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Assistance to Sierra Leone in the field of human rights

Report of the United Nations High Commissioner for Human Rights*

Summary

Sierra Leone has continued to progress in building its capacity for the promotion and protection of human rights. The passage of the Chieftaincy Act, the ratification of the Convention on the Rights of Persons with Disabilities, and various sensitization programmes organized on the Child Rights Act, the Domestic Violence Act, the Registration of Customary Marriage and the Divorce Act were notable in this regard. The Capacity of civil society organizations, government officials and the Human Rights Commission was also developed through training and other activities.

Progress has been made in strengthening the rule of law. An active role was played by the Anti-Corruption Commission in taking action against corrupt practices. Activities carried out to strengthen the justice sector institutions, including the judiciary, prison and the police, were significant.

Progress in improving prison conditions has also been made. The supply of necessary logistics, the provision of water and regular supplies of food marked a definite improvement in prison conditions. However, challenges remain, as detention by police for periods beyond the lawful detention period, the poor condition of police detention cells, inadequate supplies of medicine in prisons and overcrowding in some of the prisons continue to pose a threat to the protection of the rights of accused persons.

The Government adopted the second poverty reduction strategy in the name of the Agenda for Change. The strategy aims at improving the socio-economic conditions of people. The Government also adopted a strategy to address the challenges in the health sector. However, effective implementation of these strategies depends on the mobilization of resources by the Government, as well as on the support of international partners.

* Late submission.

The law reform process, including constitutional review, is making little progress. As no reference was made to the recommendations made by the Truth and Reconciliation Commission in the review process, crucial recommendations are yet to be implemented. The issues of the separation of Attorney General from the Ministry of Justice, the removal of the death penalty from the Constitution, the amendment of discriminatory provisions of the Constitution and the review of the seditious libel provision of the Public Order Act have yet to be addressed.

In the area of women's and children's rights, customs and traditions continue to bar full implementation of certain laws, such as the Child Rights Act and the Domestic Violence Act. Capacity constraints on investigating authorities, the low rate of prosecution, out of court settlements and interference by traditional leaders in judicial matters continue to undermine the judicial process, thus creating room for impunity, particularly regarding sexual and gender-based violence.

In the light of the above challenges, the report concludes with a set of recommendations for the Government of Sierra Leone and its international partners.

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I. Introduction

1. In 2009, the Human Rights and Rule of Law Section of the United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) was engaged in implementing the human rights aspects of Security Council resolution 1829 (2008) and the subsequent extension under resolution 1886 (2009), namely, monitoring and promoting human rights, democratic institutions and the rule of law, and reviewing the Constitution of 1991 and relevant legislation. The Human Rights Section provided advisory and technical support to the independent national institution for human rights, and also implemented capacity-development projects with combined funding support from UNIPSIL and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The Human Rights Section carried out its activities through field offices in Freetown, Bo, Kenema, Makeni and Kono, in close collaboration with the United Nations country team, relevant government agencies, including the Human Rights Commission, and civil society.

2. There were a number of positive developments in 2009, notably in relation to legislative, economic and social rights. Parliament enacted a new Chieftaincy Act, which mandated the National Electoral Commission to conduct the election of paramount chiefs to ensure that elections are conducted in a fair and free manner. This amended the previous practice whereby elections were conducted by the local administration. Elections were held for 40 vacant positions of paramount chiefs in December under the new act. While serious challenges to securing the full enjoyment of economic, social and cultural rights confront Sierra Leone, 2009 saw the unveiling of a second poverty reduction strategy, dubbed the Agenda for Change, and a five-year health strategy.

II. Situation of human rights

A. Civil and political rights

1. Extrajudicial killings

3. There were some instances of violations of the right to life by State authorities. For example, in September 2009, in Lungi, 3 people were shot dead and at least 13 others were injured as a result of the use of excessive force by the police, who opened fire on demonstrators attacking a police post. Monitors from the Human Rights Section observed that the police failed to take the necessary precautionary actions and give adequate warning before firing live bullets. The lack of adequate non-lethal equipment at the police station, namely tear gas, was also a reason for the police to resort to live bullets. Although the Government has carried out an investigation into the incident, no action has been initiated to date against the responsible police officers. In February, when secondary school pupils rioted at the national stadium during an inter-school sporting activity, police fired tear gas canisters into the area, injuring many children, some as young as 6 years old.

4. Ritual murders continued in various parts of the country, and no successful prosecution or effective investigation into these cases was undertaken. In January, a ritual murder was reported in Moyamba district, where the body of a female child was found with some body parts removed. In June, a minor girl was murdered for ritual purposes in Bombali; her remains were found with body parts missing. In September, a 6-year-old boy residing in Kissi Tang, Kailahun, was murdered and certain body parts were removed.

5. The de facto moratorium on the death penalty, which has been in place for the past 10 years, was respected. A total of 15 prisoners, including 3 females, have been sentenced to death, although the sentences have not been executed. The Truth and Reconciliation

Commission recommended the removal of the death penalty from the statutes, and the Human Rights Commission and civil society organizations continued to advocate for the implementation of the recommendations of the Truth and Reconciliation Commission in this regard.

2. Right to personal security

6. Violence and intolerance between the supporters of the two main political parties, the Sierra Leone People's Party (SLPP) and the incumbent All People Congress (APC), contributed to violations of civil and political rights. In March, there was a wave of violent political clashes between supporters of APC and SLPP in Pujehun, Kemena and Freetown. A by-election in Pujehun district had to be postponed as a result, the car of the resident Minister for the Eastern Region was set on fire, and economic and social activity was brought to a halt for two days in Freetown. There were also allegations of rape of female SLPP supporters. In June, the Government established a high-level commission, under the chairmanship of Justice Bankole Thompson, to investigate these allegations. The commission concluded that the victims had been subjected to acts of physical mistreatment amounting to outrages of personal dignity. There was not sufficient evidence, however, to determine whether rape had been perpetrated. Concerns were raised by civil society organizations that the commission could have undertaken a more thorough investigation of the rape allegations, and that it had also failed to recommend appropriate action against the identified perpetrators. The Government has appointed a panel to review the commission's report and to make recommendations for necessary actions.

7. In January, the chairperson of the Parliamentary Committee on Human Rights alleged that she had been assaulted by members of the army deployed at the residence of the Presidential Press Secretary. She also complained that the access road to the community where she was residing had been blocked. The matter was resolved through intervention at the government level, and the access road was later opened.

8. 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. In November, a senior officer, together with two other police officers and a soldier, were arrested for their involvement in certain armed robberies in Freetown. Similarly, in October, three military and four police officers were arraigned before the Kenema Magistrate Court, charged for having taken part in an armed robbery against civilians in Kenema district. Also in October, four soldiers were arrested for their involvement in an armed robbery in Freetown.

9. In February, the town chief of Foindu Mameima Village in Lower Bambara Chiefdom, Kenema district, reported that he had to flee town for fear of being manhandled and molested by members of the Poro society, a secret society for men, because he was opposed to forceful initiation into its ranks. There were also instances of interference by traditional leaders in police investigations into such matters. In January, in Kono district, three arrested suspects involved in forceful initiations were released by the police on the instructions of a local traditional leader. The suspects had allegedly dragged a resident of Taidu Village into a Poro bush, a place typically designated for initiation, and beaten him.

3. Freedom of religion

10. During the period under review, reports of religious intolerance were also received. In April, a church in Kambia district was destroyed, allegedly by a group of Muslims who claimed that their mosque had been demolished in order to build the church. In December, a church in Allen Town, Freetown, was attacked and vandalized, allegedly by members of a nearby mosque claiming that the church used loud megaphones that regularly disrupted their services at the mosque.

4. Freedom of expression

11. Although the right to freedom of expression was generally respected, there were instances of violations of this right. In May, the editor of a newspaper, *For Di People*, was assaulted, allegedly by a press photographer associated with the Office of the Presidency, for publishing news and articles criticizing the Government. A reporter associated with United Nations Radio in Kenema 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. A youth leader of the ruling political party, the All People's Congress, in Kambia district wrote a threatening letter to a local radio journalist who had reported on the local radio station on the misuse of hospital vehicles by the chairman of the district council.

12. Journalists continued to advocate for the abolition of the seditious libel provisions under the Public Order Act of 1965. The writ petition filed by the Sierra Leone Association of Journalists challenging the constitutionality of the act was quashed by the Supreme Court on 10 November 2009. On 8 December, however, the President of Sierra Leone, during a press conference, promised that the Government would review the act.

13. In December, the Parliament of Sierra Leone approved the Sierra Leone Broadcasting Corporation Bill establishing a national independent public broadcaster to ensure impartial access to all opinions. The initiative is considered to be the first of its kind in the West Africa region. UNIPSIL has plans to handover United Nations Radio to the Sierra Leone Broadcasting Corporation in 2010.

5. Human rights defenders

14. Reports of threats against human rights defenders were made during the period under review. In February, death threats were made by an anonymous person, via e-mail, against a prominent human rights activist and director of the Society for Democratic Initiatives, a local non-governmental organization. He was reportedly intimidated and physically attacked after his organization released a media report on the status of the media a year since the APC Government came to power. In September, the chairperson of the Human Rights Committee of the Bombali district was harassed by the provincial secretary of the northern region for having raised a case of torture of a woman by a chiefdom policeman in Bombali. The same person was also detained for two days in November by the magistrate in Makeni, allegedly for criticizing the ruling of the court on a rape case.

6. Land disputes

15. The absence of a clear land policy in Sierra Leone has caused several disputes and violent attacks resulting from disputes over the ownership of lands; at least six such incidents were reported to the Human Rights Section.¹ Lack of appropriate demarcation, proper registration and record-keeping were some of the causes of such disputes.

¹ In January, three houses were set alight in a clash between the residents of Tissor village and Hanga village over a plot of land. In January, Mandingoes of Rogbalan village and Lokos of Tambayama and Mayemeh villages in Bombali district clashed over a plot of land; six people were subsequently charged in court. In June, fighting erupted in Mokong Betty village, Mobamba district, between the residents over a plot of land used for a palm oil plantation. In April, violence erupted between the residents of Gohun and Kuiva villages in Mandu Chiefdom in Kailahun district over a land issue. In June, locals of Panderu and villages were involved in a violent clash over farming land.

B. Children's rights

16. Some progress was noted in the area of children's rights. In February 2009, following sensitization activities in communities in Bombali district, *Soweis* (female genital mutilation initiators) and paramount chiefs in five chiefdoms agreed not to initiate girls under the age of 18 years of age into the Bondo society (see also paragraph 11 above). Nonetheless, serious challenges still remain for the protection of the rights of children.

17. The rape of minor girls and teenage pregnancies continue to cause serious concern. In many cases, close relatives, schoolteachers and, in some cases, even security personnel were allegedly involved in such activities. At least 10 cases of rape² and several cases of teenage pregnancy³ were reported to the Human Rights Section during the period under review. It was observed that the capacity constraints of the police to investigate the matter properly, a failure to produce witnesses in court and out of court settlements compromised the justice system. In June, at the monthly District Development Coordination Forum Meeting in Kono, an officer from Social Welfare, Gender and Children's Affairs reported that 20 such cases had been reported, and maintained that more cases were concealed by parents and guardians.

18. Incidents of forced marriage and child trafficking were also reported to the Human Rights Section. Child trafficking and sexual exploitation were also serious concerns.

19. The lack of remand homes and approved schools in most of the districts resulted in the detention of juveniles with adults. For example, in October and November, the Human Rights Section found juveniles detained in Kenema police station with adult suspects. The juveniles were later released by the police following the intervention of human rights officers.

20. Some key provisions of the Child Rights Act of 2007 have not yet been implemented. The child commission provided for under the act to promote, protect, monitor and advise the Government on policies regarding children in the country has not yet been established.

C. Women's rights

21. Some progress was noted in the promotion and protection of women's rights. A national gender strategic plan was developed and a validation workshop was held thereon on 22 June. Similarly, efforts were also made to further the implementation of Security Council resolutions 1325 (2000) and 1820 (2008) on women, peace and security. A task

² In January, a 6-year-old primary school pupil was raped by her teacher in a primary school in Sandeyallu town, Kailahun; and a 12-year-old girl was raped in Hangha road, Kenema. In February, a 13-year-old girl was raped in Shengema village in Bo district, and later died while in hospital; and a 13-year-old girl was gang raped in Makeni; a suspect was charged in court. Also in February, a 12-year-old girl was raped by a medical superintendent in Kailahun, and a 13-year-old girl was raped in Bumpuh Chiefdom, Bo. The victim fell into a coma and died three days later in Bo hospital. In September, a police officer reportedly raped a 14-year-girl in Kenema. In October, an 11-year-old girl was raped in Ngohanwun, Bombali district, a 12-year-old girl was raped in New England, Freetown, and a 9-year-old girl was raped in Kenema.

³ In January, it was reported that a 16-year-old student had been impregnated by her teacher. The girl, whose baby was one month old, told human rights officers that the teacher's relatives had accepted the pregnancy but, since then, the man was not caring for the girl and her newborn. Also in January, a 30-year-old man was arrested for impregnating his 14-year-old stepdaughter. The girl was taken to the Rainbow Centre for medical examination while the stepfather was on remand.

force consisting of the Ministry of Social Affairs, Gender and Children's Affairs and civil society organization completed a draft national plan of action, due to be launched in March 2010. The Ministry established a secretariat for the preparation of the sixth report, to be submitted to the Committee on the Elimination of All Forms of Discrimination against Women. A gender donor coordination group has been set up to coordinate the activities to promote gender equality and women's rights. The Government has expressed its commitment to address the high rate of maternal mortality; in November, the President declared that medical services for pregnant women and children under the age of 5 would be free by April 2010.

22. Despite the above-mentioned positive developments, women continue to suffer from exclusion and discrimination in various fields. 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. In June, it was reported that a woman in Kenema who went through all the necessary stages of recruitment for a position at the municipality office was denied a job because of her affiliation with a political party. The Human Rights Section brought this matter to the attention of the mayor, who later agreed to employ her. It was also reported that the criteria applied for distributing a scholarship in Birewa chieftdom in Makeni were discriminatory to girls. The scholarship was granted to boys on the basis of their academic performance, while girls were considered eligible only if they passed a virginity test. In July, at a meeting, the National Gender-Based Violence Committee expressed serious concern about this scheme, as the process of being tested for virginity itself dehumanized the girls.

23. Female genital mutilation and forceful initiation into secret societies continues to be a concern. In January, in Bo district, a 25-year-old woman was tortured and forcefully initiated by a gang of women for allegedly insulting a Bondo society member. Initially, the family support unit in Bo was reluctant to commence investigation into the matter, but following the subsequent intervention of a higher level police authority, four people were arrested. A United Nations Radio reporter working in Kenema reported in February that she had been humiliated by Bondo society members for having campaigned against female genital mutilation; she was stripped almost half naked and crowds of women chanted abusive and humiliating slogans at her. She was then paraded to the residence of the paramount chief in Kenema town.

24. Only one case of domestic violence has been prosecuted under the Domestic Violence Act 2007. Lack of access of women to the police, the exorbitant fees charged by medical officers and out of court settlements were some of the causes of the low prosecution rate.

D. Socio-economic and cultural rights

25. The Government adopted a second poverty reduction strategy for the period 2009–2012, which was contained in the Agenda for Change document, and outlined the following strategic priority areas: enhancing national electricity; developing the national transportation network; enhancing productivity in agriculture and fisheries; and sustaining human development, notably in health, education and water. Peace, security, human rights and good governance were identified as preconditions to achieve the strategic objective. In November, the Government presented the Agenda for Change during a consultative group meeting held in London, which was attended by development partners and investors. At the meeting, the Government and development partners agreed to work on a plan of action to implement the new aid policy and pledged to organize jointly an aid effectiveness forum early in 2010 to take this important agenda forward.

26. The United Nations Family integrated its support in the country in line with the Agenda for Change, developing the Joint Vision of the United Nations Family for Sierra Leone. This document consolidates 21 programmes of the United Nations Family in Sierra Leone, including one on access to justice and human rights. It defines human rights as a cross-cutting issue in all programmes, and is committed to adopting a right-based approach to all 21 of them.

27. The first phase of the Bumbuna hydroelectricity project was completed. Freetown and some other towns began to receive a regular electricity supply in October 2009. A regular power supply is expected to be instrumental to the creation of income-generating activities that will eventually improve living standards.

28. Access to basic health services continued to be a serious challenge. Most government hospitals suffer from shortages of staff, medical equipment and necessary medicines. For example, in February, the Magburaka Government Hospital informed the Human Rights Section that the maternity ward, which had more than 20 patients, had only one midwife, and there was no blood bank in the hospital. Concerns were also raised that the pharmacies in the country were selling counterfeit, expired and controlled drugs without prescription. Responding to this problem, in November, the Ministry of Health cancelled the licences of more than 21 pharmaceutical outlets.

29. In November, the Government adopted a five-year health sector strategy to address health issues in the country systematically. The President also announced that free health-care services would be provided to pregnant women and children under 5 years of age as of April 2010.

III. Rule of law and administration of justice, including transitional justice

A. Rule of law and administration of justice

30. The Anti-Corruption Commission played an effective role in prosecuting several high-profile cases under the Anti-Corruption Act of 2008 (the act conferred on the Commission prosecutorial power for such cases). A former ombudsman was convicted on 163 charges of corruption; the Minister for Health was also indicted. Following successful prosecution, the Minister was removed from office. A magistrate was indicted and an investigation into the affairs of a high court judge was opened.

31. The bar association registered its dissatisfaction with the manner in which the Anti-Corruption Commission was handling the corruption cases involving judges and magistrates. This view was expressed by the bar when a high court judge was arrested in June in his chamber in dubious circumstances. The bar association was concerned that the modus operandi of the Anti-Corruption Commission could undermine the credibility of the justice system.

32. The judiciary carried out strategic reforms, ranging from human resource development to infrastructural improvements, with the support of the United Nations Peacebuilding Fund and the Justice Sector Development Programme of the Department for International Development. Eight new magistrate courts were established in various communities to ensure access to justice, and also to decongest some of the magistrate courts in central Freetown. A child-friendly court was established in Freetown, and is now in session on a daily basis. Preparations are under way to establish and operationalize a commercial court in 2010, to ensure that commercial disputes are handled by specialized courts. The judiciary also made progress in human resource development. In 2009, five new

magistrates were recruited and three vacant positions of judges were filled in the High Court, the Appeal Court and the Supreme Court, respectively. Judges and magistrates received specialized training on case management, juvenile justice, judicial administration, organized crimes and corruption. An Internet connection and computer facilities were provided to all magistrates and judges. The law court library was also completed; electronic filing of all judgements of the Supreme Court is now in progress.

33. Various policy documents were adopted to ensure efficiency in the judiciary. In October, the Supreme Court launched a set of bail policy guidelines for magistrates and judges to ensure uniformity in the bail system. Also in October, an operational manual outlining the duty and functions of bailiffs was issued, and a manual on juvenile justice was adopted.

34. The Justice Sector Technical Working Group comprising representatives of the Ministry of Justice, the judiciary, prisons and the police met regularly to address issues pertaining to the justice sector, under the chairmanship of a Supreme Court judge. The Working Group also facilitated the implementation of the Justice Sector Strategy and Investment Plan for the period 2008–2011.

35. Despite the above-mentioned developments, challenges remained in the administration of justice. Of 13 districts, 5 (Kabala Kambia, Pujehun, Bonthe and Kailahun) lacked a resident magistrate. As roaming magistrates were also responsible for circuit courts, the number and frequency of court sittings were significantly affected in these districts. Delays in justice, prolonged pretrial detention and cases of detention by police for periods longer than stipulated by law were common. Consequently, overcrowding in prisons and backlogs continued to pose a serious challenge, in terms of both physical conditions and the enjoyment of legal guarantees. For example, when human rights officers visited Kalaihun prison in October, they observed that four suspects who had been charged for various crimes would not be able to appear in court for three months owing to the absence of a magistrate.

36. Prosecutorial capacity was slightly improved following the appointment of five new prosecutors in 2009. Currently, there are 12 prosecutors, compared to just 7 in 2009. The Human Rights Section distributed copies of the prosecutorial manual, prepared in collaboration with the Director of Public Prosecution, to police prosecutors, who are responsible for prosecuting cases in magistrate courts. State counsels, present in three provincial headquarters only, are overloaded. Inadequate prosecutorial capacity has also contributed to the delay in adjudicating matters in courts.

37. Local courts throughout the country did not operate for almost a year prior to February 2009, owing to delays in the appointment of local court chairmen. When the newly appointed chairpersons took up their functions, the issue was one of capacity constraints. The lack of training of the newly appointed chairpersons posed a serious challenge; reports were received of excessive fines being imposed, and also of cases being handled that were beyond their jurisdiction.

38. There were reports of the encroachment of traditional leaders into judicial matters. The Human Rights Section received reports in June that, in Foredugu chiefdom, Port Loko, a human rights activist associated with Amnesty International had been sued for damages, to the sum of 200,000 leones (approximately \$50), by a local court for challenging the decision of a local chief to impose a fine on a woman. The chief pressured the local court chairman for strong action against the defendant, who was eventually fined.

39. There was considerable improvement in facilities in prisons all over the country as a result of the investments made through the Peacebuilding Fund. Mattresses and iron beds were provided in all prisons, and the perennial problem of water supply was also addressed in most of them. The Mafanta prison was refurbished to decongest the crowded Pademba

Road prison. The detention facility of the Special Court for Sierra Leone was handed over to the Prison Department, to which the Department plans to transfer female prisoners. Training was provided for prison officers on a human rights approach to prison management. Nonetheless, challenges remained, such as a lack of vehicles to convey convicted prisoners to court, inadequate supplies of medicine and toiletries, and cases of prolonged detention. Similarly, some prisons remained extremely overcrowded, a factor that affected the quality of the services provided to prisoners.

40. The Human Rights Section continued to participate in the regular justice sector coordination meetings of international partners. Eight such meetings were held to harmonize interventions in the justice sector to assist the implementation of the three-year justice sector reform strategy. The Justice Sector Development Programme of the Government of the United Kingdom of Great Britain and Northern Ireland, the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the International Rescue Committee and the World Bank continued to be the main actors involved in strengthening the justice sector.

B. Transitional justice

1. Special Court for Sierra Leone

41. In October, the Appeals Chamber of the Special Court for Sierra Leone upheld the convictions handed down in April by the Trial Chamber against three Revolutionary United Front indictees — Issa Sessay, Augustine Gbao and Mossis Kallon — who were sentenced to a term of 52, 40 and 25 years of imprisonment, respectively. The Court's decision was important, as it was the first time that an international criminal tribunal had considered forced marriage and attacks on United Nations peacekeepers as crimes against humanity.

42. All eight prisoners convicted by the Special Court were transferred in October 2009 to Rwanda to serve their sentences, the Court deciding that there was no detention facility in Sierra Leone that could meet international minimum standards. The Human Rights Commission, however, expressed its serious concern at the transfer of prisoners to a foreign country, which would detach them from family ties.

43. While the Special Court is about to complete its mandate (only the case against Charles Talyor remains to be completed), it was involved in transferring its knowledge and legacy to national institutions, namely, the judiciary, prosecution, the police, prison and other national institutions and also civil society. In November, the Special Court detention facility was handed over to the Prison Department; there are plans to house female prisoners in the facility.

2. Implementation of the recommendations of the Truth and Reconciliation Commission

44. Through the catalytic funding of \$3 million provided by the United Nations Peacebuilding Fund, the National Action for Social Change, the implementing agency, made significant progress in implementing the reparations programme. The programme was launched in January 2009; 29,733 beneficiaries had been registered by the end of June. A total of 40 symbolic reparations were conducted in various parts of the country, involving symbolic reburial, memorials and remembrances. Micro-grants of \$80 were provided to 21,000 beneficiaries, and fistula surgery was carried out on 235 victims of sexual violence. Surgery was also conducted on 36 victims to remove bullets. In addition, educational support was provided to 6,984 child victims. A five-year strategic plan for 2010–2014 was developed to continue physical health care, educational support, skill training, micro-grants, housing, symbolic reparations, construction of a national peace monument, psychosocial support and pension payments to those who have lost 50 per cent of their earning capacity.

Following the recommendation of the Truth and Reconciliation Commission, a war victims trust fund was launched in December to establish a sustainable funding mechanism for the implementation of the reparations programme. Currently, however, there are not sufficient funds to implement the programme effectively. Under the leadership of the Executive Representative of the Secretary-General, the United Nations Family has identified the reparations programme as a priority area for support. A multi-donor trust fund has been established to attract funds for the implementation of the programmes outlined in the Joint Vision document (see paragraph 26 above), including the reparations programme.

IV. Human rights activities of the Human Rights Section

A. Human rights monitoring

45. The Human Rights Section, in close collaboration with civil society organizations and the Human Rights Commission, carried out regular monitoring of human rights throughout the country. Continuous monitoring allows any necessary adjustment to technical cooperation and capacity-building projects to be made to ensure effectiveness in the light of changing circumstances. Priority areas were health, education, child labour, sexual and gender-based violence, prison and detention facilities, local courts and the rights of women and children, among others. The Human Rights Section also engaged relevant authorities at different levels to address the issues identified through monitoring activities.

46. The human rights aspect of the chieftaincy election conducted in November and December in 40 chiefdoms was also monitored. The electoral commission was involved in the conduct of elections under the new Chieftaincy Act 2009; the electoral process was found to be relatively fair. However, some cases of discrimination resulting from customs and traditions of particular communities were reported. For example, in Gbampi Kamaranka chiefdom, in Bombali, a woman was harassed and barred from competing for the position of paramount chief. Similarly, a woman aspiring to the position of paramount chief in Kono district saw her candidacy denied and the High Court upheld the decision of the Provincial Secretary. In Kailahun district, Kissi-Teng chiefdom, a woman was denied the right to run for the position of paramount chief by the Provincial Secretary, despite the fact that she had been officially declared a candidate.

47. The Human Rights Section carried out extensive monitoring of local courts throughout the country from August to October 2009, during which time more than 100 local courts were visited and information collected. While preparation of the final report is under way, preliminary findings revealed that there were serious human rights issues associated with the functioning of local courts. Since local courts apply customary laws, there was inconsistency in procedures and decisions. 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. Poor infrastructure negatively affected the effective functioning of courts, and the lack of regular supervision fostered corrupt practices. The low level of education on human rights issues and the lack of capacity of local court officials remained a concern.

48. Magistrate courts that included justices of the peace were also regularly visited. Justices of the peace complained that they had not been paid their sitting fees for a long time. For example, in November, during a visit to Tonkolili, one justice of the peace complained that he had not received sitting fees for the previous year. Magistrates in Freetown were found to be overloaded with cases, and the rights of suspects were violated owing to a lack of resident magistrates in many districts.

49. During the period under review, prisons and detention facilities of the police were also regularly monitored. Prisons in Bo, Kenema, Makeni and Freetown remained overcrowded. The Human Rights Section also observed that the number of prisoners fluctuated, owing also to the large number of prisoners convicted for loitering, a minor offence. For example, in a visit on 21 October to Bo prison, it was observed that 50 prisoners were serving sentences for loitering of a total of 159 inmates. Similarly, Makeni prison was also overcrowded owing to a large number of prisoners convicted for loitering.

50. Police detention cells in most districts were in a derelict condition. There were cases of detention beyond the period stipulated by the Constitution. The challenges facing the criminal justice system included a lack of necessary logistic facilities and equipment to investigate crimes effectively, a shortage of pathologists to conduct examinations and the failure of police to produce witnesses before the court.

B. Capacity-building

51. During the period under review, the Human Rights Section implemented a broad range of activities, including training, advisory services, joint programming and material support for the promotion and protection of human rights. Training was conducted for human rights activists, religious leaders, parliamentarians, government officials and commissioners and staff of the Human Rights Commission, on thematic human rights issues, as well as on human rights monitoring and reporting. A total of 530 national actors benefited from the training. Human Rights Committees, an umbrella group of local civil society in Kambia, Port Loko, Bombali, Tonkolili, Pujehun and Bonthe, was provided with material support such as computers, furniture and other material. A human rights resource centre was established in Freetown, equipped with necessary facilities, such as computers with Internet connections, furniture and a human rights resource library. Work is in progress to establish a library in the Pademba road prison, in collaboration with the Justice Sector Development Programme and other actors. The Human Rights Section also implemented joint activities with civil society and the Human Rights Commission in the sensitization on human rights and the need for implementation of the recommendations of the Truth and Reconciliation Commission, human rights monitoring and the commemoration of United Nations days, including International Human Rights Day. The Human Rights Section supported the Ministry of Foreign Affairs in the area of treaty reporting. Logistic support and staff were provided to the treaty reporting secretariat of the Ministry that had been established pursuant to the national strategy on treaty reporting, elaborated with advice from the Human Rights Section. Technical support was provided to prepare a common-core document, to be submitted to treaty bodies.

C. Partnership with national actors and United Nations agencies

1. Human Rights Commission

52. The Human Rights Commission published its second annual human rights status report in June 2009. The Human Rights Section provided technical support to the Commission in the preparation of the report, and financial support was provided to print copies of the report for wider distribution. The Commission held discussions on the report and its recommendations with political parties, parliamentarians, civil society and other partners to inform the broader population on the situation of human rights in the country.

53. The Human Rights Section also provided technical support to the Commission in the finalization of its three-year strategic plan for 2009-2011. In August, the Executive Representative of the Secretary-General convened a meeting of international partners to

garner support for the implementation of the Commission's strategic plan. The Human Rights Section implemented joint activities with the Commission in the area of human rights monitoring, capacity-building and advocacy.

54. While the Government covered basic operational costs, including salaries for 30 staff members and rent for the office, the Commission had to face a serious funding shortfall when the project under the Peacebuilding Fund ended in March 2009. Although the Commission managed to establish regional offices in Bo, Kenema and Makeni, each office is manned by only one staff member owing to a lack of adequate funding.

2. National Commission for Social Action

55. The Human Rights Section continued its engagement with the National Commission for Social Action, designated to implement the reparations programme in accordance with the recommendation of the Truth and Reconciliation Commission. The Human Rights Section continued representing the United Nations country team in the National Committee on Reparation, which provides advisory services to the National Commission with regard to the implementation of the Peacebuilding Fund project in support of the reparations programme.

3. Civil society organizations

56. The Human Rights Section continued its partnership with civil society organizations, particularly in the areas of advocacy and capacity-building on human rights. Joint programmes were conducted with human rights committees in all 13 districts, and assistance was provided to district human rights committees to ensure their effective operation. The Human Rights Section supported committees in Kambia, Bombali, Port Loko, Pujehun, Tonkolili and Bonthe, by supplying them with computers, furniture and office space.

57. A national forum was organized in April 2009 for 40 civil society members representing all 13 districts, whereby the district human rights committee established a network of committees and expressed its commitment to work together on human rights issues at the national level. The committees also adopted a national plan of action for the promotion and protection of human rights. The Human Rights Section continued its regular interaction with civil society organizations on pertinent human rights issues. A total of 80 such interaction meetings were held in various districts. Training was provided to 180 members of civil society in Kambia, Kabala, Kailahun, Pujehun and Freetown on human rights monitoring and thematic human rights issues.

4. Parliamentary committee on human rights

58. The Human Rights Section continued its interaction with the parliamentary human rights committee on pertinent human rights issues, and provided a comprehensive human rights training session in September 2009 to 30 parliamentarians, in collaboration with UNDP. In December, a consultative forum of civil society and parliamentarians was also facilitated to enhance collaboration between Parliament and civil society on human rights issues. The committee also adopted a plan of action for the next two years, outlining plans to play an active role in addressing pertinent human rights issues, including law reform and the ratification of and reporting on human rights treaties, gender issues and budgeting.

5. Enhancing the cooperation of Sierra Leone with human rights treaty bodies

59. The Human Rights Section continued its engagement with the Ministry of Foreign Affairs with regard to the ratification of human rights treaties and the preparation of reports for treaty bodies. The support included office equipment and staff provided to the treaty

reporting secretariat of the Ministry. Technical support was provided to the Ministry to prepare a common-core document, to be submitted to treaty bodies; and a draft of the document was completed and circulated to various stakeholders for comment. Plans are under way to prepare the pending reports under various human rights treaties. Steps are also being taken to prepare the sixth report to be submitted to the Committee on the Elimination of Discrimination against Women, and a secretariat for relevant matters has been established in the Ministry of Social Welfare, Gender and Children's Affairs. Progress was also made in the ratification of key international human rights treaties: the Parliament ratified the Convention on the Rights of Persons with Disabilities.

6. Provincial and district security committees

60. The Human Rights Section regularly participated in district and provincial security committee meetings, which remained significant forums for bringing human rights issues to the attention of relevant government authorities. Issues such as sexual violence, ritual murder, prison conditions, the shortage of magistrates, delays in trials, threats against human rights defenders and forceful initiation into secret societies were discussed at the meetings, and strategies to address them were elaborated. The Human Rights Section also provided advisory and technical support with regard to the actions taken by the committees in addressing human rights issues. For example, the provincial security committee for the southern region discussed, with traditional leaders, the increasing incidence of ritual murder in Moamba district; the committee also formed a task force to look into teenage pregnancy and prison conditions in Bo.

7. Collaboration with the United Nations country team and other international partners

61. Human rights activities were carried out in close collaboration with the United Nations country team. The Human Rights Section participated in regular country team meetings and worked closely with its members in mainstreaming human rights in all activities of the United Nations Family. Contributions were also made to the Joint Vision initiative with the aim of mainstreaming human rights, and the country team was updated regularly on human rights issues. The Human Rights Section also collaborated with international non-governmental organizations and partners, including Save the Children, the International Rescue Committee, ActionAid, the Justice Sector Development Programme (see paragraph 32 above), Irish Aid, the German Agency for Technical Cooperation (GTZ) and the European Union on human rights and rule of law issues.

V. Conclusions and recommendations

62. Significant progress has been noted in the protection and promotion of human rights, particularly in the area of national capacity-building. The Human Rights Commission has demonstrated the important role that it has to play, and made several important interventions, including issuing press statements to highlight ongoing violations and publishing the annual report on the state of human rights, which contained recommendations addressed to the Government of Sierra Leone on how to improve the promotion and protection of human rights. Civil society organizations are also active in raising pertinent human rights issues. The progress made in implementing the reparations programme for war victims is also significant. The ratification of the Convention on the Rights of Persons with Disabilities and the progress made in the area of treaty reporting are also positive developments. Nonetheless challenges remain.

63. The nature of human rights violations in Sierra Leone is more structural than systematic. Prevailing socio-economic conditions, including poverty, unemployment

and dependency on donor support, have severely affected the enjoyment of socio-economic and cultural rights. Limited access to health, education and employment continues to be a serious challenge. There are also serious human rights issues associated with customary and traditional practices; impunity for the perpetrators of forceful initiation, including female genital mutilation, domestic and sexual violence, continues to be a serious concern. There are also human rights issues resulting from the weakness of the justice system. Prolonged pretrial detention, delayed justice and a chronic backlog of cases continues to frustrate the system. The slow pace of law reform and the lack of effective implementation of new laws, including the Child Rights Act and Domestic Violence Act, are also a concern. Lack of necessary resources for the Human Rights Commission and the delay in constitutional review process should also be noted.

64. In the light of the above conclusions, the United Nations High Commissioner for Human Rights strongly urges the Government of Sierra Leone:

(a) To speed up the implementation of the recommendations of the Truth and Reconciliation Commission, including through the allocation of adequate human and financial resources, and to mobilize resources to implement the reparations programme; and to fast-track the law reform process, particularly in relation to the pending sexual offences bill and the matrimonial bill, ensuring the integration of critical human rights treaties, including the Convention on the Rights of Persons with Disabilities, into national law;

(b) To investigate and prosecute security officials involved in violating human rights, notably in the Lungi incident, in which three people were killed following the use of firearms by police;

(c) To improve the conditions of service of judges and magistrates, to further strengthen the independence of the judiciary and prosecutors, and to fill vacant positions of magistrates and prosecutors;

(d) To provide adequate budget resources to the Human Rights Commission 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 for 2007 and 2008;

(e) To submit, in a timely manner, pending reports to the treaty bodies, pursuant to the international human rights conventions that it has ratified;

(f) To adopt a clear land policy, including with regard to the demarcation and proper registration of land;

(g) To repeal the criminal libel provision of the Public Order Act of 1965;

(h) To adopt a national strategy for the elimination of violence against women.

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