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ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

Assistance to Sierra Leone in the field of human rights

Report of the High Commissioner for Human Rights*

* This report is submitted late in order to include the most up-to-date information possible.

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Summary

The present report follows previous reports of the United Nations High Commissioner for Human Rights to the General Assembly at its fifty-ninth session (A/59/340), and to the Commission on Human Rights at its sixty-first session (E/CN.4/2005/113). The present report contains information on developments from January through to the end of December 2005 including the visit of the High Commissioner to Sierra Leone (13-16 July 2005).

Sierra Leone continued to enjoy relative peace and political stability since the last visit of the High Commissioner to the country in July 2005. Consistent with the promise made during that visit, the Government has authorized the Ministry of Justice to proceed with the establishment of the Human Rights Commission of Sierra Leone and request technical assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR) in this regard. OHCHR has responded favourably and the process leading to the selection and appointment of the commissioners is now under way.

The Truth and Reconciliation Commission Report was released to the public in August 2005, and copies have been widely distributed throughout the country by the United Nations Mission in Sierra Leone (UNAMSIL). Abridged versions of the report have been developed and several sensitization programmes have been conducted to sensitize the Government and the people of Sierra Leone to the findings and recommendations. What is now required is actual implementation of the recommendations, without which healing and reconciliation will be compromised and the consolidation of peace undermined.

There is an increasing trend towards respect for human rights, especially civil and political rights. As reported previously, the decentralization of government and the creation of new local government structures at the district level continue to enhance popular participation in governance and the exercise of political rights at the local levels. However, enjoyment of social and economic rights is still lagging, occasioned in part by the poor state of the economy, widespread poverty and a high level of illiteracy. A key area of concern remains the high level of unemployment, especially youth unemployment, the bulk of unemployed youth being former combatants. Addressing these problems in order to maintain the relative stability and fragile peace remains one of the most daunting challenges confronting Sierra Leone and its people.

A Human Rights Stakeholders Conference convened by OHCHR jointly with the Government of Sierra Leone, UNAMSIL and the United Nations Country Team from 6 to 8 December 2005 has advanced several recommendations to guide the operations of the newly created United Nations Integrated Office in Sierra Leone, and to contribute to the formulation of a national plan of action for human rights by the Government.

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Introduction

1. In resolution 2005/76 adopted at its sixty-first session, the Commission on Human Rights requested the United Nations High Commissioner for Human Rights to report to the General Assembly at its sixtieth session and to the Commission at its sixty-second session on assistance to Sierra Leone in the field of human rights, including with reference to reports from the Human Rights Section of the United Nations Mission in Sierra Leone (UNAMSIL).

I. THE HUMAN RIGHTS SITUATION IN SIERRA LEONE

A. Reports of the Secretary-General and the United Nations High Commissioner for Human Rights

2. The High Commissioner for Human Rights submitted a report on assistance to Sierra Leone in the field of Human Rights to the General Assembly at its fifty-ninth session (A/59/340). Since then the Secretary-General has submitted the twenty-third (S/2004/724), twenty-fourth (S/2004/965), twenty-fifth (S/2005/273) and twenty-sixth (S/2005/596) reports on UNAMSIL to the Security Council.

3. By resolution 1620 (2005), the Security Council requested the establishment of the United Nations Integrated Office in Sierra Leone (UNIOSIL) for an initial period of 12 months beginning on 1 January 2006. The Council mandated UNIOSIL among other things, to assist the Government of Sierra Leone in developing a national action plan for human rights and establishing the national human rights commission, the Human Rights Commission of Sierra Leone.

B. The right to life and security of the person

4. There are no reports of arbitrary killings, or extrajudicial executions or a persistent and pervasive pattern of gross human rights violations in the country. Generally, there is an increasing trend towards greater respect for the right to life and security of the person. The only pervasive pattern of human rights violations is female genital mutilation (FGM) which is widespread and considered as a traditional practice.

5. Sierra Leone still maintains the death penalty on its statutory laws in spite of the recommendations of the Truth and Reconciliation Commission (TRC) to abolish it. Government, however, maintains the position expressed in its “White Paper” that it will only take recourse to the death penalty for the most serious crimes.

6. There are no political prisoners in detention. The political situation remains stable, but recent events call for caution. There are signs of tension and intolerance between the ruling Sierra Leone People’s Party (SLPP) and the proposed People’s Movement for Democratic Change led by Charles Margai, who broke away from SLPP following the selection of the current Vice-President Solomon Berewa. Recently, Charles Margai was arrested, charged and detained on an 11-count indictment including campaigning under the banner of an unregistered political party.

7. Paul Kamara, a journalist who was convicted under the Public Order Act and has been serving a jail term at the Pademba Road Prison, was released in November 2005 on appeal to the High Court. There is now a growing momentum, led by the Sierra Leone Association of Journalists to have the Public Order Act repealed. The Government is considering the repeal of the Act insofar as it relates to freedom of expression. This was confirmed by the Speaker of Parliament, then Acting President of Sierra Leone, in a speech delivered at the opening of the recent Human Rights Stakeholders Conference.

C. Amputees

8. TRC, consistent with its enabling legislation to address the needs of the victims of the conflict and restore their human dignity, recommended a reparations programme for amputees, other war-wounded victims, victims of sexual violence, children and war widows. The reparations programme calls upon the Government to provide assistance to the victims of the conflict in the following areas: health care, pensions, education, skills training and microcredit. To this end, the Cabinet of Sierra Leone in October 2005, resolved that all amputees shall receive free medical treatment in government hospitals and medical facilities, free education in government schools, free transportation on government vehicles, and assistance in the area of agriculture. The health and educational benefit also extends to the children of amputees. For the purpose of this resolution and consistent with the reparations programme, amputees are defined as war wounded who have lost their upper or lower limbs as a result of the conflict. However, very little has been done to implement this Cabinet directive. Many amputees and war wounded continue to reside in camps under deplorable conditions with no access to basic services, including health care, education for their children and the means to an adequate livelihood. As a result, many of the victims of the conflict, in particular the amputees have had to resort to begging on the streets of Freetown and other major towns across the country.

D. Children's rights

9. Substantial progress continues to be noted in the protection and promotion of the rights of children. Almost all abducted and separated children have been reunited with their families. Through the assistance of UNAMSIL, United Nations Children's Fund and other donors, existing schools continue to be reconstructed and new schools continue to be built, as a result many children have returned to school. The government policy aimed at providing free education and school materials to girls attending secondary schools is still in place. Notwithstanding, children continue to be confronted with a myriad of problems including child neglect, child labour, child abuse, early marriage and sexual assault.

10. Child labour is quite widespread in the country, especially in the mining sector. The TRC report states that "while child labour is widespread and takes different forms in Sierra Leone, the phenomenon of child miners in the diamond mines, in particular in Kono and Tongo Fields, requires special attention and political action" (vol. 2, p. 187). The same situation has surfaced in Kamakwie, Bombali District, a newly discovered mining area. Most of the children in the mining sector are of school age. The policy of the Government, which instructs the Ministry of Mines to suspend the licence of mining operators who engage children in the

mines, is not being implemented. Further Sierra Leone has not ratified the Minimum Age Convention, 1973 (No. 138) of the International Labour Organization. It is necessary that this Convention be ratified and incorporated at the national level. Children continue to be lured into working in diamond areas for long hours with low wages under hazardous conditions.

11. The problem of street children, another legacy of the decade-long armed conflict remains, for a variety of reasons, including lack of parental care and domestic violence. The problem is further compounded by the practice of some parents who encourage their children to fend for themselves in the streets and also bring some money home. The National Commission for Social Action (NCSA) indicated that most of the children in the streets wish to return to their homes. What is required is a policy to economically empower parents to keep their children at home.

12. Trafficking of children also continues to pose daunting challenges. The bill enacted by the Parliament to deal with this problem is quite unwieldy, and requires subsidiary legislation to empower the police to deal with the offence, rather than the task force provided for by the Act. Rather than the Government, which is already faced with stringent financial constraints, creating another entity to investigate cases of human trafficking, the police may wish to set up a human trafficking unit along the lines of the Family Support Unit (FSU) to deal with this matter.

13. There is an improvement in the enrolment of children in schools. However, allowing the children, especially the girl child, to stay in school is a problem. In current consultative workshops organized in Makeni, it was reported that despite the Government's policy to provide free education for girl children in the north and east, implementation is lacking. Participants have indicated that they are still requested to pay some fees.

14. The administration of juvenile justice continues to be of grave concern to various agencies, government institutions, non-governmental organizations (NGOs) and community-based organizations (COBs), desirous of protecting the rights, welfare and development of children. Of particular concern is the pre- and post-trial custody of the juveniles. With only two remand homes and one juvenile correction centre in the country, there is a dire need to explore alternative means to deal with children who come into conflict with the law. Furthermore the Remand Centre and the Approved School in Freetown do not meet the recommended international minimum standards. However, a new remand home in Bo has just recently been constructed by UNAMSIL.

15. The juvenile justice system in Sierra Leone is primarily governed by the Children and Young Persons Act 1945 (CAP 44), which applies to anyone under the age of 17. The Act defines anyone who is aged 14 years or over but under 17 years to be a "young person"; while anyone under 14 years of age is regarded as a child. This differs from the Convention on the Rights of the Child which defines a child as any person below the age of 18 years. CAP 44 is therefore contrary to the provisions of the Convention on the Rights of the Child. The Child Rights Bill, soon to be presented to Parliament, will repeal the aforementioned provisions.

16. Legislative initiatives to improve the human rights situation of children have been slow. The Child Rights Bill, prepared with international support is still with the Attorney-General and Minister of Justice and has not been introduced in Parliament. This bill when passed, will harmonize all inconsistent provisions relative to children now existing in domestic statutes, such as CAP 44, with international human rights standards, in particular, the Convention on the Rights of the Child.

E. Gender-based violence and women's rights

17. Cultural and traditional practices, as well as the continuous existence of discriminatory laws against women, continue to undermine the full realization and enjoyment of rights by women. Although more women are now advocating for their rights and in many cases filing complaints with the local authorities when these rights are abused or violated, women continue to be discriminated against, and subjected to domestic violence, sexual and other forms of gender-based violence. Customs, traditions and ignorance continue to fuel these violations and abuses, as well as to frustrate reporting and investigation by the police. Domestic violence, although widespread in many districts, is largely unreported in part because of victims' fear of stigmatization. Some victims also refuse to cooperate with the authorities in pressing charges against their abusive spouses.

18. There has been increased advocacy on women's issues but this needs to be complemented by concrete legislative action. Although the Government ratified the Convention on the Elimination of Discrimination against Women in November 1988, it has yet to be enacted. A draft bill on sexual offences prepared by the Law Reform Commission is still pending in the Office of the Attorney-General and the Minister of Justice, and has yet to be presented to Parliament for enactment into law. The Law Commission has embarked on consultations for the elaboration of a law on domestic violence, and is also in the process of finalizing a bill on inheritance, succession and matrimonial laws. Public education campaigns complemented by "Rainbow Centres" that provide shelter, legal and medical assistance to victims of sexual and gender-based violence, are still in place. However, the Government needs to put in place a comprehensive system of care throughout the country for victims of rape and sexual and gender-based violence, and ensure that perpetrators are brought to justice.

19. A widespread phenomenon throughout the country, and one that is considered a cultural practice is FGM. Although there have been several sensitization campaigns to raise public awareness against this practice, very little progress has been made. In a workshop for parliamentarians organized by UNAMSIL on 26-28 November 2005, the OIC for the UNAMSIL Human Rights Section, called on the parliamentarians to take leadership on this matter, stressing that FGM is a violation of human rights especially where it involves under-age children, who cannot consent to the practice and are subjected to it under duress, undue influence, intimidation and/or threats. Many of the parliamentarians did not take these comments lightly and vehemently spoke in support of maintaining the practice. Government should take leadership on this matter by enacting appropriate legislation to control or limit FGM.

F. Refugees and internally displaced persons

20. Most of the Sierra Leone refugees in the neighbouring countries of Guinea and Liberia have been repatriated. However, there is still an ongoing voluntary repatriation of residual refugee population from neighbouring countries under the auspices of the Office of the United Nations High Commissioner for Refugees (UNHCR) and NCSA.

21. Most of the internally displaced persons, victims of the civil war, have returned to their areas of origin or voluntarily resettled elsewhere. However, adequate housing still remains a problem, and where available, those most in need cannot afford it. Hence a large number of Sierra Leoneans continue to squat in makeshift houses along major streets in Freetown and in the provincial headquarters under subhuman conditions.

G. Economic, social and cultural rights

22. The post-conflict economic, social and cultural context of Sierra Leone is characterized by widespread poverty, high levels of illiteracy, and a disturbingly high level of youth unemployment, the bulk of unemployed youth being former combatants. Basic social services, such as safe drinking water, health care and educational facilities among others, are grossly inadequate, especially in the rural areas where the majority of the population resides.

23. As indicated in previous reports of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the environmental damage, health hazards and persistent violations of human rights associated with the kimberlite mining operations in Koidu, Kono District, continue unabated. Implementation of the housing project intended to provide an alternate housing facility for those affected by the blasting, remains slow. Civil society groups continue to advocate for government action to address these concerns, but the response has been slow.

II. HUMAN RIGHTS ACTIVITIES OF THE UNITED NATIONS IN SIERRA LEONE

A. Human Rights Section of the United Nations Mission in Sierra Leone

24. Since March 2005, the Human Rights Section of UNAMSIL has been operating under very difficult circumstances occasioned by a staff shortage. Instead of the authorized five international Human Rights Officers and five United Nations Volunteers (UNVs), the Section only has one international Human Rights Officer, who is also the Officer in Charge, and three UNVs. The shortage has adversely affected several programmes of the Section, notably its training and capacity-building programmes. Uncertain about their future upon the closure of UNAMSIL, many staff members accepted offers in other Missions and abandoned UNAMSIL. The slow recruitment process has also been another factor. It is expected, however, that the situation will be adequately addressed under UNIOSIL.

25. Notwithstanding, the Human Rights Section continued its monitoring, investigation and reporting on the human rights situation in Sierra Leone. In addition, it carried out several programmes in the area of training and capacity-building, as well as sensitization, advocacy and technical assistance to the Government. As part of its existing strategy, the Section is

strengthening national capacity for the promotion and protection of human rights through joint planning, monitoring, training and advocacy with nationals from civil society organizations and assisting the development of appropriate national institutions. As indicated in previous reports, existing human rights organizations in the districts have been restructured into Human Rights Committees and trained. Such committees have now been established in all 12 districts including Freetown and the western area.

26. The Human Rights Section remains a member of the United Nations Country Team (UNCT) and the Chair of its Human Rights theme group, through which efforts to mainstream and integrate human rights in the work of various United Nations Agencies are ongoing. At the district level, Human Rights field offices routinely participate in all inter-agency collaborative networks. The Section also collaborates closely with other sections of the Mission, including the Gender and Child Protection Officers in the Office of the Special Representative to the Secretary-General, the United Nations Civilian Police (CIVPOL) as well as Public Information and Civil Affairs Sections.

27. Additionally, the Section is the implementing partner for several OHCHR-funded projects under its comprehensive programme of assistance to Sierra Leone. Under this programme, OHCHR is supporting the establishment of human rights and law reference libraries, various training activities on monitoring, reporting, follow-up and implementation of recommendations of treaty bodies as well as the dissemination of the TRC report and sensitization on its findings and recommendations.

B. Activities in the districts

28. Further to the pull out of UNAMSIL, the number of Human Rights Field Offices has been reduced to eight. However, these eight Offices have oversight responsibility over the entire country. All Mission mandate activities are carried out simultaneously in Freetown and in the field. Local content in the work of the Section is also assured through increased collaboration with local NGOs in monitoring, investigating and reporting on issues of human rights.

29. Consistent with its exit strategy, training and capacity-building activities in the districts continue to be focused on the training of trainers from the police and prisons and Human Rights Committees. The Section routinely utilizes Radio UNAMSIL and other community radios in the districts to expand and reinforce its human rights sensitization and awareness activities.

30. At the district level, the Section participates in the weekly District Security Committee meetings, monthly Child Protection Committee meetings of the Ministry for Social Welfare, Gender and Child Affairs, Police Partnership Board meetings, as well as monthly inter-agency coordination meetings of NCSA. The Section also collaborates with the United Nations Development Programme Transition Support Team, which coordinates the decentralization programme of the Government and supports the newly established District Councils.

C. Monitoring of the courts, police stations and prisons

Courts

31. The court system is still generally weak. The major problems are inadequate human and material resources. These have translated into a huge backlog of cases, excessive adjournments, including criminal cases and prolonged pretrial detentions. In Makeni and Kono, the High Courts have resumed sitting and have embarked on strategies to address the huge backlog of cases and the prolonged pretrial detentions referred to in the previous report of the High Commissioner (E/CN.4/2005/113, para. 56). For example, UNAMSIL Human Rights monitors have reported several cases of pretrial detention for periods ranging from six months to three years in Bombali, Kono and Kenema. In Kenema, the absence of a judge resulted in the High Court not sitting for nearly six months between November 2004 and April 2005. In the same vein, the court in Bombali District did not convene for almost four months.

32. Notwithstanding these shortages, substantive progress is being made in the justice sector. The Law Reform Commission is finalizing an outline for a proposal on a comprehensive reform of the justice sector. A Code of Conduct for Judges has been adopted by judicial administrative authority and launched, and a new Criminal Procedures Act is ready for submission to Parliament including new rules of evidence, adjournments and remand persons. Recruitment of 10 additional magistrates is currently under way.

33. The process to reform the customary law court system, undertaken by United Kingdom of Great Britain and Northern Ireland Department For International Development (DFID) is in progress. Part of this reform includes enhancing linkages between the customary courts and superior courts of record, for instance establishing conditions and structures for appeals to courts of record from the customary courts. A concept paper on integrated assistance to the customary law and formal justice system has already been drafted by DFID.

Police

34. Sustained training and capacity-building activities targeting the Sierra Leone Police have resulted in improved professionalism, respect and observance of international human rights standards by the police. By January 2006, over 9,300 police officers shall have been trained by CIVPOL covering various aspects of policing including international human rights standards.

35. Progress continues to be noted in the operations of FSU, which now exist in 21 Police Divisions and 34 stations involving 152 trained personnel countrywide. FSU police personnel continue to play leading roles in a professional manner in investigating and prosecuting cases of violence against women and children, as well as raising public awareness of the issues.

36. Notwithstanding the general improvement in the functioning of the police, there are still shortcomings in various areas including the detention of juvenile and adult offenders in the same facilities; failure to seek the involvement of the Ministry for Social Welfare Gender and Children Affairs or FSU in matters involving juveniles; detention of persons beyond the statutory limit, and the transfer of suspects to prisons without duly signed court orders. Efforts are also being made to improve police community relations through the establishment of Police Partnership Boards.

Prisons

37. There has been no substantial improvement in prison conditions since the previous report of the High Commissioner. Although prison conditions vary at the different facilities major challenges persist including lack of access to safe drinking water, inadequate health-care facilities and access to medication, limited facilities for rehabilitation programmes, overcrowdedness, weak supervision and management and lack of access to legal representation. As urged in the last report, efforts should be made to address these shortcomings to ensure that prisons become institutions of reform and rehabilitation, not merely places for punishment.

D. Training and capacity-building

38. UNAMSIL Human Rights Section continued to implement the comprehensive programme of OHCHR assistance to Sierra Leone in the area of human rights. Recent activities have included training and capacity-building, targeted at local groups in Human Rights Committees established at the various districts. This process has facilitated the identification of trainees and follow-up on their progress as well as mentoring. So far, over 450 human rights monitors from 196 organizations have been trained under this project.

39. OHCHR projects have also included training on reporting to treaty bodies and following up on their recommendations. This aspect of the training responds to the specific capacity needs of Sierra Leone which, although a signatory to various human rights treaties, has been unable to comply with its reporting obligations. Since the treaty reporting training that was conducted from 14 to 17 June in Freetown, the Section of UNAMSIL has been collaborating with the Ministry for Foreign Affairs to formulate a policy paper on treaty body reporting, allocating responsibilities to specific ministries for preparing reports, and development of a process in which all relevant stakeholders, including the NGO community, can participate.

40. In addition to the comprehensive training programmes directed at Human Rights Committees, human rights field offices in the various districts also conduct training programmes in local areas for specific groups, as well as engage in advocacy and sensitization programmes directed at their respective communities. Many of the activities in the districts are undertaken in collaboration with other organizations including some international NGOs.

41. To facilitate collaboration and coordination with local groups and various human rights actors, the Human Rights Section provides secretariat support to the bimonthly meetings of the Freetown-based Human Rights Committee composed of human rights and pro-democracy organizations in Freetown and western area. This secretariat role is provided in the districts by the Human Rights Field Officers.

42. The Human Rights Section continues to assist and support the human rights work of international NGOs such as Care International, Caritas, Global Rights, and Defence for Children International, Cooperation International, and the International Rescue Committee, among others, through training and capacity-building, and enabling organizations to carry out training others in the districts.

E. Technical cooperation and advocacy

43. The project for the establishment of human rights and law reference libraries in Bo, Makeni and Kenema - in collaboration with the Sierra Leone Library Board (SLLB) - is in progress. Under this collaboration, SLLB identified and allocated space for the establishment of the libraries, while OHCHR/UNAMSIL will provide the books, necessary materials and logistics. When fully established, the libraries will be used not only by human rights and pro-democracy NGOs, but also by legal practitioners, students and the general public.

44. Under the same project, human rights books and reference materials will be provided to the Law Courts Library, the Bar Association, Parliament and key educational institutions in the country including the Sierra Leone Law School, Njala University College and Milton Margai Technical College. The initiatives in this area have encouraged Human Rights Committees in the rest of the districts to embark upon constructing their own facilities for training and workshops as well as libraries. The project will be expanded to also provide assistance to these processes.

F. National Human Rights Commission

45. Progress has been made towards the establishment of the National Human Rights Commission of Sierra Leone. The Government has authorized the Ministry of Justice to proceed with the establishment of the National Human Rights Commission and requested technical assistance from OHCHR. UNAMSIL, supported by OHCHR, is advising Government regarding the selection and appointment of the commissioners in accordance with the Human Rights Commission Act. In response to a request from the Government, OHCHR has contracted a consultant who arrived on 24 November to facilitate consultations and provide advisory services for the establishment of the National Human Rights Commission.

G. Human Rights Stakeholders Conference

46. In furtherance of Security Council resolution 1620 (2005) establishing UNIOSIL and mandating it among other things, to develop a National Plan of Action for human rights, a Human Rights Stakeholders Conference, proposed by OHCHR, and organized jointly with UNAMSIL, the Government of Sierra Leone and UNCT was held from 6 to 8 December 2005 in Freetown. The participants reviewed the human rights situation in Sierra Leone, assessed the successes, challenges, and constraints and identified tasks to be undertaken following the completion of the mandate of UNAMSIL with a view to strengthening the national human rights protection system.

47. To ensure full civil society involvement in this process, the Human Rights Section organized civil society consultations in each of the 12 districts including the western area. This was followed by a national civil society consultation, held in Freetown on 17 November 2005 with 75 participants from all districts. These consultations led to the formulation of a comprehensive civil society position that was submitted to the Stakeholders Conference. The consultations provided an opportunity for civil society organizations to take ownership and direction of a process that will lead to the establishment of the human rights agenda for

Sierra Leone. In the same vein, the Human Rights Section organized prior consultations for the Government in which several Ministries including Justice, Foreign Affairs, Defence, Local Government, Police, Prisons and the National Commission on Democracy participated. This process also led to the formulation of a government position which was submitted to the Conference.

48. The Stakeholders Conference identified a number of priority human rights challenges in four thematic areas: legislative and legal reform; implementation of recommendations of the TRC report; institutional development; and capacity-building. The Conference formulated a number of recommendations, identified actions to be undertaken and identified the roles of relevant stakeholders namely the Government, Parliament, civil society and the international community.

49. The issues identified and the recommendations formulated will contribute to the development of an effective and coordinated work plan for the human rights component of UNIOSIL during 2006. It will also lay the foundation for the National Human Rights Commission, to develop a national plan of action for human rights consistent with the mandate of Security Council resolution 1620 (2005) establishing UNIOSIL.

III. TRANSITIONAL JUSTICE

A. Truth and Reconciliation Commission

50. The final report of TRC was released to the public on 8 August 2005. As part of the OHCHR technical cooperation project to support the dissemination of the report, and the implementation of its recommendations, UNAMSIL has produced a short version of the report and has conducted Training of Trainers workshops for 70 representatives from the human rights committees in all 12 districts, including the western area. The training was intended to enhance the capacity of the participants to embark upon training other members of their respective organizations and sensitizing their communities on the findings and recommendations of the TRC Report. The Section also conducted two sensitization workshops for members of Parliament in collaboration with some civil society partners and UNAMSIL, Policy and Planning Section to create awareness of the Report and to encourage Parliament to embark on the implementing of the recommendations. UNAMSIL has also facilitated the countrywide distribution of the report; to date over 600 copies of the report in four volumes have been distributed throughout the country to all relevant stakeholders including Members of Parliament, Cabinet Ministers, government agencies, district councils, the police, prisons, libraries, institutions of learning, and NGOs including religious organizations. The report is being distributed along with a child-friendly version and a CD-ROM version. It is expected that these activities will contribute to the promotion of healing and reconciliation and to the consolidation of peace in the country.

51. The TRC report has been submitted to the Parliament of Sierra Leone for parliamentary consideration of the recommendations and the appropriate legislative action. A draft omnibus bill has also been presented to Parliament by some civil society organizations which when passed will bring about repeal legislation inconsistent with the recommendations of TRC.

52. On the part of the Executive, little has been done to implement the TRC recommendations. Although the Government's "White Paper" accepted several recommendations of TRC, in principle, the pace of implementation of the recommendations remains slow. More than a year since the report was submitted, the Government has not yet evolved a comprehensive plan of action and strategy as to how the TRC recommendations, especially those recommendations characterized as "imperative", will be implemented.

53. Meanwhile, the Human Rights Section has advanced recommendations to the Government through the Ministry of Justice to establish a Ministerial Committee for planning and coordinating the implementation of the TRC recommendations and to establish a Trust Fund to address the needs of the war victims, as proposed in the Lomé Peace Agreement. The Government has been slow in acting upon these recommendations.

54. With respect to reparations, the approach adopted thus far can best be described as piecemeal. In August 2005, the Cabinet resolved that all amputees should be provided free medical treatment, free education, free transportation and assistance in the area of agriculture, and created a Cabinet committee, headed by the Ministry for Justice under the supervision of the Office of the Vice-President, to work out the modalities for the implementation of this directive. The Human Rights Section continues to monitor the action of the Government in this regard, and has advanced specific recommendations to the Government through the Ministry for Justice which are now under consideration. However, considering the poor performance of the economy and the lack of resources on the part of the Government, international support remains crucial to the implementation of the reparations package.

55. With respect to the follow-up activities mandated by the TRC Act, Cabinet has resolved that the Human Rights Commission, created by Act of Parliament in July 2004 shall act as the "Follow-up Committee" to monitor the Government's compliance with and implementation of the TRC recommendations. However, the Human Rights Commission is not yet established, and it is unlikely that it will be established and become operational within the next three months.

B. Special Court

56. On 1 July 2005, the Special Court for Sierra Leone entered its fourth year of operation. The second Trial Chamber of the Court is now fully operational, three judges have been appointed to the Chamber and the trial of indictees associated with the erstwhile Armed Forces Revolutionary Council (AFRC) had started. The first Chamber continued the trial of indictees associated with ex-Civil Defence Forces and the former Revolutionary United Front, which began on 3 June and 5 July 2004, respectively. In addition to these ongoing processes, the Prosecutor had indicated the possibility of additional albeit limited indictments linked to existing indictments.

57. Two of the 11 indicted persons, namely Johnny Paul Koroma, former Chairman of AFRC and Charles Ghankay Taylor, former President of Liberia are yet to be brought under the custody of the Court. While Johnny Koroma's whereabouts are unknown, Charles Taylor is in exile in Nigeria, as part of the political settlement of the civil war in Liberia. To reduce the climate of impunity in the region, which could undermine the consolidation of peace in both Sierra Leone and Liberia, it is imperative that African leaders jointly take a position for the surrender of Charles Taylor to the Special Court in the interest of both justice and peace.

58. Based on the current usage of court time, as well as the actual witness examination time, it is estimated that at least one trial will be completed by the end of 2005, and all the trials will complete the trial chamber stage around mid-2006. However, there are several factors that can influence the progress of the trial process, ranging from the number of witnesses to illness or sudden unavailability of key individuals participating in the proceedings, to specific factors such as the location of the Court in Sierra Leone amidst a fragile and unpredictable political and security climate. Taking into account an estimated time for appeals of between four and six months, the appeal stage could finish by the end of 2006.

IV. CONCLUSIONS AND RECOMMENDATIONS

59. **One of the aims of the Human Rights Stakeholders Conference convened under the auspices of the Office of the High Commissioner for Human Rights (OHCHR) jointly with the United Nations Mission in Sierra Leone (UNAMSIL), the Government of Sierra Leone and the United Nations Country Team (UNCT), was to take stock of the human rights situation in Sierra Leone, assess the successes, gaps, and constraints and to identify the key remaining issues to be addressed upon the termination of the mandate of UNAMSIL. The Stakeholders Conference recommended that actions be taken in four key areas: legislative development and legal reform; institutional development; capacity-building; and implementation of the TRC recommendations. OHCHR endorses these recommendations.**

60. **The human rights situation in the country must continue to be closely monitored, investigated and documented. There can be no effective training, capacity-building and institutional development without an effective monitoring mechanism.**

61. **Those government institutions whose mandates impact on human rights require institutional development. The institutional capacity of the Police, Prisons, Judiciary, Army, and the Ministry of Justice and Ministry for Social Welfare Gender and Children Affairs should be strengthened to enhance their capacity to promote and protect human rights. The Government is also urged to move quickly to establish the Human Rights Commission for Sierra Leone as a national institution for the promotion and protection of human rights.**

62. **The TRC recommendations must be implemented in a timely fashion. Implementation of the recommendations of TRC is crucial not only to healing and national reconciliation, but also to the consolidation of the peace and stability that now prevails in the country. OHCHR encourages the Government to implement all the TRC recommendations characterized as "imperative recommendations", including in particular, the abolition of the death penalty, the commutation of all pending death sentences, and the repeal of relevant portions of the Public Order Act to avoid criminal sanctions in the sphere of freedom of expression. There can be no true healing and national reconciliation if the plight of the victims of the conflict, in particular amputees, war wounded and other war related victims, are not fully addressed. OHCHR therefore calls on the Government to pay key consideration to the reparations programme recommended by TRC.**

63. **It is imperative to embark on a comprehensive legislative development and legal reform. The Government must ratify and legislate into domestic law the various international instruments that it has signed, especially the Convention on the Elimination of Discrimination against Women, on which extensive consultations have been had by Parliament, and the Convention on the Rights of the Child. It must also make efforts to sign, ratify and legislate into domestic law several international human rights instruments in aid of the protection of human rights in Sierra Leone in conformity with international standards. Among these is the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights. In the same vein, the Government must also comply with its reporting obligations to international human rights treaty bodies under the treaties to which it is signatory. Customary law and international best practices should be codified and harmonized with the Constitution. Action should be taken to enhance accessibility to justice, and establish an effective juvenile justice system.**

64. **Capacity-building programmes for different categories of national stakeholders and key institutions, together with the incorporation of human rights education at all levels of the educational system, will contribute immensely to the development of a nationwide culture of respect for human rights, create a robust and vibrant civil society, and empower the people of Sierra Leone to identify, demand and assert the protection of their rights. This will contribute to a gradual eradication of such daunting issues as gender violence and discrimination against women, child labour, and female genital mutilation, among others. OHCHR therefore recommends that the capacity of civil society organizations be nurtured and strengthened, and that human rights education programmes be put in place and directed at the relevant government institutions, educational institutions, and in communities throughout the country.**

65. **Accordingly, OHCHR strongly recommends that adequate support be provided to the Human Rights and the Rule of Law Component of United Nations Integrated Office in Sierra Leone (UNIOSIL) and the national authorities as an essential part of a post-UNAMSIL presence; and encourages UNCT to pay particular attention to the human rights challenges facing the country, and incorporate them in country development programmes and poverty reductions strategies as the case may be.**

66. **The task of combating impunity and promoting the rule of law falls first and foremost to national leaders. OHCHR encourages all stakeholders to call upon African leaders to jointly take a position for the surrender of the former President of Liberia, Charles Taylor, to the Special Court for Sierra Leone in the interest of both justice and peace.**
