



Human Rights Watch
UPR Submission

Sierra Leone
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I. Summary

The government of Sierra Leone has made significant progress in addressing the dynamics that gave rise to the brutal, 11-year armed conflict that ended in 2002—weak rule of law, rampant corruption and public financial mismanagement, and crushing poverty. It has also made meaningful gains in creating the legislative framework for respect for human rights, ensuring accountability for war crimes, and improving access to key economic and social rights, notably health and education. However, striking deficiencies within the rule of law sectors, including the police, judiciary, and corrections, lead to persistent human rights violations and undermine the government's post-war recovery, anti-corruption, and development agendas. Concern about inadequate progress in strengthening the rule of law is exacerbated by several risk factors, notably the global economic crisis, high levels of youth unemployment, and episodes of political violence.

II. Human Rights Issues

Deficiencies within the Criminal Justice System

Striking deficiencies within the justice system not only lead to frequent human rights abuses, but also severely undermine the access of victims to justice and reparations, and the rights of the accused. These include extortion and bribe-taking by officials; insufficient numbers of judges, magistrates, prosecuting attorneys, and courthouses; inadequate systems of case management; unprofessional conduct and absenteeism by court personnel; and inadequate remuneration for judiciary personnel.

Insufficient access to legal representation and the slow pace of cases being adjudicated by the courts have resulted in an alarming number of prisoners being held in prolonged pretrial detention. In 2010, some 65 percent of pretrial detainees countrywide were held beyond the legal limit. Through the efforts of donors and the government, there have, however, been recent improvements in the number of detainees who have access to legal representation.

The only legal system accessible to some 70 percent of the population is one based on customary courts controlled by traditional leaders and applying customary law, which is often discriminatory, particularly against women. The increasing use of paralegals who provide free basic legal services to the indigent has greatly helped citizens' ability to negotiate their way through both the customary and formal legal systems.

Substandard prison conditions, including chronic overcrowding and inadequate nutrition, clothing, medicine, and sanitation, continue to undermine the rights of the some 2,400 prisoners in Sierra Leone. The population of the country's largest detention facility—designed for 324 detainees—stands at over 1,300.

Abuses by Law Enforcement

The Sierra Leonean police continue to engage in unprofessional and often criminal behavior, despite a Commonwealth-run training program from 1998-2005, and subsequent efforts by the British government and United Nations. There are persistent allegations of police involvement in extortion, solicitation of bribes, and, in a few cases, sexual abuse of female detainees; of crime victims being required to pay for investigations to be conducted; and of failing to adequately investigate and later freeing alleged criminals. The police leadership has put in place complaint mechanisms for the public; however, they are underutilized. There has been insufficient effort by the police hierarchy to investigate, discipline, and prosecute officers engaging in unprofessional or corrupt practices.

Legal Protection

The government has taken several steps to improve the legal framework for respect for human rights. These include the establishment in 2006 of the National Human Rights Commission, the passage in 2007 of the Child Rights Act, which prohibits early marriage, guarantees primary education, and criminalizes the employment of children in exploitative or hazardous labor, like mining; and the passage in 2007 of laws that criminalize domestic violence, ensure women's property rights, and recognize the right to inheritance. Unfortunately, the limited reach of the judiciary and limited societal understanding of the principles and provisions of these laws undermine their application. Despite these gains, the government has failed to abolish the death penalty or repeal laws that criminalize libel, as recommended by the 2005 report of Sierra Leone's Truth and Reconciliation Commission. The government has also failed to act on the report of the Constitutional Review Committee, submitted in 2008.

Corruption

Corruption in the public and private sectors in Sierra Leone remains widespread and continues to undermine development and rob the population of funds needed for vital services such as education, water, and health care. The Anti-Corruption Commission (ACC), established in 2000 at the behest of donors, has in recent years made significant progress in addressing corruption, particularly after 2008 when it was granted independent powers to investigate and prosecute matters on its own, rather than through the president-appointed attorney-general. Since 2008, the ACC has investigated over 325 cases, and prosecuted some 20, including ministers and high-level civil servants.

However, while President Ernest Bai Koroma repeatedly admonished government officials to desist from corrupt practices, the May 2010 resignation of ACC Commissioner Abdul Tejan-Cole, reportedly over security concerns and government interference, and the ACC's subsequent failure to investigate or indict a few ruling party politicians raise concern of a reversal of recent gains in addressing corruption.

Women's Rights

Sexual violence against women and girls was widespread during the armed conflict, and has remained a serious problem ever since: in 2009, there were over 900 reported cases. While Family Support Units within police stations have led to increased reporting, they remain understaffed. Fear of stigma and weaknesses within the judiciary undermine legal recourse, resulting in very few prosecutions.

Children's Rights

Hundreds of children continue to engage in the worst forms of child labor, including within diamond and gold mines, while tens of thousands more work as street vendors, domestics, and porters. Beyond the dangers to health and security, mining and some other forms of labor often prevent these children from attending school, and are in violation of international obligations, as well as the Sierra Leone Child Rights Act, which prohibits child labor of any sort for children under 13 and hazardous work until age 18. The Labor and Mineral Resources ministries undertake limited efforts to enforce the prohibitions on child labor.

Accountability for Past Abuses and Reconciliation

The work of the Special Court for Sierra Leone (SCSL) and the Truth and Reconciliation Commission (TRC) have made substantial progress in ensuring accountability for past abuses, promoting an understanding of what gave rise to past violence, and making recommendations aimed at ensuring better governance and preventing a repetition of past violations.

Between 2004 and 2009, the United Nations-mandated SCSL tried and convicted eight individuals associated with the three main warring parties for rape, murder, mutilation, enslavement, recruitment of child soldiers, and—for the first time in an international court—forced marriage and attacks against UN peacekeepers. All eight were transferred in October 2009 to Rwanda to serve out their sentences. During 2010, the trial in The Hague of former Liberian president Charles Taylor—charged with 11 counts of war crimes and crimes against humanity for his role in supporting Sierra Leonean rebel groups during the conflict—made notable progress.

The government has implemented many of the key recommendations of the 2005 Truth and Reconciliation Commission report, including those having to do with creating the legal framework for respect for human rights, improving good governance, and increasing transparency within the mining industry. However, the recommended reparations fund for war victims was only established in 2008, and the government has yet to fully fund it. The government has also failed to abolish the death penalty and criminal libel laws, as recommended by the TRC report.

Economic and Social Rights

The Sierra Leonean government has made meaningful progress in improving access to economic and social rights, notably health (through the April 2010 launch of a program to provide free health care for pregnant women, breastfeeding mothers, and children under five years old) and education (through the 2001 launch of free primary school education with a focus on girls education, and more recently by increasing the number of teachers and schools, and by providing grants for secondary and higher education).

However, the quality of both health care and education remains a challenge that should be directly addressed. According to the 2009 report of the UN Human

Development Index, Sierra Leone ranked 180th out of 182 countries for overall development. A 2009 report of the UN Department of Economic and Social Affairs found that Sierra Leone had the world's worst indicators for infant mortality (123 deaths per 1,000 live births) and maternal mortality (1 in 8).

III. Recommendations

The government of Sierra Leone should:

Regarding Deficiencies within the Justice System

- Pass the revised Criminal Procedures Act, introduced into Parliament in 2010, which will, among other things, improve access to justice by way of the establishment of a system of accredited paralegals, and address overcrowding in prisons by establishing a system of community service for minor offenses in lieu of incarceration.
- Ensure that all defendants are brought to trial within a reasonable timeframe. The authorities should show special diligence in bringing the case to trial if the accused is in pretrial detention.
- Improve food supply, sanitation, and access to medicine and health services within prisons.
- Ensure that the Ministry of Justice has sufficient support so as to urgently address inadequate salaries for judges, the insufficient number of judiciary personnel, and other deficiencies that severely undermine the dispensation of justice and rights of victims and the accused.

Regarding Abuses by Law Enforcement

- Explicitly inform all ranks of the police and other security services that all those implicated in corruption, theft, extortion, or other abuses will be held accountable.
- Improve the internal disciplinary control mechanisms within the Sierra Leone Police Forces.
- Investigate and discipline or prosecute as appropriate according to international standards police officers, regardless of rank, implicated in corrupt practices and other serious abuses.

Regarding Legal Protection

- Draft and enact legislation to abolish the death penalty, given its inherent cruelty and irreversibility.
- Complete the process of constitutional review by acting on the recommendations of the 2008 report of the Constitutional Review Committee.
- Conduct a promised review of laws that provide criminal penalties for libel with a view toward repealing them.

Regarding Corruption

- Provide adequate security for the ACC commissioner and his staff, as well as for the ACC premises.
- As stipulated in the 2008 Anti-Corruption Act, section 8.119, ensure that every public officer declares his or her assets within three months of taking office, once annually, and when leaving office.

- Set up a special fast-track court dedicated to the adjudication of corruption-related cases.

Regarding Women's Rights

- Ensure that the Family Support Units located within most police stations, tasked with investigating and providing support to victims of sexual violence, are adequately staffed and resourced so as to be able to carry out their mandate.

Regarding Children's Rights

- Ensure that the Labor and Mineral Resources ministries undertake sufficient efforts to enforce the prohibitions on child labor.

Regarding Reconciliation

- The government should follow through on its funding commitment to the National Commission for Social Action for implementation of the War Victims Reparations Program.