



## SIERRA LEONE

--

### A SEVEN POINT HUMAN RIGHTS AGENDA FOR CANDIDATES IN SIERRA LEONE'S 2012 ELECTIONS

On 17 November 2012, Sierra Leone will hold Presidential, Parliamentary and local elections. Since the end of the conflict in 2002, the country has made great strides in its recovery but more remains to be done to secure full enjoyment of human rights for all. As the people go to vote for their political representatives across all levels of government in a single day, this represents an important opportunity for political candidates to constructively engage with the people of Sierra Leone on the human rights challenges the country is facing.

In the lead up to the elections, Amnesty International and Sierra Leone civil society organizations are calling on all candidates to make a public commitment to respecting, promoting and protecting all human rights. The organizations are asking all candidates to pledge to establish a robust framework to ensure effective implementation of the human rights instruments to which the country is a state party. The organizations also call on the elected officials to commit to reinvigorating the Constitutional review process with a view to ensuring the new Constitution reflects Sierra Leone's human rights obligations, including economic, social and cultural rights.

The following recommendations are in line with the human rights treaties to which Sierra Leone is a state party, as well as key recommendations on human rights from the Truth and Reconciliation Commission and the recommendations made and accepted by Sierra Leone during the 2011 Universal Periodic Review of the Human Rights Council.

#### THE CANDIDATES MUST PLEDGE TO:

##### ■ END DISCRIMINATION AGAINST WOMEN AND GIRLS

While much has been achieved since the end of the conflict, women and girls continue to face enormous challenges due to entrenched cultural, institutional and legal discrimination. Sexual and gender-based violence remain widespread. Girls also suffer from harmful and discriminatory traditional practices, such as female genital mutilation (FGM) and forced or early marriage.

All candidates should commit to ending discrimination against women and girls in all its forms, including by supporting all of the following:

- Combating sexual and gender-based violence by educating women, girls, men and boys about the rights of women and girls;
- Ending harmful traditional practices, such as FGM and early marriage, through the enactment of legislation explicitly banning the practice of FGM and enforcing the law on early marriage;
- Implementing and enforcing the Domestic Violence Act, Devolution of Estates Act, Registration of Customary Marriage and Divorce Act, Sexual Offences Act and Child Rights Act;

- Addressing the legislative loopholes in the domestic law by repealing Section 27 (4) (d) of the 1991 Constitution.

## ■ ENSURE WOMEN AND GIRLS HAVE ACCESS TO SEXUAL, REPRODUCTIVE AND MATERNAL HEALTH SERVICES

The Free Health Care Initiative (FHCI) launched in 2010 brought much hope to improving the dire maternal health situation in the country. The initiative has led to some improvements and reforms within the health sector, but women and girls continue to face serious challenges accessing drugs and medical care crucial to ensuring safe pregnancy and childbirth. Many pregnant women and girls have been, and continue to be, denied drugs that are meant to be provided for free under the FHCI, because of their inability to pay.

A critical shortcoming within the healthcare system is the absence of any effective monitoring and accountability systems, without which reforms cannot succeed. Deficiencies in the monitoring and accountability systems allow poor practice and mismanagement to go unchallenged, and provide people with opportunities to exploit the system and plunder valuable medicines. Effective monitoring is needed to identify the points of weakness in the system and take corrective action.

Furthermore, women and girls who are asked for payment or are denied access to health care services in pregnancy and childbirth have no effective means of complaint. Many women do not complain because they fear reprisals from health workers, such as not receiving any treatment in the future, as punishment. The absence of functioning accountability mechanisms means that even if poor practice or corruption are detected, there is no effective deterrent.

All candidates should commit to ensuring women and girls have access to sexual, reproductive and maternal health services, including by supporting all of the following:

- Ensuring that all pregnant and breastfeeding women and girls have access to free health services as promised by the FHCI, and that obstacles confronting pregnant and breastfeeding women and girls who are marginalized, have disabilities or are in detention are removed;
- Establishing effective, accessible, participatory accountability mechanisms in the health sector to receive and investigate reports and complaints from users of health services about the violations of their rights;
- Strengthening monitoring, evaluation and accountability mechanisms to combat corruption and mismanagement in procurement and distribution of drugs and medical supplies.
- Recognizing the right to health under domestic law and ensure that it is enforceable in courts of law by:
  - Ratifying the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and once ratified undertaking measures to incorporate it into domestic law, including through amending domestic laws to conform to the provisions of the Protocol;
  - Ratifying the Optional Protocol on International Covenant on Economic, Social and Cultural Rights allowing the right of individual petition, and opting into the inquiry mechanisms under that Protocol.

## ■ ENSURE ACCOUNTABILITY FOR HUMAN RIGHTS VIOLATIONS AND ABUSES

While the conviction and sentencing of Charles Taylor is a milestone, additional steps need to be taken to address the prevailing culture of impunity in Sierra Leone. As the limited mandate of the Special Court of Sierra Leone comes to an end, it is now up to the national justice system to address the past and ensure justice for current and future violations.

A culture of impunity has led to lack of accountability for human rights violations committed after the war. Incidences of sexual and gender-based violence remain high, and when cases are reported, they are

often poorly investigated with few successful prosecutions.

While some investigations have taken place into incidences of political violence or unlawful killings by security forces, justice needs to be done to ensure accountability of all state actors implicated. All actions by security forces should be carried out in a way that ensures full respect for the right to life, liberty and security of all persons, including those suspected of crimes.

All candidates should commit to ensuring accountability for human rights violations and abuses by supporting all of the following:

- Ensuring the enactment of legislation to make war crimes and crimes against humanity crimes under national law;
- Ensuring that all those in government positions or in the security forces, who are found responsible for human rights violations, including those with command responsibility, are held to account, including – where appropriate – through criminal prosecutions, which must comply with international fair trial standards;
- Establishing an independent police complaints mechanism to deal with complaints involving the police. Such a body should be operationally independent of the government or any political influence and be accessible to members of the public;
- Ensuring that the victims of human rights violations and their families can obtain full reparation in the form of restitution, compensation, satisfaction, rehabilitation and guarantees of non-repetition.

#### ■ **STRENGTHEN THE CRIMINAL JUSTICE SYSTEM**

Despite the substantive efforts to rehabilitate the criminal justice system, challenges remain. The Legal Aid Act was passed this year but has yet to be implemented. Magistrates are few and are overworked and under-trained. People are subject to lengthy trials due to constant adjournments, missing case files and shortage of magistrates. Civil society organizations have reported that many people cannot make use of bail provisions as they are often asked to pay bribes, at the police station or court, before bail can be granted. This contributes to lengthy pre-trial detention and prison overcrowding. Conditions in detention are poor, characterized by dilapidated structures and insufficient food and medical care.

The Criminal Procedure Act 1965 must be updated to reflect international human rights standards and practice concerning criminal justice. The Public Order Act of 1965 criminalizes seditious libel and places undue restrictions on freedom of expression.

All candidates should commit to strengthening the criminal justice system by supporting all of the following:

- Ensuring the implementation of the Legal Aid Act to increase access to justice services for the wider population, particularly in the provinces;
- Educating the public, police, lawyers and magistrates on bail provisions and sanctions for corruption;
- Reducing overcrowding in prisons and jails; and ensuring detainees have access to health care, clean water and adequate sanitation;
- Committing to updating and amending existing laws dealing with criminal offences, including the Public Order Act, to safeguard human rights.

#### ■ **ABOLISH THE DEATH PENALTY**

The Truth and Reconciliation Commission recommended abolition of the death penalty and, in 2011, the government confirmed to representatives of Amnesty International that an official moratorium on the use of the death penalty had been established. In April 2011 four people who had been sentenced to

death were pardoned and all other death sentences were commuted to life imprisonment.

While currently there are no prisoners under sentence of death in Sierra Leone, the death penalty is retained for treason, aggravated robbery and is mandatory for murder. Individuals convicted for murder face the death penalty, regardless of their personal circumstances or the circumstances of the crime itself. Immediate steps need to be taken to ensure the death penalty is fully abolished in law.

All candidates should commit to abolishing the death penalty, and should support the following in furtherance of this objective:

- Repealing any provisions in law that allow for the mandatory imposition of the death penalty;
- Ensuring rigorous compliance in all death penalty cases with international standards for fair trials;
- Publicly supporting the abolition of the death penalty and the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolition of the death penalty.

#### ■ **ENSURE CORPORATE ACCOUNTABILITY AND TRANSPARENCY IN GOVERNMENT AND BUSINESS AGREEMENTS**

Sierra Leone is rich in natural resources and much investment is being poured into the country by corporations seeking access to its wealth. While these investments have the potential to support the country's development, more needs to be done to ensure that the human rights of people affected by corporate operations – particularly in sectors such as the extractive industries and large-scale agriculture – are respected and protected. Governments have the primary obligation to ensure enjoyment of human rights and this includes an obligation to protect all individuals from the harmful actions of others, including companies.

Many land use agreements between corporations, the government and communities have been characterized by inadequate consultation, lack of information and lack of transparency. Some human rights defenders have faced intimidation and threats over their work on corporate accountability.

All candidates should commit to ensuring transparency and accountability in government and business agreements and should support all of the following:

- Requiring that all companies operating in Sierra Leone are aware of and abide by international and regional principles and standards for business and human rights, including the UN Guiding Principles on Business and Human Rights, the Voluntary Principles on Security and Human Rights and the ECOWAS Mining Directive;
- Requiring, by law, that all agreements between private companies and government actors are made in an open and transparent manner. There must be genuine consultation with affected individuals and communities, which is inclusive and enables the participation of women, and marginalized groups;
- Ensuring communities are provided with accessible information on their rights in relations to corporate activity that many affect them;
- Ensuring the enactment of the Freedom of Information Bill into law. This would allow members of the public to obtain access to information held by public bodies including information that was previously inaccessible, such as government contracts with multinational companies.

#### ■ **ENSURE RATIFICATION OF INTERNATIONAL TREATIES**

Sierra Leone is party to several human rights treaties. All candidates should support the development of a robust national human rights framework to give effect to the legal commitments. In addition, all candidates should support the signing and ratification of the following treaties:

- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and once ratified undertaking measures to incorporate it into domestic law, including through amending domestic laws to conform to the provisions of the Protocol;
- The Optional Protocol to the Convention Against Torture (CAT);
- The Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at abolition of the death penalty;
- The Optional Protocol on International Covenant on Economic, Social and Cultural Rights (ICESCR) allowing the right of individual petition, and opting into the inquiry mechanisms under that Protocol;
- The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- The International Convention on Enforced Disappearances (CED);
- The Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD);
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).