

Submission by the Campaign for Good Governance (CGG) for the UN Universal Periodic Review of Sierra Leone

11th session of the UPR Working Group, May 2011

Introduction

In this submission, the Campaign for Good Governance (CGG) raises concerns about human rights violations in the context of access to political and traditional leadership posts, inhuman treatments of detainees, discrimination against women and ratification and domestication of human rights instruments. CGG also makes eight recommendations for action by the government.

B. Normative and institutional framework of the State

1. Effect of traditional laws on women's rights

The Sierra Leone Constitution guarantees the rights of everyone, including women, to vote and be voted for in accordance with specific sets of criteria. However, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) provides for gender equality in political participation. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa supports affirmative action and provides for 50% allocation of political posts to women. In Sierra Leone, the reality is different, The Chieftaincy Acts and customary laws discriminate against women by providing that traditional practices (which exclude women in the Eastern and Northern parts of the country) supersede national laws. In practice traditional rulers use these provisions to exclude women from contesting for chieftaincy title.

2. Exclusion of women from political participation

At the national level, the exclusion of women continues in practice. Political parties have not adopted affirmative action agenda. One party has developed a gender policy, but this is yet to be seen in practice. Most political parties have not established policies that will protect women from political intimidation. The absence of a national policy or law on affirmative action continues to constitutionally exclude women from political participation. At present, out of 23 ministers, only one is a woman. Even at the local level, women are still in the minority if you take the total numbers of councillors.

3. No domestic implementation of international human rights instruments on women's rights

On the general rights of women, the government has only domesticated some parts of CEDAW. Other international instruments which deal directly and indirectly with the rights of women have also not been domesticated. In 2007, the government did enact three Gender Acts and a National Action Plan on UN Security Council Resolution 1325 was developed by the government in 2010. Despite this, many challenges still continue with respect to the promotion and protection of women's rights in Sierra Leone.

4. No guidelines or legislation to protect persons held in pre-trial detention

The rights of persons held under pre-trial detention are provided for by many international and regional instruments. In Sierra Leone there are guidelines for the treatment of convicted prisoners,

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but these guidelines do not cover detainees. The government is still struggling to effectively improve the institutional capacity of the police to guarantee the protection of the rights of detainees in police stations.

5. Over-crowding in police cells

The government has also not responded to the cases of overcrowding in many police stations which is in violation of section 17(3)(b) of the national Constitution.

C. Promotion and protection of human rights on the ground

1. Women prevented from contesting chieftancy and local government elections

In December 2009, a woman in Kono district in the eastern part of Sierra Leone was prevented from contesting for a paramount chieftancy title, despite the fact that she came from a ruling house in accordance with the set criteria. When she challenged this in court, however, it was held that customary laws supersede national laws.

In the 2008 local government election, CGG documented cases where the ruling party (APC) denied many women the party symbol to contest in the local government election. Even those that opted to contest as independent candidates faced strong intimidation from the ruling party members and their security was not guaranteed by the police.

2. Lack of impartial and independent investigation into rape allegations

In May 2010, CGG was part of NGOs following the case of a 12 year old girl in Kono district who was brutally raped allegedly by a well known business man. The girl died as a result of injuries sustained from this incident. The business man has used his influence to delay justice and continue to operate his business unrestricted.

3. Over-crowding in police cells

In 2010, as part of CGG's police monitoring programme, it was observed that overcrowding is a general problem in many police stations. For example in Adelaide Street police station, over 20 detainees were crowded into a single police cell. In addition, juveniles are usually put in the same crowded cells with adult detainees.

CGG has documented in 2010 that the majority of detainees in police detention centres within western areas have been held for extended periods of pre-trial detention for minor and civil offences.

D. Recommendations for action by the State under review

1. All discriminatory laws against women in the Chieftancy Act should be reviewed and repealed.
2. Government should ensure that women are well represented in government.

3. Government should ensure that electoral laws and political registration commissions mandate political parties to ensure that, at a minimum, 30% of their candidates are women.
4. Government should work with civil society to develop effective guidelines for the protection of the rights of detainees by the police.
5. Government should be strict on the maximum numbers of detainees that can be put in a police cell and invest in new detention centres to minimise overcrowding of detainees.
6. Government should desist from putting juvenile and adults in the same cell.
7. Government should establish alternative dispute resolution mechanisms for civil cases.
8. Government should domesticate all aspects of CEDAW and other instruments that promote and protect the rights of women.