

# SIERRA LEONE

## CONCRETE STEPS NEEDED TO MOVE HUMAN RIGHTS FORWARD

*Amnesty International  
Submission to the UN Universal  
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**AMNESTY  
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# CONTENTS

Executive summary .....	2
Follow up to the previous review .....	2
The national human rights framework .....	3
New legislation.....	3
Draft legislation.....	3
Constitutional Review.....	3
International and regional human rights treaties .....	4
The death penalty.....	4
The human rights situation on the ground .....	4
Arbitrary or excessive use of force by police.....	4
Conditions in detention .....	5
Pre-trial and arbitrary detention .....	5
Restrictions on freedom of expression and assembly .....	7
Rights to non-discrimination and to education.....	8
Right to health .....	9
Women and girls' rights.....	10
Rights of Lesbian, Gay, Bisexual, Transgender and Intersex persons .....	10
Recommendations for action by the State under review .....	11
Annex .....	14

## EXECUTIVE SUMMARY

This report is based on the submission prepared for the Universal Periodic Review (UPR) of Sierra Leone taking place in January 2016. In it, Amnesty International evaluates the implementation of recommendations accepted by Sierra Leone in its previous UPR, assesses the national human rights framework and the situation of human rights on the ground, and makes a number of recommendations to the government of Sierra Leone to strengthen human rights protection and address human rights challenges in the country.

Amnesty International acknowledges Sierra Leone's efforts to improve its human rights framework, including by passing the Legal Aid Act 2012, the Sexual Offences Act 2012 and ratifying the Maputo Protocol (The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa). However, it has yet to ratify a number of international human rights treaties, including the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Amnesty International welcomes Sierra Leone's steps towards abolishing the death penalty, including the current moratorium in place on executions and the commutation of several death sentences. However, Amnesty International is concerned about continuing complaints of torture and other ill-treatment of detainees, arbitrary arrests, and excessive use of force by police.

Amnesty International is also concerned about the use of criminal defamation charges against journalists which undermine the right to freedom of expression, and about discrimination and violence against women, girls, lesbian, gay, bisexual, and transgender persons. In particular, Amnesty International is concerned about the ban on pregnant girls attending mainstream school and sitting exams.

## FOLLOW UP TO THE PREVIOUS REVIEW

Of the 129 recommendations made by Member States during its first UPR in 2011, Sierra Leone accepted 126 recommendations.<sup>1</sup> It rejected three recommendations to repeal provisions that criminalize sexual activity between consenting adults.<sup>2</sup>

Amnesty International welcomes the steps taken by the government to implement the UPR recommendations, including the enactment of several new laws, as outlined below. Sierra Leone has also taken steps to submit its outstanding reports to the treaty bodies.<sup>3</sup>

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<sup>1</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review - Sierra Leone*, Addendum, A/HRC/18/10/Add.1, 13 September 2011.

<sup>2</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review - Sierra Leone*, A/HRC/18/10, 11 July 2011 and A/HRC/18/10/Add.1, recommendations 82.7 (Canada), 82.8 (Norway) and 82.9 (Netherlands).

<sup>3</sup> A/HRC/18/10, recommendations 80.11 (Japan), 80.12 (Algeria), 80.13 (Ukraine). For example, Sierra Leone was reviewed for the first time by the Human Rights Committee on 11-

Amnesty International notes that despite the government's acceptance of recommendations to abolish the death penalty,<sup>4</sup> it has yet to do so.

Moreover, laws which restrict freedom of expression, such as criminal libel laws, are still in place despite the government's earlier commitment to repeal such laws.<sup>5</sup> Reports of excessive use of force by the police are still commonplace and there has been limited investigation into alleged killings of civilians by the police despite Sierra Leone's acceptance of such recommendations.<sup>6</sup> Amnesty International is particularly concerned that, despite accepting recommendations to guarantee equal access to education,<sup>7</sup> particularly for girls, the Minister of Education has banned visibly pregnant girls from sitting exams and attending mainstream school.<sup>8</sup>

## THE NATIONAL HUMAN RIGHTS FRAMEWORK

### NEW LEGISLATION

Sierra Leone has taken a series of initiatives to improve its human rights framework, such as enactment of the Legal Aid Act 2012, the Sexual Offences Act 2012, the Right to Access Information Act 2013, and the Corrections Act 2014.

### DRAFT LEGISLATION

Several key pieces of legislation are still pending enactment, such as the Criminal Procedure Bill, aimed at updating the 1965 law. The bill includes important provisions to address excessive pre-trial detention, delays in court hearings and lack of alternatives to detention. The Gender Equality Bill, which provides for a minimum 30% representation of women in parliament, local councils and ministries, departments and agencies, has also yet to be enacted.<sup>9</sup>

### CONSTITUTIONAL REVIEW

In 2013, a Constitutional Review was launched; however, it has not been

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12 March 2014. It has also submitted its first report to the African Commission on Human and People's Rights, *Sierra Leone Periodic Report on the Implementation of the African Charter for Human and Peoples' Rights*, 2013, p. 10 available at <http://www.achpr.org/states/sierra-leone/reports/1st-1983-2013/>

<sup>4</sup> A/HRC/18/10, recommendation 82.14 (France), 82.15 (Ireland), 82.16 (Spain), 82.17 (Austria), 82.18 (Germany), 82.19 (Argentina), 82.20 (Brazil), 82.22 (Switzerland), 82.23 (Portugal), 82.24 (United Kingdom), 82.25 (Ecuador)

<sup>5</sup> A/HRC/18/10, recommendations 81.45 (Netherlands), 82.10 (United States).

<sup>6</sup> A/HRC/18/10, recommendations 81.40 (Switzerland), 81.57 (Mexico).

<sup>7</sup> A/HRC/18/10, recommendations 80.37 (Chile), 81.52 (Turkey).

<sup>8</sup> Ministry of Education, Science and Technology Press Release, *Government Position on Pregnant School Girls*, 2 April 2015. Amnesty International, *Sierra Leone: Let pregnant girls take exams*, 27 March 2015, available at

<https://www.amnesty.org/en/articles/news/2015/03/let-pregnant-girls-take-exams/>

<sup>9</sup> Freedom House, *Freedom in the World 2015: Sierra Leone*, available at <https://freedomhouse.org/report/freedom-world/2015/sierra-leone#>.

completed, due in part to an outbreak of the Ebola virus in 2014. Many of the 2011 UPR recommendations were accepted subject to the Constitutional Review. The current Constitution contains a number of shortcomings, as highlighted in the 2011 review, such as discriminatory provisions relating to women and citizenship<sup>10</sup> and insufficient economic and social rights guarantees.

## INTERNATIONAL AND REGIONAL HUMAN RIGHTS TREATIES

Sierra Leone accepted recommendations to ratify a number of international treaties,<sup>11</sup> however, many are still outstanding, including the Optional Protocols to the Convention on the Elimination of All Forms of Discrimination against Women and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Many treaties, such as the Convention on the Elimination of All Forms of Discrimination against Women, have yet to be domesticated. Sierra Leone has also yet to ratify important regional treaties, notably the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights.

## THE DEATH PENALTY

Sierra Leone retains the death penalty for treason and aggravated robbery, and it remains mandatory for murder. There is currently a moratorium on executions in place and several death sentences have been commuted. In May 2014, the Attorney General and the Minister of Justice told the UN Committee against Torture that Sierra Leone would shortly abolish the death penalty through a revision of the Criminal Procedure Act.<sup>12</sup> However, to date no action has been taken to that effect.

# THE HUMAN RIGHTS SITUATION ON THE GROUND

## ARBITRARY OR EXCESSIVE USE OF FORCE BY POLICE

The government has not done enough to investigate and hold accountable police officers accused of using arbitrary or abusive force.<sup>13</sup> Two cases are highlighted below:

In April 2012, police killed an unarmed woman, Musu Conteh, and injured at least 11 others when workers at a mining company in Bumbuna, Tonkolili held a peaceful demonstration against poor working conditions and remuneration. The Human Rights Commission of Sierra Leone investigated the incident and called for

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<sup>10</sup> Human Rights Council, *Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 - Sierra Leone*, A/HRC/WG.6/11/SLE/2, 21 February 2011, para 2 – 5.

<sup>11</sup> A/HRC/18/10, recommendations 80.1 (Spain), 80.2 (Argentina), 80.3 (Costa Rica), 80.4 (France), 80.5 (United Kingdom), 80.6 (Belgium), 80.7 (Nigeria), 80.8 (Hungary).

<sup>12</sup> Amnesty International, *Sierra Leone to speed up death penalty abolition* (Index: AFR 51/001/2014).

<sup>13</sup> Amnesty International Report 2013, *The state of the world's human rights* (Index: Pol 10/001/2013), p. 231 and Human Rights Commission of Sierra Leone, *The State of Human Rights in Sierra Leone*, 2013, p. 39

criminal investigations and prosecutions. The government initiated a Coroner's Inquest into the killing; however, to date no one has been held to account.<sup>14</sup>

There were at least two allegations of unlawful killings by the police in 2014, when the police opened fire in response to a riot in Kono relating to a suspected Ebola case. So far there has been no effective and independent investigation into the killings.<sup>15</sup>

An Independent Police Complaints Board was established in 2014 though it has yet to fully commence operations.

## CONDITIONS IN DETENTION

In 2014, the UN Human Rights Committee recommended that Sierra Leone should adopt a definition of torture in its domestic legislation which complies with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and with the International Covenant on Civil and Political Rights. The Committee noted continued complaints of torture and other ill-treatment by law enforcement officials against detainees.<sup>16</sup>

Conditions in prisons and detention centers in Sierra Leone are well below international standards. A 2012 UN assessment found overcrowding, poor sanitation, limited access to health facilities, and inadequate provision of food, drinking water and rehabilitation facilities.<sup>17</sup> Many people are detained for minor offences, which contributes to overcrowding and excessive pre-trial detention. Juveniles are often detained with adults.<sup>18</sup>

## PRE-TRIAL AND ARBITRARY DETENTION

There are instances of arbitrary arrests, especially by the police for minor offences, such as loitering<sup>19</sup> and fraudulent conversion.<sup>20</sup> People are regularly detained by the police beyond constitutional time limits.<sup>21</sup>

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<sup>14</sup> Amnesty International, *Sierra Leone: Briefing on the Events in Bumbuna, Tonkolili* (Index: AFR 51/004/2012).

<sup>15</sup> Amnesty International, *Sierra Leone must release 8 people arbitrarily detained after Ebola riot*, 30 January 2015 available at <https://www.amnesty.org/press-releases/2015/01/sierra-leone-must-release-people-arbitrarily-detained-after-ebola-riot/>.

<sup>16</sup> Human Rights Committee, *Concluding Observations on the Initial Report of Sierra Leone*, CCPR/C/SLE/CO/1, 17 April 2014, para 16.

<sup>17</sup> UNIPSIL, *Opening minds to rights behind bars: Report on the situation of detention in Sierra Leone*, 2012 available at <http://unipsil.unmissions.org/Default.aspx?tabid=9621&language=en-US>

<sup>18</sup> UNIPSIL, *Opening minds to rights behind bars: Report on the situation of detention in Sierra Leone*, 2012 p. 40, 43, 44 & 53. See further, Amnesty International report 2013, *AdvocAid, Women, Debt and Detention*, 2012 available at <http://www.advocaidsl.com/wp-content/uploads/2011/03/AdvocAid-Women-Debt-and-Detention-Final-Report.pdf> and Human Rights Commission of Sierra Leone, *The State of Human Rights in Sierra Leone*, 2013, p. 46

<sup>19</sup> Loitering is defined by section 7 of the Public Order Act 1965, "Any person loitering in or about any stable house or building, or under any piazza, or in the open air, and not having any visible means of subsistence, and not giving a good account of himself, shall be deemed an idle and disorderly person, and shall, on conviction thereof, be liable to imprisonment for any period, not exceeding one month."

<sup>20</sup> Fraudulent Conversion is created by section 20(1)(iv)(b) of the Larceny Act 1916 and defined as "Every person who having either solely or jointly with any other person received any property for or on account of any other person;

In August 2013, 18 members of the Republic of Sierra Leone Armed Forces were detained for allegedly plotting to mutiny at the Tekoh barracks in Makeni. They were held in incommunicado detention for eight months. Fourteen of them were indicted and brought to trial.<sup>22</sup> One of the accused was acquitted in February 2015 for lack of evidence. On 6 August, the remaining 13 members were acquitted.<sup>23</sup>

Numerous people were arbitrarily detained and prosecuted under the Public Emergency Regulations 2014 and by-laws, such as for public gathering or trading after hours. Such arrests are often unpredictable and inappropriate and contribute to overcrowding in detention facilities and pre-trial detention.<sup>24</sup>

In October 2014, eight people were detained under an Executive Order issued by President Koroma following a riot in Kono, in Eastern Sierra Leone, related to a contested suspected Ebola patient. In February 2015, a further four men were arrested and in March 2015, an additional man was arrested under the same Executive Order. The detainees had no warrants or documentation supporting their detention or any release date. Two women were released on 12 April 2015, following civil society advocacy. The 11 men were charged on 21 April 2015 under the Public Order Act and Public Emergency Regulations 2014 after a habeas corpus application was filed to challenge the legality of their detention. The trial is still ongoing. Amnesty International and other civil society groups raised concern about these cases as, under Sierra Leone's Constitution, an independent tribunal should have been set up by the Chief Justice to review the continued detention of the detainees when the President refuses to order their release.<sup>25</sup>

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fraudulently converts to his own use or benefit, or the use or benefit of any other person, the property or any part thereof or any proceeds thereof; shall be guilty of a misdemeanor and on conviction thereof liable to penal servitude for any term not exceeding seven years." Civil society organizations have raised concerns that this law is being used to criminalize people who owe debts. AdvocAid, *Women, Debt and Detention*, 2012. **Error! Hyperlink reference not valid.** *Sierra Leone Periodic Report on the Implementation of the African Charter for Human and Peoples' Rights*, 2013, p. 10 available at <http://www.achpr.org/states/sierra-leone/reports/1st-1983-2013/>. Amnesty International annual report 2013, CCPR/C/SLE/CO/1, para 20. UNIPSIL, *Opening minds to rights behind bars: Report on the situation of detention in Sierra Leone*, 2012 p. 40, 53 available at <http://unipsil.unmissions.org/Default.aspx?tabid=9621&language=en-US>.

<sup>21</sup> Section 17(2) Sierra Leone Constitution 1991 provides that anyone who is arrested or detained and not brought before a court of law should be released within 10 days for capital offences, offences carrying life imprisonment and economic and environmental offences. The time limit is seventy-two hours for all other offences. See further, Amnesty International report 2014/2015, *the state of the world's human rights* (Index: POL 10/001/2015), UNIPSIL, *Opening minds to rights behind bars: Report on the situation of detention in Sierra Leone*, 2012 p. 37 available at <http://unipsil.unmissions.org/Default.aspx?tabid=9621&language=en-US>.

<sup>22</sup> Amnesty International report 2014/2015 (Index: POL 10/001/2015).

<sup>23</sup> Reuters, *Sierra Leone Court Acquits 13 Soldiers Accused of Mutiny*, 6 August 2015, available at <http://www.reuters.com/article/2015/08/06/us-leone-military-idUSKCN0QB24W20150806> (accessed 10 August 2015)

<sup>24</sup> Documented during Amnesty International June 2015 mission. See also various media reports, such as <http://www.voanews.com/content/concerns-over-ebola-and-sierra-leone-justice-system/2832980.html>.

<sup>25</sup> Amnesty International, *Sierra Leone must release 8 people arbitrarily detained after Ebola*

Pre-trial detention is lengthy (including detention during trial) and regularly exceeds constitutional time limits. A high number of persons are held in pre-trial detention, including juveniles. Pre-trial detainees are commonly not held separately from convicted prisoners. There is unpredictable and, at times, overly restrictive exercise of power over the granting of bail. Alternatives to detention pending trial are usually not considered.<sup>26</sup>

Despite the passing of the Legal Aid Act in 2012, concrete steps still need to be taken to fully implement the Act and the provision of legal aid is sparse apart from that provided by a few NGOs.<sup>27</sup> As acknowledged by Sierra Leone in its report to the African Commission on Human and Peoples' Rights, there is a need for more judges and prosecutors, including to limit frequent court adjournments which contribute to trial delays.<sup>28</sup>

## RESTRICTIONS ON FREEDOM OF EXPRESSION AND ASSEMBLY

The increased use of criminal defamation charges against journalists threatens the right to freedom of expression in Sierra Leone.

In October 2013, Jonathan Leigh and Bai Bai Sesay from the *Independent Observer* were charged with criminal defamation for publishing an article criticizing the President. The journalists pleaded guilty to conspiracy to publish a seditious article. They were cautioned and discharged in March 2014.<sup>29</sup>

In January 2014, David Tam Baryoh was arrested for seditious libel and released on bail. In May 2014, his radio programme *Monologue* was banned for two months following a government directive. He was arrested again in November 2014 for comments made on his programme regarding the government's response to the Ebola outbreak. He was detained for 11 days and released on bail.<sup>30</sup> His passport is yet to be returned. On 26 August 2015, his radio programme *Monologue* was suspended by the Independent Media Commission (IMC) pending an investigation into allegations that the show infringed national security and incited violence and

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riot, 30 January 2015. Amnesty International Urgent Action Update, *Two Women Released, 11 Men Charged*, 7 May 2015, (Index: AFR 51/1603/2015), available at <https://www.amnesty.org/en/documents/afr51/1603/2015/en/>

<sup>26</sup> CCPR/C/SLE/CO/1, para 20 and UNIPSIL, *Opening minds to rights behind bars: Report on the situation of detention in Sierra Leone*, 2012 p. 37 - 39 available at <http://unipsil.unmissions.org/Default.aspx?tabid=9621&language=en-US>.

<sup>27</sup> Amnesty International report 2014/15 (Index: POL 10/001/2015).

<sup>28</sup> *Sierra Leone Periodic Report on the Implementation of the African Charter for Human and Peoples' Rights*, 2013 p. 11 available at <http://www.achpr.org/states/sierra-leone/reports/1st-1983-2013/> UNIPSIL, *Opening minds to rights behind bars: Report on the situation of detention in Sierra Leone*, 2012 p. 38, 39 available at <http://unipsil.unmissions.org/Default.aspx?tabid=9621&language=en-US>.

<sup>29</sup> Amnesty International report 2014/15 (Index: POL 10/001/2015) and Amnesty International, *Sierra Leone must drop charges against editors*, 24 October 2013, available at <https://www.amnesty.org/en/articles/news/2013/10/sierra-leone-must-drop-charges-against-editors/> See further, Human Rights Commission of Sierra Leone, *The State of Human Rights in Sierra Leone*, 2013, p. 41-42.

<sup>30</sup> Amnesty International report 2014/15 (Index: POL 10/001/2015) and Amnesty International, *Sierra Leone journalist faces indefinite detention* (AI Index: AFR 51/002/2014).

public disorder. His passport is yet to be returned. The Sierra Leone Association of Journalists has criticized the suspension, stating that the IMC does not have powers under the Independent Media Commission Act 2007 to suspend a radio programme indefinitely before an investigation has been completed.<sup>31</sup>

Amnesty International has also documented increased restrictions on the rights to freedom of expression and peaceful assembly during the state of emergency imposed in July 2014 to combat the Ebola outbreak. There has been an increase in arrests of opposition members, bans on peaceful protests and an unwillingness to tolerate dissent following the removal of former Vice President Samuel Sam-Sumana on 18 March 2015.<sup>32</sup>

On Sierra Leone's Independence Day on 27 April 2015, 15 members of the main opposition party, Sierra Leone People's Party (SLPP) and a Senior Officer from the Human Rights Commission of Sierra Leone, were arrested in Kenema following a protest at the SLPP office. They are currently on trial. There are concerns about excessive use of force during arrest by the police with several people injured.<sup>33</sup>

## RIGHTS TO NON-DISCRIMINATION AND TO EDUCATION

Amnesty International is concerned at the Ministry of Education's discriminatory policy of barring pregnant girls from attending school and sitting their Basic Education Certification Exams (BECE) exams which was launched on 30 March 2015. The policy appears to be based on discriminatory views and negative stereotypes. The Minister has expressed the view that he fears that pregnant girls will set a bad example to other girls.<sup>34</sup> Sources indicate that many pregnant girls are afraid to attend school because of the statements by the Minister of Education and others in the media.

The exclusion of pregnant girls from school and exams seems to be a common practice as highlighted by the Human Rights Commission of Sierra Leone.<sup>35</sup> For example, in 2011 the West African Examinations Council stopped pregnant girls in Sierra Leone from taking their exams. In some cases, the ban on pregnant girls attending mainstream schools is being enforced through humiliating and degrading treatment of the girls. Amnesty International interviewed girls who had experienced or witnessed others being subjected to degrading procedures by teachers and others in positions of authority, such as nurses. For example, girls have had their breasts

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<sup>31</sup> Amnesty International, *Sierra Leone: Further Information: Sierra Leone Journalist Still Facing Restrictions* (AFR 51/2383/2015), available at <https://www.amnesty.org/en/documents/AFR51/2383/2015/en/>.

<sup>32</sup> Amnesty International, *Sierra Leone: Ebola regulations and other laws must not be used to curtail freedom of expression and assembly*, 4 May 2015 available at <https://www.amnesty.org/en/articles/news/2015/05/sierra-leone-ebola-regulations-and-other-laws-must-not-be-used-to-curtail-freedom-of-expression-and-assembly/>.

<sup>33</sup> Amnesty International, *Sierra Leone: Ebola regulations and other laws must not be used to curtail freedom of expression and assembly*.

<sup>34</sup> Ministry of Education, Science and Technology Press Release, *Government Position on Pregnant School Girls*, 2 April 2015. Amnesty International, *Sierra Leone: Let pregnant girls take exams*, available at 27 March 2015 available at <https://www.amnesty.org/en/articles/news/2015/03/let-pregnant-girls-take-exams/>.

<sup>35</sup> Human Rights Commission of Sierra Leone, *Ensuring the right to access education by pregnant girls and young mothers*, 25 February 2015 available at <http://www.hrsl.org/content/ensuring-right-access-education-pregnant-girls-and-young-mothers>.

and stomachs felt by adults in public on school premises to see if they are pregnant. Some girls have been compelled by their schools to take urine tests. This practice violates girls' rights to privacy, physical and mental integrity and to be free from cruel, inhuman or degrading treatment.

## RIGHT TO HEALTH

Sierra Leone has been severely affected by the Ebola epidemic. By 30 June 2015 there had been 8665 laboratory confirmed cases and at least 3932 people had died.<sup>36</sup> The epidemic has weakened Sierra Leone's already fragile health care system and at least 221 health workers were infected by 1 July 2015.<sup>37</sup> NGOs have expressed concerns regarding food security, the disproportionate impact of the crisis on women and the inhumane conditions experienced by people subjected to quarantine.<sup>38</sup> Concerns were also raised about the lack of safety equipment and unsafe working conditions for health workers, with a number of strikes by health workers,<sup>39</sup> as well as mismanagement of Ebola funds.<sup>40</sup>

Sierra Leone has one of the highest maternal mortality rates in the world.<sup>41</sup> Prior to the Ebola outbreak, the authorities had made some progress towards ensuring that the Free Health Care Initiative (FHCI), launched in 2010, were becoming a reality for pregnant or lactating women and girls, and for children aged under five. However, challenges remain in implementing the FHCI. Health facilities continue to charge fees for health care services that are supposed to be free under the FHCI. A toll-free phone line has been set up to enable people to make complaints if they do not receive the care to which they are entitled; however, the process has been subject to delays and inefficiencies.<sup>42</sup>

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<sup>36</sup> Statistics as of 2 April 2015 – Centres for Disease Control and Prevention available at <http://www.cdc.gov/vhf/ebola/outbreaks/2014-west-africa/case-counts.html>

<sup>37</sup> WHO Ebola Situational Report as of 1 July 2015 available at <http://apps.who.int/ebola/current-situation/ebola-situation-report-1-july-2015>

<sup>38</sup> Amnesty International report 2014/15 (Index: POL 10/001/2015) and Amnesty International, *International assistance and human rights protections vital for Ebola-stricken countries* (Index: AFR 01/013/2014).

<sup>39</sup> See for example, BBC, *Ebola Crisis: Sierra Leone health workers strike*, 12 November 2014 available at <http://www.bbc.com/news/world-africa-30019895>. The Guardian, *Sierra Leone hospital staff strike over Ebola payments*, 24 December 2014 available at <http://www.theguardian.com/world/2014/dec/24/sierra-leone-hospital-strikes-over-ebola-payments>.

<sup>40</sup> Audit Service Sierra Leone, *Report on the Audit of the Management of the Ebola Funds: May – October 2014*, available at <http://www.auditservice.gov.sl/report/assl-report-on-ebola-funds-management-may-oct-2014.pdf>. See further, IRIN, *Sierra Leone's missing Ebola millions*, 30 March 2015 available at <http://www.irinnews.org/report/101293/sierra-leone-s-missing-ebola-millions>.

<sup>41</sup> Sierra Leone was estimated to have the highest maternal mortality at 1,100 deaths out of 100,000 live births. *Trends in maternal mortality: 1990 to 2013*. Estimates by WHO, UNICEF, UNFPA, The World Bank and the United Nations Population Division [http://data.unicef.org/corecode/uploads/document6/uploaded\\_pdfs/corecode/MMR2013\\_117.pdf](http://data.unicef.org/corecode/uploads/document6/uploaded_pdfs/corecode/MMR2013_117.pdf).

<sup>42</sup> Amnesty International report 2013 (Index: POL 10/001/2013). See further, Amnesty International, *At a Crossroads: Sierra Leone's Free Healthcare Policy* (Index: AFR 51/001/2011) and Amnesty International, *Out of Reach: The Cost of Maternal Health in Sierra Leone* (Index: AFR 51/005/2009).

## WOMEN AND GIRLS' RIGHTS

Violence against women and girls, including sexual violence, remains prevalent. The Sexual Offences Act 2012 introduced improved definitions of sexual violence, and stiffer penalties.<sup>43</sup> However, in 2014 the UN Human Rights Committee expressed concern that the Act was not being implemented properly, in particular by the police.<sup>44</sup> The Committee also highlighted concerns about limited access to legal aid, shelter and rehabilitation services for victims of sexual and domestic violence that were exacerbating the risks faced by women and girls trying to leave violent partners or ex-partners.<sup>45</sup> There is also a lack of access to post-rape health care services for victims due to legal and financial barriers.<sup>46</sup> The UN Human Rights Committee also urged Sierra Leone to accelerate the adoption of a bill to permit women and girls to access safe and legal abortion services.<sup>47</sup>

Sierra Leone accepted recommendations during its last UPR to enhance the role of women in public life.<sup>48</sup> However, the Gender Equality Bill, which provides for a minimum 30% representation of women in Parliament, local councils and ministries, departments and agencies, has yet to be enacted.<sup>49</sup>

Discriminatory provisions against women remain under Section 27(4)(d) of the Constitution, in relation to adoption, marriage, divorce, burial, devolution of property on death, and other areas of customary law.<sup>50</sup>

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PERSONS

Sierra Leone lacks constitutional or statutory provisions to expressly prohibit discrimination on the grounds of sexual orientation or gender identity, and the law criminalizes same sex relationships between consenting adults.<sup>51</sup> The UN Human Rights Committee noted in 2014 the prevalence of stereotypes and prejudices against lesbian, gay, bisexual and transgender persons and was particularly concerned about reported acts of violence against them.<sup>52</sup> The UN Special Rapporteur on Human Rights Defenders has also expressed concern for the physical and psychological integrity of human rights defenders working to protect the rights of LGBTI individuals in Sierra Leone and has called on the government to ensure a safe and enabling environment for them to conduct their work without fear for their safety.<sup>53</sup>

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<sup>43</sup> Amnesty International report 2014/2015 (Index: POL 10/001/2015).

<sup>44</sup> CCPR/C/SLE/CO/1, para 15.

<sup>45</sup> CCPR/C/SLE/CO/1, para 15.

<sup>46</sup> CCPR/C/SLE/CO/1, paras 14 and 15.

<sup>47</sup> CCPR/C/SLE/CO/1, para 14.

<sup>48</sup> A/HRC/18/10, recommendations 80.18 (Senegal), 81.33 (Norway).

<sup>49</sup> Amnesty International report 2014/2015 (Index: POL 10/001/2015).

<sup>50</sup> Section 27(4)(d) Sierra Leone Constitution 1991. Amnesty International report 2013 (Index: POL 10/001/2013).

<sup>51</sup> Sections 61 and 62 of the Offences Against the Persons Act 1861 which criminalize consensual same sex relations.

<sup>52</sup> CCPR/C/SLE/CO/1, para 11. See further, Global Rights, Dignity Association & Pride Equality, *Discrimination of the Basis of Sexual Orientation and Gender Identity: A Sierra Leone Case Study*, 2013 available at

[http://www.globalrights.org/sites/default/files/docs/2013\\_LGBTI\\_Report\\_Sierra\\_Leone.pdf](http://www.globalrights.org/sites/default/files/docs/2013_LGBTI_Report_Sierra_Leone.pdf).

<sup>53</sup> Human Rights Council, *Report of the Special Rapporteur on the situation of human rights*

# RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

## Amnesty International calls on the government of Sierra Leone to:

### *National human rights framework*

- Abolish the death penalty and ratify, without reservations, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- Take concrete steps to move forward the Constitutional Review process and ensure that a new Constitution complies with international human rights treaties to which Sierra Leone is a party;
- Ratify the Optional Protocol to the Convention on the Elimination of All Discrimination against Women and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights and make a declaration that would allow direct access of individuals and NGOs to the court.

### *Police use of arbitrary or excessive force*

- Properly investigate and hold accountable police officers accused of using arbitrary or excessive force, as recommended by past commissions of inquiry;
- Ensure the Independent Police Complaints Board is well resourced and that its mandate and procedures are accessible to the public;
- Amend Section 16(2) of the current Constitution to ensure that it does not provide for wider use of lethal force than permitted by international human rights law, notably the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- Ensure that all police officers, including the Operation Support Division, are aware of and abide by international human rights standards on police use of force, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials.

### *Pre-trial and arbitrary detention/ Conditions in detention*

- Adopt a definition of torture in domestic legislation compliant with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

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*defenders, Margaret Sekaggya, 3 March 2014, A/HRC/25/55/Add.3, para 381.*

- Ensure prompt, thorough and impartial investigation of all complaints of torture or other ill-treatment and that those responsible are held to account;
- Enact new prison rules in line with international standards, such as the Standard Minimum Rules for the Treatment of Prisoners and the Standard Minimum Rules for the Treatment of Female Prisoners;
- Encourage the consideration of alternatives to detention by the courts, taking into account the UN Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);
- Expedite the enactment of the Criminal Procedure Bill and ensure its provisions are in line with international and regional standards;
- Expedite implementation of the Legal Aid Act 2012;
- Take steps to implement the Ouagadougou Declaration and Plan of Action on Accelerating Prisons and Penal Reforms in Africa, in particular the recommendation to decriminalize minor offences such as loitering and failure to pay debts, and to provide alternatives to penal prosecution;
- Take steps to implement the African Commission on Human and Peoples' Rights Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa;
- Expedite the enactment of the Criminal Procedure Bill and ensure its provisions are in line with international and regional standards.

*Freedom of expression and assembly*

- Uphold the rights to freedom of expression and peaceful assembly, including for journalists and human rights defenders;
- Repeal the criminal libel provisions of the Public Order Act 1965 (Articles 25, 26, 32 and 33) and review the entire Act to ensure it is consistent with the right to freedom of expression under international and regional human rights law;
- Reform constitutional provisions relating to the state of emergency to ensure that current safeguards comply with international human rights law.

*Right to education*

- Take measures to comply with international and regional legal obligations to respect, protect and fulfil the rights of all girls to education, non-discrimination, equality, privacy, and physical integrity, and to issue an urgent directive to all schools to guarantee that pregnant girls can continue with their education, and attend classes and exams without fear;
- Take measures to involve women and girls in the development of education policies and laws and to uphold their right to participation.

*Right to health*

- Uphold the human rights of healthcare workers and service providers, including those involved in the Ebola response, including by ensuring proper personal protection equipment and working conditions;
- Address the disproportionate impact of Ebola on women, particularly on the provision of maternal health services;

- Take concrete steps to address corruption in health provision, especially in relation to the use of funding for the Ebola crisis;
- Work with development partners to rebuild and strengthen healthcare systems and public health information.

*Women and girls' human rights*

- Expedite the enactment of the Gender Equality Bill;
- Repeal discriminatory laws on abortion that violate women and girls' human rights, and to enact legislation that guarantees access for women and girls to safe and legal abortion services;
- Guarantee access for victims of sexual violence to post-rape healthcare services in line with international human rights obligations, including by removing cost and other barriers to access to emergency contraception, HIV and STI prophylaxis, and safe and legal abortion services;
- Abolish Section 27(4)(d) of the Constitution which discriminates against women;
- Fully implement and resource the Sexual Offences Act 2012;
- Take concrete action to guarantee girls' human rights to sexual and reproductive healthcare information, services and goods.

*Rights of lesbian, gay, bisexual, transgender and intersex persons*

- Repeal Sections 61 and 62 of the Offences Against the Persons Act 1861 which criminalize consensual same-sex relations;
- Amend the Constitution to prohibit discrimination on the basis of sexual orientation or gender identity;
- Ensure that crimes motivated by any form of discrimination, including on the basis of presumed sexual orientation or gender identity, are fully and effectively investigated and bring to justice those against whom there is sufficient admissible evidence of criminal wrong-doings.

## ANNEX

### AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE<sup>54</sup>

*Shamed and blamed: Pregnant girls' rights at risk in Sierra Leone*, 6 November 2015 (Index: AFR 51/2695/2015).

*Sierra Leone: Shadow report to the African commission on human and peoples' rights 57<sup>th</sup> Ordinary Session*, 5 November 2015 (Index: AFR 51/1478/2015).

*Further information: Sierra Leone journalist still facing restrictions: David Tam Baryoh* (Index: AFR 51/2383/2015).

*Sierra Leone: Two women released, eleven men charged* (Index: AFR 51/1603/2015).

*Sierra Leone: Ebola regulations and other laws must not be used to curtail freedom of expression and assembly*, 4 May 2015.

*Sierra Leone: Let pregnant girls take exams*, 27 March 2015.

*Sierra Leone: Pregnant girls' right to education at risk* (Index: AFR 51/1309/2015).

*Sierra Leone: Maternal health in a time of Ebola*, 17 February 2015.

*Sierra Leone: Release eight arbitrarily detained* (Index: AFR 51/0001/2015).

*Sierra Leone: Journalist faces indefinite detention: David Tam Baryoh* (Index: AFR 51/002/2014).

*Sierra Leone to speed up death penalty abolition* (Index: AFR 51/001/2014).

*Sierra Leone must drop charges against editors*, 24 October 2013.

*Sierra Leone: Briefing on the Events in Bumbuna, Tonkolili* (Index: AFR 51/004/2012).

*Sierra Leone: Pass freedom of information bill* (Index: AFR 51/001/2012).

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<sup>54</sup> All of these documents are available on Amnesty International's website:  
<https://www.amnesty.org/en/countries/africa/sierra-leone/>