

**NATIONAL CENTRE FOR HUMAN RIGHTS AND  
DEVELOPMENT**

**(NaCFoHRD)**



**MID- TERM UNIVERSAL PERIODIC REVIEW REPORT (UPR)**

***TO***

***THE UNITED NATIONS HUMAN RIGHTS COUNCIL***

***ON***

***THE IMPLEMENTATION OF THE SECOND CYCLE UPR  
RECOMMENDATIONS RECEIVED BY THE GoSL IN JULY 2016***

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## **ABBREVIATION/ACRONYMS**

<b>AU</b>	<b>African Unity/ Union</b>
<b>APC</b>	<b>All People Congress</b>
<b>CAT</b>	<b>Convention against Torture</b>
<b>CCPR</b>	<b>International Convention on Civil and Political Rights</b>
<b>CEDAW</b>	<b>Convention on Elimination of All forms of Discrimination Against Women</b>
<b>CERD</b>	<b>Convention on Elimination of Racial Discrimination</b>
<b>CESCR</b>	<b>Convention on Economic Social and Cultural Right</b>
<b>CRC</b>	<b>Constitutional Review Committee</b>
<b>CSO</b>	<b>Civil Society organization</b>
<b>FGM</b>	<b>Female Genital Mutilation</b>
<b>GoSL</b>	<b>Government of Sierra Leone</b>
<b>ICC</b>	<b>International Criminal Court</b>
<b>ICPR</b>	<b>International Convention on Civic and Political Right</b>
<b>LAC</b>	<b>Legal Aid Commission</b>
<b>MDAs</b>	<b>Ministries Departments and Agencies</b>
<b>NaCFoHRD</b>	<b>National Centre for Human Rights and Development</b>
<b>NACSA</b>	<b>National Commission for Social Action</b>
<b>NASSIT</b>	<b>National Social Security and Insurance Trust</b>
<b>NCD</b>	<b>National Commission for Democracy</b>
<b>SDGs</b>	<b>Sustainable Development Goals</b>
<b>SGBV</b>	<b>Sexual Gender Base Violence</b>
<b>SLP</b>	<b>Sierra Leone Police</b>
<b>TRC</b>	<b>Truth and Reconciliation Commission</b>
<b>UN</b>	<b>United Nation</b>
<b>UPR</b>	<b>Universal Periodic Review</b>

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## 1.0 INTRODUCTION

This mid-term review report is prepared for the United Nations Human Rights Council for the Universal Periodic Review (UPR) on the implementation of the recommendations received by the Government of Sierra Leone during the second cycle review in June 2016, in Geneva Switzerland. During this review, the Government of Sierra Leone received 208 recommendations, accepted 177 and noted 33 recommendations. ***The National Centre For Human Rights and Development (NaCFoHRD)*** and our partners evaluates the implementation of the UPR recommendations by the Government of Sierra Leone (GoSL) made in the previous cycle, and while we note the tremendous efforts the government has made in acting on substantial number of the recommendations made in the previous cycle such as the rectification of some treaties and submission of overdue reports to the UN treaty bodies, the Government of Sierra Leone has failed to take action on serious concerns raised in respect to the independency of the Judiciary, freedom of expression, association, assembly, right to life, death penalty, strengthening the independency and institutional capacity of the Human Rights Commission of Sierra Leone (HRCSL), arbitrary arrest and detention, improving on the health, education, water and sanitation, disability, protecting human rights defenders, and Female Genital Mutilation/cutting (FGM/FGC).

The Government continues to unlawfully interfere with the independence of the judiciary, high rate of impunity in particular among law enforcement agencies. ***The National Centre for Human Rights and Development continue to receive report from opposition parties and members from the public about political intimidation, disregard for the rule of laws and the shrinking state of human rights and allowed for the political parties freedom of expression.***

### 1.1 METHODOLOGY AND SCOPE OF THE REPORT

This mid-Term UPR Review report strategically focuses on reporting on the implementation of the 177 recommendations received by the Government of Sierra Leone. The scope of the report cover almost all the 177 recommendations accepted by the government and the 33 recommendations noted. ***This report was prepared by the National Centre for Human Rights and Development (NaCFoHRD) and our*** civil society partners in Sierra Leone.

Additionally, this report borrows data from the report prepared by the Government of Sierra Leone at Inter-Ministerial level. Various methods were use to collect date from our field officials and host of civil society and human rights organizations. The draft report was shared among twenty media houses,

forty Civil Society Organizations (CSO) and ten MDAs electronically for their inputs, comments and validation.

## 1.2 FOLLOW UP TO THE PREVIOUS REVIEW

Since the Government of Sierra Leone second UPR in 2016, NaCFoHRD report indicates that the human rights situation of the country has drastically gone bad. The Government of Sierra Leone continue to interfere with the operations of the judiciary and the Human Rights Commission of Sierra Leone, freedom of expression, disrespect for the Rule of Law and the law enforcement agencies continue to commit range of human right violations with impunity. Unlawful sacking of public officials without due regard to the due process of the law is a common phenomenon in the country. Harrassement, intimidation and unlawful detention of journalists, Civil Society activists and members from opposition parties is on the increase in the country.

***Economic social and cultural rights continue to be violated by the government. Provisions of basic health, water, education, energy, food and shelter facilities poses great treat to the lives of the citizens especially women and children.***

Gender inequality, rape, violence against women, Sexual Gender Based Violence (SGBV) is on the increase in the country. There is high rate of discrimination against women and girls. Example the exclusion of pregnant girls from attending school, laws prohibiting women access and ownership of land and low female representation in government. Female genital mutilation of underage girls is prolific in the country especially in the rural communities.

## 1.3 INTERNATIONAL HUMAN RIGHTS INSTRUMENTS.

Among the recommendations that were accepted by the Government of Sierra Leone in 2016, the government has made tremendous efforts in signing all the nine fundamental human right treaties and has reported on five among the seven ratified treaties viz CERD, CCPR, CEDAW, CAT, and CCPR.

However reporting on the CERD (12 years) and CESCR (with 20 year) still poses a huge challenges in the realization of Economic, Social and Cultural rights which account for 75% of the country's lack of basic economic and social amenities such as safe drinking water, poor housing facilities, poor health conditions/facilities, poor educational facilities, high rate of maternal health and infant mortality rate in the country.

The Government of Sierra Leone has also failed both in the first and second cycle review even though government did accept to give the required attention needed to the ratification of the Rome Statue of the International Criminal Court (ICC), and the abolition of the death penalty, but these two international instruments still remained ungratified.

## **2.0 DEVELOPMENT IN THE PROMOTION AND PROTECTION OF HUMAN RIGHT IN SIERRA LEONE.**

The National Centre for Human Right and Development observed that from 2011-2016(i.e. first and second UPR circles) clearly stated that there is a need to change the national constitution of Sierra Leone (first circle UPR REC. 82.21) and second circle (RECS.111.39-111.44, 111.55, 111.62- 111.63, 111.95- 111.96, and 111.154)

In 2007, the Constitutional Review Committee (CRC) was initiated by H.E Ahmed Tejan Kabba. The outcome of the constitutional review committee was presented to H.E President Ernest Bai Koroma by the chair of the said constitutional review committee. ***Critical issues highlighted in that first constitutional review report include among others the removal of section 27 (4) (d) from the constitution of Sierra Leone Act, No 6 of 1991 which talks about gender discrimination, harmful and discriminatory traditional practices.***

As a means of continuing the good work in reviewing the laws of Sierra Leone, the second constitutional review committee was appointed by his Excellency president Ernest Bai Koroma in April 2013 and was sworn on 30<sup>th</sup> July 2013 to report in March 2015.

The outbreak of the Ebola disturbed the entire process by sanctions and restriction of movement of people thus the reporting date of the CRC was extended. However, the CRC report was made available on 24<sup>th</sup> January 2017. This was followed by an announcement on 4<sup>th</sup> February 2017 for a referendum on the constitution in September 2017 which was to be preceded by a presidential election on 7<sup>th</sup> March 2018. Government did produce a **White Paper** on the CRC recommendation on the referendum which was sent to parliament and was published on the Sierra Leone Gazette Vol. CXLV111 No. 79 of Friday 10<sup>th</sup> November 2017.

NaCFoHRD find out that the two constitutional review processes (i.e. the 2007-2008 CRC and the 2013-2017 CRC) respectively recommended critical human right issues which encompass the following:

- ***The abolition of the death penalty (the second optional protocol of the International Convention on Civic and Political Right (ICPR).***
- ***The abolition of gender discrimination, harmful and discriminatory traditional practices.***
- ***The separation of the office of the Attorney General from that of the Minister of Justice.***
- ***The repeal of the criminal libel laws of the 1965 Public Order Act***
- ***Criminalization of Female Genital Cutting(FGC)***

- ***The full realization of the Human Right as enshrined in chapter 2 of the 1991 constitution, and other related Human Right Issues were recommended to be given greater consideration by subsequent government.***

The Government has made tremendous effort as was reported in both the first and second cycle report that was submitted in reforming national laws to meet the challenges in dealing with the above recommendations of the Truth and Reconciliation Commission (TRC). However, NaCfOHRD findings about the implementation of the recommendations of the Truth and Reconciliation Commission clearly indicated that a substantial number of the recommendations have not been taken into consideration by both past and present government.

## **2.1 HUMAN RIGHTS INSTITUTIONS**

The Government of Sierra Leone enacted the Human Rights Act in 2004. The enactment of this Act was followed by the establishment of the Human Rights Commission of Sierra Leone in 2007. This was a laudable venture by the government as the establishment of a human rights commission was one of the fundamental recommendations made by the TRC. The statutory mandate of HRCSL is to promote and protect human rights in Sierra Leone. ***In the process of discharging its unique duties, the commission should remain neutral, impartial and independent devoid of interference of the Government of Sierra Leone of their operations.***

Since its inception as a commission with the statutory mandate to protect and promote human rights in Sierra Leone, the HRCSL has done a tremendous job in promoting and protecting human rights in the country with little or no interference from the past government of Sierra Leone.

However, the change of government in May 2018 brought a paradigm shift in the operations of the HRCSL. All five commissioners were unconstitutionally removed from office by the Government of Sierra Leone (GoSL) without due regard by the laid down principles in the HRCSL Act of 2004 of how to remove commissioners.

***What the current government of His Excellency Dr. Brigadier Julius Maada Bio is referring to as reforming the HRCSL in June 2018 was a deliberate act and total disrespect for the Rule of Law by the Government of Sierra Leone. The removal of the previous commissioners from the HRCSL was unconstitutional and total disregard by the current government of the Rule of Law and the Parish Principles. Several attempts were made by Global and Regional Human Rights institutions to dissuade the government to allow the previous commissioners to complete their tenure of office. But the government vehemently refused to heed to all these calls and went ahead to recruit other commissioners which was a direct contradiction of section 4(3) G of the 2004 Human Rights Act and section 137(7) of the 1991 constitution***

***of Sierra Leone. The act by the Government of Sierra Leone to remove the commissioners was against applicable provisions in the Human Rights Acts of Sierra Leone and the provisions of the Paris Principles adopted on 12<sup>th</sup> October 1991 by the United Nation Human Rights General Assembly Resolution 48/134/1993 which guarantee independence and pluralism of national human rights institutions of which the Government of Sierra Leone (GoSL) is a signatory***

The other Human Rights institutions in the country which should pave the way to the enhancement of human rights in Sierra Leone include among other the Legal Aid Board of Sierra Leone(LAB-SL) and the National Commission for Democracy(NCD). The former has the statutory mandate to provide legal service to the people of Sierra Leone and the latter is to educate the civil population about civil rights and responsibilities.

## **2.2 POLICY REFORMS**

Since the first and second cycle UPR, the GoSL has done remarkably well in reforming policies that will guarantee the promotion and protection of human rights for vulnerable groups especially women, children and disabled people living in both urban and rural communities in the country.

## **3.0 STATUS OF THE PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

***3.1 Implementation of international instrument(Recommendations 111.1-111.38) These recommendations call on the government of Sierra Leone to sign and ratify as well as improve on its reporting obligations of international treaties viz force disappearance, death penalty, promotion of economic, social and cultural rights, crimes of genocide, torture, discrimination against women, right of persons with disability, etc***

## **STATUS OF IMPLEMENTATION**

The Government of Sierra Leone has signed almost all the nine fundamental human rights treaties and has reported on five of its seven ratified treaties namely: CERD, CCPR, CEWAD, CAT and CRC. The government of Sierra Leone has one year outstanding report for the following treaties: The International Convention on Civil and Political Rights (CCPR) and the Convention against Torture (CAT). This is according to paragraph 13 of the Government of Sierra Leone Mid-Term Review report<sup>3</sup>.

***The Government of Sierra Leone has not reported for the past 12 year anything on CERD and over the past 20 year (more than two decades) no***



## ***report has been done on Convention on Economic, Social and Cultural Rights (CESCR)***

The claim made by the Government of Sierra Leone in paragraph 25 of the government UPR mid-term review report that the Sierra Leone Police (SLP) is playing a leading role in implementing the GoSL's prohibition against torture is partially incorrect. While the National Centre for Human Rights and Development (NaCFoHRD) appreciate the good work that the Sierra Leone Police (SLP) is doing, we wish to draw the Government of Sierra Leone attention to the following incidents which involve the Sierra Leone Police (SLP):

- *The beating and ill treatment of Parliamentarians from the opposition All Peoples Congress Party (APC) in the well of Parliament on the State opening of Parliament in 2018 by the Sierra Leone Police.*
- *The unprofessional behavior and the disproportionate use of excess force by the Sierra Leone Police on members and supporters of the opposition All Peoples Congress party at their party headquarter in Freetown on 30<sup>th</sup> May, 2019.*
- *The raid conducted on the 9th of September 2018 by the Office of National Security in Mile 91 Tonkolili District Northern Province of Sierra Leone in the villages of Matibo and Massengeh in Yoni chiefdom by a special branch called Transitional organized crime unit (TOCU) in search of marijuana which eventually led to the death of a 29yrs old man name Abdul Kombay Kamara who was allegedly shot by the police in Tonkolili District Northern Province of Sierra Leone.*

### **3.2 .ADMINISTRATION OF JUSTICE (IMPUNITY AND THE RULE OF LAW).**

***Recommendation 111.136-111.152 Calls to the Government for a complete Judiciary reform, independency of the Judiciary, protection of human right defenders, access to justice, addressing length of trials, reduction of overcrowding in prison, harassment of human right defenders etc etc.***

#### **STATUS OF IMPLEMENTATION**

While the government of Sierra Leone is making claims that these recommendations enjoy the full support of government, the judiciary is not

independence, human rights defenders are not protected, access to justices is difficult, prisons remain overcrowded and the welfare of prisoners is hugely challenged by inadequate accommodation for prisoners. Long overdue delays cases in court and remand prisoners spending long time in prison are classic examples of lack of respect of the rule of law

This recommendation does not fully enjoy the support of the Government of Sierra Leone even though they seem to be consistence with the current policy.

The Government of Sierra Leone has developed Justice Sector Reform Strategy and Investment Plan 111 which strategically focused on enhancing and addressing key challenges in the Justice Sector in the country. The Government has also established citizens' advisory bureau through the Legal Aid Board. Paralegals have been trained in almost every district of the country to assist in providing access to Justice to vulnerable groups.

But there are instances of abuse of power and complete disrespect for the rule of law by both the past and current government. Also the independency of the Judiciary is big challenge. Instances of disrespect for the rule of law by the Government of Sierra Leone are as follows:

- *The unconstitutional removal of commissioners from the human right commission of Sierra Leone without following the due process of the law.*
- *Sacking of people in office with security of tenure of office with no regard to the constitutional provisions and statutes that guarantee those people holding office for a specific period of time.E.g The removal from office of the former Anti-Corruption Commissioner and Ombudsman from office*
- *Passing into law the three instruments for the establishment of the Commission of Inquiry which contravene section 150 of the 1991 constitution*
- *The unconstitutional act of imposing the Speaker of Parliament on the Majority party in Parliament*
- *The removal of ten sitting members of Parliament on 31<sup>st</sup> May, 2019 from the opposition All Peoples Congress party by judiciary orders without no due regard by the court to the due process of the law*
- *The petition case brought by the APC against 33 Sierra Leone Peoples Party (SLPP) Members of Parliament which have not been assigned for hearing by the Judiciary.*

- *His Excellency the President declaration of rape and sexual penetration a national emergency and called for life imprisonment of offenders without parliament amending the provisions of the sexual Offenses Act,2012.*
- *The appointment of the Chief Justice without taking into consideration section 135 of the 1991 constitution which states that the Judicial and legal Service Commission meets and then recommends a name for the appointment of the Chief Justice.*
- *The appointment of a new NEC Commissioner Sothern Province of Sierra Leone in breach of section 32(3) of the constitution and more importantly without consultation with the leaders of ALL registered political parties.*

### **3.3 RIGHT TO LIFE (Recommendation 111.157-111.165)**

These recommendation calls for government to take drastic actions by the government to prevent citizens' right to life, freedom of expression, refrain from arbitrary arrest, removal of public order act, criminal and seditious libel law.

#### **3.3.1. STATUS OF IMPLEMENTATION**

These recommendations in no way enjoy the support of the government of Sierra Leone. Government both past and present have on several occasions made promises to repeal the public Order Act of 1965. Governments continue to silent members of the opposition party, human right and civil society activists as well as media practioners both print and electronics by the use of the public Order Act of 1965. *NaCFoHRD welcomed the remarkable effort made by the present government of His Excellency Brigadier Dr Julius Maada Bio to repeal some sections of the Public Order Act of 1965 with a new law.* However, the current status of the Public Order Act is that it is still been used by the state to limit freedom of expression, assembly and association of the citizens.

- *On 29<sup>th</sup> September 2018 during a bye-election police shot and killed 14 years old Hassan Bangura in the village of Masuntha-Tonko Limba chiefdom Kambia District Northern Province of Sierra Leone. According to the autopsy came by the chief pathologist at the Connaught hospital in Freetown the boy was shoot by two bullets.*

- *Police shot and killed Mohamed Ansumana and Mohamed Zokar in Sahn Malen Chiefdom, Pujehun district Southern Province of Sierra Leone. Police denied the allegation but the autopsy report indicated that both men suffered from gunshot wounds.*

None of these killings have been investigated by the Government of Sierra Leone and no police officer(s) has/have been arrested and brought to book for any of the above mentioned killings.

Other the other hand:

- *The death penalty is still in the law book of Sierra Leone. Only a moratorium have been passed to limit it use but does not prevent it use by the state*
- *The public Order Act of 1965 which has the seditious and criminal libel laws still in the law books in Sierra Leone.*

### **3.4 RIGHT TO SOCIAL SECURITY AND TO ADEQUATE STANDARD OF LIVING**

Recommendations 111.170-111.176 and 111.207) which calls to the government of Sierra Leone to reduce poverty, expansion of provisions of water supply, improvement in the socio-economic of the citizens and the implementation of the agenda for prosperity and infrastructural development.

#### **3.4.1. STATUS OF IMPLEMENTATION**

Both past and current government have tremendously done well in improving the socio-economic conditions of the vulnerable people and improve the infrastructure of the country example the past government of ex president Ernest Bai Koroma launched the agenda for prosperity which was geared towards improving the welfare of the citizens.

In February 2019, His Excellency president Julius Maada Bio launched a sister programme to the agenda of prosperity called the National Development Plan which according to government is strategically linked to the AU aspirations and Sustainable Development Goals(SDG)

The strategic arm of government that is leading the service delivering in the country is the National Commission for Social Action (NACSA). Actions taken by government to minimize poverty include among others the following:

- *Establishment of social protection scheme that is geared towards providing financial resources for small scale enterprises development.*
- *Passing into law or improve on policies/Act such as the Sierra Leone Water Company Act of 2017, National Water Agency Act of 2017 and the Guma Valley Water Company Act of 2017 to enhance provision of water*
- *Establishment of National Social Security and Insurance Trust (NASSIT) and the introduction of a minimum pension of Le 21,000-Le 250,000 minimum.*

With all these efforts that the Government of Sierra Leone has made, economic social and cultural right remains huge challenges in the country. *For example water and sanitation are less provided nationwide. Not enough safe drinking water for the general population.*

Environmental degradation are seriously hampering the development in the country such as deforestation in the rural communities adversely affect agricultural activities

### ***3.5 RIGHT TO HEALTH AND RIGHT TO EDUCATION***

*This covers recommendation 111.177-111.189 and recommendation 111.190- 111.204 and call on government of Sierra Leone to improve and expand on health care system, implementation of the national health strategic plan, ensuring quality and free health care to vulnerable people, improvement in education for girls, women and persons with disability and human right education. These recommendations to a large extent enjoy the support of the government of Sierra Leone.*

#### ***3.5.1 STATUS OF IMPLEMENTATION***

While the government of Sierra Leone has made tremendous effort in improving on health and education in the country, government is still challenged in providing the required health and educational facilities and infrastructure for vulnerable people in the rural communities. Government have developed key national documents such as the nursing and mid-wifery policy (2016, reproductive health policy) 2017 and the national nursing and mid-wifery strategic plan 2019-2023) these and many other related national health policies have greatly helped to improve on the health situation in the country.

- *Poor health service delivery in the country especially in rural communities*
- *Poor health infrastructure both in urban and rural communities*
- *Low motivation among health workers this is due to low salaries and poor welfare conditions*
- *Poor health governance system (poor coordination, collaboration and cooperation among health workers)*

On education, government of Sierra Leone has introduced the Free Quality Education (FQE) which is geared towards providing free quality education (FQSE) for 1.5 million children especially pupils in Government Assisted and Approved Schools (GAAS) in the country. The government of Sierra Leone has increased its budgetary allocation for education from 12 to 21%

Effort has also been made considerably by a substantial number of government ministries on improving informal education in the country such as civic education, human rights education, peace education, gender and political education.

However, the educational sector in the country is hugely challenged as the human resource capacities remain unmotivated. Even though there is an increase in the national budget to 21%, yet still education remains a financial challenge. Some of the challenges faced in the educational sector are as follows:

- *Poor infrastructure*
- *More schools have over the estimated 50 pupils per class*
- *Extra charges still exist*
- *Schools not getting the books promised by the government on time due to bad road network*
- *2,205 requests for replacement of teachers have not been properly addressed. 1402 have been processed and 1,304 have received pin codes.*
- *Discrimination amongst male and female as to who should be given greater consideration especially male dominated societies*
- *Exclusion of pregnant girls from attending school*
- *Poor accommodation especially sitting accommodation in government assisted schools*
- *Not enough learning and reading materials*
- *High rate of dissatisfaction among teachers for their poor condition of service(s)*

- *Corporal punishment still practice in schools especially in the rural communities*
- *Poor water and sanitation in schools*
- *Wages and benefit of teachers very low*

## ***EQUALITY AND NON DISCRIMINATION***

*This covers recommendations 111.64-111.90* which requires among other things promulgation of laws on gender equality, implementation of laws and policies that guarantee gender equality, protection of girls against discrimination in school, protect women against traditional practices which hinder realization of their rights, equal access to justice for women, reverse policy preventing pregnant girls from attending school and sitting state exams, prohibit corporal punishment against children in all circumstances, decriminalize same-sex between consenting adults and LGBT, destigmatize Ebola and address the disproportionate impact of the crisis on women and health workers, promote destigmatisation of persons with disabilities.

Government claim that recommendations 111.65-111.72, 111.77-111.79 and 111.86-111.90 enjoy the support of the government is not true.

The issue of the fight against gender discrimination is engulfed by lack of political will by the government and traditional and cultural practices. Enforcement of laws against gender discrimination especially access to power resources and privileges is largely as a result of lack of political will to eliminate draconian practices that have been in existence long before independence and even after independence.

NaCFoHRD appreciate government action or recommendation 111.64 which requires promulgating laws on gender equality. The new land policy launched in 2017 was a landmark event in the fight against discrimination against women to own land

Some of the noted policies on fighting gender discrimination:

- Reversed National Adolescent and Teenage pregnancy strategy which make provision for Free Health Care for All SGBV Victims
- The code of conduct for teachers which prohibit corporal punishment of all children in all circumstances
- The gender equality bill

- Recommendation 111.71 and 111.72 was partially implemented regarding action taken by government through the Ministry of Social Welfare Gender and Children Affairs by the ministry encouraging paramount chiefs to respect the right of women and children.

Government assertion that disability has reduced from 25,339 in 2015 to 25,022 in 2017 is questionable

Recommendation 111.37 - 111.76 states that government should reverse its policy on the exclusion of pregnant girls from the school system has not been addressed. Government still excludes pregnant girls from normal schooling and only allows them to take public exams after delivery.

***NaCFoHRD viewed this as a discrimination against pregnant girls and a denial of their right to education.***

FGC is practiced and parliamentarians are even promoting FGM as a means of paying back to their supporters after elections

Government claimed that in paragraph 72 of its report that they are using free quality education to minimize the prevalence of FGM through free quality education is not making any change as far as the FGM practice is concerned.

LGBT and the same-sex are still considered a criminal act and a culturally sensitive issue. Societies and communities still highly discriminate against LGBT and the same-sex. However, the government through the Human Rights Commission of Sierra Leone is making effort to protect their rights.



#### **4.0 RECOMMENDATIONS FOR ACTIONS BY THE STATE UNDER REVIEW**

The National Centre for Human Right and Development (NaCFoHRD) call on the Government of Sierra Leone (GoSL) to:

##### **4.1. Independency of the judiciary and Access to Justices**

- Separate the Ministry of Justice from that of the Office of the Attorney-General
- The Attorney General not to be appointed by the President
- Executive arm of government to stop interfering into the work of the judiciary
- To put in place the required measures to safe guard the complete independence of the judiciary in line with United Nations(UN) Basic Principles on the independent of the judiciary
- Improve on the welfare of all high court judges both past and those recently appointed.
- Transform the Legal Aid Board of Sierra Leone and rename it as the Legal Aid Commission (LAC) and separate it from the Ministry of Justice and make it a distinct and separate entity.
- Sitting magistrates to be appointed in every district in the country.
- The speedy court hearing of the All Peoples Congress (APC) petitioned case against 33 Members of Parliament from the Sierra Leone Peoples Party (SLPP)
- Judiciary to remain neutral, impartial and independent devoid of politics as enshrined in the 1991 constitution

##### **4.2. Arbitrary arrest and detention**

- To instruct the police and other national intelligence agencies to cease unlawful arrest and detention of members of opposition parties, media and civil society activists

- Ensure that independent human right monitors have access to detention centres throughout the country
- Improve on the conditions of detentions centres throughout the country and ensure that prisoners and detainees have access to quality medical facilities, hygiene and reasonable exercise.

#### **4.3. Freedom of expression, association and assembly**

- To ensure that all Sierra Leoneans including but not limited to members of opposition parties, civil society activists, journalists, human right activists and those perceive to be government opponents are able to freely enjoy and exercise their right to freedom of expression, assembly, association without fear of intimidation, detention, arrest or harassment.
- ***Repeal the seditious and criminal libel law of the Public Order Act of 1965.***
- To refrain from harassment and oppression of members of opposition parties and their families.
- To release all those under detention unlawfully or give them a speedy trial.

#### **4.4. Right to Life and Death Penalty**

- To ensure that all alleged cases of Police shooting and killings of innocent civilians in Mile 91, Mile 14, Sahn Malen and the unprofessional misconduct of the Sierra Leone police at the main opposition All Peoples Congress Party(APC) party office in Freetown on 30<sup>th</sup> May,2019 are all properly investigated and bring to book the perpetrators
- The Independent Police Complain Board to immediately release the report of the Shooting and Killing that took place in Mile 91.
- To train the Sierra Leone police on the UN minimum standards on the use of fire arms and light weapons;
- Ratify the second optional protocol to the International convention on civic and political right which aim at the abolition of the death penalty
- Allow families and lawyers of those in life imprisonment frequent access to the prison to visit their relatives;

- Accept request by family members of the dead bodies of prisoners and detainees or to make known the burial place and give reasonable access to the burial site.
- Remove completely from the Sierra Leone police the operational division (OSD) as was recommended by the Truth and Reconciliation Commission9TRC).

#### **4.5. Right to education and health**

- Provide more learning and teaching materials
- Improve on the welfare of teachers
- Allow pregnant girls to attend normal school
- Improve on infrastructure of schools by building more classrooms
- Provide basic feeding for both primary and secondary schools
- Strengthen the monitoring of all schools across the country by improving on the inspectorate division of the Ministry of Basic and Senior secondary schools
- Transform the free quality education into law
- Improve on conditions of services of all health worker
- Increase the level of infrastructure in district health medical centres
- Improve on health services delivery by providing the require medicines to all PHU
- Improve on the level of infant mortality and maternal death in the country.
- Transform the free health care AND Free Quality education into law

#### **4.6. Impunity for human right violation**

- To submit or left over or overdue report to the human right committee
- Investigate all allegations of killing(s) or torture and any ill-treatment(s) and to hold those accountable for such violations.
- To allow the total independency of the national human right institution in line with the Paris principles.
- *To extend a standing invitation to the United Nations special procedure to accept existing request for access, in particular from the United Nations Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the UN special Rapporteur on extra judiciary, summary or arbitrary executions.*

- Ratify outstanding human rights treaties, including the convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, International Convention for the Protection of All Persons from Enforced Disappearance, and African Charter on Democracy, Elections and Governance
- Make a declaration pursuant to the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights that would allow direct access for individuals and NGOs to the court.

#### EQUALITY AND NON DISCRIMINATION

- Full implementation of the three Gender Act
- Women to be given more access to resources, power and privileges
- Government to completely prevent under age Female Genital Cutting i.e. children under the age of 18 should not be initiated
- Women rights to own land and property to be enforced by paramount chiefs
- Introduction of free legal services at chiefdom, ward, and village level for all victims of SGBV.
- Allow Pregnant girls to go to school and have equal rights, privileges and opportunities enjoyed by non pregnant girls
- Women to be given more space and resources to participate in politics
- Disability commission to be separated from the Ministry of Social Welfare Gender and Children Affairs.
- Provision of medical facilities to LGBTI.

END NOTE:

1. First cycle Universal Periodic Review Report on Sierra Leone 2011
2. Third cycle Universal Periodic Review Report on Sierra Leone 2016
3. Government of Sierra Leone UPR Mid Term Review Report 2019