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**تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية**

# تقرير المقرر الخاص المعني بحرية الدين أو المعتقد، هاينر بيلفلدت

**إضافة**

## البعثة إلى جمهورية سيراليون*

موجز

يتضمن هذا التقرير استنتاجات وتوصيات المقرر الخاص المعني بحرية الدين أو المعتقد بشأن زيارته إلى جمهورية سيراليون في الفترة من ٣٠ حزيران/يونيه إلى ٥ تموز/يوليه ٢٠١٣.

ويُعرب المقرر الخاص عن تقديره لثقافة قبول الآخر المثيرة للإعجاب التي تسود بين الأديان وفي صفوف أتباع الديانة نفسها والتي يعتز بها الجميع داخل الأسر وفي الأحياء والمدارس والحياة العامة في سيراليون. فأتباع الديانتين الرئيسيتين - الإسلام والمسيحية - يتعايشون في سلام ووئام، وتسود روح التسامح عموماً العلاقة مع أتباع الديانات الأفريقية التقليدية التي تقوم على القيم الروحانية. وهذه الروح الودية نفسها هي التي توجه

* يُعمَم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه الوارد في مرفق هذا الموجز فيُعمَّم باللغة التي قُدِّم بها فقط.

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الرجاء إعادة الاستعمال

العلاقات بين مذاهب الإسلام المختلفة – السُنَّة والشيعة والأحمدية – وكذلك بين مختلف الطوائف المسيحية – الأنغليكانية والكاثوليكية والإنجيلية وغيرها. وتنتشر حالات التزاوج بين أتباع الديانات المختلفة والتحول بين الأديان وعادة ما يلقى ذلك موافقة الأسر والمجتمعات المحلية. وأدى مجلس سيراليون المشترك بين الأديان دوراً محورياً في العملية الجارية لإعادة بناء الدولة بعد حرب أهلية ارتكبت فيها فظائع تفوق الخيال البشري.

وقد حدَّد المقرر الخاص أيضاً عدداً من التحديات الخطيرة، تشمل مضايقة الأشخاص المشتبه في ممارستهم "السحر" وقيامهم بممارسات ضارة من قَبيل تشويه الأعضاء التناسلية للإناث باسم "التقليد" و"العرف" و"الثقافة" وأحياناً "الدين". ويركز المقرر الخاص على حقيقة أنه لا يمكن إطلاقاً تبرير مثل هذه الممارسات الضارة من خلال التذرع بحرية الدين أو المعتقد، ويدعو الزعماء الدينيين إلى التكلم علناً لشجب هذه الممارسات.

ويستند المقرر الخاص في استنتاجاته إلى التوصيات التي قدمتها لجنة تقصي الحقائق والمصالحة في سيراليون والتي لم يُنفَّذ عدد كبير منها تنفيذاً تاماً. ويوصي أيضاً الدول والزعماء الدينيين والمجتمع الدولي بإيلاء اهتمام أكبر لسيراليون ولثقافة قبول الآخر التي تسود بين الأديان وفي صفوف أتباع الديانة نفسها.

# Annex

*[English only]*

## Report of the Special Rapporteur on freedom of religion or belief on his mission to Sierra Leone

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# I. Introduction

1. From 30 June to 5 July 2013, the Special Rapporteur on freedom of religion or belief undertook a country visit to Sierra Leone. The general purpose of such country visits is to receive first-hand information concerning the situation of freedom of religion or belief in a particular country and to identify good practices as well as existing or emerging challenges to the enjoyment of this specific human right.

2. Above all, the Special Rapporteur would like to thank all those who contributed to making the visit possible and very fruitful. He expresses his profound gratitude to the Government of Sierra Leone for the cordial invitation transmitted through its Permanent Mission in Geneva. He is indebted to many interlocutors from all branches of the State, diverse religious communities as well as various civil society organizations. The State representatives with whom the Special Rapporteur communicated included the Vice-President, the Minister of Social Welfare, Gender and Children's Affairs, the Minister of Education, Science and Technology, the Minister of Labour and Social Security, the Minister of Information and Communications, the Minister of Tourism and Cultural Affairs, the Minister of Political and Public Affairs, the Minister of Internal Affairs, the Deputy Minister of Justice, other representatives of the Administration, Members of Parliament, the Chair of the Parliamentary Human Rights Committee, the Chief Justice and other high-ranking members of the judiciary, the Chair of the Human Rights Commission, the Chair of the Law Reform Commission, the Ombudsman and his team, Paramount Chiefs and members of the Administration in the Moyamba district. The Special Rapporteur also met with representatives of various religious communities. He participated in meetings of the Council of Churches, the United Council of Imams and the Inter-Religious Council of Sierra Leone. He had an opportunity to attend a gathering of the Union of Traditional Healers. Furthermore, throughout the visit he had substantive exchanges with different civil society organizations, both faith-based and secular, that specialize in human rights issues in the country. When visiting elementary schools, he talked to teachers and students, and during and after the press conference he communicated with journalists working for different national and local media.

3. The Special Rapporteur benefited enormously from the many discussions in Freetown and Moyamba, all of which took place in an open atmosphere. The visit would not have been possible without the valuable support of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva and of the United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL).

# II. The legal situation concerning freedom of religion or belief

## A. International and regional provisions

4. The Republic of Sierra Leone has ratified, or acceded to, the majority of existing international human rights instruments. This includes the International Covenant on Civil and Political Rights which, in article 18, protects everyone's right to freedom of thought, conscience, religion or belief. While articles 2 and 26 of the Covenant provide protection against discrimination on several grounds including religion or belief, article 27 provides that persons belonging to minorities, including religious minorities, "shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language". Provisions protecting freedom of religion or belief can also be found in other international instruments that are

binding on Sierra Leone, for instance, in article 14 of the Convention on the Rights of the Child.

5. Furthermore, Sierra Leone is a State party to the African Charter on Human and Peoples' Rights, which protects freedom of religion in its article 8.

## B. Constitutional provisions

6. The 1991 Constitution of Sierra Leone has a number of human rights provisions that include freedom of religion or belief. Section 24, subsection 1, of the Constitution states that: "Except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience and for the purpose of this section the said freedom includes freedom of thought and of religion, freedom to change his religion or belief, and freedom either alone or in community with others and both in public and in private to manifest and propagate his religion or belief in worship, teaching, practice and observance." While this formulation bears an obvious resemblance to the wording used in article 18 of the International Covenant on Civil and Political Rights, the subsequent subsections of section 24 add more details.

7. Section 24, subsection 2, relates to educational institutions and protects students from possible pressure to attend religious instruction or ceremonies against their will or that of their parents: "Except with his own consent (or if he is a minor the consent of his parent or guardian) no person attending any place of education shall be required to receive religious instruction or to take part in or to attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion other than his own."

8. The community aspect of manifesting a religious conviction in teaching, as already guaranteed in subsection 1, is spelled out in more detail in subsection 3 of section 24: "No religious community or denomination shall be prevented from providing religious instruction for persons of that community or denomination in the course of any education provided by that community or denomination."

9. Subsection 4 of section 24 specifies an important aspect of the "negative" freedom of religion or belief by declaring: "No person shall be compelled to take any oath which is contrary to his religion or belief or to take any oath in a manner which is contrary to his religion or belief."

10. Subsection 5 of section 24 deals with possible limitations on freedom of religion or belief which must meet certain criteria to be legitimate, thus serving a function similar to the provision contained in article 18, paragraph 3, of the International Covenant on Civil and Political Rights. The constitutional provision reads as follows: "Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes a provision which is reasonably required (a) in the interest of defence, public safety, public order, public morality or public health; or (b) for the purpose of protecting the rights and freedoms of other persons including the right to observe and practice any religion without the unsolicited intervention of the members of any other religion; and except in so far as that provision or, as the case may be, the thing done under the authority thereof, is shown not to be reasonably justifiable in a democratic society."

## C. Other legal provisions

11. The law books of Sierra Leone also include provisions aimed at ensuring religious pluralism in the composition of important public institutions. For instance, the Child Rights

Act of 2007 requires that that the members of village welfare committees come from different religions (section 47.2 (g)), thus preventing religious monopolies.

# III. General findings

## A. An atmosphere of religious open-heartedness

12. Before visiting Sierra Leone, the Special Rapporteur had anticipated that the country would be characterized by a high degree of religious tolerance. What he experienced during his visit by far exceeded this expectation. All interlocutors, without exception, agreed that religious communities, in particular Muslims and Christians, live peacefully and harmoniously side by side. It was frequently contended that this harmony has existed "since time immemorial", thus predating the establishment of a modern legal infrastructure. Moreover, most of the discussants he met presented their own family situation as an illustration of amicable religious diversity. Many of them are in interreligious marriages, in which the husband is Muslim and the wife is Christian, or vice versa, and everyone seems to have close relatives who confess and practise a religion different than their own.

13. Interlocutors also referred to their school days, when they had experienced religious diversity on a daily basis and mostly in a quite relaxed manner. Muslims recounted fond memories of their education in Anglican, Methodist, Catholic or other Christian schools, and Christians likewise provided positive accounts of their education and training in schools run by Sunnis or Ahmadis. When visiting elementary schools managed by different denominations, the Special Rapporteur had a chance to talk to teachers and students who come from different religious backgrounds, but work and learn together in a spirit of mutual respect.

14. The Special Rapporteur visited mosques and churches located in close proximity to each other, some of them within the same compounds, and heard numerous stories about people attending weddings, funerals and other ceremonies across denominational differences. A Christian person remarked that when the church is overcrowded, he might well decide to go to a mosque to pray. Such a statement, which in many countries would be fairly unusual or even unthinkable, seems rather indicative of the tolerant situation in Sierra Leone. Likewise, Muslims said that they have no difficulty praying in a Christian church. People generally expressed an interest in religious festivities across denominational lines. While many Christians reportedly join Muslims in celebrating the end of Ramadan, Muslims join Christians, for instance, in Christmas celebrations without blurring the differences between religions. The Special Rapporteur was told that radio stations run by a particular religious community at times broadcast prayers from a different religion. For instance, "Radio Maria" which, as its name suggests, is run by a Christian community, reportedly airs Koranic suras on Fridays.

15. While Muslims and Christians jointly constitute the large majority of the population, the country also includes small numbers of Baha'is, Sikhs, Hindus, Buddhists, Mormons, Jehovah's Witnesses and other minority communities. The Special Rapporteur saw their houses of worship, which are quite visible both in the capital and in the countryside.

16. Religious diversity is not only a reality in Sierra Leone; it is widely regarded and cherished as an asset on which to build community life from the local to the national levels. As one interlocutor put it, "religious tolerance is the cornerstone of our peace". Indeed, the tangible climate of religious tolerance in Sierra Leone is all the more astounding against the background of the country's tragic history of civil war, which tore the nation apart. According to the 2004 final report of the Truth and Reconciliation Commission (TRC), the various parties involved in the conflict committed grave human rights violations, including

atrocities beyond human imagination. While ethnic, regional and other differences — whether real or merely imagined — became factors of political fragmentation and violent escalation, religion was never drawn into the conflict. This remarkable observation of the TRC was unanimously confirmed in all discussions the Special Rapporteur held on this issue. The amicable relations between religious communities thus play a crucial role in the ongoing process of rebuilding the nation.

## B. Inter- and intra-religious tolerance

17. Religious tolerance comprises both inter-religious and intra-religious relations. While most interlocutors emphasized the amicable coexistence of the Muslim majority (according to some estimates, 60 to 70 per cent of the population) and the Christian minority (estimated at 20 to 30 percent of the population), there is also a remarkably positive and relaxed attitude towards intra-religious diversity.

18. The Muslim population is composed of Sunnis, who constitute a clear majority, Shias and Ahmadis. Manifestations of mutual hostility between these different branches of Islam are unheard of in Sierra Leone. The Special Rapporteur visited the United Council of Imams, in which representatives of the various branches of Islam — Sunnis, Shias and Ahmadis — meet and cooperate on a regular basis. When attending a gathering of the Inter-Religious Council, he witnessed the spirit of cooperation between and within religions. On that occasion, the representative of the Ahmadiyyah community said a short prayer to which his neighbour, a high-ranking Sunni, added the concluding "amen". The current Chief Justice of Sierra Leone, who comes from the Sunni branch of Islam, introduced the Special Rapporteur to another member of her court who stemmed from the Ahmadiyya community. Such amicable cooperation also seems to be a widespread reality on the ground, for instance, in schools. The Special Rapporteur visited an elementary school in Freetown run by Ahmadis, which is open to students from other Islamic branches as well as Christian students. Schools organized by the Ahmadiyyah community have existed in Sierra Leone since the early twentieth century and generally seem to enjoy a good reputation.

19. Christianity displays an even broader diversity in Sierra Leone, including Anglicans, Roman Catholics, Lutherans, Reformed Protestants, Methodists, New Apostolic Church, Seventh Day Adventists, Baptists and charismatic groups. The Special Rapporteur attended a meeting of the Council of Churches in Freetown. The Council brings together some 15 denominations, most of which see themselves in Protestant traditions. They closely cooperate with the Roman Catholic Church, which has not formally joined the Council of Churches. While the relations between different Christian denominations are generally harmonious, the Special Rapporteur also heard some sceptical comments on allegedly less tolerant attitudes displayed by some of the "charismatic" Christian denominations, which seem to be gaining more influence in Sierra Leone of late.

## C. Social acceptance of conversions

20. Section 24, subsection 1, of the Constitution explicitly guarantees the right to change one's religion or belief. In Sierra Leone, this is not an empty promise. People can and do freely change their religious affiliation. Conversions are a common phenomenon. Indeed, the Special Rapporteur was amazed by the high number of converts he met during his visit. He heard stories of people who had grown up in a Muslim family and later converted to Christianity, often with the unreserved blessing of their parents. He spoke to one Christian convert whose father, while remaining a Sunni Muslim, had actively participated in his son's Christian baptism. The Special Rapporteur met a woman from a Muslim family who

became a Reverend in the Methodist church. Likewise, others told him they were from Christian families and had later turned to Islam, again typically with the full approval of their families. Some converts keep their original first names, with the result that a person who has a typically Muslim first name may nonetheless be Christian or vice versa. For instance, one man who had been called Muhammad at birth adopted the name Francis after converting to Catholicism, but also kept his original name, thus calling himself Francis Muhammad.

21. Whereas in many countries, conversion de facto implies breaking away from one's family background, the situation in Sierra Leone is markedly different in that conversion is not merely a formally guaranteed right, but also a widely accepted practice, mostly endorsed by families, communities and religious leaders of different denominations. This makes religious pluralism in Sierra Leone a dynamic pluralism in the sense that religious communities can grow and develop. Moreover, people do not generally encounter problems when bearing witness to their faith in private or in public and they can also freely invite others to join their community.

## D. Attitudes towards traditional African religion

22. Traditional African religion constitutes a part of the country's rich cultural heritage and is largely appreciated as such. While some healing rituals and other traditional ceremonies continue to be practised widely, frequently under the auspices of Islam or Christianity, the Special Rapporteur also noticed more ambivalent or sceptical attitudes expressed by some discussants towards traditional African religion.

23. In a gathering that took place in the district of Moyamba, one of the speakers who came from a traditional background conjectured that 85 per cent of Muslims and Christians also feel attached to African spirituality. He furthermore contended that traditional African spirituality constitutes the common denominator between different religious denominations and thus contributes to the amicable relations between Muslims and Christians in Sierra Leone. Similar views were also expressed at a meeting of the Union of Traditional Healers in Freetown that the Special Rapporteur attended. The chairperson of the Union of Traditional Healers saw the spiritual unity of humankind evidenced in the common colour of human blood. While people may display different colours on the surface of their skin, deep down, he said, "we all share the same colour and hence the same spirit". Such positions seem to be widely shared in Sierra Leone.

24. Many Muslims and Christians in turn respect traditional African religion based on the assumption or ascription that it represents just another form of monotheistic spirituality. As one interlocutor expressed it, "when worshiping a mountain or a big tree, people ultimately worship the one supreme power which we call God". The Special Rapporteur heard repeated opinions and assessments to this effect. At the same time, he also came across more reluctant attitudes towards traditional African religion, which some speakers mainly associated with superstitious practices and a widespread belief in witchcraft. On a number of occasions, people even questioned whether traditional African spirituality, while certainly representing cultural "practice", could actually be called a genuine "religion" or "belief".

25. Whereas information about Islam and Christianity forms part of the curriculum in elementary schools, traditional African religion is not generally taught in schools. The Special Rapporteur heard that elements of traditional spirituality might nonetheless become the subject of teaching, for instance, through the learning of traditional languages. Organizations representing traditional African religions or beliefs are not members of the Inter-Religious Council.

## E. Isolating the few radical voices

26. Religious communities in Sierra Leone have largely managed to prevent radical voices from gaining influence in society; during the civil war they even succeeded in keeping religion out of the hostilities. However, some interlocutors mentioned the case of a Christian woman who claimed to have had a dream in which she had seen Muammar Gaddafi suffering in hell. From this alleged vision, the woman inferred that a particular mosque in Sierra Leone, which had been sponsored by Gaddafi, should be destroyed and replaced with a church. This strange incident, which attracted some publicity in the country, was generally recounted as a success story because the Christian churches in Sierra Leone had reacted rapidly in rejecting the woman's antagonistic message, thereby defending their good relations with Muslims and the country's religious harmony. The United Council of Imams explicitly praised the Christian churches for their quick and clear response.

27. The Special Rapporteur also heard about a few incidents in which tensions between local Christian and Muslim communities had arisen over practical issues, such as property conflicts or loud church bells or prayer calls. Reportedly, the issues were all settled and the tensions did not spill over into the larger communities. During the meeting of the Inter-Religious Council, one participant said: "Our religious tolerance is not without challenges, but we share the willingness to overcome them." At the same time, some discussants expressed concerns that religious extremism, which unfortunately exists in some neighbouring countries, might in the long run become more influential in Sierra Leone.

## F. The role of different institutions

28. The high degree of religious tolerance which Sierra Leoneans enjoy should not be taken for granted. In the face of religious mistrust, hostility and hatred in many parts of the world, it is obvious that the atmosphere of cross-religious and cross-denominational open-heartedness in Sierra Leone requires broad commitment and active investments. It is a precious accomplishment that deserves to be cherished and further developed. Obviously, societal and State institutions play an indispensable role in this ongoing endeavour.

29. The first institution in life that facilitates the experience of religious diversity is the family. Interreligious marriages do not only occur in urban areas, but are a widespread phenomenon across the country, albeit with regional differences. By experiencing religious diversity as a perfectly natural feature of families and neighbourhoods, children can develop an attitude of interreligious openness from early on. They typically grow up in an atmosphere in which people have different religious names, perform different prayers and celebrate different holidays while living together closely in families and neighbourhoods. As one minister remarked, religious tolerance is a "deep-seated practice in Sierra Leone", starting with the family. Another person said: "Religious tolerance starts when we are born. Whether Muslims or Christians, we are always together, we study, work and live together."

30. Unsurprisingly, many interlocutors emphasized the significant role of school education. In the earlier history of the country, schools run by Christian missionaries had a strong impact on the development of the society. By admitting Muslim students, religious diversity became a general feature of school life. Later on, the increasing number of Muslim schools run by Ahmadis, Sunnis or Shias likewise included Christian children among their students. During his visit, the Special Rapporteur had the opportunity to see several schools in which both students and teachers came from different religious backgrounds. Irrespective of their various religious orientations, schools nowadays generally follow the curriculum provided by the Ministry of Education. The curriculum for elementary schools also covers Religious and Moral Education (RME), a subject that is based on the tenets of Islamic and Christian teachings taken in conjunction.

31. According to information received, the media also contribute to the tangible atmosphere of religious tolerance. Given the persistently high illiteracy rate, radio networks are particularly important. The Special Rapporteur was told that community-based radio stations sometimes broadcast religious prayers and ceremonies across denominational lines. One example is "Radio Maria" which, while mainly catering for a Christian audience, also airs Islamic prayers. Reportedly, the Independent Media Commission also plays a positive role in promoting ethical journalism. However, the Special Rapporteur was informed that the members of the Commission are all appointed by the President of the Republic, which raises questions about the independence of the Commission.

32. The Inter-Religious Council has a very good reputation in Sierra Leone. Operating as a non-governmental organization and comprising different religious communities — Muslim, Christian and others — the Council has played a pivotal role in the reconciliation process after the civil war. It has therefore implemented one of the main recommendations of the Truth and Reconciliation Commission, which in its final report of 2004 called upon religious communities to use their potential in a joint effort to rebuild national consensus, including by helping to reintegrate ex-combatants and child soldiers. Interlocutors repeatedly mentioned the active contribution of the Inter-Religious Council in the peaceful handling of the Presidential elections in 2012, during which religious community leaders made joint statements, speaking out against violence. The Special Rapporteur had a chance to speak to members of the Inter-Religious Council not only in Freetown but also in Moyamba. The fact that the Council has branches in all districts obviously adds to its impact throughout the country. Nonetheless, members of the Inter-Religious Council complained about insufficient resources and a lack of infrastructure — a situation that may hamper its effective functioning. They also expressed the awareness that the harmonious interreligious climate could be threatened in the long run, once radical voices, which have not have much influence to date, become more influential.

33. Within the State apparatus, the Ministry of Social Welfare, Gender and Children's Affairs is charged with handling religious affairs and pursues a proactive policy on community outreach. The Ministry is also responsible for the registration of religious communities, which must be renewed annually. The Special Rapporteur learned that the process is relatively easy. Failure to register does not lead to any sanctions, and unregistered religious communities can function fully and freely. Unlike registered communities, however, they do not benefit from tax advantages, for instance when importing certain goods, such as religious books, videos or other material. The Union of Traditional Healers expressed interest in strengthening communication with the Ministry of Social Welfare in order to address controversial issues, such as the proliferation of traditional medicine.

## G. Vitality of public religious life

34. Clearly, religion is a vital factor in private and public life in Sierra Leone. Numerous mosques and churches of different denominations have their doors open and advertise their services publicly, both visibly and audibly. Religious ceremonies play a crucial role in families and communities. Religious symbols are omnipresent in the streets, in administrative offices and in private homes. Many vehicles, particularly trucks and caravans, have religious messages ("God is great", "God's mercy for everyone", "Praise to the Lord") displayed on their hoods. People generally express a strong interest in and commitment to religious issues. By attending some religious services and ceremonies of different denominations, the Special Rapporteur could directly experience the vitality of religious practices and the enthusiasm that people showed when manifesting their faith.

35. For many Sierra Leoneans, religious commitment and religious tolerance go hand in hand. As a high-ranking Muslim representative put it during a meeting of the United Council of Imams, “religious tolerance is a divine gift bestowed on our nation”. Christian representatives also expressed similar sentiments. Such expressions may serve as an interesting testimony against the widespread assumption that religious tolerance develops best in a religiously dispassionate atmosphere, perhaps even in a climate of general religious scepticism. Concomitantly, it is sometimes assumed that strong religious enthusiasm necessarily breeds narrow-mindedness and often leads to fanaticism. The situation in Sierra Leone, however, demonstrates that there is no inherent contradiction between passionate religious commitment and religious open-mindedness, which in this country are generally appreciated as two sides of one and the same coin.

# IV. Remaining challenges

## A. Positive and negative freedom of religion or belief

36. The open atmosphere in Sierra Leone generally provides fertile ground for the enjoyment of freedom of religion or belief as guaranteed, inter alia, in section 24 of the Constitution and article 18 of the International Covenant on Civil and Political Rights, to which Sierra Leone is a party. Neither the Human Rights Commission of Sierra Leone nor the Ombudsman and his staff remembered any complaints being submitted within recent years about violations of freedom of religion or belief. Occasional conflicts between local communities, for instance over property issues, remained isolated incidents and never spilled over into the broader religious communities. Members of various non-governmental organizations who work on human rights issues in Sierra Leone confirmed this positive assessment from their own viewpoints.

37. The Special Rapporteur was frequently told that what unites people in Sierra Leone is the belief in one Supreme Being to which everyone owes their existence and bears moral accountability. Religious differences, while obviously remaining relevant for people’s self-understanding and practices, appear to be placed on a secondary level when compared with the broadly shared general monotheistic conviction. Traditional African spirituality also seems to be appreciated on the premise that it generally fits into this pattern of worshiping one divine power. While facilitating positive interaction between different religious communities, the assumption that everyone ultimately shares the belief in one God also introduces the risk that people could be urged to participate in religious ceremonies against their will. In other words, while the “positive” freedom of religion or belief can and does flourish in Sierra Leone, this may be less the case with regard to its “negative” corollary, that is, the freedom not to believe, not to pray, not to participate in religious ceremonies and so forth. However, the positive and the negative aspects of freedom of religion or belief closely belong together as complementary manifestations of everyone’s right to freedom in the broad area of religion and belief.

38. One example is the collective performance of prayers and other religious ceremonies in schools. Based on the widely shared expectation that all students will finally benefit from participating in such practices, the possibility of receiving a low-threshold exemption is not generally provided. A representative of a Christian church explained that in schools run by her denomination, all students are expected to attend Christian prayers and devotions, regardless of their diverse religious backgrounds. While not all schools hold public devotions during the school hours, the practice seems to be widespread. From the perspective of freedom of religion or belief, it is important to ensure that such collective manifestations remain voluntary, particularly in schools where children are exposed to the authority of their teachers and possibly also to pressure from their peers. Those not wishing

to participate in religious ceremonies should have the option to receive a low-threshold exemption.

39. The Special Rapporteur did not hear of any complaints ever being submitted in this regard, and when discussing the issue, he was told that it would certainly be possible to find solutions if such requests were made. Nevertheless, clearly formulated exit provisions concerning school prayers remain an important issue in order to make sure that participation in religious prayers and ceremonies is always in conformity with the convictions of the child and his or her parents or guardians. This would also help to bring the existing practice into line with section 24, subsection 2, of the Constitution of Sierra Leone, which provides that "no person attending any place of education shall be required to receive religious instruction or to take part in or to attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion other than his own".

## B. Harmful traditional practices

40. Many Sierra Leoneans, including Muslims and Christians, seem to believe in witchcraft. The Special Rapporteur heard many gruesome stories about people allegedly using "witch guns" in order to inflict serious injury and even kill fellow humans. He met with individuals who claimed they could detect "witches" and other "evil persons" by using their own spiritual intuition or by employing magical instruments. Some told him they had handed over "witches" to local courts, which had subsequently locked them up. In a number of cases, persons accused of witchcraft have been chained indefinitely to a specific place in their villages. The Special Rapporteur also heard about incidents of lynching of alleged "witches". While the "punishment" of people accused of witchcraft appears to be mainly practised by local communities outside of the formal judicial system, the formal criminal code still contains provisions against the exercise of magical powers.

41. The fact that people are deprived of their personal liberty based on accusations of witchcraft raises major human rights issues. This assessment was clearly shared by the Human Rights Commission, the Law Reform Commission and other institutions dealing with judicial affairs. The empirical "evidence" presented against "witches" remains more than dubious, and the "culprits" de facto do not enjoy the minimum guarantees of due process and habeas corpus, in spite of the existing constitutional provisions. A member of the Government pointed out that most people who are accused of witchcraft stem from the poorest strata of society. In many cases, they are helpless and lack any support from families or neighbours, which renders them vulnerable to negative projections. For example, elderly women who have remained childless easily become victims of witchcraft allegations, and the same can happen to persons with intellectual or psychosocial disabilities or persons who are described as somehow "strange" in their behaviour.

42. Whether the widespread "belief" in witches could qualify as belonging to a religion or belief in the understanding of article 18 of the International Covenant on Civil and Political Rights remains a somewhat academic question. In any case, the serious harm inflicted on persons accused of witchcraft can never be justified. Naturally, a human right can never serve as carte blanche for legitimizing obvious violations of other human rights. Consequently, if someone were to invoke the right to freedom of religion or belief in order to support harmful practices, such as the persecution and punishment of alleged witches, this would be a clear case for limiting the application of freedom of religion or belief, in accordance with the criteria laid down in article 18, paragraph 3, of the Covenant. Section 24, subsection 5, of the Constitution of Sierra Leone has a similar limitation clause which would have to be applied in such a case.

43. Some harmful traditional practices particularly affect women and girls. Teenage pregnancies and early marriages are major problems, as they de facto deprive girls and young women of their right to education. The Government has taken initiatives in this regard, and high-ranking politicians repeatedly emphasized the fact that they would prefer to see girls carrying schoolbooks rather than babies. Another widespread practice is female genital mutilation (FGM), which is typically inflicted on girls as an initiation ritual once they reach puberty. One woman who had herself suffered from FGM broke down in tears when recounting that her two nieces, whom she wanted to save from this traumatic experience, recently underwent FGM. Whether such harmful practices have any religious rationale remains more than dubious. Be that as it may, freedom of religion or belief can never be legitimately invoked to justify the infliction of grave and often traumatic violations of a person's physical and psychological integrity.

44. Non-governmental organizations working in this field in Sierra Leone gave an account of the enormous difficulties they face when trying to overcome traditional harmful practices such as FGM. Not only are such practices deeply rooted in people's traditional life, they are also defended by the women who make a living by performing the rituals. This calls for a complex strategy. Members of various non-governmental organizations with whom the Special Rapporteur discussed this issue all agreed that religious communities should play an active role in putting a stop to the practice. Some cooperation already exists and is based on the understanding that human rights standards and religious values overlap in many important areas. While the Special Rapporteur heard a number of success stories, NGO representatives also pointed to difficult areas, particularly in the context of violence against women. For instance, whereas religious communities broadly support policies to overcome child marriages, not all of them have been willing to speak out openly against FGM, maybe for fear that this might alienate some of their followers. At the same time, there seems to be general agreement that education, including educational programmes specifically catering for women and girls, is the key factor in all attempts to overcome existing gender-related discrimination and harmful practices.

## C. Fragility of public institutions

45. In its final report of 2004, the Truth and Reconciliation Commission (TRC) gives a detailed and precise account of the root causes of the violent conflict that had torn the country apart for more than a decade between 1991 and 2002. When reading the report, the Special Rapporteur was very impressed by the degree of precision and honesty accomplished so shortly after the end of the hostilities.

46. Among the main root causes of the conflict the TRC report identifies is the absence of an appropriate and effective State infrastructure. According to the findings, the general fragility of State institutions in conjunction with bad governance and endemic corruption had led to a gradual breakdown of trust in the fair functioning of State institutions in general. This started the vicious cycle of fragmentation, lawlessness and paranoia that culminated in atrocities beyond human imagination that were perpetrated, albeit to different degrees, by all parties in the civil war.

47. In the decade following the war, Sierra Leone has seen important political, economic and educational progress. Democratic elections have been peaceful, the economy is growing and the illiteracy rate has dropped significantly. Nevertheless, some interlocutors expressed concerns about the ongoing fragility of State institutions, which need further strengthening in order to prevent the risks of renewed fragmentation and to ensure the thorough implementation of human rights. Given the scarcity of financial resources, this will not be an easy task. At the same time, it is clear that without trust in the effectiveness and fairness of public institutions, the current tranquillity remains precarious.

48. In discussions with the Chief Justice, the Human Rights Commission and the Law Reform Commission, the Special Rapporteur heard about the complicated process of implementing the 2011 Local Courts Act, which aims at streamlining the country's fragmented court system. While in theory all courts now operate under the authority of the High Court and the Supreme Court of Sierra Leone, the bifurcation of courts functioning under formal statutes and customary laws, respectively, still persists in practice. This leads to enormous problems in the safeguarding of habeas corpus rights and human rights in general.

49. Moreover, some TRC recommendations concerning the disadvantaged position of women and girls still need to be fully implemented. Again, this has to do with the weakness of existing implementation mechanisms. Although the Government has taken initiatives to prevent child pregnancy and early marriage, the illiteracy rate for women and girls continues to be considerably higher than that of men and boys. Many women continue to marry at a very young age, thereby losing educational opportunities.

### D. Rebuilding the nation

50. The huge political challenges that Sierra Leoneans face are obvious. Despite impressive economic growth, the country remains one of the economically poorest in the world and still has a high illiteracy rate. This hampers the development of an efficient State infrastructure, which in turn would be a precondition for investing trust in public institutions and overcoming the danger of renewed fragmentation along regional or ethnic lines. In the ongoing process of rebuilding the nation, religious communities play a crucial role.

51. The TRC report already points to the surprising fact that religious communities succeeded in keeping out of the vicious dynamic of the civil war. Whereas in many other countries, religious difference has become an aggravating factor of fragmentation and conflict escalation, in Sierra Leone religion has helped to unite — or rather reunite — the nation. As explained above, religious diversity and unity are widely perceived as constituting two sides of the same coin. The TRC final report thus recommends that religious communities take a lead in reintegrating ex-combatants, including child soldiers. While Christian and Islamic communities have used education and religious and moral edification to serve this purpose, representatives of traditional African religion have also resorted to cleansing rituals, such as the burning of old clothes, to mark symbolically a person's new beginning.

52. The TRC repeatedly points to the significant contribution of the Inter-Religious Council, including its regional branches in all districts of the country. While the Inter-Religious Council had already existed before the civil war, its authoritative role became more pronounced during the process of reconciliation after 2002. The leading figures of the Council see themselves as "moral guardians" of society, tasked with keeping the country together. While generally showing optimism concerning the peaceful future of the country, they also expressed an awareness that the amicable relations between religious communities need further cherishing, not least in the face of growing religious extremism in neighbouring countries and the general weakness of public institutions.

## V. Conclusions and recommendations

53. **In various gatherings which the Special Rapporteur attended in Freetown and Moyamba, participants from government institutions, religious communities and civil society organizations over and over again expressed their conviction that Sierra Leone**

**is a "blessed nation", as evidenced in the remarkable atmosphere of inter- and intra-religious tolerance that characterizes the country. Given the recent tragic history of civil war with massive and grave human rights violations, this collective self-understanding may come as a surprise. However, the Special Rapporteur found the enthusiasm that people displayed on this issue quite infectious. Having been able to witness how religious passion and interreligious open-heartedness can go hand in hand in Sierra Leone is a privilege for which he is grateful. Moreover, the way people live together in peace across religious differences sets an example from which other countries as well as religious and political leaders worldwide can learn.**

54. **No less remarkable than interreligious tolerance, as epitomized inter alia by the Inter-Religious Council of Sierra Leone, is the daily practice of intra-religious cooperation between different denominations. This includes the amicable relations between Sunnis and Ahmadis and their cooperation within the United Council of Imams, in which Shias also participate. Likewise, various Christian denominations have organized their cooperation within the Council of Churches.**

55. **Furthermore, religious diversity remains dynamic in the sense that communities can grow and develop. Individuals and communities do not encounter difficulties when bearing public witness to their faith and trying to attract new followers. Freedom to change one's religion is not only a constitutionally and internationally guaranteed right, but also a socially accepted reality in Sierra Leone. Indeed, conversion in all directions — in particular from Islam to Christianity and vice versa — is a widespread phenomenon and typically receives the approval of families and communities.**

56. **Frequent interreligious marriages and the resulting religiously diverse families facilitate an atmosphere of religious open-heartedness not only in urban areas but throughout the country, albeit with regional differences. The educational system in which students and teachers across denominations learn and work together further strengthens this generally amicable atmosphere. Radio networks, although run by specific denominations, sometimes air prayers of a different religion than their own. Finally, umbrella institutions, such as the Inter-Religious Council have played a key role in uniting — or rather reuniting — the country.**

57. **Although clearly deeply rooted in the everyday culture of Sierra Leone, the climate of religious open-heartedness should not be taken for granted. As emphasized by many interlocutors from diverse backgrounds, the high degree of inter- and intra-religious tolerance needs constant cherishing and should be further developed based on constitutional and international guarantees of freedom of religion or belief. Therefore, the Special Rapporteur would like to present a number of recommendations addressed to different stakeholders.**

58. **Recommendations mainly addressed to the State:**

**(a) In all efforts to further develop the country, State agencies should be guided by the recommendations of the Truth and Reconciliation Commission (TRC) of Sierra Leone, published in its final report of 2004. The TRC recommendations reflect an intensive consultation process with broad participation of all parts of the population. They show an admirable degree of precision and honesty and furthermore display a clear human rights basis. The Human Rights Commission of Sierra Leone has a particular mandate to implement the recommendations, a task which, despite progress in many areas, remains unfinished to date.**

**(b) The State should continue to play an active role in cherishing and promoting the culture of inter- and intra-religious tolerance. Any existing and future activities to this effect should be systematically based on freedom of religion or belief,**

**as enshrined in section 24 of the Constitution and in the international instruments to which Sierra Leone is a party. In this context, more attention should also be given to the "negative" aspect of freedom of religion or belief.**

**(c) One example in this regard is the need to provide for low-threshold exemptions from participation in collective religious ceremonies in schools. Collective religious practices in schools should always be voluntary. To ensure everyone's freedom to participate or not to participate, in accordance with their convictions, exemptions should be easily available and should not have a de facto punitive effect. Paying more attention to this issue would bring the existing practice more into line with the provision of section 24, subsection 2, of the Constitution of Sierra Leone.**

**(d) Harmful traditional practices can never be justified by invoking freedom of religion or belief, which as a human right must always be seen in conjunction with other human rights. Concerning female genital mutilation (FGM), the Special Rapporteur refers to the TRC recommendations which call for joint efforts to put a stop this cruel practice. He also refers to his 2013 interim report to the General Assembly in which he systematically analyses the relationship between freedom of religion or belief and equality between men and women (A/68/290).**

**(e) Likewise, the harassment or even persecution of persons accused of witchcraft can never be justified as a legitimate manifestation of anyone's freedom of religion or belief. Streamlining the traditionally fragmented court system by implementing the Local Courts Act of 2011 is one precondition to stopping human rights violations being inflicted on persons suspected of practising witchcraft. Equally important are ongoing investments in education. In order to enhance credibility, the State should also repeal the existing criminal law provision against magical practices (*fungay*).**

**(f) Measures taken against traditional harmful practices, including public criticism of gender-related violence or witch-hunting, should always be combined with respect for persons who adhere to traditional African spirituality. Freedom of religion or belief, while allowing for legally defined limitations if needed to protect the rights and freedoms of others (in accordance with the criteria in article 18, paragraph 3, of the International Covenant on Civil and Political Rights) must be broadly understood. It clearly includes traditional African religion and its various manifestations.**

**(g) The Government should continue to support the admirable work of the Inter-Religious Council while fully respecting its independence.**

59. **Recommendations mainly addressed to religious communities:**

**(a) Religious communities are encouraged to continue to cooperate in the spirit of open-heartedness which is so tangible in Sierra Leone. Through inter- and intra-religious cooperation they also fulfil a major requirement of the Truth and Reconciliation Commission.**

**(b) Religious communities and their umbrella organizations should speak out publicly against harmful practices, which are sometimes broadly associated with "tradition", "culture" or "religion". A clear public stance articulated by religious communities against gender-related violence, particularly FGM, would contribute to overcoming such cruel practices. In this context, the Special Rapporteur once more refers to the TRC final report.**

**(c) Religious communities and their umbrella organizations are encouraged to continue to exercise vigilance against the possible spread of religious extremism, which so far has had no influence in Sierra Leone. The deeply rooted culture of tolerance has proved to be the best antidote against religious extremism.**

**(d) When broadcasting on radio networks, religious communities are encouraged to cross over denominational differences, for instance by sometimes airing prayers from a different religion. This good practice already exists and deserves to be further developed.**

60. **Recommendations addressed to the international community:**

**(a) The international community is encouraged to pay more attention to Sierra Leone. While remaining one of the economically poorest countries, Sierra Leone has developed a rich culture of inter- and intra-religious open-heartedness which can serve as an example of best practice in many regards.**

**(b) Persons interested in interreligious communication are encouraged to gain first-hand information on the situation in Sierra Leone, where religious communities cooperate in an admirable way in the ongoing process of rebuilding the nation.**

**(c) The international community, including public and private donors, should support the infrastructure of inter- and intra-religious cooperation in Sierra Leone. Such support, including financial subsidies, would also contribute to the ongoing reconciliation process, in keeping with the recommendations of the Truth and Reconciliation Commission of Sierra Leone.**