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Mr. J.B. Dauda
Minister of Foreign Affairs and
International Cooperation
Ministry of Foreign Affairs and
International Cooperation
Gloucester Street
Freetown
Sierra Leone

2 November 2012

Dear Minister

OPEN LETTER: SIERRA LEONE'S CANDIDACY FOR ELECTION TO THE UN HUMAN RIGHTS COUNCIL

We write on the occasion of your country's candidacy for membership of the UN Human Rights Council in the Council elections scheduled for 12 November 2012. We welcome your election pledges to promote and protect human rights at the national and international levels, as indicated in the Annex to the letter dated 14 August 2012 from the Permanent Representative of Sierra Leone to the United Nations addressed to the President of the General Assembly.¹ We encourage you to ensure that these pledges are promptly made available on the UN Human Rights Council elections web site.

We recall that, according to General Assembly resolution 60/251, members of the Council shall uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council.² On the occasion of Sierra Leone's candidacy, we take the opportunity to comment on your election pledges and to note additional opportunities for your government to promote and protect human rights. In doing so, we refer to the guidance of the Office of the High Commissioner for Human Rights on presenting voluntary human rights pledges and commitments, including that such pledges and commitments should be specific, measurable and verifiable.³

Commitments at the international level

Ratification of international human rights instruments

We note your commitment to ratify as soon as possible the international human rights instruments that you have signed. We encourage you to ratify all the international human rights instruments that are still outstanding, in particular the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; and the Optional Protocol to the Convention on the Elimination of Discrimination against Women.

¹ A/67/531.

² A/RES/60/251, para 9.

³ Office of the High Commissioner for Human Rights, *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council*, available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>.

Cooperation with the Special Procedures

We note your commitment to maintain an open invitation to all Special Procedures for visits, communications and follow-up recommendations. In this regard, we note that the Special Rapporteur on the human rights of internally displaced persons; the Working Group on Arbitrary Detention; the Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination; and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression are currently requesting permission to visit, and we urge your government to facilitate these visits without delay. We also encourage you to facilitate without delay the visit, agreed in principle, by the Special Rapporteur on extrajudicial, summary or arbitrary executions.

Cooperation with the treaty monitoring bodies

We note your commitments to ensure adherence to all treaty obligations, including through implementation, reporting, and cooperation. In this spirit, we urge you to promptly submit the periodic reports that are due to the Committee against Torture; the Committee on the Elimination of Racial Discrimination; the Committee on Economic, Social and Cultural Rights; the Committee on the Rights of Persons with Disabilities; and the Committee on the Rights of the Child.

Engagement with the Universal Periodic Review

We welcome your commitment to ensure the implementation of recommendations you accepted during the Universal Periodic Review (UPR) process. In this regard, we note your acceptance of a number of recommendations related to the abolition of the death penalty. We welcome the official moratorium on executions declared earlier this year and encourage you to also ensure the prompt and full implementation of the further recommendations to abolish the death penalty and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.⁴

We also welcome your government's commitment during the UPR to improve maternal healthcare and to address the causes of maternal mortality.⁵ In this regard, we urge you to ensure that any gaps in accountability do not undermine current reform efforts.

We encourage you to ensure the prompt and full implementation of the 2011 UPR recommendations and to provide regular updates on such efforts to the Council.

Participation in the deliberations of the Human Rights Council

We note your commitment to engage constructively in all the deliberations of the Human Rights Council, including those of its subsidiary bodies, mechanisms and Special Procedures. We also note your commitment to transparency and the meaningful engagement of non-governmental organizations in the Council.

In this regard, we urge your government to work with delegations from all regions to ensure that the Council addresses situations of human rights violations, including gross and systematic violations and human rights emergencies, without selectivity or double-standards. We also urge your government to support efforts to ensure that all credible allegations of reprisals or intimidation against persons and groups who have engaged or have sought to engage with the UN human rights machinery are brought to the urgent attention of the Council; that the Council demands the government concerned to ensure that any alleged reprisals are investigated in a prompt, impartial, transparent and effective manner and that

⁴ Report of the Working Group on the Universal Periodic Review, Sierra Leone, 11 July 2011 (A/HRC/18/10), recommendations 82.1 (Ecuador), 82.2 (Portugal), 82.3 (France), 82.4 (Belgium), 82.14 (France), 82.15 (Ireland), 82.16 (Spain), 82.17 (Austria), 82.18 (Germany), 82.19 (Argentina), 82.20 (Brazil), 82.21 (Chile), 82.22 (Switzerland), 82.23 (Portugal), 82.24 (United Kingdom), and 82.25 (Ecuador).

⁵ A/HRC/18/10, recommendations 80.21 (Sweden), 81.34 (Norway), and 81.35 (Norway).

perpetrators are held to account; and that the Council requests the government concerned to inform it of measures taken in this regard.

Commitments at the national level

We note your commitment to enact legislation to provide for a 30 per cent quota for female representation in the government. In line with this commitment, we encourage you to end all discrimination against women and girls and to ensure women and girls have access to sexual, maternal and health services.

We also note your commitments to mainstream human rights into all policies, plans and programmes, including through implementation of the Free Health Care Initiative, and to ensure a better and more encompassing legal aid scheme, prompt and fair trials, review of juvenile delinquency and the codification of customary laws, with a view to making justice accessible to all.

We call on you to publicly condemn the use of unnecessary or excessive force, acts of corruption and other abuses by the police. We urge you to ensure that any such crimes are independently investigated and those responsible brought to justice, and that victims of human rights violations and their families have access to full reparation in the form of restitution, compensation, satisfaction and rehabilitation.

Additionally, we call on you to 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.

We further urge you to take action to ensure the accountability of corporations operating in Sierra Leone, in line with the UN Guiding Principles on Business and Human Rights. These Principles emphasise the importance of state action to protect human rights in the context of business activity by putting in place effective laws and regulations, as well as robust enforcement mechanisms.

Finally, while we welcome the passing of the Sexual Offences Act and the Legal Aid Act, we regret that the Freedom of Information Bill remained pending at the close of the Parliamentary session this year. We urge you to pass this bill without further delay.

We welcome the pledges and commitments already made by Sierra Leone, and we urge your government to use this opportunity to further strengthen its election pledges by including the additional elements listed above. We also encourage your government to announce the steps it will take to fulfil its electoral pledges and to regularly inform the General Assembly and the Human Rights Council of progress in implementing these commitments. This could be done, for example, in the form of an oral or written statement to these bodies.

We would be pleased to receive your comments and responses to the issues raised in this letter.

A copy of this letter has been sent to your country's permanent missions in Geneva and New York.

Yours sincerely

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Amnesty International