Allocation** | **Resource Gap (Le)** |
| 2016 | 14,069,326,998 | 11,352,200,151 | 80.69% | 2,717126,847 |
| 2017 | 13,878,313,182 | 6,235,058,709 | 44.93% | 7,643,254,473 |
| 2018 | 16,310,232,082 | 14,210,232,082 | 87.12% | 2,100,000,000 |

1. Sierra Leone has put in place relevant structural indicators in the fight against corruption. It had passed the Anti-Corruption Act of 2000 which established the Anti-Corruption Commission. This Act was amended in 2008 and there is currently a 2019 Anti-Corruption (Amendment) Bill in Parliament to increase the fines, sentences and other powers of the Commission. Recommendation **111.60** is accepted as it is consistent with Government policy. The National Anti-Corruption Strategy (NACS) is the principal anti-corruption policy document of the Government. There have been three editions of this policy, namely: NACS 2005-2008; NACS 2008-2013; and 2014-2018. Work on drafting and validating the fourth edition of NACS 2019-2023 is currently underway.
2. In terms of other relevant structural implementation indicators, the GoSL signed on 9 December 2003 and ratified on 30 September 2003 the United Nations Convention against Corruption and signed on 9 December 2003 and ratified on 3 December 2008 the African Union Convention on Preventing and Combating Corruption and Related Offences.
3. The establishment of Integrity Management Committees (IMCs) by the ACC is regarded as a successful attempt to mainstream anti-corruption initiatives at both the central and local government levels. IMCs provide a supportive environment to implement the NACS in MDAs. The NACS Secretariat engages with IMCs (already established in 90% of the public sector) on a quarterly basis, receives reports on actions taken in the implementation of the Strategy, and raises awareness on the implementation of the NACS. The result of the ACC’s 2018 monitoring indicated that the establishment of IMCs in 90% of MDAs as a strategy of addressing corruption in MDAs is gradually gaining grounds, and that 54% of institutions monitored met the threshold performance level of 50%.
4. The Anti-Corruption Commission has engaged with the Non-Government Organisation, CARITAS Sierra Leone to monitor and report on the Commission’s implementation of its national strategy. CARITAS Sierra Leone monitored the implementation of the NACS in 2015 and again in 2018. However, the monitoring review revealed that not all MDAs produced annual monitoring reports on the state of implementation of the NACS within their institutions. The overall effect of this independent monitoring scheme helps to strengthen the capacity of the institution in delivering its mandate and to improve its functional relationship with civil society organisations and NGOs.
5. The Government has intensified its fight against corruption. On 29 January 2019, it launched three Commissions of Inquiry which had been set up to examine the stewardship of the former government. Two of the three Judges of the Commissions of Inquiry are international judges. Sierra Leone’s Medium-term National Development Plan 2019–2023 launched on 28 February 2019 identifies the fight against corruption and illicit financial flows at all levels as crucial for alleviating extreme poverty and boosting private sector growth and development. The lesser the incidence of corruption in a country, the greater the likelihood of steady economic growth, as investor confidence will increase significantly. In 2017, the Transparency International Corruption Perceptions Index ranked Sierra Leone 130 out of 175 countries. This dismal ranking has been consistent over the past decade, reaching an all-time low of 158 out of 175 in 2008.
6. However, the appointment of a new ACC Commissioner, the implementation of the IMC and the National Anti-Corruption Strategy, the creation of a new division within the High Court of Sierra Leone to handle exclusively all Anti-Corruption cases, and the aggressive but measured fight against corruption through prosecution and fines have provided positive results for Sierra Leone. Transparency International 2019 Global Corruption Barometer for Africa[[9]](#footnote-9) identifies Sierra Leone as one of the success stories in the fight against corruption with 66% of Sierra Leonean believe the Government is doing a good job in the fight against corruption. The 2019 report also indicates that 43% of Sierra Leoneans believe corruption was in the increase while the report put this figure at 70%. Overall, Sierra Leone ranks third in the global corruption afro-barometer report.[[10]](#footnote-10)
7. On 27 February 2019 the ACC tabled in Parliament the Anti-Corruption Commission (Amendment) Bill 2019. The proposed new law will reduce the pool of public or civil servants required to complete the Asset Declaration forms; increase the penalties for serious corruption from 3 years minimum to five (5) years imprisonment and/or from Le30million to Le50million; introduce a mandatory order for those convicted of corruption to pay back the full amount so misappropriated in addition to any financial penalty; strengthen civil powers of the commission to enter into settlements with those charged/prosecuted/convicted of corruption; to grant the ACC new powers to intervene in contract negotiations or prevent performance of contract on grounds that the contracts may be against the interest of the people of Sierra Leone; introduce a new presumption of bribery where a public officer receives gift above a certain value and a new presumption of misappropriation of public fund where a public officer fails or is unable to account for money entrusted to him or her. Accused persons will only have an evidential burden of proof to dislodge any of these presumptions. The new law will introduce better witness protection scheme and severe penalties for those who interferes with witnesses or ACC processes.
8. **Cooperation with Treaty Bodies**
9. **This theme covers recommendation 111.61 and calls for the submission of belated national reports to treaty bodies. It enjoys the support of Government in that Government continues to cooperate with international treaty bodies. The strengthening of the Law Officers Department in the Ministry of Justice and in particular the creation of a Human Rights Unit in the Ministry of Foreign Affairs and International Cooperation, reporting and cooperation with treaty bodies now has a sound framework within government.**
10. On the eve of the August 2017 flood and mudslide disaster in Freetown, Sierra Leone honoured its invitation by receiving the *UN Special Rapporteur on the Implications for Human Rights of the Environmentally Sound Management and Disposal of Hazardous Substances and Wastes* to conduct a human rights monitoring and assessment study in Sierra Leone. This was the first such visit to Africa by this current mandate holder. Despite the disastrous floods and mudslides of 14 August 2017, Sierra Leone continued with the visit of the UN Special Rapporteur from 14 to 25 August 2017. The Rapporteur assessed steps taken by the Government to protect the human rights implicated in the management of hazardous substances and wastes throughout their life cycle. The UN Special Rapporteur has since submitted his report to the UN Human Rights Council on 11 September 2018.[[11]](#footnote-11)
11. On 12 March 2018, Sierra Leone submitted to the *Rapporteur on Follow-up of the Committee on the Elimination of Discrimination Against Women* the government’s response to Paragraphs 11 and 33 (a), (b), (c) and (d) of the Concluding Observations to the examination of the sixth periodic report of Sierra Leone.
12. Early this year, Sierra Leone also provided a response to a questionnaire from the United Nations Special Rapporteur on the rights of persons with disability/older persons with disabilities.[[12]](#footnote-12)
13. The above demonstrates Sierra Leone’s commitment to working with the Special Procedure mechanism of the UN Human Rights Council.
14. **Equality and non-discrimination**
15. **This theme covers recommendations 111.64 – 111.90 which calls for, among others, legislation on guaranteeing gender equality, implement laws and policies that guarantee gender equality, protection of girls against discrimination in school, protect women against traditional practices which hinder realisation of their rights, equal access to justice for women, reverse policy preventing pregnant girls from attending school and sitting state exams, prohibit corporal punishment against children in all circumstances, decriminalise same-sex between consenting adults and LGBT, destigmatize Ebola and address the disproportionate impact of the crisis on women and health workers, promote destigmatisation of persons with disabilities.**
16. Recommendations **111.65 – 111.72, 111.77 – 111.79** and **111.86 – 111.90** enjoy the support of the Government. These recommendations are in line with existing government policies and existing laws to strengthen women’s empowerment, end discrimination and violence against women, promote parity between men and women, protect victims of Ebola and health workers and persons with disabilities from stigmatisation.
17. Gender discrimination is largely a result of long-standing social and cultural norms and gender stereotyping that dictate relationships, roles, and responsibilities between men and women, as well as access to power, resources, and privileges. These are further reinforced by a range of discriminatory laws, including statutory[[13]](#footnote-13) and customary laws. Even when national laws are enacted to address these inequalities[[14]](#footnote-14), effective enforcement has always been the major challenge. This is largely due to the deeply held traditional practices and sociocultural norms that reinforce discrimination. Laws that seek to address the above issues are largely ignored – one example is the Gender Equality and Women’s Empowerment Policy, which establishes a minimum of 30 percent representation of women in governance at all levels.
18. The GoSL notes Recommendations 111.64 which calls on Government to legislate on gender equality. The GoSL has taken policy action in 2017 to address aspects of discrimination against women in land transaction when it launched the new land policy launched in 2017. See also theme **ii.** **Constitutional and legislative framework** above.
19. The Ministry of Health and Sanitation has spearheaded the revision of the National Adolescent and Teenage Pregnancy Strategy and is implementing the provision of the Free Health Care for All SGBV victims. The Code of Conduct for Teachers has been reviewed and seeks to address the issue of discrimination against women and the prohibition of corporal punishment of children in all circumstances.
20. The Ministry of Social Welfare, Gender and Children’s Affairs in collaboration with other MDAs drafted a Gender Equality and Women’s Empowerment Policy for Cabinet adoption and implementation. This policy will inform the drafting of the Gender Equality Bill.
21. The National Commission for Persons with Disability in collaboration with Human Rights Commission developed a Complaints Handling Manual to record, investigate and help in promoting and protecting the rights of persons with disabilities. The Access to information Act has increased the accessibility to public information by persons with disabilities. The draft Building Code if adopted will make public and private facilities accessible to persons with disabilities. The Persons with Disability Act 2011 continues to be enforced through a Draft Inclusive Education Policy.
22. From 11th to 20th May 2017, the Decentralization Secretariat in partnership with United Nations’ Children’s Fund (UNICEF) held consultative meetings with all 149 Paramount Chiefs at regional level in Makeni in the North, Bo in the South and Kenema in the East. These meetings addressed issues of violence against children and women. The Paramount Chiefs were introduced to the Referral Protocols, Teenage pregnancy policy and the 2012 memorandum of understanding between the Ministry of Social Welfare Gender and Children’s Affairs (MSWGCA) and Family Support Unit (FSU) of the Sierra Leone Police. The Paramount Chiefs in the three regions, prepared action plans on how to prevent violence against children and women and promoting children welfare in their communities (Recommendations **111.71** and **111.72**).
23. The recently launched National Development Plan dedicated an entire Cluster Policy (i.e. Cluster 5 of 8) on Empowering women, children, and persons with disabilities. To ensure that children with disabilities are not excluded from enrolling, Ministry of Basic and Senior Secondary Education is leading efforts to provide schools with disability friendly facilities. This includes providing ramps, making toilets more easily accessible by pupils with disabilities, and making teachers more aware of the needs of students with disabilities in inclusive classrooms. Data from the annual school census indicates, however, that the number of students with disabilities in schools decreased a little from 25,339 in 2015 to 25,022 in 2017, even though overall enrolment increased. Full implementation of the recently developed Inclusive Education Policy will help to get more children with disabilities into schools. In addition, a key policy action is to provide specialized facilities that meet the needs of vulnerable pupils, especially girls and children with disabilities, in primary and secondary schools. On the policy development front, the GoSL aims to provide social protection to at least 30 percent of vulnerable population (including persons with disabilities, older persons, and children) by 2023.
24. The above approach in our National Development Plan is consistent with UN Agenda 2030 and the SDGs, driven by the principle of leaving no one behind. SDG 16 talks of promoting peaceful, just, and inclusive societies, which naturally captures the need for the active inclusion of everyone in development processes, including persons with disabilities (PWDs). SDG 10 focuses specifically on reducing inequality within and among countries, including by empowering and promoting the social, economic, and political inclusion of all, irrespective of age, sex, disability, or other status. Specific challenges facing PWDs include inadequate domestic investment in addressing disability issues, inadequate facilities and equipment for PWDs, weak implementation of the Disability Act, inadequate and unreliable data on PWDs, and societal stigma.
25. The GoSL has taken steps to address recommendation 111.86 through the Ministry of Health and Sanitation in developing a Comprehensive Programme for Ebola Survivors (CPES) including free health care for all EVD survivors.
26. It is working hard on reaching teenage pregnancy through the Teenage Pregnancy Secretariat. Recommendations 80-85 demand Government to decriminalise same-sex and LGBT relationship. Government is of the view that it cannot legislate outside the bounds of society without producing the opposite effect. It will continue to encourage the HRCSL to work with communities to improve awareness of such issues.
27. The Government of Sierra Leone and its partners are working on several initiatives aimed at promoting the economic empowerment of women. The Government has set aside resources for the establishment and operationalization of the Women’s Development Fund; implementation of the Post Ebola Recovery Social Investment Fund (PERSIF) with funding from African Development Bank, Business Incubator for African Women Entrepreneurs with funding from Spanish Funds and executed through ECOWAS.
28. The Legal Aid Board established under the Legal Aid Act No 6 of 2012 is the lead Government agency for the provision of free legal advice and representation in civil and criminal matters. This is an invaluable service for indigenes especially those with limited or no resources to hire private lawyers. Women, Ebola survivors, and those in rural communities face real prospect of being discriminated. In this regard, the work of the Legal Aid Board contributes to enforcing laws and policies that promote gender equality. Between May 2015 to December 2018 a total of 214,476 people (including 39,834 children and 30,009 women) including non-Sierra Leoneans benefited from services provided by the Legal Aid Board.
29. The Legal Aid Board lawyers represented 37,229 clients from May 2015 to December 2018. This includes 2,322 juveniles and 2,182 females accounting for 26% of each client group.
30. The Legal Aid Board introduced Alternative Dispute Resolution or Mediation mechanisms in March 2016. The service is provided in every district in the country following the recruitment and deployment of 35 Paralegals. Legal Aid Board recorded 97,838 people benefited from ADR services since its inception in 2016. This accounts for 46% of beneficiaries of the scheme. A total of 48,452 people has benefitted from ADR in 2018. This accounts for 45% of beneficiaries of the scheme for that period. From that total figure, 23,789 children benefitted from the ADR service in 2018. This accounts for 49% of beneficiaries. In fact, the three components of the work of the Legal Aid Board have seen gradual yearly increase since 2015/2016. The Board provided *legal representation* to a total of 5,264 in 2015/2016; 14,715 in 2017; and 17,250 people in 2018. The Board provided *legal advice and assistance* to a total of 7,794 in 2015/2016; 41,592 in 2017; and 48,452 people in 2018. The Board provided *legal education* to a total of 11,710 in 2015/2016; 26,746 in 2017; and 40,953 people in 2018.
31. The GoSL is pleased to report that the ADR scheme is helping to reduce the pressure on the police and the courts’ time. This is because community level disputes in civil matters which were reported to the police or courts for adjudication are now reported to the Legal Aid Board mediation centres. Moreover, the police and the courts are also referring civil matters to the Legal Aid Board for mediation. These achievements are also relevant to Recommendations 111.141 and 111.142 in ensuring access to justice for women and children and in providing basic legal assistance.
32. In addition, the 2012 Sexual Offences Act defines all sexual activities without consent as an imprisonable crime. Additional government structures have been established with gender equality and women’s empowerment as part of their mandates and these include the Ministry of Social Welfare, Gender and Children’s Affairs; the Human Rights Commission; the Family Support Unit in the Sierra Leone Police; and the Legal Aid Board, among others. Similar to the establishment of the National Children’s Commission in 2014 focusing on issues specifically affecting children, bold action by government would be required to establish a Gender Affairs Commission to monitor gender equality issues in the country and to ensure that there is the requisite leadership and focused attention on gender equality and women’s empowerment across all sectors and at all levels.
33. The Law Reform Commission of Sierra Leone has concluded consultations on the Abolition of Child Marriage and submitted a Report to the Office of the Attorney-General and Minister of Justice. The Commission’s recommendations are under consideration by the Office of the Attorney-General and Minister of Justice.
34. The Legal Aid Board has also introduced the legal empowerment programme which is aimed at educating people on the laws, human rights and the legal processes. This empowerment activity is carried out through community and school outreach sessions and topics for discussion during each session are determined by the justice needs of the community or school in question. Some of the sessions have been undertaken in collaboration with partners and local authorities. Legal Aid Board recorded 40,953 people and school going children benefitted from the programme in 2018. This accounts for 38% of beneficiaries of the scheme in the period. This programme has helped people to understand the justice system and have increased their self-confidence to seek redress especially through the criminal justice system.
35. **Right to Life, Liberty and Security of the Person**
36. **This theme covers recommendations 111.91 – 111.135 which calls for the abolition of the death penalty in the statutes of Sierra Leone, criminalisation and punishment of torture offenders, zero tolerance on gender based violence, prohibition of FGM and harmful practices against girls and women, continue to promote awareness against FGM, criminalisation of FGM, strive for careful balance between harmful traditional practices and culture, promote women’s empowerment and prohibit harmful practices that undermine their rights, protection for trafficking victims and prohibits child labour.**
37. The following recommendations enjoy the support of Government: Recommendations 91-103 dealing with the death penalty are in line with existing Government policy to abolish it from the statute books. Although this is under constitutional review, Government has already made firm commitments towards this end. Recommendations 104-105 dealing with zero tolerance towards prosecution of offenders of sexual and gender-based violence (SGBV) are also in line with existing government policy. The Ministry of Justice is improving its prosecution capacity and working closely with the Judiciary and other justice stakeholders to improve prosecution of SGBV cases. Recommendations 110, 114 and 122 call for continuous awareness raising on FGM and prohibit harmful traditional practices that harm the rights of women. These are in line with existing policies which were strengthened during the Ebola outbreak. Recommendations 127-133 dealing with protection of women and girls from violence and abuse, child labour and trafficking are in line with existing policy.
38. Dealing with FGM requires a definitive policy beyond the ban on under 18 circumcision of girls. While Government is keen on maintaining the ban, it needs extensive national debate on criminalising the practice. It is the GoSL’s view that, the current position which views FGM as a cultural practice and therefore a freedom of association issue, should remain in place until sufficient consideration is given to these issues. Future government legislation will promote and harmonise cultural association for adults (including guarantees for secret society) but at the same time it will criminalise any form of cruelty to anyone below the age of 18. This means the GoSL will fully domesticate the Convention on the Rights of the Child.
39. The Sexual Offences Act 2012 is the overarching legislation to address sexual abuse of girls. The Ministry of Education and other partners developed the Code of Conduct for Teachers to combat some of these abuses. The on-going review and strengthening of the Sexual Offences Act to include solicitation by persons in trust will go a long way to combating sexual abuse of girls in schools and ensure the security of the girl-child generally. The full implementation of the National Strategy for the Reduction of Adolescent Pregnancy and Child Marriage 2018-2022 will also contribute to combating sexual abuse of girls in schools.
40. The worsening situation of child protection in Sierra Leone has not persisted for want of appropriate policies, laws, or strategies. In fact, there have been several interventions from government and its partners since the end of the civil war in 2002 in support of child protection. The country has made several significant achievements in developing national legislation and policies to protect children and improve their overall well-being. This includes the 2007 Child Rights Act, which covers a range of measures to protect the rights of children in line with the United Nations Convention on the Rights of the Child. Other laws have included the 1989 Adoption Act, the 2004 Education Act, the 2005 Anti-Trafficking in Persons Act, the 2007 Domestic Violence Act, the 2011 Persons with Disability Act, and the 2012 Sexual Offences Act. National policies have included the 2015 Child Welfare Policy, the 2015 Alternative Care Policy, the 2010 Free Health Care Initiative, the 2009 Code of Conduct for Teachers, and the 2012 National Referral Protocol on Gender-based Violence, not to mention a wide range of strategies covering child justice, trafficking, gender-based violence, teenage pregnancy, and early marriage.
41. The Government’s strategic objective for the protection of children is called ‘children first’ approach. This ensures the survival, protection, and development of children, including disabled and vulnerable children. It always prioritizes the best interests of children, with a special focus on addressing sexual violence, teenage pregnancy, child marriage, orphans, vulnerable children, child trafficking, child labour, and juvenile justice.
42. **Administration of Justice, including impunity and the rule of law**
43. **This theme covers recommendations 111.136 – 111.152 and calls for judicial reform, independence of the Judiciary, access to justice, prosecuting offenders of human rights, protection for human right defenders, protection for vulnerable groups and women, length of trials, addressing overcrowding in prisons, prolonged pre-trial detention, establishment of the Independent Police Complaints Board and prevention of police harassment of human rights defenders.**
44. These recommendations enjoy the support of Government. They are consistent with existing policy. The Government’s Justice Sector Reform Strategy and Investment Plan III is geared towards addressing these and many other challenges in the justice system.
45. The Legal Aid Board established Citizens Advisory Bureau (CAB) in Wards in the Western Area. This initiative by the Board in collaboration with its civil society partners and is aimed at making justice accessible to local communities. Each Bureau is managed by 20 Paralegal volunteers drawn from the community. They are responsible for providing advice and legal assistance to those accessing the formal and informal justice system. The Legal Aid Board intends to establish such bureaus in all the 446 Wards across the Country.
46. The Paralegals are also responsible for monitoring the judicial system and the informal courts which are guided by unwritten and uncodified customary law. The Paralegals ensure that matters which fall under the remit of local authorities are adjudicated fairly and speedily and where they are not qualified to do so, to suggest referrals. They also ensure fines are not prohibitive and human rights are respected. The Paralegals also monitor the Local Courts to ensure their modus operandi is consistent with the Local Court Act 2011. For example, they ensure that Local Court Administrators refer matters which they have no authority to adjudicate upon such as serious criminal cases relating to murder, wounding, robbery, house breaking and conspiracy to the relevant adjudicating body.
47. There have been cases in which women have decided not to seek justice because they were discriminated against in the name of custom and tradition. There have been instances in which Local Court Administrators used customs and tradition to disadvantage women in cases of maintenance, divorce, inheritance and acquisition of property including land in direct contravention of the Local Court Act 2011 and other laws. Also, these courts have been used to compromise very serious offences such as rape and domestic violence which do not fall within their remit. In response, the Board’s ADR has made it easier for women to seek justice. The Board mediated the cases of 31,429 women between March 2016 and December 2018. This accounts for 33% of cases mediated under the ADR for the period under review. Most of these cases relate to maintenance. Through this mechanism, the Board has been able to force fathers who had abandoned their children to own up to their responsibilities. The Board has brought civil action against those who have refused to respect an invitation for mediation.
48. The Board also continues to provide legal assistance to those who are most prone to contracting HIV/AIDS. These include female sex workers, men injecting drugs and men having sex with men. The Board’s paralegals provide advice and legal assistance to female sex workers. Even though prostitution is illegal, the Board has noted that Female Sex Workers (FSWs) are being treated differently to their male counterparts. Often, FSWs are arrested by Police officers for loitering and frequenting while male sex workers are not arrested for such offences. The Board continues to raise concerns with the police about this disproportionate and discriminatory practice against FSWs.

1. Paralegals have also benefited from training in Mediation and Conflict Resolution, the Bail Regulations and proposed Sentencing Regulation, Child Protection, Data Collection and Reporting and national laws including the Child Rights Act 2007, Public Order Act 1965, Electoral Law, HIV/AIDS Legal Framework and the Local Court Act 2011. The training on the Local Court Act 2011 took place in September 2018. The Board trained 44 members of the Western Area Council of Tribal Headmen as Paralegals in March 2017. The training provided knowledge for tribal heads who operate informal courts, in terms letting them know the nature/types of cases/matters they can hear and determine, referral of matters which fall outside their remit, mediation skills and assistance that could be provided to their tribesmen and women accessing the formal justice system.
2. In November 2016, a Sub- Committee of the Law Reform Commission was set up to review the Courts Act, 1965. The Sub-Committee was chaired by Commissioner, and its members included a representative of the Judiciary, the Sierra Leone Bar Association, the Law Officers’ Department and the Ministry of Internal Affairs. The work of the sub-committee was discontinued due to lack of funds.

The Government has recently enhanced the Commission’s funding and it is envisaged that a new sub-committee will be constituted shortly, with clearer terms of reference aimed at enhancing effectiveness of the administration of justice based on impartiality, openness, transparency, efficiency and accessibility. The re-constituted sub-committee will encompass a broader representation of stakeholders including the Judiciary, the Sierra Leone Bar Association, the Police, and the Citizenry among others, in Sierra Leone.

1. The Judiciary has had more judges appointed to address the acute shortage of judicial personnel, increase the capacity of courts to handle and reduce backlog of cases. As of 2019, each district has a resident Magistrate and for the big cities or provincial headquarter towns, there are two resident magistrates. The Eastern Koidu City now has a Resident Judge appointed to end the practice where accused persons detained in Kono City were only able to appear before a judge once or twice a year. In 2016, ten (10) High Court judges, one (1) Court of Appeal Judge and one (1) Supreme Court judge were appointed. In March 2019, four (4) Supreme Court Judges and four (4) Court of Appeal Judges were appointed. Among the Court of Appeal Judges, two or 50% of the newly appointed judges were female.
2. Perennial problems that have beset the judicial system in Sierra Leone impacting on the rights of accused persons are delays, prison overcrowding, pro-long pre-trial detention or remand and denial of the right to bail. Every district now has a Magistrates’ Court to increase access to justice and reduce delay. The additional appointment of judges will help to address these problems. Other measures implemented to address prison overcrowding and prolong pre-trial detention were ‘Special Sessions of the High Court’ and “Prisons Court”. With funds from the Department for International Development (DFID) and United Nations Development Programme (UNDP) held Special Sessions of the High Court in Port Loko, Makeni, Bo and Moyamba. The result of this was that more than 1500 criminal matters were expeditiously tried. From 10 to 29 July 2017, two Court of Appeal Judge also held Special Sessions of the High Court and were able to complete 300 hundred criminal cases in 19 days. In the 2017/2018 Judicial Year, the Judiciary of Sierra Leone introduced the Prisons Court as one of its flagship programmes. A principal aim of the Prisons Court was to aid the Judiciary in achieving expeditious trials. This was achieved by brining all stakeholders into the prison to participate in proceedings. Stakeholders included the remand inmates, Judges, Magistrates, Registrars from the Judiciary, prosecution lawyers from the Law Officers’ Department, defence lawyers from the Legal Aid Board, and right-based civil society organisations or no-governmental organisations to observe proceedings.
3. Pro-long pre-trial detention, overcrowding and arbitrary refusal of the right to bail can infringe on the rights of detainees in contravention of the Mandela Rules on the treatment of prisoners. In order to address these concerns and ensure access to bail for accused persons, the Judiciary with support from UNDP developed a Bail Regulations 2018 which was published as Constitutional Instrument No. 5 of 2018 in the *Supplement to the Sierra Leone Gazette Vol. CXLIX, No. 63 dated 12th July 2018.[[15]](#footnote-15)* The Judiciary has conducted trainings on the Bail Regulations 2018 for judges and magistrates and conducted bail sensitization activities for the public.
4. The Human Rights Commission of Sierra Leone adopted a policy to visit prisons and review the detention of people held in prolonged detention. This policy has resulted in the immediate release of prisoners held in prolong pre-trial detention.
5. Since the review in 2016, the GoSL has also taken steps to address poor prison conditions. Central government funding has been allocated to improve prison conditions such as the replacement of firewood with gas for cooking in prisons; introduction of a new prison categorisation system for all prisoners with associated privileges and facilities including increased family visits, access to televisions and radio; improved Dietary Scale for inmates from 20 ounces to 32 ounces; establishment of medical laboratory services for inmates in correctional centres in Freetown, Bo, Makeni and Kenema; establishment of libraries in correctional centres across the country; and increased opportunities for inmates to participants in crop and animal farming at Mafanta, Gbenderu, Moyamba, Kabala and Mattru Jong Correctional Centre areas.
6. Recommendation 111.147 on improving poor prison conditions was made by the United States of America. In November 2017, the Sierra Leone Correctional Service (SLCS) received One Million Five Hundred Thousand United States Dollars (USD$1,500,000) towards various reform and improvement activities in the prison system in Sierra Leone. These funds were provided under the International Bureau of Narcotics and Law Enforcement (INL) and implemented by UNDP. The activities supported by these funds included review of the Correctional Act of 2014 and the Prison Rules of 1961; developed an Industry Master Plan of the Sierra Leone Correctional Service; contributed to the procurement of healthcare equipment and consumables, improvement of healthcare and well-being services for inmates; trained 26 senior and junior Corrections Officers in Management and Correctional Industries at Canon City in Colorado State, USA; conducted study tour of the Kenya Prison Service with 12 representatives from Sierra Leone; conducted a pilot Assessment and Classification System of inmates resulting in the drafting of an Inmate Classification Handbook; improved Water, Sanitation and Hygiene (WASH) facilities at Kambia, Makeni, Port Loko, Sefadu, Kenema and Bo Correctional Centres; and reconstructed a pre-trial Detention Centre at Kissi Town, Waterloo in the Western Area. As a result of some of these interventions, the SLCS has been able to development and is implementing a Strategic Work Plan 2018 – 2022 on “Consolidating the Gains from Prisons to Corrections”. The Plan has five objectives, namely: safety and security within Correctional Centres and the public; psychosocial, educational and aftercare service for discharged inmates; capacity building for staff; construction of Correctional Centres and provision of essential logistics; and staff motivation.
7. The Sierra Leone Correctional Service also works with other civil society organisations and non-governmental organisations to improve prison conditions and ensure prisoners’ rights are guaranteed, promoted and respected. The Open Society Initiative for West Africa (OSIWA) is supporting the piloting of an Inmate Identity Management and Electronics Management System in Freetown Male and Female Correctional Centres. Sierra Leone’s Justice Sector Coordinating Office is implementing this project. The effect of all these interventions are that the Sierra Leone Correctional Service is now in a far better position in providing improved prison conditions and better management systems of prisoners.
8. **Right to Privacy, Marriage and Family Life**
9. **This theme covers recommendations 111.153 – 111.156 and calls for supporting the family institution, citizenship and the transfer of citizenship from mother to child and on an equal basis with men. These recommendations enjoy the support of the Government.**
10. Following the acceptance of the UPR recommendations on citizenship, Sierra Leone, through its Parliament amended the law on citizenship on 5th July 2017. The Citizenship (Amendment) Act 2017 amends the Citizenship Act, No. 4 of 1973 and further amends the Sierra Leone Citizenship (Amendment) Act, No. 11 of 2006 providing for citizenship by birth to be granted through the mother. In Section 2 of Act No. 11 of 2006, Sierra Leone already amended the Sierra Leone Citizenship Act No. 4 of 1973 to include a definition of “mother ” as a natural but not an adoptive mother” and where a person claims negro African descent, this too could be claimed through the mother or father or grandmother or grandfather.
11. In the Citizenship (Amendment) Act 2017, the GoSL amends section 5 of the Citizenship Act No 4 of 1973 so that a person can claim citizenship by decent from their father and mother. For precision, it is necessary to quote Memorandum of Objects and Reasons for this change as follows:

*“The object of this Bill is to amend section 5 of the Citizenship Act, 1973 to take into cognizance the amendment made to the Citizenship Act in 2006 wherein citizenship by birth can now be granted directly through the mother. This new clause proposes the insertion of the word “mother” to take into consideration the 2006 amendment.”*[[16]](#footnote-16)

1. **Right to Religion and Freedom of Expression**
2. **This theme covers recommendations 111.157 – 111.165 and calls for actions and measures to ensure freedom and equality of religion, freedom of expression, refrain from criminalisation of legitimate activities of human rights defenders, refrain from arbitrary arrests, repeal of the Public Order Act and Criminal and Seditious Libel Law and implementation of the 2013 Freedom of Information Act.**
3. These recommendations enjoy the support of the Government. Government’s leadership in this area of human rights has been remarkable in the sub-region. To date, no journalist has been imprisoned by the State for their conscience or opinion. Freedom of religion continues to define the values of Sierra Leone though there is need to be given further legal guarantees.
4. The Government of Sierra Leone is on record as having expressed a desire to repeal the Public Order Act 1965 with a new law that address the three main concerns of the public: (i) Right to privacy including protection from defamation using new media; (ii) Professional responsibility of the Press to respect the privacy of the public; and (iii) Balancing public order and civil liberties and freedom in a democracy.
5. **Women’s Empowerment and Political Participation**
6. **This theme covers recommendations 111.166 – 111.169 and calls for greater participation and representation in governance and national institutions, legislate on political participation and representation of women in public elections. Recommendations 166, 167 and 169 enjoy the support of Government. Government has again shown leadership and willingness in advancing the political rights of women. In the last review, we illustrated a high level of representation and participation in public affairs. Recommendation 111.168 was noted on the basis that it was under consideration by the Constitutional Review Committee.**
7. On 2nd May 2019 during the State Opening of Parliament, His Excellency the President made this commitment that *“The Gender Equality and Women's Empowerment Policy has been drafted awaiting Cabinet approval. This policy will lay the foundation for the establishment of the National Gender Affairs Commission and the affirmative action quota of minimum 30 percent representation in governance at all levels as mentioned in the State Opening of Parliament in May 2018.”*
8. Women constitute 50.8 percent of the national population of Sierra Leone, according to the 2015 Sierra Leone Population and Housing Census. On Women’s Empowerment and Political Participation, despite significant efforts from the government, donors, and civil society, significant gender inequality and discrimination remains deeply entrenched in Sierra Leone at household, community, national levels. Sierra Leone historically stands in the bottom ten of the Gender Development Index, ranking 177 out of 182 ranked countries in 2013 (UNDP, 2013).
9. The GoSL is pleased to report that efforts at the local level to ensure women’s empowerment and political participation are producing satisfactory results for women. According to Section 95 of the Local Government Act, No. 1 of 2004, each local council is required to establish a Ward Committee for each ward in its locality. In addition to the elected councillor and the paramount chief, each ward should have not more than ten (10) members and at least five (5) of whom must be women, resident in that ward and elected by the ward residents in a public meeting. The Ministry of Local Government and Rural Development reports that over 95% of Ward Committees across the country met the Section 95 requirement for at least 50% women representation on Ward Committees in local councils.
10. **Right to Social Security and to an adequate standard of living**
11. **This theme covers recommendations 111.170 – 111.176 and 111.207 and calls for, among other measures and actions, for the Government to reduce poverty, strengthen programmes of social protection, expand provisions of water supply, improve socio-economic conditions and implementation of the Agenda for Prosperity, and to improve infrastructural development in the country. These recommendations enjoy the support of Government. Before 2018, the Government’s poverty policy was contained in the Agenda for Prosperity which focused on advancing the socio-economic conditions of its citizens.**
12. On 28th February 2019, President Julius Maada Bio launched the successor to the Agenda for Prosperity, the new Medium Term National Development Plan (Education for Development. This is the country’s medium-term development framework covering the period 2019 – 2023. The Government’s policy in poverty reduction has shifted from the traditional Poverty Reduction Strategy Paper model of orienting planning to people-centred, long-term development thinking in line with regional (African Union) and global (Sustainable Development Goals) planning perspectives. So, the GoSL has aligned its new Medium-term National Development Plan with these regional and global frameworks.
13. The National Commission for Social Action (NaCSA) is a major arm of the Government of Sierra Leone in delivery social services to various communities across the country. Social protection services are crucial to addressing poverty alleviation and building social and economic resilience. The National Social Protection Secretariat of (National Commission for Social Action (NaCSA) leads Government’s interventions in this area. The Secretariat has since reviewed the Draft National Social Protection Policy. NaCSA also continues to roll out the Ministry of Labour and Social Security’s National Social Safety Net Programme (SSNP) for poverty alleviation interventions in the country. A quarterly cash payment is being made to fifty thousand extremely poor households in ten districts where the project is located. The planned social pension transfer under this Programme would however cover only 8.3 percent of the food requirements of the poorest families, compared to a median of 27 percent in a sample of similar programmes in other developing countries.
14. NaCSA is currently engaged in the implementation of the Sierra Leone Community Driven Development Project – Phase 2 (SLCDDP-II). This project works towards incremental changes in human development index ranking and ensures that the prosperity of citizens is measured by the levels of access to social facilities and community development. Also, through the Financial Cooperation agreement between the Government of the Federal Republic of Germany and the Government of Sierra Leone, NaCSA is currently engaged in the rehabilitation of 102.8 km feeder roads, bridges and culverts, 3 grain stores, 9 water wells fitted with hand pumps and 1 livestock Paddock. These programmes are being implemented in the three operational districts of Kailahun, Kono and Koinadugu.
15. The GoSL also takes seriously its obligations under various international treaties to support refugees and migrants in Sierra Leone. In consultation with members of Parliament, the Ministry of Foreign Affairs and International Cooperation, Ministry of Justice, and other relevant stakeholders, NaCSA is currently in the process of reviewing the Refugee Protection Act of 2007 with a view to providing more favourable protection for asylum seekers and refugees in Sierra Leone.
16. In 2017, the incidence of multidimensional poverty[[17]](#footnote-17) was 64.8 percent resulting in almost two-thirds of the population in Sierra Leone identified as multidimensionally poor. To address poverty concerns especially among those at pensioners, the GoSL through the National Social Security and Insurance Trust NASSIT introduced a minimum pension of Le250,000 from its initial minimum of Le21,000 effective 1st January 2017. At the same time, NASSIT also indexed its pensions at the December 2016 inflation rate of 15.26%.
17. In December 2017, the Parliament of Sierra Leone approved the introduction of the Sierra Leone Social Health Insurance Scheme (SLeSHI). This scheme is administered by NASSIT. NASSIT intends to extend the social security protection to the informal sector. NASSIT has introduced the employment injury scheme.
18. NASSIT continues to collect social security contributions on behalf of employees, impose interests and penalties on delayed payment of contributions, and in some cases, prosecutes those who fail to comply. NASSIT, as a Trust, prudently invests its surplus funds and pays retirement pensions to its members when they attain age 60+ or 55+, in the case of early retirement. NASSIT also pays Survivors’ pension to dependants of a deceased member including children not older than age 18 and even up to 23 years, if enrolled in school. Additionally, NASSIT pays invalidity benefits to its members when they become completely and permanently incapacitated by either an illness or accident.
19. The total number of beneficiaries in 2016 were 18,253; in 2017 were 22,159 and in 2018 were 18,212. A drop in the number of paid beneficiaries in 2018 was due to the verification exercise that was conducted by the Trust and which led to the suspension of payment for a reasonable number of beneficiaries. The corresponding total benefits paid to these beneficiaries in 2016, 2017 and 2018 amounted to Le112, 58 billion, Le157.67 Billion and Le185.07 Billion for the respective periods. Also, total contribution income collected in 2016, 2017 and 2018 were Le327.72 Billion, Le375.75 Billion and Le431.51 Billion respectively. NASSIT embarks on socially targeted investment projects and have constructed shopping plazas and transport terminals in three provincial Headquarter Cities of Bo, Kenema and Makeni.
20. The water supply network for the capital Freetown, which is managed and operated by the Guma Valley Water Company (GVWC). Seven other urban water supply schemes are operated and managed by the Sierra Leone Water Company (SALWACO).
21. GVWC is implementing an eight-hour water rationing scheme on a zonal basis with remarkable improvement. SALWACO has developed and is implementing three-city water project covering Bo, Kenema, and Makeni with the provision of safe pipe borne drinking water.
22. The GoSL has also improved the legislative framework for improved water services by passing the following *triple water improvement legislation*: the Sierra Leone Water Company Act, No. 4 of 2017, and the National Water Resources Management Agency Act, No.5 of 2017; and the Guma Valley Water Company Act, No.6 of 2017. Act No. 5 of 2017 provides for sustainable use and management of the country’s water resources through the establishment of a National Water Resources Management Agency; and the provision of a Water Basin Management Board and Water Catchment Area Management Committees for the management of the water resources and for other related matters.
23. The Government of Sierra Leone has identified water as the second out of eight priority sectors for development under *Cluster 3 – Infrastructure and Economic Competitiveness* in the country’s recently launched National Development Plan 2019 – 2023. This Plan aims to improve water resources through the following policy targets: to increase the percentage of the population with access to safe drinking water from 59.6 percent to 80 percent by 2023; to increase the percentage of the population with access to an improved water source within a total collection time of 30 minutes from 69 percent to 85 percent by 2023; and to reduce the percentage of the population with access to unreliable or limited water services from 24 percent to 7 percent by 2023. One of the policy actions to undertake to achieve the above targets is the establishment and operationalisation of the National Water Resources Management Agency. This was achieved in May 2019.
24. With 42 percent of the population below 15 years of age, the government has prioritized youth employment and empowerment to create opportunities for the youth and make migration less attractive.
25. EPA-SL is currently reviewing its Environment Protection Act. It has established a Climate Change Secretariat to mainstream climate change issues across the country. EPA has also developed the National Appropriate Mitigation Action (NAMA) including having undertaken analysis of the Causal and Trigger Factors of the August 2017 flooding and landslides and rehabilitated the Aberdeen Creek for climate change mitigation and adaptation, flood mitigation for coastal communities; developed the National Adaptation Plan (NAP) Framework and the National Climate Change Policy; and has formulated and disseminated sector specific Environmental Impact Assessment Guidelines and the Strategic Environmental Assessment (SEA) for the artisanal mining sector.
26. EPA-SL also established Community Environment Committees in many villages across Sierra Leone and conducted sensitization campaigns on environmental management and sustainable resource exploitation; trained women’s groups across the country on environmental management and protection and provided them with natural resource based alternative livelihood options, including the provision of cassava crating machines and cashew nut seedlings. EPA supported 21 women’s groups to implement climate smart agriculture and sound environmental management practices. This has helped to improve the wellbeing and quality of life for rural women in project areas. These measures contribute to promoting inclusive public participation, promoting good environmental social and health practices in natural resources management, promoting compliance and enforcement of environmental policies, and contributing towards poverty reduction and acceleration of human development within communities in Sierra Leone.
27. **Right to Health**
28. **This theme covers recommendations 111.177 – 111.189 and calls for the expansion and improvement of the health care system in the country, implement the National Health Strategic Plan, and ensure quality and free healthcare is accessible to vulnerable populations. These recommendations enjoy the support of Government. The Government has demonstrated considerable commitment to promoting healthcare for its citizens through the launch in 2010 of the Free Health Care Initiative which includes the National Eye Health programme.**
29. The GoSL has developed key health improvement policies including the Basic Package of Essential Health Services (2015), Nursing and Midwifery Policy (2016), Reproductive Health Policy (2017), Human Resources for Health (HRH) Policy and Strategy 2017 – 2021), and National Nursing and Midwifery Strategic Plan (2019 – 2023). As a result of these interventions, the Government has recorded positive outcomes between 2008 and 2017. The infant mortality rate dropped from 89 deaths per 1,000 live births in 2008 to 56 deaths in 2017, and the under-five mortality rate dropped from 140 to 94 deaths during the same period.
30. The health sector is faced with myriad challenges, including, but not limited to, poor infrastructure; poor conditions of service for health workers; poor governance and management of delivery systems; a weak human resource base; low per capita expenditure on health (the health allocation is below 15 percent of the national budget, which is the 2001 Abuja Declaration minimum); inadequate disease prevention; a poor control and surveillance programme; poor quality data; and limited access to sexual and reproductive health services.
31. The Government of Sierra Leone is therefore determined to use its strong leadership and political will to increase health-care spending to 15 percent of the national budget, enhancing the implementation of the Free Health Care Initiative.
32. Sierra Leone’s current National Development Plan 2019 – 2023, prioritises health care improvement in Policy Cluster One. Under this Cluster, the strategic objective is to transform the health sector from an under-resourced, ill-equipped, and inadequate delivery system into a well-resourced and functioning national health-care delivery system that is affordable for everyone and accessible to all.
33. In December 2018, the National Strategy for the Reduction of Adolescent Pregnancy and Child Marriage was officially launched His Excellency the President. Full implementation of this Strategy will be followed by Regional launches.
34. **Right to Education and Promotion of Human Rights Education**
35. **This theme covers recommendations 111.190 – 111.204 and calls for improvements in education for all including girls, women, persons with disabilities, ensuring the New Education Sector Plan is well implemented, prioritising universal basis education for all, removing all hindrances and discrimination against children in fulfilling their right to education, and advancing human rights education. These recommendations enjoy the support of Government.**
36. The Government has demonstrated considerable commitment to expanding educational opportunities especially for the girl child through the then Agenda for Prosperity and more recently through the New Direction’s flagship programme of Free Quality School Education (FQSE) for both basic and senior secondary education in Government Schools (GS) and Government Assisted Schools (GAS). The current Free Quality School Education (FQSE) has translated into a twenty-one percent (21%) national budgetary allocation with a phase system to implement the full complement of the initiative. On the ground, new schools have been approved by the Ministry of Primary and Secondary Education, thus providing opportunity for more school going children to benefit from this Government initiative.
37. The National Commission for Democracy (NCD) and the Human Rights Commission of Sierra Leone (HRCSL) lead the GoSL’s efforts in human rights education in schools in Sierra Leone. Social Studies and Civic Education has now been introduced into the national curriculum for schools. This is contributing to increased awareness of Human Rights Education, Peace Education, Development Education, Gender Education, Political Education and Education in Democracy.
38. The Republic of Sierra Leone Armed Forces (RSLAF) stands in the forefront of implementing the GoSL’s obligations under relevant international humanitarian law (IHL) – e.g. the Geneva Convention Act, No 14 of 2012 which domesticates the Geneva Conventions of 12th August 1949 and their Additional Protocols of 8th June 1977. RSLAF works in collaboration with institutions like the Sierra Leone Red Cross Society, the Office of National Security, Parliamentary Committee on Defence, the Human Rights Commission of Sierra Leone, the Sierra Leone Legal Aid Board, the Ministry of Justice and the Ministry of Foreign Affairs and International Cooperation[[18]](#footnote-18) to develop and deliver human rights training to its officers. During recruit and commissioning training, recruits and cadets receive training on the human rights of protected categories of persons under the Geneva Conventions and Additional Protocols. This training programme is additional to existing human rights training programmes and is encapsulated in an RSLAF’s policy document called “Right of a Soldier, Version 1 November 2018 (MoD)”. This document details the rights of a soldier and the rights of civilians relative to the functions of a soldier.
39. For senior military personnel, RSLAF’s Armed Forces Technical and Vocation Centre (AFTEC) is the main facility where advanced human rights training is delivered among other regular training programmes. Senior officers are then required to cascade all training they received including human rights training to junior officers and other ranks in Brigades and Battalion. The training also includes penalty regimes through the military justice system of summary punishment or military court martial. The Court Martial Procedure Rules of 2003 and Republic of Sierra Leone Armed Forces Act 1961 are the two main instruments that guide, regulate and sanction military conduct including conduct in relation to human rights.
40. **Improve Implementation of the UPR Recommendations**
41. **This theme covers recommendations 111.205 – 111.206 and 111.208 and calls for partnerships with civil society and regional and bilateral partners to build capacity, mobilise resources and to improve implementation of the human rights obligations including UPR recommendations. These recommendations enjoy the support of the Government.**
42. In November 2016, the GoSL recruited staff to work in the newly established Legal Affairs and International Conventions Division at the Ministry of Foreign Affairs and International Cooperation. With a Director of Human Rights and Compliance and two Senior Human Rights Officers, this Division leads the work of the GoSL by coordinating MDAs to report to international human rights treaty bodies. The *National Reporting Strategy of the Republic of Sierra Leone to International Human Rights Treaty Bodies of 2008* is the main framework through which the GoSL engages with the UPR process and other human rights treaty reporting work.
43. Human rights based civil society organisations, and both local and international non-governmental organisations have a wide space to operate in Sierra Leone. Some of these organisations sit in the Steering Commission of the *National Reporting Strategy of the Republic of Sierra Leone to International Human Rights Treaty Bodies of 2008*. Sierra Leone has successfully participated in the 1st UPR Cycle with midterm reports submitted. Sierra Leone is also on track to submit its midterm Report for the 2nd Cycle implementation review.
44. **CHALLENGES AND CONSTRAINTS**
45. During the period under review (January 2016 – July 2019), Sierra Leone experienced a national flood and mudslide emergency which left approximately 500 people dead, 500 unaccounted for, and thousands including 4000 children made homeless.[[19]](#footnote-19) The country continues to recover from the consequences of the decade long civil war, the almost three years of Ebola virus epidemic and the effects of the collapse of the world commodities markets impacting on Sierra Leone’s iron ore exports. The country therefore is still experiencing double digit inflation and an economy that grew by 7.8% on average during 2003-2014, contracted by 21% in 2015, grew to around 6.4% in 2016, contracted again by 3.8% in 2017 and stalled at 3.7% in 2018.[[20]](#footnote-20)
46. Corruption is a major impediment to development and economic growth. If not stamped out, the effect of corruption can impair the enjoyment of human rights. The Government of Sierra Leone has therefore taken steps by setting up three independent Commissions of Inquiry to combat corruption, bring accountability in governance and foster economic growth for the people of Sierra Leone.
47. Sierra Leone was not able to submit its Second Cycle Midterm Review Report before now due to many reasons. The Government’s announcement on the 4 February 2017 that local, parliamentary and presidential elections would take place on 7 March 2018 impacted on the overall political commitment and preparation of this report. During this implementation period, Sierra Leone was again afflicted by another natural disaster (the abovementioned a national flood and mudslide emergency following three days of heavy rains which ended on 14 August 2017). This caused Government resources and personnel to be diverted to this emergency. The Presidential elections re-run on 31 March 2018 also meant that cabinet appointments and parliamentary approvals of Government Ministers were not completed until May/June 2018. Data generation, management and dissemination within and across government is also a challenge and hence some of the gaps in this report. Despite the resource and data challenges, the Government of Sierra Leone continues to report on its human rights obligations and is in advanced talks with OHCHR to hold a national capacity training workshop in Freetown in October 2019 to roll out the National Recommendations Tracking Database (NRTD).[[21]](#footnote-21)
48. **KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**
49. Launched on 28th February 2019, the Medium-term National Development Plan is the country’s fourth Poverty Reduction Strategy. Central to this Plan is the GoSL’s flagship programme on Free Quality School Education to provide a solid foundation for human capital development as well as facilitate the transformation of the country’s social protection, women’s empowerment, health improvement, environmental protection programmes, and other sectors. The Plan has Four key national Goals, as follows:

**Goal 1:** A diversified, resilient green economy

**Goal 2:** A nation with educated, empowered, and healthy citizens capable of

 realizing their fullest potential

**Goal 3:** A society that is peaceful, cohesive, secure, and just

**Goal 4:** A competitive economy with a well-developed infrastructure

1. These Goals are further divided into eight (8) policy clusters, as follows:
	* 1. Human capital development
		2. Diversifying the economy and promoting growth
		3. Infrastructure and economic competitiveness
		4. Governance and accountability for results
		5. Empowering women, children, and persons with disabilities
		6. Youth employment, sports, and migration
		7. Addressing vulnerabilities and building resilience
		8. Means of implementation

1. The Plan is based on six principles, as follows:
	* 1. Disciplined leadership
		2. Efficient and prudent management of resources
		3. Participation and inclusiveness of all stakeholders in the development process
		4. Local ownership and content, with the people of Sierra Leone at the centre of development
		5. Coordination and partnerships for development among all actors in the economy
		6. Results-oriented implementation of the plan to ensure accountability
2. For ease of reference, the National Development Plan (Volumes I and II) can be accessed from the website of the Ministry of Planning and Economic Development.[[22]](#footnote-22) The Government’s emphasis on trade and development aims to transforming the economy and stimulate growth. Education and human capital development are two elements that are common to all human rights. In this sense, our new National Development Plan is a pro-human rights document with human development at its centre. It is hoped that this Plan will enable Sierra Leone to meet its various human rights obligations and we invite all Sierra Leone’s development partners to join us make this Plan a reality.

**Annex:**

*Independent Police Complaints Board’s contribution to Midterm Review Report, 27 June 2019*

 

INDEPENDENT POLICE COMPLAINTS BOARD

**MID-TERM REVIEW OF THE IMPLEMENTATION OF THE 2nd CYCLE OF HUMAN RIGHTS UNIVERSAL PERIODIC REVIEW (UPR) RECOMMENDATIONS**

27th June, 2019

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**1.0 BACKGROUND**

The Independent Police Complaints Board (IPCB) is a non-departmental public body established in July 2013 by the Police Council under Section 158 of the Constitution of Sierra Leone 1991, (Act No. 6 of 1991).

The functions of the ‘Board’ are set out in Section 3 (1&2) of The Independent Police Complaints Board Regulations, 2013, and include the following:

***(1) The Board shall investigate:***

* ***The death of any person while in the custody of the police;***
* ***A fatal road accident in which a police vehicle is involved;***
* ***A shooting incident where a police officer has discharged a firearm or killed a person;***
* ***Incidents of injuries, assault or wounding caused by a police officer;***
* ***Allegations of misconduct involving an officer of the rank of Superintendent or higher;***
* ***Any matter involving misconduct by the police referred to it by the Inspector-General of Police where the Inspector-General of Police thinks an independent investigation will be in the public interest;***
* ***Any matter or incident which it thinks the action or inaction of the police is likely to impact significantly on the confidence of the people in the police;***
* ***Any matter whether remote or otherwise, which gave cause for an investigation to be conducted under this regulation.***

***(2) The Board shall advise the Police Force on ways in which incidents involving the***

***Police Force as provided in these Regulations may be avoided or eliminated.***

**2.0 COMPLAINTS MANAGEMENT**

The Board is mandated under IPCB Regulations, 2013 to ensure independent oversight of the handling of complaints against certain members of the Sierra Leone Police. Section 9 of the Regulations provides that the ''Board may conduct an investigation on its own initiative or on the basis of a complaint made by a member of the public, a police officer or a public body.'' The Board executes this function through the receipt, processing and investigation of complaints lodged by the public and police officers. This function is operationalised by the Board's Complaints Handling Department.

Since 2016-2019, The Board received 190 complaints on alleged police misconducts and abuses. The annual distribution of the complaints was as in table 1 below.

***Table 1: Annual receipt of complaints***

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Table 2: Overall Analyses of Complaints Received by IPCB** | **2016** | **2017** | **2018** | **2019** | **Total** |
| Number of Complaints Under **investigated** by the IPCB  | 46 | 38 | 41 | 13 | 138 |
| Number of Complaints to be **reviewed/assessed**  | - | - | - | 4 | 4 |
| Number of Complaints under J**udicial Proceedings** | 2 | 1 | 1 | - | 4 |
| Number of Complaints **referred/Handled** by CID/CDIID/SLP | 4 | 5 | 3 | 3 | 15 |
| Number of Complaints **referred/Handled** by ACC | - | 1 | - | 1 | 2 |
| Number of Complaints **referred/Handled** by the Ombudsman  | 9 | 3 | 2 | 1 | 15 |
| Number of Complaints **referred/Handled** by Ministry of Labour and Social security |  | 1 | - | 0 | 1 |
| Number of Complaints **withdrawn/Closed/KIV** by Complainant | 2 | 1 | 6 | 2 | 11 |
| **Total**  | **63** | **50** | **53** | **24** | **190** |

**2.1.1: Trends on Growth of Complaints Received 2016-2019**

As seen in Table 1 above, a rising trend is expected to peak by close of Operational Year (OP). 2016-2018 as public awareness and sensitization on IPCB through the GoSL and UPDP are sustained.

**2.1.2: Source of Complaints 2016-2019**

The IPCB received complaints from different entities. The main sources included members of the general public and non- state actors as seen in Table 2 below. The largest percentages of complaints were directly from members of the public. This is the same with the previous years’ trends.

***Table 2: Complaints by Source 2016-2019***

|  |  |  |
| --- | --- | --- |
| **Source of complaints** | **Number** | **Percentage** |
| General Public  | 132 | 69 |
| Police Officers  | 19 | 10 |
| Non State Actors  | 18 | 9 |
| State Actors  | 12 | 6 |
| Media | 1 | 1 |
| Outreach | 8 | 4 |
| Total | 190 | 100 |

**2.1.3 Admission Status**

Out of 190 reported complaints received from 2016-2019 OY, 138 (73%) were within the mandate of the Board and different interventions are in place to resolve the complaints. Interventions on the complaints include preliminary assessment, investigations etc. Complaints outside mandate were 52 (27%) and the complainants were advised accordingly. Figure 1 below illustrates the proportion of complaints by mandate.

 *Figure 1: Admission status of complaints*

**2.1.4 Gender Analysis on Complaints 2016-2019**

Out of the 190 complaints received, 124 (65%) were lodged by men, 40 (21%) by women while 26 (14%) were by other entities thus not gender classified respectively as illustrated in **figure 2** below.

 *Figure 2: Proportion of complaints by gender*

The gender classification of complaints received seems to be consistent over time with male gender dominating all throughout as presented in **figure 2** above.

**2.1.5 Nature of Complaints**

Complaints received during this reporting period varied in nature as interpreted in Table 3 below, with police action or inaction being the highest at 52% while misconduct involving an officer of the rank of Superintendent or higher constitutes 16% and shooting, injuries, assault or wounding significant at 15%, whilst death in police custody, remote cases and misconduct referred to the Board by the IGP sum up to 13%.

***Table 3: Nature of Complaints Received***

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Nature of Complaint** | **2016** | **2017** | **2017** | **2019** | **Total**  | **(%)** |
| The death of any person while in the custody of the Police | **-** | **3** | **2** | **-** | **5** | **3** |
| A fatal road accident in which a police vehicle is involved | **-** | **-** | **-** | **-** | **-** | **-** |
| \*A shooting incident where a police officer has discharged a firearm or killed a person | **3** | **2** | **3** | **-** | **8** | **4** |
| \*Incidents of injuries, assault or wounding caused by a police officer | **13** | **7** | **3** | **6** | **29** | **15** |
| \*Allegations of misconduct involving an officer of the rank of Superintendent or higher | **11** | **8** | **10** | **1** | **30** | **16** |
| Any matter involving misconduct by the police referred to it by the Inspector-General of Police where the Inspector-General of Police thinks an independent investigation will be in the public interest | **-** | **-** | **2** | **-** | **2** | **1** |
| \*Any matter or incident which it thinks the action or inaction of the police is likely to impact significantly on the confidence of the people in the police | **26** | **25** | **31** | **17** | **99** | **52** |
| Any matter whether remote or otherwise which gave cause for an investigation to be conducted under this regulation | **10** | **5** | **2** | **-** | **17** | **9** |
| Total  | **63** | **50** | **53** | **24** | **190** | **100** |

***Table 4: Types of Complaints recorded by the IPCB***

**\*NOTE:** These four types of complaints make up 89% of the total number of Complaints recorded during the period under review.

**3.0 INVESTIGATIONS**

Complaints received against police personnel for administrative misconduct and criminal actions largely form the basis of investigations by the Board. Other incidents are also considered for investigations as identified by the Board through own initiative. Cases investigated that meet the necessary evidentiary threshold are referred to the Director of Public prosecutions (DPP) with recommendations for prosecution, inquests among others[[23]](#footnote-23), whilst cases investigated for administrative actions are referred to the Inspector General of Police (IGP) to invoke disciplinary actions.

**3.1 Status on Investigations by IPCB**

Since 2016-2019, Fifty Seven 57 (41%) cases were concluded out of One hundred and Thirty-eight (138) assigned cases for IPCB investigation, 53 (39%) are still ongoing investigations, 18 (13%) are Files Kept in View and 10 (7%) are Closed files. Breakdown in the **table 4** below shows the status of investigations since 2016-2019.

**Table 4: Status of Cases as at 27th June 2019**

|  |  |
| --- | --- |
|  | **ANALYSIS IPCB INVESTIGATIONS 2016-2019** |
| **KEY** | **Number of Cases Under Investigation**  | **(%)** |
| Concluded | 57 | 41 |
| Ongoing  | 53 | 39 |
| KIV | 18 | 13 |
| Closed  | 10 | 7 |
| **Total**  | **138** | **100%** |

**4.1: Communication, Programmes and Outreach**

**Activities**

With Support from the United Nations Development Programme (UNDP in Sierra Leone, The IPCB is currently undertaken national the second phase of the implementation of **the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (‘the Luanda Guidelines’)** was officially launched by the African Commission on Human and Peoples’ Rights (‘ACHPR’) during its 56th Ordinary Session in Banjul, Gambia on 25 April 2015 in Luanda, Angola to provide guidance to policy makers and criminal justice practitioners with the aim to strengthen the day-to-day practice of arrest, police custody and pre-trial detention. The IPCB has conducted second Capacity Building Training on Basic Investigations Skills for Oversight practitioners in Sierra Leone with over 70 beneficiaries including the Sierra Leone Police. National Training of Stakeholders **the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (‘the Luanda Guidelines’)**

The Guidelines are an authoritative interpretation of the African Charter on Human and Peoples’ Rights (‘the African Charter’) and offer specific detail on the measures States Parties to the Charter need to take to uphold, protect and promote the rights of people in the criminal justice system. The Guidelines, was adopted in response to **growing concerns about human rights violations in the pre-trial context across Africa**. The Guidelines to fundamental rights enshrined in the African Charter, namely the rights to life, liberty, security and a fair trial, noting that many people experience limitations of these rights under current practices. IPCB is working with State Parties, their law enforcement institutions, national human rights institutions and civil society organisations, to implement the Guidelines, is the important step to improving conditions, procedures and rights of people in pre-trial detention.

**5.0 Challenges facing Complaints and Investigations Department**

The primary challenges militating are as follows:

* Reluctance of witnesses to attend when invited to do so, and even when in attendance demonstration of much hesitancy in volunteering vital information relevant to the issues at hand.
* Inadequate number of Complaint Handlers and Investigators and lack of mobility, to review and investigate cases in a timely manner.
* A certain level of reticence by some government functionaries to comply with Witness Summonses and/or to produce documents/provide information during investigations;

The IPCB will without doubt significantly improve on its service delivery to the public if these challenges are surmounted.

27th June 2019

1. The *Reporting Strategy of the Republic of Sierra Leone to International Human Rights Treaty Bodies* received Cabinet approved in April 2009 and was discussed in a national consultative conference held in May 2009. The Inter-Ministerial Steering Committee includes all relevant Government’s Ministries, Departments and Agencies (MDAs), civil society organisations’ representatives, the Human Rights Commission of Sierra Leone and the United Nations in Sierra Leone’s Human Rights Adviser – the last two serve as technical advisers. This Committee is the Government of Sierra Leone’s National Mechanism for Reporting and Follow-up the purposes of the *National Mechanisms for Reporting and Follow-up: A Study of State Engagement with International Human Rights Mechanisms (****HR/PUB/16/1/Add.1****).* [↑](#footnote-ref-1)
2. With technical and financial support from OHCHR in Geneva, UNDP in Freetown and *UPR Info* from Geneva and Kenya. [↑](#footnote-ref-2)
3. The Embassy of Ireland through Irish Aid in Freetown funded the training in Freetown and the cost for producing and validating this Midterm Report. [↑](#footnote-ref-3)
4. A more detailed response to the queries raised by the *UN Special Rapporteur on the situation of human rights defenders* and the *Chairperson of the Global Alliance of National Human Rights Institutions (GANHRI)* is provided at paragraphs 38 - 41 below. [↑](#footnote-ref-4)
5. Through the Ministry of Social Welfare, Gender and Children’s Affairs (MSWGCA). [↑](#footnote-ref-5)
6. The body representing traditional women who carry out the practice of FMG. [↑](#footnote-ref-6)
7. The last five (5) ILO instruments were ratified by the Sierra Leone Parliament on 16th July 2019. [↑](#footnote-ref-7)
8. The Ombudsman Office is crucial in delivering administrative justice and guaranteeing respect for human rights. [↑](#footnote-ref-8)
9. <https://www.transparency.org/gcb10/africa> (last accessed on 23 July 2019) [↑](#footnote-ref-9)
10. Anti-Corruption Commission – SL <https://www.anticorruption.gov.sl/blog/anti-corruption-commission-sl-news-room-1/post/sierra-leone-ranks-3rd-in-the-global-corruption-afro-barometer-report-195> (last accessed 15 July 2019). [↑](#footnote-ref-10)
11. See A/HRC/39/48/Add.1 in Annex 2. [↑](#footnote-ref-11)
12. <https://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/Disability/OlderPersons/SIERRA_LEONE.docx&action=default&DefaultItemOpen=1> [↑](#footnote-ref-12)
13. For example, Section 27(4) (d) of the Constitution of Sierra Leone Act, No. 6 of 1991 entrenches gender discriminatory law and harmful traditional practices. [↑](#footnote-ref-13)
14. For example, the Domestic Violence Act of 2007, the Devolution of Estates Act of 2007 and the Registration of Customary Marriage and Divorce Act of 2007. [↑](#footnote-ref-14)
15. The Bail Regulations are to guide Judges, Magistrates, judicial officers (and the police) in the application of the bail provisions of the Criminal Procedure Act 1965. The Bail Regulations seek to ensure that the bail decision process complies with the requirements of the Constitution, specifically that every person shall be presumed innocent until proven guilty and that every accused person has the right to liberty as provided by the constitution. Pre-trial detention shall be a measure of last resort and the criminal justice institutions are with these regulations aiming to ensure respect for these fundamental principles while guiding the police and judicial officers (or authorities) responsible for granting bail. Finally, these regulations seek to balance the rights of suspects and accused persons with the public interest, including the rights of victims. [↑](#footnote-ref-15)
16. Supplement to the Sierra Leone Gazette Vol. CXLVIII, No. 34 dated 22nd June 2017 [↑](#footnote-ref-16)
17. The proportion of people identified as multidimensionally poor. [↑](#footnote-ref-17)
18. MFAIC houses the Sierra Leone National IHL Committee. [↑](#footnote-ref-18)
19. “Sierra Leone, 2017 – UN Special Rapporteur” <https://www.srtoxics.org/2017/08/sierra-leone-end-visit-statement/> (last accessed 01/07/2019). [↑](#footnote-ref-19)
20. <https://www.worldbank.org/en/country/sierraleone/overview> (last accessed on 20/07/2019). [↑](#footnote-ref-20)
21. This is a collaboration between the Ministry of Foreign Affairs and International Cooperation of the Government of Sierra Leone and the Treaty Body Capacity Building Programme of the Office of the United Nations High Commissioner for Human Rights in Geneva. [↑](#footnote-ref-21)
22. <http://www.moped.gov.sl/mtndp/> (last accessed on 23/07/2019) [↑](#footnote-ref-22)
23. Section 25 of the IPCB Regulations, 2013 [↑](#footnote-ref-23)