



THE STATE OF HUMAN RIGHTS IN SIERRA LEONE

2016
Annual Report

HUMAN RIGHTS COMMISSION
OF SIERRA LEONE



**Women and Children on the street of Freetown during
the water shortage**

The Availability and Access to Safe and Clean Drinking Water is a fundamental Human Right under goal 6 of the SDGs and recognised by the UN Resolution 18/1



The State of Human Rights in Sierra Leone 2016
10th 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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Human Rights Commission of Sierra Leone

has been accredited under the Paris Principles with 'A' status from 2016 to 2020.
ha sido acreditado /a por los Principios de París como clase 'A' desde el año 2016 al 2020.
a obtenu l'accréditation de statut 'A' de 2016 à 2020 conformément aux Principes de Paris.
قد منحت درجة الاعتماد (أ) بموجب مبادئ باريس للفترة من 2016 الى 2020.

Vladlen Stefanov
Chief
National Institutions, Regional Mechanisms
and Civil Society Section
Office of the High Commissioner for Human Rights

Prof. Dr. Beate Rudolf
Chairperson
Global Alliance of National Human
Rights Institutions



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

31st March, 2017

Your Excellency,

RE: HUMAN RIGHTS COMMISSION OF SIERRA LEONE 10TH ANNUAL REPORT

The Human Rights Commission of Sierra Leone (HRCSL) has the pleasure and honour to submit to you its 10th Annual Report in accordance with Sections 7 (2) (g) and 24 (1) of the Human Rights Commission of Sierra Leone Act (No. 9), 2004.

“The State of Human Rights in Sierra Leone” is a report of activities of the HRCSL covering the period 1st January to 31st December, 2016. 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 the 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 sustainable democracy and development in Sierra Leone.

Yours faithfully,

Brima Abdulai Sheriff
Chairperson



**The Rt. Honourable Speaker
Parliament of the Republic of Sierra Leone
Parliament Building
Tower Hill
Freetown**

31st March, 2017

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Chairperson



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Abbreviations and Acronyms

ACHPR	African Charter on Human and People's Rights
ASJP	Access to Justice Project
ATS	All Terrain Services
AU	African Union
AYV	African Young Voices
BECE	Basic Education Certificate Examinations
CCTV	Close Circuit Television
CDIID	Complaints, Discipline and Internal Investigations Department
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women.
CHRD	Campaign for Human Rights Development International
CID	Criminal Investigation Department
COR	Commander of the Order of the Rokel
COMAHS	College of Medicine and Allied Health Sciences
CRA	Child Rights Act
CRC	Convention on the Right of the Child
CRC	Constitutional Review Committee
CSO	Civil Society Organization
CTN	Cotton Tree News
DECT	Directorate of Education, Communication and Training
DFID	Department for International Development
DHRC	District Human Rights Committee
DPP	Director of Public Prosecution
ECOWAS	Economic Community of West African States
EFSL	Evangelical Fellowship of Sierra Leone
EPA	Environmental Protection Agency
EVD	Ebola Virus Disease
FHM	Family Homes Movement
FGC	Female Genital Cutting



FGM	Female Genital Mutilation
GANHRI	Global Alliance of National Human Rights Institutions
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
MIPPA	Madrid International Plan of Action on Ageing
MLSS	Ministry of Labour and Social Security
MoHS	Ministry of Health and Sanitation
MSWGCA	Ministry of Social Welfare, Gender and Children's Affairs
MPTF	Multi Partner Trust Fund
MRU	Mano River Union
NaCSA	National Commission for Social Action
NCC	National Commission for Children



NANHRI	Network of African National Human Rights Institutions
NATCOM	National Telecommunication Commission
NCPD	National Commission for Persons with Disability
NEC	National Electoral Commission
NGO	Non-Government Organization
NHRI	National Human Rights Institutions
NTC	National Technical Committee
NERC	National Ebola Response Centre
NPAA	National Protected Area Authority
NMA	National Minerals Agency
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
SLP	Sierra Leone Police
SLAJ	Sierra Leone Association of Journalists
SLOIC	Sierra Leone Opportunities and Industrialisation Centre
SOGIE	Sexual Orientation, Gender Identity and Expression
SOHR	State of Human Rights Report
TDF	Transformation and Development Fund
TRC	Truth and Reconciliation Commission
UDHR	Universal Declaration of Human Rights
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Review
WHO	World Health Organization



Executive Summary

HRCSL publishes its 10th annual report on the state of human rights in Sierra Leone in accordance with Sections 7(2)(g) & 24(1) of the Human Rights Commission of Sierra Leone Act (No.9) 2004.

The report is written in four parts:

Part 1 gives the background and historical context of Sierra Leone as a nation-state, the civil war and events leading to its cessation. It also gives a brief history of the establishment of the HRCSL, its vision, mission, core values and independence.

Part 2 captures key activities undertaken by the Commission and some of the interactions with partners. HRCSL's Strategic Plan 2016-2020 and its Communication Strategy were validated and approved by the Commission and other stakeholders, for the effective and efficient functioning of the Commission.

Some of the activities highlighted in this section include:

- An introductory training using HRCSL's Training Manual and Guidelines on Business and Human Rights
- A one day roundtable engagement with relevant stakeholders on the acute shortage of water supply in Freetown and other parts of the country
- Commemoration of various International Human Rights Days
- Institutional challenges faced by HRCSL

This section also highlights an analysis of complaints documented by the Directorate of Complaints, Investigation and Legal Services (DCILS).

Part 3 outlines efforts made by government in the protection and promotion of human rights in Sierra Leone. The role played by the National Protected Area Authority (NPAA), National Minerals Agency (NMA) and Environmental Protection Agency (EPA) in ensuring that businesses comply with measures to prevent environmental degradation, pollution of air and water and deforestation are reported.

Further still issues affecting women and girls rights including Female Genital Mutilation (FGM), teenage pregnancy and the non-payment of reparation benefits to victims of sexual violence and war widows are highlighted. The engagement with key stakeholders on the human rights implications of the Safe Abortion Bill is also reported.



Other key human rights challenges highlighted in this section include:

Civil and Political Rights - some of the issues noted by the Commission under these rights were:

- the continued use of constitutional provisions on death penalty,
- the criminal libel provisions in the 1965 Public Order Act,
- the detention of accused persons beyond the constitutional time limit,
- delays in taking juvenile offenders to court due to lack of vehicles among other issues.

Economic, Social and Cultural Rights - Human Rights concerns observed by the Commission under these rights were:

- the acute shortage of water in the country especially during the dry season affecting the wellbeing of children and women,
- the existence of obsolete labour laws and the lack of Industrial Courts in the regions.
- The lack of trained and qualified teachers in the educational sector,
- the untimely delivery and sometimes the non-availability of essential drugs for the Free Healthcare Programme,
- the inadequate number of medical personnel and poor remuneration in the health sector.

Methodology

In compiling this Report, data 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.

Acknowledgement



HRCSL acknowledges the support of the Government of Sierra Leone (GoSL) and Civil Society in the performance of its functions. The HRCSL further appreciates the financial and technical support from GoSL and Development Partners that helped ensured the successful implementation of its activities and programmes as well as the fulfilment of its mandate during the period under review. These partners include the United Nations Development Programme (UNDP), the UN Office of the High Commissioner for Human Rights (OHCHR), the British High Commission and the Chinese Embassy.

The HRCSL appreciates the Chairperson, Members of the Commission, Executive Secretary, Directors, Heads of Units, Regional Human Rights Officers and all staff for their contribution in implementing its mandate and for the successful production of this report.

Special thanks to the members of the editorial board in particular the Chairperson, Rev. Dr Usman Jesse Fornah, Commissioner Grace Coleridge-Taylor Esq, Commissioner Brima A. Sheriff, Commissioner Daphne Olu-Williams, Commissioner Rashid Dumbuya Esq, Joseph Kamara, Josephine Thompson-Shaw, Doris Sonsiama Esq, Frederick Kamara, Paul Jesse Moriba, Richard M'Bayo, Ahmed Wurie, Brima Kelson Sesay, Ishmael Bayoh and Sahr Augustine Musa for editing this report for publication.

The HRCSL further acknowledges the contributions made by MDAs, organisations and individuals during the consultative process in compiling this report.

In a special way, the HRCSL pays tribute and mourns the death of Commissioner Bryma V.S Kebbie who passed away on 2nd January, 2016. The deceased served as a Commissioner from 2012 to 2016. He contributed immensely to the implementation of the Commission's mandate and his wealth of knowledge will always be missed.



Joseph Kamara,

Executive Secretary

Human Rights Commission of Sierra Leone

HRCSL's Commissioners Profile

Brima A. Sheriff - Chairperson



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



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, impacting 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 Society Forum (WACSOF) 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, 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 Advocate 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.

Rev. Moses B. Khanu – Commissioner



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 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 2015.



Part I: Background and Historical Context

1.1 Context

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 killed. During that period, gross violations of human rights and lawlessness occurred.

As a way of resolving the conflict, the Lomé Peace Agreement was signed in Togo in 1999 and it emphasized the need for the setting up of strong institution to provide redress for victims and protection from abuses. Further recommendations made by the Truth and Reconciliation Commission (TRC) Report of 2004 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 was further re-accredited an 'A' Status in October 2016 by the Global Alliance of National Human Rights Institutions (GANHRI formerly known as ICC). Sierra Leone gained a seat at the UN Human Rights Council (HRC) from 2012 to 2015.

1.2 Mandate of the HRCSL

Section 7 of the Human Rights Commission Sierra Leone (HRCSL) 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 Commission 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 2004 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. This can be done by way of inquiries or tribunal hearings. However, Section 16 of the Act stipulates that HRCSL cannot investigate any matter pending before 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

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 observance of 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 with other human rights organisations, stakeholders and development partners



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 the decisions of the HRCSL may appeal to the Supreme Court. The HRCSL has the power to intervene in legal proceedings involving any human rights issue by issuing amicus curiae briefs. HRCSL being a corporate body, can sue and be sued in a Court of law.



Part 2: ACTIVITIES OF HRCSL IN THE PROTECTION AND PROMOTION OF HUMAN RIGHTS IN SIERRA LEONE

2.1: COMPLAINTS HANDLING AND MANAGEMENT

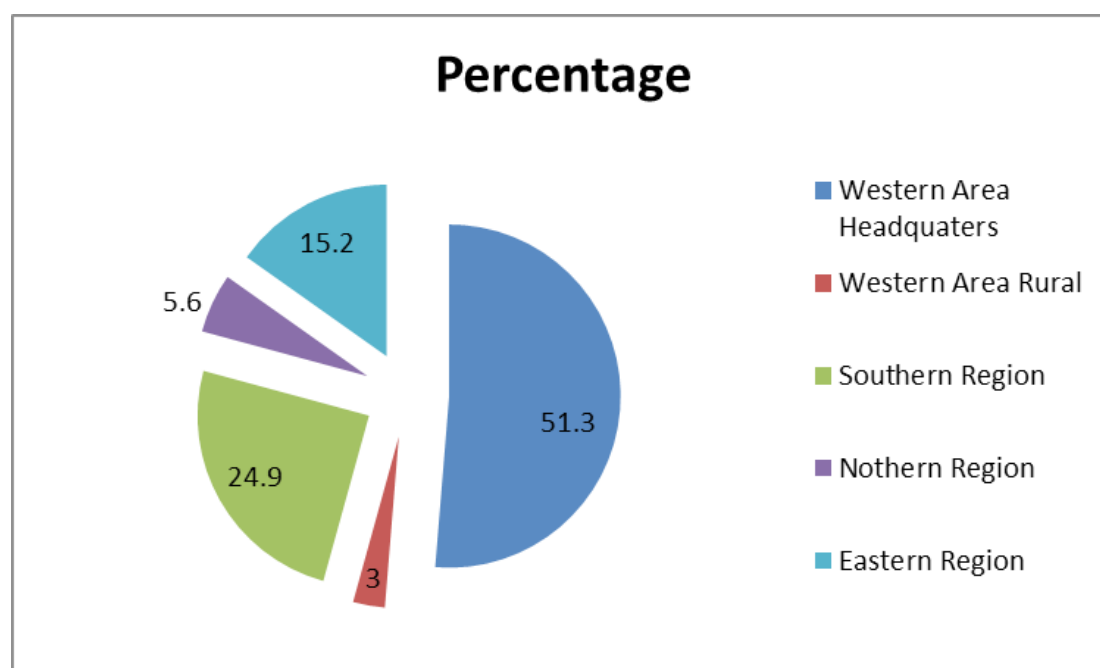
HRCSL received complaints in accordance with Section 7(2) (a) of the HRCSL Act (No.9) 2004, which provides that HRCSL shall “investigate or inquire into on its own or on complaints by any person any allegations of human rights violations and to report thereon in writing”.

In the year under review, 197 complaints were received as shown in table 1.

Table 1

Region	Number of Complaints received
Western Area Headquarters	101
Western Area Rural	6
Eastern Region	30
Northern Region	11
Southern Region	49
Total	197

Figure 1.1 Pie Chart illustrating the percentage of complaints received by headquarters and the four regions.





Admissibility Decisions on complaints

Table 2: Admissibility Decision of Complaints per Region

N0.	Decision on complaints received	W/A HQ	NR	SR	W/A RURAL	ER	Total	Percentage
1	Admissible	14	0	5	1	1	21	10.7
2	Inadmissible	87	11	44	5	29	176	89.3
3	Decision pending	0	0	0	0	0	0	0
Grand total		101	11	49	6	30	197	100

Table 2 explains that out of the 197 complaints received, 21 (10.7%) were admissible, 176 (89.3%) were inadmissible. This large turn out on inadmissibility was as a result of the fact that many of the complaints received were abuses rather than violations of human rights. These complaints were referred to appropriate institutions for redress.

Table 3: Outcome of Complaints

No	Action on Complaints Received	HQ	WA	NR	SR	ER	TOTAL	Percentage
1	No. of complaints referred	35	1	0	17	7	60	28.6
2	No. of complaints withdrawn	0	0	0	0	0	0	0
3	No. of complaints to be closed	0	0	0	0	0	0	0
4	No. of complaints investigated	5	0	0	2	5	12	5.7
5	No. of complaints with investigations ongoing	5	1	0	3	0	9	4.3
6	Complaints for admissibility Decision	0	0	0	0	0	0	0
7	Mediation and conciliation	1	0	7	0	3	11	5.2
8	Monitored	7	3	0	7	3	20	9.5
9	Counseling and advice	54	1	4	22	17	98	46.7
Grand Total		107	6	11	51	35	210	100

Table 3 shows the variation in the outcome of the actual complaints received in the year and the total complaint reported. This was as a result of complaints that were admitted in the later part of 2015 that were investigated in 2016. A total of 60 inadmissible cases to complaints were referred to the appropriate institutions mandated to handle such complaints. Twelve cases to complaints were investigated, 11 mediated and 20 are being monitored. Ninety-eight of the complaints required counseling and advice.



Table 4: Categorization of Complaints lodged against individuals /institutions Nationwide

No	Respondents	W/A headquarters	Western Area (rural)	Northern Region	Southern Region	Eastern Region	Total	Percentage
1	Individuals	70	2	0	30	16	118	60
2	SLP	10	2	3	1	2	18	9.1
3	RSLAF	2	0	1	0	2	5	2.5
4	Judiciary	1	0	0	3	0	4	2.0
5	Local Court	0	1	3	1	3	8	4.1
6	Ministry of Internal Affairs	0	1	0	0	0	1	0.5
7	Traditional Authorities	1	0	2	5	3	11	5.6
8	Parliament	1	0	0	0	0	1	0.5
9	Private Sector	6	0	0	5	1	12	6.1
10	SALWACO	1	0	0	1	0	2	1.0
11	Security Agency	1	0	1	0	0	2	1.0
12	WAEC	1	0	0	0	0	1	0.5
13	Ministry of Education	1	0	0	0	0	1	0.5
14	MSWGCA	0	0	1	0	0	1	0.5
15	Education Institution	3	0	0	1	0	4	2.0
16	INGO	0	0	0	0	1	1	0.5
17	NGO	0	0	0	0	2	2	1.0
18	Ministry of Lands	2	0	0	0	0	2	1.0
19	Ministry of Local Government	1	0	0	2	0	3	1.5
Grand Total		101	6	11	49	30	197	100

Table 4 is a categorization of respondents for complaints received. The highest number of complaints, 60% was made against private individuals. This is as a result of increased human rights education and awareness raising. This was followed by the Police with 9.1 % , private sector 6.1%, Traditional authorities 5.6 % and local court 4.1%.



Table 5 Nature of Complaints Filed by Sex

No	Nature of complaint	Male	Female	Total	Percentage
1	Denial of equal protection before the law	7	6	13	6.6
2	Unlawful arrest	1	0	1	0.5
3	Prolonged detention	2	1	3	1.5
4	Inhuman degrading treatment	2	3	5	2.5
5	Right to life	1	0	1	0.5
6	Property Issue	25	14	39	19.8
7	Unfair Hearing	10	2	12	6.1
8	Discrimination	3	0	3	1.5
9	Police related	3	2	5	2.5
10	Domestic violence	1	9	10	5.1
11	Child rights	2	7	9	4.6
12	Workers rights	34	8	42	21.3
13	Matrimonial dispute	1	21	22	11.2
14	Local court related	6	2	8	4.1
15	Right to health	1	1	2	1.0
16	Crime related(individual)	2	1	3	1.5
17	Right to housing	2	0	2	1.0
18	Other judiciary related issues	5	3	8	4.1
19	Right to education	3	0	3	1.5
20	Unlawful and forceful initiation	0	1	1	0.5
21	Banishment	0	1	1	0.5
22	Refugee Rights	0	2	2	1.0
23	Security of the person	2	0	2	1.0
Total		113	84	197	100

Table 5 is a disaggregation of complaints by sex. Men filed more complaints (113) than women (84) in 2016. The table also shows that a high number of complaints reported (42) were in relation to workers' rights/ labour related issues followed by property related cases (39) and matrimonial disputes (22).

Table 6 Comparative analysis of Complaints received by Regions 2007-2016

No	Regions	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	Total	Percentage
1	Western Area (Heaquarters)	40	190	252	374	126	182	220	68	100	101	1653	65.3
2	Western Area (Rural)	-	-	-	-	-	-	-	-	13	6	19	0.7

3	Eastern Region	00	04	06	39	74	25	45	52	28	30	303	12.0
4	Northern Region	00	04	09	22	23	20	23	18	18	11	148	5.9
5	Southern Region	00	06	63	57	33	53	41	66	39	49	407	16.1
Grand Total		40	204	330	492	256	280	329	204	198	197	2530	100

Table 6 shows that the Commission has received a total of 2,530 complaints since 2007. The Commission received the highest number of complaints in 2010 which is 492. This was mainly due to complaints made by 311 ex-service men. In 2016, 197 complaints were reported. It is also noted that the Commission's Headquarter Office in the Western Area has cumulatively received the highest number of complaints from 2007 to date which is 1,653, (65.3%). This is largely due to the accessibility of the Headquarters and increased awareness raising in the Western Area.

TOP SUCCESS STORIES

IK on behalf of A K vs. M R of HC

On 12th April, the Commission received a complaint from I.K on behalf of his sister A. K. alleging denial of equal protection before the law. According to the complainant, his sister had been held at the Female Correctional Centre since 2013 without any indictment. The Complainant further alleged that on enquiry, he was informed that the case file was missing. HRCSL first engaged the Legal Aid Board(LAB) and thereafter held series of engagements with the Master and Registrar of the High Court and the Director of Public Prosecution(DPP). On 3rd November, as a result of the intervention of the Commission, the matter was called at the High Court and the complainant's sister was acquitted and discharged on the same date.

J.K.K vs. J. S

On 13th June, J.K.K, an Indian national, lodged a complaint at the Commission alleging threat to his life and non-payment of his salary by his employer for several months. HRCSL worked in collaboration with the Criminal Investigation Department (CID) and the Transnational Organized Crime Unit (TOCU) of the Sierra Leone Police. The complainant's backlog salary was paid in full and he was able to travel to his home country.

2.2: HRCSL'S MONITORING ACTIVITIES

In fulfilment of Section 7 (2) (f) of the HRCSL Act 2004, the Commission monitored police stations, correctional centers, remand homes, the Approved School, local courts, chiefdom lockups and hospitals.

2.2.1: Police Stations

On 25th April, the Commission monitored police stations in Freetown, Makeni, Kenema and Bo, in commemoration of the Africa Pre-Trial Detention Day as follows:

- Western Region: the Kissy, Calaba Town, Ross Road, Lumley, New England Ville, Congo Cross, Aberdeen and Eastern Police Stations
- Northern Region: the Panlap, Rogbaneh, and Mena Police Stations
- Southern region: the East End and West End Police stations in Bo
- Eastern region: the Kenema Police Station.

The objectives of the monitoring exercises were:

- To popularize the African Commission's "Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa" (Luanda Guidelines)
- To assess whether structures within the SLP meet the provisions set out in the guidelines;
- To encourage SLP to fully implement the provisions in the "Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa"
- To ascertain compliance with other international instruments for the treatment of persons in detention.

HRCSL Staff discussed the contents of the "Luanda Guidelines" with officials at the various police stations monitored and presented them with copies of the "Guidelines".

In May, the Commission monitored the Masiaka, Loko Masama, Lungi and Port Loko police stations in the Northern Region, Waterloo Police Station, the Criminal Investigation Department (CID), the Central, Eastern, Congo Cross and Aberdeen Police Stations in the Western Area, the Bonthe and Mattru Jong police stations, East End and West End Police stations in Bo in the Southern Region, the Motema, Tankoro and Kenema Police stations, in the Eastern Region..

2.2.2: Correctional Centers, Remand Homes, Chiefdom Lockups

HRCSL conducted micro monitoring visits to Correctional Centers, Chiefdom Lockups in Bo, Bombali, Bonthe, Kenema and Kono Districts and the Western Area; the Remand Homes in Freetown and Bo, and the Approved School in Freetown were also monitored.

The objectives of the monitoring were:

- To ascertain compliance with the international standards for the treatment of persons in detention such as the Mandela Rules, the Beijing Rules, and the Bangkok Rules, by the state and the Correctional Center Authorities;
- To strengthen the relationship between the Commission and the Correctional Centers;

2.2.3: Local Courts

In May, June and August, HRCSL monitored Local Courts in Tagrin (Court No. 3) in Lungi, Kabala and Port Loko to observe proceedings and ascertain compliance with human rights standards and customary law.

2.2.4: Juvenile Courts

HRCSL monitored juvenile courts in Freetown and the regions throughout the year with the aim of assessing the effectiveness of the justice system in the treatment of juveniles in conflict with the law.

The objectives of the court monitoring were:

- To determine whether the handling of offenders in juvenile courts are in line with the provision made in United Nations Standard Minimum Rules for the Administration of Juvenile Justice
- To identify the number of suspects that have legal representations in court
- To assess the pace at which cases were being heard.

2.2.5: Hospitals

The Commission visited the Koidu, Bonthe and the Port Loko Government Hospitals, as well as the Waterloo and Masiaka Community Health Centers to follow up on the implementation of the Free Health Care Policy and to monitor the general conditions of the hospitals/health centers.

2.2.6: Macro Monitoring

In June, macro monitoring was undertaken in Kabala, in the Koinadugu District during which the Kabala Correctional Centre, Kabala Police Station, Kabala Government Hospital and the Chiefdom Lockup were monitored.





Success Story as a result of the monitoring activity

HRCSL engaged stakeholders including the Paramount Chief, the Chief Administrator of the Koinadugu District Council and the Medical Superintendent on the findings of the monitoring exercise. One of the issues discussed was the prolonged trial of inmates while they are on remand.

IGP vs I.K

In makeni, HRCSL engaged the State Council north on the continued detention of IK in prison. IK was serving a jail term of one year on an allegation that he stole a laptop. During HRCSL's monitoring visit to the Kabala Correctional Centre, the Commission found out that IK was still in detention even when the actual thieves had been detained by the court and were serving a jail term of three years for the same offence for which IK had been convicted. HRCSL engaged the resident Judge of the northern region requesting for a review of IK's conviction. On the 13th July, IK was released on bail and later discharged.

2.3: Support to the Implementation of the TRC Recommendations

In January, HRCSL received several letters of complaints from victims of sexual violence and war widows, who are registered beneficiaries of the reparations programme being implemented by the National Commission for Social Action (NaCSA).

The letters of complaints dated 2nd, 4th, 5th and 11th January 2016, bordered around none payment of reparation benefits as recommended in the 2004 TRC Report. The complainants alleged that they were being marginalized and discriminated against by NaCSA; that whilst other categories like Amputees and War wounded victims have been supported with housing facilities and rehabilitation grant payments in 2014 and 2015, they have only been provided with the interim cash grant of Le 300,000,00 (three hundred thousand Leones) which was paid to all beneficiaries in 2009.

In February, HRCSL engaged the Directorate of Reparations at NaCSA. NaCSA explained that due to limited financial resources, priority was given to Amputees, War-Wounded victims and 650 victims of sexual violence based on the degree of their vulnerability leaving a residual case load of 16, 219 beneficiaries.

In view of its role as the Follow-Up Committee (that should facilitate the implementation of the TRC recommendations) and noting that the prolonged delay and failure on the part of NaCSA to provide support to the remaining 2,952 victims of sexual violence and 13,267 war widows (all female war victims) is a human rights violation, the Commission wrote a letter to H.E the President, appealing for additional funds to be provided to NaCSA for the continuation of the implementation of the programme.

2.4: The Constitutional Review Process

The Constitutional Review Committee (CRC) released, the Abridged Draft Report of the revised 1991 Constitution in February. On 23rd March, HRCSL Commissioners and staff discussed the contents of the abridged draft of the CRC in order to ascertain whether the Commission's recommendations were incorporated into the draft document and to make further recommendations where necessary, to the CRC. Particular attention was paid to chapters 2 and 3 of the 1991 Constitution.

The discussion also centered on ways in which HRCSL could further advocate for its inclusion as a constitutional body into Chapter 3 of the Revised Constitution. The Commission also made some comments on the new chapter on Citizenship which it considered helpful to the constitutional review. The Commission submitted its concerns on the abridged draft of the Reviewed 1991 Constitution to the CRC in August.

2.5: Human Rights Education Activities

2.5.1: Community Engagement with Stakeholders on the Human Rights Based Approach in Handling Suspects of Sorcery and Witchcraft.

HRCSL conducted three stakeholder engagements with chiefdom authorities and other stakeholders on the Human Rights-Based approach in handling suspects of sorcery and witchcraft. The targeted locations were: Binkolo in Bombali District, Waterloo in Western Rural District and Bandawoh in Kenema District. These engagements were undertaken in respect of complaints received by HRCSL about the treatment of persons accused of sorcery and witchcraft which resulted in banishment, bonded labour, slavery, inhumane and degrading treatment and punishment.



Traditional Leaders and other Stakeholders in attendance during the engagement in Bandawoh



Traditional Leaders and other Stakeholders in attendance during the engagement in Binkolo

The objectives of these engagements were to:

- educate chiefdom authorities on the existing customary laws and procedures dealing with the issue of sorcery and witchcraft in order to prevent the recurrence of such human rights violation in the Chiefdoms
- increase the Commission's visibility.

These engagements were held in Binkolo, Waterloo and Bandawoh on 2nd May, 3rd and 11th June respectively.

2.5.2: Roundtable Engagement on the acute shortage of water supply in Freetown and other parts of the country

On 17th May, HRCSL had a roundtable engagement with representatives of MDAs and Civil Society Organisations(CSOs) during which they discussed concerns raised in HRCSL's press release of 5th May, on the acute shortage in the supply of and access to clean, safe and affordable water for drinking and other purposes in Freetown and other parts of the country.

The purpose of the engagement was to map out strategies to address the perennial problem of water shortage in Sierra Leone particularly during the dry season. Present at the engagement were representatives of the Ministry of Water Resources, Sierra Leone Water Company (SALWACO), Guma Valley Water Company (GVWC),



Round table meeting with Stakeholders on the water shortage

Environmental Protection Agency (EPA), Ministry of Lands and Country Planning, Ministry of Education Science and Technology (MEST), Strategic Planning Unit – Office of the President and CSOs.

The meeting deliberated on concerns related to:

- the operations of Guma Valley Water Company;
- the environment;
- Children's right



- right to education
- right to health.

Below are some of the strategies suggested by participants as steps to address the problem:

1. A task force should be formed comprising key stakeholders to monitor and report on the water management efforts in the country.
2. A meeting should be convened with the Ministry of Labour (MLSS) and Social Security to resolve the internal disputes at the GVWC.
3. The proposed demolition exercise around catchment areas should be monitored by relevant authorities to ensure that due process is followed.
4. The supply of water to schools and hospitals should be improved and monitored.
5. There should be strict monitoring and supervision of the digging of bore holes in the city in order to prevent water contamination and waterborne diseases.
6. There should be a consolidated utility mapping undertaken by the respective actors and their work should be well coordinated.

2.5.3: Second Referral Partnership Meeting

On 24th May, HRCSL held its 2nd referral partnership engagement at the Santano House, Howe Street in Freetown. The aim of the meeting was to adopt the Referral Partnership Policy and Referral Partnership Terms of Reference drafted by HRCSL. The objectives of the meeting included to:

- give opportunity to referral partners to make inputs into the draft documents;
- develop a common document in dealing with referred matters;
- strengthen the already existing partnership between the Commission and its referral partners;
- provide update on the progress of matters referred to partners
- educate referral partners on the mandate of the Commission

HRCSL and referral partners consented to update one another on all referred cases. The Terms of Reference and the Referral Partnership Policy were unanimously adopted after inputs from the Referral Partners had been incorporated. Referral Partners were also educated on the Commission's mandate.



A representative from RSLAF Making a Point During the 2nd Referral Partnership Meeting

2.5.4: Training on Business and Human Rights

2.5.4.1: OHCHR Training on Business and Human Rights

On 25th and 26th May, HRCSL in collaboration with the Office of the High Commissioner for Human Rights (OHCHR) held a two day training for Commissioners, Staff and Stakeholders on Business and Human Rights at Santano House, Howe Street, Freetown.



Group Photograph of Participants after BHR training

The objectives of the training included:

- to build the capacities of Commissioners and Staff on Business and Human Rights,
- to enhance the capacity of other stakeholders on Business and Human Rights

The training provided participants the opportunity to understand the concept of business and human rights and develop strategies to be used by HRCSL and its partners to monitor compliance of businesses with human rights standards. The training was supported by OHCHR and facilitated by Live Jacob Sydness of OHCHR.

2.5.4.2: Introductory Training using HRCSL's Training Manual and Guidelines on Business and Human Rights

On 10th June, HRCSL organized a one-day introductory training on Business and Human Rights for stakeholders in the Northern Region at the Bombali District Council Hall in Makeni. The objectives of the training were to;

- highlight and discuss pertinent issues on business and human rights indicated in the HRCSL's Training Manual and Guidelines for Monitoring Business and Human Rights in Sierra Leone
- popularize the Guidelines on Monitoring Business and Human Rights and guide stakeholders on how to use the Guidelines to conduct monitoring of businesses in their communities.



Participants at the Business and Human Rights Training in Makeni



Participants included representatives from MDAs, Community Based Organizations (CBOs), NGOs, CSOs, Local Councils and the Private Sector.

Some of the topics discussed were: the Contents and Structure of the HRCSL Monitoring Guidelines, the Edinburg Declaration, the UN Guiding Principles on Business and Human Rights, and the Business Case for Human Rights and the Human Rights Case for Business.

As a result of the training, participants became aware of the existence of the Guidelines for Monitoring Business and Human Rights in Sierra Leone, and their capacity built on its use.

The training was facilitated by Commissioners and staff of HRCSL.

2.6: Media Outreach

Media outreach is one of the key communication tools used by the Commission in the protection and promotion of human rights. The Commission utilizes radio, television, newspapers, and social media as channels to inform, educate and update people on its activities.

Social media enhances the Commission's public education to raise awareness on human rights and improve its visibility both locally and internationally. The Commission's Facebook (www.facebook.com/HRCSL) page has been followed by over 9,000 people. The website (www.hrcsl.org) is also used by researchers to access information on the Commission's activities.

2.6.1: Re-designing HRCSL's Website

HRCSL created an official website in 2011 to serve as an advocacy, awareness raising and information dissemination tool. Due to a number of challenges related to management of the contents and the website in general, the Commission decided to redesign its existing website "hrcsl.org" and to give the hosting and management to a local web manager for easy access and contents editing purposes.

Through a bidding process, a local design consultant (ICT Consultant and General Services) won the bid to redesign the website. The project was supported with funds provided by OHCHR.

2.6.2: HRCSL's Press Releases

During the year under review, HRCSL issued two press releases as follows:

- On 5th May, the Commission issued a Press Release on its **"Concern over the Shortage in the Supply of Water"**, in Freetown and other parts of the country. The Commission noted that the shortage in the supply



of and access to clean and safe water for drinking and other purposes, affected the enjoyment of other human rights such as the right to education, health and human dignity, particularly for children, women, older persons and persons with disabilities.

- On 19th August, HRCSL issued a press release on the “**Unrest in Kabala**” which led to the loss of lives of two persons while others sustained injuries and lost property. The press release called on government to take full responsibility to address the grievances of the Koinadugu Community and promptly take steps to deal with the root causes that had led to the discontentment and protest by the youth in relation to the proposed youth village in the District. It further called for an independent investigation into the shootings and to bring culprits to book.

2.7: Commemoration of International Human Rights Day

2.7.1: Africa Pre-Trial Detention Day

HRCSL observed Africa Pre-Trial Detention day by monitoring police cells in Freetown and the regions. A total of 15 police stations were monitored to assess the human rights situation and to popularize the African Commission’s “Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa” (Luanda Guidelines).

The Luanda Guidelines was adopted at the 55th Ordinary Session of the ACHPR in Luanda, Angola in 2014 to provide guidance to policy makers and criminal justice practitioners with the aim of strengthening the day-to-day practice of arrest, police custody and pre-trial detention. It was launched during the 56th ordinary session of the ACHPR in Banjul, 2015.

At the end of the monitoring exercises, the Local Unit Commanders of each Police stations visited, were engaged on the findings of the monitoring which included over detention of suspects, inadequate food supply and poor sanitary and hygiene conditions. The contents of the Luanda Guidelines were also discussed with them and were provided with copies to assist them in their day to day operations.

A radio discussion was also held on AYV Radio, 101.6FM, on the contents of the Luanda Guidelines and the findings of the Commission during the monitoring exercise.

2.7.2: African Human Rights Day – 21st October

On 21st October, HRCSL commemorated African Human Rights Day on the theme: “African Year of Human Rights with Particular Focus on the Rights of Women”. The Commission used the occasion to raise public awareness on the African Union (AU) Declaration which mainly focuses on the empowerment of women in

Africa.

A message to mark the day was delivered by the Chairperson of HRCSL, Commissioner Brima A. Sheriff. The message highlighted some of the challenges faced by women and girls in the enjoyment of their human rights to live in dignity and respect. Other issues raised in the message included: sexual and gender based violence against women and girls; harmful traditional practices like Female Genital Mutilation (FGM) particularly on girls below 18 years and access to justice. The message called on government to ensure that perpetrators of all forms of violence against women and girls are brought to justice and victims compensated.

Radio discussion programmes were hosted by Skyy Radio FM 106.6, Radio Democracy 98.1 FM and AYV Radio 101.6 on 21st, 24th, 26th and 27th October. The discussions centered on the significance of the ACHPR; the steps taken by Sierra Leone to ratify the African Charter on Human and People's Rights on the Rights of Women in Africa (also known as the Maputo Protocol) and women's empowerment.

2.7.3: International Human Rights Day – 10th December

On 10th December, HRCSL celebrated International Human Rights Day (IHRD) with the global theme “Stand Up for Someone's Right Today”. The theme was localised as “Stand Up for Someone's Right Today: Respect the Rights of Older Persons to Live in Dignity”

The celebration was officially held at the King George VI Memorial Home at Grafton in Freetown.



Mr. Joseph F. Kamara, Attorney General & Minister of Justice, Commissioners of HRCSL and Valnora Edwin, chairperson of the occasion at the High table

The celebration at the King George VI Memorial Home was chaired by Valnora Edwin, Executive Director of Campaign for Good Governance (CGG). She thanked HRCSL for holding the event at the King George VI Memorial Home and for localizing the theme to suit local context.

Statements were given by representatives of CSOs and MDAs including: The Western Area District Human Rights Committee, Sierra Leone Society for the Welfare of the Aged and the United Nations Human Rights Resident Advisor. The keynote address was done by the Attorney General and Minister of Justice, Joseph Fitzgerald Kamara.

Key highlights of the celebration were: The recitation of a poem done by HRCSL staff, Samuella Conteh, guitar performance by a resident of the home and presentation of plaques by the Chief of Staff, Saidu Conton Sesay, to two outgoing Commissioners; (Commissioners Jamesina King and Reverend Moses B. Khanu) for their service to the Commission and the people of Sierra Leone over the last ten years. The International Human Rights Day was celebrated by HRCSL's three regional offices.



Chief of Staff, Saidu Conton Sesay reading the wordings on the plaque presented to Commissioner Jamesina King



Guitar performance by a resident of the King George VI Memorial Home

2.8: Strategic engagements with MDAs and other Partners

2.8.1: Meeting with the Chief Justice of Sierra Leone

On 9th February, HRCSL engaged the newly appointed Chief Justice of the Judiciary of Sierra Leone Honourable Justice Abdulai Charm at his Chambers at the Law Court Building. The Vice Chairperson of HRCSL, Daphne Olu-Williams congratulated him on his new appointment and called for continued collaboration with the Judiciary in the protection and promotion of human rights. She highlighted some of the challenges often faced by litigants in accessing justice which included: delays in trial, stringent bail conditions for minor offences and excessive fines in the local courts.

The Chief Justice assured the Commission of the Judiciary's close collaboration with the Commission as their work was complementary in ensuring that justice is provided to the people. He also informed the Commission of the Bail and Sentencing Guidelines which he said is a two year project that will set out practice direction on the issue of bail.



Commissioners and Staff of HRCSL posed with The Chief Justice after the engagement

2.8.2: Meeting with the Attorney General and Minister of Justice

On 12 January, HRCSL held a meeting with the newly appointed Attorney General and Minister of Justice, Joseph Fitzgerald Kamara in his office. The Chairperson of HRCSL acquainted the Minister on the activities of the Commission and informed him of the pending review of the Commission's grade 'A' status by GANHRI in May 2016. He further expressed that the Commission has been unable to meet its international financial obligations due to inadequate funding from the government.

The Chairperson also informed the AG that Commissioner Brima Kebbie passed away in January and Commissioners Moses Khanu and Jamesina King's second and final term will end in December 2016. He further reminded the AG that Sierra Leone will be reviewed by the Human Rights Council under the Universal Periodic Review (UPR) process later in January.

The AG promised to work closely with the HRCSL in the protection and promotion of human rights across the country. At the end of the discussion, the Vice Chairperson of the Commission, Commissioner Daphne Olu-Williams presented copies of SOHR Report 2014 to the AG.



Vice Chairperson Commissioner Daphne Olu-Williams presenting 2014 SOHR Report to AG

2.8.3: Meeting with the National Commission for Children

On 19th February, the National Commission for Children (NCC) held a meeting with HRCSL in the Commission's Conference Room. The five man delegation from the NCC was led by its Commissioner, Olayinka Laggah. The purpose of the meeting was for the two Commissions to discuss strategies for effective cooperation in fulfilling their respective mandates and functions in the protection and promotion of the rights and welfare of children in Sierra Leone.

To further strengthen this collaboration, on 7th July, HRCSL had a follow up engagement with NCC at its office at Adelaide Street in Freetown in which a number of issues affecting children were discussed. These included:

- child marriage;
- children in conflict with the law that are in detention centres including Remand Homes, Approved School and their attendance at court sittings
- the effects of the shortage of water supply on children's education,
- teenage pregnancy and school dropout; and

- the use of children during political processes.

The two Commissions agreed to take the following affirmative actions:

- advocate for the provision of more water sources to address the shortage of water in order to prevent cases of sexual abuse, teenage pregnancy, early marriages and school dropout
- to advocate for more funds to be allocated to the Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA) in order to address the transportation problem in juvenile homes and facilitate the mobility of juvenile suspects to court
- to engage Political Party Registration Commission (PPRC) on the use of children during elections.



Members of NCC with HRC SL Staff

2.8.4: Engagement with the Sierra Leone Police Executive Management Board

On 9th March, HRC SL engaged the Executive Management Board (EMB) of the Sierra Leone Police (SLP) at the Police Headquarters, George Street in Freetown. The meeting was to strengthen collaboration between the two institutions. Findings of the Commission's monitoring of police cells which included poor sanitary conditions in police cells and prolonged detention were discussed. The Commission also expressed concern about the number of complaints received by HRC SL against the SLP.

In a similar engagement on 5th October, HRC SL discussed the findings of its monitoring visits to police stations on 25th April, in commemoration of Africa Pre-Trial Detention Day. The Chairperson of HRC SL informed

the EMB about the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (Luanda Guidelines) which was adopted by ACHPR in 2014 and the relevance of the Guidelines to the work of the SLP.

The Inspector General (IG) of the SLP commended the Commission for providing independent check on the human rights records of the SLP and assured their continued support to the work of the Commission. He further noted the finding of the Commission and explained some of the challenges faced by the SLP in carrying out their duties.

He pledged the commitment of the SLP to address the concerns raised by HRCSL and called on Police Commanders to do regular monitoring of their divisions particularly to ensure compliance with international conventions regarding the respect for the rights of inmates in detention.



HRCSL engagement with the EMB of the SLP in March

2.8.5: Chinese Diplomats visit HRCSL

On 23rd February, the Deputy Chief of Mission and Second Secretary-Head of the Political Section of the Embassy of the People's Republic of China in Sierra Leone, Xinmin Wang and Guo Xin respectively, made a familiarization visit to the HRCSL Headquarters at Tower Hill .

Xinmin Wang commended HRCSL for its work in the protection and promotion of human rights. The Deputy Chief of Mission emphasized the bilateral ties between Sierra Leone and China, and noted the Chinese Government's contributions to GoSL in the areas of infrastructural development, education, agriculture and electricity.

The Vice Chairperson of HRCSL, Daphne Olu-Williams apprised the visitors on the functions of HRCSL and its protective mechanisms. The Deputy Executive Secretary, Joseph Kamara explained the functions of the various directorates of the Commission and took them on a tour of the offices.



Commissioner Olu Williams and senior staff of HRCSL with the Chinese delegation

2.8.6: IPAS engagement with HRCSL on the Safe Abortion Bill

On 14th January, IPAS, an NGO pioneering the enactment of the Safe Abortion Bill 2015, engaged HRCSL on the contents of the Bill and advanced reasons for its enactment. During the engagement, the Commission's Women and Children's Rights Unit did a power point presentation highlighting the human rights issues relating to abortion.

HRCSL recommended that IPAS should have more engagements with other stakeholders and education on the Safe Abortion Bill.



Participants during HRCSL's engagement with IPAS

2.9: Finance and Administration of HRCSL

2.9.1: Government Subvention

GoSL provided financial support to the Commission in the sum of **Le11,352,200,151** for operational costs, programmes, salaries and other emoluments. The Commission recorded an increase in budgetary support over the years though 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.

Some of the activities undertaken included;

- Training on customary Law with specific reference to the Law relating to sorcery and witchcraft
- Monitoring of bye-elections in Lunsar town, Port Loko district, constituency 335 western rural and constituency 001 in Kailahun district.
- Investigation of complaints
- Referral partnership meetings
- payment of one year rent for Kenema Regional Office
- Celebration of International Human Rights Day
- Payment of annual subscription fee for HRCSL website
- Study tour visit by Liberian delegation from the Independent National Commission for Human Rights(INCHR)
- Attendance of workshop for the review process of the SL Social Protection Policy held in Bo
- Consultancy fee for development of HRCSL Strategic Plan 2016-2020
- Press release on Kabala incident



- Operational support to HQ and regional offices in Bo, Makeni, Western Area and Kenema
- Attendance of Commissioners, Executive Secretary and Staff to International Conferences, Seminars and Meetings:
 - I. ACHPR 59th Ordinary session held in Banjul
 - II. 29th ICC annual meeting held in Geneva
 - III. Meeting in Netherland
 - IV. 32nd session at the Human Rights Council held in Geneva
 - V. Attendance at ECOWAS meeting held in Nigeria
 - VI. Attendance at the West and Central Africa Regional Conference on the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure held in Dakar, Senegal

2.9.2 Projects:

2.9.2.1: UNDP Access to Justice:

The Commission received funding from the UNDP Access to Justice Project in the sum of **Le704,008,000** to implement the following activities;

- Investigation of complaints
- Engagement with referral partners
- Kono Conciliation meeting
- Strategic engagement with chiefdom authorities and other stakeholders on human rights based approach in handling sorcery and witchcraft suspects in Bandawoh, Niawa Chiefdon, Binkolo and Waterloo
- Training workshop on the implementation of HRCSL's Communication Strategy
- Validation of HRCSL's Communication Strategy
- Procurement of equipment for the implementation of HRCSL Communication Strategy
- Training of Commissioners and staff on Business and Human Rights
- Engagement with stakeholders on Business and Human Rights
- Attendance of one staff to the 59th Ordinary Session of ACHPR meeting in Banjul, The Gambia
- Training of Commissioners and staff on Treaty Body Reporting held at Njala Venue
- Purchase of equipment for setting up of Treaty Body Unit within the Commission
- Public awareness on HRCSL Communication strategy
- Engagement with stakeholders on HRCSL Business and Human Rights Training Manual and Guidelines
- Micro monitoring of detention centres in Kono, Bonthe, Portloko, Massiaka and Lungi
- Micro monitoring of pre-trial and detention facilities
- Macro monitoring visit to detention facilities in Kabala

- Press release on the shortage of water supply
- Round table engagement on the acute shortage of water supply in Freetown
- Retreat on the editing of SOHR report 2015 held in Kenema
- Compilation and validation of HRCSL Strategic Plan 2016-2020
- Development of HRCSL website to be hosted locally
- Celebration of International Human Rights Day

2.9.2.1: British High Commission

The Commission also received financial support from the British High Commission in the sum of **Le27,930,000** for the dissemination of SOHR 2014 report in Rokupr, Kambia District

2.10: Capacity Building

2.10.1: Validation of HRCSL's Strategic Plan 2016-2020

On 21st April, HRCSL validated its third Strategic Plan (SP3: 2016-2020). The validation was held at the Ocean View Resort, Freetown. Representatives from selected MDAs and CSOs who participated in the regional consultations and HRCSL staff were given the opportunity to corroborate information provided during the preliminary consultations held in 2015.

After several deliberations, participants endorsed the information they had provided and suggested ways in which the Commission should make itself more relevant in the coming years. The SP3 was approved as the working document of the Commission for the period 2016-2020.

The process was facilitated by a Consultant, Abraham John.



Participants at the Strategic Plan Validation meeting at the Ocean View Resort.

2.10.2: Engagements on the State of Human Rights Report 2014 and Treaty Body Mechanisms

HRCSL engaged community stakeholders, pupils and CSOs in Kambia District, on its State of Human Rights (SOHR) Report 2014 and Treaty Body Mechanisms from 14th – 16th March.

The key objectives of the community outreach were to:

- discuss the contents of the 2014 SOHR report
- discuss emerging human rights issues within their localities ,
- increase the Commission's visibility;
- inform communities on international and regional Mechanisms and the Constitutional Review process ;
- strengthen the capacity of participants on human rights protection and promotion.

The dissemination was done through:

- a) A two day community workshop held at the Sierra Leone Agricultural Research Institute (SLARI) Hall, Rokupr Town, Kambia District during which participants discussed the findings and recommendations of the SOHR report 2014.

Presentations were also delivered on the following: the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Right (ACHPR), the Universal Periodic Review (UPR) process, the African Peer Review Mechanism (APRM), HRCSL's position paper submitted to the CRC and the Abridged Draft Report of the CRC.



The British High Commissioner Representative Mr. Annup Vyas at the High Table during the official opening session of the engagement.



Radio discussion programme by HRCSL staff.

b) A one hour radio discussion programme on the SOHR 2014 report held at the Radio Kolenten Station, 95.0 FM in the evening of 14th March.

c) Public lectures on the SOHR 2014 for staff and pupils of the Ahmaddiyya Muslim Secondary School, Rokupr and the Kolenten Senior Secondary School, Kambia Town, on 16th March.

These engagements were supported by the British High Commission in Sierra Leone.

2.10.3: Validation of the HRCSL Communication Strategy

On 25th April, HRCSL validated its draft Communication Strategy in a bid to support the Commission's vision of a Sierra Leone where a culture of human rights and respect for the rule of law prevails and people live in peace and dignity.

The objectives of the validation exercise were to ascertain whether inputs, comments and feedbacks solicited from HRCSL and its partners were fully incorporated into the draft strategy and to elicit final observations from participants.

The validation was held in the Conference Room of the Sierra Leone Library Board and attended by Commissioners and staff of HRCSL as well as the Commission's partners.



Group discussion during the validation of the Communication Strategy

2.10.4: Training of Commissioners and staff on the implementation of the Communication Strategy

On 9th May, HRCSL conducted a one day training for its Commissioners and staff on the implementation of the Commission's finalized Communication Strategy. The training was held in the Commission's Conference room.

The objectives of the training were for Commissioners and Staff to familiarize themselves with the Communication Strategy and build their capacities on its implementation.

The training enhanced the knowledge of HRCSL Commissioners and Staff on the structure and contents of the communication strategy including the communication needs of the Commission, its target audiences and methods of communication for each genre of audience.

The training was facilitated by Mr. Francis Sowa, the consultant who developed the strategy.



Commissioners and staff during the training session

2.10.5: Engagement with Referral Partners and CSOs on the Implementation of the HRCSL's Communication Strategy

On 8th June, HRCSL engaged its Referral Partners and CSOs on the implementation of its Communication Strategy, at the Sierra Leone Library Board, Rokel Street, Freetown. The objective of the engagement was to popularize the Commission's Communication Strategy. Participants were also educated on the mandate and operations of the Commission.

The engagement strengthened the relationship between HRCSL, its referral partners and CSOs all of whom are critical to the effective and efficient functioning of its work.



Cross section of participants at the referral partnership engagement



Director of ECT, Mr. Frederick Kamara making a presentation during the engagement

2.10.6: International Training/ Workshops/Conferences/Meetings attended By Commissioners and Staff

NO	NAME	ACTIVITY	ORGANIZER(S)	COUNTRY	DATE
1.	Commissioner Jamesina King	29 th ICC annual meeting	ICC	Switzerland	March
2.	Commissioner Daphne Olu- Williams	29 th ICC annual meeting	ICC	Switzerland	March
3.	Commissioner Brima A. Sheriff	29 th ICC annual meeting	ICC	Switzerland	March
4.	Commissioner Brima A. Sheriff	32 nd Session at the Human Rights Council	Human Rights Council	Switzerland	May
5.	Mark Ngegba	Training in Netherlands	Netherlands Institute of International Relations	Netherlands	June
6.	Mohamed Kuyateh	59 th Ordinary Session of the African Commission on Human and People' Rights	ACHPR	Gambia	October
7.	Commissioner Daphne Olu-Williams	59 th Ordinary Session of the African Commission on Human and People' Rights	ACHPR	Gambia	October
8.	Commissioner Brima A. Sheriff	59 th Ordinary Session of the African Commission on Human and People' Rights	ACHPR	Gambia	October
9.	Commissioner Daphne Olu- Williams	NANHRI meeting	NANHRI	Nigeria	August



2.11: The Library and Documentation Centres

HRCSL Library and Documentation Services continues to provide human rights Information, Education and Communication (IEC) materials to support the research and information needs of Commissioners, staff and external researchers.

A total of 120 external researchers used the Documentation Centre at headquarters. Of this total 75% were students, 20% scholars, and 5% others.

2.12: Key Institutional Challenges and Recommendations

The Commission's work continues to be hampered by logistical and financial challenges. According to a report by the National Assets and Government Property Commission which undertook inspection of floors occupied by the HRCSL at the NEC building in November 2016, the office space is not only inadequate but also "in a deplorable condition" which is a danger to the current occupants of the facility.

The budget ceiling placed by the Ministry of Finance and Economic Development (MoFED) is inadequate and therefore affecting the effective and efficient functioning of the Commission.

Furthermore, due to the moratorium on recruitment, HRCSL has been unable to recruit additional professional staff to carry out its work in spite of the growing demand for its services nationwide.

It is with regret that the Commission reports the death of Commissioner Bryma V.S. Kebbie who passed away on 2nd January 2016.

The terms of office of Commissioners Jamesina King and Moses B. Khanu ended in December 2016. At the time of reporting, there were only two Commissioners serving in the Commission. This affected the work of the Commission as vital decisions cannot be taken in the absence of a quorum.

Recommendations

1. GoSL should support HRCSL to acquire a land to build its headquarters or provide the Commission with another office space to accommodate Commissioners and staff.
2. GoSL and MoFED should comply with the Paris Principles by providing the required logistical and financial resources to the Commission to enable it meet the increased demand for its services.



Part 3: THE STATE OF HUMAN RIGHTS IN SIERRA LEONE

3.1: PROTECTION AND PROMOTION OF HUMAN RIGHTS

3.1.0: CIVIL AND POLITICAL RIGHTS

3.1.1: Right to life, Liberty and Security of the Person

The right to life, liberty and security of person is guaranteed under Articles 6 and 9 of the International Covenant on Civil and Political Rights (ICCPR), Article 3 of the Universal Declaration of Human Rights (UDHR), Articles 4 and 6 of the ACHPR and in Sections 15, 16 and 17 of the 1991 Constitution of Sierra Leone. These instruments guarantee individual entitlements to the enjoyment of the right to life, liberty and security of person for all in Sierra Leone.

On 16th August, two persons were shot and killed during an encounter with the SLP in Kabala Town, in the Northern Region of Sierra Leone. Youths of the town were protesting against what they thought were plans by the government to move a proposed Youth Village from Koinadugu District to Tonkolili District.

HRCSL notes that the incident is being investigated by the SLP and the Independent Police Complaints Board (IPCB). However, the Commission is concerned over these deaths as noted in its Press Release of 19th August, that lives have been lost in the past under similar circumstances in 2007, 2012 and 2014 in Kono, 2012 in Bumbuna, 2013 and 2015 in Freetown where the SLP have been alleged to be responsible.

On 25th April, HRCSL monitored various police stations in the Western Area, Northern, Southern and Eastern regions and observed that suspects were being detained beyond the constitutional time limit. At the Panlap Police Station, the Commission observed that three juveniles had been in custody for five days on allegations of larceny. At the Mattru Jong Police Station, 14 suspects were detained since 19th July after a confrontation with some personnel of the Republic of Sierra Leone Armed Forces and were only charged to court on 26th September.

According to the SLP, logistical constraints and inadequate personnel to handle the huge number of cases were some of the factors responsible for prolonged detention of suspects. HRCSL is concerned that the detention of suspects beyond the constitutional time limit of 3 and 10 days undermines the enjoyment of the right to liberty and security of the person.

Recommendations

1. HRCSL calls on the SLP and IPCB to speedily conclude and publish the investigation report on the shooting incident in Kabala Town and take appropriate action against those found culpable.

2. GoSL should:

- through the Ministry of Internal Affairs (MIA) ensure proper training of police officers especially those responsible for maintaining public order.
- increase the personnel strength of SLP and provide adequate logistics to enable them effectively carry out their work.

3. SLP should develop and publish clear guidelines on what constitutes peaceful or violent protest.

Death penalty

On 8th September, the High Court sentenced two persons to death, taking the total number of death row inmates to eighteen (18). HRC SL commends GoSL for continuing to observe the moratorium on the death penalty since it came into effect on 10th October 2012.

The Commission is however concerned about the statement made on radio by the Minister of Internal Affairs on 21st October that the gallows would be tested and prepared in readiness for use. A mock execution was subsequently done at the Freetown Male Correctional Center on 25th October which was viewed on the SLBC TV and circulated on social media. This act of the minister totally conflicts with the government's moratorium on the death penalty.

The Commission also notes that the government has neither implemented its previous recommendation for the abolition of the death penalty, nor signed the Second Optional Protocol to the ICCPR as stated in the 2nd cycle of the UPR recommendations to Sierra Leone.

Recommendations

1. HRC SL continues to urge GoSL to:

- implement the TRC and UPR recommendations for the abolition of the death penalty.
- sign the Second Optional Protocol to the ICCPR on the abolition of the death penalty.

3.1.2: Freedom of Expression and the Press

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

On 17 June, Justice Musu Kamara delivered judgment in the matter between David Tam Baryoh (complainant) and the IMC (defendant), on the suspension of the Monologue Programme in September 2015, after seven months of extensive submissions from lawyers for both parties.

The Judge noted that the Independent Media Commission (IMC) Act provides in Section 9 (1) (b) and Section 21 (1), (2) and (3) conditions under which IMC can suspend a media house. The judge however said that the IMC, in suspending the radio programme, acted harshly by not waiting for the decision of its own Complaint Committee. The judge ruled in favour of the complainant and ordered that IMC pay compensation to the complainant which should be assessed by the Master and Registrar of the court, and the radio programme reinstated until proper investigations were conducted.

HRCSL has repeatedly called on Parliament for a review of the criminal libel provisions in the 1965 Public Order Act. On 27th and 28th September, GoSL in collaboration with the Sierra Leone Association of Journalists (SLAJ), and the Ministry of Information and Communication (MIC) held a two day National Symposium, on the Repeal of the Criminal Libel Provisions in the 1965 Public Order Act. The Minister of Information and Communication and all stakeholders acknowledged that the criminal libel provisions in the Public Order Act is a bad law and must be repealed in compliance with international standards. The following recommendations were made:

- The Law Reform Commission should expedite the repeal process.
- The capacity of IMC should be strengthened in order to properly regulate the media industry.

HRCSL recognises the steps taken for the repeal of the criminal libel provisions as this will provide more space for journalists to freely express themselves without fear of arrests and prosecution.

On 16th November, Theresa Mbomaya and Bokai Kokofele were apprehended for posting messages relating to the increase in prices of petroleum product(s) on social media. They were both detained at the CID Headquarters until midday 18th November, when they were charged to court on allegations of spreading threatening message, false rumour and incitement. Both were refused bail on first appearance and granted bail of Le. 50,000,000 (fifty Million Leones) each on the 21st November.

In a public notice of 18th November, the Director of Communications in the Ministry of Information and Communications stated that, although Government remains committed to protecting the freedom of expression and the press as enshrined in the 1991 constitution, Government will, in addition to NATCOM's efforts, put measures in place to protect citizens' rights against falsehood, defamation, character assassination and national security. The release called on Whatsapp group administrators to regulate the content of posts on their respective platforms as they would be held responsible for creating and hosting platforms that do not only run contrary to the values of society but also threaten the stability of the nation.

Several Institutions like the Sierra Leone Bar Association and the Campaign for Human Rights and Development International (CHREDI) condemned the government release noting that it limits free expression and runs contrary to the 1991 Constitution.

Recommendations

1. Law Reform Commission should expedite the repeal of the criminal libel provisions of the 1965 Public Order Act, and replace it with appropriate laws that reflect international standards.
2. IMC should speed up the review of the code of conduct to regulate the media
3. HRCSL urges GoSL to increase funding to IMC to effectively carryout its mandate
4. SLAJ should expedite the review of their code of practice to enhance professionalism and responsible journalism.

3.1.3: Freedom of Assembly, Association and Movement

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

The Commission notes that the academic year for schools has been normalized and the ban which was put in place as a result of the Ebola on school activities such as prize giving, thanksgiving services and sports meeting has been lifted.

However, the Ministry of Education, Science and Technology (MEST) in a press release dated 17th November, banned all sporting activities for both primary and secondary schools after the athletic sports meeting of the Methodist Girls High School at the National Stadium on 16th November. This ban was as a result of pupils throwing stones at pedestrians and vehicles as they rioted along the streets of Freetown, calling for a reduction in the prices of petroleum products.

The Commission also notes that although the State of Emergency has elapsed, citizens are still concerned about the residue of the regulations, such as the ban on Sunday trading which is still in force. This ban, though made for good reasons, continues to limit the full enjoyment of the right to Freedom of Assembly, Association and Movement. HRCSL has further observed that certain groups outside the exempted groups continued to trade on Sundays. This state of affairs creates confusion and amount to a discriminatory application of the policy.

Recommendations

1. HRCSL urges MEST to review its decision on the ban on school sporting activities as it affects the right to play and leisure.
2. HRCSL calls on GoSL to ensure that the ban on Sunday trading is not applied in a discriminatory manner

3.1.4: Protection from Deprivation of Property

The right to the enjoyment of property is guaranteed in Article 17 of the UDHR, 14 of the ACHPR and Section 21 of the 1991 Constitution of Sierra Leone.

The ongoing road construction and rehabilitation of major roads in Freetown have resulted to a government authorized demolition of property.

Although GoSL paid compensation to property owners, some have expressed dissatisfaction over the compensation package which they reported as being inadequate. In August, the Head of the Affected Property Owners of the Hillside Bye-Pass Road claimed that compensation paid to the first set of property owners was too small to enable them construct new homes given the current cost of building materials in the country. A resident of Bombay Terrace complained that the sum of Le. 34,000,000.00 (Thirty-four Million Leones) paid to him as compensation was far short of the actual value of his property.

The Commission notes with concern the manner in which the total compensatory package was administered. While monetary compensation was paid in 2014, allocation of the parcel of land (which is also part of the compensation) was only given to some of the affected owners a week before the commencement of the demolition exercises for the Hillside Bye Pass road. As a result, much time was not given to affected persons to construct and relocate to their new homes.

Recommendation

- GoSL through the Ministry of Works, the Sierra Leone Road Authority (SLRA), Ministry of Land and Country Planning and Ministry of Finance and Economic Development should ensure that compensation packages are adequate and made available to affected property owners in good time to allow for proper relocation and resettlement into new communities.

3.2: HUMAN RIGHTS IN THE ADMINISTRATION OF JUSTICE

3.2.1: The Sierra Leone Police

The SLP continues its constitutional role of protecting life and property, investigating alleged offences and charging suspects to court.

HRCSL recognizes the strides taken by SLP to strengthen and improve its capacity. In the year under review, four (4) Police officers underwent two (2) months training on counter-terrorism at the Egypt Police Academy to prepare them for any potential threat of terrorism which is now a global concern. The four (4) officers are

the third batch of personnel that have received similar training from the same institution. Also, in October, 223 officers received training on basic Police Operations and Human Rights at the Police Training School in Hastings, in preparation for a peacekeeping mission in Mali.

HRCSL received a total of 18 complaints against the SLP which were referred to the Complaints, Discipline and Internal Investigations Department(CDIID). The Commission notes the reduction in the number of complaints it received against the SLP; from 55 (27.8%) in 2015 to 18 (9.1%) in 2016. Disciplinary actions were taken by the SLP against 219 officers (25 dismissals, and 194 transfers) for assault, unlawful detention and other professional misconduct within the period under review. HRCSL commends the SLP for continuing to maintain discipline within the police force.

The Commission further noted that during a protest action in Kabala in August, two people died as a result of gun-shot wounds, others were injured and property destroyed. The community people alleged that the SLP discharged live rounds of ammunition which resulted in deaths and injuries. In order to restore order in the community, the SLP relocated the Local Unit Commander (LUC) and the head of the Operation Support Division (OSD) as well as other junior officers who were alleged to have been involved in the shooting incident. The matter is being investigated by the SLP and the IPCB.

On 28th September, three (3) people were injured when OSD officers allegedly fired live rounds of ammunition and teargas at the protesters demonstrating against the demolition of 13 houses in the Rokupa Community in the Western Urban District.

3.2.1.1: Police detention facilities

In fulfillment of its function as stated in Section 7 (2)(f) of the HRCSL Act (No. 9) 2004, the Commission monitored conditions in various police stations.

General findings were:

- Detention beyond the Constitutional limit
- Poor sanitary and hygiene conditions
- Lack of access to medical care
- Overcrowding

The Commission observed that suspects were detained beyond the constitutional time limit of three (3) and ten (10) days during its monitoring of police cells on various dates:



1. On 11th March one (1) suspect had been detained at the Congo Cross Police cell for 15 days.
2. On 29th March four (4) suspects had been detained between 15-25 days at the Central Police Station in Freetown.
3. On 25th April at the Kissy Police Division and Eastern Police Station, a total of 7 suspects had been in detention for a period of 12-30 days. Also at the Bo West Police Station, 6 had been detained between 14 -21 days
4. On 27th April, HRCSL noted that 26 supporters of the SLPP had been in detention at the CID Headquarters at Pademba Road for over 10 days.
5. On 15th June, at the Bo West Police Station three (3) suspects had been detained from 15-27 days

Reasons proffered by the SLP included: the irregular sittings of Magistrates' Court, delays in the investigation of cases due to lack of witnesses, delay in the review of cases by the office of the Director of Public Prosecution (DPP) and problems in accessing the only pathologist to conduct postmortem for alleged murder cases.

This contravenes sections 17(3) of the 1991 Constitution which states that: "any person who is arrested or detained in such a case as mentioned and who is not released shall be brought before a court of law within ten days for capital offences and seventy two hours in case of other offences". Article 9 of the ICCPR also states that everyone has the right to liberty and security of a person. "No one shall be subjected to arbitrary arrest or detention except on such grounds and in accordance with such procedures as are established by law".

In addition, the Guidelines on the Condition of Arrest, Police Custody and Pre-Trial Detention in Africa state that, "anyone arrested or detained on a criminal charge shall be entitled to trial within a reasonable time". HRCSL also observed that juveniles were detained with adults at the Waterloo, Rogbaneh, Mena and Panlap Police stations. The SLP attributed this to the lack of Remand Homes in these areas.

In commemoration of the Africa Pre-trial Detention Day (25th April), HRCSL monitored 15 Police Stations in Freetown and the regions. The Commission commends the SLP at the Eastern Police Station in Freetown for keeping the cells clean and the EMB for the construction of a new administrative building at the Lumley Police Station.

However, HRCSL observed that in six police detention facilities, the general sanitary conditions were poor, the cells overcrowded and had inadequate bedding, poor ventilation and deplorable toilet facilities. This was particularly the case at the New England and Congo Cross Police stations in Freetown; the Bo West and the Bo East Police Stations in Bo; the Kenema Police Station in the eastern region and the Rogbaneh Police Division, in the northern region.

The Commission further observed that in all of the police stations, inmates had limited access to medical care, safe drinking water, bathing facilities, and they complained that they were not provided with adequate food but



depended on their relatives or some police officers.

This situation contravenes Part 1 Section 4 (e) and (g) of the Luanda Guidelines on the Conditions of Arrest, Custody and Pre Trial Detention in Africa, which states the right to be afforded to all persons under arrest as follows:

- 4 (e): *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.*
- 3 (g): *the rights to urgent medical assistance, to request and receive a medical examination and to existing medical facilities.*

In May, similar conditions as described above were observed at the Bonthe Police Station and Yargoi Police Post in the Bonthe District, the Motema and Tankoro Police Stations in the Kono District, the Masiaka Police Station, the Port Loko, Lokomasama, Lungi Police stations in the Port Loko District and the Waterloo Police Station in the Western Area. The situation was the same in Kabala Police Station which was monitored in June.

The continuing problems of inadequate personnel and logistics due to inadequate funding, the non-availability of ballistics experts, poor infrastructure, difficulty in accessing the only pathologist in the country to carry out exhumation of bodies of suspected murders are some of the challenges affecting the effective and efficient operations of the SLP.

Recommendations

1. SLP and the DPP should ensure that suspects are not held beyond the constitutional detention limits by expediting investigations and processing indictments failing which accused persons must be put on bail or released unconditionally pending the conclusion of their investigations
2. The SLP should:
 - conduct regular refresher training for its officers on the rights based approach to policing and pay close attention to the conduct of officers during police operations to ensure that they maintain the highest professional standards at all times.
 - mainstream the UN Basic Principles on the use of Firearms for Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials into their training manual.
3. GoSL should provide adequate funding to the SLP in order to improve on its capacity and infrastructure for effective and efficient operations.

3.2.2: The Court System

Equal protection of law and the right to seek redress within a reasonable time is enshrined in Section 23 of the 1991 Constitution of Sierra Leone, Article 7 of the ACHPR, Article 7 of UDHR and Article 14 of ICCPR.

In a bid to address human rights issues raised by HRCSL and other stakeholders, the Chief Justice in collaboration with the Attorney General and Minister of Justice undertook a ‘Justice Sector Tour’ in six districts in March – Kailahun, Kenema, Bo, Tonkolili, Bombali and Port Loko. The purpose of the tour was to provide the Chief Justice and other Justice Sector Stakeholders the opportunity to gauge public perception about the justice system. The team also visited correctional centres in these districts to assess conditions in the centres.

HRCSL observed that resident Magistrates have been assigned to every district. Five State Counsels were promoted to Senior State Counsels; two Senior State Counsels were promoted to Principal State Counsel. Seven State Counsels were recruited. Six Judges were appointed to the High Court and one to the Court of Appeal.

On 6th -7th October the Sentencing and Bail Working Group held a two-day retreat to review the final drafts of the Sentencing and Bail Policies. The validation of these documents has been scheduled for January 2017. HRCSL is on the technical committee developing the Sentencing and Bail Policy to ensure that it is human rights compliant.

Recommendation

- The Judiciary should train Judges, Magistrates and Legal Practitioners on the Sentencing and Bail Guidelines after its approval by Parliament.

3.2.3: Juvenile Justice

The rights of juveniles in conflict with the law are provided for in the Children and Young Persons Act (Chapter 44 of the Laws of Sierra Leone 1960), the Child Justice Strategy 2014-2018 and the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules). GoSL is yet to sign the Optional Protocol 3 to the Convention on the Rights of the Child (CRC) on Communications Procedure.

HRCSL recognizes strides taken by the Legal Aid Board (LAB) in providing legal representation for juveniles. However, HRCSL notes that the reluctance of complainants and witnesses to attend court sittings resulted in delays in trial, and in contravention of Rule 20.1 of the Beijing Rules, which states that “Each case shall from the outset be handled expeditiously without any unnecessary delay”.

HRCSL also observed that juvenile offenders at the Remand Home in Kingtom were sometimes not present in court or arrived late for their court sittings due to vehicle constraints. This contravenes Rule 26 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty which states that “the transport of juveniles should be carried out at the expense of the administration ...”

The Justice Sector Coordinating Office (JSCO), MSWGCA, The National Commission for Children (NCC), LAB, the United Nation’s Children’s Fund (UNICEF), Defence for Children International (DCI), AdvocAid, Prison Watch, Rainbow Initiative and Save the Children established a Child Justice Working Group in March to:

- Implement the Child Justice Strategy 2014-2016
- Provide an emergency response fund for victims of child sexual violence
- Provide medical care and support,
- Provide justice support and psycho-social support
- Provide investigation support
- Monitor and evaluate the strategy

HRCSL welcomes this initiative which aim to contribute to a speedy trial of juveniles and improve on the welfare of children who come into conflict with the law.

Recommendations:

1. HRCSL calls on MSWGCA to provide vehicles and other logistics to the Remand Homes so that children are transported to their court hearings regularly and on time in order to avoid delays in justice.
2. The Judiciary should take action on complainants and witnesses who refuse to attend court sittings without justification as this leads to prolonged detention of accused persons.
3. HRCSL urges GoSL to sign the Optional Protocol 3 on the CRC

3.2.4: The Sierra Leone Correctional Service (SLCS)

HRCSL recognises the steps taken by the SLCS to construct a separate correctional center for female inmates in Bo. This is in compliance with Rule 11(a) of the Mandela Rules which states that: “*Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women, the whole of the premises allocated to women shall be entirely separate;*” The opening of the new center in Bo has increased the number of female correctional centers to three (Freetown, Bo and Kenema).



In 2015, the UNDP opened an Isolation and Observation Centre at the Special Court in Freetown for inmates that were taken into custody during the Ebola outbreak, so they could be observed for 21 days before they are transferred to either the Male or Female Correctional Centres.

In June, the SLCS began the process of transforming this Isolation and Observation Centre into a Reintegration Centre with the aim of decongesting the Male Correctional Centre. Inmates who have few months left on their sentences are now transferred to the Reintegration Centre. Also, short term inmates (inmates serving shorter sentences of three years and below) are sent to serve their sentences at this centre.

The increase in the number of correctional centres nationwide from 17 to 19 will help to reduce overcrowding as the number of inmates in correctional centres far exceed their holding capacities. For example, the Kenema and Bo Correctional Centres with standard holding capacities of 75 and 80 had 249 and 262 inmates respectively by the end of the year.

The problem of inadequate number of personnel to manage the correctional centres as a result of retirements, deaths, abandonment and the GoSL moratorium on recruitment remains a challenge. The last recruitment was done in 2013. According to SLCS, the current inmate to officer ratio is 7:1 (seven inmates to one officer) which exceeds the standard inmates to officer ratio of 3:1 (three inmates to one officer). HRCSL is concerned that the gap in ratio poses a security threat to both officers and inmates.

On 3rd November, the SLCS with support from the US Embassy and UNDP launched the 'From Prisons to Corrections' project to promote institutional reform of the Correctional Service. This project will enhance the skills capacity of the inmates and prepare them for reintegration into the society.

HRCSL commends GoSL's efforts for increasing the daily cost of feeding per inmate from Le 2,500 to Le. 9,000 since January, in order to improve on the quality and quantity of food provided for the inmates. It was noted that at the Mafanta Correctional Centre, inmates were engaged in animal husbandry, which was a source of food for them and revenue for the SLCS.

In April, the SLCS received 5,000 blankets for inmates from GoSL. During the Commission's monitoring visit to the Bonthe Correctional Centre and the Female Correctional Centre in Freetown in May, the Commission observed that the beds were covered with decent blankets. However, in November, the Commission observed that the blankets and mattresses in the Pujehun and Mattru Jong Correctional Centres were all worn out.

HRCSL observed challenges regarding the availability of safe and clean drinking water in correctional centres during the dry season. In Mattru Jong and the Sefadu Correctional Centres, the dug-out wells dried up during the dry season and inmates move into the communities to fetch water. This poses a major security threat for the community and the Correction officers.

SLCS is also faced with challenges in transporting inmates to and from court sittings due to limited number of vehicles. In Moyamba, Kailahun and Kenema, inmates are transported on motorbikes, public transport, or sometimes walk in handcuffs to and from court sittings.

In October, 11 senior officers of the Correctional Service attended a three week Correctional Institutional Management training and study tour in Colorado, United States of America. The objective was to do comparative studies and adopt best practice on the management of correctional centres.

3.2.4.1: Juvenile Detention Facilities

HRCSL monitored the Remand Homes in Kingtom and Bo and the Approved School in Freetown at various times during the year.

During a monitoring visit to the Remand Home at Kingtom on 4th May, the Commission observed that seven out of the nine inmates who were reported to be without indictments in the 2015 SOHR report, had begun attending court sessions. The remaining two who had been awaiting indictments since 2013 and 2014, had still not received indictments. This situation is a violation of the inmates' rights to a fair hearing within a reasonable time and to equal protection of the law. According to Rule 20.1 of the Beijing Rules, "Each case shall from the outset be handled expeditiously, without any unnecessary delay."

The Commission was also informed that there had been a reduction in the quality and quantity of food ration and other supplies as a result of poor transaction between the contractors/suppliers and the MSWGCA.

On 13th May, inmates at the Bo Remand Home complained that the poor ventilation and lack of bed nets made it difficult for them to sleep well at night. The home still had challenges with transportation to convey inmates to attend court sittings and to the Approved School when convicted.

HRCSL observed during a monitoring visit to the Bo Remand Home that the walls through which nine inmates escaped during the jail break of 21st February had not been rebuilt and that only four out of the nine inmates had been apprehended. HRCSL is also concerned about the manner of the jailbreak and the inability of the authorities to reconstruct the wall. Furthermore, the failure to apprehend the remaining five inmates poses a security threat to inmates, staff of the home and the community.

HRCSL further observed that the inmates in the Remand Homes in Kingtom and Bo had challenges with education; (did not receive any formal education or vocational training). However, the Commission notes that the Rivera Children's Rehabilitation Center provided volunteer services to the Kingtom Remand Home three days a week, during which children are taught basic numeracy, word building and Civic Education. In Bo, inmates had not received any form of education for over two years. This contravenes Rule 13.5 of the Beijing

Rules which states that *‘while in custody, juveniles 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’*.

In respect of healthcare, both facilities lacked proper medical structures and there is no nurse attached to any of the Homes. At the Kingtom Remand Home, the Rivera Children’s Rehabilitation Centre operates a mobile clinic while GOAL-Ireland supports referrals of sick inmates to the police government hospital and Caritas provides medical staff to check the health status of the inmates twice a month. At the Remand Home in Bo, relatives of inmates who fall ill are contacted to provide medical support by purchasing drug and paying medical bills.

HRCSL commends the administration and teachers at the Approved School for preparing four (4) inmates who passed the BECE in 2016. However, the Commission notes that in spite of the success, the Approved School lacked teaching and learning materials for formal education courses as well as for vocational skills training.

On 2nd September, the Commission visited the Approved School at Wellington, Freetown. HRCSL was informed that the School had been without electricity supply for four months and water supply during the dry season was poor. The inmates explained that the food ration provided was insufficient and that the School had no provision for medical care. The staff at the School contacted partners such as Rivera Children’s Rehabilitation Centre and GOAL for medical assistance or referrals of sick inmates. However, these partners only paid the bills for referrals to the Police Government Hospital but did not provide transportation.

HRCSL observed during its monitoring visits to the Sefadu Correctional Centre in Kono on 13th May that three juveniles were placed in the same cells with adults. At the Bo West Police Division on 15th June two (2) juveniles were also found in the same cells with adults. This contravenes Rule 13.4 of the Beijing Rules which states that *“Juveniles under detention pending trial shall be kept separate from adults and shall be detained in a separate institution or in a separate part of an institution also holding adults”*.

Recommendations

1. Ministry of Internal Affairs (MIA) should:
 - ensure that female Correctional Centers are built in all districts.
 - provide additional vehicles to the SLCS to transport inmates to and from court sittings.
2. HRCSL urges MoFED to lift the moratorium on recruitment to enable the Correctional Service recruit more personnel and reduce security risks to the officers, inmates and surrounding communities.
3. GoSL to increase budgetary support to MSWGCA and MIA

4. MSWGCA should:

- allocate more funds for the effective running of Juvenile detention facilities
 - ensure that the quality of food, education and healthcare for juveniles in detention facilities meet international standards.
 - provide transportation to the Remand Homes and the Approved School to facilitate the movement of juvenile offenders
5. The DPP should take prompt action to ensure that the two inmates at the Remand Home in Kingtom awaiting trial since 2013 and 2014 have their indictments prepared and tried expeditiously.
6. The Judiciary should ensure that juvenile matters are handled expeditiously and consider alternative sentencing for juveniles who commit petty crimes.
7. The SLP and the SLCS should ensure that juveniles and adults are not placed in the same holding cells.

3.2 ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Section 14 of the 1991 Constitution of Sierra Leone does not guarantee economic, social and cultural rights (ESCR). It states that such rights do not confer legal rights and shall not be enforceable in any court of law. However, HRCSL observes that Sierra Leone is a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and several International and regional human rights instruments that specifically provide for ESCR.

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 ICESCR and Article 15 of the ACHPR. HRCSL welcomes GoSL's ratification of eight international conventions identified by the International Labour Organisation (ILO) governing body as being fundamental to the rights of workers irrespective of the levels of development of individual member states.

HRCSL continues to monitor progress in the implementation of the provisions in these international and regional human rights/labour standards by the MLSS and other relevant institutions following their ratification by GoSL.

HRCSL noted that MLSS, with support from its partners developed a new National Employment Policy (NEP) to cover all sectors of employment in the country. According to the Minister of MLSS, this policy will "ensure rapid and sustained employment growth consistent with the development priorities of the state with a view to reducing poverty and promote sustainable development as expressed in the Agenda for Prosperity".



The document was finalized and launched in 2016 by H.E. the President, Dr. Ernest Bai Koroma.

The NEP provides as follows:

1. Sierra Leoneans shall be given the first consideration for employment and training in any project executed by any enterprise or investor in Sierra Leone.
2. Where the enterprises or investor cannot employ Sierra Leoneans due to lack of trained personnel, the enterprise or investor shall submit to the Local Content Committee as established by this policy, a plan to develop such training for Sierra Leoneans.
3. For positions not held by Sierra Leoneans, the investor shall submit a succession plan which shall stipulate Sierra Leoneans to understudy the expatriate for a maximum period of five years.
4. In a large domestic or foreign firm operating in any sector of the economy, at least 20% of the managerial positions shall be held by Sierra Leonean citizens. At least 50% of intermediate positions shall be held by Sierra Leoneans. However, consideration will be given by the Work Permit Committee to the requesting firm for exemption where there is proof that no nationals are skilled enough to occupy such posts in the managerial and intermediate levels.
5. All junior level staff such as drivers, security personnel, secretaries, general casual labourers and all similar junior or intermediate positions shall be held by Sierra Leoneans.

In addition, the Commission noted that within the period January to August, MLSS referred a total of fifteen (15) cases to the Industrial Court for unlawful dismissals and refusal to pay end of service and redundancy benefits. The Court delivered judgments on ten (10) of these cases including that between Daniel T. Adams and thirty nine (39) others against Timis Corporation Sierra Leone Limited on allegation of termination of service and denial of entitlements and other benefits. On 13th July, the court ruled that the defendant pays the sum of 250,000 US Dollars to the complainants.

HRCSL referred eight (8) complaints of non/under-payment of end of service benefits, non-payment of medical compensation and unlawful dismissal to the MLSS which is one of its Referral Partners.

However, HRCSL notes that citizens still face many challenges in the enjoyment of the right to just and favourable conditions of work due to the fall in the price of iron ore and the impact of the Ebola outbreak which led to the closure and/or scaling down of many businesses. For example, employees of African Minerals Limited (AML) who had been on 'Garden Leave' in 2014 were finally laid off in November 2016 by Shandong Steel which took over the operations of AML.

In addition, MLSS continues to experience challenges in addressing labour rights issues in the country. The Ministry was unable to carry out its monitoring and public education functions due to limited staff strength especially in the regions (less than 100 personnel: 3 in the North, 3 in the South and 4 in the Eastern Provinces).



There were also reports of inadequate logistics including lack of mobility for labour officers and low budgetary allocation from GoSL. Other Challenges included:

- The existence of obsolete labour laws such as the Regulation of Wages and Industrial Relations Act No. 18, 1971; Workers Compensation Act 1964; Factories Act 1974; Trade Union Act 1947.
- No Industrial Courts in the regions,
- Lack of paralegal training for MLSS staff who refer cases to court and assist in the prosecution of defaulting companies/employers
- Limited capacity for technical and professional staff (in terms of trainings and in-service courses).

Recommendations

1. HRCSL :

- urges MLSS to commence public education and sensitization on the NEP to promote the enjoyment of the right to just and favourable conditions of work.
- calls on MLSS to increase monitoring activities to companies to promote compliance with international, regional and national labour right standards and laws.

2. GoSL should provide adequate and timely support to MLSS to build capacity of staff for effective and efficient service delivery.

3.3.2: Business and Human Rights:

HRCSL monitored the operations of business corporations and multinational companies operating in Sierra Leone to assess their compliance with the United Nations Guiding Principles on Business and Human Rights and the Commission's Monitoring Guidelines on Business and Human Rights.

The Commission observed that ADDAX resumed operations and Shandong Steel (SD Steel) took over from AML at the end of the Ebola outbreak. This led to the recall and recruitment of essential staff.

On 4th February, HRCSL noted the High Court ruling in Bo against six (6) members of the Malen Affected Land Owners Association (MALOA) who were accused and prosecuted by the State for allegedly inciting the local population to protest over land rights and the destruction of 40 palm oil trees belonging to the SOCFIN Agricultural Company operating in Malen Chiefdom, Pujehun District, Southern Province. All six(6) accused persons were convicted and sentenced to prison terms of between four and six months or pay a total fine of Le. 210,000,000.00 (two hundred and ten million Leones). The six convicts had been protesting against the low fee (\$4) paid by SOCFIN for an hectare of land. HRCSL observed that the situation in Sahn Malen Chiefdom between SOCFIN and some sections of the community remains a cause for concern. HRCSL further recognised the steps taken by the affected persons to seek judicial remedy against human rights abuses.

HRCSL notes that cases relating to the operations of companies were taken to the Fast Track Commercial Court for redress. One such case was the nullification by the High Court in Freetown on 17th february of the sale of land by the chiefs in Nimiyama Chiefdom, Kono district, Eastern Sierra Leone to the Orient Agricultural Limited, a Chinese owned Company. The court ordered the plaintiffs (land owning families) to take possession of their property of 1,486 acres of land, awarded damages of nearly Le 450,000,000 and issued an injunction against the company and the local leaders restraining them from any future dealing with the land. NAMATI, which is a legal empowerment NGO working on land governance, took up the matter on behalf of the 70 affected families.

HRCSL commends the regulatory role played by the National Protected Area Authority (NPAA), National Minerals Agency (NMA) and EPA in ensuring that businesses comply with measures to prevent environmental degradation, air and water pollution and deforestation. On 12th and 15th January for example, HRCSL participated in Environmental, Social and Impact Assessment (ESIA) disclosure meetings organized by the EPA for the Sierra Diamonds Limited in Panguma and Freetown.

On 15th – 18th July, HRCSL also participated in an annual audit exercise with EPA on SD Steel Company in Pepel and Tonkolili mining sites for the renewal of Environment Impact Assessment (EIA) License. HRCSL noted that there were human rights issues that needed to be addressed and advised on them.



SHRO Yollah Bangura (right) of HRCSL with staff members of Shandong Steel Company during Monitoring Engagement on Compliance

These were:

1. The company has safety policies, copies of which are placed in areas easily accessible to visitors and workers;

2. All workers in the field or operational sites were in safety gears and there was high monitoring of compliance with health, safety and environmental standards;
3. The company had no separate insurance for certain workers based on the risky nature of the work they do (in the chemical stores or high towers or explosives site);
5. Storage of used oil at the waste management sites amounting to nearly 2.5 million litres in Ferengbeya and 1.3 million liters in Pepel which was a threat to the health of the workers and the environment
6. No labour officers from MLSS have visited the mines and port in Ferengbeya and Pepel since the start of operations of SD Steel to monitor compliance with labour standards;
7. Members of the relocated communities lacked confidence in SD Steel company, local authorities and the relevant government MDAs for the protection of their welfare and full implementation of the Community Development Plan.

Recommendations

1. EPA, NMA, MLSS should ensure that companies/businesses provide written commitments to respect human rights as a precondition for registration or incorporation or renewal of license;
2. EPA, NMA, MLSS, the Corporate Affairs Commission, the Ministry of Mines and Mineral Resources and the Ministry of Lands, Country Planning and the Environment should strengthen their monitoring activities and penalize defaulting companies for human rights abuses.
3. GoSL should ensure:
 - the development of a national action plan and a national policy on business and human rights to address challenges in the business and human rights sector.
 - the speedy resolution of the matter between SOCFIN and land owning families in the Sahn Malen Chiefdom.

3.3.3: Right to Education

Article 13 of the ICESCR, Article 17 of the ACHPR, Section 9 of the 1991 Constitution of Sierra Leone and Goal 4 of the Sustainable Development Goals (SDGs) guarantee the right of everyone to education. Section 3(2) of the Education Act 2004 states that “*every citizen of Sierra Leone shall have the right to basic education which accordingly shall be compulsory ...*”

HRCSL commends Ministry of Education, Science and Technology (MEST) for the smooth transition from the two-term academic year initiated by the GoSL in 2014/2015 in the aftermath of the Ebola outbreak to the three-term academic year.



In keeping with the government's policy to support girl-child education, GoSL paid the school fees for girls at the Junior Secondary School (JSS) level. However, GoSL stopped the fee subsidy for pupils in both primary and Senior Secondary Schools (SSS). School authorities, parents and even pupils have expressed concern over this removal and have appealed to the GoSL to reverse the decision. The Commission is equally concerned as the removal has a tendency to increase the school dropout rates.

At the start of the 2016 academic year, MEST with support from the Ministry of Agriculture, Forestry and Food Security, World Food Programme (WFP) and the Food and Agriculture Organization (FAO) initiated the pilot phase of the school feeding programme for government assisted primary schools in deprived communities in the Bo district. The objective of the school feeding programme (dry ration) is to increase the retention and enrollment in primary schools as insufficient food in deprived communities is known to be one of the major causes for children dropping out of primary school. HRCSL commends GoSL for this initiative as it is reported to have helped increased retention and enrolment of pupils in primary schools in the pilot areas.

In Makeni, Magburaka, and Port Loko the Commission notes that girls who attended the alternative schooling as a result of being pregnant during the Ebola period have been re-admitted in various schools. The Commission commends the GoSL for this initiative.

The Commission also notes that children in Kairfay Ballay Worreh in the Makarie Gbanti Chiefdom in the Northern region walk long distances to schools which are in a state of disrepair and in urgent need of furniture. It was also noted that the schools lacked trained and qualified teachers which affected the quality of education given to the children. In Kondoma Village, Valunia Chiefdom in the southern region, children walk eight miles to access schools in Mandu town. In Gorama Mende chiefdom, Kenema District, pupils in the surrounding villages walk three miles to access the school in Tongay. This contravenes Article 13 (2) of the ICESCR which provides that education has to be within a safe environment, physically reached by attendance at some reasonably convenient geographic.

On 8th February, HRCSL received a letter of complaint from the Fontricia Children's Foundation (FCF), alleging a violation of the right to education of "thousands of pupils" whose West African Senior School Certificate Examination (WASSCE) and the Basic Education Certificate Examination (BECE) results for the 2015 academic year, were withheld by the West African Examinations Council (WAEC), without any convincing explanation.

Prior to the receipt of the letter from FCF, HRCSL had sent a letter to WAEC, expressing its concern on the seizure of the results as this affects the children's right to education. On 3rd March, HRCSL engaged the authorities of WAEC at their National Office, Tower Hill in Freetown to investigate the alleged violation. The Acting-Head of WAEC informed HRCSL that in 2015, out of 24,300 school candidates who took the WASSCE, 702 results were withheld and out of 16,225 private candidates who took the WASSCE, 786 results were withheld. At the BECE level out of 92, 881 candidates who took the exams, 105 results were withheld.

The Acting Director also outlined the measures put in place by WAEC to ensure that candidates follow the rules of the examination. He explained that WAEC does not have the mandate to cancel results but where malpractice is detected, they can withhold the result and await the decision of the Examination Committee, which is headed by the Chief Education Officer. The Acting Director also outlined the penalties for examination malpractice including seizure of grades for specific subjects, seizure of entire result and handing over alleged defaulters to the police. During the engagement, the Commission urged the officials to immediately inform the candidates whose results had been withheld of the reason for the seizure to enable them take a decision on the next best step in their academic pursuit.

Recommendations:**1. MEST should:**

- extend its school feeding programme across the country in order to enhance enrollment and retention of children in schools
- take steps to refurbish existing schools and construct new schools especially in areas where children walk long distances to schools. These schools should be fully equipped.

2. WAEC must investigate the causes of examination malpractices and take necessary steps to prevent its recurrence. Where results are withheld, WAEC should inform affected candidates and schools on the reasons for such action and provide appropriate redress mechanism.

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. This is also provided for under goal 3 of the Sustainable Development Goals (SGDs) and pillar 3 of the Agenda for Prosperity (Accelerating human development).

HRCSL acknowledges GoSL and MoHS' continued efforts in implementing the second phase of the Ebola Recovery Strategy for Sierra Leone 2015- 2017. One of the objectives of this second phase is to restore healthcare services in communities which includes: building a resilient workforce through enhanced production, clinical mentoring, retention, attendance and adequate distribution of skilled personnel in the health facilities.

In June, a nationwide immunization campaign known as Maternal and Child Health (MCH) aimed at enhancing the delivery of integrated maternal and child health services to all pregnant women and children under five years was undertaken by MoHS.

On 28th-29th July, MoHS trained sixty Monitoring and Evaluation Officers to monitor and evaluate development programmes implemented by MoHS. The monitoring and evaluation aspect has contributed to the general improvement of the health services particularly in enhancing the implementation of the Free Healthcare Policy.

Despite these efforts by government, the untimely delivery and sometimes the non-availability of essential drugs, the inadequate number of health personnel and poor remuneration were reported as some of the factors affecting the efficient and effective implementation of the free healthcare service.

On 25th April, Sierra Leone commemorated World Malaria Day with the global theme “End Malaria for Good”. The localized theme, “Leh we Join Han for Tap Malaria” was to increase awareness on malaria prevention and emphasize collaboration in the prevention and control of the disease. During the commemoration, four strategic national malaria control policy documents were launched. The documents were:

1. Malaria Strategic Plan 2015-2030
2. National Malaria Policy document 2015-2020
3. National Malaria Treatment Guidelines and
4. National Malaria Quality Control Management Plan 2016-2020

Monthly update on malaria by MoHS for August, revealed that a total of 67,664 clinical malaria cases were reported by MoHS Integrated Disease Surveillance and Response (IDSR). Of these, 65,895 were tested out of which 41,571 were confirmed positive, giving a positivity rate of 63%.

HRCSL is concerned about the number of malaria positive figures in one month alone despite campaigns to end transmission. This undermines the enjoyment of the right to health and in particular the right to life.

Recommendations

1. GoSL and MoHS should ensure that the second phase of the Ebola Health Recovery Plan is implemented within the timeframe in order to improve on the health care delivery services across the country.
2. MoHS should;
 - continue its campaign to end malaria transmission rates by engaging in robust sensitization and awareness raising on preventive measures against its spread.
 - ensure timely delivery and availability of essential drugs and provide adequate health personnel and remuneration

3.3.5: Access to Clean and Safe Drinking Water

The right to access clean and safe drinking water is provided for under goal 6 of the SDGs: UN Resolution 18/1 adopted by the Human Rights Council on the 12th October 2011, UN Resolution 64/292 of the UN General Assembly, the African Commission's Resolution on the Rights to Water Obligations ACHPR/Res. 300 and Article 1.1 of the General Comments No.15 of the Committee on Economic, Social and Cultural Rights of the UN Human Rights Council which states that “*the human rights to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights.*”

HRCSL notes the efforts of GoSL and its partners in providing access to affordable, clean and safe water for drinking and other purposes in the provinces. Pipe-borne water supply in the district headquarter towns in the North, Bo city and Pujehun town in the South, Kenema city and Kailahun town in the East were installed by the Sierra Leone Water Company (SLAWACO) in the year under review.

Despite the above progress, the availability of and access to clean and safe drinking water in the country, particularly in Freetown and its environs remains a challenge. As reported in the Commission's previous reports, this situation does not only heighten the vulnerability of children, especially girls, but also reduces study and leisure time which results in poor attendance and performance in school and low grades at public and other exams.

Article 28 of the Convention on the Rights of the Child requires state parties to recognize the right of the child to education and “*to take measures to encourage regular attendance at schools and reduction of dropout rates*”.

There was acute shortage of water in Freetown between March and May. During this period, workers of GVWC went on strike over payment of backlog salaries owed to them over five years. This strike action worsened the situation which almost became a crisis. In various parts of the city, women and children with jerry cans and buckets spent hours in long queues or moved around in search of water. The Commission raised its concern about the situation in a Press Release issued on 5th May, noting that the shortage in the supply of and access to clean, safe and affordable water affects the enjoyment of other human rights such as the right to education, health, security of person and human dignity, particularly for children, women, older persons and persons with disabilities. The Press Release urged government, particularly the Ministry of Water Resources, GVWC, and SALWACO to ensure that safe drinking water is available and accessible. It also called on these institutions to initiate legislation to achieve the progressive realization of the right to safe drinking water and sanitation for everyone by all appropriate means.



Children out in the street to fetch water during water shortage period in Freetown

As a follow up to the Press Release, on 17th May, HRCSL organized a roundtable meeting with stakeholders, MDAs and CSOs to discuss issues raised in the Press Release and map out strategies to address the perennial problem of the shortage of water.



Women and youth struggling to fetch water from an underground source

To address the acute shortage of water, in June, GoSL provided three Billion Leones (Le 3,000,000,000) to Ministry of Water Resources (MoWR), through the Ministry of Finance and Economic Development (MoFED), to implement emergency response plan to cushion the effects of the water crisis in Freetown and its environs. MoWR introduced a short term measure of supplying water to communities in the Western Area using water tankers. According to the MoWRs, the medium term will focus on developing new dams and the long term on bringing water into Freetown from Rokel River.

Furthermore, the ineffective supervision and co-ordination between road construction companies and the GVWC also led to damage on water pipes, thus limiting the supply of water to residences in the Western Area. Certain members of the public particularly those scouting for water also contribute to the shortage of water



supply to homes and wastage by destroying water pipes.

Recommendations

1. MoWR and SALWACO should install water tanks to ensure that safe drinking water is available and accessible particularly in areas where availability is limited and none existent.
2. GoSL should adhere to international standards and to prioritise the full implementation of Goal 6 of the SDGs and Pillar 2 of the Agenda for Prosperity in order to address the perennial shortage of water across the country especially during the dry season.
3. The general public should desist from destroying water pipes to avoid wastage of pipe borne water and interrupting the supply of water to homes and offices.
4. MoWR should:
 - institute punitive measures that will prevent the destruction of pipes to avoid unnecessary wastage of water supply.
 - fully implement the three step plan to solve the problem of water in the short, medium and long term.

3.4: WOMEN'S RIGHTS

Goal 5 of the SDGs, 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.

Also, Section 15 of the 1991 Constitution of Sierra Leone 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, 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.

The African Union (AU) dedicated 2016 as Africa's Year of Human Rights with particular focus on the Rights of Women. Member states were obliged to ensure that their interventions included sexual and reproductive rights. The protection of women's rights in Sierra Leone particularly in the area of sexual and gender based violence (SGBV) remains a challenge. Whilst statistical report on SGBV's continue to rise year in year out, prosecution and convictions of perpetrators have steadily decreased.

The Safe Abortion Bill 2015

Article 14 (2) (c) of the Maputo Protocol (which Sierra Leone ratified in 2015) states that “State Parties shall take all appropriate measures to protect the reproductive rights of women by authorising medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus”.

Parliament on 8th December 2015 passed a Private Members’ motion bill titled: ‘The Safe Abortion Bill, 2015’. The Bill seeks “to prevent maternal death and injury; safeguard reproductive rights, determine the circumstances and conditions under which pregnancies may be terminated and to provide for other related matters”. The bill was sent to President Dr. Ernest Bai Koroma in December for his assent.

On the 6th January, members of the Inter-Religious Council of Sierra Leone (IRCSL) met with the President and registered their concerns that:

1. they were not adequately informed on the content of the bill
2. the bill if passed into law, has the potential of undermining cultural, religious and moral values with far-reaching implications.

President Koroma sent the bill back to Parliament for further consultations with the public.

An Interfaith summit was organized by the IRCSL on 21st January during which representatives from all religious denominations, civil society, medical and legal practitioners deliberated on the “Safe Abortion Bill”. A position paper which called for a rejection of the bill and for it to be expunged from the records of the House was developed during this summit and presented to Parliament on 28th January. Parliament is yet to take further action on the enactment of the bill.

HRCSL is concerned that throughout the year, no further action was taken by Parliament on the enactment of the bill and the problems of unsafe abortion continue to affect women’s sexual and reproductive health rights which sometimes result to the loss of lives.

Recommendation

- GoSL and Parliament should hold more consultations on the Safe Abortion Bill with all stakeholders to ensure the bill is human rights compliant.



International Women's Day

The global theme for International Women's Day (IWD) 'Pledge for Parity' was localized as 'Pledge for Parity for an Engendered Constitution'. The rationale was to call for an engendered constitution in view of the ongoing constitutional review process.

As part of the celebration, a Women's Conference was held on 3rd March at the YWCA Old Hall. The objective of the conference was to look at the Abridged Draft Report of the CRC with a view to developing a position paper that would capture the views and aspirations of the various women's groups. The position paper was then presented to the President by the First Lady, Sia Nyama Koroma during the celebration of IWD (8th March) at the Miatta Conference Hall.

A delegation headed by the Acting Minister of MSWGCA Isata Kabia, participated at the Sixtieth Session of the Commission on the Status of Women (CSW) which took place at the United Nations Headquarters in New York from 14 to 24 March.

Sexual and Gender Based Violence (SGBV)

The Family Support Unit (FSU) of the SLP recorded a total of 11,362 SGBV cases from six (6) police command regions during the year under review :

Regions	Number of SGBV Cases
Western Area	
Freetown West	2,354
Freetown East	2,709
Northern Region	
North- East	1,576
North West	775
Eastern Region	2,374
Southern Region	1,574
Total	11,362

Source: Family Support Unit (FSU) Regional Family Support Crime Statistics 2016

According to the FSU, there was an increase in the number of reported cases (10,940) as compared to that of 2015. The FSU attributed the increase in reports as a result of FSU deployment force nationwide at stations and posts as well as improved coordination between FSU and its development partners among others.



However, HRCSL notes that the problem of accessing justice still posed a challenge in addressing SGBV cases due to prolonged adjournments which cause victims and witnesses to lose interest in cases. Other challenges include the lack of legal representation for victims, compromise by parents, family and community members, lack of transportation to enable victims/survivors from remote communities to access police stations, hospitals, and courts.

During HRCSL's monitoring in Kambia, the FSU reported that transportation for victims and witnesses to attend court sittings in Makeni was one of the problems in addressing SGBV cases and providing redress to victims. The local NGO, United for the Protection of Human Rights that supports victims attendance in court, ended their support in 2015 due to lack of funds.

In Kabala, the FSU reported that delays in examining victims, endorsing and issuing medical reports by the Medical Superintendent is one of the main challenges in investigating cases of sexual penetration. According to the FSU, medical reports are issued only on Fridays and the concern raised by the FSU is that evidence might be lost if victims were not examined within the shortest possible time.

HRCSL commends the FSU for its sensitization drive which has led to the increase in reported cases. However, HRCSL is concerned that in spite of the increase in the number of reported cases, accessing justice is still a problem for victims of SGBV.

Recommendations

1. SLP should open more FSU units at police stations and posts particularly in remote communities in order to curb SGBV across the country.
2. GoSL should provide adequate resources to the FSU to enable them to address SGVB cases speedily

Children's Rights

Children's rights are guaranteed under Goals 2,3 and 5 of the SDGs, the CRC 1989, African Charter on the Right and Welfare of the Child (ACRWC) 1990, and the Child Rights Act of Sierra Leone, 2007.

Child Marriage

On the 29th May 2014, African Union (AU) launched a historic Campaign to End Child Marriage in Africa at the continental level in Addis Ababa, Ethiopia during the 4th AU Conference of Ministers of Social Development.

The main aim of the Campaign is to accelerate and strengthen the effort to end child marriage by:

- Supporting national policy actions in the protection and promotion of human rights, especially with a view

to addressing violence against girls and women and promoting gender equitable social norms;

- Mobilizing continental awareness and engagement to end child marriage,
- Supporting the removal of barriers and bottlenecks to law enforcement to prosecute perpetrators of child marriage
- Increasing the capacity of non-state actors to undertake evidence based policy advocacy and enhancing the participation of young people through new media technologies, monitoring and evaluation among others.

HRCSL acknowledges the efforts of GoSL, Office of the First Lady, Plan International, Save the Children, World Vision, UN Women and other partners for taking the initiative to organize a Girls' Summit on the AU campaign in Sierra Leone on 12th August. The summit took place simultaneously in the four regions of the country, during which girls and boys deliberated on the causes and effects of child marriage and proffered solutions to address the problem following which a position paper was developed.

On 17th August, the MSWGCA, Office of the First Lady, the AU, UNFPA and other development partners launched a campaign to end child marriage with the theme "Ending Child Marriage for Sustainable Development in Sierra Leone". The Position Paper which was developed at the Girls' Summit was presented to the Vice President of the Republic of Sierra Leone during the ceremony. Sierra Leone became the 15th African Nation to launch the AU Campaign to End Child Marriage in Africa.

HRCSL notes that there is an apparent contradiction between provisions of the Child Rights Act that prohibit marriage under the age of 18 and Section 2(2) of the Registration of Customary Marriage and Divorce Act, that permit marriage under 18 years with parental consent. There is an urgent need to resolve this discrepancy in favour of the protection of children.

Female Genital Mutilation (FGM)

Section 33 (1) of the Child Rights Act of Sierra Leone 2007 states that "*No person shall subject a child to torture or other cruel, inhumane or degrading treatment or punishment including any cultural practice which dehumanizes or is injurious to the physical and mental welfare of the child*".

The GoSL imposed a temporary ban on the practice of FGM in 2014 as a result of the EVD outbreak which is still in place. However, HRCSL observed that the practice continues to be carried out across the country.

In February, two girls aged 9 and 11 were seen among other initiates processing through the streets of Bo City. The Commission intervened to stop these two under aged girls from being initiated but was too late as the rites

had already been performed. There was a similar case in Kabombeh Village, in Bombali district, Northern Sierra Leone where a 16 year old girl was forcefully initiated. HRCSL in collaboration with the SLP intervened and were able to take her out of the Bondo Bush but it was too late as the girl had already been initiated.

HRCSL is concerned that in spite of the widespread advocacy and sensitization on the human rights implication of FGM by the Commission and CSOs over the years, young girls are still being subjected to this harmful practice. In August, a 19 year old girl in Moborleh Village, in Bombali Shebora chiefdom, Northern Sierra Leone was alleged to have died just after initiation into the bondo society. In September, a 28 years old woman in Kondebotechun Section in Kenema, Eastern Sierra Leone, was alleged to have been forcefully initiated into the Society as a result of an argument between herself and a lady who is believed to be an initiate. The victim revealed that after being initiated, she was locked in a room for four (4) days without food, water and medical treatment until a friend alerted the Police of her detention. She was released after the police intervened.

The Commission is aware of a draft National Strategy for the Reduction of FGM/C 2016-2020 which was developed by the MSWGCA and partners in 2015 which is yet to be finalized.

Recommendations

1. GoSL should amend the age of consent as stated in the Registration of Customary Marriage Act of 2007 to harmonise with the minimum age of consent (18years) in the Child Rights Act of 2007
2. AG and DPP Offices should prosecute perpetrators of underage initiations.
3. MSWGCA should finalise the National Strategy for the Reduction of Female Genital Mutilation/Cutting 2016- 2020

3.5: VULNERABLE GROUPS

Sierra Leone is a party to several international and regional human rights instruments that protect and promote the rights of vulnerable groups. These include the Convention on the Rights of Persons with Disabilities (PWDs), CRC, CEDAW, ACHPR, Maputo Protocol, Protocol to the ACHPR on the Rights of Elderly Persons in Africa.

HRCSL is involved in the protection and promotion of the rights of vulnerable groups such as persons with disabilities, older persons, children and women in extreme poverty, commercial sex workers people living with HIV/AIDS and people with different sexual orientations.

3.5.1: Persons with Disabilities:

In Sierra Leone, PWDs are characterized as people with physical challenges, visual and hearing impairments

and mental health. HRC SL commends the National Commission for Persons with Disability (NCPD) for ensuring that PWDs have access to free education in tertiary institutions as prescribed under Section 14 (1) of the Persons with Disabilities Act, 2011. However, the HRC SL notes with concern that challenges still exist in the implementation of the provision as only tuition fees are waived and not composite charges for PWDs.

Other challenges experienced included access to health services, justice, employment, shelter, family life, participation in politics and other decision making processes. In Calaba Town for example, the physically challenged community faced a threat of eviction as a result of the expiration of a 20 year lease agreement between the Family Homes Movement (FHM) and the Mason Family.

HRC SL observed that the GoSL is yet to submit its initial report to the Committee on CRPD.

Recommendations

1. MEST should ensure that the free education for PWDs as provided for under Section 14 (1) of PWD Act 2011 is absolutely guaranteed
2. MoFED should provide adequate funds to NCPD for it to function effectively and address the challenges faced by PWDs.
3. MSWGCA should work with NCPD to meet the country's reporting obligation on the implementation of the CRPD.

3.5.2: Older Persons

Goal 3 of the SDGs, article 18 (4) of ACHPR guarantee the rights of the aged to special measures of protection in keeping with their physical or moral needs. Equally important is the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa. This protocol calls on state parties to ensure commitment to respect and protect the human rights of people of all ages as premised in the ACHPR and the AU Agenda 2063.

Sierra Leone is also a signatory to the Madrid International Plan of Action on Ageing (MIPAA) which calls on governments to ensure the full enjoyment of economic, social and cultural rights and civil and political rights of persons as well as the elimination of all forms of violence and discrimination against older persons and include older persons in policies and programmes related to social and economic development, including poverty reduction programmes.

In an effort to implement the provisions in the treaty related to older persons and the ageing, GoSL through the National Safety Net Secretariat drafted a National Ageing Policy. The rationale of the policy is to meet minimum standards of protection and care for the most deprived older persons and the ageing, and also to fulfill its social, political and moral obligations, including those enshrined in national and international instruments



on the rights of human beings to which the State has committed itself. HRCSL commends GoSL for drafting and initiating consultations on the policy.

HRCSL is however concerned that the monthly cash transfers of Le. 100,000.00 paid by the National Safety Net secretariat to older and ageing persons on a monthly basis, was reduced to Le. 100,000.00 per quarter due to the austerity measures in the country.

The situation of older persons and the ageing continues to be characterized by negative stereotypes including discriminatory practices at public places and institutions. HRCSL noted the lack of a legal framework in Sierra Leone to protect the rights of older persons to live in dignity. There were also challenges in relation to the provision of adequate facilities to address their needs as well as poor social security services which affected their health and well-being.

In order to raise awareness on the issues affecting older persons in Sierra Leone, HRCSL celebrated International Human Rights Day (IHRD) with the theme “**Stand Up for Someone’s Rights Today: Respect the Rights of Older Persons to Live in Dignity**”. HRCSL notes that a change of attitude and public perception towards older persons can promote their dignity and humanity. The AG who was the keynote speaker at the celebration promised government compliance to right based approach to older persons and cautioned that older persons should not be disposable materials but be of vital use to society. The AG disclosed that NASSIT was working on a health scheme that will benefit all including the older persons.

Recommendations

1. GoSL and Parliament should:

- put in place a legal framework for the protection and promotion of the rights of older persons.
- Ratify the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of the Older Persons and the Ageing in Africa.

2. GoSL should implement The Madrid International Plan of Action on Ageing (MIPPA), and the provision of other treaties relating to the issues of older persons and the ageing.

3.5.3: Sexual Orientation, Gender Identity and Expression

The United Nations Resolution 17/19 cautions States against systemic violence and discrimination on grounds of sexual orientation and gender identity. Resolution 275 of the ACHPR calls for prevention of violence and other human Rights violation against people on grounds of Sexual Orientation and Gender Identity.

The 1991 Constitution of Sierra Leone does not guarantee the right to sexual orientation but forbids discrimination on grounds of sex (male and female). There was no reported case of intimidation or harassment of persons with

different sexual orientation during the period under review.

However, HRCSL notes that the Offences Against the Persons Act, 1861 criminalises homosexuality in Sierra Leone. The 2016 UPR recommendations on Sierra Leone for the decriminalization of same sex conduct was “noted” by the delegation pending the outcome of the review of the 1991 Constitution.

Recommendation

1. GoSL should:

- ensure the protection of all persons without discrimination
- address recommendations noted in the 2nd cycle of the UPR under equality and non-discrimination in relation to sexual orientation, gender identity and expression.

3.6 YOUTH

The youth in Sierra Leone constitute 55.6 % of the working population. There is in place a Ministry of Youth Affairs, a National Youth Commission (NAYCOM), a National Youth Policy, a National Youth Scheme and a Presidential Youth Aide to address issues of youth in the country.

HRCSL commends the NAYCOM for the initiatives to promote and uplift the youth. The NAYCOM promoted youth empowerment through its Graduate Internship Programme which offers young graduates the opportunity to gain practical work experience in order to bridge the gap between academic and professional life.

Other interventions observed included farming and food production projects in Inland Valley Swamp (IVS) in the chiefdoms of Dama, Gaura, Tunkia, Nongowa, Malegohun, Small Bo, Lower Bambara and Kando Leppiama in the Kenema District. This encouraged young people in these communities and surrounding communities to take up farming as a life time vocation.

In addition, a Young Women’s Empowerment Programme was launched by NAYCOM in May to enhance women’s socio economic development. One hundred young women in the informal sector were trained in accounting, marketing, inventory control, costing, pricing and sales forecasting.

However, HRCSL observed that youth unemployment, violence, indiscipline and access to education still remain a challenge. In Kono for instance, angry youth from Gbense and Kamara chiefdoms clashed with police and military personnel. Similar violent actions occurred in various parts of the country that had security implications for pedestrians and residents in communities where these incident occurred. In Kabala in August, youths rioted in protest over the relocation of a proposed youth village from Koinadugu District to Tonkolili District where two people lost their lives and properties damaged. In August and September, residents of

Frederick, Horton, Sackville and James streets were under siege for two days when rival street gangs paraded the entire neighbourhood. Vehicles were not allowed to ply the routes and pedestrians had their bags and mobiles phones snatched away by members of gang groups.

Recommendations

1. The Ministry of Youth Affairs and NAYCOM should:

- collaborate with youth groups to develop programmes to address youth issues that will divert their attention from violence
- ensure that there is equal distribution of basic services to all communities in the country to meet the recreational needs of youths
- ensure that education and training courses in the country reflect the employment needs of youths and strive to reduce unemployment in the country
- speedy implementation of the National Youth Scheme.

3.7: IMPORTANT EVENTS IN FURTHERANCE OF THE PROTECTION AND PROMOTION OF HUMAN RIGHTS

3.7.1: Fulfillment of Sierra Leone's International Obligations

On 27th January, 2016, the second cycle Universal Periodic Review (UPR) of Sierra Leone took place at the 24th Session of the United Nations Human Rights Council in Geneva, Switzerland. Sierra Leone's delegation was led by the Attorney General and Minister of Justice, Joseph Fitzgerald Kamara, who also presented the country's UPR report. HRCSL Commissioners also attended the review session. As required by HRCSL Act 2004, the Commission provided the necessary technical support to the government which enabled the state to submit its 2nd cycle UPR report.

At the 32nd session of UN Human Rights Council, on behalf of GoSL, the Minister of State 1, Ministry of Foreign Affairs and International Cooperation, Dr. Gibril Sesay noted 31 and accepted 177 of the 208 recommendations that were proffered. These include signing and/or ratifying several international human rights treaties such as the Optional Protocols to the ICCPR aiming at the abolition of the death penalty, the ICESCR, the Convention against Torture (CAT), CEDAW, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Sierra Leone also agreed to reform some of its domestic laws.



Recommendations

1. GoSL should:

- Provide the necessary resources to the respective MDAs to fully implement the UPR recommendations
- Take steps to address the 31 UPR recommendations that were noted by Sierra Leone.

2. Ministry of Foreign Affairs and International Cooperation and Office of the Attorney General and Minister of Justice should establish inter-ministerial Steering Committee for the implementation of the UPR Recommendations

3.7.2: Implementing the TRC Recommendations

The Reparation Programme

NaCSA was unable to continue its implementation of the Reparation Programme due to funding constraints.

In January, victims of sexual violence and war widows complained to H.E President Ernest Bai Koroma that NaCSA had not provided them with cash grants that were provided to Amputees and War Wounded victims. NaCSA and HRCSL engaged on the non-payment of cash grants to victims of sexual violence and war widows. HRCSL wrote a letter to H.E the President lobbying his office to draw attention to the matter and for his intervention.

On 10th October, the Chief of Staff in the office of the president informed NaCSA that H.E the President had given instructions to MoFED to take prompt action to disburse funds to NaCSA to continue the implementation of the programme. However, by the end of the year, MoFED had made no allocation to NaCSA's account for payment of the residual case load of beneficiaries by MoFED. HRCSL therefore calls on GoSL for this commitment to be put into action

The Constitutional Review

The CRC released the Abridged Draft of the Revised 1991 Constitution of Sierra Leone during the year. The Abridged Draft proposes four new chapters namely:

- Local Government and Decentralisation
- Citizenship
- Land, Natural Resources and the Environment
- Information, Communication and the Media

Several amendments were also proposed on the following Chapters

- Fundamental Principle of State Policy
- The Recognition and Protection of Human Rights and Fundamental Freedoms of the Individual
- The Representation of the People
- The Executive
- The Legislature
- The Judiciary

These amendments include:

- Inclusion of national values in the constitution.
- Removal of the 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 benefits to the most vulnerable people in the society.

HRCSL noted that the various subcommittees of the CRC considered and included some of its recommendations into the draft Report. The Commission commends the members of the various sub-committees of the CRC for their effort in putting the draft together.

National consultation on the abridged draft for feedback was held across the country by the CRC. Concerns were raised by women's groups that their recommendations were not considered for inclusion into the abridged draft.

However, HRCSL is pleased that upon further engagements with the CRC on the abridged draft, HRCSL has been included as a Constitutional entity in the final draft of the revised constitution.

HRCSL noted that the ruling All People's Congress (APC) and seven other political parties raised concerns about certain Sections of the Bill. The seven parties were Citizens Democratic Party (CDP), National Democratic Alliance (NDA), People's Liberation Party (PLP), People's Democratic Party (PDP), Revolutionary United Front Party (RUF), United Democratic Movement (UDM) and United National People's Party (UNPP). The Parties claim that the CRC did not properly record statements during the public consultations across the country and thus the Amended Bill lacks the true reflection of what obtained during those consultations. The Parties are also aggrieved that 'Supreme Executive Authority' clause has been removed in the draft.

The main opposition Sierra Leone People's Party (SLPP) and the People's Movement for Democratic Change (PMDC) endorsed all the processes undertaken by the CRC.

The amended draft would be submitted to His Excellency in early 2017, following which Cabinet would issue a White Paper on the Final Draft which would be later tabled in Parliament by the Attorney General and Minister of Justice as an Amendment Bill to the 1991 Constitution of Sierra Leone. A two-thirds majority vote would be needed before it is put to a Referendum.

Recommendations

1. Cabinet should expedite the process of issuing the White Paper so that the Bill would be submitted to Parliament for a Referendum
2. NEC should commence preparation for a credible Referendum process.

3.8 HUMAN RIGHTS DEFENDERS (HRDs)

UN Resolution 27/31 urges State parties to create and maintain safe and enabling environment for CSOs to strive in the protection and promotion of human rights both nationally and internationally. The Network of Human Rights Defenders (NHRDs) monitors and documents human rights violations/abuses in the country to ensure compliance with international and regional human rights standards.

HRCSL notes that currently there is no specific law protecting HRDs. Furthermore, the focal person who was appointed in the Office of the President to facilitate interaction between the President and HRDs was given a



ministerial appointment in March. The vacant position is yet to be filled.

The 2016 UPR recommendations on Sierra Leone also highlighted measures which must be taken to protect HRDs. Below are few of the recommendations made with regards the protection of human rights defenders by various countries

- Combat impunity by ensuring prompt, thorough and transparent investigations of all violations against human rights defenders and the prosecution of perpetrators (Canada);
- Take prompt action to prevent harassment by police officers of members of the National Human Rights Commission, human rights defenders and citizens (Japan);
- Take concrete steps to ensure the full enjoyment of the right to freedom of expression for all, including journalists and human rights defenders, and strengthen protection of journalists and human rights defenders against harassment and persecution (Czech Republic);
- Refrain from criminalizing the legitimate activities of human rights defenders and journalists and repeal or amend all laws and policies which restrict their activities and rights (Netherlands).

On 5th and 6th October, as a follow up to the UPR recommendations, the Office of the President, the NHRDs and International Services for Human Rights organized a two- day capacity training programme on an effective campaign for the enactment of a protection law based on the Model Law for the Protection of HRDs.

The NHRD undertook regional consultations to get the views of CSOs regarding their input in the proposed law which will be submitted to the drafting Committee.

On 25th August, the NHRDs submitted a complaint to ACHPR for and on behalf of the affected land owners of Sahn Malen chieftdom against SOCFIN, a multinational company operating in the Pujehun district. The complaint borders around rights to food, health, healthy environment and housing. ACHPR acknowledged receipt of the letter on 18th November 2016 and informed NHRD that the matter will be tabled for the Commission's attention.

Recommendations

1. The Office of the President should reappoint a focal person for HRDs and support the process of enacting a law that protects HRDs
2. GoSL and parliament should ensure the passing of a law that will protect the rights of Human Right Defenders in Sierra Leone.



FAITHFULLY PRODUCED BY THE OLD COMMISSIONERS OF
THE HUMAN RIGHTS COMMISSION OF SIERRA LEONE



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GRACE COLERIDGE - TAYLOR

.....

RASHID DUMBUYA

.....



The right to water is indispensable for leading a life in human dignity.

HRCSL: Making Rights Real

