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Summary record of the 3040th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 11 March 2014, at 3 p.m.

Chairperson: Sir Nigel Rodley

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The meeting was called to order at 3.10 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

*Initial report of Sierra Leone (CCPR/C/SLE/1; CCPR/C/SLE/Q/1;
HRI/CORE/SLE/2012)*

1. *At the invitation of the Chairperson, the delegation of Sierra Leone took places at the Committee table.*
2. **The Chairperson** said that the State party had run into difficulties and had requested a deferment of the consideration of its report, but the Committee had been unable to comply with that request. He therefore expressed great appreciation for the delegation's presence at the meeting.
3. **Ms. Stevens** (Sierra Leone), introducing the initial report of Sierra Leone (CCPR/C/SLE/1) and responding to questions 1 to 15 of the list of issues (CCPR/C/SLE/Q/1), said that there had been no move to submit the Covenant itself to Parliament for adoption as domestic law, but the Constitution already enshrined basic human rights and prohibited discrimination. The Office of the Ombudsman was functioning and had received more than 1,000 complaints since 2012. Nevertheless, both the Office and the Human Rights Commission of Sierra Leone suffered from insufficient budgetary allocations. They had initially been established with donor funds, and the transition to funding from the regular State budget was currently under way.
4. A major review of the 1991 Constitution would be undertaken by an appointed Constitutional Review Committee comprising 80 members who represented political parties, independent bodies, civil society organizations, the judiciary and the legislature. Its work had begun in July 2013 and was expected to continue for two years. The President was committed to an inclusive and transparent constitutional review process.
5. Since its inception in 2009, the Sierra Leone Reparations Programme had registered and verified more than 30,000 civilian victims of war, including more than 1,000 amputees. The National Commission for Social Action was currently distributing rehabilitation grants to those amputees and other severely wounded victims. The grants would be used to fund livelihood activities or education and training. Prior to receiving the funds, beneficiaries attended basic financial management and vocational workshops.
6. All of the matters raised in question 5 of the list of issues would be considered during the constitutional review process. In 2007, Sierra Leone had passed the Child Rights Act and what were known as the three "gender justice laws", namely the Registration of Customary Marriage and Divorce Act, the Domestic Violence Act and the Devolution of Estates Act, which had changed the lives of women, particularly in rural areas. The National Action Plan on Gender-Based Violence and the National Referral Protocol on Gender-Based Violence had been developed to ensure the implementation of those laws. It was expected that the recommendation to repeal sections 27 (4) (d) and (e) of the Constitution would be seriously considered during the constitutional review process.
7. Although the 30 per cent minimum standard for representation of women in decision-making had not been met, progress had been made: women held a number of positions of authority, including Solicitor General, Chief Justice, Brigadier General and Auditor General, as well as heads of high-level commissions and agencies. The National Policy on Gender Mainstreaming and the National Policy on the Advancement of Women would be merged into a single policy entitled Gender Equality and Women's Empowerment.

8. The Child Act of 2007 prohibited the marriage of persons under 18 years of age, while the Customary Marriage Act required all customary marriages to be registered. Enforcement of those laws posed a challenge, but the Government intended to establish mechanisms for that purpose. With regard to HIV/AIDS, progress had been made in the areas of testing, prophylaxis coverage for mother-to-child transmission and early infant diagnosis. Legislation had been passed to decriminalize mother-to-child transmission of HIV and to criminalize denial of access to employment or education on the grounds of a person's HIV status.

9. The Strategic Roll-Out Plan for the implementation of the aforementioned three "gender justice laws" had been developed in 2008 and focused on enforcement, public education, and monitoring and data collection. The 2012 legislation on sexual violence was among the toughest in the world. From January to September 2013, the police had investigated about 6,800 reports of sexual violence, of which about 1,000 had been referred to the Magistrates' Court for preliminary investigation and about 360 had been referred to the High Court for trial. Saturday courts had been introduced and dealt only with cases of sexual gender-based violence.

10. With regard to abolition of the death penalty, a number of death row prisoners had been pardoned or had their sentences commuted to life imprisonment, leaving only one known prisoner awaiting execution in the country. Government officials had made strong statements about international trends towards abolition, and in 2012 the NGO Hands off Cain had named the President of Sierra Leone "Abolitionist of the Year". Cases of ritual murder were few, and perpetrators were subject to the same punishments as for other acts of murder.

11. Since 2010, free health care had been made available for pregnant women, lactating mothers and children under 5 years of age. Under that initiative, the number of under-5 outpatient consultations had increased by 250 per cent, more babies were being delivered at health facilities, and fatalities from maternal complications had decreased by 60 per cent.

12. **Ms. Majodina** noted that the State party's report had been due in 1998 and expressed her regret that the small delegation did not include anyone responsible for implementation of the Covenant in the State party itself. The fact that the Covenant had yet to be converted into national law through parliamentary action was of great concern and meant that public officials were still unaware of their obligations under the Covenant. She therefore requested further information about any human rights training provided to the judiciary and law enforcement officials.

13. While the Human Rights Commission of Sierra Leone had had a good track record thus far, reports from NGOs indicated high levels of political interference in its work. She asked if it was true that two members of the Commission had been relieved of their duties after issuing a report on arbitrary killings of protesters by police officers. She wondered if the Government had considered other ways of strengthening the Commission's work apart from providing additional financial resources. She asked the delegation to give examples of cases in which the Government had taken the Commission's recommendations into consideration and acted on them.

14. According to NGO reports, the laws recently passed to address the issue of gender discrimination were not comprehensive and further legislative amendments were needed, for example concerning abortion. A review of the 1861 law prescribing life imprisonment for homosexual activities was long overdue. She asked the delegation to comment on the social stigma faced by members of the lesbian, gay, bisexual and transgender (LGBT) community, and on the fact that they were often reluctant to file complaints of discrimination or violence out of fear of reprisals.

15. It seemed that the work of the Constitutional Review Committee was not transparent and its composition was not public knowledge. She was concerned about the prospect of its work being completed in 2015 without any consultative process.

16. Regarding the events described in question 13 of the list of issues, she wished to know what measures had been taken to give consideration to the recommendations of the Human Rights Commission of Sierra Leone and to provide adequate remedies to victims and their families, including compensation. According to NGO reports, the Government had made little or no effort to hold accountable the persons responsible.

17. **Ms. Seibert-Fohr** expressed regret that the Committee had not received written replies to the list of issues prior to its dialogue with the delegation. A commission had been established in 2006 to review the Constitution, but its recommendations had not been followed and no referendum had been held. Noting that a referendum was now scheduled to take place in 2015 following the current constitutional review process, she asked how the Government could guarantee that the work of the Constitutional Review Commission would be transparent and inclusive when the names of its members were not known to the public.

18. She asked whether minority rights were adequately taken into account to ensure that the guarantee of non-discrimination extended to all forms of discrimination prohibited under the Covenant. Section 27 (4) (d) of the Constitution had been repeatedly criticized by the Committee on the Elimination of Discrimination against Women, and even the State party's own core document (HRI/CORE/SLE/2012) acknowledged that it nullified many of the Constitution's equality provisions. Nevertheless, the State had been slow to repeal it, and she hoped that the amended Constitution would abolish the provision and incorporate gender equality provisions and a prohibition of sex-based discrimination.

19. Noting that the death penalty was still applicable to certain offences and mandatory in the case of murder, that a moratorium was however in place and that death sentences had been commuted by Presidential pardon on several occasions over previous years, she asked whether such a sentence had ever been carried out since the last execution known to the Committee, which had taken place in 1998. She also requested clarification on the number of convicted persons currently on death row. She would like to know whether the State party intended to ratify the Second Optional Protocol to the Covenant and, if so, when.

20. **Mr. Shany** welcomed the registration of more than 30,000 war victims by the National Commission for Social Action but noted that, according to reports by NGOs, as many as 25,000 people living in remote rural areas had not been registered. He asked whether the State party intended to restart the registration process or otherwise make it possible for war victims to obtain reparation. Information before the Committee indicated that reparation took the form of one-off payments of between US\$ 80 and US\$ 300, and that 70 per cent of registered victims, including all amputees and persons who had been badly wounded, had been paid from a special trust fund by 2012. He would like to know whether the Government considered the matter of reparation closed or, if not, when it would restart the process of registration and payment. The Truth and Reconciliation Commission had called for a holistic approach to the issue of reparation, including the provision through Government bodies of free health care, education and counselling for war victims. What, if anything, had come of those proposals?

21. The Committee was troubled by reports that few cases of gender-based violence were investigated in the State party and that the number of prosecutions and convictions for such offences was low. He asked the delegation to provide statistics in that regard and urged the State party to implement the recommendation recently made by the Committee on the Elimination of Discrimination against Women to accord high priority to addressing the problem of violence against women. He asked whether it was true that police in the State

party intervened in cases of domestic violence only where it resulted in serious injury or death. He also wished to know whether it was true that cases of domestic violence were habitually resolved through mediation rather than litigation, and that spousal rape cases were frequently settled out of court. He asked what the State party was doing to break the culture of silence in which gender-based offences were shrouded, and the widely held perception that wife-beating was justified as a form of punishment for alleged spousal misconduct and that female consent was not required for spousal sex. Had the National Gender Strategic Plan had any measurable impact on such attitudes and policy with regard to the enforcement of legislation on domestic violence?

22. He asked the delegation to comment on the accuracy of reports that the absence of magistrates in some provinces obliged victims of domestic violence to travel long distances to seek justice, that magistrates' courts were overloaded and took as long as two years to launch criminal proceedings in domestic violence cases, that legal aid was often unavailable to victims and that many State prosecutors were too inexperienced to handle rape cases. What was the State party doing to remedy those shortcomings? He noted that, although the police's Family Support Unit played a key role in reporting cases of domestic violence, only 7 per cent of those cases had led to convictions in 2013. He asked whether the State party planned to boost funding for the unit. He also asked whether investigations into cases of domestic violence were pursued even when complaints were withdrawn, given that the decision to withdraw a complaint could be taken under compulsion. A case of sexual assault against a minister had been dropped when the victim had been offered a scholarship to study abroad. Although the law guaranteed free medical treatment for victims of sex offences, it appeared that they were in fact obliged to pay for the medical reports they required in order to press charges. He asked whether it was true that there were no State-run safe houses for victims of domestic violence and, if so, how the Government intended to remedy that situation. He also asked whether charges had been brought against anyone for acts of sexual harassment carried out against female demonstrators in the town of Bumbuna in 2012.

23. The Committee was alarmed by the sharp rise in the number of young women infected with HIV/AIDS over the previous decade and the low rate of postnatal HIV testing for newborn children, which stood at just 3 per cent. Was the State party making any attempt to ensure that pregnant women and lactating mothers had access to free medical care and pharmaceutical products, as stipulated by law? He asked why the bill on abortion had still not been submitted to Parliament. If passed, the bill would sanction abortions by certified physicians in certain circumstances. Could the State party assure the Committee that the apparent shortage of suitably qualified practitioners and potential cost of such abortions would not in fact mean that most abortions continued to be carried out illegally, thereby fuelling high rates of maternal mortality?

24. **Ms. Waterval**, noting that some provisions of the law and articles of the Constitution in effect maintained discrimination against women, illegitimate children and persons of non-African descent born in Sierra Leone, asked how the State party implemented such apparently contradictory and discriminatory legislation in practice. She wished to know whether the State party would take into account the Committee's recommendations when reviewing the Constitution and asked for information on the status of the Matrimonial Clause Bill and the Gender Equality Bill. She asked for clarification of the figures regarding instances of child abuse presented by the State party in the core document, which were low and outdated when compared with data provided by NGOs. The State party had failed to provide the information requested of it in question 11 of the list of issues and had made no mention of female genital mutilation in either its core document or its initial report.

25. **Mr. Flinterman** welcomed the submission by the State party of its initial report to the Committee and of its core document as a sign that Sierra Leone had set about in earnest to enter a new phase in the country's history, after years of devastating conflict, as an independent State founded on the rule of law and respect for human rights.

26. He urged the State party to act on the recommendation of the Committee on the Elimination of Discrimination against Women to ensure that the minimum age for marriage of 18 was applied in all cases, and asked what measures were being taken to encourage the work of the Family Support Unit, improve access to justice for victims of early marriage, and to work with civil society organizations in order to raise awareness of the detrimental impact of early marriage on children.

27. Ratification by the State party of the Convention on the Rights of Persons with Disabilities in 2010 and the passing of the Rights of Persons with Disability Act in 2011, under which a special commission on related issues had been set up, had been positive developments. However, reports suggested that little had been done to enforce the provisions of the Act and that the commission was underfunded. He asked what the State party planned to do in order to promote the human rights of persons with disabilities. In the light of the inadequate funding provided to bodies set up to address the problem of HIV/AIDS in Sierra Leone, he wished to know what the State party was doing to combat discrimination against HIV/AIDS sufferers. He asked whether it was true that the number of ritual murders committed in Sierra Leone escalated at election time, and whether the State party made it clear to all that ritual murders were wholly unacceptable under any circumstances.

28. **Ms. Stevens** (Sierra Leone), responding to questions 16 to 25 of the list of issues, said that references to the prohibition of torture were contained in police training manuals, which were currently being reviewed with the aid of United Nations experts. Military law enforcement personnel were guided by international human rights law, and legislation on the armed forces provided for the punishment of armed services personnel guilty of "disgraceful conduct of a cruel, indecent or unnatural kind". Law enforcement officials involved in the interrogation of detainees, as well as medical and legal professionals, were bound by oath to act humanely and with professional integrity. Prison warders received training in the Standard Minimum Rules for the Treatment of Prisoners. Nevertheless, prison conditions did not always meet those standards, particularly with regard to detention in solitary confinement and dark cells. It was also true that the law of the State party allowed corporal punishment in spite of recommendations by the Truth and Reconciliation Commission to prohibit it. Pending legislation would put an end to sentences of imprisonment with hard labour.

29. A ban on the practice of female genital mutilation (FGM) on girls aged under 18 had been included in the Agenda for Prosperity. The enactment of laws, however, was insufficient; FGM must be addressed through public awareness-raising and education. FGM in Sierra Leone took place voluntarily in the context of "initiation" into a women's secret society, known as Bondo. Women who had not been "initiated" into the Bondo society faced stigma; female political candidates who had not been circumcised tended not to receive support in their political campaigns. Since Bondo was instrumental in women's education and empowerment, simply prohibiting FGM in law would not stop it in practice. Attitudes must be changed and new types of initiation into Bondo developed so that women could belong to the society without being subjected to genital cutting. In that regard, agreements had been concluded with practitioners, or "Soweis", to prevent underage "initiation". Efforts were being made to ensure that they were aware of the negative consequences of FGM and to offer them alternative employment if they ceased to practise.

30. Corporal punishment of children was prohibited under the Child Rights Act 2007. Enforcement of that Act remained a challenge. Anti-trafficking legislation had been passed

in 2005 and a unit for monitoring human trafficking had been established. The status of the Liberian refugees in Sierra Leone was being considered on a case-by-case basis. An officer of the Office of the United Nations High Commissioner for Refugees served on the Refugee Status Appeals Committee and ensured that refugees were treated in accordance with international standards.

31. Efforts were being made to reform the prison system and ensure that prison conditions met minimum international standards. The law on criminal procedure was being revised to include alternative sentencing possibilities and steps were being taken to reduce the backlog of cases to be considered by the courts with a view to reducing overcrowding in prisons. Local councils had been brought under the direct purview of the Chief Justice.

32. **Mr. Shany** asked whether the State party intended to amend its criminal legislation to include a specific provision on the prohibition of torture and a definition of torture in line with that contained in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. He wished to know whether the State party intended to ratify the Optional Protocol to that Convention. He would be interested to hear its views on allegations made by NGOs that only small amounts of compensation, if any, were granted to victims of torture. He asked whether plans to establish an independent police complaints board had been approved and, if so, when the board would commence operations.

33. Owing to the amnesty provision contained in the Peace Agreement and the limited mandate of the Special Court for Sierra Leone, thousands of perpetrators of grave violations of human rights during the civil war had never been brought to justice. He asked, in that context, whether the State party accepted its obligation under the Covenant to investigate and punish international crimes. He particularly wished to know why Mr. Ibrahim Bah, an ally of Charles Taylor, had been deported to Senegal in spite of a private criminal case pending in Sierra Leone with regard to his involvement in atrocities committed during the civil war.

34. Regarding prison conditions, he asked whether the State party agreed with the assessment that the combination of delays in the start of criminal proceedings, lengthy trials and overly restrictive bail policy had resulted in prison overcrowding and excessive deprivation of liberty. He wished to know what measures would be taken to address those problems. He would be particularly interested to hear how the State party intended to expedite trials. He wondered whether allegations of police corruption were well-founded; the Committee had been informed that police officers took bribes in exchange for granting bail. Reports that different categories of prisoners were detained together gave particular cause for concern. The Committee had been informed of cases where suspects in remand were detained with convicted prisoners, male and female prisoners were held together, and juvenile offenders were imprisoned with adults. He would appreciate information on measures taken to protect female prisoners against sexual abuse by male prison guards. He asked how the State party intended to address prison overcrowding and tackle the problems of lack of access to water, sanitation and decent nutrition in prisons. Corporal punishment was provided for under the prison rules, including beatings and forcing prisoners to sleep on wet floors. In permitting such types of punishment, the State party was not meeting its obligations under the Covenant. Corporal punishment should be abolished in all circumstances. He wondered what measures were being taken to prevent violence between prisoners, and what was being done to monitor places of detention. He asked what remedies were available to prisoners alleging maltreatment.

35. Reintegrating child soldiers into society remained a serious challenge. He asked what was being done in that regard, and whether the recommendations issued by the United Nations Committee on the Rights of the Child (CRC/C/SLE/CO/2) were being taken into account. He wondered whether a national commission for children, as envisaged in the

Child Rights Act 2007, had been established. He asked what was being done to meet the psychological needs of girls who had been victims of sexual violence and were living with a social stigma as a result.

36. **Ms. Seibert-Fohr** said that while she appreciated the State party's frank response concerning the practice of female genital mutilation, she wished to know what steps had been taken to change societal attitudes and to prohibit the practice in law. The risks to the life and health of women subjected to FGM did not lessen with age, and the 18-year minimum age for FGM was therefore ineffectual.

37. The Committee was aware that the State party had faced problems with regard to developing its legal system in line with international standards. Almost 70 per cent of the population did not have access to the formal justice system. She would be interested to hear more about the results of efforts to improve monitoring of the justice system. She requested an explanation of the exception clause to the presumption of innocence until proven guilty, contained in section 23 (4) of the Constitution.

38. Regarding the judicial system's capacity to ensure access to justice, the Committee had been informed of lengthy delays in legal proceedings and serious concerns about corruption in the justice sector. Unmanageable caseloads and corruption undermined public confidence in the competence of tribunals. She asked what measures were taken to ensure that the traditional justice system, which continued to supplement the judiciary, remained in line with due process. The lack of a clear definition of "reasonable time" in the Constitution had resulted in delays to the commencement of trials. She therefore wished to know how the courts interpreted the definition of a fair court hearing in reasonable time. She also enquired what remedies were available for delays in proceedings. She wondered whether corruption had a bearing on the speed and result of court proceedings. Translation services in the legal system were scarce, which led to considerable difficulties since the majority of the population could not understand English, the language of the courts. She requested further details on the implementation of the Legal Aid Act 2012.

39. **Ms. Waterval** said she was concerned about the continuing practice of corporal punishment of children in homes and schools. The fact that corporal punishment was provided for in the State party's prison rules was cause for considerable concern. The Committee urged the State party to repeal the provisions on corporal punishment in its statutes and to criminalize corporal punishment in all settings.

40. On freedom of expression, the Committee had heard worrying reports about the detention of journalists on charges of defamation. She asked whether the State party would consider decriminalizing defamation.

41. **Ms. Majodina** requested information on efforts to investigate cases of trafficking in persons. A report by the United States Department of State referred to the high incidence of trafficking: Sierra Leone was a country of origin, transit and destination for men, women and children victims of domestic servitude, prostitution and forced labour. She asked whether the State party acknowledged the information in that report and whether any measures were being taken to ensure compliance with minimum standards for eliminating trafficking. She was particularly interested to know what had become of the draft legislation on trafficking in persons that had been due for review in 2010.

42. **Mr. Flinterman** said he would encourage the State party, during its constitutional review process, to bear in mind the Committee's general comment No. 35, which stated in relation to article 9, paragraph 3, of the Covenant on the need to bring any person arrested or detained on a criminal charge promptly before a judge or other officer authorized by law to exercise judicial power – that the exact meaning of "promptly" could vary depending on objective circumstances but delays must not exceed a few days from the time of arrest. He asked what measures the State party was considering taking to address arbitrary detention,

and what measures were being taken to provide support to individuals who had been detained unlawfully.

43. While he welcomed the establishment of the Refugee Status Appeals Committee, the Human Rights Committee had received worrying information that there was insufficient funding at the national level to sustain that body and external funds might be required. He asked whether the State could guarantee that the important structures set up under the Refugee Protection Act 2007 would be maintained. Regarding internally displaced persons, the State party's accession to the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) should be commended. It had not, however, domesticated the provisions of that Convention. What would be done to rectify that situation?

44. He expressed concern about problems with the administration of juvenile justice in the State party: specific juvenile detention facilities were lacking and there did not seem to be any intention to abolish life sentences for young offenders. The Committee had been informed about problems in the State party with regard to the assessment of the age of offenders, which had resulted in children being detained as adults. He wondered whether measures were planned to overcome those problems. He also wondered whether steps would be taken to address the excessive use of detention and to reduce the duration of pretrial detention. Lastly, he wished to know how the State party intended to provide adequate legal safeguards and guarantee due process. Both were lacking.

45. **Mr Salvioli** said while he agreed that enacting legislation might not be the only solution to the issue of female genital mutilation, it was a fundamental part of the solution. FGM must be subject to appropriate punishment. He would be interested to know what specific measures were being taken to change societal attitudes to FGM. Were political leaders speaking out on the issue? Were doctors educating the public about the physical and psychological effects? Was there a public information campaign? If targeted measures were not taken, the situation would not change.

The meeting rose at 6.05 p.m.