


UNITED NATIONS  NATIONS UNIES
UNITED NATIONS INTEGRATED PEACEBUILDING OFFICE IN SIERRA LEONE

Office of the Executive Representative of the Secretary-General

Freetown, 30 October 2010


Dear Mr. ~~Kompass~~,

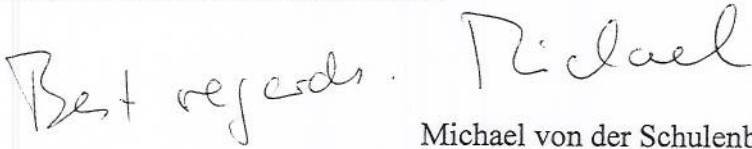
I am pleased to present, on behalf of the United Nations Country Team (UNCT) in Sierra Leone, the joint submission for the UN Compilation report in the framework of the Universal Periodic Review of Sierra Leone.

The UN organizations, agencies and programmes working in Sierra Leone, recognizing their joint responsibility for a fully integrated peace building mission, agreed in May 2009 to combine efforts and resources behind the UN Joint Vision for Sierra Leone that establishes a general framework of cooperation. Human rights are regarded as a cross cutting issue in the Joint Vision and thus, the UNCT remains committed to include human rights-based principles in all programmes and projects. It is with this spirit of cooperation that the UNCT of Sierra Leone agreed to produce a joint submission for the country's Universal Periodic Review. This report is the result of the contributions of many of the UNCT members and an endorsement by all.

Sierra Leone has had a extremely challenging human rights history following years of political dictatorship and a decade long civil war. However, significant steps are taken in this regard with the adoption of policies, creation of structures and enactment of legislations.

Regardless of these efforts, progress made so far has been in the midst of a considerable funding gap. It is therefore crucial that development partners avail financial support to the relevant structures in order to address the remaining human rights challenges in Sierra Leone to the fullest extent.

Sincerely,



Michael von der Schulenburg
Executive Representative of the Secretary General

Mr. Anders Kompass
Director,
Field Operations and Technical Cooperation Division
OHCHR – Geneva



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Universal Periodic Review of Sierra Leone – 11th session

Joint submission by the United Nations Country Team in Sierra Leone for the UN
Compilation Report

Executive summary

After the gross violations of human rights that characterized the decade of the civil war in Sierra Leone, significant progress has been made and a number of important improvements confirm that the country is on the good track to build a society in which human rights are respected and protected.

An active multi-party democracy with no known cases of political prisoners has evolved since the end of the war. Demobilization and reintegration programmes proved effective as there are no residual armed groups and no substantial amount of illicit firearms in the country. Positive results have also been achieved in the area of internal displacement. Furthermore, the establishment of the Human Rights Commission of Sierra Leone and of other institutions in charge of human rights is contributing to equip the State with an institutional structure to better cope with its international human rights obligations.

However, challenges and constraints remain. The recommendations of the Truth and Reconciliation Commission, which are extremely important in terms of human rights, have been unevenly implemented, and the Reparations Programme as well as the Trust Fund for Victims of War suffers from a serious funding gap. This stands in contrast with the important amount of resources mobilized for the Special Court of Sierra Leone. Financial and capacity constraints limit the ability of the human rights institutions to comply with their tasks and negatively impact on the effective administration of justice. Finally, customs and traditions still entail harmful practices and gender discrimination.

Universal Periodic Review of Sierra Leone - 11th session

Joint submission by the United Nations Country Team (UNCT) in Sierra Leone for the UN Compilation Report

I. Introduction

1. In preparation for the review due in May 2011, the Government of Sierra Leone officially launched the UPR process on 30th of August 2010 and engaged in a sensitization campaign among government members. Nationwide governmental consultations on the UPR have been scheduled.

2. The UN organizations, agencies and programmes working in Sierra Leone, recognizing their joint responsibility for a fully integrated peace building mission, agreed in May 2009 to combine efforts and resources behind the UN Joint Vision for Sierra Leone that establishes the general framework of the UN family cooperation. It is with this spirit of cooperation in mind that the UNCT of Sierra Leone agreed to produce a joint UPR submission. This report is the result of the contributions of many of the UNCT members¹ and has been endorsed by all².

3. The UNCT, through the Human Rights Section of UNIPSIL/OHCHR, has been actively involved with partners in preparation for the UPR at different levels. It disseminated UPR related information and material to all actors involved in different reports and provided support to both the Government and the Human Rights Commission of Sierra Leone to develop and implement the reporting strategy respectively for the country and the stakeholders report.

II. Background and framework

Constitutional and legislative framework

4. Following the negotiations of the Lomé Peace Agreement (1999) and the end of the war in 2002, huge progress has been made. The establishment of a Truth and Reconciliation Commission (TRC) in 2002 and the publication of its final report (2004) served as a transitional justice mechanism to address impunity, promote national reconciliation and prevent reoccurrence. Meanwhile, the Special Court for Sierra Leone has been engaged in prosecuting former war lords bearing the greatest responsibility for atrocities committed during the war. Two successful presidential, parliamentary and local government elections have been held.

5. The Constitution of Sierra Leone, adopted in 1991 to repeal the one party Constitution which had been in existence since 1978, makes provision for a multi party democracy based on

¹ IOM, UNDP, UNICEF, UNHCR, OHCHR and UNIPSIL took part in the drafting of this report.

² AFDB, FAO, IOM, OHCHR, UNAIDS, UNDP, UNFPA, UNHCR, UNICEF, UNIDO, UNIFEM, UNIPSIL, WFP, WHO and the World Bank.

the parliamentary system of government. Chapter Three, highlights respect for human rights and fundamental freedoms and indicates the State as the primary duty bearer in this regard.

6. The Government of Sierra Leone established a Constitutional Review Commission in October 2006 to review the Constitution of 1991, a key recommendation of the TRC report. The review is expected to address a number of provisions that still hinder the full enjoyment of human rights. In 2007, the Commission submitted recommendations to the President of Sierra Leone and a Committee has been established to review them and advise on the way forward. However, the Committee's work has been rather slow, and the Government has precluded that a referendum on the constitutional review would take place before the 2012 elections.

7. The Government has however taken steps to improve legal protection for children and women by the enactment of four Bills in 2007. The Child Rights Act prohibits early marriage, child trafficking and military conscription of children. Unfortunately, a draft provision banning female genital mutilation (FGM) was not included in the adopted version. The Domestic Violence Act, No. 20 of 2007, criminalizes domestic violence and provide protection for the victims; the Registration of Customary Marriages and Divorce Act, No. 24 of 2007 sets the legal age for marriage at 18 and requires the consent of both parties to marriage and the registration of all marriages; it also empowers both spouses to acquire property and provides that gifts, payments, or dowries are non-refundable; the Devolution of Estates Act, No. 21 of 2007 requires property to be equally distributed between the deceased's spouse and children and criminalizes expulsion of widows from their homes after the death of the husband. Sierra Leone has ratified the Convention on the Rights of People with Disabilities, but at the time of writing this report the Disabilities Bill has still not been passed.

Institutional human rights structures

8. The judiciary of Sierra Leone is headed by the Chief Justice and comprises the Supreme Court, the Court of Appeal and the High Court. These constitute the Superior Court of Jurisdiction. The inferior courts comprise the Magistrates courts that exist in each district. A different level in the settlement of disputes is represented by the Local courts, which administer customary law in provincial communities. At the informal level, Paramount Chiefs also act as adjudicators of disputes. The Sierra Leone Police (SLP) has developed an early warning system with provincial and district level security committees to deal with community security issues and has created the Family Support Unit (FSU) in order to handle sexual and gender based crimes. Moreover, the Transnational Organized Crimes Unit (TOCU) has a human trafficking mandate among others. Efforts are underway to set up an independent police complaints board.

9. In 2004 the Parliament established the Human Rights Commission of Sierra Leone (HRCSL), which has gradually taken leadership in the advancement of human rights in the country and has developed field presences in all regions. The HRCSL has conducted human rights sensitization, training and advocacy programmes targeting traditional leaders, civil society and the government, and has been advocating for the passage of human rights sensitive Bills and the full implementation of the TRC recommendations. Since 2007 the Commission has presented annual reports on the state of human rights which include a number of recommendations to the Government. Notwithstanding these achievements, the Commission continues to struggle with capacity challenges to handle complaints and to exercise its quasi-judicial functions. There is

also a funding gap in the implementation of the Commission's strategic plan and logistic constraints of the regional offices which continue to impair the impact of its work.

10. The Sierra Leone Reparations Programme (SLRP) was established in 2008 following up on one of the key TRC recommendations. The beneficiaries include amputees, victims of sexual violence, civilian war widows, severely war wounded and child victims. Supported with an initial grant of 3 million USD by the United Nations Peacebuilding Fund, during its first year (2008 - 2009) the SLRP registered over 32,000 war victims, delivered partial benefits to over 20,000 war victims and facilitated fistula operations and emergency medical treatment for victims of sexual violence and war wounded. It also conducted community symbolic reparations events. The Government of Sierra Leone also established the national Trust Fund for Victims to contribute to sustain the Programme through financing emergency medical treatment for victims with life threatening ailments. The partial delivery of benefits has created high expectations in the victims who have not yet received reparation. Failure to continue the reparations would entail the risk of fuelling anger, as the victims' fate stands in stark contrast to that of former combatants who received financial assistance and training as part of demobilization and reintegration programmes. The SLRP project in 2010 - 2011 remains therefore pivotal to ensure a meaningful and sustainable reconciliation. Additional grants have been received by UNIFEM (1 million USD for micro credit activities for victims of sexual violence) and the German Government, but there is a dire need for further support from the international community.

11. The Constitution provides for the Office of the Ombudsman, whose primary function is to serve as an independent public complaints body in addressing cases of alleged administrative injustice. Overtime the Ombudsman Office has had a practical human rights focus in receiving and investigating complaints related to delays in the payment of salaries and retirement benefits. This has changed the impression of its being a rather passive ceremonial institution.

12. The Independent Media Commission (IMC) has been critical in media development in Sierra Leone, especially in the area of monitoring, regulation and arbitration. Most recently the IMC spearheaded the course leading to the formation of the Guild of Editors, aiming at enhancing integrity in the print media and develop common understanding amongst different editors. The UN system has funded some of the IMC programmes; however the financial support to the Commission has been so far inconsistent and has hindered its activity.

13. In 2008 the Sierra Leone Government adopted a National Reporting Strategy in fulfillment of its treaty reporting obligations and set up a Human Rights Secretariat within the Ministry of Foreign Affairs and International Cooperation to coordinate all reporting obligations to international treaties bodies. An Inter-ministerial Council was also established to serve as an oversight. The Government and UNIPSIL have provided financial support for the running of the Secretariat and the employment of a contracted coordinator. However, the Secretariat has not been able to fully execute its mandate due to the lack of a qualified and permanent coordinator and still inadequate government budgetary allocation which reveals a lack of political will.

14. In 2004, a Parliamentary Human Rights Committee was established with the responsibility to mainstream human rights into all activities of the Parliament. The Committee has approved a parliamentary action plan on human rights, implemented joint initiatives with Civil Society Groups working in areas of human rights, conducted nationwide human rights

monitoring visits, proffered recommendations to the Government and established a resource library with reading materials on human rights for both parliamentarians and the public.

15. The Anti Corruption Commission (ACC) Act was amended in 2008 in order to give the Commission prosecutorial powers instead of the Attorney General's Office. Since then, the ACC has made tremendous progress in prosecuting and securing the conviction of high profile public servants including cabinet ministers and magistrates. However, the ACC Commissioner recently raised concerns over the fact that whilst the criminal nature of the crimes should attract custodial sentences, upon conviction, only fines have been imposed in lieu of imprisonment.

Policy measures

16. In 2008, the Government of Sierra Leone published its second Poverty Reduction Strategy Paper (PRSP) and called it "An Agenda for Change". While broad-based economic growth is the main goal of this 5-year strategy, the rule of law, human rights, peace and security are seen as the essential pre-requisites.

17. In the framework of the National Health Strategy launched in April 2010, a Free Health Care (FHC) scheme was introduced for under-fives, pregnant and lactating mothers. Since the launch of the scheme, access to health services has increased to 70-75%. In order to ensure the successful delivery of FHC, it is crucial to address sustainability issues. These include predictability of funding and donor enthusiasm; governance accountability and continued commitment and monitoring.

18. The Ministry of Social Welfare, Gender and Children's Affairs has developed a National Gender Strategic Plan (NGSP) and the National Action Plan on UNSCR 1325 and 1820. The NGSP aims at empowering women in all fields, including educational, economic, and political empowerment. The National Action Plan on UNSCR 1325 and 1820 is focused on the participation, protection and promotion of women in all issues pertaining to peace and security. The challenge, however, is the full implementation of this plan together with the mobilization of the required resources.

19. Discussions are already underway to develop a National Human Rights Plan of Action though the process seems to have been delayed.

III. Promotion and protection of human rights on the ground

A Cooperation with human rights mechanisms

20. The Government of Sierra Leone is a party to several regional and international Human Rights Instruments. To date, Sierra Leone is a party to 7 core international treaties and has signed several other human rights instruments that it is yet to ratify (see table below). The country is also a State Party to the African Charter on the Rights and Welfare of the Child and to the African Charter on Human and People's Rights. Moreover, Sierra Leone has been the second country – the first within West Africa – to ratify the African Union's Internally Displaced Persons (IDPs) Convention in July 2010.

Universal Human Rights Treaties	Date of signature (when not ratified)	Date of ratification, accession or succession
ICERD		2 August 1967
ICCPR		23 August 1996
ICCPR - OP1		23 August 1996
ICESCR		23 August 1996
CEDAW		11 November 1988
OP - CEDAW	8 September 2000	
CAT		25 April 2001
OP - CAT	26 September 2003	
CRC		18 June 1990
CRC - OPSC		17 September 2001
CRC - OPAC		15 May 2002
ICRMW	15 September 2000	
CRPD		4 October 2010
CRPD - OP	30 March 2007	
CPED ³	6 February 2007	

21. The Government of Sierra Leone has submitted four (4) reports to the Committee on the Rights of the Child (CRC), two (2) on the implementation of the CRC in 1996 and 2006, and one (1) each on the implementation of the two Optional Protocols to the CRC; it has submitted one (1) report to the Committee on the Elimination of Discrimination against Women (CEDAW) in 2006. Twenty five reports are currently overdue, notably to the CERD (4th report overdue since 1976), to the CCPR (1st report overdue since 1997), to the CDESCR (1st report overdue since 1998), to the CAT (1st report overdue since 2002), to the CEDAW (6th report since 2009) In light of the forgoing, there is a dire need for the Human Rights Secretariat to receive adequate support and develop a structured and framed scheme for timely and effective completion of its reporting obligations.

22. The Government has extended a standing invitation to all Special Procedures in 2003. Since then, a visit of the SR on Extrajudicial, Summary or Arbitrary Executions has been agreed in principle, while requests for country visit have come from the RSG on Internally Displaced Persons, the WG on Arbitrary Detention (requested in 2004 and renewed in 2006 and 2009), the SR on Mercenaries (replaced by WG on Mercenaries) and the SR on Freedom of Opinion and Expression.

23. The Sierra Leone Government has conducted nationwide consultations with relevant stakeholders and actors in order to gather information for the elaboration of the Common Core Document. In June 2010 a National Consultative Workshop organized by the Ministry of Foreign

³ International Convention for the Protection of All Persons from Enforced Disappearance

Affairs and International Cooperation with technical assistance from UNIPSIL and OHCHR validated the document. Representatives from the Government, the HRCSL, CSOs and local and international NGOs, Faith-based Organizations, and members of the fourth estate were present. The document is presently awaiting its adoption by the Inter-ministerial Council.

24. The Human Rights Secretariat has received support from UNIPSIL to develop and implement its reporting strategy on UPR and is set to commence nationwide consultations with all relevant stakeholders to ensure a consultative process that will allow a large representation. CSOs and NGOs have also been strongly encouraged to fully participate in the key steps of the UPR process, and UNIPSIL has helped the HRCSL to develop and implement a strategy to coordinate the stakeholders' submission. In August 2010 the HRCSL organized with UNIPSIL and OHCHR support three regional workshops with CSOs from all districts, followed by a National Consultative Workshop in September.

B Implementation of international human rights obligations

25. Respect of international obligations is indicated as one of the foreign policy objectives in section 10 of the Constitution. However, international treaties ratified by the State have to be domesticated through the passing of implementing legislation in Parliament before they can have the force of law. Moreover, gains made in the formal system are not realized in customary law.

26. Some provisions of CEDAW have been incorporated into the national legal system by the passing of the three Gender Acts in 2007. The Child Rights Act of 2007 has contributed to advance an appropriate framework for the protection of children's rights in Sierra Leone.

27. Treaties dealing with anti-human trafficking and the protection of refugees have been incorporated into the national legal system. The Anti-Human Trafficking Act, No. 7 of 2005, suppresses the trafficking in person blending the 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and the 2000 United Nations Convention against Transnational Organized Crime, 2000, and its Protocols. The Refugees Protection Act, No. 6 of 2007, provides for the recognition and protection of refugees and gives effect within Sierra Leone to the 1951 Geneva Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees and to the 1969 OAU Convention Governing the Specific Aspects.

C Human Rights Issues

Equality and non-discrimination

28. Section 27 of the Constitution provides that no law should be discriminatory of itself or in its effects. However, the same article still avails discriminatory practices with respect to adoption, marriage, divorce, burial, devolution of property on death, or other personal law issues, thus limiting in fact the general principle of non-discrimination and compromising the full implementation of the three Gender Acts passed in 2007, including in areas of property, adoption, marriage and divorce. A solution to this discrepancy should be included in the future reform of the Constitution.

29. Sexual and gender based violence, traditional discriminatory practices against women and poverty continue to impact gender parity. Women are 51% of the population but have a very low representation in governance positions (1 Minister and 3 deputies). Only 17 women seat in the Parliament out of 124 members, still far from the quota of 30% recommended by the TRC. Traditional practices further compound this situation by discriminating against women from holding traditional Paramount Chieftaincy positions in the entire Northern Province and Kono district in the east.

30. Women's access to justice is also a major concern. Traditional beliefs sulk the act of women prosecuting their husbands for domestic violence, and this often causes reluctance to report incidents or cooperate with prosecution. In addition, the fees for obtaining a medical certificate required to process sexual and domestic violence cases often becomes an obstacle. At the level of local courts, customary law is often discriminatory against women.

31. Some legislative provisions are shrouded by discrimination and inequality. While citizenship can be acquired through fathers and husbands, the Constitution prohibits the acquisition of citizenship through wives and mothers. The Constitution also provides that only persons who are of Negro descent can qualify for Sierra Leonean citizenship by birth or naturalization. In the army, a woman can get pension benefit accrued by a deceased husband but men cannot access pension benefits accrued by their deceased wives.

Right to life, liberty and physical integrity

32. Sierra Leone has maintained a de facto moratorium on the death penalty for the last 10 years and has always respected it. Notwithstanding the TRC recommendation to remove the death penalty from the law and the continued advocacy in this regard from CSOs and the HRCSL, the formal provision is still in place. A total of 15 prisoners, including 3 females, have been sentenced to death, although the sentences have not been executed. The last sentence dates back to July 2009.

33. In the context of Sierra Leone, FGM is considered a part of the initiation of 'rites of passage' from childhood to adulthood. It is estimated that 90% of women in Sierra Leone and the diaspora have gone through the practice. Within the cultural context, the practice is perceived as a cultural and traditional right for the girl child and the parents as custodians exercise this right in the interest of their children. The practice has attracted huge criticisms and international organizations and human rights institutions have undertaken tireless campaigns to eliminate the practice, but they have yet to make a significant impact on the Government of Sierra Leone to take steps in denouncing FGM. As a result, the practice continues and very young girls continue to be circumcised sometimes in isolation from the initiation rites, with serious health consequences which in some cases may even amount to death. Innovative approaches should be explored in dealing with this situation due to the sensitivity of the issue. Engaging traditional leaders as partners in development and according them ownership of the issue would be a way forward.

Transitional justice mechanisms

34. 6 years after the publication of the TRC report, several key recommendations have not yet been implemented by the Government. These include the separation of the of the Offices of

the Attorney General and that of the Minister of justice; the setting up of the TRC follow-up committee; the abolition of the death penalty; the decriminalization of libel; the repeal of discriminatory provisions in the constitution against women and the completion of the reparations programme and the constitutional review process.

35. Regarding the cases before the Special Court of Sierra Leone, the trials of three former leaders of the Armed Forces Revolutionary Council (AFRC), of two members of the Civil Defence Forces (CDF) and of three former leaders of the Revolutionary United Front (RUF) have been completed, including appeals and the convicts are now serving their respective sentences in Rwanda. The trial of former Liberian President, Charles Taylor for crimes allegedly committed in Sierra Leone is in an advanced stage. If applicable, it is expected that a sentencing judgment and appeals proceedings will be completed before end of 2011.

Administration of Justice

36. According to the TRC Report, inefficiency in the administration of justice was a fundamental cause to the war. In this regards, enormous progress has been made in terms of infrastructure and appointment of more magistrates and judges to the bench. The justice system has gained more independence and overt political interference into the administration of justice has been mitigated. Development partners including the UK Department for International Development (DFID) and UNDP have been giving financial backstopping to these processes. Notwithstanding, there are still challenges: the same person holds the positions of Attorney General and that of the Minister of Justice, the judicial system is critically under-resourced and result in undue delays especially in criminal proceedings and accessibility to the formal system is limited especially in rural areas, where the large majority of the population resorts to local courts and the traditional justice system. The codification of laws used by local courts as well as their jurisdiction needs to be addressed and determined.

37. The government of Sierra Leone created a sector wide approach known as the Justice Sector Reform Strategy Investment Plan (JSRSIP) designed to address justice sector challenges. Notwithstanding, acute shortages in the areas of personnel, infrastructure and technical capacity have compromised the population's ability to access justice. With close to 6 million residents, Sierra Leone has only 14 judges, 15 magistrates and 7 public prosecutors. Remuneration for judges and magistrates is still not attractive enough to entice young and energetic legal practitioners to the bench. The insufficient number of public prosecutors has led to the use of police prosecutors in an effort to compensate; however, despite numerous trainings by international partners, knowledge retention among police prosecutors remains low due to the high frequency of personnel transfers. The technical capacity of justice actors also undermines human rights protection. Both judiciary and magistracy have expressed a need for more training in emerging legal areas such as transnational crime, as well as longstanding areas of concern such as juvenile justice and women's rights. All of these shortages have affected the efficiency of the administration of justice, contributing in part to the backlog of criminal and civil cases.

38. In terms of representation, it has been estimated that there are only 100 practicing lawyers in Sierra Leone. The shortage is especially profound in the rural areas, also because most of them prefer to remain in Freetown's private sector. In 2010, the Government of Sierra Leone established a national legal aid scheme designed to address this situation; UNDP has also been supporting the Sierra Leonean Bar to provide pro bono services since 2009.

39. The lack of personnel also extends to Sierra Leone's 302 Local Courts, which operate under the ministry of Internal Affairs and Local Government and not under the Ministry of Justice. This results in having two different Ministries involved in the administration of justice. Currently, there are only 3 customary law officers charged with reviewing all local court decisions to ensure no errors in law or miscarriage of justice. This situation is worsened by inadequate infrastructure such as a shortage of court houses, dilapidated court premises in need of rehabilitation, and the absence of a court database system to ensure vital case tracking. Local court staff is also in crucial need of ongoing training. Further, the independence of local court chairpersons has been questioned as a lack of tenure security is perceived as affecting decision-making. This situation becomes even more egregious in the 149 chiefdoms throughout the country, where paramount chiefs continue to adjudicate as well. Notwithstanding, the majority of the population does not use the formal system because they cannot afford to.

40. In the area of juvenile justice, challenges still remain notwithstanding the enactment of the Child Rights Act. There is only one Juveniles' court in the country which is based in Freetown. Magistrate court in the provinces only seat makeshift juveniles' court on irregular bases. In the whole country, there are just two remand homes and one approved school. This has often caused the cohabitation of juveniles with adults in prison cells.

41. Regarding the ability of SLP to respond to human rights needs, shortages still remain particularly in the area of logistics. Many Sierra Leoneans are left lacking confidence in their police, while continuing to fear corruption at their hands due to inadequate oversight mechanisms.

42. There are prison facilities in all the districts in the country including Freetown. The UN PBF had provided assistance to the Prison Department including infrastructure, beds, mattresses and vehicles. However, prison facilities continue to face perennial problems of overcrowding, water, health and sanitation facilities. The prisons are also lacking adequate recreational and educational facilities which make the rehabilitation of convicts a major constraint.

Freedom of expression, association and peaceful assembly and right to participate in public and political life

43. Citizens of Sierra Leone enjoy broad legal protection of freedom of expression and of association. However, restrictions resulting from the application of a seditious libel law have limited the full enjoyment of freedom of information and expression and have culminated in the imprisonment of editors. This law has been strongly criticized by various civil society groups and the Sierra Leone Association of Journalists, who have fought for its abolition. These same organizations also took a lead in advocating for a Freedom of Information Bill. At the time of writing this report the Bill is being discussed by the Parliament, and the Government has committed to having such a Bill enacted before the end of 2010. If passed into law, Sierra Leone will have one of the most far reaching freedom of information laws in Africa, with significant implications for access to information and freedom to use that information. Further progress has been made also in the establishment of an independent broadcasting corporation.

44. An active multi-party democracy has evolved since the end of the civil war, evidenced by two rounds of largely free, fair and credible elections for President, Parliament and Local Councils, with high voter turnout. A policy of political decentralization, with direct elections of

local councils and ward representatives, combined with devolution of public service delivery, is gradually moving more political power closer to the general public. Sierra Leone now scores high on elements of "voice and accountability" in international assessments on governance.

45. Unfortunately there have also emerged elements of political tension and intolerance, notably between the two main political parties, the governing All Peoples Congress (APC) and the major opposition party, the Sierra Leone Peoples Party (SLPP), resulting in March 2009 in the first serious outbreak of political violence since the end of the 11 years of civil conflict. With the help of UN the parties stepped back from a path of confrontation and negotiated a Joint Communiqué which commits them to a policy of peaceful conduct of political activities at all times and set up two independent panels to investigate the causes of the violence and the allegations of violence, respectively. The youth and gender wings of the political parties are also active in advancing political tolerance developing gender policy for the respective political party.

46. However, the relationship between the two major parties remains strained and is expected to intensify especially as the 2012 elections approach. Occurrences of political violence, such as witnessed during local council and parliamentary by-elections in some parts of the country, underscore the fragility of the situation. In addition, the government has proposed to set up an inquest into executions which took place in December 1992 under the National Provisional Ruling Council (NPRC) regime. While the government maintains that the inquest is not politically motivated but rather aims to fight impunity, prominent members of the SLPP state that it is designed to target leading SLLP members including some potential presidential candidates for the 2012 elections.

Social, economic and cultural rights

47. The level of poverty in Sierra Leone is still very high despite continued effort of the government to reduce the proportion of people whose incomes are less than US\$1 (ppp) per day. Absolute poverty has fallen from around 70 percent after the war to around 60 percent by 2007, but would need to fall further. Although the malnutrition ratio fell from 31% in 2005 to 21% in 2008, progress towards reducing the proportion of people who suffer from hunger by half in 2015 is still a daunting challenge. However, current and expected growth in agriculture (subsistence as well as commercial), and recent inflow of private sector investments in the mining and agribusiness sectors are expected to improve livelihoods and boost the acquisition of food.

48. The employment to population ratio has remained constant at 40-45 percent. Other signs indicate significant downward stress on employment. The labour market has not been able to absorb the supply of labour due to a variety of reasons, such as lack of access to finance, poor infrastructure, but also lack of critical skills in the existing labour force, including lack of education and/or relevant education. The level of youth unemployment in Sierra Leone is among the highest in the West African sub-region. In the short term, the Government is responding to youth unemployment by means of semi-capital programmes also known as "cash for work". In the medium to long term, key interventions are in investment in infrastructure, skills and growth areas as highlighted in the Government's Agenda for Change. The recently established Youth Commission and the National Youth Secretariat will provide the institutional framework for coordination and oversight of youth related interventions in the country, which are supported by country programmes of FAO, UNDP, WFP, the World Bank and GTZ. The problem of

achieving full and productive employment and decent work for all, including women and young people, hinges on accelerating growth and investment in areas such as agriculture, improving quality and access to essential rural social services, promoting rural employment and industry and strengthening the capacity for monitoring and evaluation of the country's employment situation.

49. Inflation is forecast to accelerate from 11 percent in 2009 to 14 percent in 2010 because of a weak currency and rising global oil prices. Imported inflation will remain a major factor in price trends for the country, which is estimated to import nearly 40 percent of its food needs. Improvements in rice production should help to alleviate inflationary pressures. Real GDP growth is expected to pick up after a dip in 2009, rising to 5.2 percent in 2010 and 6 percent in 2011 as the global economy improves, boosting prices for exports and driving greater foreign investment in mining projects.

50. The Education sector in Sierra Leone is undergoing a reform in a bid to improve on the quality of education and also be able to meet the Millennium Development Goals. Following the poor performance of pupils in public examinations in 2008⁴, the Government set up a Commission of Inquiry (Gbamanja Commission) to investigate the causes and submit recommendations. The reform measures contained in the Government White Paper on the Commission's report include a compulsory early childhood component, extension of the senior secondary school by a year, free and compulsory primary education in both policy and practice, phasing out of the two shift system, a review of the conditions of service for teachers among many others. Also the Education Policy of 2004 is under revision with an aim, inter alia, to improve access to and quality of education, and retention and completion for the girl child.

Refugees, repatriated and expelled persons

51. Sierra Leone currently hosts a total of 8907 refugees and 208 asylum seekers, the majority of them being of Liberian origin. Facilitating local integration of refugees is a priority area of intervention. In this regard, in 2009 land agreements were signed between refugees and local authorities, including land owning families, in 10 rural integrating communities to facilitate refugees' access to land for residency and agricultural purpose. UNHCR's action in this field has been key in promoting their livelihoods through provision of shelters and latrines, income generation activities, skills training, micro-credits, provision of agricultural tools and seedlings. In 2010, plots of land have also been allocated by the Government and local authorities for construction of shelters in Bo and Freetown to foster integration of refugees in urban areas. In addition, in August 2010 the Liberian government officials concluded their first verification mission in Sierra Leone for issuance of passport to refugees. This notwithstanding, other durable solutions are still being explored such as voluntary repatriation and resettlement. From January to September 2010, a total of 38 refugees had returned to Liberia while 104 cases have been resettled to the USA and Canada.

⁴ Basic Certificate Education Examination (BECE) and West African Senior Certificate Examination (WASSCE).

IV. Achievements, best practices, challenges and constraints

52. Sierra Leone has made progress in building its capacity for the promotion and protection of human rights. An active multi-party democracy has evolved since the end of the civil war. The ratification of the Convention on the Rights of Persons with Disabilities and the domestication of some crucial laws in the field of children and women's rights have improved the legal framework to protect rights of vulnerable categories. The establishment of the Human Rights Commission of Sierra Leone and of other institutions in charge of human rights is contributing to equip the State with an institutional structure to better cope with international human rights obligations. The Government's efforts in tackling poverty and improving the socio-economic conditions of people resulted in the adoption of the Agenda for Change, and strategies have been adopted also to address the challenges in the areas of health and education.

53. However, the level of poverty in Sierra Leone is still very high, and the effective implementation of these strategies depends on the mobilization of resources by the Government, as well as on the support of international partners. The Human Rights Commission of Sierra Leone and other human rights institutions are facing enormous financial constraints which limit their capacity to comply with their tasks. Customs and traditions continue to bar full implementation of the laws meant to advance protection of children and women, and in fact harmful traditional practices including FGM and gender discrimination are still widespread. Capacity constraints on police and justice, the low rate of prosecution, out of court settlements and interference by traditional leaders in judicial matters continue to undermine the judicial process, thus creating room for impunity, particularly regarding sexual and gender-based violence.

54. The law reform process, including the constitutional review process, is making little progress and crucial recommendations made by the Truth and Reconciliation Commission are yet to be implemented. The removal of the death penalty and the amendment of some blatant discriminatory provisions of the Constitution are issues to be yet addressed, together with other existing obstacles to the full enjoyment of civil rights such as the seditious libel provision. The upcoming 2012 elections represent one of the major challenges that the country still has to face.

V. Key Recommendations

55. The UNCT considers the following recommendations to deserve the attention of the Human Rights Council.

56. The Government of Sierra Leone should:

- ensure adequate support to the Human Rights Commission to enable it to fully exercise its functions, including to handle complaints and to exercise its quasi-judicial functions;
- enhance the capacity of the Human Rights Secretariat through the appointment of a trained and permanent Coordinator and the provision of adequate budgetary allocation;

- ensure support and enhance the capacity of the Human Rights Committee at the Parliament, whose role has been key in the enactment of human rights related Bills;
- ensure the full and timely implementation of crucial recommendations of the TRC report, including:
 - completing the Reparations Programme and the delivery of benefits to war victims;
 - setting up the TRC follow-up Committee;
 - completing the Constitutional Review Process, including repealing discriminatory provisions contained therein and abolishing the death penalty;
 - separating the Offices of the Attorney General and that of the Minister of justice;
 - decriminalizing libel;
- timely complete the process of setting up an independent police complaints board.

57. The International Community should:

- support the Government of Sierra Leone in the fulfillment of the recommendations presented above;
- provide adequate financial support to human rights related actions to ensure that the Government of Sierra Leone comply with its human rights obligations;
- ensure, in particular, adequate financial support to assist the Government of Sierra Leone in completing the Reparations Programme and the delivery of benefits to all war victims;
- Promote Corporate Social Responsibility among the mining companies operating in the country and sensitized them to examine their performance on a range of issues, including environmental standards, use of local inputs and local labor force, linkages with local businesses, investment in local infrastructures, technology transfer and direct contribution to local communities.