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Summary record (partial)* of the 3041st meeting

Held at the Palais Wilson, Geneva, on Wednesday, 12 March 2014, at 10 a.m.

Chairperson: Sir Nigel Rodley

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10.05 a.m.

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

Initial report of Sierra Leone (continued) (CCPR/C/SLE/1; CCPR/C/SLE/Q/1)

1. *At the invitation of the Chairperson, the delegation of Sierra Leone took places at the Committee table.*

2. **The Chairperson** invited the delegation to reply to the questions asked by the Committee at its previous meeting.

3. **Ms. Stevens** (Sierra Leone) recalled that Sierra Leone had signed the International Covenant on Civil and Political Rights and its first Optional Protocol in 1996, when the country was being ravaged by civil war. With constant reductions in donor aid, on which the country had relied heavily for many years, Sierra Leone was struggling to meet all its obligations, particularly in the area of human rights. It would only be able to do so if its own socioeconomic development generated the resources it needed in order to create the necessary mechanisms and fund their long-term operation. As a result of reform initiatives in all State sectors, there was a considerable backlog of bills awaiting consideration by Parliament. Furthermore, many of the bills that had been enacted had yet to be implemented owing to a lack of resources. The Sierra Leone Police had established a human rights desk, and the Ministry of Foreign Affairs and International Cooperation had reactivated the Human Rights Secretariat, which had previously closed owing to a lack of funds. Subsidies granted to the Human Rights Commission had continued to increase, and the Government, which cooperated actively with the Commission in the universal periodic review, had begun investigations to follow up on a number of its recommendations. Nevertheless, Sierra Leone needed international aid in order to address the funding difficulties that had followed the closure of the United Nations Integrated Peacebuilding Office in Sierra Leone, compromising efforts to strengthen the Commission and the Office of the Ombudsman.

4. Information on the composition of the Constitutional Review Committee was available online at the following address: <http://www.constitutionalreview.gov.sl/site/AboutCRC.aspx>. The Committee's members had voted in favour of a moratorium on the death penalty. Criminal proceedings against Ibrahim Bah had been discontinued, as the mere fact that he had been a close associate of Charles Taylor did not constitute sufficient evidence. In accordance with the recommendations of the Truth and Reconciliation Commission, a special trust fund had been set up to help victims of war, but it lacked funds. She was not aware of any human rights violations committed against lesbian, gay, bisexual, transgender and intersex persons in Sierra Leone, where society applied the "don't ask, don't tell" principle. Condemnation of sodomy was deeply rooted in social attitudes, as it formed part of the Christian belief system that had been instilled in the population during the colonial period. Homophobia must be fought one step at a time if the type of reactions that had occurred in other African countries were to be avoided.

5. With regard to domestic violence, the option of mediation should not be disregarded, as it made it possible to avoid placing the violent spouse in custody. That did not mean, however, that domestic violence was being ignored. As well as adopting the Domestic Violence Act in 2009 and opening safe houses for victims, Sierra Leone had created Saturday courts that specialized in domestic and sexual violence cases. In addition, a special commission had been created to defend the rights of persons with disabilities, and antiretroviral drugs were being distributed free of charge to persons living with HIV. The Child Rights Act did not prohibit female genital mutilation, which was considered a rite of initiation into secret societies, but prohibited the torture and ill-treatment of children and fixed the marriageable age at 18. Reading the two provisions in conjunction, human rights

organizations therefore considered the legal age of consent for female genital mutilation to be 18, which allowed the women in question to make an informed choice. It followed that it was illegal to perform any such act on a minor. Efforts were being made to raise awareness among traditional leaders and “initiators” about dangerous practices, particularly with regard to female genital mutilation, and corporal punishment was explicitly prohibited by law.

6. With regard to conditions of detention, it should be noted that a women’s prison had been built in Kenema and that some outdated prisons had been refurbished. Cells had also been constructed in some police stations. In order to reduce excessively long periods of pretrial detention, new magistrates’ courts had been established in Freetown and the provinces, and circuit courts heard cases when there were not enough judges available. In addition, a large number of training courses had been organized for judiciary staff. Implementation of the Legal Aid Act was being held back by budgetary constraints. Juvenile detention facilities had been built in Bo and Freetown, and others would be established elsewhere in the country. Staff from family support units had been trained in how to apply age assessment guidelines, and minors could not be sentenced to life imprisonment.

7. A legal aid pilot project had been set up, but it lacked funding. The Code of Criminal Procedure provided for criminal proceedings to be dropped if there was no convincing evidence. The Constitution guaranteed the right to a fair trial and the right to appeal. The National Commission for Social Action had taken a number of steps to reintegrate child soldiers into society as part of a national reconciliation process that had now been completed. Furthermore, the Government was working to reduce youth unemployment, as experience during the civil war had demonstrated that it was easier to recruit children when they were living in poverty. In order to achieve that objective and find lasting solutions, Sierra Leone must free itself from its reliance on foreign aid and make better use of its own resources. The Right to Access Information Act had been passed in November 2013. Provisions relating to seditious libel were under consideration as part of the constitutional review process, but it should be noted that the media in developing countries such as Sierra Leone sometimes published unfounded rumours with the sole objective of fomenting unrest. Lastly, she explained that it had not been possible to respond in writing to the list of issues arising from the initial report because the Human Rights Secretariat had closed owing to a lack of funding. It had been sorely missed, and a new service was being created under the Ministry of Foreign Affairs.

8. **Ms. Seibert-Fohr** thanked the delegation for its efforts to respond to the Committee’s questions in the absence of additional information from the Government. Nevertheless, regardless of the serious challenges that it faced, Sierra Leone must meet its obligations as a State party to the Covenant. That applied to all States parties, whether Western or otherwise, developed or developing. Protecting the rights of children and of lesbian, gay, bisexual, transgender and intersex persons, for example, should not depend on the will of Parliament, and female genital mutilation should not be seen as a means of empowering women.

9. **Mr. Shany** recalled that one of the aims of dialogue between the Committee and States parties was to enable the latter to respond to allegations made by civil society and the media. The Committee’s questions in no way prejudged its conclusions. It would be interesting to know why the trial of the deputy minister of education accused of having raped a student had still not reached a conclusion, although it was reassuring to learn that he had been removed from his post immediately. That case gave the Government an opportunity to change perceptions and to take a clear stand against impunity with regard to sexual violence. According to some reports, domestic violence cases were more often than not settled through mediation, even though that approach was not always the most

appropriate and could even undermine the protection of women's rights. It would be useful to know whether there was a mechanism to determine the appropriateness of mediation in any given situation. The fact that Sierra Leone had decided to deport Mr. Ibrahim Bah to Senegal just before his court appearance cast doubt on the Government's will to shed light on his actions. Clarification of the reasons for his deportation would be welcome.

10. **Ms. Majodina** also emphasized the fact that States parties to the Covenant must meet their obligations. She expressed surprise that the delegation was not aware of the harassment and violence that had been directed against several members of the lesbian, gay, bisexual, transgender and intersex community; two such cases that had resonated on an international scale were those of Ms. FannyAnn Eddy and Mr. George Freeman.

11. **Mr. Zlătescu**, recalling that female genital mutilation was very widespread in Sierra Leone, asked whether the country was contributing to international efforts, particularly by other African countries, to tackle the practice. He wished to know whether the Government intended to convince districts that had not yet done so to sign the 2012 interregional memorandum of understanding prohibiting such acts. Further information on relevant national and local policies, in particular any campaigns to raise awareness among health professionals, would also be welcome.

The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.

12. **Ms. Stevens** (Sierra Leone) said that a long legislative process would be needed before a law on female genital mutilation could be adopted, as Members of Parliament would have to be sensitized to the issue in advance. Sierra Leone was determined to eradicate the practice but had chosen to do so at what it judged to be the most appropriate pace. Given that 90 per cent of women who had undergone the procedure had done so during childhood, the Government hoped to introduce a ban on female genital mutilation of minors as a matter of priority. However, it did not intend to prohibit the practice for women over 18, as it considered that such women were free to make an informed decision; it was also preferable to raise public awareness of the practice rather than to ban it. Furthermore, since secret societies were a very effective tool for the social advancement of women, it was preferable to retain them and simply abolish the requirement for women to have undergone female genital mutilation to be eligible for membership.

13. The information requested on the two members of the lesbian, gay, bisexual, transgender and intersex community who had been attacked and on the case of the deputy minister of education accused of rape would be sent to the Committee at a later date. As part of its efforts to prevent violence against women, the Government placed special emphasis on training social workers and police officers who worked in family support services, as they were the first people to whom victims would turn. The Government did not intend to lift the 2002 amnesty, from which Mr. Ibrahim Bah, among others, had benefited, as that would run counter to the efforts made since the end of the civil war to promote national reconciliation. Consequently, prosecutions could only be brought in respect of acts committed after 2002.

14. **Mr. Salvioli** asked what steps the State party had taken to guarantee that secret societies did not require their members to undergo procedures that were contrary to the rights enshrined in the Covenant. In that regard, he sincerely doubted that women could be empowered through female genital mutilation; if such practices were not clearly prohibited by Parliament, there was little likelihood that society would move to abolish them.

15. **Mr. Shany** enquired as to the Government's position on the abortion bill and asked whether it might be adopted in the near future.

16. **The Chairperson**, speaking as a member of the Committee, noted that secret societies were not really a means of empowering women, as they only benefited those who

were members. On the contrary, such societies created inequality among women. Comments from the delegation in that regard would be welcome.

17. **Ms. Stevens** (Sierra Leone) said that the prohibition of such societies would cause a public outcry. For the moment, it would be best to address the issue of female genital mutilation as a requirement for admission into secret societies but not to question their existence. Parliament certainly had a role to play in fighting female genital mutilation, but an awareness-raising campaign must first be conducted among its members so that they would be well enough informed to draft a bill prohibiting the practice. The abortion bill had been initiated and was supported by the Government. Sierra Leone was firmly committed to implementing the Covenant, but it did not yet have the necessary resources or means to fully translate that commitment into reality.

18. **The Chairperson** pointed out that no member of the Committee seemed to think that secret societies should be banned. The problematic issue was that women must have undergone female genital mutilation in order to be admitted. It was regrettable that the State party had not sent any representatives other than members of its Permanent Mission in Geneva, as they had not been able to reply in as specific and detailed a manner as the Committee would have liked. However, the delegation could still provide written information on the questions it had not been able to answer during the dialogue.

The discussion covered in the summary record ended at 12.15 p.m.