



# The State of Human Rights in Sierra Leone 2015



*Chairperson of HRCSL, Brima A. Sheriff submitting the Commission's Position Paper to the Chairman of the CRC, Justice Edmond Cowan*

**HRCSL CALLS FOR A  
“PEOPLE’S HUMAN RIGHTS”  
CONSTITUTION**

**HRCSL: Making Rights Real**

# OBITUARY

THE LATE



**COMMISSIONER  
BRYMA V. S. KEBBIE**

Died 2nd January, 2016

*May His Soul Rest In Peace*





**9th Annual Report of the Human Rights Commission of Sierra Leone  
Presented to President and Parliament of  
The Republic of Sierra Leone  
Pursuant to Sections 7 (2) (g) & 24 (1) of  
The Human Rights Commission of Sierra Leone Act (No. 9) 2004**



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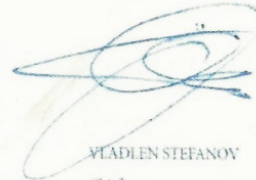
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تم منحه / منحها بموجب مبادئ باريس اعتماد الفئة 'أ' من ٢٠١١ إلى ٢٠١٦.

*Roslyn Noonan*

ROSSLYN NOONAN

Chair  
International Coordinating Committee of National Institutions  
for the Promotion and Protection of Human Rights



VLADLEN STEFANOV

Chief  
National Institutions and Regional Mechanisms Section  
Office of the High Commissioner for Human Rights

31<sup>st</sup> March, 2016

H.E. Dr. Ernest Bai Koroma  
President of the Republic of Sierra Leone  
State House  
Tower Hill  
Freetown

Your Excellency,

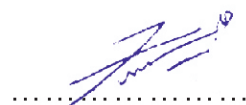
I have the pleasure in submitting to you, as required under Sections 7 (2) (g) & 24 (1) of the Human Rights Commission of Sierra Leone Act (No. 9), 2004, the ninth annual report of the Human Rights Commission of Sierra Leone (HRCSL).

“The State of Human Rights in Sierra Leone” is a report of activities of the HRCSL covering the period 1<sup>st</sup> January to 31<sup>st</sup> December, 2015. As required by the Act, the report includes the ways in which the fundamental rights and freedoms in the 1991 Constitution and International and Regional Agreements to which Sierra Leone is a party, have been observed or violated. It also includes steps taken by HRCSL to protect and promote human rights; the results of individual complaints investigated, and the interventions and recommendations made by HRCSL in respect of matters brought before it.

HRCSL respectfully calls on the Executive, the Legislature, the Judiciary and all other state bodies to take necessary actions toward implementation of the recommendations in this report and all outstanding recommendations in its previous reports.

The HRCSL strongly believes that the protection and promotion of human rights, good governance and the consolidation of peace, are prerequisites for sustained democracy and development in Sierra Leone.

Yours Faithfully,

A handwritten signature in blue ink, appearing to read 'Brima Abdulai Sheriff', is positioned above a dotted line.

Brima Abdulai Sheriff  
Chairperson

31<sup>st</sup> March, 2016

The Honourable Speaker  
Parliament Building  
Tower Hill  
Freetown

Dear Honourable Speaker,

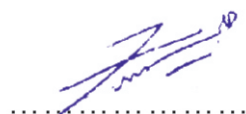
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Yours Faithfully,

A handwritten signature in blue ink, appearing to read "B. Sheriff", is written over a dotted line.

Brima Abdulai Sheriff  
Chairperson



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## List of Abbreviations

ACHPR	African Charter on Human and People's Rights
ASJP	Access to Justice Project
ATS	All Terrain Services
AU	African Union
BECE	Basic Education Certificate Examination
CCSL	Council of Churches in Sierra Leone
CCTV	Close Circuit Television
CDIID	Complaints, Discipline & Internal Investigation Department
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CID	Criminal Investigation Department
COMAHS	College of Medicine and Allied Health Sciences
COR	Commander of the Order of the Rokel
CRA	Child Rights Act
CRC	Constitutional Review Committee
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
CTN	Cotton Tree News
DECT	Directorate of Education of Communication and Training
DERC	District Ebola Response Centre
DFID	Department for International Development
DHRC	District Human Rights Committee
DPP	Director of Public Prosecution
ECOWAS	Economic Community of West African States
EPA	Environmental Protection Agency
EVD	Ebola Virus Disease
FGM	Female Genital Mutilation
GoSL	Government of Sierra Leone
GVWC	Guma Valley Water Company
HRC	Human Rights Council
HRCSL	Human Rights Commission of Sierra Leone
HRDN	Human Rights Defenders Network
ICC	International Coordinating Committee
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic Social and Cultural Rights
IGO	Inter-Governmental Organization
IHRD	International Human Rights Day
IHREC	Irish Human Rights and Equality Commission
ILO	International Labour Organization

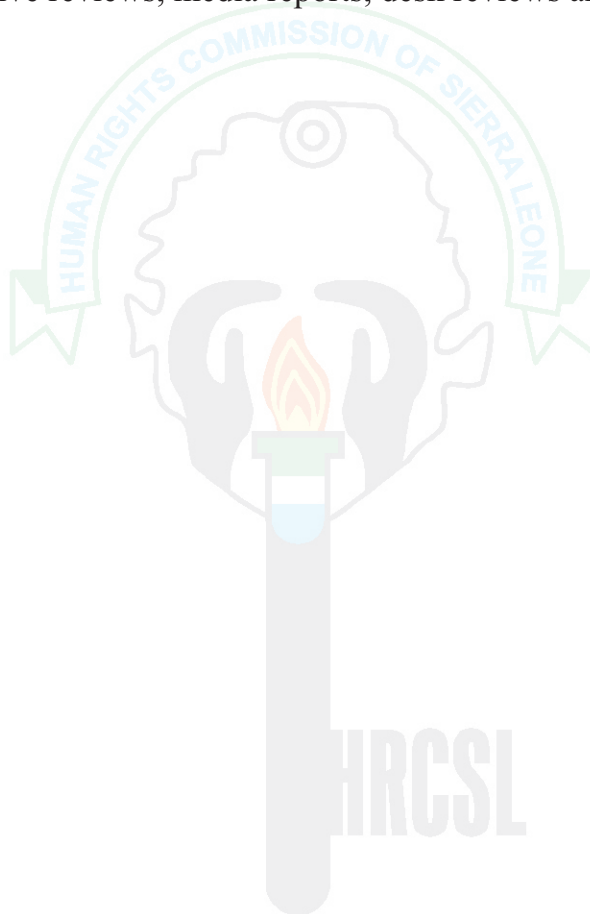


IMC	Independent Media Commission
INGO	International Non –Governmental Organization
JSCO	Justice Sector Co-ordination Office
KDMC	Kenema Disaster Management Committee
LAB	Legal Aid Board
MDAs	Ministries Departments and Agencies
MEST	Ministry of Education, Science and Technology
MIA	Ministry of Internal Affairs
MIPAA	Madrid International Plan of Action on the Ageing
MLSS	Ministry of Labour and Social Security
MOH	Ministry of Health and Sanitation
MSWGCA	Ministry of Social Welfare Gender and Children’s Affairs
MPTF	Multi Partner Trust Fund
MRU	Mano River Union
NANHRI	Network of African National Human Rights Institutions
NCPD	National Commission for Persons with Disability
NEC	National Electoral Commission
NERC	National Ebola Response Centre
NGO	Non- Governmental Organization
NHRI	National Human Rights Institutions
NTC	National Technical Committee
OHCHR	Office of High Commissioner for Human Rights
ONS	Office of National Security
OSD	Operation Support Division
PWSL	Prison Watch Sierra Leone
RHRO	Regional Human Rights Officer
SALWACO	Sierra Leone Water Company
SDI	Society for Democratic Initiative
SLAJ	Sierra Leone Association of Journalists
SLOIC	Sierra Leone Opportunity Industrialization Centre
SOGIE	Sexual Orientation, Gender Identity and Expression
SOHR	State of Human Rights
TDF	Transformation and Development Fund
TRC	Truth and Reconciliation Commission
UDHR	Universal Declaration of Human Rights
UNDP	United Nation Development Programme
UPR	Universal Periodic Review
WHO	World Health Organization

## Methodology

In compiling this Report, information was collected from both primary and secondary sources which were analysed using the rights guaranteed in international and regional instruments to which Sierra Leone is a party and the 1991 Constitution of Sierra Leone.

Primary sources of information included: complaints received, investigations conducted, interviews held, monitoring activities conducted and strategic engagements. Secondary sources were policies and legislative reviews, media reports, desk reviews and international and regional human rights standards.



## Executive Summary

In compliance with Sections 7(2) (g) & 24 (1) of the Human Rights Commission of Sierra Leone Act (No.9) 2004, the Commission presents its ninth report on State of Human Rights in Sierra Leone, which highlights the activities undertaken by the Commission. It also gives an account of the enjoyment of human rights as well as the challenges in the enjoyment of those rights in the year under review. It also includes Government's efforts in fulfilling international, regional, and national obligations in protecting and promoting human rights in Sierra Leone. The report is divided into four parts:

**Part 1** gives a brief historical background of Sierra Leone, events leading to the establishment of the Commission as well as its mission, vision and core values.

**Part 2** covers the activities undertaken by the Commission, and statistics of complaints received for the year under review. Out of the 198 complaints received, 45 were admissible; 12 were investigated and 14 are still under investigation. The Report notes that 142 were inadmissible and referred to other institutions whilst others were resolved through mediation. Strategic engagements, training programmes and commemoration of human rights days are also reported in this section. Second cycle Universal Periodic Review (UPR) of Sierra Leone by the UN Human Rights Council and activities undertaken by the Commission towards the review are also highlighted in this section.

**Part 3** gives an account of the State of Human Rights in Sierra Leone; how they were respected, protected, fulfilled or violated and proffers recommendations. This part also records steps taken by government to improve on the enjoyment of human rights as well as challenges to be addressed to meet the required international and regional human rights standards.

### **Key challenges include:**

- a) Civil and Political Rights: death penalty has not yet been abolished, the disproportionate use of force by the police leading to the loss of life, the discriminatory application of the 2014 Public Emergency Regulations limiting the rights to assembly, association, expression and movement; inadequate personnel in the judiciary, overcrowding of correctional facilities and prolonged trial of accused persons.
- b) Economic, Social and Cultural Rights: policies and administrative actions of the Ministry of Education, Science and Technology (MEST) undermining the enjoyment of the right to education, acute shortage of water, issues affecting the youth, persons with disabilities and inadequate funding for the TRC Reparation Programme.
- c) HRCSL continues to face institutional challenges such as inadequate finances for its activities, inability to recruit required staff; delay in government subvention, reduced donor support; limited office space that does not cater for its growing activities and operations.

**Part 4** lists the Commission's recommendations to various government institutions and other stakeholders. The Commission believes that the implementation of the recommendations will improve the state of human rights in Sierra Leone.

The Report ends with the Commission's Position Papers to the Constitutional Review Committee and the Peter Tucker Commission



**Brima A. Sheriff**

### **Chairperson's Foreword**

**T**he year witnessed the fulfillment of the country's reporting obligations under key international and regional human rights mechanisms: the African Charter on Human and Peoples Rights (ACHPR) and the United Nations Universal Periodic Review. The State report under the African Charter was presented by the Attorney General and Minister of Justice and his team in November, 2015. This was the first report to the ACHPR, 34 years after Sierra Leone signed the Charter. The State report under the Universal Periodic Review was submitted in October 2015. These are important milestones in the country's commitment and accountability to its human rights reporting obligations. The Commission looks forward to the implementation of the recommendations from these two mechanisms.

In accordance with Section 7 (2) (e) of the HRCSL Act, the Commission supported the government and civil society in the preparation of these periodic reports. The Commission commends government for taking the lead in fulfilling these obligations and for its collaboration and partnership with the Commission, civil society organizations (CSOs) and the international community in the preparation of and engagement on these reports.

The Commission also commends government and Parliament for ratifying the African Charter on Human and Peoples' Rights on the Rights of Women in Africa commonly known as the Maputo Protocol on the 2<sup>nd</sup> July, 2015. This protocol is an important regional instrument that adequately protects the rights of women taking into account the cultural and traditional context and the special needs of African women. It further strengthens existing legislation on women and children's rights. The Commission urges government to take measures to fully implement the provisions of the Maputo Protocol.

A further engagement by government at the regional level led to the appointment of one of HRCSL Commissioners, Mrs. Jamesina Essie Leonora King, as a member of the African Commission on Human and Peoples' Rights. Commissioner King has served HRCSL for nine years and was the first chairperson.

At the international level Sierra Leone has served in the UN Human Rights Council (HRC) since 2012 and its term expires in 2015. The country is eligible for re-election for another term and the Commission urges government to re-apply so that it can continue its leadership role in the promotion and protection of human rights globally.

At the national level, the ongoing Constitutional Review remains an important process for the national collective human rights aspirations in Sierra Leone. In accordance with its statutory mandate, to protect and promote human rights in Sierra Leone and to advise Government concerning draft legislation that may affect human rights, the Commission after a series of consultations and engagements with stakeholders developed a Position Paper on the Review of the 1991 Constitution of Sierra Leone, which was submitted to the Constitutional Review Committee (CRC) on 2<sup>nd</sup> August. Key recommendations to the CRC are to include HRCSL as a constitutional body and to ensure that the reviewed constitution is a human rights constitution.



The Commission notes the steps taken by government to improve on the enjoyment of human rights, such as the operationalization of the Sierra Leone Legal Aid Board and the Independent Police Complaints Board (IPCB). Both institutions seek to make justice more accessible and to promote accountability for human rights violations. The Children's Commission also became operational in February 2015.

The Commission further recognizes government's efforts in launching the Post Ebola Recovery Plan which aims at getting to and maintaining zero Ebola cases, implementing immediate recovery priorities, with a special focus on restoring access to basic healthcare, reopening and running of schools in a healthy environment, providing social protection support, strengthening the private sector, including agricultural activities and transitioning back into the Agenda for Prosperity Plan. These priorities have human rights implications and HRCSL calls on government and its development partners to roll out this Plan using a human rights-based approach.

The Commission stands committed to assisting the government in the implementation of the Post Ebola Recovery Plan so that human rights can be fully realized.

However the Commission is of the view that there are still other human rights challenges and more effort is required to meet international and regional human rights standards to make life better for everyone in Sierra Leone as outlined in the recommendations in this report.

It is important to reiterate the urgent need for a substantial increase in the budgetary allocation to the Commission as the current budget ceiling imposed by the Ministry of Finance and Economic Development is grossly inadequate and does not meet the growing needs of the Commission.

In conclusion, the second and final terms of office for Commissioners Jamesina King and Reverend Moses Khanu come to an end in December 2016. The government is urged to take the necessary steps to appoint new Commissioners in line with the Act, in a timely manner, to ensure a smooth transition and the effective operation of the Commission.

The Commission regrets to report the death of Commissioner Bryma V.S. Kebbie on 2<sup>nd</sup> January 2016. He was appointed Commissioner on 12 July 2012 and served in that position until his demise.

A handwritten signature in blue ink, likely belonging to Brima Abdulai Sheriff, is positioned above the name.

.....  
Brima Abdulai Sheriff  
Chairperson

### Acting Executive Secretary's Review



Joseph Kamara

The term of office of the former Executive Secretary Mrs. Francess P. Alghali came to an end in September. The Commission acknowledges her invaluable service and contribution to the Commission and wishes her well in all her future endeavours.

In January, in an effort to meet the growing demand for the Commission's services, it recruited 14 staff to advance the work of the Commission and enable it carry out its statutory mandate. This has positively impacted on the Commission's response to human rights needs in various communities.

In a similar vein, on 6<sup>th</sup> March the Commission opened the Western Area Regional Office in Waterloo and on 30<sup>th</sup> September, relocated its Northern Regional Office in Makeni from 30 Wallace Johnson Street to 51 Yiks Road. This was done to ensure that the Commission's premises and services are more visible and accessible to the public.

International Human Rights Day- 10th December, was commemorated with the theme, 'Our Rights, Our Freedoms, Always', which is a year long campaign to shed light on the inalienable and inherent rights of citizens all over the world at all times. During the celebration, the Commission distributed awards to three institutions in recognition of their contribution towards improving human rights in Sierra Leone.

With support from the Network of African National Human Rights Institutions (NANHRI) and UNDP, a Capacity Gap Assessment of the Commission was undertaken by two Consultants. The Assessment had several objectives among them were to generate a systematic understanding of its existing capacity strengths, identify gaps in fulfilling its mandate and get an understanding of any gaps it has in complying with the Paris Principles.

The Consultants engaged a wide variety of Government Ministries, Departments and Agencies (MDAs) including the Ministry of Foreign Affairs and International Cooperation, Ministry of Finance and Economic Development, Ministry Labour, and Social Security, Ministry of Political and Public Affairs, Parliamentary Committee on Human Rights, Correctional Services, Office of the Ombudsman, the Sierra Leone Police, civil society organizations and donor partners. The Consultants further engaged Commissioners and Staff of HRCSL through meetings and the administration of questionnaires.

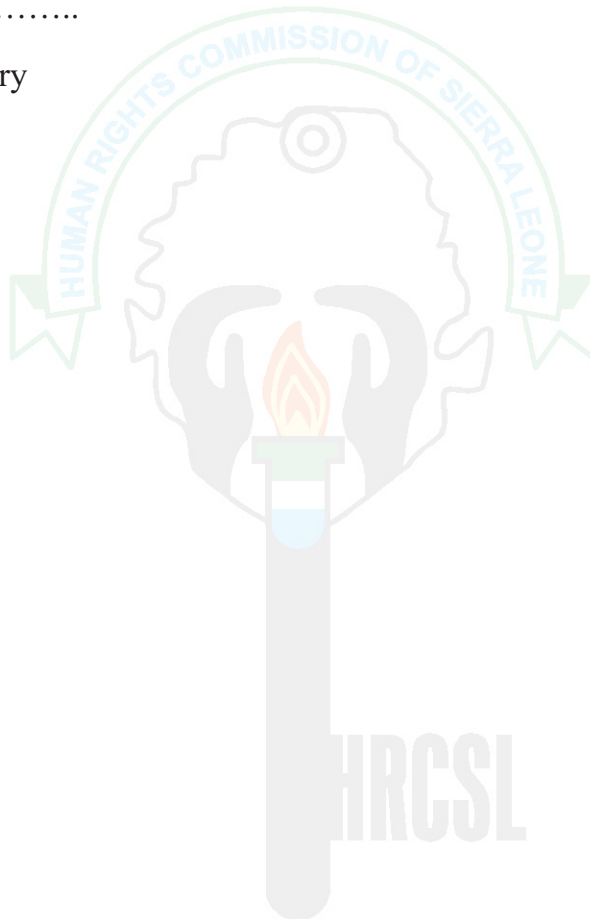
The Assessment provided an opportunity for the Commission to critically examine its performance since inception. The recommendations from the Assessment Report informed the development of the third Strategic Plan (2016-2020) and the review of its Communication Strategy. The Report also clearly brought out the need for more institutional capacity building of the Commission; this involves huge financial and other logistical investment.

The Commission mourns the death of Commissioner Bryma V.S Kebbie who passed away on<sup>nd</sup> 2 January 2016 and one of its staff, Ibrahim Kamara, who also passed away on 23<sup>rd</sup> October, 2015. The Commission extends its sincere condolences to the bereaved families.

Let me conclude by thanking GoSL and partners, particularly UNDP through the Multi-Partner Trust Fund (MPTF) for supporting the operations and activities of the Commission throughout the year.

A handwritten signature in blue ink, appearing to read "Joseph Kamara", is positioned above the printed name.

.....  
Joseph Kamara  
Acting Executive Secretary



## Commissioners of HRCSL

### **Brima A. Sheriff - Chairperson**

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Brima A. Sheriff holds an M.A. degree in Peace and Development Studies and a B.Sc. in Agricultural Education from Njala University, Sierra Leone and Certificates in Management, Resource Mobilization and Project Management.

He is a seasoned human rights activist with over ten years experience working in the local and international context and at the middle and senior management levels.

He possesses extensive experience in policy advocacy, monitoring, documenting and reporting human rights, strategic planning and campaigning, working with INGOs/NGOs/CSOs, Organizational Development and Change Management. He has wealth of experience as a trainer, educator, film maker, theatre artist and facilitator. Until his appointment in July, 2012, he was Director of Amnesty International - Sierra Leone (2007-2012), Acting Director (2006-2007), and Campaigns and Growth Coordinator (2004-2006) at the same institution. He served as the African Representative to the International Council of Amnesty International (2009-2012) and Inter-Governmental Organization (IGO) Coordinator 2010-2011). He currently serves as the Chairman of the Commission and oversees the Directorate of Monitoring and Research.

### **Daphne A. L. O. Olu-Williams - Vice Chairperson**

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Daphne A. L. O. Olu-Williams is an experienced Trainer/Facilitator and a committed and dedicated Gender Activist, working assiduously for the emancipation of women and girls in and out of Sierra Leone.

She holds a B.Sc in Economics and Social Sciences and a post-graduate Diploma in Education, from Fourah Bay College, University of Sierra Leone. She has participated in several trainings in Leadership and Advocacy and served as Teacher / Lecturer for nearly two decades.

Until her appointment as Commissioner in July 2012, she worked as an independent Consultant on Gender and Development issues and as board member in various local and international Human Rights Institutions and Women's Rights Advocacy Networks. She is a motivational speaker who impacts the lives of many as she ministers globally about God's love and apostolic authority.

She served as first Chairperson of the West African Civil Forum (WACSOFF) Sierra Leone Chapter 2005 and first female Regional Commissioner in the National Electoral Commission (NEC) from 2006 to 2008, in charge of the Western Region and acted as Chairperson on several occasions.



She is currently the Vice Chairperson of the Human Rights Commission of Sierra Leone, and oversees the Directorate of Education, Communication and Training.



### **Jamesina Essie L. King - Commissioner**

Jamesina Essie L. King is a lawyer with a post graduate degree from Georgetown University Law Centre, Washington D.C. and a certificate in “Implementing Human Rights Conventions” from the University of Nottingham Human Rights Law Centre, U.K. She is a Leadership Advocacy for Women in Africa (LAWA) Fellow, Chevening Fellow and founding member and past president of Legal Access through Women Yearning for Equality Rights and Social Justice (LAWYERS) – an organization of female lawyers in Sierra Leone dedicated to enhancing women's access to justice. Prior to her service in the Commission, she worked as private legal practitioner in a law firm in Freetown (1994-2006). She is a strong advocate on women's peace and security issues. She was elected to the African Commission on Human and Peoples' Rights in June 2015.

Jamesina Essie L. King was the first Chairperson of HRCSL (2007 - 2009), and served in that capacity for two years. She is serving her second and final term in the Commission.



### **Bryma V.S. Kebbie - Commissioner**

Bryma V. S. Kebbie holds The B.A (Econ) degree of Durham University (1968). He was Assistant Manager in the United Africa Company (SL) Ltd (1968-1970) and an Auditor in the Sierra Leone Audit Department (1970-1979).

He was called to the Bar by the Honourable Society of Gray's Inn in July, 1982, followed by a private legal practice in Sierra Leone until he was appointed Deputy Foreign Minister (1996-1998) and later as Deputy Minister of Justice (1998-1999).

He served as Director of Public Prosecution (DPP) from 1999-2010 and as Consultant DPP in the Commonwealth of Dominica under the auspices of the Commonwealth Secretariat in London (2005-2006). He has also served in several other capacities, such as member of the College Council of Bunumbu Teachers College, Sierra Leone (1993-1996) and the Management Committee of the Kenema Town Council (1995-1998). Until his appointment as a Commissioner in July, 2012, he was a private Legal Practitioner. He currently oversees the Directorate of Complaints, Investigations and Legal Services.



## **Rev. Moses B. Khanu**

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Rev. Moses B Khanu is serving his second and final term in the Commission. He is a cleric of the Baptist Convention with a Master of Theology (M. Th.) from Fourah Bay College, University of Sierra Leone and a Master of Education (M. Ed) in Guidance and Counseling, Njala University, Sierra Leone. He also holds Post Graduate Diplomas from the Academy of Missions, Hamburg, Germany and the Ecumenical Institute, Geneva.

The illustrious career of Commissioner Khanu which spans over 40 years, has taken him to the presidency of both the Council of Churches in Sierra Leone – CCSL (1992-1999) and the Evangelical Fellowship of Sierra Leone - EFSL (2002-2005). He was General Secretary of the Baptist Convention in Sierra Leone (1991-1999) and Co-Chairman of the Inter-Religious Council of Sierra Leone (1997-1999). His assets include skills in mediation, having participated in the Lomé Peace negotiations that ended the decade-long civil war in Sierra Leone, and an in-depth knowledge of the diverse religions in Sierra Leone, which are required capacities to foster reconciliation, inter-faith dialogue and co-operation.

In recognition of his distinguished service to Humanity especially in the field of Religion and in the Human Rights Commission of Sierra Leone, he was awarded the Commander of the Order of the Rokel (COR) by H.E The President Ernest Bai Koroma in 2014.

## **PART 1: BACKGROUND AND HISTORICAL CONTEXT**

### **1.1 Context**

The Republic of Sierra Leone is located in West Africa, bordered by Guinea to the north and east, Liberia to the southeast and the Atlantic Ocean to the west and southwest. It is a member state of the Mano River Union (MRU), the Economic Community of West African States (ECOWAS), the Organisation of Islamic Cooperation, the African Caribbean and Pacific Group of States, the African Union (AU) and the United Nations (UN) among others.

Sierra Leone is divided into four administrative regions namely: Eastern Province, Northern Province, Southern Province and Western Area. The Western Area is sub-divided into Western Urban and Western Rural while the three provinces comprising the three other regions are sub-divided into twelve districts.

According to the 2004 National Population Census Report, it has a population of 5,696,871 (with an annual growth rate of 1.8), which may have increased over the years. In December, 2015, a new population census was conducted and the final report will be published in 2016. According to the provisional report of Statistics Sierra Leone, the current population is 7,075,641.

Sierra Leone comprises eighteen ethnic groups, each with its own language and customs. Mende and Temne are the two largest ethnic groups and their respective languages, Mende and Themne are widely spoken in the country. The Mendes are predominantly found in the South and the East, and the Temnes occupy the North. English is the official language and Krio, the lingua franca, is spoken nationwide.

The two most widely practised religions are Christianity and Islam although traditional religious beliefs are practised simultaneously. Sierra Leone has been widely acclaimed for its high level of religious tolerance which has been reflected in the Report of the United Nations Special Rapporteur on Religious Freedom, who visited the country in 2013.

Sierra Leone experienced a violent and devastating civil war from 1991 to 2002, spanning a period of eleven years. The war wreaked havoc on the country's economy and its entire social fabric, exposing the citizenry to untold hardship and vulnerability. It destroyed communities, social infrastructure and institutions. People were maimed and an estimated 50,000 people were killed. During that period, gross violations of human rights and lawlessness occurred, that caused a large portion of the population to flee to the neighbouring countries of Liberia, Guinea and other parts of Africa.

The country is endowed with many natural resources like diamonds, iron ore, bauxite, rutile, and fertile soil. In recent years, the discovery of oil and gas in the southern region has increased the potential for direct foreign investments.

Despite the abundance of natural resources, the country is still ranked amongst the world's poorest countries. In 2015, the country moved two places up the UNDP Human Development Index

from 183<sup>rd</sup> in 2014 to 181<sup>st</sup>.

Although much has been done through post-war reconstruction efforts, the problems of poor infrastructure, high maternal and infant mortality, high youth unemployment and widespread poverty persist, particularly in the rural areas.

The Lomé Peace Agreement of 1999 and the recommendations of the 2004 Truth and Reconciliation Commission (TRC) Report led to the enactment of the Human Rights Commission of Sierra Leone (HRCSL) Act (No.9), 2004, which established the Commission. HRCSL became operational in December 2006.

In recognition of its outstanding work as a credible and independent National Human Rights Institution (NHRI) and in compliance with the Paris Principles governing such institutions, the Commission was accredited an “A Status” in 2011 by the UN International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). The Commission is due for re accreditation in May, 2016.

Sierra Leone gained a seat at the UN Human Rights Council (HRC) in 2012 and will serve until 2015. The country is eligible for re-election for another term.

In May 2014, Sierra Leone recorded its first case of the Ebola Virus Disease (EVD) in Kissi Teng Chiefdom, Kailahun District, in the Eastern Province and it later spread nationwide. According to a report produced by National Ebola Response Centre (NERC), on 24th December, 8,704 people were infected with the virus; 3,589 died including eleven doctors and over 200 nurses. Sierra Leone was declared Ebola free on 7<sup>th</sup> November 2015 by the World Health Organisation (WHO).

## **1.2 Mandate of the HRCSL**

Section 7 of the Human Rights Commission Act (No.9) 2004 stipulates that the main objective for the establishment of the HRCSL is to protect and promote human rights in Sierra Leone, and states the following as the functions of the Commission:

- ✍ Investigate or inquire into complaints of human rights violations.
- ✍ Promote respect for human rights through public awareness and education programmes.
- ✍ Publish guidelines, manuals and other materials explaining the human rights obligations of public officials and others.
- ✍ Cooperate with institutions including public interest bodies, Non-Governmental Organisations (NGOs) and international organisations working in the field of human rights.
- ✍ Review existing legislation and advise the Government concerning their compliance with international obligations.



- ✍ Monitor draft legislation, policies, programmes and administrative practices to ensure human rights compliance.
- ✍ Advise and support government in the preparation of reports under international human rights instruments or treaties.
- ✍ Monitor and document violations of human rights in Sierra Leone.
- ✍ Publish an annual report on the State of Human Rights in Sierra Leone.

### **Independence of the Commission**

Section 14 of the HRCSL Act guarantees the independence of the HRCSL and states that “except as otherwise provided in the Act, the Commission shall not be subject to the control or direction of any person or authority”, even if such a person or authority provides financial or material support to the Commission.

### **Jurisdiction**

Under Sections 1 and 7 of the Act, HRCSL has the mandate to address all rights guaranteed by the Constitution, or embodied in all international agreements to which Sierra Leone is a party. However, Section 16 of the Act stipulates that HRCSL cannot investigate any matter pending, or already decided by a court of competent jurisdiction or any human rights violation that occurred before 26th August 2004.

### **1.3 Vision, Mission and Core Values of HRCSL**

**Vision:** A Sierra Leone where a culture of human rights prevails and the people respect the rule of law and live in peace and dignity.

**Mission:** HRCSL exists to take the lead role in building a culture of human rights (including respect for individual responsibilities) which maintains human dignity for all in Sierra Leone in full compliance with the Constitution, laws, international and regional instruments through effective partnership and collaboration.

#### **Core Values**

As an Independent Human Rights Institution, the HRCSL is committed to upholding these core values:

**Professionalism** encompassing discipline, competence, dependability, integrity, expertise, team spirit, tactfulness

**Service** with humility

**Independence** including fairness, objectivity, impartiality

**Inclusiveness** ensuring diversity

**Accessibility** covering empathy, tolerance, understanding

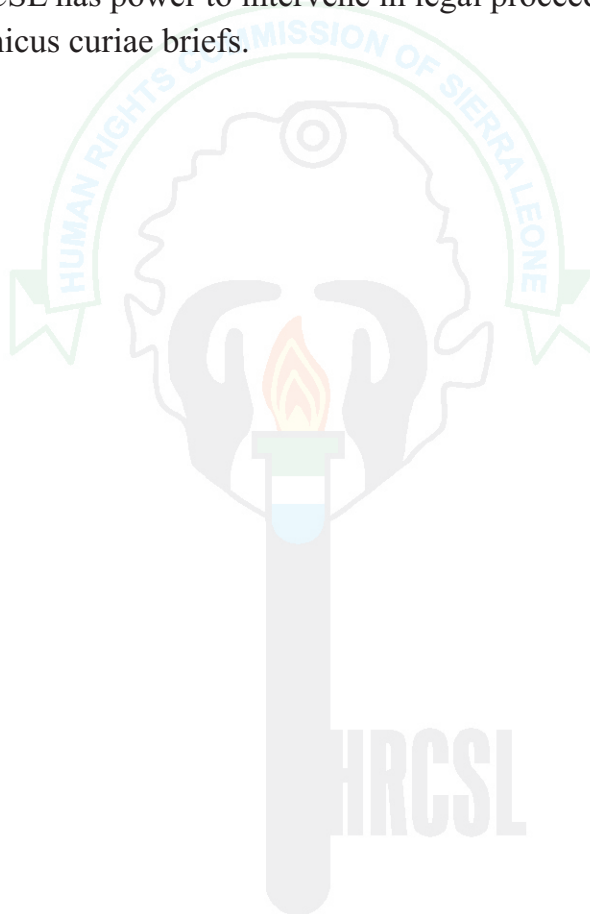


**Accountability** embracing honesty

**Collaboration**

### **Relationship with the Courts**

The HRCSL is not a substitute for the courts. It can refer to the High Court for contempt, any person who refuses, without justifiable cause, to comply with its decision, direction, or order within a specified time. Any person aggrieved by any decision of the HRCSL may appeal to the Supreme Court. The HRCSL has power to intervene in legal proceedings involving any human rights issue by issuing amicus curiae briefs.



## PART 2: ACTIVITIES OF HRCSL

### 2.0 Capacity Building

#### 2.1 Staff Matters

##### 2.1.1 Recruitment and Induction

HRCSL recruited a total of fifteen staff, after going through a competitive selection process. An induction was conducted for the newly appointed staff from the 9 - 11 February<sup>th</sup> at the Commission's Conference Room in Freetown. The goal of the induction was to provide them with relevant information and knowledge on the operations of HRCSL and prepare them for their new assignments. The sessions were facilitated by Commissioners, the Executive Secretary, Directors and programme staff.

This activity was supported from the GoSL annual subvention.

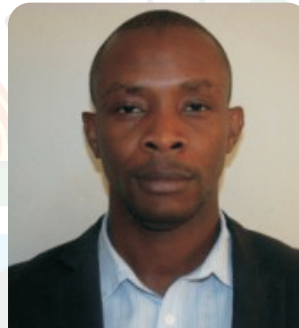
### Newly recruited staff



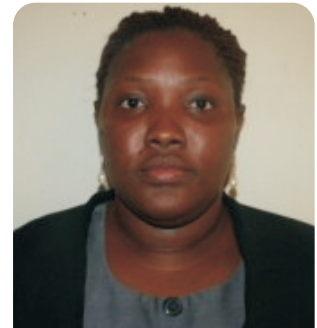
» Doris Sonsiama  
Director – Complaints,  
Investigations and Legal Services



» Brima Kelson Sesay  
Senior Human Rights Officer



» Mark Ngegba  
Senior Human Rights Officer



» Sidratu Kargbo  
Senior Human Rights Officer



» Jotham J. Johnson  
Human Rights Officer



» Musu Kamara  
Accounts Officer



» Lansana M. Sannoh  
Procurement Officer



» Vandi Saidu  
Human Rights Officer



» Emmanuel Thomas  
Asst. Human Rights Officer



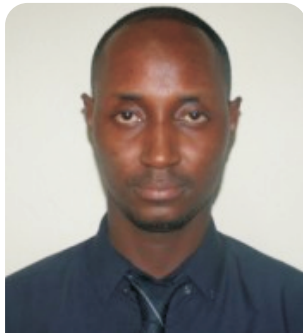
» Zenia S. Thompson  
Asst. Human Rights Officer



» Moses Massaquoi  
Asst. Human Rights Officer



» Bridget Kpendema  
Asst. Human Rights Officer



» Hassan O. Kamara  
Assit. Human Rights Officer,  
Makeni



» Lamin Sheriff  
Asst. Human Rights Officer,  
Kenema



» Kizito G. Bangura  
Asst. Human Rights Officer,  
Makeni



## Obituary

The Commission lost one of its drivers,

**IBRAHIM KAMARA**

who died on 23<sup>rd</sup> October, 2015.

Mr. Kamara served the Commission from 2008 until his demise.

May his soul rest in peace.

### 2.1.2 Staff Retreat

The Commission's 2012-2014 Strategic Plan (Sp2) expired in December 2014 and the Commission organized a two day annual review and planning retreat from the 1<sup>st</sup> to 13<sup>th</sup> February at the Bank of Sierra Leone Complex, Kingtom, Freetown. The objective of the retreat was to reflect on the successes, challenges, outstanding tasks and other emerging issues with regards the SP2 and to harmonize and finalize the Commission's 2015 Annual Work Plan.

The review of SP2 mainly focused on the status of implementation of activities set out in the eight strategic goals in the expired SP2. Drawing from the matrix of strategic goals and operational objectives, it was evident that the Commission was able to implement some activities and met specific benchmarks. The Commission made significant gains in the areas of monitoring and research, complaints handling and public education. However, there were outstanding activities not implemented or achieved due to institutional capacity challenges.

The objectives of the retreat were achieved and the following were agreed to:

- ✍ A-time table for the development of Strategic Plan 3 (SP3) and a committee constituted for its implementation.
- ✍ Embark on a resource mobilisation drive including the hosting of a donor conference and stakeholder's engagements.





***HRCSL Planning Retreat***

### **2.1.3 Training on Sexual Orientation, Gender Identity and Expression (SOGIE)**

On 14 February, a training on Sexual Orientation, Gender Identity and Expression was conducted for staff of the HRCSL by Dignity Association, with support from the American Embassy. This training followed an initial engagement with Commissioners by the same association. The staff training took place at the Commission's headquarters.

The aim of the training was to build capacity of the staff, increase their knowledge on SOGIE issues using the rights-based approach and applying the universal human rights framework.

Twenty eight staff participated in the training. Hudson Tucker, Country Coordinator of Dignity Association and Emmanuel Saffa Abdulai a Legal practitioner served as facilitators. Charles Neary of the United States Embassy witnessed the training and made the opening remark.



***HRCSL Staff training on SOGIE issues***

#### **2.1.4 HRCSL Engagement with Persons with Different Sexual Orientation**

During the course of the year, Dignity Association facilitated meetings between the Commission and Persons with Different Sexual Orientation also known as the LGBTI community. During such meetings the community brought to the Commission's attention issues of discrimination, violence and challenges they encountered within their families and communities. They also highlighted barriers in accessing healthcare and the right to express themselves freely. The Commission assured them that it is open and willing to receive complaints from them on discrimination and violence which will be processed in accordance with the Commission's complaints procedures.

#### **2.1.5 Training on Investigative Research and Report Writing**

HRCSL, with support from the Irish Embassy and the Irish Human Rights and Equality Commission (IHREC), organized a two day training on Investigative Research and Report Writing from the 19<sup>th</sup>– 20<sup>th</sup> February, at the Country Lodge Hill Station in Freetown. The training was geared towards enhancing the skills of Commissioners and staff to effectively investigate, document and report on issues of human rights. The training was facilitated by Andrea Breslin and Hannah Greene of the IHREC.



*Group Photograph after the Training*



## 2.1.6 Training on Project Management, Monitoring and Evaluation

In a bid to build capacity, the Institute of Public Administration and Management (IPAM) trained Commissioners and staff on Project Management, Monitoring and Evaluation from 20<sup>th</sup>– 24<sup>th</sup> July at the George Street campus. Funding for the training was provided by the Multi Partner Trust Fund Project (MPTF) of the United Nation Development Program (UNDP). At the end of the training, participants were awarded certificates of participation.

## 2.1.7 International Trainings/Workshops/Conferences/Meetings attended by Commissioners and Staff

NO	NAME	ACTIVITY	ORGANIZER(S)	COUNTRY	DATE
1	Comm. Jamesina King	22 <sup>nd</sup> Summit of Committee of Heads of Governments of the African Peer Review Mechanism Forum	African Union	Ethiopia	January
2	Francess Alghali	28 <sup>th</sup> ICC annual meeting	ICC	Switzerland	March
3	Comm. Daphne Olu – Williams	28 <sup>th</sup> ICC annual meeting	ICC	Switzerland	March
4	Comm. Brima A. Sheriff	28 <sup>th</sup> ICC annual meeting	ICC	Switzerland	March
5	Comm. Jamesina King	Workshop on the Role of NHRIs in monitoring the Implementation of Decisions of African Human Rights Bodies	NANHRI & MacArthur & Open Society Foundation	Gambia	April
6	Fredrick Kamara	Study visit to Irish Human Rights and Equality Commission	Irish Human Rights and Equality Commission	Ireland	May
7	Joseph B. M. Kamara	Training course for National Human Rights Mechanisms	ICC	Switzerland	May
8	Comm. Brima A. Sheriff	NAHNRI meeting in Ghana ICC 12 <sup>TH</sup> Internal Conference	NAHNRI	Ghana	June
9	Comm. Jamesina King	Meeting of the 16 <sup>th</sup> Session of the Working Group on the Right to Development	The Human Rights Council	Switzerland	September
10	Josephine Thompson – Shaw	Workshop for NANHRI West Africa	NANHRI	Nigeria	September
11	Comm. Bryma V. S. Kebbie	12 <sup>th</sup> ICC International Conference	ICC	Mexico	October
12	Comm. Daphne Olu – Williams	12 <sup>th</sup> ICC International Conference	ICC	Mexico	October
13	Comm. Brima A. Sheriff	12 <sup>th</sup> ICC International Conference	ICC	Mexico	October
14	Comm. Brima A. Sheriff	57 <sup>th</sup> Ordinary Session (ACHPR)	ACHPR	Gambia	November
15	Hassan Yarjah	57 <sup>th</sup> Ordinary Session (ACHPR)	ACHPR	Gambia	November

## 2.1.8 Engagement on the Universal Periodic Review (UPR)

### 2.1.8.1 Capacity Building on the Universal Periodic Review (UPR)

HRCSL conducted three capacity building trainings on the UPR process supported by the UNDP Access to Justice Project and GoSL.

On 20<sup>th</sup>– 21<sup>st</sup> April, HRCSL organized a training for Commissioners and staff on the UPR. The

training took place at the HRCSL's Conference Room. The training provided a platform for the Commission to critically analyze government's efforts and challenges in implementing the 2011 UPR recommendations as well as preparing the Commission to report on emerging human rights issues in the UPR second cycle reporting process.

As a follow up to this training, the Commission trained stakeholders in the regions including representatives from MDAs and CSOs, on the UPR process to enable them fulfill their roles in the 2<sup>nd</sup> UPR reporting cycle. The training was done simultaneously on 20<sup>th</sup> – 21<sup>st</sup> May in Magburaka (for the Northern and Western Regions) and in Bo (for the Southern and Eastern Regions).

The Commission used the opportunity during these regional trainings to consult and elicit information for the compilation of its own UPR 2016 report which was submitted to the UN Human Rights Council (HRC) on 22<sup>nd</sup> June.

HRCSL also engaged diplomatic missions and embassies in Sierra Leone to share its report and lobby their support for a successful review of Sierra Leone.

#### **2.1.8.2 Technical Support to Government**

In line with its statutory mandate to advise government on the preparation of periodic reports required by the UPR, the Commission held several engagements with the Office of the Attorney General and Minister of Justice (AG&MJ). During the engagement, HRCSL reminded the AG&MJ of the importance of fulfilling the State's reporting obligations under the UPR and the need to establish a taskforce to move the process forward. The AG&MJ responded by setting up a National Technical Committee for the UPR which was coordinated by Justice Sector Coordination Office (JSCO). HRCSL was represented in the Committee and co-facilitated national and regional consultations and provided technical advice on the process. . Government produced a draft report in September, which was validated nationwide. The Report was submitted to the UN Human Rights Council in October.

Throughout the process, HRCSL actively engaged the media to provide information to the public and solicit their support and participation in the process.

#### **2.1.8.3 Partnership with CSOs**

##### **HRCSL Partners with Amnesty International on the UPR.**

HRCSL in collaboration with Amnesty International West and Central Africa Regional Office organised a two day training for CSOs and staff of HRCSL on the second cycle UPR reporting process. The objective of the training was to enhance the capacity of participants to write and submit shadow reports to the UN Human Rights Council. Participants also learnt how to follow up and engage on the UPR process. The training took place on 10<sup>th</sup> -11<sup>th</sup> June at the Bank of Sierra Leone Complex, Kingtom.

#### **2.1.8.4 HRCSL's Participation at the UPR Info Pre- Session in Geneva**

HRCSL participated at the UPR Info pre-session during which the Chairperson of HRCSL did a presentation on the Commission's Report to the UPR. The pre-session was attended by representatives of various foreign missions in Geneva and four CSOs from Sierra Leone. This process presented an opportunity to the Commission to continue to lobby foreign missions to effectively engage with the Sierra Leone delegation during the interactive session with the Human Rights Council.

#### **2.1.9 Training on the Effective Use of the Social Media in Human Rights Advocacy**

HRCSL, with funds from UNDP-Multi Partner Trust Fund (MPTF), conducted a one-day training for Commissioners and staff on 'The Effective Use of the Social Media for Human Rights Advocacy' at the Conference Hall of the Sierra Leone Library Board on <sup>th</sup>18 June.

The aim of the training was to build the capacity of Commissioners and staff on how to use the social media effectively in their human rights education and advocacy work. Participants were also trained on the methods and processes involved in navigating the different types of social media such as Facebook, Twitter, Blog, and WhatsApp. The sessions were facilitated by media practitioners - Moses Massa and Tonya Musa.

#### **2.1.10 Training of Regional Officers and District Human Rights Committees (DHRCs) on Human Rights Education and Advocacy skills**

On 23<sup>rd</sup> and 24<sup>th</sup> June, the Commission organized a training on Human Rights Education and Advocacy for eight of its Regional Human Rights Officers (RHROs) and fourteen members of the fourteen DHRCs at the One World Link Hall, in Bo. The training was to strengthen the capacity of the participants on Human Rights Education and Advocacy Skills, to adequately address human rights issues particularly those that are in conflict with traditional beliefs and to advocate for change.





**Cross Section of Participants**

### **2.1.11 Engagement with Heads of Tertiary Institutions**

HRCSL engaged heads of Tertiary Institutions on the 3<sup>rd</sup> of July at the J & E Resort Hall, George Town, Bo. Funding for this activity was provided by the UNDP through the Multi-Partner Trust Fund (MPTF) project.

The aim of the engagement was to assess the level of human rights education in tertiary institutions and their compliance with international, regional and national human rights principles of affordability, quality and accessibility to higher education by all.

The objectives were:

- ✍ To introduce the work of the Commission to tertiary institutions;
- ✍ To influence tertiary institutions to include human rights education in their curriculum;
- ✍ To understand the challenges faced by these institutions in relation to access to higher education, by all persons irrespective of their status;
- ✍ To discuss and examine the human rights principles of affordability, quality and access to higher education.

Participants were drawn from University of Sierra Leone, Njala University, University of Makeni, Milton Margai College of Education and Technology, Northern Polytechnic, Eastern Polytechnic, and the Tertiary Education Commission.



*Commissioner Bryma Kebbie facilitating a Session*



*Cross Section of Participants in Attendance*

### **2.1.12 Capacity GAP Assessment of HRCSL**

In June, the Network of African National Human Rights Institutions (NANHRI) in collaboration with UNDP and the Office of the High Commissioner for Human Rights (OHCHR) conducted a Capacity GAP Assessment of HRCSL. The project was supported by the MacArthur Foundation.

The objectives of the Assessment were to:

1. Generate a systematic understanding of the Commission's existing capacity strengths and gaps in fulfilling its mandate;
2. Generate an understanding of any gaps it has in complying with the Paris Principles;
3. Understand its stakeholders perspectives on the capacity of the Commission;
4. Develop capacity development strategies and responses to address identified capacity gaps in order for the Commission to fulfill its mandate and comply with the Paris Principles on National Human Rights Institutions.

The Assessment was conducted over a one week period by Aliro Omara, a former Commissioner of the Ugandan Human Rights Commission, Gilbert Sebihogo of NANHRI, Orla Kelly of UNDP and Abraham John.

The team first engaged Commissioners and staff of HRCSL and questionnaires were administered thereafter. On different dates, MDAs including the Ministry of Foreign Affairs and International Cooperation, Ministry of Finance and Economic Development, Ministry of Labour and Social Security, Ministry of Political and Public Affairs, Parliamentary Committee on Human Rights, Correctional Services, Office of the Ombudsman and the Sierra Leone Police were engaged. CSOs and donor partners were also engaged in the process. At the end of all the engagements the team held separate closed door meetings with Commissioners and staff, during which the initial draft of their report (with findings and recommendations) was discussed.



## **2.2 Official Opening of the HRCSL Office in Waterloo and Re-location of the Office in Makeni**

Section 20 (1) of the HRCSL Act (No. 9) 2004 provides that the Commission shall, when funds become available establish offices in each of the provincial headquarter towns.

In fulfilling this requirement, on 6<sup>th</sup> March, the Commission officially opened its Western Area Regional office in Waterloo. Waterloo was carefully identified as a strategic location to make the Commission visible and its services easily accessible to communities within and around Waterloo.

Similarly, on 30<sup>th</sup> September, HRCSL relocated its office in Makeni from 30 Wallace Johnson Street, to a more centrally located area on 51 Yiks Road.



*The new Makeni office at 51 Yiks Road*



*The new Waterloo office at 8 Liddel Street*

## **2.3 Presentation and Dissemination of 'The State of Human Rights in Sierra Leone' 2014 Report**

The Commission published the State of Human Rights (SOHR) Report, 2014, in accordance with Sections 7(2)(g) and 24(1) of the HRCSL Act (No. 9), 2004, and presented it to H.E President Koroma on 23<sup>rd</sup> September 2015. This was immediately followed by a Press Conference at HRCSL Conference Room. The Commission also presented the Report to the Honourable Deputy Speaker of Parliament, Chernoh R. M. Bah, on the 28 September 2015.

Copies of the report were also distributed to various government MDAs, CSOs, Embassies and international partners.



*Chairperson of HRCSL, Brima A. Sheriff presenting the 2014 SOHR Reports to the Deputy Speaker of Parliament Hon. Chernoh R. M Bah.*



*Presentation of the 2014 SOHR Reports to the Press*

## **2.4 Strategic Interaction with Partners**

### **Commissioners of the National Electoral Commission (NEC) visit HRCSL**

Three Commissioners, including the newly appointed Chairman and Chief Electoral Commissioner of NEC, N'fa Alie Conteh, visited HRCSL on 25 February. In his brief statement, Commissioner N'fa Alie Conteh noted that as partners in the democratic dispensation, there is the need for collaboration between the two institutions as elections also have human rights implications involving other processes like campaigning, political participation, free speech and freedom of movement. He assured the Commission of conducting free and fair elections.

Vice Chairperson of HRCSL, Daphne Olu-Williams assured the delegation of the Commission's continued partnership with NEC to ensure that elections are conducted using the rights -based approach.

### **Irish Embassy collaboration with HRCSL**

The Irish Ambassador Sinead Walsh introduced two new staff, John Callaghan and Anna Kilkenny, of the Irish Embassy during a visit to the HRCSL Headquarters at the NEC Building Tower Hill on 15<sup>th</sup> April. This visit was part of the continued collaboration between HRCSL and the Embassy, during which activities undertaken in the past were reviewed and critical areas of support identified.



*HRCSL Commissioners and staff with the Irish Embassy staff*

## **HRCSL Engagement on the Right to Education for pregnant girls and young mothers**

HRCSL expressed concern over the decision by the GoSL to bar pregnant girls and young mothers from taking their exams and attending classes and a press release was issued on 25<sup>th</sup> February calling on government to rescind this decision.

In a bid to ensure that this decision was reversed and to provide support to the affected girls and young mothers, the Commission held several engagements with key institutions, non-governmental organizations and individuals dealing with the right to education. These included: Office of the Chief of Staff, Society for Democratic Initiative, Irish Embassy, Chernoh Bah-Chairman of the Youth Advocacy Group for the Global Education First Initiative and Champions for Girls and theMedia.

### **Referral Partnership Meeting**

The Commission receives many complaints which are outside of its mandate and are therefore inadmissible. Such complaints have been referred to the relevant institutions. For example, cases of rape and domestic violence are referred to the Family Support Unit (FSU); cases of administrative injustice are referred to the Ombudsman; labour disputes are referred to the Ministry of Labour; matrimonial and child maintenance disputes are referred to the Ministry of Social Welfare, Gender and Children's Affairs and cases dealing with corruption are referred to the Anti Corruption Commission.

HRCSL held its first referral partnership meeting at its conference room on 25th November. This meeting was a strategy developed by the Commission for following up on progress of complaints received and referred to relevant partners. It also created a forum for effective collaboration and exchange of ideas. Follow up meetings are to be held every quarter.

## **2.5 Monitoring Activities**

### **2.5.1 Places of Detention**

HRCSL conducted regular monitoring visits to Correctional Centres, Police Cells, Remand Homes across the country and the Approved School in accordance with Section 7(2) (f) of the HRCSL Act, (No.9) 2004. The general objectives of the monitoring were to:

- ascertain compliance with the UN Standard Minimum Rules (now Mandela Rules), the Correctional Service Act, 2014 and the 1991 Constitution of Sierra Leone.
- understand the challenges of detention management and recommend ways to handle their concerns.

As a result of the State of Emergency Regulations, the Commission received reports about the arrests and detention of persons alleged to have breached the Regulations. In view of these reports, the Commission visited the Male Correctional Centre at Pademba Road and the Female Correctional Centre at the Special Court for Sierra Leone, Jomo Kenyatta Road in January and the Port Loko Correctional Centre in June, to ascertain the condition of the detention facilities and the



welfare of the detainees. Persons detained included a group of persons arrested in Kono and detained in Freetown as well as a Member of Parliament arrested in Kambia and detained in Port Loko.

In June, the Commission also conducted a joint monitoring with AdvocAid, Prison Watch Sierra Leone (PWSL) and UNDP of 14 Police cells and Correctional Centres in the Western Area. The main objective of the monitoring was to gather concrete data on the number of persons in detention for breaching the emergency regulations.

### **2.5.2 The Zero Ebola Campaign**

From 27<sup>th</sup> - 29<sup>th</sup> March, the Commission monitored the '*three day sit – at – home*' which was declared by H.E. President Koroma as a strategy to minimize the spread of the EVD. The objectives were to assess the general human rights situation and the observance of human rights by authorities in ensuring adherence to the regulations. The monitoring teams visited Treatment Centres, Government Hospitals, Holding Centres, Quarantined Homes, Police cells, Check Points and Correctional Facilities nationwide.

### **2.5.3 Operation Northern Push**

HRCSL and representatives from District Human Rights Committees (DHRCs) in Port Loko and Kambia conducted a monitoring exercise in these districts to assess the general human rights situation of persons in quarantined homes, and to engage officials at the District Ebola Response Centres (DERCs), as well as security personnel and aid workers.

On 29<sup>th</sup> June, the team visited Mamusa and Komrabai villages in the Port Loko district which were considered high risk areas because they were recording high rates of infection. The team observed that 134 people (73 women and 61 men) in 16 homes in Mamusa village and 42 people in 6 homes in Komrabai village were quarantined.

On 30<sup>th</sup> June, HRCSL was joined by two members of the Kambia DHRC on a monitoring visit to two quarantined villages (Kagbotho and Kadalo) in the Tonko Limba Chiefdom.

At the end of each visit the team engaged the DERCs, security personnel, community people and other service providers on the findings.

### **2.5.4 Visit to Demolition Sites and Victims Affected at the Aberdeen Creek**

In September, the Government demolished buildings along the Aberdeen Creek and riverine areas. The Commission visited the communities affected, interviewed the victims and also engaged the Management of the National Tourist Board.

The purpose of the visit was to monitor the situation and to ascertain whether the demolition was carried out using a human rights based approach. The victims expressed dismay over the demolition and complained that they were not adequately sensitized and notified. They further alleged that the demolition was done in a discriminatory manner wherein the structures of influential individuals were spared while those of the vulnerable were demolished. As a result, they claimed that they had been rendered homeless, a situation worsened by the heavy down pour

of rain. The Commission, during its visits, observed that the property of the victims were scattered everywhere in full public view.

The General Manager of the National Tourist Board informed the Commission that the demolition exercise was planned and that adequate information was given to the affected persons through community engagements and letters. He further maintained that the engagements with the affected communities had been going on for several years and that the individuals were requested to produce their title deeds. The National Tourist Board reported that most of the affected individuals did not have legal documents for the land and continued to erect structures on the land in spite of warnings from the National Tourist Board. The General Manager showed the Commission a development plan for the area which he said belongs to the State. He denied the allegation that the demolition exercise was discriminatory and pointed out influential individuals whose properties were also demolished. The General Manager emphasized to the Commission that many of the buildings demolished were inappropriate structures constructed in disaster prone areas which is also a major environmental concern.

The Commission was concerned that the demolition took place during the rains and urged members of the National Tourist Board to apply human rights-based steps before and during such demolition. The Commission stressed the need for the National Tourist Board and the Environmental Protection Agency (EPA) to collaborate effectively in sensitizing the public on the dangers of residing in disaster prone areas with a view to encouraging communities to voluntarily relocate to safer areas.

#### **2.5.5 Flooding in Kenema and Freetown**

On 18th June and 6th July flooding occurred at Kpetewoma, Blama Road and the Nyandeyama Sections in Kenema district, which led to the destruction of property. On 16<sup>th</sup> September, the Freetown municipality and its environs experienced severe floods due to torrential rain falls resulting in the loss of nine lives and destruction of property worth millions of Leones.





*Personal effects destroyed by the flood in a community at Granville Brook*

## **2.6 Media outreach**

Media outreach is one of the core activities of the Commission in protecting and promoting human rights in the country. Radio, television, newspapers as well as the Commission's Facebook pages and website were utilized to inform, educate and update people on the activities of the Commission.

The use of social media further enhanced the public education aspect of the Commission in terms of information sharing. It also gave visibility to the Commission as well as raising awareness on human rights issues. By the end of the year the Commission's Facebook pages were being followed by over 5,052 users.

During the course of the year, the Commission issued three press releases:

- On 25th February, the Commission issued a press release on 'Ensuring the right to access education by pregnant girls and young mothers' expressing HRCSL concerns over the GoSL ban on preventing pregnant girls and young mothers from taking their examinations and attending classes.
- On 26<sup>th</sup> March the Commission issued a press release expressing its concern over the state of political affairs in the country which created an atmosphere of anxiety and the circulation of hate messages through the social media. HRCSL reminded government of its obligations to maintain peace and security, respect the rule of law and human rights. The Commission urged all persons to conduct themselves responsibly within the rule of law and respect the human rights of one another. It also called on the Sierra Leone Police to do their work with professionalism during the State of Public Health Emergency.

- On 23<sup>rd</sup> April, a press release was issued on 'The Implementation of the Public Emergency Regulation 2014, Constitutional Instrument No. 5 of 2014', outlining the Commission's concern over the discriminatory application of Section 15 of the said regulation, which derogates the Right to Freedom of Assembly and Association. The release called on the SLP to ensure that all individuals or groups of individuals have equal opportunity to exercise their freedom of Assembly and Association within the ambit of the law and to observe the principles of consistency and non-discrimination in the implementation of Section 15 of the SoE regulations, 2014.

## **2.7 The Constitutional Review Process**

### **2.7.1 Meeting with the Constitutional Review Committee (CRC) Sub Committee on Research**

The Constitutional Review Sub Committee on Research on 12 March, engaged HRCSL on issues relating to human rights in the country and on the Commission's contribution to the constitutional review process. During the engagement, the inconsistencies with human rights best practices in the SoE regulations and the violations caused by mining companies in communities were some of the issues discussed.

### **2.7.2 Collaboration with CRC during Regional Consultations**

HRCSL, through its regional offices in collaboration with DHRCs supported the work of the Constitutional Review Committee (CRC) in the Northern, Southern and Eastern parts of the country. HRCSL Regional Offices were designated as CRC focal points with the respective heads of offices made District Coordinators.

The role of the District Coordinator was to coordinate the activities of the various CRC sub-committees within their respective regions; i.e. organising meetings, providing contact details and access of key players and provide strategic and logistical support to the process. The consultative meetings held in Makeni, Bo and Kenema on the 12, 19 and 26<sup>th</sup> March respectively were successful.

### **2.7.3 HRCSL submits Position Paper to the Constitutional Review Committee (CRC)**

The Commission undertook several activities in developing its Position Paper to the CRC. A symposium was held on 27<sup>th</sup> May, to generate expert opinions on constitutional issues that have significant human rights dimensions and to discuss recommendations for consideration by the HRCSL, into its Position Paper. The Position Paper was validated on 2<sup>nd</sup> July, and approved by the Commission on 27<sup>th</sup> July. It was submitted to the CRC by the Chairperson of HRCSL on 2<sup>nd</sup> August. The thrust of the Position Paper is the call on the CRC to include the Commission as a constitutional body and to ensure that the reviewed Constitution is human rights based. The full report is annexed.



*Chairperson of HRCSL, Brima A. Sheriff submitting the Commission's Position Paper to the Chairman of the CRC, Justice Edmond Cowan*

## **2.8 Library and Documentation Centres**

The Library and Documentation Centres at headquarters and the regional offices operated effectively by supporting the information needs of Commissioners, staff and external users 95% of which were students from FBC, MMCET and the Njala University.

With funds from the UNDP MPTF project, HRCSL acquired additional thirty four books on human rights, to expand on its resource materials at its headquarters and Regional office in Kenema.

## **2.9 Development of the 2016 – 2020 Strategic Plan**

In July, HRCSL set up a Strategic Plan Committee to develop its third Strategic Plan (SP3). The objectives for the development of the SP3 included:

- i. to provide strategic direction to the work of HRCSL to effectively and efficiently manage its resources;
- ii. to ensure that the work of HRCSL is meaningful and relevant to the lives of all and to build a culture of human rights in Sierra Leone
- iii. to improve on every aspect of the work of the HRCSL and to make it effective and efficient as an “A” status NHRI ;
- iv. to improve on the efficiency, effectiveness and output of commissioners and staff in the fulfillment of its statutory mandate;

A number of processes were adopted to develop the SP3; two weeks of round table discussions held in Freetown, from 6<sup>th</sup>-16<sup>th</sup> October, regional consultations in Makeni, Kono, Kenema, Bo and Waterloo on 2<sup>d</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 10<sup>th</sup> November respectively and a three day staff retreat was held with Commissioners and Staff of the HRCSL in November.

The 2016 – 2020 SP, contains ten strategic priorities as follows:

- Strategic Priority 1 – Institutional Capacity Development of HRCSL:
- Strategic Priority 2 – Protection against Discrimination:
- Strategic Priority 3 – Effective Complaints handling in the HRCSL:
- Strategic Priority 4 – Human Rights Monitoring and Research
- Strategic Priority 5 – Human Rights Education and Training:
- Strategic Priority 6 – Respect for and observance of Civil and Political Rights
- Strategic Priority 7 – Respect for and observance of Economic, Social & Cultural (ESC) Rights:
- Strategic Priority 8 – Enhance compliance with Regional & International Human Rights obligations of Sierra Leone
- Strategic Priority 9 – Obligations of public officials to protect human rights & access to justice:
- Strategic Priority 10 – Business and Human Rights

## **2.10 Celebration of Human Rights Days**

### **2.10.1 African Human Rights Day**

The African Human Rights Day was commemorated on 21<sup>st</sup> October with the theme: “Promoting Women's Empowerment is an African Shared Value”. The Chairman of HRCSL, Commissioner Brima A. Sheriff, delivered a message which was aired on the Sierra Leone Broadcasting Corporation Television (SLBC TV), Star Radio, Radio Democracy 98.1, Africa Young Voices (AYV) radio and TV. The message was also published in five newspapers and posted on the Commission's website.

In his message, the Chairman highlighted issues bordering on women's empowerment in Sierra Leone and the measures taken by GoSL to enhance women's participation in decision making. He drew the attention of the public to the ratification of the Maputo protocol (that calls for the total empowerment of the African woman) by the Sierra Leone Parliament on 2<sup>nd</sup> July 2015.

On the same day, a radio discussion, on the topic 'Empowerment and Protection of Girls' was held on Star Radio and simulcast on the Cotton Tree News Radio (CTN) and the AYV Radio and on SLBC Radio in the evening. The panelists comprised Mrs. Gloria Bayoh of HRCSL, Mrs. Rosaline McCarthy a representative from the Women's Forum and Mr. Charles Vandí of the Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA).





*Radio and TV discussions on African Human Rights Day*

## 2.10.2 International Human Rights Day

On 10<sup>th</sup> December, HRCSL observed International Human Rights Day (IHRD) with the theme '**Our Rights, Our Freedoms, Always**', which is a year-long campaign to shed light on the inalienable and inherent rights of global citizens now, and always. The day was observed in Freetown and the regional headquarter towns of Makeni in the North, Bo in the South and Kenema in the East.

The celebration was to increase public awareness on the rights and freedoms as provided for in the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).



*Procession to mark IHRD in Bo*



In Freetown, an official ceremony was organized at the Caritas Hall, May Park, Kingtom and chaired by Emmanuel Saffa Abdulai Esq. The Commission's message was delivered by the Vice Chairperson, Commissioner Daphne Olu-Williams who highlighted the significance of celebrating the IHRD. She noted that the celebration was to promote and raise awareness about ICCRP and IESCR to usher in their 50th anniversary (1966 - 2016).

Statements were made by representatives of MDAs and CSOs including: The Sierra Leone Police, The Sierra Leone Correctional Service, Women's Forum, Sierra Leone Association of Journalist (SLAJ), the Western Area DHRC, and the National Commission for Democracy. The Keynote address was delivered by the Attorney General and Minister of Justice, Honourable Franklin Bai Kargbo.

Highlights of the celebration were contributions from HRCSL staff; the recitation of a poem, “Unshackle my Humanity” written and read by Ms. Samuella Conteh and a song on the theme “Our Rights, Our Freedoms Always” composed by Jotham Johnson and Claris Karim which they sang together with other staff.



***Cross section of HRCSL Staff and participants in Freetown during the IHRD celebration***

During the ceremony, the Commission presented awards to the Ministry of Health and Sanitation (MoHS) for all frontline health workers, the National Ebola Responses Centre (NERC) and SLAJ for all media houses, in recognition of their distinguished service to the people of Sierra Leone in the fight to eradicate the EVD.



*Participants on the high table during the IHRD celebration in Freetown*

Similar engagements were held in the regional offices in Bo, Kenema and Makeni. Stakeholders working on human rights made statements welcoming the year-long campaign on the theme. A number of them used this opportunity to note GoSL's commitment to its treaty obligations, citing the ratification of the Africa Charter on Human and Peoples Rights (ACHPR) on the Rights of Women also known as the “Maputo Protocol”. The Makeni and Bo offices, collaborated with their respective DHRCs and organized march past of school children, MDAs and CSOs.



*Procession along the streets of Makeni (L) and Bo city (R)*



IHRD 2015 Activities in Makeni (L) and Kenema (R)

## 2.11 Complaints Handling and Management

Section 7 (2) (a) of the Human Rights Commission of Sierra Leone Act (No.9) of 2004, provides that HRCSL shall *“investigate or inquire into on its own or on complaint by any person any allegation of human rights violations and to report thereon in writing”*. During the period under review, HRCSL received 198 complaints.

Figure 1.1 Pie Chart illustrating the number of complaints by headquarters and the four regions in Percentages

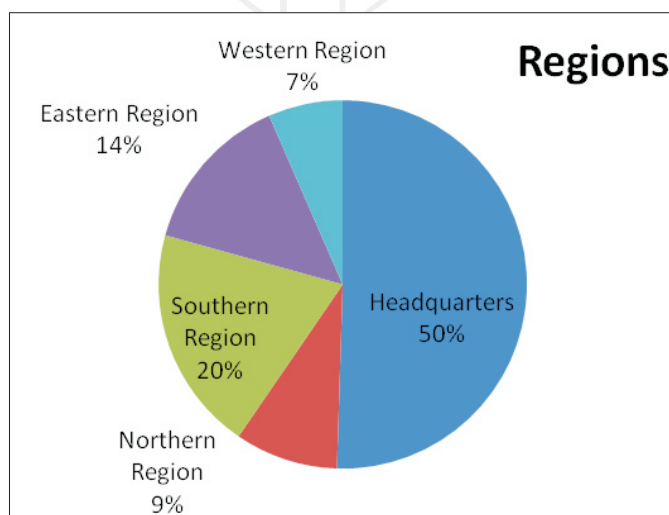


Table 1 Complaints received by Regions

Region	Number of Complaints received	Percentages (%)
Western Area Headquarters	100	50
Western Area Rural	13	7
Eastern Region	28	14
Northern Region	18	9
Southern Region	39	20



**Admissibility Decisions on Complaints** Out of the 198 complaints received, 45 were admissible, 142 were inadmissible and decisions on the remaining 11 were pending.

Twelve of the admissible complaints were investigated while 14 were under investigation. 53 inadmissible cases were referred to the appropriate institutions and monitored whilst 10 complaints were resolved through mediation on request from the parties.

**Table 2: Admissibility Decision of complaints per Regions**

No.	Decision on complaints received	W/A HQ	NR	SR	W/A RURAL	ER	Total	%
1.	Admissible	20	7	3	00	15	45	22.7
2.	Inadmissible	76	11	36	06	13	142	71.7
3.	Decision Pending	4	00	00	07	00	11	5.6
Grand Total		100	18	39	13	28	198	100

*Table 2 indicates that only 22.7% of the total number of complaints received was admissible. 71.7% were inadmissible because they were not within the Commission's mandate. These complaints were referred to appropriate institutions for redress. 5.6% were awaiting admissibility decision.*

**Table 3 OUTCOME OF COMPLAINTS**

OUTCOME OF COMPLAINTS								
NO	ACTION ON COMPLAINT RECEIVED	HQ	WA	NR	SR	ER	TOTAL	%
1	No. of complaints referred	24	00	10	17	2	53	42.7
2	No. of complaints withdrawn	1	1	00	00	00	2	1.6
3	No. of complaints to be closed	9	7	2	00	00	18	14.5
4	No. of complaints investigated	10	00	2	00	00	12	9.7
5	No. of complaints with investigations ongoing	7	00	00	2	5	14	11.3
6	Complaints for admissibility decision	4	7	00	00	00	11	8.9
7	Mediated	00	00	2	00	8	10	8.1
8	Monitored	00	00	1	2	1	4	3.2
Grand Total		55	15	17	21	16	124	100

*Table 3 shows that the outcomes did not add up to the grand total number of complaints lodged with the Commission. This is because 74 cases were reported to the Commission that did not fall within its mandate and could not be categorized or referred as they could not be handled by any of the Commission's referral partners.*



**Table 4: Categorization of respondents on complaints lodged against individuals/institutions**

NO.	Respondent	W/A Headquartes	Western Area (Rural)	Northern Region	Southern Region	Eastern Region	Total	%
1	Individual	31	4	8	15	8	66	33.3
2	SLP	35	5	2	5	8	55	27.8
3	RSLAF	12	0	0	1	0	13	6.6
4	Judiciary	4	0	0	3	1	8	4.0
5	Local court	0	1	0	1	2	4	2.0
6	Public Servant	0	1	1	2	0	4	2.0
7	Ministry of Health and Sanitation	1	1	1	0	0	3	1.5
8	Traditional Authorities	0	1	4	3	3	11	5.6
9	Parliament	0	0	0	0	3	3	1.5
10	Private Sector	10	0	0	8	0	18	9.1
11	Guma Valley Water Company	1	0	0	0	0	1	0.5
12	Statistician General	1	0	0	0	0	1	0.5
13	Ministry of Finance	0	0	0	0	0	0	0
15	Security Agency	1	0	0	0	0	1	0.5
16	Media	1	0	0	0	0	1	0.5
17	Correctional Services	1	0	0	0	0	1	0.5
18	Bank of Sierra Leone	1	0	0	0	0	1	0.5
19	Religious Institutions	1	0	0	0	0	1	0.5
20	Ministry of Education Science and Technology	0	0	0	1	0	1	0.5
21	Ministry of SWGCA	0	0	0	0	0	0	0
22	Mining Company	0	0	1	0	1	2	1.5
23	Educational Institution	0	0	0	0	1	1	0.5
24	Ministry of Labour	0	0	1	0	0	1	0.5
25	NGO	0	0	0	0	1	1	0.5
26	Respondent unknown	0	0	0	0	0	0	0
TOTAL		100	13	18	39	28	198	100

**Table 4** is a categorization of respondents for complaints received. The highest number of complaints, **66 (33.3 %)** was made against private individuals. This was followed by the Police with **55(27.8 %)**.

**Table 5 Complaints filed by Sex**

No	Nature of Complaint	Male	Female	Total	%
1	Unlawful arrest	2	2	4	2.0
2	Unlawful detention	9	3	12	6.1
3	Torture, cruel, inhuman and degrading treatment	13	5	18	9.1
4	Denial of right to life	0	1	1	0.5
5	Property issues e.g. land, house etc	20	10	30	15.2
6	Denial of access to information	2	2	4	2.0
7	Fair hearing and speedy trial	8	2	10	5.1
8	Discrimination	5	2	7	3.5
9	Police Related	10	3	13	6.6
10	Domestic violence	0	5	5	2.5
11	Children Rights (Including Maintenance and Neglect	0	8	8	4.0
12	Workers rights/ Labour related	23	11	34	17.2
13	Matrimonial dispute	0	13	13	6.6
14	Sexual Assault	0	5	5	2.5
15	Local Court Related	1	1	2	1.0
16	Other Judiciary related issues	1	0	1	0.5
17	Right to Health	1	0	1	0.5
18	Crime related (by individuals)	11	16	27	13.6
19	Misuse of office by Traditional Leaders	3	0	3	1.5
43	TOTAL	109	89	198	100

**Table 5** is a disaggregation of complaints by sex. Men filed more complaints (**109**) than women (**89**) in **2015**. The table also shows that a highest number of complaints reported (**34**) were in relation to workers rights/ labour related followed by property related cases (**30**), and crime committed by individuals (**27**).

**Table 6 Comparative analysis of complaints received by the Regions from 2007 - 2015**

No.	Region	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total	%
1.	Western Area (Headquarters)	40	190	252	374	126	182	220	68	100	<b>1552</b>	66.5
2	Western Area (Rural)	-	-	-	-	-	-	-	-	13	<b>13</b>	0.6
3.	Eastern Region	00	04	06	39	74	25	45	52	28	<b>273</b>	11.7
4.	Northern Region	00	04	09	22	23	20	23	18	18	<b>137</b>	5.9
5.	Southern Region	00	06	63	57	33	53	41	66	39	<b>358</b>	15.3
<b>Grand Total</b>		<b>40</b>	<b>204</b>	<b>330</b>	<b>492</b>	<b>256</b>	<b>280</b>	<b>329</b>	<b>204</b>	<b>198</b>	<b>2333</b>	<b>100</b>

**Table 6** shows that **40** complaints were received in **2007**. The number of complaint received was highest in **2010**. In **2014**, **204** cases were received as compared to only **198** complaints in **2015**. This decrease can be attributed to the outbreak of Ebola in the country. The disease restricted the movement of people and their activities thereby making it difficult for complainants to access both the headquarters and the regional offices to lodge their complaints.

## **SUCCESS STORIES**

### **M.K. vs. M.C ( A Police Officer).**

On 25<sup>th</sup> September M.K lodged a complaint at the Commission's headquarters against MC, alleging delay in investigating and prosecuting an alleged sexual assault against her six (6) year old daughter by her tenant D in contravention of her rights to equal protection of the law. D was arrested and detained at the Congo Cross Police Station. M.K also complained of receiving phone calls from M.C. asking her to settle the matter with D. Through the Commission's intervention D was charged to court.

### **H.S. vs. F and C ( Police Officers)**

On 8<sup>th</sup> July H.S reported to the Commission at its headquarters, that she had lodged a complaint with F and C at a Police Station regarding the sexual assault of her daughter by H. H.S complained that F and C delayed in carrying out the investigation and charging the suspect to court. As a result of HRCSL's intervention the suspect was charged to court.

### **P.S. vs. V.H. (A Paramount Chief)**

P.S. lodged a complaint at the Commission's office in Makeni against V.H of a village in the northern province alleging banishment and deprivation of property. P.S. complained that he had been accused of bewitching a child to death. He was banished from the village, forcefully separated from his family and property. He sought refuge in another town for two (2) years. HRCSL conducted a mediation between PS and the community elders which was successful. PS returned to his village and was reunited with his family and community. HRCSL also obtained written guarantees from V.H for the safety of P.S.

## **2.12 HRCSL's Finances Government Subvention**

During the year under review, the government of Sierra Leone (GoSL) provided financial support to the Commission in the total sum of **Le9,264,470,367** for operational costs, programmes, salaries and other emoluments. The Commission recorded an increase in the budgetary support over the years; this however, falls below the actual budgetary requirements for operational and programme costs. Inadequate funding and delays in disbursement of subvention affected the timely implementation of planned activities.

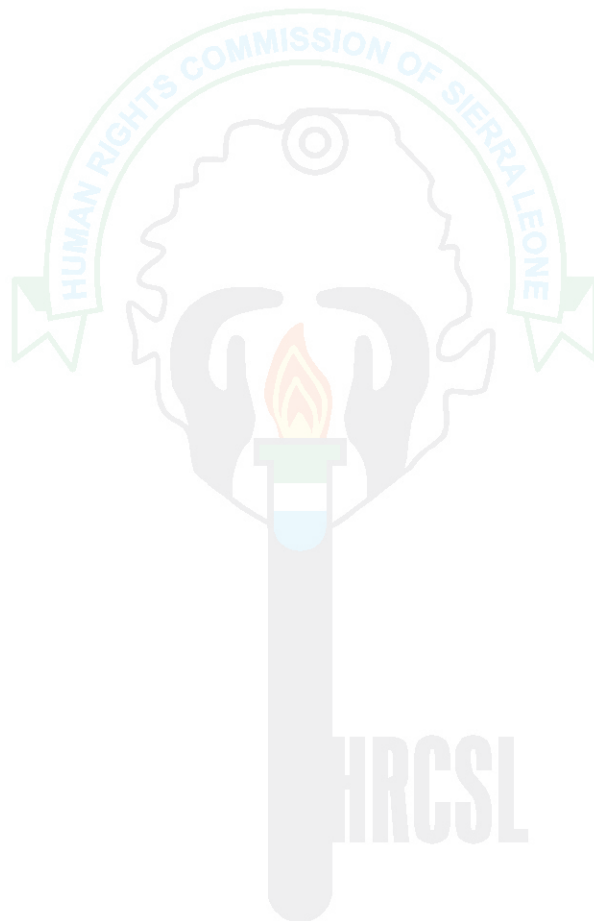
## **2.13 Key Institutional Challenges and Recommendation**

Delays in the provision of operational support by GoSL affects the continued implementation of programmes and activities of HRCSL. The outbreak of Ebola, affected donor support to HRCSL which limited its operations.

The Commission continued to receive a high number of complaints that do not fall within its mandate.

HRCSL continues to grow requiring expansion of office space to accommodate its staff and operations. There is need for bigger office spaces for Headquarters and the regions and the

Commission urges GoSL to provide land as a first step to commence the process of constructing permanent and more spacious office spaces which would be in compliance with the Paris Principles.





## **PART 3: THE STATE OF HUMAN RIGHTS IN SIERRA LEONE**

### **3.0 Protection and Promotion of Human Rights**

#### **3.1.0 Civil and Political Rights**

##### **3.1.1 Right to life and Security of Person**

The right to life is enshrined in Article 3 of the Universal Declaration of Human Rights (UDHR), Article 6 of the International Covenant on Civil and Political Rights (ICCPR), Article 4 of the African Charter on Human and Peoples Rights (ACHPR), and Sections 15 and 16 of the 1991 Constitution of Sierra Leone. These instruments guarantee individual entitlements to life, liberty, security and protection of the law.

The Commission noted that in the course of the year, Francis Samuel Haffner died a day after his release from police custody. It is alleged that he was beaten by the police during his arrest and whilst in custody. Alimamy Kamara was shot and killed allegedly by an OSD Officer during an altercation with the officer. It is noteworthy that both cases were investigated and charged to court. However, the Commission recalls police related deaths reported in its 2013 and 2014 SOHR reports and continues to express concern over such unfortunate deaths.

The Commission is also very concerned about the violent murder of two young people, Hannah Bockarie and Sydney Buckle (also known as DJ Cleff) whose corpses were found abandoned around the Murray Town and Aberdeen vicinities in May and August respectively. Hannah's autopsy report revealed that her spinal cord and limbs were broken and there was evidence of sexual abuse. Also, on 12<sup>th</sup> September, a man was beaten and hacked to death with machete by residents of Haja Fatmata Area in the Wellington community on allegations that he was a notorious robber. His body was thrown on the street and rode over by a heavy-duty truck. This increase in violence among the citizenry is a clear disregard for the right to life and human dignity.

The Commission notes the efforts of the police in the timely investigation and prosecution of the above matters which are pending in court.

#### **Recommendations:**

1. The SLP should refrain from using action that would result to unnecessary deaths and institutionalize zero tolerance against “unnecessary violence to, or ill-using any person in custody”, in line with the Police (Discipline) Regulations, 2001.
2. The SLP should increase their patrols in and around crime hotspots especially the Murray Town and Aberdeen communities.
3. GoSL should provide adequate funding to the SLP to enable them acquire equipment like Close Circuit Television (CCTV) cameras to aid them in their investigations and monitoring.
4. GoSL should embark on robust public sensitization programmes against violence and support psychosocial counseling nationwide.

5. Citizens must refrain from mob justice and respect the life and dignity of every person irrespective of the crime committed; the law must be allowed to take its course.

## **Death Penalty**

International Law requires states to take steps towards the abolition of the death penalty, if they have not yet done so, in order to secure the right to a dignified life, in addition to other rights such as the right to be free from torture, and cruel, inhuman or degrading treatment. The African Commission has also adopted a draft Protocol to the African Charter on Human and Peoples' Rights on the Abolition of the Death Penalty.

Sierra Leone still has the death penalty in its law books for treason, murder and robbery with aggravation. GoSL has not yet implemented the recommendations made by the TRC and the UPR for the abolition of the death penalty. There were 13 inmates (all male) on death row at the Male Correctional Centre. However, the Commission observed that the GoSL continued to uphold the moratorium on the death penalty and its abolition is under active consideration by the Constitutional Review Committee.

## **Recommendation:**

The Commission calls on the government to sign the Second Optional Protocol to the ICCPR, on the abolition of the death penalty and to repeal laws requiring the death penalty.

### **3.1.2 Freedom of Expression and the Press**

Freedom of Expression is guaranteed by Articles 19 of the ICCPR & UDHR, Article 9 of ACHPR, and Section 25 of the 1991 Constitution of Sierra Leone.

During the course of the year, two privately owned television stations, The Africa Young Voices (AYV) and Star TV were granted licenses by the IMC to commence broadcast. This provides an opportunity for more people to express their views and receive information. HRCSL also observed that citizens freely expressed their views on national issues in both the print and electronic media.

However, the continued existence of the seditious libel provisions of the 1965 Public Order Act undermines freedom of expression particularly of journalists and civil society organizations.

HRCSL also noted some progress in the work of the Right to Access Information Commission (RAIC) through the production of Information Education and Communication (IEC) materials and jingles explaining their processes and procedures to the public. However, some applicants complained that the process of accessing information from MDAs has become cumbersome because of the demand to go through the RAIC before releasing the information.

## **Recommendations:**

1. HRCSL calls on Parliament for the ninth time to repeal the seditious libel provisions of the Public Order Act of 1965.
2. RAIC should continue to sensitize MDAs on the importance of the right to access information.

### **3.1.3 Freedom of Assembly, Association and Movement**

Freedom of Assembly/Association is provided for in Sections 18 and 26 of the 1991 Constitution of Sierra Leone. It is also provided for in Articles 13 and 20 of the UDHR, Articles 12 and 22 of the ICCPR as well as Articles 10, 11 and 12 of the ACPHR.

In January, H.E. President Koroma eased restrictions on movement at district and chiefdom levels to support economic activities, on the condition that all Ebola Prevention Protocols were adhered to. On 8<sup>th</sup> August, the President lifted the prohibitions on public meetings, public gatherings, sporting activities, nightclubs, video centre operations, market and general activities. Commercial motorbikes (Okadas) were also allowed to operate from 6a.m to midnight daily, but the ban on markets and general trading on Sundays remained in place.

In June, 'Operation Northern Push' was launched “to identify, contain and eradicate the virus from infected areas and communicate with the wider community and neighbouring chiefdoms, in order to contain cases when discovered ...”. This involved robust social mobilization and awareness raising led by the President, Cabinet Ministers, Parliamentarians, and Traditional Leaders in affected areas. Movement was also restricted in Tonkolimba, Magbema, Samu, Massungbala chiefdoms in the Kambia District, Kaffu Bullom, Koya and Bureh Kasseh Makonteh (BKM) Chiefdoms in the Port Loko District for 21 days.

The Commission monitored 'Operation Northern Push in Mamusa and Komrabai' villages in the Port Loko District. The Commission noted that residents whose villages had been partially quarantined, and movement restricted had difficulties in accessing food and engaging in economic activities.

In August, the State of Emergency was extended due to the fact that certain areas in the north were still affected by the Ebola epidemic. On 7<sup>th</sup> November, WHO declared Sierra Leone Ebola free.

#### **Recommendations:**

1. HRCSL calls on GoSL not to renew the State of Emergency when it expires to ensure the full enjoyment of freedom of assembly, association and movement.
2. GoSL and in particular the medical personnel should remain vigilant in observing infection prevention control protocols and to continue sensitizing the public to prevent another outbreak.

### **3.1.4 Protection from Discrimination**

Protection from discrimination is provided for in Articles 2 and 4(1) of the ICCPR, Article 2(2) of the ICESCR, Sections 6(2) 8(3), and 27 (1) of the 1991 Constitution of Sierra Leone.

The Customary Marriages and Divorces Act 2009, the Devolution of Estate Act 2007, the Domestic Violence Act 2007, the HIV/AIDS Prevention and Control Act (2007) and the Persons with Disability Act 2011, all provide protection from discrimination.

In April, an official of the Ministry of Education, Science and Technology (MEST) made a policy statement which barred pregnant girls from taking their exams referring to a Cabinet decision of

4<sup>th</sup> August 2010. This Cabinet decision was brought to the attention of the public in April 2015, when the policy statement was issued. The Commission considers this directive and its implementation by MEST as discriminatory against women and girls and a denial of equal opportunity particularly at an extra-ordinary period of the Ebola outbreak which recorded a high rate of teenage pregnancy.

### **Recommendation:**

GoSL should remove barriers preventing pregnant girls and young mothers from taking public exams and attending school.

## **3.2 Human Rights in the Administration of Justice**

### **3.2.1 The Sierra Leone Police (SLP)**

In September, the police responded swiftly to help victims in various areas nationwide that were seriously affected by floods, in a bid to save lives and property.

In response to the increase in crime rates around the Lumley Beach/Aberdeen area the Aberdeen Police Station was upgraded in September. It now has its own Local Unit Commander and an increased number of personnel for effective and efficient policing of the community.

The general operations of the SLP were still challenged by inadequate logistics and personnel throughout the country. The non availability of a ballistics expert, forensic laboratories and the existence of only one pathologist, affect the investigation of crimes.

HRCSL noted a reduction of the cases investigated by the Complaints, Discipline and Internal Investigation Department (CDIID) of the SLP (from 235 in 2014 to 46 in 2015) on allegations of assault, unlawful detention, and other related violations by police personnel.

On 29<sup>th</sup> May 7 police officers attached to the Criminal Investigations Department (CID) headquarters, conducted a raid at the 'Common Ground', in Central Freetown. Francis Samuel Haffner, who was arrested with 9 other youths was allegedly beaten by the police officers. He died on 30<sup>th</sup> May, after he was released. A tribunal was set up by the CDIID to look into the matter: the police officers involved in the alleged murder were dismissed and handed over to the CID for further investigation. The matter is currently in the High Court on a charge of manslaughter.

On 15<sup>th</sup> June, an Operational Support Division (OSD) officer shot and killed Alimamy Kamara of 23 Victoria Street in Freetown, during an altercation between himself and the deceased. He was dismissed and is facing trial.

### **Police Detention Facilities:**

In fulfillment of its statutory mandate to monitor places of detention, HRCSL with its partners visited 13 police stations in the Western Area namely: Mountain Division, Regent, Goderich, Aberdeen, Lumley, Congo Cross, New England Ville, Central, Eastern, Ross Road, Kissy, Calaba



Town, and Waterloo Police Stations from the 1<sup>st</sup> -20<sup>th</sup> June.

The general findings were:

- Overcrowding of cells for male suspects
- Over detention
- Unhygienic conditions
- Inadequate water supply
- Inadequate electricity
- Poor quality and insufficient food supply

In particular, at the Ross Road, Waterloo and New England Ville Police Stations the cells for male suspects were overcrowded, without beds or mats, with faeces and urine on the floors.

This contravenes Part 1 (4) (e) of the Luanda Guidelines which states ***“The rights to humane and hygienic conditions during the arrest period, including adequate water, food, sanitation, accommodation and rest, as appropriate considering the time spent in police custody”***.

HRCSL also conducted regular monitoring of police stations in Makeni, Bo and Kenema and observed that the conditions of detention require attention.

### **Recommendations:**

1. HRCSL reiterates its call on GoSL to provide funding and other resources to the SLP which should be appropriately distributed by the SLP to all areas of operations;
2. The SLP should refrain from using action that would result to unnecessary deaths and institutionalize zero tolerance against “unnecessary violence to, or ill-using any person in custody”, in line with the Police (Discipline) Regulations, 2001 and the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa;
3. GoSL and SLP should take steps to establish forensic laboratories and recruit more Pathologists, forensic and ballistic experts to expedite investigation of cases.

### **3.2.2 The Court System**

Equal protection of the law and the right to seek redress within a reasonable time is enshrined in Section 23 of the 1991 Constitution of Sierra Leone. This is also supported by regional and international instruments - Article 7 of ACHPR, Article 7 of UDHR and Article 14 of ICCPR.

The Commission over the years has been expressing concern over the high number of detainees in Correctional Centres awaiting trial, some from two to ten years. With the commencement of operations in May, the provision of free legal services by the Legal Aid Board secured the release of 76 detainees and contributed to the commencement of trial for others.

The Sentencing and Bail Working Group constituted during the course of the year, is a two year project undertaken by the Judiciary of Sierra Leone to develop a Sentencing Policy and Guidelines, as well as revise and update the existing Bail Policy for Sierra Leone. The outcome document will be enacted as a Statutory Instrument by Parliament. The Working Group comprises

the following members:

- Three (3) Judges,
- One (1) magistrate
- One (1) representative from the SLP
- One (1) representative from HRCSL
- One (1) the Director of Public Prosecutions (DPP)
- One (1) the Director of the Justice Sector Coordination Office (JSCO)
- One (1) representative from the Sierra Leone Correctional Services
- One (1) representative from Campaign for Good Government (CGG)
- One (1) representative from Prison Watch Sierra Leone
- Two (2) representatives from UNDP
- One (1) representative from the US Embassy in Sierra Leone
- One (1) representative from the Judiciary of Sierra Leone

## **Juvenile Justice**

The rights of juveniles in conflict with the law are provided in the Child Justice Strategy 2014-2018 and the UN Standard Minimum Rules for the Administration of Juvenile Justice.

HRCSL commends GoSL on the adoption and implementation of the Child Justice Strategy which builds on the legal policy framework in favor of children in the Child Rights Act (CRA) and which replaces the 2006 Child Justice Strategy. Among other things, the Strategy provides for improvement on the responsiveness of the formal justice system to the needs of children, diverting children accused of minor infractions from the formal court setting, the reintegration and rehabilitating of children in conflict with the law and enacting legal reform.

HRCSL observed that juvenile justice encountered the following challenges in the year under review: lack of legal representation for offenders (particularly inmates at the Remand Homes) and delays in trial.

In June, during a monitoring visit to the Remand Home in Bo, the Commission was informed that an inmate charged with murder had been in detention for over a year without an indictment. Another inmate who had been in detention for three years without indictment was convicted and sentenced as an adult when the matter was finally tried in the High Court: according to the Officer-in-charge, he was arrested when he was 15 years old.

By the end of the year, there were nine inmates on remand awaiting trial at the Remand Home in Kingtom; eight (8) males and one (1) female. Preliminary investigations by the Magistrate Court were concluded and the matters sent to the High Court for trial: one of them since 2013. This contravenes Rule 20.1 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice which states that: *“Each case shall from the outset be handled expeditiously without any unnecessary delay”*.

HRCSL noted that the Child Rights Act of 2007 does not have adequate provisions on children in conflict with the law and juvenile justice administration.

## **Recommendations:**

1. GoSL should provide adequate funding for the Legal Aid Board to enable it extend its services nationwide.
2. The Judiciary should expedite trial to reduce the time spent in detention.
3. The Judiciary should use custodial sentences as a last resort for punishing those juveniles who come into conflict with the law.
4. GoSL should continue the implementation of all the strategies contained in the Child Justice Strategy and should also amend the CRA to include the components of the Child Justice Strategy.

### **3.2.3 The Sierra Leone Correctional Service**

In 2015, the Sierra Leone Correctional Council appointed a subcommittee to review the institution's organisational structure and to revise the terms and conditions of service for officers which led to the restructuring and expansion of management. Capacity building trainings were undertaken by the Correctional Service in collaboration with partners, to enhance the performance of its officers:

- Six (6) junior officers were trained by Prison Watch Sierra Leone and AdvocAid in Human Rights and Correctional Management
- Twenty (20) senior officers were trained in Leadership and Management Skills organized by Access to Security and Justice Programme (ASJP)
- Five (5) cadet officers returned from the Kaduna Prison Academy in Nigeria to take up duty after acquiring training
- Training in Records and Data Base Management was provided by Prison Watch Sierra Leone.

Despite progress noted during HRCSL's regular monitoring visits, there were still challenges in the Correctional Centres: overcrowding, poor hygiene condition and poor electricity supply.

On the 16<sup>th</sup> September, HRCSL visited the Freetown Male Correctional Centre to assess the general conditions. The Commission noted a total number of 1,466 inmates in detention, which exceeds the capacity of 324 inmates for which the Centre was established. Similarly, at the Makeni Correctional Centre, there were 242 inmates in detention, exceeding its intended holding capacity of 80, of which 118 were on trial without indictments.

The general hygiene conditions in the Correctional Centres were noted to be poor. In January, HRCSL observed that the two pit latrines in the Bo Correctional Centre, were full to the brim and the stench was unbearable. In the Freetown Male Correctional Centre, buckets were used as toilets, which posed health risk to inmates. Toiletries such as soap, toothpaste and toilet rolls, were provided for inmates in Bo and Pujehun. Inmates had access to clean and safe drinking water and were provided with food twice a day, in all of the facilities visited by HRCSL, during the year.

Electricity supply remained to be a challenge in Makeni, Mafanta, Kabala, Port Loko, Kambia and Magburaka. This affected the general security of the facilities particularly the Mafanta Correctional Centre, which is some distance away from the District Headquarter town of Magburaka.

## **Juvenile Detention Facilities**

During HRCSL's monitoring visit to the Remand Home in Bo on 3<sup>rd</sup> June, there were 18 inmates (15 males and 3 females). The Commission was informed that the Remand Home in Bo had no vehicle to transport inmates to court or to the Approved School in Freetown and therefore resorted to using motorbikes and public transport. HRCSL noted, at the time of visit, that inmates did not receive education, healthcare and sanitary pads.

Rule 13(5) of The Beijing Rules states that *“while in custody, juvenile shall receive care, protection and all necessary individual assistance – social, educational, vocational, psychological, medical and physical – that they may require in view of their age sex, and personality”*.

At the Remand Home in Kingtom, Freetown GOAL-Ireland supported referrals of sick inmates to the police government hospitals. Ravera Children's Rehabilitation Centre provided first-aid drugs and a nurse who visited the Home twice a month. In October, GoSL supplied 40 mattresses to the Home. HRCSL observed that the Home was clean and well kept and inmates were fed three times a day.

The Commission was informed that female inmates were not provided with sanitary pads and that there is no provision for training or any form of education for the inmates.

HRCSL commends the MSWGCA and the Approved School in Freetown which serves the entire country for the post detention recovery package offered to the inmates to prepare them for reintegration into their communities after serving their sentences. During a monitoring visit on the 15<sup>th</sup> October, all inmates found were engaged in skills training: some in tailoring, others in carpentry and tin smithery. The Commission however observed that the beds were old and worn out and that the cells had no mosquito nets.

HRCSL was informed that the access to health facility at the School was poor as there was no medical personnel attached to the school and when inmates fall ill, the officers-in-charge request for assistance from NGOs and INGOs.

HRCSL continues to note that there are only two districts (Freetown and Bo), with juvenile remand detention facilities and juveniles from the other ten districts are remanded in either Freetown or Bo and sometimes in open-detention at police stations. There is still only one Approved School in the country for juveniles who are convicted and sentenced to imprisonment.

### **Recommendations:**

1. Ministry of Internal Affairs (MIA), MSWGCA and detention authorities should ensure the provision of sanitary pads for inmates in all detention and remand homes in the country.
2. MIA should take concrete steps to improve on the toilet facilities in all Correctional Centres especially the facility in Bo.
3. The Judiciary and the Director of Public Prosecutions (DPP) should expedite the process of issuing indictments to ensure speedy trial.
4. The MSWGCA, the Correctional Service and their partners should continue providing



skills training for inmates to make them self-reliant when they reintegrate into society after serving their sentences.

5. MSWGCA should provide vehicles to transport juveniles to and from Court or to the Approved School.
6. MSWGCA should ensure that proper healthcare services are provided within the juvenile detention facilities to cater for the medical needs and personal hygiene of inmates.
7. MSWGCA should provide remand homes in all the districts, implement diversionary measures for minor crimes committed by juveniles and use detention only as a last resort.

### **3.3 Economic, Social and Cultural Rights**

#### **3.3.1 Right to Just and Favourable Conditions of Work**

The right to work is provided for in Article 23 of the UDHR, Articles 6 & 7 of the ESCR and Article 15 of the ACHPR. HRCSL welcomes GoSL's ratification of eight International Labour Organisation (ILO) Conventions covering fundamental principles and rights at work namely:

- Forced Labour Convention, 1930;
- Freedom of Association and Protection of the Right to Organize Convention, 1948;
- Right to Organize and Collective Bargaining Convention, 1949;
- Equal Remuneration Convention, 1951;
- Abolition of Forced Labour Convention, 1957;
- Discrimination (Employment and Occupation) Convention, 1958;
- Minimum Age Convention, 1973;
- Worst Forms of Child Labour Convention, 1999.

Section 8(3) of the 1991 Constitution of Sierra Leone requires the State to direct its policy to ensuring the right of workers to just and favourable conditions of work.

HRCSL notes the efforts made by the Ministry of Labour and Social Security (MLSS) to address labour issues involving businesses operating in the country. In March, the Labour Officer in Makeni informed HRCSL that 250 retrenched workers of the All-Terrain Services (ATS) Company in Bumbuna (a subsidiary company under the former African Minerals Limited company) were not paid their full end-of-service benefits as provided for by the Labour Laws of Sierra Leone. The matter was forwarded to the MLSS in Freetown and through the Ministry's intervention the affected workers received their benefits.

HRCSL also notes the intervention of the MLSS in the dispute between ADDAX Bio-energy Company and its local staff on a proposed redundancy. This issue was resolved by the company agreeing to send the affected staff on 'Garden Leave' and paying them 45% of their monthly basic salary from July to December.

In March, MLSS increased its staff strength from one staff to four (4) in each region (three Labour Officers and one Factory Inspector). Notwithstanding, there were challenges of inadequate logistics to support their work.

HRCSL observed from monitoring exercises and concerns from the public that not all private institutions and individuals complied with the Minimum Rate of Pay Rules 2014, of Le 500,000 that became effective on 1<sup>st</sup> January 2015. In an engagement with authorities of the MLSS on 1<sup>st</sup> May, HRCSL was informed that some institutions, particularly the Security Companies were not complying with the Minimum Rate of Pay Rules 2014.

The enjoyment of the right to just and favourable conditions of work was affected by the continued prevalence of EVD in the country leading to loss of jobs by many Sierra Leoneans especially the youths.

### **Recommendations:**

1. The MLSS should enforce the Minimum Rate of Pay Rules 2014 of Five Hundred Thousand Leones (Le.500,000) and strengthen its redress mechanisms;
2. MLSS should increase personnel and logistical support to its regional offices;
3. MLSS should embark on more sensitization on the minimum wage for both employers and employees.

### **3.3.2 Business and Human Rights**

During the year under review, HRCSL established a Business and Human Rights Unit due to the increased complaints on business and human rights related issues across the country. The Unit is charged with the responsibility to support the Commission's investigation, monitoring and education mandate as well as its engagement with business entities on human rights. The Unit will work with international and national partners working in the field of business and human rights and also collaborate with statutory institutions regulating business activities in the country.

On 27<sup>th</sup> and 28<sup>th</sup> September, the Commission witnessed the disclosure process of the Environmental Impact Assessment of the Wilkinson Hills Mining Company (a new company under AMR Gold), to secure license from EPA to start small scale mining operations. During this process the Commission observed that there was division among residents and landowners in Kathantha village, one group was in favour of the company's occupancy and use of the land and another group was against. HRCSL also participated in a joint monitoring visit of selected companies organised by EPA-SL from 18<sup>th</sup> to 21<sup>st</sup> November, in Mile 91, Ferengbeya in the Tonkolili district and Pepel in the Port Loko district.

### **Recommendations:**

1. Government should take the necessary steps to resolve the dispute between the landowners of Kathantha and Wilkinson Hills Mining Company;
2. GoSL should ensure that the human rights of landowners are respected and environmental concerns addressed;
3. GoSL should develop a National Action Plan on Business and Human Rights which will guide the process of reviewing, developing and consolidating policies, laws and strategies as well as allocate resources for Business and Human Rights related issues

4. The Commission calls for collaboration with business regulators and business entities to ensure that human rights standards are adhered to.

### **3.3.3 Rights to Education**

Article 13 of the ICESCR, Article 17 of the ACHPR and Section 9 of the 1991 Constitution of Sierra Leone, guarantee the right of everyone to education. Section 3(2) of the Education Act of Sierra Leone 2004 states that *“every citizen of Sierra Leone shall have the right to basic education which accordingly shall be compulsory ...”*

MEST continued with the radio and television teaching and learning programme which it initiated in 2014, to keep school children engaged with their studies while they stayed home during the EVD outbreak. When schools re-opened in April, MEST continued the programme, but the timing coincided with the period when most of the children were either in school or on their way to or from school.

HRCSL notes that prior to the re-opening of schools on 14<sup>th</sup> April, MEST adjusted the school calendar from three terms to two, for the 2015 and 2016 academic years. This decision was to ensure that school going children complete the academic year and facilitate a smooth transition to the normal school year. Subsequently, workshops were organised to train teachers on adherence to Ebola Preventive Protocols and how to handle children who fall ill during the school hours. MEST also disinfected and supplied teaching and learning materials to all government schools in the country. Tertiary institutions also re-opened in April, and GoSL subsidized fees for all students.

GoSL paid tuition fees for all pupils in public secondary schools and examination fees for those who sat to the National Primary School Examination (NPSE), Basic Education Certificate Examination (BECE) and the West African Senior Secondary Certificate Examination (WASSCE); to enhance the enjoyment of the right to education. GoSL also ensured that teachers in public schools were paid their monthly salaries throughout the nine months closure of schools. MEST issued directives that all schools should only charge fees for two terms.

On 7<sup>th</sup> July, HRCSL received a letter from the proprietor of Leone Preparatory School alleging that he received a letter from the Acting Chief Education Officer of the MEST dated 2<sup>nd</sup> July 2015, ordering him to close down school operations for contravening sections of the Education Act 2004. HRCSL was concerned about the 350 children of the Leone Preparatory School whose right to education was affected as a result of the closure of the School by MEST.

The Commission engaged MEST on the matter on 22<sup>nd</sup> July highlighting issues of the right to education for the children. MEST informed the Commission that they had received complaints from parents that the proprietor was demanding fees for three terms in contravention of MEST's two term directives. The matter was finally resolved after a series of consultations and the children returned to school.

HRCSL was concerned about a public statement made by high ranking officials of MEST *that pregnant girls and young mothers were barred from taking their exams and going back to school*. HRCSL in its Press Release dated 25 February, condemned the statement noting that it undermined the right to education provided in Section 3 (2) of the Education Act of 2004 and Government's National Development Plan, *'The Agenda for Prosperity'*, particularly Pillar 8

which deals with Gender Equality and Women's Empowerment. The Commission stated that this directive discriminated against women and girls and stigmatised young women, which will worsen their marginalization as well as their vulnerability.

On 10<sup>th</sup> April, HRCSL conducted a monitoring exercise to eighteen (18) schools in the Western Area to ascertain whether girls who were suspected to be pregnant were removed from the examination halls. In the schools visited, there were no reports of girls removed as a result of suspected pregnancy.

HRCSL noted that MEST designed an alternative education programme for pregnant girls who could not return to school as a result of the ban. In October, MEST with support from international donors such as DFID, Irish Aid, UNICEF, started special classes for pregnant school girls and teenage mothers. MEST recorded 3,017 teenage girls who became pregnant as a result of not going to school. Forty-four (44) community centres were opened across the country where girls who registered for the programme were taught four (4) subjects – Mathematics, Language Arts, Social Studies and Integrated Science, three days a week. In Kambia, UNICEF facilitated the opening up of six (6) centres for pregnant girls and young mothers in Kukuna, Madina, Kychom, Rokupr, Kollenten and Mambolo.

### **Recommendations:**

1. GoSL should take steps to effectively implement the TRC and UPR recommendations of abolishing the practice of expelling pregnant girls from attending school;
2. GoSL should ensure the re-introduction of Family Life Education in schools with emphasis on life skills and empowerment.

### **3.3.4 Right to Health**

The right to health is guaranteed by Article 12 of the ICESCR and Article 16 of the ACHPR which call on state parties to ensure the enjoyment of the highest and best attainable standards of physical and mental health.

HRCSL acknowledges GoSL's efforts in carrying out Mass Drug Administration Campaign in selected Chiefdoms in Bombali, Kambia, Koinadugu, Moyamba, Port Loko and Tonkolili Districts and in the Western Area from 16<sup>th</sup> – 19<sup>th</sup> January. The objective of the campaign was to reduce malaria related illnesses and mortality rate which had been negatively impacted by the outbreak of the EVD. It targeted all ages including children under five and pregnant women.

HRCSL notes the steps taken by GoSL and partners to eradicate the EVD. On 19<sup>th</sup> January, NERC launched the second phase of the Western Area Surge with the aim of strengthening social mobilization and contact tracing in the Western Area. This situation prompted GoSL to set a target for zero infection cases by 31<sup>st</sup> March particularly for the Western Area and the Northern region which were still recording cases of infection.

On 22<sup>nd</sup> January, H. E President Ernest Bai Koroma, in his speech to the nation, acknowledged the reduction in the spread of the EVD as a result of the availability of more treatment centres, beds, laboratory capacities, ambulances, personnel, better processes and response time. This was followed by a second nationwide *'three-day sit – at – home'* from 27<sup>th</sup>–29<sup>th</sup> March, and Operation



Northern Push in Kambia and Port Loko Districts on 1<sup>st</sup> June, in order to achieve and sustain zero infection rate. The last confirmed infected case related to a woman in Kambia who was later discharged from hospital after treatment on 2<sup>nd</sup> September.

HRC SL notes that in July, the government launched the National Ebola Recovery Strategy for Sierra Leone 2015- 2017. The first phase of six to nine months of the Strategy focused on restoring basic access to health care, getting kids back to school, social protection and restoring growth through the private sector and agriculture.

Sierra Leone was declared Ebola Free on 7 November by the World Health Organization (WHO).

### **Recommendations:**

1. GoSL should sustain the Mass Drugs Administration Campaign across the country to reduce malaria and mortality rate.
2. GoSL and its development partners should effectively implement the National Ebola Recovery Strategy using a human rights-based approach that ensures active participation, accountability, non-discrimination, equality and the rule of law.

### **3.3.5 Access to Clean and Safe Drinking Water**

The right to clean and safe drinking water and sanitation is contained in the UN Resolution 64/292 of the UN General Assembly as well as the African Commission's Resolution on the Right to Water Obligations ACHPR/Res. 300. Article 1.1 of the General Comment No.15 of the Committee on Economic, Social and Cultural Rights of the UN Human Rights Council states *that "the human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights"*.

Government's obligation is to provide financial resources, capacity building and technology transfer for the provision of safe, clean, accessible and affordable drinking water and sanitation for all. In a bid to comply with this obligation, the Ministry of Water Resources and the Sierra Leone Water Company (SALWACO) procured fourteen (14) water tankers and installed community tanks in different areas of the city, to increase access to clean and safe drinking water and to supplement the Ebola Preventive Protocols throughout the Ebola period. SALWACO also commenced the installation of new infrastructural water conservation and treatment systems in Makeni, Kenema, Bo, Kabala and Mile 91.

In spite of the above progress, access to clean and safe water for drinking and other purposes in the country remained a challenge especially during the dry season. The inability of the GVWC to expand its water network to accommodate the increasing demand caused by a growing city; destruction of water pipes by people scouting for water; the activities of road construction companies and limited resources were critical factors affecting the provision of clean and safe drinking water.



*Destroyed water pipes along the Kissy Bye Pass Road Freetown*

### **Recommendations:**

1. SALWACO should continue to expand its operations to other districts to ensure that all have access to clean and safe drinking water.
2. The Ministry of Water Resources and GVWC should take proactive measures to effectively and efficiently improve and expand on its water network to meet the growing demand for water in the Western Area.

### **3.4 Women's Rights**

The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW-1979), Beijing Declaration of 1995, Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa 2003 (Maputo Protocol) guarantee the rights of women. Section 15 of the 1991 Constitution guarantees the enjoyment of the fundamental human rights and freedoms of the individual irrespective of that person's sex. The Domestic Violence Act 2007, the Devolution of Estate Act 2007 and the Registration of Customary Marriage and Divorce Act 2009 (commonly referred to as the Gender Justice Laws) the Child Rights Act 2007 and the Sexual Offences Act 2012 of Sierra Leone provide legal protection of the rights of women against violence and discrimination.

#### **Ratification of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol)**

The Minister of MSWGCA tabled the Maputo Protocol in Parliament which was unanimously ratified on 2<sup>nd</sup> July without reservations. Prior to the ratification, there were several advocacy engagements with Parliament by MSWGCA, women's groups and other stakeholders. On 25<sup>th</sup> June, HRCSL engaged the Parliamentary Women Caucus and the Parliamentary Committee on Social Services on the need for the ratification of the Protocol.

The Protocol is an important regional instrument that comprehensively guarantees the rights of women taking into account the cultural and traditional context and the special needs of African

women. It requires States to take legislative, administrative and institutional measures to give effect to the rights guaranteed in the Protocol. It covers rights relating to equality and non-discrimination, protection of women from violence, rights relating to marriage, health and reproductive rights, economic, social and cultural rights, rights to peace, protection of women in armed conflicts and rights of specially protected women's groups.

Article 26 of the Protocol and Article 62 of the African Charter require Sierra Leone as a State party to the Protocol to submit every two (2) years a report on the legislative, judicial and other measures taken with a view to ensuring the full realisation of the rights and freedoms contained in the Protocol. According to the African Commission's *Guidelines for the State Reporting under the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2009)*, a State party to the African Charter and the Protocol must submit its report in two parts: Part A, dealing with the rights in the African Charter, and Part B, dealing with the rights in the Protocol.

### **Gender Equality and Women's Empowerment**

Since 2011 HRCSL has monitored and reported on the progress made by government to advance gender equality and women's empowerment agenda through the development of policies and legislation. MSWGCA recruited a consultant through the UNDP to develop a National Policy on Women's Empowerment and Gender Equality which was finalized in the course of the year. This draft Policy has comprehensive provisions in advancing women's rights consistent with the Maputo Protocol and is awaiting Cabinet approval. After approval, appropriate legislation will be enacted to implement the Policy. The proposed Women's Empowerment and Gender Equality Bill will include the minimum 30% quota for women's participation in decision making at all levels as recommended in the TRC Report, and the commitment made by the President during International Women's Day (IWD) celebrations 2010 in Magburaka.

### **International Women's Day**

The global theme for 2015 IWD celebration was “*Make It Happen*”. However, in light of the prevalence of the EVD in the country, the theme was contextualized to: “*Make it Happen for EVD Affected Families, Especially Women and Girls*”. The sub themes included:

“*Survivors are our Heroines – don't stigmatize them*”;  
“*Ebola widows and orphans have hope – they need livelihood support*”;  
“*Support psychosocial and reintegration of survivors and affected families in their communities*”.

### **Recommendations:**

- GoSL, through MSWGCA and other line ministries, should popularize the Maputo Protocol and take legislative, administrative and institutional measures to give effect to the rights guaranteed in it.
- GoSL, in particular Cabinet, should approve the draft National Policy on Women's Empowerment and Gender Equality and take necessary steps to enact legislation for its implementation.



### **3.5 Children's Rights**

Children's rights are guaranteed by the Convention on the Rights of the Child (CRC) 1989, the African Charter on the Rights and Welfare of the Child (ACRWC) 1990 and the Child Rights Act, 2007.

HRCSL recognizes the efforts made by government to establish the National Commission for Children (NCC) whose mandate is to monitor and coordinate the implementation of the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child, the Child Rights Act, and to advise government on policies aimed at the improvement of the conditions or welfare of children in Sierra Leone. NCC started operations in February 2015 with the appointment of a Commissioner, Deputy Commissioner, Board members and recruitment of staff. The office is located at 26 Adelaide Street, Freetown.

As presented in other sections of this Report, children's right to education, provision of learning and assistive materials for children with disabilities and juvenile justice continue to be a challenge. HRCSL also received three complaints during the course of the year relating to alleged delay by the police in the investigation and prosecution of sexual offences committed against three girls aged 7, 12 and 17. In response to these complaints HRCSL engaged the SLP and the offenders were eventually charged to court.

#### **Female Genital Mutilation/Cutting (FGM/C)**

HRCSL notes a reduction in the practice of FGM/C as a result of GoSL's temporary ban on the practice. This ban was imposed as a precautionary measure to contain the spread of the EVD and by the end of the year it was still in effect. Organizations working towards the reduction of FGM/C used this period as an opportunity to sensitize practitioners about the negative effects the practice poses to women and girls.

HRCSL acknowledges GoSL efforts through MSWGCA in the development of a draft National Strategy for the Reduction of FGM/C 2016-2020. This strategy was developed in collaboration with wide diversity of stakeholders at policy and community levels in Sierra Leone including HRCSL and the Soweil Council (FGM practitioners).

#### **Recommendations:**

1. GoSL and MoFED should provide adequate resources to NCC to expand on its services nationwide in order to enhance its operations;
2. SLP should expedite the investigation and prosecution of sexual offences particularly against children;
3. MoHS should include in their annual budget, allocations to cover administrative costs, transportation for medical practitioners to and from court and the provision of free medical reports as well as treatment to victims of SGBV throughout the country;
4. MSWGCA and its partners should finalise, launch and implement the National Strategy for the Reduction of FGM/C.



### **3.6 Vulnerable Groups**

Vulnerable groups include persons with disabilities, persons with different sexual orientation, persons living with HIV/AIDS, commercial sex workers, older persons, ethnic minorities, children affected by poverty and women in extreme poverty.

#### **3.6.1 Persons with Disabilities**

Article 18(4) of the ACHPR states that *“the aged and the disabled shall also have the rights to special measures of protection by the state in keeping with their physical or moral needs”*. Article 4(c) of the Convention on the Rights of Persons with Disabilities (CRPD) also urges states parties *“to take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes”*.

HRCSL welcomes the establishment of the NCPD regional offices in Makeni, Bo and Kenema. However, these offices are not adequately resourced to function effectively. In spite of the implementation of several programmes and the adoption of policies, legislation and other measures, persons with disabilities are still confronted with a number of challenges. These include: high rate of unemployment amongst youths, habitual street begging for survival, inaccessible environments (poor infrastructure, buildings, and transportation), and inadequate participation in planning and decision making processes and discrimination.

Access to free education for children with disabilities has not been fully realized because of inadequate provision of appropriate teaching, learning and assistive materials. HRCSL observed that the Milton Margai School for the Blind (the only school for the blind in the Freetown Municipality) was overcrowded and authorities complained of inadequate resources to cater for the needs of the pupils.

#### **Recommendations:**

1. GoSL and MSWGCA should provide adequate resources to the NCPD, particularly its regional offices for effective and efficient service delivery to reduce unemployment and discrimination, increase participation and accessibility for persons with disability as well as promote an inclusive society;
2. GoSL and all MDAs should prioritise disability issues in all policies, programmes and activities;
3. MEST should ensure adequate provision of appropriate teaching, learning and assistive materials to address the educational needs of persons with disabilities;
4. MSWGCA should provide adequate resources for the Milton Margai School for the Blind and other institutions catering for persons with special needs.

#### **3.6.2 Older Persons**

The Political Declaration and Madrid International Plan of Action on Ageing 2002 is a global guiding document focused on older persons and development, advancing health and well-being into old age, and ensuring enabling and supportive environments. Paragraph 12(e) calls on state parties to ensure *“the full enjoyment of economic, social and cultural rights and civil and political*

*rights of persons and the elimination of all forms of violence and discrimination against older persons”.*

HRCSL recognizes efforts made by GoSL to gradually enhance the human rights of older persons through the implementation of a series of programmes. One such programme is the National Social Safety Net Programme supported by the GoSL and the World Bank. The second round of the National Social Safety Net Programme supported 126,000 people, (12,000 households) in extreme poverty nationwide particularly older persons. On 6<sup>th</sup> August, the World Bank approved additional funding to the GoSL to augment the National Social Safety Net Programme. The Agenda for Prosperity (AfP) recognizes that older people experience high level of poverty and households headed by the elderly face problems such as lack of income, having regard to the fact that a large portion of employment is informal without retirement security.

### **Recommendations:**

1. MSWGCA should ensure that the Madrid International Plan of Action on the Ageing (MIPAA) is popularized and implemented.
2. NaCSA and its partners should maintain and sustain the National Safety Net Programme
3. GoSL should develop a National Action Plan on the rights and welfare of older persons.

### **3.6.3 Mental Health**

HRCSL recognizes the efforts of GoSL and its partners in the development of a Mental Health Policy, 2010–2015, which addresses the need to increase the human resource capacity, decentralize mental health services, and promote community based services to clients.

According to a research on the Mental Health and Leadership Advocacy Programme Situational Analysis on Mental Health in Sierra Leone, conducted by “Physicians for Human Rights”, in May 2015, most people suffer from acute signs of distress manifested through physical, cognitive, emotional and/or behavioral symptoms”.

HRCSL is concerned that there is only one government hospital with a holding capacity of two hundred and fifty beds, providing psychiatric treatment and services nationwide. This facility is inadequate to meet the growing demand for mental health treatment. According to the World Health Organization (WHO) factsheet on Mental Health indicators, there is only one Psychiatric Consultant, one clinical psychologist, twenty (20) mental health nurses and zero psychiatric social worker support. The factsheet also indicates that four hundred and fifty thousand (450,000) Sierra Leoneans suffer from depression and seventy five thousand (75,000) from schizophrenia. Other human rights challenges include: stigma, discrimination, lack of respect and the loss of dignity of individuals suffering from mental illness. These challenges prevent persons from seeking counseling and treatment.

### **Recommendations:**

1. GoSL and MoHS in collaboration with their partners should ensure the full implementation of the Mental Health policy to improve service delivery;
2. GoSL is to ensure the training and recruitment of more psychiatrists, psychologists, social

workers and other personnel in the field of Mental Health and establish more mental health facilities around the country;

3. GoSL, MoHS and its partners should increase advocacy effort to promote the rights and dignity of individuals with mental illness.

#### **3.6.4 Persons with Different Sexual Orientation**

HRCSL recalls Articles 1 & 2 of the UDHR which state that all human beings are born free and equal in dignity and rights and entitled to all the rights and freedoms without distinction. Also Resolution 275 of ACHPR (2014) on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity provides as follows:

1. Condemns the increasing incidence of violence and other human rights violations, including murder, rape, assault, arbitrary imprisonment and other forms of persecution of persons on the basis of their imputed or real sexual orientation or gender identity.
2. Specifically condemns the situation of systematic attacks by State and non-state actors against persons on the basis of their imputed or real sexual orientation or gender identity.
3. Calls on State Parties to ensure that human rights defenders work in an enabling environment that is free of stigma, reprisals or criminal prosecution as a result of their human rights protection activities; including the rights of sexual minorities and;
4. Strongly urges States to end all acts of violence and abuse, whether committed by State or non-state actors, including by enacting and effectively applying appropriate laws prohibiting and punishing all forms of violence including those targeting persons on the basis of their imputed or real sexual orientation or gender identities, ensuring proper investigation and diligent prosecution of perpetrators, and establishing judicial procedures responsive to the needs of victims.

During the course of the year, HRCSL did not receive any report of violence or discrimination against persons with different sexual orientation. In February, the Commission working with its partners concluded a series of trainings and engagements for Commissioners and staff to build the Commission's capacity to apply human rights based approach in responding to issues involving persons with different sexual orientation

#### **Recommendations:**

1. GoSL should continue to protect persons with different sexual orientation from violent attacks and discrimination;
2. SLP should investigate any reported cases of violence based on the sexual orientation or identity of the victim;
3. Persons who experience violence or discrimination as a result of their real or imputed sexual orientation are urged to report to the relevant authorities.

#### **3.7 Youth**

HRCSL notes that in spite of the prevalence of the EVD in the first half of the year, the Ministry

of Youth Affairs, the Youth Commission and the Local Councils continued with programmes to increase employment and empowerment for youths across the country. These include: the establishment of National Youth Farms as well as the Drainage Clearing Project of the Road Maintenance Fund. During the year under review, the Ministry of Youth Affairs launched the Reviewed National Youth Policy.

HRCSL is concerned about the increase in crimes and violence among the youth leading them to be in conflict with the law. The Commission's monitoring of detention places reveals that majority of the inmates are youths awaiting trial. The Commission also notes that some of these youths do not have legal representation, they cannot fulfill bail conditions and have been abandoned by their families.

### **Recommendation:**

1. GoSL, Ministry of Youth Affairs, the Youth Commission and other institutions should continue empowering the youth and create more employment opportunities;
2. The Ministry of Youth Affairs and the Youth Commission should effectively implement the Reviewed National Youth Policy;
3. GoSL and other youth serving institutions should intensify efforts in developing programmes that will address crime and violence among youth;
4. GoSL and MoFED should provide adequate resources to enhance the effective and sustainable implementation of all youth programmes.
5. GoSL should ensure that all programmes in all sectors have an income generating component to support youth programmes across the country.

## **3.8 Matters of Concern to HRCSL During the Year**

### **Fire Incidents**

The National Fire Force (NFF) reported 365 cases of fire incidents during the year resulting in 13 deaths and 43 injuries. According to the NFF, these incidents were as a result of several factors including the lack of kitchens, unattended 'coal-pots', stoves, candles, bush fires and poor and illegal electricity connections.

The NFF noted the following constraints in providing prompt response to fire outbreaks:

- lack of development funds;
- bureaucracy to access funds for emergency activities;
- inadequate fire sections within Freetown;
- limited or no access roads for fire engines in many parts of the expanded cities;
- vehicle and human traffic which impede the smooth running of the fire engine;
- lack of water hydrants in many parts of Freetown and damages to the few available hydrants by road construction companies and other agencies;
- limited number of fire engines.

HRCSL notes the availability of fire engines only in Freetown, Bo, Makeni, and Kenema. The



Commission welcomes the effort of NFF in undertaking public education activities on the prevention of fire incidents and community safety nationwide.

### **Flooding Incidents**

On 18<sup>th</sup> June and 6<sup>th</sup> July flooding occurred at Kpetewoma, Blama Road and the Nyandeyama Section in the Kenema City, which led to the destruction of property. Fifteen houses were destroyed at the Nyandeyama Section and residents had to be relocated to safer locations. HRCSL notes the joint assessment carried out by the Kenema Disaster Management Committee (KDMC) comprising the Office of National Security (ONS), the Sierra Leone Red Cross Society and the Kenema City Council to determine the level of destruction caused by the disaster as well as to identify possible areas for humanitarian assistance.

On 16<sup>th</sup> September, torrential rains in Freetown caused heavy flooding and extensive damage to slum communities at the Susan's Bay, Crab Town at Aberdeen, Banana Water at Murray Town and the Culvert Community at Kissy Dockyard. This led to destruction of shanty homes and property of occupants and the deaths of eight (8) people. Victims from these communities were temporarily relocated at the National Stadium and the Attouga Mini Stadium, where food, medicines, water and sanitation were provided by MSWGCA and other humanitarian organizations. Other parts of the country were also reported to have experienced similar floods.

### **Recommendations**

1. Ministry of Internal Affairs should ensure that the services of the NFF are decentralized and fire engines provided for every District
2. NFF should work with relevant MDAs and the general population to prevent and adequately respond to fire disasters
3. ONS, EPA, Ministry of Lands, Country Planning and the Environment (MLCPE) and MIA should intensify their sensitization programmes on the dangers of residing in disaster prone communities and support relocation to safer communities.

### **3.9 Important Events in the Protection and Promotion of Human Rights Fulfillment of Sierra Leone's Treaty Reporting Obligations**

GoSL presented its periodic report to the African Commission on Human and Peoples' Rights (ACHPR) in November. The delegation from Sierra Leone led by the Attorney General and Minister of Justice had constructive dialogue with the African Commission on efforts made to implement the Charter and the challenges encountered. The African Commission has issued concluding observations and recommendations for the improvement of the human rights situation in the country. GoSL also submitted its Universal Periodic Review (UPR) Report to the UN Human Rights Council in October. HRCSL submitted its alternative report on the UPR in June.

### **Recommendation:**

GoSL should implement recommendations from the African Commission and fulfill all other treaty body reporting obligations.

## **Implementing the TRC Recommendations**

The Directorate of Reparation in the National Commission for Social Action (NaCSA) continued with the implementation of the Reparations for war victims in Sierra Leone.

GoSL provided four billion, eight hundred million leones (Le. 4,800,000,000) for implementation of the programme. Part of the amount was used for hiring of medical and training consultants, medical evaluation exercises for the residual caseload of 1,004 war wounded beneficiaries, to determine eligibility for award of rehabilitation grants to rebuild their lives: training on Financial Management and Income Generation for the 1,004, nationwide between October and November, and payment of three million leones (Le. 3,000,000.00) to each of the one thousand and four (1,004) beneficiaries for starting up their businesses.

However, HRCSL notes that implementation of the Reparations Programme has been constrained by inadequate funding. The initial six year implementation timeframe elapsed in 2014 without achieving the desired objectives of the programme, especially restoring the dignity of the victims. The implementation phase has therefore been extended to 2018 and will expire with NaCSA's mandate.

### **Recommendation:**

Government should, as a matter of urgency, source funds for implementation of the Reparations Programme to ensure that all beneficiaries of the programme are adequately compensated.

### **3.10 Human Rights Defenders (HRDs)**

HRCSL notes the role played by Human Rights Defenders during the consultation process on the second cycle of the UPR. They took active part in the trainings, facilitations and preparation of Shadow Reports to the UN Human Rights Council. They also engaged diplomatic missions during the pre-sessions in Geneva organized by UPR-Info.

HRCSL Regional Officer in Kenema, Hassan Samba Yarjah was on 27<sup>th</sup> April arrested by the SLP during the course of duty whilst monitoring a demonstration and the subsequent arrest of some SLPP supporters. He reported that at the police station, he was severely beaten by the police using canes, batons, and gun butts; his clothes torn and a gun pointed at him. He was detained for a day at the Kenema police station and was charged to court on 28 April on eleven counts charges including conspiracy, riotous conduct and incitement. He was initially refused bail and remanded in custody at the Kenema Correctional Centre for eleven (11) days. After his release, he was admitted and treated at the Kenema Government Hospital for ten (10) days. The trial is ongoing at the Kenema Magistrate Court.

The Commission is very concerned about this arrest, alleged torture and trial, and the matter was brought to the attention of the government, the IPCB and the SLP. The Commission would refer to Section 5 of the HRCSL Act which provides that *“no action, suit or other legal proceeding shall lie against any person who is or was a member or employee of the Commission in respect of any decision taken or any act done or omitted to be done in good faith in the performance of any function under this Act.”*

### **Recommendation:**

GoSL should ensure that HRDs are not impeded in the exercise of their duties.

## **PART 4: RECOMMENDATIONS**

### **4.0 Civil and Political Rights**

#### **4.1 Right to life and Security of Person**

##### **Recommendations:**

1. The SLP should refrain from using action that would result to unnecessary deaths and institutionalize zero tolerance against “unnecessary violence to, or ill-using any person in custody”, in line with the Police (Discipline) Regulations, 2001.
2. The SLP should increase their patrols in and around crime hotspots especially the Murray Town and Aberdeen communities.
3. GoSL should provide adequate funding to the SLP to enable them acquire equipment like Close Circuit Television (CCTV) cameras to aid them in their investigations and monitoring.
4. GoSL should embark on robust public sensitization programmes against violence and support psychosocial counseling nationwide.
5. Citizens must refrain from mob justice and respect the lives and dignity of every person irrespective of the crime committed; the law must be allowed to take its course.

##### **Death Penalty**

##### **Recommendation:**

The Commission calls on the government to sign the Second Optional Protocol to the ICCPR, on the abolition of the death penalty and to repeal laws requiring the death penalty.

#### **4.1.1 Freedom of Expression and the Press**

##### **Recommendations:**

1. HRCSL calls on Parliament for the ninth time to repeal the seditious libel provisions of the Public Order Act of 1965.
2. RAIC should continue to sensitize MDAs on the importance of the right to access information.

#### **4.1.2 Freedom of Assembly, Association and Movement**

##### **Recommendations:**

1. HRCSL calls on GoSL not to renew the State of Emergency when it expires to ensure the full enjoyment of freedom of assembly, association and movement.
2. GoSL and in particular the medical personnel should remain vigilant in observing infection prevention control protocols and to continue sensitizing the public to prevent another outbreak.

#### **4.1.3 Protection from Discrimination**

##### **Recommendation:**

GoSL should remove barriers preventing pregnant girls and young mothers from taking public exams and attending school.

#### **4.1.4 The Sierra Leone Police**

##### **Recommendations:**

1. HRCSL reiterates its call on GoSL to provide funding and other resources to the SLP which should be appropriately distributed by the SLP to all areas of operations;
2. The SLP should refrain from using action that would result to unnecessary deaths and institutionalize zero tolerance against “unnecessary violence to, or ill-using any person in custody”, in line with the Police (Discipline) Regulations, 2001 and the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa;
3. GoSL and SLP should take steps to establish forensic laboratories and recruit more Pathologists, forensic and ballistic experts to expedite investigation of cases.

#### **4.1.5 The Court System**

##### **Recommendations:**

1. GoSL should provide adequate funding for the Legal Aid Board to enable it extend its services nationwide.
2. The Judiciary should expedite trial to reduce the time spent in detention.
3. The Judiciary should use custodial sentences as a last resort for punishing those juveniles who come into conflict with the law.
4. GoSL should continue the implementation of all the strategies contained in the Child Justice Strategy and should also amend the CRA to include the components of the Child Justice Strategy.

#### **4.1.6 The Sierra Leone Correctional Services**

##### **Recommendations:**

1. Ministry of Internal Affairs (MIA), MSWGCA and detention authorities should ensure the provision of sanitary pads for inmates in all detention and remand homes in the country.
2. MIA should take concrete steps to improve on the toilet facilities in all Correctional Centres especially the facility in Bo.
3. The Judiciary and the Director of Public Prosecutions (DPP) should expedite the process of issuing indictments to ensure speedy trial.
4. The MSWGCA, the Correctional Service and their partners should continue providing skills training for inmates to make them self-reliant when they reintegrate into society after serving their sentence.
5. MSWGCA should provide vehicles to transport juveniles to and from Court or to the Approved School.
6. MSWGCA should ensure that proper healthcare services are provided within the juvenile detention facilities to cater for the medical needs and personal hygiene of inmates.
7. MSWGCA should provide remand homes in all the districts, implement diversionary measures for minor crimes committed by juveniles and use detention only as a last resort.



## **4.2 Economic Social and Cultural Right**

### **4.2.1 Right to Just and Favourable Conditions of Work**

#### **Recommendations:**

1. The MLSS should enforce the Minimum Rate of Pay Rules 2014 of Five Hundred Thousand Leones (Le.500,000) and strengthen its redress mechanisms;
2. MLSS should increase personnel and logistical support to its regional offices;
3. MLSS should embark on more sensitization on the minimum wage for both employers and employees.

### **4.2.2 Business and Human Rights**

#### **Recommendations:**

1. Government should take the necessary steps to resolve the dispute between the landowners of Kathantha and Wilkinson Hills Mining Company;
2. GoSL should ensure that the human rights of landowners are respected and environmental concerns addressed;
3. GoSL should develop a National Action Plan on Business and Human Rights which will guide the process for reviewing, developing and consolidating policies, laws and strategies as well as allocate resources for Business and Human Rights related issues
4. The Commission calls for collaboration with business regulators and business entities to ensure that human rights standards are adhered to.

### **4.2.3 Right to Education**

#### **Recommendations:**

1. GoSL should take steps to effectively implement the TRC and UPR recommendations of abolishing the practice of expelling pregnant girls from attending school;
2. GoSL should ensure the re-introduction of Family Life Education in schools with emphasis on life skills and empowerment.

### **4.2.4 Right to Health**

#### **Recommendations:**

1. GoSL should sustain the Mass Drugs Administration Campaign across the country to reduce malaria and mortality rates.
2. GoSL and its development partners should effectively implement the National Ebola Recovery Strategy using a human rights-based approach that ensures active participation, accountability, non-discrimination, equality and the rule of law.

### **4.2.5 Access to Clean and Safe Drinking Water**

#### **Recommendations:**

1. SALWACO should continue to expand its operations to other Districts to ensure that all have access to clean and safe drinking water.
2. The Ministry of Water Resources and GVWC should take proactive measures to effectively and efficiently improve and expand on its water network to meet the growing demand for water in the Western Area.

#### **4.2.6 Women's Right**

##### **Recommendations:**

- GoSL through MSWGCA and other line ministries should popularize the Maputo Protocol and take legislative, administrative and institutional measures to give effect to the rights guaranteed in it.
- GoSL in particular Cabinet to approve the draft National Policy on Women's Empowerment and Gender Equality and take necessary steps to enact legislation for its implementation.

#### **4.2.7 Children's Right**

##### **Recommendations:**

1. GoSL and MoFED should provide adequate resources to NCC to expand on its services nationwide in order to enhance its operations
2. SLP should expedite the investigation and prosecution of sexual offences particularly against children.
3. MoHS should include in their annual budget, allocations to cover administrative costs, transportation for medical practitioners to and from court and the provision of free medical reports as well as treatment to victims of SGBV throughout the country.
4. MSWGCA and its partners should finalise, launch and implement the National Strategy for the Reduction of FGM/C.

#### **4.2.8 Vulnerable Groups**

##### **Recommendations:**

1. GoSL and MSWGCA should provide adequate resources to the NCPD, particularly its regional offices for effective and efficient service delivery to reduce unemployment and discrimination, increase participation and accessibility for persons with disability as well as promote an inclusive society;
2. GoSL and all MDAs should prioritise disability issues in all policies, programmes and activities;
3. MEST should ensure adequate provision of appropriate teaching, learning and assistive materials to address the educational needs of persons with disabilities;
4. MSWGCA should provide adequate resources for the Milton Margai School for the Blind and other institutions catering for persons with special needs.

#### **4.2.9 Older Persons**

##### **Recommendations:**

1. MSWGCA should ensure that the Madrid International Plan of Action on the Ageing (MIPAA) is popularized and implemented.
2. NaCSA and its partners should maintain and sustain the National Safety Net Programme
3. GoSL should develop a National Action Plan on the rights and welfare of older persons

#### **4.2.10 Mental Health**

##### **Recommendations:**

1. GoSL and MoHS in collaboration with their partners should ensure the full implementation of the Mental Health policy to improve service delivery
2. GoSL is to ensure the training and recruitment of more psychiatrists, psychologists, social workers and other personnel in the field of Mental Health and establish more mental health facilities around the country
3. GoSL, MoHS and its partners should increase advocacy effort to promote the rights and dignity of individual with mental illness.

#### **4.2.11 Person with Different Sexual Orientation**

##### **Recommendations:**

1. GoSL should continue to protect persons with different sexual orientation from violent attacks and discrimination;
2. SLP should investigate any reported cases of violence based on the sexual orientation or identity of the victim;
3. Persons who experience violence or discrimination as a result of their real or imputed sexual orientation are urged to make report to the relevant authorities.

#### **4.2.12 Youth**

##### **Recommendations:**

1. GoSL, Ministry of Youth Affairs, the Youth Commission and other institutions should continue empowering the youth and create more employment opportunities;
2. The Ministry of Youth Affairs and the Youth Commission should effectively implement the Reviewed National Youth Policy;
3. GoSL and other youth serving institutions should intensify efforts in developing programmes that will address crime and violence among youth;
4. GoSL and MoFED should provide adequate resources to enhance the effective and sustainable implementation of all youth programmes.
5. GoSL should ensure that all programmes in all sectors have an income generating component to support youth programmes across the country.

#### **4.2.13 Matters of Concern to HRCSL During the Year**

##### **Recommendations:**

1. Ministry of Internal Affairs should ensure that the services of the NFF are decentralized and fire engines provided for every District
2. NFF should work with relevant MDAs and the general population to prevent and adequately respond to fire disasters
3. ONS, EPA, Ministry of Lands, Country Planning and the Environment (MLCPE) and MIA should intensify their sensitization programmes on the dangers of residing in disaster

prone communities and support relocation to safer communities.

#### **4.2.14 Fulfilment of Sierra Leone's Treaty Body Obligation**

##### **Recommendation:**

GoSL should implement recommendations from African Commission and fulfill all other treaty body reporting obligations.

#### **4.2.15 Implementing the TRC Recommendation**

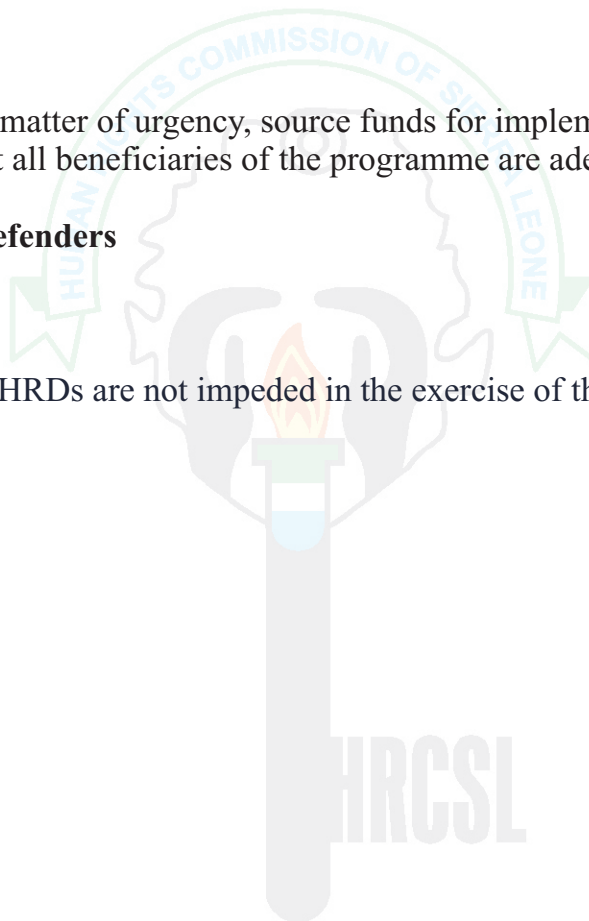
##### **Recommendation:**

Government should, as a matter of urgency, source funds for implementation of the Reparations Programme to ensure that all beneficiaries of the programme are adequately compensated

#### **4.2.16 Human Rights Defenders**

##### **Recommendation:**

GoSL should ensure that HRDs are not impeded in the exercise of their duties.





## APPENDIX 1

### **HUMAN RIGHTS COMMISSION OF SIERRA LEONE (HRCSL) POSITION PAPER SUBMITTED TO THE CONSTITUTIONAL REVIEW COMMITTEE (CRC).**

In accordance with its statutory mandate (see section 7 of the Human Rights Commission of Sierra Leone Act 2004) to protect and promote human rights and section 7(2) (d) to advise Government concerning draft legislation that may affect human rights, the Human Rights Commission of Sierra Leone (HRCSL) makes this submission to the Constitutional Review Committee, chaired by Justice E.C. Cowan.

#### **BACKGROUND**

Provisions in the 1999 Lomé Peace Agreement and recommendations made in the Truth and Reconciliation Commission (TRC) Report of 2004 led to the enactment of the Human Rights Commission of Sierra Leone Act (Act No 9 of 2004), establishing the HRCSL as an independent national human rights institution that commenced operations in December 2006. In 2011, HRCSL was recognized as fully Paris Principles compliant and accredited as “A” Status by the UN International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).

HRCSL's Vision of “A Sierra Leone where a culture of human rights prevails and the people respect the rule of law and live in peace and dignity” sets the context in which the HRCSL undertakes its functions.

The functions of the HRCSL include to review existing legislation and advise Government on compliance of such legislation with international treaty obligations as well as to advise Government concerning draft legislation that may affect human rights.

#### **HRCSL's PARTICIPATION IN SIERRA LEONE'S CONSTITUTIONAL REVIEW PROCESSES**

In line with its de facto designation as the 'TRC Follow Up Committee' with responsibility for encouraging Government's implementation of the TRC Report Recommendations, the HRCSL from inception of its operations in 2006 embarked on advocacy for implementation of the TRC recommendation for Constitutional Review:

***“The Commission is of the considered view that it is an appropriate time for Sierra Leone to formulate a new Constitution. The Commission accordingly recommends that parliament seriously consider the creation of a new constitution for Sierra Leone.”***

This advocacy continued over the ensuing years after the Peter Tucker Constitutional Review Commission (PTRC) had submitted its Report to President Ernest Bai Koroma in 2008, through recommendations in its annual State of Human Rights (SOHR) Reports and interventions at various HRCSL public engagements and other fora.

The HRCSL made a submission in 2007 to the Peter Tucker Review Commission (PTRC) that was set up by the GoSL earlier that same year ***'to review the Sierra Leone Constitution of 1991 with a view to recommending amendments that might bring it up-to-date with the economic, social and political developments that have taken place nationally and internationally since 1991'***.

This submission put forward to the PTRC a number of the TRC's recommendations for amendments to the 1991 Constitution as well as others reflecting the HRCSL's own considerations.

In 2013 when the current Constitutional Review Committee commenced its operations under the chairmanship of Justice Cowan its mandate was to:

***“Review the Constitution of Sierra Leone, Act No. 6 of 1991”*** and in the discharge of that mandate to, among others,

- “Review the recommendations contained in the Report of the Constitutional Review Commission submitted to Government in 2008 (i.e. PTRC) and advice Government on the acceptability or otherwise of the recommendations;
- Recommend provisions which will promote an open, transparent and democratic society;
- Examine and recommend on any subject matter of a constitutional nature which is relevant in strengthening multi-party democracy”.

The HRCSL was appointed as one of the Committee members and is represented by Commissioner Jamesina King.

The HRCSL engaged four of the eight subcommittees of the CRC to provide advice and guidance on the applicable human rights implications and has participated in several of the CRC public and subcommittee engagements around the country for the same purpose. Commissioner King has participated in various in-house and public CRC engagements such as an Expert presentation to an Expert Engagement on Citizenship with the subcommittee on State Policy and Human Rights. HRCSL also completed and submitted CRC questionnaires.

In March 2014 the Commission set up an in-house CRC that was tasked to ensure that HRCSL provides detailed, comprehensive and timely submission to the CRC. A symposium of experts held on 27th May, 2015, was the first of a series of activities undertaken by the HRCSL-CRC in preparation for the task set as well as to provide further information and guidance for the CRC subcommittees. The Symposium Chair, speakers and participants were selected with a view to generating a wide range of expert opinion on constitutional issues that have significant human rights dimensions and to focus on forward looking recommendations that would be considered by the Commission.

Drawing from its work over the past years, its submission to the PTRC, the recommendations of the Universal Periodic Review (UPR) and the discussions at the Symposium, HRCSL submits as follows:

## **PROCESS ISSUES**

1. Although many of the suggestions and recommendations in this Position Paper have already been raised to the CRC in papers and submissions from other entities and the general public, it is the HRCSL's responsibility to give its considered stance justifying its positions from the Human Rights Based Approach (HRBA).
2. This current exercise is being described as '**a review and not a rewrite**' of the Constitution; nevertheless, HRCSL submits that this is a once-in-a-generation opportunity to ensure the

supreme law of Sierra Leone addresses critical emerging issues that are not in the 1991 Constitution. New issues that have arisen since 1991 must be addressed and included. Sierra Leone has been through dramatic events and processes since 1990 - civil war and military rule, return to multi-party democracy, the Ebola Virus Disease (EVD) - and so has the world. Mobile phones and other technological advancements were only just becoming publicly available in 1990/91 therefore, our Constitution needs to take account of these and other national and international developments.

3. As the HRCSL's 2007 submission to the PTRC makes clear, there were then, and still remain, a number of recommendations for constitutional change made by the TRC in its Report of 2004 that are unfulfilled. It is important to recall that section 17 of the Truth and Reconciliation Commission Act 2000 places an obligation on the Government of Sierra Leone to implement all TRC recommendations and HRCSL submits and urges that this is an appropriate time for compliance. Such compliance would send a strong signal that the Government and people of Sierra Leone are committed to respect the Rule of Law and Accountability.
4. HRCSL's 2007 submission contains several other recommendations by which it stands and urges that the present CRC adopts these now. We note that our recommendation for the HRCSL to become the review mechanism of detention during State of Emergency was accepted by the PTRC. The 2007 HRCSL submission, including a draft bill embodying the TRC recommendations, is annexed hereto for ease of reference.
5. With regard to the PTRC Report, HRCSL is of the view that it is an important document that makes serious recommendations many of which pass the 'acceptability' standard set out in the current CRC's mandate. However, the PTRC recommendations alone will not ensure that our reviewed Constitution is a Human Rights based Constitution which is HRCSL's aspiration and vision for Sierra Leone; indeed some specific PTRC recommendations have substantial potential to undermine the human rights protection of the 1991 Constitution as will be highlighted in due course.
6. HRCSL has noted widely expressed concern that certain popular suggestions and recommendations made to the CRC during its consultation phase are captured and reflected in the revised Constitution produced by the CRC. While the HRCSL acknowledges that the majority view on issues is important and needs to be taken into account, it also wishes to remind the CRC that there are international human rights standards and commitments that the State of Sierra Leone, acting through the GoSL, has already entered into that it ought not to renege on or infringe simply because they do not or do carry majority approval at this time. Therefore, whether the reviewed Constitution is slim or bulky, it should be from a human rights based perspective. Respect for universal human rights standards should be the watchword of this review process and its outcomes.
7. There is a strong need for the CRC to make the current review process and its' final outcome document genuinely accessible to all Sierra Leoneans. So from the outset CRC should ensure that clear, straightforward gender neutral language is used at all times; venues used for public engagements are accessible to persons with disability and that submission forms, final report and accompanying draft constitutional provisions are available in braille and other formats.

8. Public confidence in the CRC will depend on the extent of public participation in (and monitoring of) its work. HRCSL stands ready to continue partnership with the CRC to ensure genuine and effective participation by the diversity of interest groups (especially the marginalized and voiceless) in our society.

## **SUBSTANTIVE ISSUES**

1. **Chapter II Principles of State Policy:** In the light of national history since the present Constitution was promulgated, HRCSL seeks to ensure that the revisions place respect for human rights centre stage in our national governance systems and builds a human rights culture in Sierra Leone. The basis of the entire Constitution should be Human Rights and so the CRC must look again at the Principles of State Policy.
2. HRCSL proposes a preamble to the Constitution setting out the salient milestones in the life of our nation.
3. HRCSL also proposes that the revised Constitution include an articulation of National Values (compatible with human rights standards) in the revised Constitution. These could include- Truthfulness, Inclusiveness, Openness, Fairness, Respect for Women, Pride in Community, Volunteerism, Sustainability, Inclusiveness, Dialogue, Honesty, peace, tolerance, Love for fellow citizens, patriotism and non discrimination.
4. Reduction of inefficiency, mismanagement and waste of public funds and assets should be recognized and addressed in the Constitution alongside the reference to eradication of corruption in Chapter II ( see section 6 ).
5. State Policy principles should state more clearly how the nation wants economic management of natural and other resources conducted. The HRCSL believes that Sierra Leone requires people-centered development that priorities sharing and equitable distribution so section 7 of the 1991 Constitution should be reviewed accordingly. More attention should be paid to interest groups and actors (such as Trans-National Corporations (TNCs) that have emerged or gained greater economic significance in Sierra Leone since 1991.
6. Respect for balance between immediate consumption and sustainability as well as inter-generational perspectives should be mentioned in Chapter II. The rights of citizens of today must be balanced against those of the future; benefits to foreign direct investors against benefits to Sierra Leoneans.
7. There should be a state policy on environmental governance that goes beyond natural resource governance. Principles of environmental sustainability and sustainable natural resources management to achieve sustainable development should be stated.
8. HRCSL strongly recommends that the three arms of government should each present an annual report to Parliament and the Nation on implementation of Principles of State Policy to boost state accountability and ensure Chapter II is implemented even if not justiciable.



## Chapter III

### RECOGNITION AND PROTECTION OF FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS OF THE INDIVIDUAL

9. HRCSL recommends again that Economic, Social and Cultural Rights (ESC Rights) should now be included in the Constitution, in particular the Rights to Education, Health, Food and Reasonable standard of Living, which responds to our collective demand for an end to the poverty that has blighted this nation since colonization. The Commission strongly endorses PTRC on the inclusion of the right to human dignity.
10. The content of each of these socio-economic rights should be carefully considered to ensure they are relevant and responsive to present realities. For example, definition of the Right to Education should include a requirement for human rights education and education that promotes citizen's participation and ability to demand accountability.
11. Progressive Realization of those ESC rights in the International Covenant on Economic, Social and Cultural Rights that are not included in Chapter 3 should be made a priority among the Principles of State Policy and included among the State's social objectives.
12. HRCSL supports the PTRC recommendation for inclusion of new Environmental rights in Chapter III that will, among others, protect citizens' access to environmental resources in their localities in priority to GoSL's right to extract minerals.
13. Protection of Sierra Leoneans' rights in land as against Non-Citizen Investors and against compulsory acquisition by government to hand over to Investors should be a Principle of State Policy against which the new Lands Policy and others can be evaluated
14. **Communal/Collective Rights that will** ensure that host communities benefit directly and equitably from rents and revenues from all kinds of resource extraction and large scale agriculture by **balancing the right to national development** versus the right to Community Development should now feature in Chapter III in line with the UN Guiding Principles on Business and Human Rights.
15. The Constitution should provide a more expansive definition of human rights and duty bearers to cover global and transnational private actors particularly in the area of natural resources.
16. The Commission strongly recommends that the Constitution imposes certain human rights obligations directly upon non state actors as stipulated in Section 8(2) of the South African Constitution and Article 12 of the 1992 Constitution of Ghana which respectively provides as follows:  
*Section 8(2) "A provision of the Bill of Rights binds a natural or juristic person if, and to the extent, it is applicable, taking into account the nature of the right and the nature of the duty imposed by the right"*  
*Article 12 "The fundamental human rights and freedoms enshrined in this Chapter (on human rights) shall be ... respected by all natural and legal persons in Ghana..."*

17. HRCSL reiterates its long standing call for elimination of the Death Penalty currently protected by section 16.
18. In addition to the call for the abolition of the Death Penalty, the prohibition on Torture must be strengthened so that corporal punishment in schools and prisons that is presently permitted by section 20 (1) and (2) must also go.
19. The rights of prisoners to vote and to conjugal visits should be recognized and protected in the Constitution.
20. Infant and Maternal Mortality to be included in the definition of the Right to Life (section 16).
21. The Constitution should include explicit recognition and protection of the rights of persons with disability as set out in the International Convention on the Rights of Persons with Disability and our national statute, the Persons with Disability Act 2011.
22. The protection against Discrimination provided in section 27 needs to be clarified and strengthened by amendment/elimination of Section 27(4). The provisions on Affirmative Action to address all kinds of inequality and marginalization also need to be reinforced.
23. More generally, remedial attention needs to be paid by the CRC to the extensive “claw back” provisions in Chapter III that undermine the protection of individual rights as against the State. HRCSL notes continued use of the 'claw back' in section 17 (1)(f)[“reasonable suspicion of offence ”] to deprive citizens access to bail.
24. The nature and extent as well as the mode of exercise of State of Emergency powers set out in section 29 also need close and careful review. In addition, HRCSL supports the PTRC recommendation for Emergency Detentions to be reviewed by HRCSL that will have strengthened powers for this purpose.
25. Since the HRCSL is now fully functional, the PTRC recommendation that citizens be able to bring Chapter III matters to the HRCSL in first instance with right of appeal to the Court of Appeal and on to the Supreme Court is supported as this would reduce expense and avoid cumbersome processes for complainants.
26. **HRCSL which is currently a statutory body should be included in the revised Constitution. The Commission's existence, impartiality, mandate and immunities should be guaranteed by it being entrenched into constitutional provisions. HRCSL Commissioners' independence and tenure should be further strengthened by new recruitment and appointment procedures that minimize any risk of executive interference. HRCSL's decisions when acting in its quasi judicial function should be binding and enforceable through the existing court system.**
27. The revised Constitution should restate and entrench adequate legal protection of HRCSL and its staff in performing their functions as well as human right defenders generally; the role of human rights defenders should be defined and protected in the Constitution. A provision should be inserted in the revised Constitution that the current “Good faith” caveat

to immunity should not be used to undermine the protection of HRCSL personnel.

28. **Citizenship and Right to a Passport:** HRCSL reiterates the positions and recommendations made in its 2007 submission to the PTRC.
29. **Access to Justice:** Improving Citizens' Access to justice and the role of Judges and Magistrates in achieving this (especially ensuring timely delivery of decisions) as well as the **independence** and **impartiality** of law enforcement officers and the judiciary are among the HRCSL's major concerns; perennial in its annual State of Human Rights Reports (SOHR).
30. HRCSL calls for a constitutional recognition of the office of the Magistrate and a constitutional requirement that every district has an functioning permanent stipendiary resident magistrate.
31. Section 64: To promote the independence of and non- interference with the judiciary, the Constitution should ensure separation of powers by delinking the Attorney General from the post of Minister of Justice which should be abolished.
32. Similarly, the public has been raising concern that the office of the Director of Public Prosecution (DPP) is not as independent as it should be. The revised Constitution should establish an Independent Public Prosecution Authority to guard against current weaknesses and potential for abuse of the DPP's Office.
33. Section 120(16) of the Constitution presently provides for three months deadline for delivery of decisions by judges and magistrates, but carries no penalty or other means for enforcement. This should now be addressed by making repeated failure to comply with section 120(16) a ground for removal of a judge or magistrate. This requirement for decisions within three months and penalty should also apply to HRCSL.
34. Access to justice for the public will be enhanced by the composition of the Judicial and Legal Services Commission being expanded to include representatives of civil society and non-legal users of the justice system. The qualifications of judges should be expanded to ensure a broader pool from which members of the judiciary are recruited.
35. The Police is a critical element of the national human rights protection architecture and the Constitution should make this clear in section 155. The independence and impartiality of the Police should be protected from direct political interference via the Police Council or otherwise. HRCSL recommends that the Independent Police Complaint Board (IPCB) be strengthened to ensure its effective operation as a watchdog of the Police.
36. The declaration of what constitutes Law in Sierra Leone in section 170 of the Constitution should make clear that discriminatory and human rights contravening Customary Law provisions are not Law. A Human Rights Based standard against which the theory and practice of all customary law provisions are to be measured should be set out in the Constitution. In addition advantage must be taken of this once in a lifetime opportunity to ensure the revised Constitution recognizes and includes all the international human rights covenants to which Sierra Leone is a party in its definition of Sierra Leone Law.

## **CHAPTER V: Limits on the Powers of the Executive.**

37. HRCSL has considered extent of Executive powers, Regional balance in appointments to cabinet, presidential term limits from a human rights perspective and recommends:
- That the extent of Executive powers in the present Constitution is excessive. The scope apparently allowed to the Executive to avoid due process and procedures set out in the Constitution itself needs to be checked otherwise all rights guaranteed by the Constitution are seriously undermined.
  - Requiring regional balance in cabinet appointments contradicts the rights of citizens to choose their governors as well as freedom of association.
  - Presidential term limits promote public participation and confidence in governance as well as accountability and respect for rights. Removal of term limits will further entrench gender discrimination in leadership in the public sphere.
38. Presidential powers of appointment need to be scrutinized to ensure that those appointed to lead key national institutions are fit and capable and also that such appointment power does not undermine the independence and impartiality of the judiciary (through the power to appoint temporary judges without recourse to Parliament) nor lead to undue influence over Members of Parliament because of the presidential ability to appoint ministers from among sitting elected parliamentarians. The constitutional monopoly of all kinds of powers of appointment granted to the president is a threat to good governance and incentive to corruption and abuse of office by presidential appointees and waste of resources.
39. HRCSL also spotlights the exercise of Presidential Pardon as it is one aspect of presidential discretion where the lack of scrutiny and review has serious human rights implications. Therefore, there should be a requirement for all presidential discretion and prerogative powers to be exercised in a transparent manner in line with laid down criteria that are subject to judicial review and available to the public.
40. **Business and Human Rights Issues**
- HRCSL supports the recommendation in the PTRC for the Constitution to establish Transformation and Development Fund (TDF) as proposed by the 2012 National Conference on Transformation and Development with priority to be given to funding speedy 'progressive realization' of ESC rights.
41. There should be stricter obligations on Government for due diligence on large scale foreign investors to ensure that they have capacity and resilience to absorb international market shocks so they can sustain their in-country operations and safeguard local communities and employment in the face of such difficulties. Trans-National Corporations should be required by Sierra Leone to abide by the UN Guiding principles on Business and Human Rights to Protect, Respect and Remedy and in particular that the Constitution should contain provisions that require compliance with their corporate responsibility.
42. **Land** with its cultural and other associations, needs special attention in the revised Constitution. Presently Ownership and Land administration are not adequately addressed in the Constitution. The provincial communal land tenure system which is intended to protect access to lands across family members and the generations over time should have



constitutional protection. De facto abuse of the land tenure system to deny provincial women access to productive family land should be prevented while the current legalized discrimination in access to land against some citizens based on ethnic origin (colony/protectorate distinction) should be abolished.

43. **Natural Resources Management:** A rights based approach that champions the rights of Land owners and communities to be effectively consulted and included in natural resource exploitation contracts is a principle that should be clearly stated in a new Chapter on Natural Resources that will also address land ownership, use and management.
44. The same principle should be restated in Chapter II in relation to Government management of all national resources and assets not just for natural resources. Transparency in all foreign investment and Corporate Social Responsibility arrangements must also be recognized in Chapter II.
45. At present Chapter II speaks only vaguely about purposes to which natural resource proceeds should be put and allows too much un-monitored discretionary powers to Government and public servants.
46. Whether ownership of the natural resources should continue to be vested solely in the Government for the common good or given to the residents of the land where it is located or co-owned between the resident land owners and government is an important question the CRC should give careful consideration before a decision is taken. Clarity on this matter must be set out in the revised Constitution. International best practices and HRBA principles should guide our natural resource good governance: community participation, inter-generational concerns, protection of hosts against instability and conflict as well as benefit and cost sharing of natural resources exploitation and should be set out in Chapter II and affirmed as law in a separate chapter on Natural Resources.
47. The obligation for equitable allocation of proceeds of all national resources across society and a monitoring mechanism to ensure such resources are properly handled and used efficiently for the most vulnerable and disadvantaged should be included in a new Right to Development in Chapter III that should also articulate an obligation to recognize and mitigate negative impact of extractive operations on communities in the medium and long term as well as the need for adequate reparation and compensation for environmental and cultural costs. The Constitution should protect the rights of host communities in the face of displacement and resettlement prior to commencement of resource exploitation operations and require adequate compensation that improves or at least **maintains** the status of affected persons and communities as well as right to environmental reinstatement.
48. **Accountability:** How state institutions, public officers and public service workers should be engaged to ensure greater accountability for policies and governance is a matter HRCSL seeks for the ongoing review to address. The TRC Report of 2004 also called for greater accountability from a public service that should exist to provide means through which citizens access and enjoy the various rights, protections and benefits afforded to them by the Constitution, statutes, policies, regulations and byelaws. Thus, the Constitution should be explicit that public servants should be responsible to implement various measures embodying the Principles of State Policy through strategic, effective and sustained programming as well through efficient enforcement and redress provided by the judiciary

and the police.

49. Another important aspect of ensuring accountability is by protection of impartial, non-politicized mode of appointment and security of tenure of key leadership personnel in public service institutions. It is argued that public institutions fail because they are manned by presidential appointees who are unqualified, incompetent or by people who don't understand (or who choose not to understand) the functions and duties of the institution in which they work. Institutional failure is compounded by the ignorance and inability of the public to make demand on their civil servants. Constitutional recognition of existing accountability mechanisms such as Performance Contracts, Participatory Budget Review processes and Institutional Performance Appraisals as well as protection for Whistleblowers in private and public sectors should be key to remedying this unsatisfactory state of affairs. HRCSL reiterates its earlier recommendation definition of National Values (chief amongst which should be respect for human rights) in the Constitution. Other governing values and principles for the public service should include Transparency, Accountability, Service, Efficiency and Productivity and these should be included in a new Code of Conduct for the public service in Chapter II.
50. Sustaining a democratic governance system remains HRCSL's priority and that means ensuring the integrity, independence and impartiality of all public service institutions and actors including the human rights sector.
51. Parliament, despite its constitutional powers, is not fulfilling its function to hold the 'Big Guns' of the executive and even the legislative arms of government accountable. Parliamentary oversight, using constitutional existing powers, of the Presidency, ministers, commissioners and other public officers between elections and during their terms of office needs to be stepped up. Creating a new constitutional power to recall elected officials as well as subjecting paramount chiefs to periodic election as has been suggested by others would in the HRCSL's view be likely foment election related instability and conflict without any appreciable improvement in good governance. At the same time such a change in the tenure of paramount chiefs would cause a major violation of provincial communities' cultural rights and traditions.
52. HRCSL recommends for constitutionally guaranteed minimum funding allocations to constitutionally compliant MDAs to ensure service delivery. How and who determines availability of resources and the priority to be accorded to society's competing needs should be clarified in Chapter II. Process by which new government MDAs are generated and established should be clarified. There are too many new public funded institutions being created, outside of the laid down procedures and not subject to vetting and oversight of parliament. Limits must be given to the powers of the executive in this area. HRCSL recommends constitutional definition and control of public service and civil service so that the proliferation of mushroom institutions and ad hoc presidential appointments of advisors outside parliamentary scrutiny can be addressed.
53. While the HRCSL agrees with the PTRC recommendation to remove paramount chiefs in the Parliament, it finds the PTRC recommendation for a second chamber (a Senate) in Parliament questionable. This is because as recommended the proposed Senate is discriminatory especially against young people and women, places even more power to appoint in the hands of the President, undermines accountability and will be ruinously expensive.

54. **Civil Society & Citizens Participation:** Constitutional recognition and protection of the role and space of Civil Society and CSOs is recommended although the PTRC recommendation for a CSO Board should not be accepted by the CRC. Public Education on rights and responsibilities including of individuals in public service as well as the general public should be guaranteed by the constitution.
55. The Constitution should strengthen the role of the individual family and communities in governance and nation building and support the rebuilding the spirit of volunteerism that now seems to be lacking in Sierra Leone. A good quality state depends on the quality of its individual citizens. State institutions are made and broken by individuals' personal strength of character and commitment to the rule of law. HRCSL therefore calls for focus on creation of "patriotic radical" citizens.
- In Conclusion, the HRCSL reiterates its' call for participatory inclusive process of constitutional revision that ensures that our Constitution becomes so Human Rights and People based and centred that in future our Constitution will be known as the 'People's Human Rights' Constitution even as the current Constitution is now called the 'Multi Party Democracy' constitution.

Dated 30<sup>th</sup> July 2015

  
\_\_\_\_\_  
**Brima A. Sheriffi**  
Chairperson

  
\_\_\_\_\_  
**Bryma V.S. Kebbie**  
Commissioner

  
\_\_\_\_\_  
**Daphne Olu-Willaims**  
Vice Chairperson

  
\_\_\_\_\_  
**Jamesina King**  
Commissioner

## APPENDIX 2

### HUMAN RIGHTS COMMISSION OF SIERRA LEONE COMMENTS ON THE ABRIDGED DRAFT REPORT OF THE CONSTITUTIONAL REVIEW COMMITTEE

The Human Rights Commission (the Commission) on Wednesday 23<sup>rd</sup> March discussed the contents of the abridged draft report of the CRC. Particular attention was paid to chapters 2 and 3. The discussion also centred on ways in which the Commission could further advocate for its inclusion into chapter 3 of the Constitution and the Commission also made some comments on the new chapter on citizenship.

The Commission is very pleased to note that the various subcommittees of the CRC considered and included some of HRCSL recommendations into the draft Report.

The Commission commends members of the CRC generally for their effort in putting the draft together and for:

- Inclusion of national values in the constitution
- Removing limitation to the economic and social benefits in the fundamental principles of state policy
- Inclusion of human dignity in the principles of state policy
- Inclusion of persons with disability in fundamental principles of state policy

Inclusion of a new provision on social protection which will be taken to the people for validation. The Commission believes that this is a very important provision which reflects the current social protection policy and strategy which provides benefit to the most vulnerable people in the society.

In taking the process forward, HRCSL wishes CRC to note the following:

Section	Comments	Suggestion for further action / recommendations
2&3	HRCSL commends the CRC for deleting the words <b>‘negro descent’</b> from the text	HRCSL recommends that the words <b>‘grand parents’</b> should be included in this section the text
5(1)	HRCSL commends the CRC for accepting to add <b>‘human dignity’</b> to the text	
5(2)	HRCSL notes that this does not cover private security guards or international forces like ECOMOG or UN Peacekeeping forces	HRCSL recommends that the words <b>‘all security agents’</b> should be added to the text
6(1)	Human dignity and equality. HRCSL commends the CRC and supports the inclusion of these words into the text	
6(5)		HRCSL recommends that the CRC keeps the initial wording (what is in the current 6(5) in 1991 Constitution) in addition to its proposed inclusion
8(3)	HRCSL commends the CRC for adding a subsection <b>(g)</b> to the text. However the Commission notes that the wording has been changed and there is the likelihood that the humanitarian aspect will be taken out.	-
9(2)	HRCSL commends the CRC for deleting the words <b>‘strive to’</b>	-



9(3)	HRCSL commends the CRC for the addition of the words <b>human rights</b> etc	HRCSL recommends the inclusion of ‘ <b>sign language</b> ’ into the text and that it should come before the words ‘ <b>indigenous languages</b> ’ HRCSL further wishes clarification on the word ‘education’
15	HRCSL notes that the rights listed in section 15 only applies to “citizens and persons lawfully present within its territory”. This phrase is very limited and excludes the most vulnerable who may not be citizens or be lawfully present in the country but who will be in dire need of protection .	HRCSL urges the CRC to retain the current wording in the current 1991 constitution “Every person in Sierra Leone is entitled” and not as proposed.
16	HRCSL is of the view that this section can be improved in one of 2 ways	HRCSL recommends thus: Option 1 – add <b>that the principles are justiceable</b> Option 2 - add <b>‘and it shall be the duty of all state organs to apply these principles’</b> into the draft
18	HRCSL notes that Dr. Peter Tucker’s Constitutional Review Committee (PTRC) Recommendation that the Human Rights Commission should be a constitutional body has been omitted in the abridged report.  HRCSL needs to be entrenched in the constitution and empowered to function as recommended by the Peter Tucker Revised Constitution	HRCSL reiterates its call for its inclusion into this section. We respectfully suggest that a provision should be included about the establishment of the HRCSL in the chapter on the bill of rights  HRCSL further requests for the inclusion of habeas corpus application when the right to freedom of movement is curtailed.
19(2)		.
18, 21, 23, 24	The inclusion of “national security” in several of the human rights section is of concern to the Commission as it has the tendency to limit the rights granted and that ground which is very wide will likely be used to impose extensive limitation on rights .	HRCSL is concerned about the broad definition of national security. It needs clarity so that it does not leave room for misuse. The Commission is kindly requesting CRC to review and delete “national security” from sections 18, 21, 22, 23, 24 and any other sections in the bill of rights where that wording appears .
27	HRCSL commends the CRC for removal of Section 27(4)(d) and (e) subsections which have been problematic and is strongly in favor of the proposed suggested clauses to address discrimination and limitation clauses in section 27	HRCSL again recommends that the CRC considers the Peter Tucker recommendation that HRCSL be the first point of access to take matters of discrimination to the Appeal and Supreme courts.  These provisions should be in addition to the new Section 27 proposed by PTRC. Both set of provisions will strengthen the protection against discrimination.
Section 29(4)(2)	HRCSL seek clarification on whether “non derogatory” is intended to be “non derogable” as the latter is more acceptable	HRCSL recommends that persons detained under a State of Emergency should apply to the courts to challenge their detention

## APPENDIX 3

### **HRCSL's 2007 Submission to the Peter Tucker Constitutional Review Commission**

**HUMAN RIGHTS COMMISSION OF SIERRA LEONE  
37 WELLINGTON STREET FREETOWN**

Dr. Peter Tucker  
Chairman  
Constitution Review Commission  
Wellington Street  
Freetown

29<sup>th</sup> July 2007

Dear Dr. Tucker,

**RE: SUBMISSION OF THE HUMAN RIGHTS COMMISSION OF SIERRA LEONE  
(HRCSL) ON THE PRELIMINARY REPORT OF THE CONSTITUTION REVIEW  
COMMISSION**

In accordance with its statutory mandate under the Human Rights Commission Act No. 9 of 2004 section 7(1) to protect and promote human rights in Sierra Leone and 7(2)(d) to advise Government concerning draft legislation, which may affect human rights, the HRCSL makes this submission on the Preliminary Report of the Constitution Review Commission also referred to in this submission as CRC. The HRCSL will first of all wish to commend the CRC for the work it accomplished within a limited time, particularly for those recommendations intended to advance the human rights of individuals. We also note some of the very progressive provisions recommended to promote access to justice, good governance and accountability. Please find below some of our comments on certain recommendations in the report for consideration and action by the CRC.

#### **1) Chapter III Citizenship**

- a. For the purposes of clarity and consolidation, we suggest that the provisions of the recently enacted law relating to dual citizenship be included in this chapter.
- b. Section 5 Citizenship by Marriage – We find section 5(3) – (5) in Paragraph 22 of the Report to be discriminatory on the basis of sex and circumstances of birth. Section 5(3) which allows a woman who is a registered citizen to continue to enjoy citizenship even after annulment without making similar provisions for the man who is a registered citizen is discriminatory and contravenes the principles of equality and non discrimination in all the international treaties and obligations signed by the Government of Sierra Leone. We suggest an amendment of this clause to allow similar provisions to apply equally to both men and women who are registered citizens.
- c. Similarly section 5(4) discriminates against children on the basis of circumstances of birth in that a child of a marriage of a woman registered as citizen can continue to enjoy citizenship after annulment of the said marriage whilst the child of a marriage of a man registered as citizen is denied this right. This contravenes the principles of

equality and non discrimination in all the international treaties and obligations Sierra Leone is bound by. We suggest an amendment of this clause to allow equal provisions to apply to the children on an equal basis to the children of men and women who are registered citizens of annulled marriages.

- d. Section 5(5) imposes very onerous provisions for the man married to a Sierra Leonean woman seeking registration as citizens without applying similar provisions to a woman married to a Sierra Leone man seeking registration. Again this contravenes the principles of equality and non discrimination in all the international treaties and obligations Sierra Leone is bound by. In addition it particularly discriminates against women as unequal provisions will apply to their marriages with non Sierra Leoneans leaving the registration of their spouses to the discretion of the authority which does not apply to the marriages of Sierra Leonean men whose foreign wives seek registration. We suggest an amendment of this clause to ensure that spouses enjoy equal rights in marriages irrespective of gender.
- e. Section 6(6) is discriminatory against women for the reason stated above and we suggest that it be amended to ensure that both sex enjoys equality in marriage.
- f. Typographical – “affect” in last line in Section 5(5) should read “effect”. There are missing word(s) in first line in Section 5(6) after the word “registration”.

## **2) Chapter IV Recognition and Protection of Human Rights and Freedoms of the Individual**

- a. Sections 15(a), we suggest that in addition to the right to education and dignity in Paragraph 31 of the Report that the right to health be also included. You will note that notwithstanding the rights contained in section 15, specific section in 16-27 elaborates on each specific right and section 28 of the current constitution and the proposed section 27(5)(b) makes them enforceable. We will therefore suggest that for purposes of enforceability, the provisions relating to the new rights proposed in the Report i.e. education and dignity and to that of health which we have proposed be specifically set out in new sections as is done in sections 16(1) – (2) dealing with the right to life, sections 17(1) –(4) dealing with protection from arbitrary arrest or detention e.t.c..
- b. Section 16 Protection of right to life in Paragraph 32 of the Report – We believe that the proposed modification of the death penalty should be balanced by the addition of the following clause which we suggest to be “(c) *Every conviction for treason shall carry mandatory life sentence with hard labour and without parole or pardon*”. We suggest that the provisions of (a) and (b) with our proposed (c) be expressly set out in the constitution.
- c. We note the comments of the CRC in Paragraph 35.1 of the Report and will refer to our comments and suggestions in respect of the Human Rights Commission of Sierra Leone (HRCSL).
- d. Section (4)(a) of Section 18 in Paragraph 35.2 of the Report – We note that at the time this provision was enacted in the current Constitution the HRCSL was not yet established. In the light of the establishment of the HRCSL and its statutory functions, and to avoid duplication and bureaucracy, we suggest that the HRCSL be the institution to review the case of any person whose freedom of movement has

been restricted other than the tribunal referred to in the current constitution or the proposed provisions in the Report of CRC. We refer to section 7(2)(a) of the Human Rights Commission Act 2004 which gives the HRCSL the mandate to investigate or inquire into on its own or on complaint by any person any allegations of human rights violations (restriction of freedom of movement inclusive) and to report thereon in writing. For the purposes of investigations Section 8(1) invest the HRCSL with powers of a High Court Judge. We therefore suggest that this Clause be amended to reflect that such complaints be referred to the HRCSL in place of the tribunal.

- e. Section 21(1) Protection from Deprivation of property in Paragraph 36 of the Report – We note the recommendation for the establishment of a Property Compensation Tribunal. We note reference to a Lands Compensation Tribunal in the same paragraph we suggest that a consistent phrase be used either “Property” or “Land”. The HRCSL is concerned about the proliferation of institutions/commissions given the scarcity of human and financial resources. We suggest that it be recommended that an existing institution be identified who will be given the responsibility of adjudicating and determining compensation for property compulsorily acquired.
- f. Section 24 Environment in Paragraph 38 of the Report – For purposes of consistency in language and style in the current constitution we suggest the use of the words “Every person” in place of “Everyone” proposed.
- g. Section 25(2)(3) Protection of Freedom of Expression and the Press in Paragraph 40.1 of the Report – We note that the right to information has been established in this clause and that 25(3) requires national legislation to actualize this right. In the circumstances even though the right to information has been granted yet it cannot be exercised as further legislation is needed. We therefore suggest that this right be granted as stated in 25(2) proposed and that “Everyone” be replaced with “Every person”. We also suggest that Section 25(3) as proposed be deleted and be replaced with the current section 25(2)(a)(i) and (ii). Section 25(2)(b) should be deleted. Our suggest would enable the right to information to be exercised whilst at the same time balancing this right when it is reasonably necessary to do so and for the purposes of protecting the reputations, rights and freedoms of other persons, information received in confidence, the authority of the courts and regulating communications. It is also important to balance the right to information with the right to privacy, integrity and human dignity.
- h. Section 26 in Paragraphs 41.1 & 41.2 of the Report - We note the proposals in both paragraphs but it is not clear whether it is in addition to the current section 26 or a replacement of 26. We suggest that the clauses proposed be in addition to the current section 26 because the current section 26 encompasses the broader right of freedom of assembly and association and has provisions which balance this right.
- i. Section 27(4) in Paragraph 42.4 of the Report – the word “its” in line 3 of (c) should read “the”. In (f), or at the end of the sentence should be deleted.
- j. We refer to paragraph 42.5 and in particular section 27(5)(b) at page 21 of the Report which provides that any person who alleges that any of the provisions in section 16 – 27 is being or likely to be contravened shall apply to the Human Rights



Commission. We note the recommendations in the Report that an appeal against the Human Rights Commission's decision shall be to the Court of Appeal and ultimately to the Supreme Court.

- k. At this stage it is important to consider the role and functions of the Human Rights Commission of Sierra Leone (HRCSL) in the protection and promotion of human rights according to the Human Rights Commission Act 2004 and the additional responsibility the Constitution Review Commission seeks to give it in Paragraphs 35.1 and 42.5 of the Report. We strongly recommend that the HRCSL's mandate be strengthened, secured and protected by its inclusion in the Constitution. The Commissioners have been on a study tour to Ghana, South Africa and Uganda, the leading national human rights commissions in Africa. All three Commissions are Constitution bodies in their respective countries and this fosters their independence and security as they carry out their Constitution functions.
- l. In Uganda the Commission is established under article 51(1) of the Constitution of Uganda 1995 and also by the Uganda Human Rights Commission Act No.4 of 1997. In South Africa the Commission is established under Chapter 9 and its functions are set out in section 185 of the Constitution of the Republic of South Africa 1996 and it has an additional mandate under the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000. In Ghana the Commission on Human Rights and Administrative Justice is established under section 216 of the 1992 Constitution of the Republic of Ghana and the Commission on Human Rights and Administrative Justice Act 1993 (Act 456).
- m. In addition to having the proposed Constitution incorporate the establishment of the HRCSL, the members of the HRCSL also have certain concerns we would like the Constitution Review Commission to consider when including the HRCSL in the proposed amended constitution. We have identified certain gaps in the Human Rights Commission Act 2004 establishing the HRCSL such as the absence of clear provisions dealing with the procedure for the reappointment of Commissioners and the appointment of new ones at the end of the current tenure, weak enforcement provisions, a narrow definition of human rights and human rights violations, the exclusion of non state actors from the Commission's mandate and the non binding nature of its recommendations and report.
- n. Furthermore, the representatives of Government in their statements and pronouncements refer to the HRCSL as the Follow Up Committee to monitor the implementation of the recommendations of the Truth and Reconciliation Commission Report. This mandate is however not included in the Human Rights Commission Act. It may be necessary to use the review of the 1991 Constitution as an opportunity to put the necessary mechanisms and institutions in place to implement and monitor the recommendations of the TRC.

### **3) Chapter VII The Legislature**

- a. We note the introduction of the Senate i.e. a second chamber. The question we have is in which way a second chamber advances human rights. Given the limited human and financial resources can the country afford two chambers and pay their personnel salaries and benefits commensurate with their status. Can the government afford to provide the necessary staff and other logistics the existing

house and proposed senate need to carry out their functions?

#### **4) Chapter VIII The Judiciary**

- a. We refer to Paragraph 75.3 of the Report of the CRC and the amendment in section 127 seeking to give only citizens the right to take an action where an enactment or anything done by an authority under an enactment is seen to be inconsistent with or in contravention of any provision of the Constitution. Firstly we must point out that the recommendation seeks to take away an existing right which was vested to any person. We are also of the view that taking away this rights does not advance human rights and may breach of international standards and treaties. In addition restricting such a right only to citizens is a disincentive to foreign investments and will impact negatively on access to justice and the economy of the country. We recommend that anybody should be able to take such an action.
- b. We refer to Paragraph 78 of the Report and note that the draftsman will formulate a subsection to Section 135. For purposes of consistency, we will advise the use of the phrase “on the advice of the Judicial Service Commission” and not “in consultation” used in Paragraph 78.
- c. We refer to Paragraph 80 of the Report and will suggest that in addition to the amendment proposed, a subsection or provision should be added which will compel judges to deliver judgment within the stipulated period and a sanction imposed for non compliance and this should apply to both contract and substantive judges.
- d. We refer to Paragraph 82 of the Report and note the amendment proposed. We will recommend that an addition be made to the proposed section 138(4) to the effect that any office held or activities they are engaged in should not conflict with their work as judges or lead to any conflict of interest.

#### **5) Chapter XIII The Armed Forces**

- a. We refer to Paragraph 89.1 of the Report and to the amendment proposed. Given our history of military coups, we are of the view that it is necessary to add a provision that will state that the Constitution can never be suspended, superceded, overturned or annulled by an act of the armed forces/military and that the Constitution shall continue to be in full force despite any military or armed force intervention.

#### **6) Extractive Industries Transparency Commission (EITC)**

- a. I refer to paragraph 92 of the Report and note the recommendation for the establishment of the Extractive Industries Commission (ETC). The HRCSL notes that the proposed functions of the EITC is related to the functions of the Anti Corruption Commission. Having regard to limited human and financial resources and to avoid duplicity and overlapping in the functions of institutions it is recommended that the Anti- Corruption's mandate be increased to incorporate the Extractive Industries Transparency mandate. In Ghana for example, the Commission on Human Rights and Administrative Justice carries out the functions

of the ombudsman, anti-corruption and a human rights commission. This reduces the proliferation of institutions and human and financial resources are well harnessed to provide efficient service delivery. The HRCSL is not maintaining that such a structure should be replicated in Sierra Leone but believes that the functions of institutions should not overlap or be duplicated but existing institutions should be strengthened, restructured and their mandate increased.

## **OTHER GENERAL COMMENTS OF HRCSL**

The HRCSL will refer the attention of the CRC to the recommendations of the Truth and Reconciliation Commission which requires timely implementation by the Government of Sierra Leone. Some work had been done by a working group made up of civil society to assist Parliament in taking the necessary legislative measures to implement some of the recommendations of the TRC which was subsequently discussed by Parliament. The outcome of this effort was a recommendation in the form of a draft bill to amend the Constitution and certain laws in the light of the TRC recommendations. This document was presented to the HRCSL given our mandate to monitor the implementation of the TRC recommendations. I enclose a copy of that recommendation that seeks to implement the imperative recommendations of the TRC and the HRCSL will respectfully request the CRC to consider the provisions recommended in the document captioned draft bill for possible inclusion in the final report of the CRC.

The HRCSL believes that a preamble to the Constitution is necessary that will recount the historical background, the recommendations of the TRC and a commitment to establish a society based on democratic values social justice and human rights, similar to the preamble in the South African Constitution.

In concluding this submission, the HRCSL will refer to the recommendations in paragraphs 120 – 127 at pages 139-140 of Volume Two Chapter Three of the Report of the Sierra Leone Truth and Reconciliation Commission which states as follows:

### ***“The Constitution***

120. A constitution ought to be the foundation and basis of the society desired by the people. It should reflect their common aspirations and minimum safeguards. The 1991 Constitution that is currently in force was not the product of a wide participatory process.

121. The lack of participation by society is reflected in the 1991 Constitution. Chapter III of the Constitution is extremely elaborate and detailed, undermining clarity and the force of the text. There are numerous "claw-back clauses", by which a right is announced in one provision, but curtailed in the next. A bill of rights should be comprehensible and framed in straightforward terms. A bill of rights should provide an enumeration of the basic principles on which society is based, accessible to the citizen, instead of losing itself in details and exceptions. Some fundamental rights to which Sierra Leone is bound by international law do not figure at all, such as the right to education, which is recognised in articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights.

122. It would be desirable to reformulate the fundamental rights provisions of the Constitution, not only by shortening them and making them simple and accessible, but also by ensuring their compatibility with Sierra Leone's international obligations. The Constitution should declare that the country's international obligations with regard to the protection of human rights are incorporated in the Constitution and subject to direct application by the courts.

**123. The Commission is of the considered view that it is an appropriate time for Sierra Leone to formulate a new Constitution. The Commission accordingly recommends that Parliament seriously consider the creation of a new constitution for Sierra Leone.**  
(emphasis HRCSL)

124. A constitution that is the product of a thorough consultative and participatory programme will provide a historic bridge between the divided and violent past and a future based on peace, unity, social justice and economic development. Such a constitution must lay the foundations for a democratic and open society in which every citizen is equally protected by the law. It must free the potential of every Sierra Leonean.

125. The Constitution is the most important document in Sierra Leone. It must do more than set out the rights of individuals and the powers of the State. It should be the collection of ideas and aspirations that holds the country together. A Sierra Leone that is united around clear Constitution rights, values and principles has a promising future. These rights, values and principles will provide the signposts to guide Sierra Leone's people through a future that is filled with many obstacles and challenges.

126. The decision to build a new Constitution and to act in accordance thereof requires the taking of a long-term view by Sierra Leone's Parliament and its people. It requires arduous work, the fruits of which will not necessarily be enjoyed by this generation. This generation, which experienced the worst of times, will however leave a gift for future generations. There can be no better legacy to bequeath than the construction of the foundations of society that provide lasting peace and prosperity.

127. This recommendation is made for the serious consideration of the Sierra Leonean Parliament. Constitution making is a long-term programme. The recommendation is not to be construed as permitting the delay or holding back of other imperative recommendations that require amendments to the 1991 Constitution.”

The HRCSL hopes that the Constitution Review Commission's final report will reflect the several issues raised in this submission particularly the paragraphs of the TRC Report quoted above, and assures you of the HRCSL co-operation and support.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'J King', is positioned above the name of the Commissioner.

**Commissioner Jamesina King**  
**CHAIRPERSON**

**HUMAN RIGHTS COMMISSION OF SIERRA LEONE**



**FAITHFULLY SUBMITTED BY THE HUMAN RIGHTS  
COMMISSION OF SIERRA LEONE**



**BRIMA A SHERIFF**

**COMMISSIONER**



**DAPHNE OLU-WILLIAMS**

**COMMISSIONER**



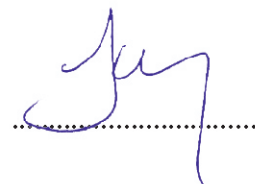
**BRYMA V. S. KEBBIE**

**COMMISSIONER**

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**JAMESINA E.L. KING**

**COMMISSIONER**

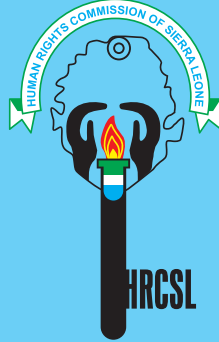


**REV. MOSES B. KHANU**

**COMMISSIONER**



## HRCSL'S OFFICES AND LOCATIONS



### Northern Region

51 Yiks Road  
Makeni City  
Tel: 076 265554

### Eastern Region

67 Blama Road  
Kenema City  
Tel: 076 755046

### SIERRA LEONE



### Western Area

8 Liddel Street,  
Waterloo  
Tel: 076 391978

### Southern Region

1 Old Railway  
Line  
Bo City  
Tel: 078 336306

### HRCSL's Headquarters

NEC Building, Tower Hill,  
Freetown  
Tel: 079481520  
E-mail: [hrcsl1@yahoo.com](mailto:hrcsl1@yahoo.com)  
Website: [www.hrcsl.org](http://www.hrcsl.org)