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Sierra Leone

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	2 Aug. 1967	None	Individual complaints (art. 14): No
ICESCR	23 Aug. 1996	None	–
ICCPR	23 Aug. 1996	None	Inter-State complaints (art. 41): No
ICCPR-OP 1	23 Aug. 1996	None	–
CEDAW	11 Nov. 1988	None	–
CAT	25 Apr. 2001		Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
CRC	18 June 1990	None	–
OP-CRC-AC	15 May 2002	Binding declaration under art. 3: 18 years	–
OP-CRC-SC	17 Sep. 2001	None	–
CRPD	4 Oct. 2010	None	–

Treaties to which Sierra Leone is not a party: OP-ICESCR,³ ICCPR-OP 2, OP-CEDAW (signature only, 2000), OP-CAT (signature only, 2003), ICRMW (signature only, 2000), OP-CRPD (signature only, 2007) and CED (signature only, 2007).

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	No
Rome Statute of the International Criminal Court	Yes
Palermo Protocol ⁴	No ⁵

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Refugees and stateless persons ⁶	Yes, except 1954 and 1961 Conventions
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁷	Yes, except Additional Protocol III
ILO fundamental conventions ⁸	Yes, except Nos. 138 and 182
UNESCO Convention against Discrimination in Education	Yes

1. Sierra Leone was encouraged to consider ratifying OP-CEDAW⁹ and ICRMW¹⁰ as well as the Palermo Protocol and ILO Conventions Nos. 138 and 182.¹¹

B. Constitutional and legislative framework

2. In the 2010 United Nations Country Team (UNCT) submission it was reported that the Government had established a Commission in October 2006 to review the Constitution of 1991, a key recommendation of the Truth and Reconciliation Commission (TRC) report. In 2007, the Constitutional Review Commission had submitted recommendations to the President of Sierra Leone and a Committee was established to review them and advise on the way forward. UNCT noted that the Committee's work had been rather slow and indicated that the Government had precluded that a referendum on the constitutional review would take place before the 2012 elections.¹²

3. In 2007, the Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern about section 27 (4) (d) of the Constitution, which provided that the guarantee against non-discrimination did not apply with respect to adoption, marriage, divorce, burial, devolution of property on death or other interests of personal law, thus discriminating against women, in violation of the Convention.¹³ UNCT emphasized that section 27 of the Constitution compromised the full implementation of the three gender Acts passed in 2007, including in areas of property, adoption, marriage and divorce.¹⁴ CEDAW urged Sierra Leone to take all appropriate measures, without delay, to repeal section 27 (4) (d) of the Constitution.¹⁵

4. UNCT observed that some legislative provisions were shrouded by discrimination and inequality. The Constitution prohibited the acquisition of citizenship through wives. The Constitution also provided that only persons who were of Negro descent could qualify for Sierra Leonean citizenship by birth or naturalization.¹⁶ The common country assessment (CCA) for Sierra Leone (2008-2010) underscored that customary law also discriminated against women. Although unwritten, it applied to the majority of the population and regarded women as "chattels" to be inherited.¹⁷ The Committee on the Rights of the Child (CRC) urged Sierra Leone to continue and strengthen its efforts to remove all discriminatory laws from its statute books.¹⁸

5. In 2010, CRC recommended the explicit prohibition by law and criminalization of the use of children in hostilities by the armed forces and the recruitment and use of children in hostilities by non-State armed groups.¹⁹

C. Institutional and human rights infrastructure

6. As of December 2010, Sierra Leone does not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).²⁰

7. The United Nations High Commissioner for Human Rights stated in 2010 that the Human Rights Commission of Sierra Leone faced a serious funding shortfall when the project under the Peacebuilding Fund ended in March 2009.²¹ Sierra Leone was strongly urged to provide the Human Rights Commission with adequate resources to allow it to carry out its core statutory functions, and to implement the recommendations made by the Commission in its State of Human Rights reports of 2007 and 2008.²²

8. In 2010, CRC expressed its concern that the National Commission for Children envisaged under the Child Rights Act was yet to be established²³ and recommended that expeditious measures be taken to establish it and bring it into operation, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).²⁴

9. UNCT recommended that the Government ensure support to and enhance the capacity of the parliamentary Human Rights Committee, whose role has been key in the enactment of human rights-related bills.²⁵

D. Policy measures

10. UNCT reported that discussions were under way to develop a national human rights plan of action, although the process seemed to have been delayed.²⁶

11. In 2010, the High Commissioner stated that the absence of a clear land policy had resulted in disputes over ownership of lands. The causes of such disputes included the lack of appropriate demarcation, proper registration and record-keeping.²⁷ Sierra Leone was strongly urged to adopt a clear land policy, including with regard to the demarcation and proper registration of land.²⁸

12. In 2008, CRC encouraged Sierra Leone to adopt a national plan of action on children that addressed fully all of the rights enshrined in the Convention.²⁹

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body³⁰</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	1973	August 1974		Fourth to twentieth reports overdue since 1976
CESCR				Initial report overdue since 1998
HR Committee				Initial report overdue since 1997

<i>Treaty body³⁰</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CEDAW	2005	May 2007		Sixth report overdue since 2009
CAT				Initial report overdue since 2002
CRC	2006	May 2008		Combined third to fifth reports due in 2012
OP-CRC-AC	2008	September 2010		To be included in joint combined third to fifth reports due in 2012
OP-CRC-SC	2008	September 2010		To be included in joint combined third to fifth reports due in 2012
CRPD				Initial report due in 2012

13. In 2001, the Committee on the Elimination of Racial Discrimination (CERD) noted with regret that no report had been submitted to the Committee since 1974.³¹ UNCT observed that 25 reports to United Nations human rights treaty bodies were overdue and noted a dire need for the Human Rights Secretariat of the Ministry of Foreign Affairs to receive adequate support and develop a structured and framed scheme for the timely and effective completion of the reporting obligations of Sierra Leone.³²

2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	Special Rapporteur on violence against women, its causes and consequences (21–29 August 2001) ³³
<i>Visits agreed upon in principle</i>	Special Rapporteur on extrajudicial, summary or arbitrary executions
<i>Visits requested and not yet agreed upon</i>	Representative of the Secretary General on the human rights of internally displaced persons The Working Group on Arbitrary Detention (requested in 2004 and renewed in 2006 and 2009) Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (replaced by Working Group on mercenaries). Special Rapporteur on Freedom of Opinion and Expression

*Facilitation/cooperation during missions**Follow-up to visits**Responses to letters of allegations and urgent appeals*

During the period under review, three communications were sent. The Government replied to none of the communications.

Responses to questionnaires on thematic issues

Sierra Leone responded to none of the 26 questionnaires sent by special procedures mandate holders.³⁴

3. Cooperation with the Office of the High Commissioner for Human Rights

14. OHCHR has supported the Human Rights and Rule of Law Section of the United Nations Integrated Peace Building Office in Sierra Leone (UNIPSIL), which was established in August 2008; OHCHR had also supported the UNIPSIL predecessor, the United Nations Integrated Office in Sierra Leone, which had been established in January 2006.³⁵ The Security Council's mandate to UNIPSIL included providing assistance to the Government in promoting good governance, the rule of law and human rights.³⁶ During the period under review, the High Commissioner for Human Rights reported annually to the Human Rights Council.³⁷

B. Implementation of international human rights obligations taking into account applicable international humanitarian law

1. Equality and non-discrimination

15. CEDAW urged Sierra Leone to put in place without delay a comprehensive strategy, including clear goals and timetables, to modify or eliminate negative cultural practices and stereotypes that are harmful to and discriminate against women and to promote women's full enjoyment of their human rights. Such a strategy should: be undertaken in collaboration with civil society and women's organizations; include specifically designed educational and awareness-raising programmes targeting women and men at all levels of society, including tribal chiefs; and be aimed at creating an enabling environment for the transformation and change of stereotypes and discriminatory cultural values, attitudes and practices.³⁸

16. The High Commissioner reported that early and forced marriages (27 per cent of children marry before their fifteenth birthday), teenage pregnancy, high incidence of sexual exploitation and abuse, and cultural and religious bias towards girls' education were all critical challenges.³⁹ Women continued to suffer from exclusion and discrimination in various fields. Furthermore, criteria applied for awarding scholarships in Birewa chiefdom in Makeni were discriminatory to girls, as girls were considered eligible only if they passed a virginity test.⁴⁰

17. CEDAW encouraged the establishment of a legislative basis for the use of temporary special measures and urged the elaboration of concrete goals, such as quotas and timetables to accelerate achievement of substantive equality between women and men for each area.⁴¹ UNCT noted that the Ministry of Social Welfare, Gender and Children's Affairs had developed a National Gender Strategic Plan (NGSP) and the National Action Plan on UNSCR 1325 and 1820.⁴²

18. In his 2010 report to the Security Council, the Secretary-General urged the Government to address the concerns of national stakeholders regarding the need for equal

availability of opportunities to all citizens irrespective of ethnic or political affiliations.⁴³ In 2010, the ILO Committee of Experts on the Application of Conventions and Recommendations requested information in particular on the measures taken to ensure equality in employment and occupation between women and men and among members of the different ethnic groups.⁴⁴

2. Right to life, liberty and security of the person

19. In 2010, UNCT⁴⁵ and the High Commissioner reported that the de facto moratorium on the death penalty, put in place 10 years earlier, had been respected. The High Commissioner underlined that the TRC had recommended the removal of the death penalty from the statutes.⁴⁶

20. Also in 2010, the High Commissioner stated that ritual killings continued in various parts of the country and that no effective investigations and successful prosecutions had been undertaken.⁴⁷

21. The High Commissioner reported instances of violations of the right to life by State authorities. She cited, by way of example, the incident at Lungi in September 2009 where 3 people were shot dead and 13 others injured as a result of the use of excessive force by the police, who opened fire on demonstrators attacking a police post.⁴⁸ The High Commissioner strongly urged the Government to investigate and prosecute security officials involved in violating human rights, notably in the Lungi incident.⁴⁹

22. The High Commissioner observed that a spate of armed robberies with, in some instances, alleged links between members of the security forces and robbers, posed serious challenges to the right to personal security and property.⁵⁰

23. Concerning human rights defenders, the High Commissioner in 2010 reported that the chairperson of the Human Rights Committee of the Bombali district was allegedly detained for two days by the magistrate in Makeni for criticizing the ruling of the court on a rape case.⁵¹

24. Despite considerable improvement in prison facilities, the High Commissioner observed that some prisons remained extremely overcrowded.⁵²

25. CRC, CEDAW and the High Commissioner continued to express concern about female genital mutilation (FGM)⁵³ and forceful initiation into secret societies.⁵⁴ UNCT reported that an estimated 90 per cent of women in Sierra Leone and the diaspora had gone through the practice, which was perceived as a cultural and traditional right that parents exercised in the interest of their children. UNCT noted that very young girls continued to be circumcised, sometimes in isolation from the initiation rites, with serious health consequences.⁵⁵ It recommended that due to the sensitivity of the issue, innovative approaches should be explored, and suggested that engaging traditional leaders as partners in development would be a way forward.⁵⁶ CRC urged Sierra Leone, inter alia, to provide practitioners who give up FGM with adequate training and support to find alternative sources of income.⁵⁷ The High Commissioner encouraged Sierra Leone, inter alia, to ratify and incorporate into national law the Optional Protocol to the African Charter on the Rights of Women.⁵⁸

26. CEDAW expressed particular concern about the persistence of customary law and cultural practices that considered the physical chastisement of family members, in particular women, acceptable.⁵⁹ The High Commissioner identified the lack of access of women to the police, the exorbitant fees charged by medical officers and out-of-court settlements as some of the causes of the low prosecution rate of domestic violence under the 2007 Domestic Violence Act.⁶⁰ She recommended adoption of a national strategy for the elimination of violence against women.⁶¹

27. CRC raised concerns about the situation of child victims of sexual and gender-based violence and abuse.⁶² The High Commissioner reported that thousands of orphaned and vulnerable children remained victims of exploitation including domestic work, hazardous labour, especially in the mining sector, commercial sex, and trafficking across borders.⁶³ CRC was also concerned at reports of growing numbers of internally displaced children being trafficked.⁶⁴ Other practices noted included parents relinquishing custody of their children to relatives or acquaintances (*men kipin*), as well as the high number of children living or working in the streets who were particularly vulnerable to sexual and other forms of exploitation.⁶⁵

28. In 2010, the ILO Committee of Experts repeated its observation regarding section 8 (h) of the Chiefdom Councils Act (Cap. 61). It requested the Government to repeal or amend that provision, which was not in conformity with article 9 of the Constitution, under which compulsory cultivation may be imposed on “natives”, and to take necessary measures to bring it into conformity with the Forced Labour Convention (No. 29).⁶⁶

29. CRC was concerned that corporal punishment was not prohibited and, in fact, was widely practiced in homes, schools or alternative care contexts and detention centres.⁶⁷ The Committee recommended the full implementation of the Child Rights Act and explicit prohibition by law of all forms of violence against children, including corporal punishment, in all settings, and the effective implementation of those laws.⁶⁸

3. Administration of justice, including impunity and the rule of law

30. In 2010, while noting the strategic reforms carried out by the judiciary with the support of the United Nations Peacebuilding Fund,⁶⁹ the High Commissioner underlined that delays in delivering justice, prolonged pretrial detention and cases of detention for periods longer than that stipulated by the law were common.⁷⁰ She noted that inadequate prosecutorial capacity contributed to the delay in adjudicating matters in courts,⁷¹ and also observed a lack of vehicles to convey detainees to court.⁷² According to UNCT, Sierra Leone had only 14 judges, 15 magistrates and 7 public prosecutors, and an estimated 100 practicing lawyers.⁷³ The High Commissioner recommended improving the conditions of service of judges and magistrates, to further strengthen the independence of the judiciary and of prosecutors and to fill the vacant positions of magistrates and prosecutors.⁷⁴

31. UNCT indicated that accessibility to the formal system was especially limited in rural areas, where the large majority of the population resorted to local courts, which administered customary law in provincial communities, and to the traditional justice system. At the informal level, paramount chiefs acted as adjudicators of disputes.⁷⁵ According to UNCT, the lack of personnel also extended to the 302 local courts operating under the Ministry of Internal Affairs and Local Government rather than the Ministry of Justice. There were currently only three customary law officers charged with reviewing all local court decisions to ensure no errors in law or miscarriage of justice. UNCT noted that the independence of local court chairpersons had been questioned as a lack of tenure security was perceived as affecting decision-making. This situation became even more egregious in the 149 chiefdoms throughout the country where paramount chiefs continued to adjudicate as well.⁷⁶ The High Commissioner also reported on serious human rights issues associated with the functioning of local courts. Cases of exorbitant fines, arbitrary detention, the exercise of power beyond one’s jurisdiction and undue influence of traditional authorities on matters under consideration by local courts were rampant.⁷⁷ She added that lack of training of the newly appointed chairpersons in local courts posed a serious challenge.⁷⁸ UNCT noted that the codification used by local courts as well as their jurisdiction needed to be addressed.⁷⁹

32. UNCT noted that at the level of local courts, customary law was often discriminatory to women.⁸⁰ The High Commissioner identified capacity constraints on

investigating authorities, the low rate of prosecution, out-of-court settlements and interference by traditional leaders in judicial matters as continuing to undermine the judicial process, thus creating room for impunity, particularly regarding sexual and gender-based violence.⁸¹

33. In 2002, the Special Rapporteur on violence against women, following her mission to Sierra Leone in 2001, noted that the failure to investigate, prosecute and punish those responsible for rape and other forms of gender-based violence had contributed to an environment of impunity that perpetuated violence against women, including rape and domestic violence.⁸²

34. UNCT reported on outstanding challenges in the area of juvenile justice.⁸³ CRC urged Sierra Leone to ensure that juvenile justice standards were fully implemented, including the Child Rights Act, which raised the age of criminal responsibility to 14 years. CRC also recommended that Sierra Leone adopt a permanent policy of alternative sanctions for juvenile offenders, ensuring that children be held in detention only as a last resort and for as short a time as possible, and that detention sentences be reviewed periodically; that children be held separately from adults both in pretrial detention and after being sentenced; and that cases involving juveniles be brought to trial as quickly as possible.⁸⁴

35. In 2010, CRC recommended that Sierra Leone: take effective measures to monitor the situation of former child combatants who were not included in the disarmament, demobilization and reintegration process, particularly girls, with a view to providing them with the assistance necessary to facilitate their full reintegration; and ensure the payment of reparations to former combatants in accordance with the recommendations of the TRC.⁸⁵

36. UNCT reported that many Sierra Leoneans lacked confidence in their police while continuing to fear corruption at their hands due to inadequate oversight mechanisms.⁸⁶ It recommended timely completion of the process of setting up an independent police complaints board.⁸⁷

37. UNCT indicated that the Sierra Leone Police had developed an early warning system with provincial and district level security committees to deal with community security issues, and had created the Family Support Unit in order to handle sexual and gender-based crimes. It added that the Transnational Organized Crimes Unit had a human trafficking mandate.⁸⁸ The High Commissioner indicated that the Anti-Corruption Commission had been strengthened with prosecutorial powers by legislation passed in August 2008, and no longer depended on the Ministry of Justice to initiate proceedings.⁸⁹

38. The High Commissioner stated that eight prisoners, convicted by the Special Court for Sierra Leone, had been transferred to Rwanda to serve their sentences and noted the serious concerns raised by the Human Rights Commission that transfer of these prisoners to other countries would detach them from their families.⁹⁰

4. Right to privacy, marriage and family life

39. In 2007, CEDAW urged Sierra Leone to accelerate its reform of marriage and family relations in order to eliminate all discriminatory provisions in customary law and the Mohammedan Marriage Act so that women and men could enjoy the same legal rights and obligations.⁹¹

40. While noting the ongoing nationwide birth registration programme, CRC in 2010 recommended that Sierra Leone ensure that birth registration was free and compulsory in practice; consider the use of mobile birth registration units, particularly for remote areas; and conduct awareness-raising campaigns, with the support of community leaders, to promote birth registration.⁹²

41. CRC recommended that Sierra Leone, inter alia, continue its efforts to reunite separated children with their families;⁹³ and strengthen its efforts to combat illegal adoption, in particular to ensure that the improper inducement of consent for the adoption of a child is duly prosecuted.⁹⁴

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

42. In 2010, the High Commissioner referred to reports of religious intolerance, citing incidents of attacks on religious buildings.⁹⁵

43. The High Commissioner observed that although the right to freedom of expression was generally respected, there were instances of violations of that right. The editor of a newspaper was allegedly assaulted by a press photographer associated with the Office of the Presidency, for publishing news and articles criticizing the Government.⁹⁶ A reporter was allegedly assaulted and humiliated by women of the Bondo society, a secret society for women, for airing discussions on the negative effects of female genital mutilation.⁹⁷

44. The High Commissioner reported that journalists continued to advocate for the abolition of the seditious libel provisions under the Public Order Act of 1965, and that the writ petition filed by the Sierra Leone Association of Journalists, which challenged the constitutionality of this Act, was quashed by the Supreme Court on 10 November 2009.⁹⁸ It was recommended that Sierra Leone repeal the criminal libel provision of the Public Order Act of 1965.⁹⁹

45. In 2010, the ILO Committee of Experts noted that, under section 40 (a) of the Independent Media Commission Act of 2000, any person who operated a media institution without a licence from or registration by the Independent Media Commission was liable on summary conviction to a term of imprisonment not exceeding two years, which may involve compulsory prison labour.¹⁰⁰

46. In 2010, the High Commissioner reported that violence and intolerance between the supporters of the two main political parties contributed to violations of civil and political rights.¹⁰¹ The Government appointed a panel to review the report of the high-level commission established to investigate allegations of rape of female political party supporters and to make recommendations for necessary action.¹⁰² UNCT indicated that the relationship between the two major parties remained strained and was expected to intensify.¹⁰³ The Secretary-General called on the political parties to continue to engage in dialogue and resolve their differences. He urged the parties to adhere to the code of conduct of the Political Parties Registration Commission and to work closely with the National Electoral Commission on arrangements for the 2012 elections.¹⁰⁴

47. UNCT observed that while women made up 51 per cent of the population, only 17 of the 124 Parliament members were women. It noted that traditional practices further compounded this situation by discriminating against women from holding traditional paramount chieftaincy positions in the entire Northern Province and Kono district in the east.¹⁰⁵ The High Commissioner reported that, during the 2009 chieftaincy elections, two women were denied the right to run for the position of paramount chief because of traditional and cultural beliefs.¹⁰⁶

6. Right to work and to just and favourable conditions of work

48. UNCT highlighted that the level of youth unemployment in Sierra Leone was among the highest in the West African subregion.¹⁰⁷ In 2010, the Secretary-General stated that endemic unemployment among young people was a challenge to the stability of the country.¹⁰⁸

49. In 2010 the ILO Committee of Experts noted that the revision of the labour laws, prepared with ILO technical assistance, had been forwarded to the Law Officers' Department in 1995. The Committee requested the Government once again to make every effort to take the necessary action for the adoption of the new legislation and to indicate progress.¹⁰⁹ The Committee requested the Government to provide detailed information on the collective agreements in force in the education and other sectors.¹¹⁰

7. Right to social security and to an adequate standard of living

50. In 2009, the High Commissioner reported that one of the greatest threats to peace consolidation remained the low level of enjoyment of economic and social rights,¹¹¹ noting that Sierra Leone still had one of the highest infant and under-five mortality rates and maternal mortality rates in the world.¹¹²

51. UNCT reported that absolute poverty had fallen from around 70 per cent after the war to around 60 per cent by 2007, and that Sierra Leone was estimated to import nearly 40 per cent of its food needs.¹¹³ CEDAW expressed particular concern about the precarious situation of women in rural areas, who formed the majority of women in Sierra Leone.¹¹⁴ CRC expressed concern: that efforts to improve food security were not adequate for the survival and development of the child;¹¹⁵ at the high malnutrition rate, limited access to drinking water and sanitation facilities and inadequate protection of children from malaria;¹¹⁶ about the gender and regional disparities in access to basic health services; and at the low rates of exclusive breastfeeding.¹¹⁷

52. CRC urged Sierra Leone to take measures to prevent and reduce HIV/AIDS infection, particularly with regard to young people, by, inter alia: fully implementing the HIV/AIDS prevention, control and treatment plan; continuing to disseminate information and materials to the public, particularly to women and girls; and increasing knowledge about prevention and protection methods, including safe sex practices.¹¹⁸

8. Right to education

53. CRC was concerned that despite increased enrolment and completion rates in primary schools, enrolment was still low, in particular for girls, and that the number of teachers, in view of the large class sizes, was too small. It also expressed concern at the practice of public schools to charge additional fees, and at reports of sexual abuse of children, mostly girls, by teachers and the continued practice of corporal punishment in schools.¹¹⁹ CEDAW expressed similar concerns.¹²⁰

54. UNCT indicated that the education sector was undergoing a reform, outlined in a recent Government white paper. Reforms included 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, and a review of the conditions of service for teachers, among others. The Education Policy of 2004 was under revision with an aim, inter alia, to improve access to and quality of education, and retention and completion for the girl child.¹²¹

9. Migrants, refugees and asylum-seekers

55. UNCT reported that Sierra Leone hosted a total of 8,907 refugees and 208 asylum-seekers, mainly from a neighbouring country. In 2009, land agreements were signed between refugees and local authorities. In 2010, plots of land were allocated by the Government and local authorities for construction of shelters to foster integration of refugees in urban areas.¹²²

10. Right to development

56. In the *Sierra Leone Human Development Report 2007* it was observed that the country remained poor despite its rich resource base.¹²³ In 2010, the Secretary-General stated that the concluded mining agreements gave hope for self-sufficiency in the coming years. He urged, however, a cautious approach in the implementation of arrangements for the exploitation of resources and indicated that the United Nations stood ready to provide the necessary assistance to Sierra Leone.¹²⁴

57. In 2010 the Peacebuilding Commission took note of the strong emphasis in the second poverty reduction strategy, Agenda for Change, on economic growth and the prioritization of agriculture, energy and the development of road infrastructure.¹²⁵ UNCT observed that effective implementation of the Agenda for Change and the health and education strategies depended on the mobilization of resources by the Government, as well as on the support of international partners.¹²⁶

III. Achievements, best practices, challenges and constraints

58. In 2010, the Secretary-General commended Sierra Leone for the establishment of a free health-care programme for nursing mothers, pregnant women and children under the age of 5 to address the high infant and maternal mortality rates.¹²⁷

59. UNCT reported that following the negotiations of the Lomé Peace Agreement (1999) and the end of the war in 2002, huge progress had been made. It noted that the establishment of the TRC and the publication of its final report in 2004 served as a transitional justice mechanism to address impunity, promote national reconciliation and prevent reoccurrence.¹²⁸ However, six years after the publication of the TRC report several key recommendations had not yet been implemented.¹²⁹

60. The Secretary-General stated that addressing youth unemployment, reinforcing democratic institutions, combating corruption and promoting national cohesion and unity were among the key challenges that required special attention, particularly ahead of the 2012 elections.¹³⁰

IV. Key national priorities, initiatives and commitments

Specific recommendations for follow-up

61. On 16 July 2001, the HR Committee adopted its Views on communications No. 839/1998 (*Mansaraj et al.*), No. 840/1998 (*Tamba et al.*) and No. 841/1998 (*Sesay et al.*), holding Sierra Leone in violation of ICCPR for having convicted 12 out of the 18 authors of those communications to capital punishment following trials which did not comply with fair trial requirements under the Covenant. In its follow-up response Sierra Leone indicated that six persons had been released and that the right to appeal from courts martial had been reinstated.¹³¹ The Committee considered that Sierra Leone should reconsider its decision not to grant compensation to the families of the deceased victims. Follow-up dialogue is ongoing.¹³²

62. UNCT in 2010¹³³ and the High Commissioner in her annual reports to the Human Rights Council on Sierra Leone made recommendations.¹³⁴ They included: speeding up the implementation of the recommendations of the TRC, by, inter alia: fast-tracking the law reform process particularly the sexual offences and matrimonial bills;¹³⁵ integrating human right treaties, including CRPD, into national law;¹³⁶ setting up the TRC follow-up Committee; completing the Constitutional Review Process, including repealing

discriminatory provisions contained therein and abolishing the death penalty;¹³⁷ separating the Offices of the Attorney General and that of the Minister of Justice; and decriminalizing libel.¹³⁸

V. Capacity-building and technical assistance

63. In 2007, the High Commissioner reported that Sierra Leone had been selected as one of the first countries to benefit from the newly established United Nations Peacebuilding Commission.¹³⁹

64. UNCT reported that the Sierra Leone Reparations Programme had been established in 2008, following up on one of the key TRC recommendations. Beneficiaries included, inter alia, amputees and victims of sexual violence. The Programme registered over 32,000 war victims and delivered partial benefits to over 20,000 victims. According to UNCT, failure to continue the reparations would entail the risk of fuelling anger, as the victims' fate stood in stark contrast to that of former combatants who received financial assistance and training as part of demobilization and reintegration programmes. The Programme in 2010–2011 remained pivotal to ensure a meaningful and sustainable reconciliation.¹⁴⁰

65. UNCT¹⁴¹ and the High Commissioner urged international partners to continue supporting the Government in addressing human rights challenges, in particular to assist in the funding of the reparations programme.¹⁴²

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E.26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that

- has signed, ratified or acceded to the Covenant”.
- ⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁵ See also UNCT submission to the UPR on Sierra Leone, October 2010, para. 27.
- ⁶ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ⁷ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁸ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁹ Concluding comments of the Committee on the Elimination of Discrimination against Women (CEDAW/C/SLE/CO/5), para. 42.
- ¹⁰ *Ibid.*, para. 45.
- ¹¹ Concluding observations of the Committee on the Rights of the Child (CRC/C/OPSC/SLE/CO/1), para. 27.
- ¹² UNCT submission (note 5 above), para. 6.
- ¹³ CEDAW/C/SLE/CO/5, para. 12.
- ¹⁴ UNCT submission (note 5 above), para. 28.
- ¹⁵ CEDAW/C/SLE/CO/5, para. 13.
- ¹⁶ UNCT submission (note 5 above), para. 31.
- ¹⁷ CCA Sierra Leone, 2008-2010, p. 34. Available from www.sl.undp.org/4_media/publications/common_country_assessment.pdf.
- ¹⁸ Concluding observations of the Committee on the Rights of the Child (CRC/C/SLE/CO/2), para. 26.
- ¹⁹ Concluding observations of the Committee on the Rights of the Child (CRC/C/OPAC/SLE/CO/1), para. 24.
- ²⁰ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/65/340, annex.
- ²¹ Report of the United Nations High Commissioner for Human Rights on assistance to Sierra Leone in the field of human rights (A/HRC/13/28), para. 54.
- ²² *Ibid.*, para. 64 (d) and UNCT submission (note 5 above), para. 56.
- ²³ CRC/C/OPSC/SLE/CO/1, para. 14.
- ²⁴ *Ibid.*, para. 15.
- ²⁵ UNCT submission (note 5 above), para. 56.
- ²⁶ *Ibid.*, para. 19.
- ²⁷ A/HRC/13/28, para. 15.
- ²⁸ A/HRC/13/28, para. 64 (f).
- ²⁹ CRC/C/SLE/CO/2, para. 13.
- ³⁰ The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child
CRPD	Committee on the Rights of Persons with Disabilities

- ³¹ *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 18* and corrigendum (A/56/18 and Corr. 1), para. 224. See also paras. 225-226.
- ³² UNCT submission (note 5 above), paras. 21 and 56.
- ³³ E/CN.4/2002/83/Add.2.
- ³⁴ The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 31 October 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24, and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para. 120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16 and Corr.1, footnote 29; (m) A/HRC/11/6, annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para. 2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2; (x) A/HRC/14/46/Add.1; (y) A/HRC/15/31/Add.1, para. 6 – for list of responding States, see http://www2.ohchr.org/english/issues/water/iexpert/written_contributions.htm; (z) A/HRC/15/32, para. 5.
- ³⁵ OHCHR, *2008 Report: Activities and Results*, pp. 90-91, and *2007 Report: Activities and Results*, pp.79-80.
- ³⁶ Security Council resolution 1941 (2010), para. 2 (iv).
- ³⁷ Annual reports of the United Nations High Commissioner for Human Rights on assistance to Sierra Leone in the field of human rights: A/HRC/4/96, A/HRC/7/66, A/HRC/10/52 and A/HRC/13/28.
- ³⁸ CEDAW/C/SLE/CO/5, para. 21.
- ³⁹ A/HRC/10/52, para. 16.
- ⁴⁰ A/HRC/13/28, para. 22.
- ⁴¹ CEDAW/C/SLE/CO/5, para. 19.
- ⁴² UNCT submission (note 5 above), para. 18.
- ⁴³ S/2010/471, para. 80.
- ⁴⁴ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2010, Geneva, doc. No. (ILOLEX) 062010SLE111, second and fourth paragraphs.
- ⁴⁵ UNCT submission (note 5 above), para. 32.
- ⁴⁶ A/HRC/13/28, para. 5.
- ⁴⁷ *Ibid.*, para. 4.
- ⁴⁸ *Ibid.*, para. 3.
- ⁴⁹ *Ibid.*, para. 64 (b).
- ⁵⁰ *Ibid.*, para. 8.
- ⁵¹ *Ibid.*, para. 14.
- ⁵² *Ibid.*, para. 39.
- ⁵³ CRC/C/SLE/CO/2, para. 57; CEDAW/C/SLE/CO/5, paras. 22-23; and A/HRC/13/28, para. 23.
- ⁵⁴ A/HRC/13/28, para. 23.
- ⁵⁵ UNCT submission (note 5 above), para. 33. See also UNICEF, *Changing a Harmful Social Convention: Female Genital Mutilation/Cutting*, Innocenti Digest (Sesto Fiorentino, Italy, 2005).
- ⁵⁶ UNCT submission (note 5 above), para. 33.
- ⁵⁷ CRC/C/SLE/CO/2, para. 58.
- ⁵⁸ A/HRC/7/66, para. 66. See also CCA Sierra Leone (note 17 above), p. 35.
- ⁵⁹ CEDAW/C/SLE/CO/5, para. 24.
- ⁶⁰ A/HRC/13/28, para. 24. See also UNCT submission (note 5 above), p. 7.

- ⁶¹ A/HRC/13/28, para. 64 (h).
- ⁶² CRC/C/OPSC/SLE/CO/1, para.37 and CRC/C/SLE/CO/2, para. 47.
- ⁶³ A/HRC/10/52, para. 17.
- ⁶⁴ CRC/C/SLE/CO/2, para. 74.
- ⁶⁵ CRC/C/OPSC/SLE/CO/1, para. 23.
- ⁶⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Forced Labour Convention, 1930 (No. 29), 2010, Geneva, doc. No. (ILOLEX) 062010SLE029, second and fourth paragraphs.
- ⁶⁷ CRC/C/SLE/CO/2, para. 35.
- ⁶⁸ Ibid., para. 36.
- ⁶⁹ A/HRC/13/28, paras. 32-34.
- ⁷⁰ Ibid., para. 35.
- ⁷¹ Ibid., para. 36.
- ⁷² Ibid., para. 39.
- ⁷³ UNCT submission (note 5 above), paras. 37-38.
- ⁷⁴ A/HRC/13/28, para. 64 (c).
- ⁷⁵ UNCT submission (note 5 above), paras. 8 and 36.
- ⁷⁶ Ibid., para. 39.
- ⁷⁷ A/HRC/13/28, para. 47; see also paras. 37-38.
- ⁷⁸ Ibid., para. 37; see also para. 47.
- ⁷⁹ UNCT submission (note 5 above), para. 36.
- ⁸⁰ Ibid., para. 30.
- ⁸¹ A/HRC/13/28, p. 2.
- ⁸² E/CN.4/2002/83/Add.2, p. 2.
- ⁸³ UNCT submission (note 5 above), para. 40.
- ⁸⁴ CRC/C/SLE/CO/2, para. 77.
- ⁸⁵ CRC/C/OPAC/SLE/CO/1, para. 28.
- ⁸⁶ UNCT submission (note 5 above), para. 41.
- ⁸⁷ Ibid., para. 56.
- ⁸⁸ Ibid., para. 8.
- ⁸⁹ A/HRC/10/52, p. 2.
- ⁹⁰ A/HRC/13/28, para. 42.
- ⁹¹ CEDAW/C/SLE/CO/5, para. 39.
- ⁹² CRC/C/OPSC/SLE/CO/1, paras. 28-29.
- ⁹³ CRC/C/SLE/CO/2, para. 42.
- ⁹⁴ CRC/C/OPSC/SLE/CO/1, para. 34.
- ⁹⁵ A/HRC/13/28, para. 10.
- ⁹⁶ Ibid., para. 11.
- ⁹⁷ Ibid., paras. 11 and 23.
- ⁹⁸ Ibid., para. 12. See also ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Abolition of Forced Labour Convention, 1957 (No. 105), 2010, Geneva, doc. No. (ILOLEX) 092010SLE105, second paragraph.
- ⁹⁹ A/HRC/13/28, para. 64 (g).
- ¹⁰⁰ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Abolition of Forced Labour Convention, 1957 (No. 105), 2010, Geneva, doc. No. (ILOLEX) 092010SLE105, fourth paragraph.
- ¹⁰¹ A/HRC/13/28, para. 6. See also A/HRC/10/52, paras. 7 and 69 (h).
- ¹⁰² A/HRC/13/28, para. 6.
- ¹⁰³ UNCT submission (note 5 above), para. 46.
- ¹⁰⁴ S/2010/471, para. 79.
- ¹⁰⁵ UNCT submission (note 5 above), para. 29.
- ¹⁰⁶ A/HRC/13/28, para. 22.
- ¹⁰⁷ UNCT submission (note 5 above), para. 48.
- ¹⁰⁸ S/2010/471, para. 74.

- ¹⁰⁹ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98), 2010, Sierra Leone, doc. No. (ILOLEX) 062010SLE098, second paragraph.
- ¹¹⁰ Ibid., third paragraph.
- ¹¹¹ A/HRC/10/52, p. 2.
- ¹¹² Ibid., p. 3. See also CRC/C/SLE/CO/2, para. 51.
- ¹¹³ UNCT submission (note 5 above), paras. 47 and 49.
- ¹¹⁴ CEDAW/C/SLE/CO/5, para. 36.
- ¹¹⁵ CRC/C/SLE/CO/2, para. 29.
- ¹¹⁶ Ibid., para. 51.
- ¹¹⁷ Ibid., para. 52.
- ¹¹⁸ Ibid., para. 61.
- ¹¹⁹ Ibid., para. 64.
- ¹²⁰ CEDAW/C/SLE/CO/5, para. 30.
- ¹²¹ UNCT submission (note 5 above), para. 50.
- ¹²² Ibid., para. 51.
- ¹²³ UNDP, *Sierra Leone Human Development Report 2007*, p. 15. Available from <http://hdr.undp.org/en/reports/national/africa/sierraleone/name,3115,en.html>.
- ¹²⁴ S/2010/471, para. 75.
- ¹²⁵ Outcome of the Peacebuilding Commission High-level Special Session on Sierra Leone (PBC/3/SLE/6), para. 4 (f). See also PBC/4/SLE/3, para. 11.
- ¹²⁶ UNCT submission (note 5 above), paras. 52-53.
- ¹²⁷ S/2010/471, paras. 30 and 77.
- ¹²⁸ UNCT submission (note 5 above), para. 4.
- ¹²⁹ Ibid., para. 34.
- ¹³⁰ S/2010/471, para. 6.
- ¹³¹ *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 40*, vol. I (A/57/40 (Vol. I)), para. 249.
- ¹³² Ibid., *Fifty-ninth Session, Supplement No. 40*, vol. I (A/59/40 (Vol. I)), p. 146.
- ¹³³ UNCT submission (note 5 above), paras. 55-57.
- ¹³⁴ A/HRC/13/28, para. 64; A/HRC/10/52, para. 69; A/HRC/7/66, para. 66 and A/HRC/4/96, para. 58.
- ¹³⁵ A/HRC/13/28, para. 64 (a) and A/HRC/10/52, para. 69 (f).
- ¹³⁶ A/HRC/13/28, para. 64 (a).
- ¹³⁷ UNCT submission (note 5 above), para. 56. See also A/HRC/10/52, paras. 31 and 69 (a).
- ¹³⁸ UNCT submission (note 5 above), para. 56.
- ¹³⁹ A/HRC/4/96, p. 2 and para. 48.
- ¹⁴⁰ UNCT submission (note 5 above), para. 10.
- ¹⁴¹ Ibid., para. 57.
- ¹⁴² A/HRC/13/28, para. 65.