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# Submission by a Coalition of Sierra Leone NGOs for the UN Universal Periodic Review of Sierra Leone

## **Introduction:**

The Human Rights Commission of Sierra Leone (HRCSL) in collaboration with UNIPSIL on Tuesday 7<sup>th</sup> September, 2010 held a one day workshop for Civil Society Organizations on the Universal Periodic Review at the Presidential Lounge, National Stadium. The workshop was a culmination of a series of regional consultations in Kenema, Makeni and Bo on the UPR processes as it also gave opportunity to Civil Society Organizations based in the Western Area to deliberate and learn on the UPR process. In total about 260 NGOs were consulted all over the country.

The National Consultative Workshop provided the ground to prepare a coalition UPR submission on behalf of the Civil Society groups consulted.

At the end of the consultative meeting, a seven person civil society technical committee was formed to harmonise the joint submission on behalf of the other NGOs. This committee is comprised of:

1. Brima A. Sheriff- Director, Amnesty International
2. Emmanuel Saffa Abdulai-Director, Society for Democratic Initiative.
3. Agnes Abu- PRO, Western Area Human Rights Committee
4. Kabba Bangura SLUDI
5. James Mathew, Chairman Western Area District Human Rights Committee
6. Bernadette French-CGG
7. Isha Kamara, Women's Solidarity

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# NGOs submission for the UN Universal Periodic Review of Sierra Leone

11<sup>th</sup> session of the UPR Working Group, May 2011

## B. Normative and institutional framework of the State

### **Civil and Political Rights: the death penalty, freedom of expression**

Sierra Leone is a state party to International Covenant on Civil and Political Rights, and some of its provisions have been codified in Sierra Leone's Constitution. However, there are challenges on many front in protecting and promoting the provisions of this treaty. For example the right to life is challenged through the use of the death penalty although Sierra Leone can be regarded as an abolitionist in practice, as well as through the loss of lives to maternal and infant mortality and through to poverty. Sierra Leone still carries the death penalty in its law books for treason, murder and aggravated robbery. In 2008, at the UN General Assembly vote on a resolution calling for a Universal Moratorium on the Death Penalty, Sierra Leone abstained. The last known execution in the country was on 19<sup>th</sup> October 2008 of 24 persons convicted of plotting a coup. There are presently 13 people on death row including three women.

The protection of freedom of expression, association and peaceful assembly is gradually improving despite challenges. For example, the Sierra Leone Association of Journalist (SLAJ) has so far been unable to achieve the removal of the seditious libel provisions which challenge freedom of expression generally. SLAJ was also denied permission by the authorities to demonstrate peacefully on the grounds that the event would pose security risk.

The electronic and print media is generally enjoying freedom to do their work. A Freedom of Information bill is now before Parliament and is likely to be approved.

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

Realizing economic and social rights is a challenge in Sierra Leone. An average economic growth rate of 6-7% per annum coupled with the peaceful and successful general elections of 2007 highlights the country's progress and the people's optimism for the future. However, despite these improvements, the country is still battling with huge social and economic problems. Sierra Leone still remain at the bottom of the Human Development Index (180/182). With the highest maternal and under-five mortality rates in the World, the country faces additional challenges especially among women and children with malaria, respiratory disease and diarrhoea which account for more than 75% of the country's under-five mortality. The newly elected government's top priority is to improve the energy sector, agriculture, road network and affordable health care. All these are closely inter-related and linked with water and sanitation and the poor road network in the country, Across the country, just 51% of the populations have access to basic social amenities The major challenges over the next years for Sierra Leone will be to meet the Millennium Development Goal target of 66% coverage of improved social and economic facilities including health and sanitation.

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### **Women's Rights**

Over the years, Sierra Leone has made great strides in correcting the wrongs done through the massive human rights violations and abuses unleashed on Sierra Leoneans during the eleven year conflict. However there are still a lot more to be done by the government by way of political will to ensure protection of fundamental rights of all especially the women in Sierra Leone. Sierra Leone is a state party to the Convention on the Elimination of All Forms of Discrimination against Women and other UN related policies that protect the rights of women; however, they are yet to be domesticated holistically and their effective implementation ensured.

In the area of legislation, the Gender Justice Act of 2007, namely the “Domestic Violence Act, the Registration and Customary Marriage and Divorce Act and the Devolution of Estate Act”, was adopted with a lot of gaps and contradictions embedded within the Act which threatened to defeat the purpose of adopting them in the first place. The rights of women in Sierra Leone remain a constant concern at the national and international levels.

### **C. Promotion and protection of human rights on the ground**

#### **The right to life**

In October 2008, 24 persons convicted of plotting a coup, were publicly executed on the beach (this is last known execution). There are presently 15 people on death row including three women. Before the launch of the Free Healthcare Plan?, Sierra Leone ranked as having one of the highest maternal mortality rate in the world. Since the launch of the Free Healthcare Plan in April 2010, there are indications that many lives has been saved because of the removal of financial barriers.

#### **Freedom of Assembly and Association**

In 2009, the Sierra Leone Association of Journalists were denied their rights to hold a peaceful demonstration.

#### **Road network/Access to health care**

The newly elected government has embarked on a program of construction of roads as a way of making free movement of goods and services possible in the country. The ability of people, goods and services as well as machinery to move internally in the country as well as in and out of the country is strategically important and an integral part of economic development. Roads are being constructed and rehabilitated in almost all the regions of the country under the government's agenda for change to enhance and improve people's lives. Good networks of roads aid access to other human rights, such as rights to health, education, information and physical and human security.

Many NGOs have documented that poor road networks are responsible for some of the 'delays' that exacerbate maternal mortality. Accessing health facilities and medical referrals are still a challenge for pregnant women in places like Kailahun [where is this?].

### **AGRICULTURE**

Under the agenda for change the government of Sierra Leone has acquire 150 acres of land for an agricultural business centre to enhance production. The creation of this centre has already impacted a million farmers. There will be an increase in the production of food in the country with the

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introduction of migration farming system which will lead to rice being produced three (3) times a year in the country. Governance has increased its budget from 1.7% to 10% keeping in line with the Mupoto Declaration.

### **EDUCATION**

The right to education is gradually being enhanced in the country, although highly concentrated in urban centres. However, students (especially women and girls) continue to face discrimination in accessing education. School policy usually expels pregnant young girls from schools. The quality of education is also a challenge, with poor salary conditions for both primary and secondary school teachers as well as university lecturers partially responsible for the poor performance of students.

The government has introduced free primary education for all children except those in private schools. This good policy is geared toward improving on education in the country although it has a lot of bottlenecks.

### **RIGHT TO HEALTH**

Sierra Leone is ranked low by the United Nations Development Index because of the high rate of infant and maternal mortality, at least in part a result of high cost of services. There are not enough trained and qualified medical doctors and nurses in the country and those who are trained are grossly under-paid. Consequently, most of them end up taking up jobs in the Diaspora or other parts of the world. In order to curb this social menace has introduced the free health care for pregnant women, lactating mothers and children under five.

### **Women's Political rights**

Women in Sierra Leone continue to face outright denial of their right to take active part in political leadership roles. Even though the Constitution makes provision for all to contest political positions this right exists only in theory; in practice the government has failed to put practical measures in place to ensure that the environment for women to contest is sufficiently conducive. In the area of traditional governance women continue to face exclusion, especially in the Eastern and Northern parts of Sierra Leone. The current contradictions within national law have granted customary laws a very strong recognition and legitimacy, which has been used by many traditional leaders to exclude women. Current statistics indicate that 17 out of a total of 124 seats in parliament are women, and 86 out of a total of 430 councillors are women. Only one out of a total of 20 cabinet ministers is a woman. There are no female ambassadors.

The Truth and Reconciliation Commission recommended the adoption of a minimum 30% quota for women to ensure gender equality in political participation. Women have been calling on the government to take proactive steps to ensure its implementation in practice but this is yet to be achieved. However, the Ministry of Social Welfare, Gender and Children's Affairs has established a tax force which includes CSO's and relevant state actors to develop advocacy strategies to advance this course.

Towards the end of 2009, CSOs documented the case of a lady from the Kono District, Eastern Sierra Leone who was denied her right to contest for the paramount chieftaincy title. The case was filed to Supreme Court, but judgement was passed in favour of the traditional leaders on the basis of

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existing customary law. To date she could not return to her hometown for fear that her security could not be guaranteed. The government has made no effort to remedy the situation.

In 2008, during the local government elections, CSOs documented complaints from female aspirants who were denied the party symbols, as part of political party ploys to exclude women. Those who attempted to run for councillorship as an independent candidate were considered break-away and traitors. Because of this they faced intimidation and harassment from party members and the police appeared to do nothing to protect them. Such intimidation was mostly perpetrated by the ruling party, All People's Congress

### **Violence against women**

Women continue to face extreme violence at different levels; in the workplace, at home, in the communities etc. With the adoption of the Domestic Violence Act more cases of rape have been reported than ever before. However, the procedures associated with persecuting rape defy the purpose. Victims of rape sometimes do not have the finance to undertake the necessary medical processes and as such their case becomes irrelevant and justice is denied them.

Also, sexual harassment in the workplace is an issue of concern. Women have complained of losing their jobs because of this, but cannot pursue this in court because there are no legal provision prohibiting such action. However, the sexual offences and marital causes bill is in the pipeline.

It is illegal to subject anybody under the age of 18 to harmful treatment, including any cultural practice that dehumanizes or is injurious to the physical and mental welfare of the child; however, the law does not explicitly address FGM. FGM remains a major concern, though the Child Right Act prohibits the initiation of girls under 18 and only with consent above 18. The practice is still rampant especially in the rural areas because there has been no effective monitoring or mechanism to enforce the law. Although police occasionally detain practitioners on accusations of forced mutilation or manslaughter, human rights workers report that police remain hesitant to interfere in cultural practices. The Family Support Unit successfully rescued several girls in Bo and Kenema who were about to be forcibly mutilated.

Early this year, CSOs recorded the initiation of a woman immediately after delivering her baby. This action left her in a critical situation but without the intervention of the CSOs she would have lost her life. The investigation into the October 2008 death of a 10-year old girl in Port Loko District claimed that there was no proof that FGM caused the death. This adds credence to the clarion call for its total abandonment.

### **Women's right to education.**

Reports record that more than 50% of Sierra Leone's women are illiterate. This is a major factor that impedes against the women's active participation in the development process. Even though Government have adopted the free education for the girl child to Basic education level, there is still need to ensure quality education.

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**Discriminatory laws and policies**

Women faced widespread legal and societal discrimination, particularly in matters of marriage, divorce, property, and inheritance. These matters are guided by customary law in all areas except for the capital. Formal laws apply in customary as well as formal courts, but customary judges have limited or no legal training and are often unaware or chose to ignore formal laws. Chiefs sometimes collude with men to evict women and children forcibly from their homes or to subject them to arbitrary detention. In some cases chiefs have imposed arbitrary and exorbitant fines, imprisoned women unlawfully in their homes or "chiefdom jails," and expelled them from the community.

Women's rights and status under customary law vary significantly depending upon the ethnic group to which they belong; however, their rights and status are routinely inferior to that of men. Under customary law, women's status in society is equal to that of a minor. A woman is frequently perceived to be the property of her husband, to be inherited on his death together with his other property. In rural areas polygamy is widespread; UNICEF estimated in 2007 that 43 percent of women were involved in polygamous unions

**D. Recommendations for action by the State under review**

1. The government should sign and ratify the Optional Protocol to International Covenant on Economic, Social and Cultural Rights
2. All discriminatory laws that exclude women from political leadership positions should be expunged.
3. Government should adopt affirmative action to ensure gender equality in political representation
4. Government should empower all electoral bodies to ensure that political parties adopt affirmative action steps in the selection of their candidates.
5. Government should ensure effective implementation and enforcement of the law on violence against women.
6. Government should take proactive steps to establish empowerment programmes for women at different levels.
7. Government should ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at abolishing the death penalty.
8. Government should ensure that rights to life are not lost due to barrier to access health services, information or food.
9. Government should ensure that everyone enjoys freedom of association and assembly.

**Appendix: further documents for further reference<sup>1</sup>**

1. The report of the TRC, available at: <http://www.sierra-leone.org/TRCDocuments.html>