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Sierra Leone*

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I. Demographic, economic, social and cultural characteristics

A. Brief history of Sierra Leone

1. Sierra Leone, a former British Crown Colony and Protectorate, gained independence on 27 April 1961 under the Sierra Leone People's Party (SLPP).
2. In March 1967 Sierra Leone experienced a constitutional crisis due to disputes over the authenticity of election results. As a result, a series of coups and counter-coups destabilized the government until March 1968, when the country returned to civilian rule under the All People's Congress (APC) led by Dr. Siaka Stevens.
3. On 19 April 1971, Sierra Leone adopted a Republican Constitution. After a period of multiparty politics, in 1978 a one-party constitution was established. The 1978 constitution was overturned when a new multi-party constitution was adopted in 1991.
4. That same year saw the initial attacks by the Revolutionary United Front (RUF), led by Foday Sankoh. President Joseph Saidu Momoh was overthrown on 29 April 1992 by junior army officers called "the National Provisional Ruling Council" (NPRC). The NPRC ruled Sierra Leone until April 1996 when multiparty Parliamentary and Presidential elections were held. The SLPP, led by Ahmed Tejan Kabbah, won the presidency.
5. The Armed Forces Revolutionary Council (AFRC), led by Lt. Col. Johnny Paul Koroma, overthrew the newly elected SLPP government in May 1997. Koroma invited the RUF to enter Freetown and join his government. President Ahmad Tejan Kabbah went into exile in Conakry, Guinea. The AFRC-RUF coalition remained in power for 10 months until dislodged by the Economic Community of West African States Monitoring Group (ECOMOG) forces under Nigerian command. The SLPP Government was reinstated in March 1998. On January 6, 1999 the RUF soldiers again re-entered Freetown attempting to force the Government out of power and civil strife and unrest ensued. The RUF looted and destroyed much of eastern Freetown before withdrawing after three weeks. Following an ECOWAS brokered peace accord in Lomé in 1999¹, an uneasy peace returned to Sierra Leone.
6. The 1999 Lomé Peace Agreement provided for the establishment of a Truth and Reconciliation Commission (TRC). The TRC was set up in 2002 "to create an impartial historical record of violations and abuses of human rights in international humanitarian law related to the armed conflict in Sierra Leone, from the beginning of the conflict in 1991 to the signing of the Lomé Peace Agreement; to address impunity, to respond to the needs of victims, to promote healing and reconciliation and to prevent a repetition of the violations and abuses suffered."² The TRC has completed its mandate, and published a report of its findings and recommendations in 2004.
7. The war was officially declared over in 2002. That same year, the Government, as a result of an agreement with the United Nations, set up a Special Court to "prosecute persons who bear the greatest responsibility for the commission of serious violations of

¹ The Lomé Peace Agreement was ratified by Parliament by Act No. 3 of 1999, Lomé Peace Agreement (Ratification) Act, found at <http://www.sierra-leone.org/Laws/1999-3.pdf>

² Section 6(1) of the Truth and Reconciliation Commission Act, 2000, found at <http://www.sierra-leone.org/Laws/2000-4.pdf>

international humanitarian law and crimes committed under Sierra Leonean law”.³ Thus far, 13 people were indicted out of whom 9 were prosecuted. The Special Court is still in operation and is expected to close by 2010

8. Peaceful Presidential and Parliamentary elections were held in May 2002. President Kabbah prevailed with 70% of the vote and the SLPP won a large majority in Parliament. The next presidential elections were scheduled in May 2007. President Ernst Bai Koroma won in a Presidential run-off election with 54.6% of the vote and the APC won a large majority in Parliament with 59 seats.

9. The civil war, social unrest and an unstable government led to disruptions in the social and economic life of the country. Over 20,000 people lost their lives and about two million people were displaced in addition to over half a million who fled to neighbouring states as refugees.⁴ Consequently, the dual effects of poverty and a devastating civil war hampered government activities and weakened the government’s capacity to fulfil its international reporting obligations to treaty monitoring bodies.

10. The last report submitted by the country was prepared in 1975. However, conscious of its global commitment and responsibility, after the end of the civil war, the government managed to submit national reports to the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of the Child (CRC) in 2006. The Government established a national framework for reporting under other treaty monitoring bodies with the establishment of the treaty reporting secretariat at the Ministry of Foreign Affairs and International Cooperation. Subsequently Sierra Leon has embarked upon the preparation of the first country report on the International Covenant on Civil and Political Rights (ICCPR). The country is pleased to submit its first ever common core document which must be submitted simultaneously to all treaty monitoring bodies as it forms the first part of any country report pursuant to the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents.⁵

B. Land

11. Sierra Leone is a small coastal country located on the west coast of Africa covering an area of 71,620 square kilometres. It is bounded on the north and northeast by the Republic of Guinea, on the west by the Atlantic Ocean and on the east by the Republic of Liberia. Sierra Leone, Guinea and Liberia together form the Mano River Union.

12. The tropical climate supports dense rainforest in the southern and eastern provinces. There are two distinct seasons in Sierra Leone. November to April is the dry season and May to October is the wet (rainy) season. Very dry winds arrive from the Sahara during the Harmattan period during the months of December to February.

³ The Special Court Agreement Act, Act No. 9 of 2002, section 47 found at <http://www.sierra-leone.org/Laws/2002-pdf>

⁴ Government of Sierra Leone Poverty Reduction Strategy Paper, 2005-2007, (2005) *The Civil War and its Aftermath*.

⁵ Fifth Inter-Committee Meeting of the human rights treaty bodies, Geneva, 19-21 June 2006, HRI/MC/2006/3;
Fourth inter-committee meeting of the human rights treaty bodies, Geneva, 20-22 June 2005, HRI/MC/2005/3;
Third inter-committee meeting of the human rights treaty bodies, Geneva, 21-22 June 2004, HRI/MC/2004/3

13. The country is divided into four administrative units constituting the Southern, Eastern and Northern provinces and the Western area. There are twelve districts and one hundred and forty nine chiefdoms. The chiefdoms are under the control of traditional leaders called Paramount Chiefs and their sub-chiefs. The division of the country into these administrative units is meant to provide better control and governance. There are also local government bodies in the district and city councils which compliment the efforts of the central government in providing basic amenities to their localities. Freetown is the capital city of Sierra Leone.

14. The culture of Sierra Leone is very rich with a lot of talents in dancing, songs weaving, traditional dressing, herbal medicine including history and traditional science.

C. Population

15. According to the World Bank, the 2008 population of Sierra Leone is approximately 5,560,000 people. The annual growth rate is 2.3 percent. As of 2007, 42% of the population was urbanized, and 58% lived in rural areas. The average annual growth rate of the urban population between 1990 and 2007 was 4.4%.⁶

Table 1
Population data

	2005	2007	2008
Population, total (millions)	5.11	5.42	5.56
Population growth (annual %)	3.6	2.8	2.5
Surface area (sq. km (thousands))	71.7	71.7	71.7

Source: World Bank: World Development Indicators Database, April 2009

Table 2
Age composition

<i>Age group</i>	<i>Percentage</i>
Persons aged below 15 years	34.7%
Persons aged 15-59 years	59.3%
Persons aged 60 years or older	6%

Source: World Bank: World Development Indicators Database, April 2009

16. The indigenous population is made up of 18 ethnics groups: Temne constitutes 30 per cent, Mende 30 per cent, Krio is about 1 per cent and the balance is spread over 15 other tribal groups: Kono, Limba, Susu, Mandingo, Fulla, Kuranko, Yalunka, Kissi, Galines, Kuru, Sherbro, Vai, Loko, Gola, Bullam and Krim. In addition there are significant Lebanese and Indian minorities, and small groups of European and Pakistani origin.

⁶ UNICEF, The State of The World's Children 2009

Table 3 - Population distribution by ethnicity

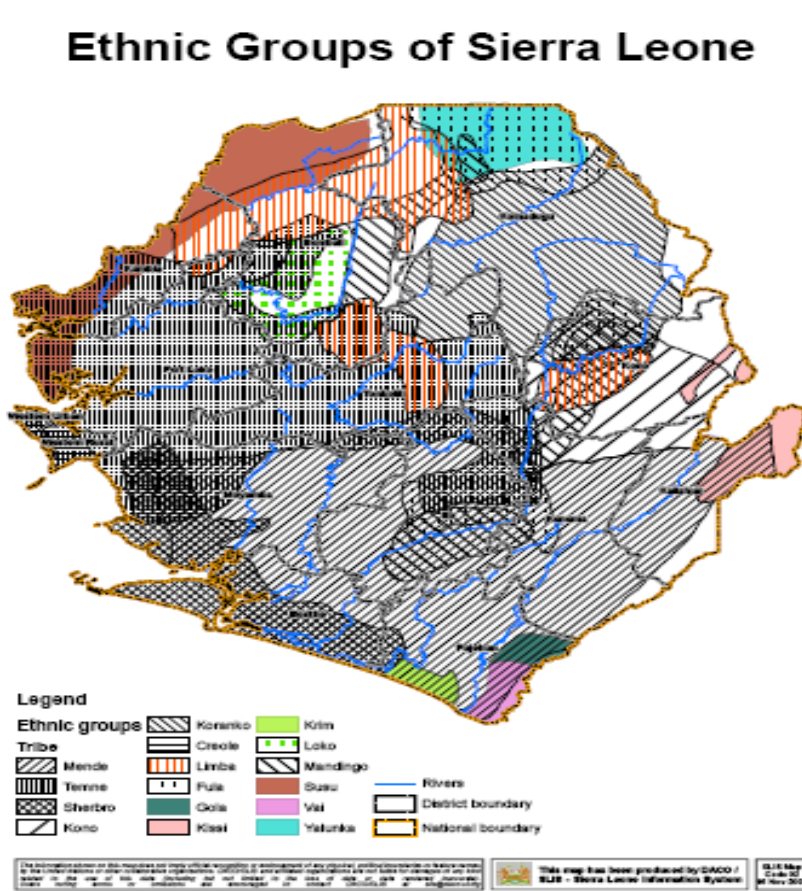


Table 4
Statistics on birth and death

	2005	2007	2008
Annual # of Births (thousands)	----	268	----
Annual # of Under- 5 Deaths (thousands)	----	70	----
Mortality rate, under-5 (per 1,000)	265	262	----
Infant Mortality rate, under-1 (per 1,000)	----	155	----
Life expectancy at birth, total (years)	46	47	48
Fertility rate, total (births per woman)	5.3	5.2 (6.7 UNICEF)	----
Adolescent fertility rate (births per 1,000 women)	130	126	----

	2005	2007	2008
ages 15-19)			
Prevalence of HIV, total (% of population ages 15-49)	1.6	1.7	----

Source: UNICEF, The State of The World's Children 2009; World Bank: World Development Indicators Database, April 2009

D. Household size

17. The average household size for Sierra Leone is 5.9 persons. The average household size for the rural poor and the urban poor are 10.7 and 11.8 respectively. The female-headed households have a lower average household size of 5.3 compared with 6.1 for male-headed households.

E. Language and religion

18. The official language of Sierra Leone is English but the Krio language is widely spoken in the country. Sixty percent of the population constitute Muslims and 30 percent are Christians, while the remaining 10 percent practice African traditional religions. Religious tolerance is at its highest where Muslims and Christians live side by side in peace. Freedom of religion is provided by the Constitution.⁷

F. Dependency ratio

19. The dependency ratio measures the dependent population on the economically active population, i.e. the number of children and elderly who depend on the working population within the age of 15-64. The dependency ratio is higher in the rural (0.7) than in the urban area (0.5).

G. Health

20. Information on health can be found in the tables below.

Table 5

Prevalence of underweight children under five years of age

% of Children Under Five Years Suffering From: (2000 – 2007)

<i>Underweight – Moderate & Severe</i> ⁸	30
Underweight - Severe ⁹	8

⁷ Sections 13 and 24, 1991 Constitution Act

⁸ Underweight (NCHS/WHO) – Moderate and severe: Percentage of children aged 0–59 months who are below minus two standard deviations from median weight for age of the National Center for Health Statistics (NCHS)/WHO reference population;

<i>Underweight – Moderate & Severe</i> ⁸	30
Wasting ¹⁰	9
Stunting ¹¹	40

Source: UNICEF, The State of The World's Children 2009

Table 6
Infant and maternal mortality rates

<i>Infant Mortality Rate - 2007, under-1 (per 1,000)</i>	155
Maternal Mortality Ratio: (2000 – 2007 Reported) ¹²	1800
Adjusted Maternal Mortality Ratio	2100
Lifetime Risk of Maternal Death ¹³ (1 in:)	8

Source: UNICEF, The State of The World's Children 2009

Table 7
Percentage of women of childbearing age using contraception

<i>Contraceptive Prevalence % (2000 – 2007)</i>	5
---	---

Source: UNICEF, The State of The World's Children 2009

Table 8
Rates of infection of HIV/AIDS and other communicable diseases

<i>Estimated Adult HIV Prevalence Rate (aged 18 – 49), 2007</i>	1.7%
Estimated number of people (all ages) living with HIV, 2007 (thousands)	55
Estimated number of women (aged 15+) living with HIV, 2007 (thousands)	30
Estimated number of children (aged 0 – 14) living with HIV, 2007 (thousands)	4.0
HIV Prevalence Among Young Males (aged 15-24), 2007	0.4%
HIV Prevalence Among Young Females (aged 15-	1.3%

⁹ Underweight (NCHS/WHO) – Severe: Percentage of children aged 0–59 months who are below minus three standard deviations from median weight for age of the NCHS/WHO reference population.

¹⁰ Moderate and severe: Percentage of children aged 0–59 months who are below minus two standard deviations from median weight for height of the NCHS/WHO reference population.

¹¹ Moderate and severe: Percentage of children aged 0–59 months who are below minus two standard deviations from median height for age of the NCHS/WHO reference population.

¹² Maternal mortality ratio – Annual number of deaths of women from pregnancy-related causes per 100,000 live births. The 'reported' column shows country-reported figures that are not adjusted for under-reporting and misclassification.

¹³ Lifetime risk of maternal death – Lifetime risk of maternal death takes into account both the probability of becoming pregnant and the probability of dying as a result of that pregnancy accumulated across a woman's reproductive years.

Estimated Adult HIV Prevalence Rate (aged 18 – 49),
2007 1.7%

24), 2007

Immunization, measles (% of children ages 12-23
months), 2007 67%

Source: UNICEF, The State of The World's Children 2009; World Bank: World
Development Indicators Database, April 2009

Table 9

Stock of medical personnel in the ministry of health and sanitation

	1993	2003	2005	2006	2008	Gap
Medical Officers	203	73	67	75	78	222
Pediatricians	16	4	3	3	3	12
Dentist	23	6	8	7	8	8
Obstetricians & Gynecologists	23	6	8	7	8	8
Public Health Sp.	58	30	19	22	24	9
Surgeons	13	7	6	8	5	22
Sp. Physicians	5	6	1	5	4	23
Midwives	132	111	98	87	30	113
State Registered Nurses	625	266	184	202	355	375

Source: The Republic of Sierra Leone: An Agenda for Change 2008 - 2012

H. Education

21. The Education Act, No. 2 of 2004, makes basic education a right for every citizen. It defines “basic education” as six years of primary education and three years of junior secondary school education. The Act further provides for and supports pre-primary, senior secondary and technical/vocational education.

22. There were approximately 73,000 pupils enrolled in 282 secondary schools for the 2004/2005 school year, compared to 83,809 enrolled in 239 schools in the 2000/2001 school year. In the latter case, the decrease in enrolment, especially at senior secondary schools, is the result of diversionary programmes provided by vocational/skills training institutions after junior secondary education. Incidentally, in nearly all cases of enrolment, half of the enrolled pupils were girls, and there was a marked increase in the enrolment of girls for the 2004/2005 school year. The Ministry of Social Welfare, Gender and Children's Affairs works closely with the Ministry of Education to improve the level of education for children in the country.

Table 10

Primary school enrolment and gender parity

	2003-2004	2006-2007
Primary School Enrolment	63% (1,135,000)	79% (1,322,000)
Gender Parity – Primary School Enrolment	618,747 boys to 516,068 girls.	693,730 boys and 628,508 girls.

Source: The Republic of Sierra Leone: An Agenda for Change 2008 - 2012

Table 11
Secondary school enrolment

<i>Secondary School Enrolment Ratio – Male, 2000 – 2007 net</i>	27%
Secondary School Enrolment Ratio – Female, 2000 – 2007 net	19%
Secondary School Attendance Ratio – Male, 2000 – 2007 net	21%
Secondary School Attendance Ratio – Female, 2000 – 2007 net	17%

Source: UNICEF, The State of The World's Children 2009

Table 12
Literacy rates

<i>Youth (15 – 24 years) Literacy Rate – Male</i>	64%
Youth (15 – 24 years) Literacy Rate – Female	44%
Adult Literacy Rate (Aged 10 and above)	39%
Adult Literacy Rate – Males	47.9%
Adult Literacy Rate – Females	27%
Literacy Rate – Urban Population	62.2%
Literacy Rate – Rural Population	21.3%

Source: UNICEF, The State of The World's Children 2009

I. Economics

23. The social and economic rights indicators determine the standard of living of the population. Sierra Leone is, by these standards, a very poor country. In 2008 Sierra Leone was rated last on the Human Development Index (HDI).

24. 70% of Sierra Leoneans live below the “Full Poverty Line” of Le2,111 per day.¹⁴ 66.4% of the population are defined as poor, with 47% of the urban population falling into this category and 79% of the rural population.¹⁵ Rural areas therefore account for the largest proportion of the poor in Sierra Leone, totalling 73% of the population.

25. The pillars of the Sierra Leone economy are agriculture, mining and trade. Sierra Leone is endowed with mineral deposits including diamonds, rutile, bauxite, gold, and iron. It has a rich forest reserve that is currently threatened by massive deforestation. It also has very rich marine resources. The agricultural potential is also very high. 74 percent of the land is cultivable. However, only 34 percent of the arable land is under cultivation. Agricultural products include coffee, cocoa, rice, banana, ginger, palm kernel, palm oil, vegetables, etc.

¹⁴ The Republic of Sierra Leone: An Agenda for Change, 28. (Agenda for Change).

¹⁵ Agenda for Change, 28.

Table 13

Economic indicators

<i>GDP (current US\$) (billions) (2007)</i>	<i>1.66 (World Bank)</i>
GDP growth (annual %) (2007)	6.8 (World Bank)
GNI Per Capita (US\$), 2007	\$260
GDP Per Capita Annual Growth Rate % (1990-2007)	-0.4%
Inflation, GDP deflator (annual %) (2007)	10.3 (World Bank)
Average Annual Rate of Inflation % (1990-2007)	19%
% of Population Below International Poverty Line of US\$1.25 per Day (2005)	53%
% of central government expenditure (1997–2006) allocated to: defence	10%
% of central government expenditure (1997–2006) allocated to: health	10%
% of central government expenditure (1997–2006) allocated to: education	13%

Source: UNICEF, The State of The World's Children 2009; World Bank: World Development Indicators Database, April 2009

Table 14

Development assistance and public debt

<i>Net Official Development Assistance (ODA) Inflow in millions US\$ (2006)</i>	<i>364</i>
Net Official Development Assistance (ODA) Inflow as a % of GNI (2006)	27%
Debt service ¹⁶ as a % of exports of goods and services (2006)	8%
Foreign direct investment, net inflows (BoP, current US\$) (millions) (2007)	94
Official development assistance and official aid (current US\$) (millions) (2007)	535

Source: UNICEF, The State of The World's Children 2009; World Bank: World Development Indicators Database, April 2009

Table 15

Labour force participation rate (15-64 years) by gender, area, and quintile, 2003 and 2007

	<i>Residence Area</i>		<i>Quintile</i>					<i>All</i>
	Urban	Rural	Q1	Q2	Q3	Q4	Q5	
Labour Force Participation Rate (%), 2003								
15-24	24.6	50.3	50.9	50.0	42.0	31.9	19.2	37.4

¹⁶ "Debt service" is defined as the sum of interest payments and repayments of principal on external public and publicly guaranteed long-term debts.

	<i>Residence Area</i>		<i>Quintile</i>					<i>All</i>
	Urban	Rural	Q1	Q2	Q3	Q4	Q5	
25-64	73.4	83.6	81.3	82.8	83.4	80.1	70.6	79.5
Total	52.6	72.6	71.1	70.9	68.7	61.4	49.2	63.9
Labour Force Participation Rate (%), 2007								
15-24	26.5	63.8	69.2	63.9	58.6	37.8	21.6	46.3
25-64	79.9	90.6	91.5	90.6	87.8	84.1	79.8	86.5
Total	56.3	81.0	83.7	81.2	76.9	64.4	54.0	70.7
Unemployment rate (%), 2003								
15-24	18.7	1.5	4.5	4.8	2.5	11.8	17.9	7.1
25-64	6.0	0.6	1.9	0.9	1.4	2.6	6.6	2.6
Total	8.5	0.8	2.5	1.9	1.6	4.5	8.5	3.6
Unemployment rate (%), 2007								
15-24	16.7	6.1	8.7	2.9	7.3	11.9	19.5	8.9
25-64	9.7	3.6	3.5	2.5	5.1	6.6	10.8	5.7
Total	11.1	4.3	5.0	2.6	5.7	7.9	12.4	6.5

Source: The Republic of Sierra Leone: An Agenda for Change 2008 – 2012

Table 16
Share of employment by sector and region, 2003 and 2007

	<i>Nation</i>		<i>South</i>		<i>East</i>		<i>North</i>		<i>West</i>	
	2003	2007	2003	2007	2003	2007	2003	2007	2003	2007
Crop Farming	71.8	61.3	78.9	68.1	84.7	71.7	84.2	75.7	2.3	1.7
Livestock / Poultry	0.3	0.4	-	0.1	0.1	0.8	0.6	0.1	-	0.1
Forestry / Logging	0.1	0.4	0.1	0.3	0.2	0.1	0.0	0.2	0.0	1.3
Fishing	0.2	1.7	0.1	0.4	-	2.0	0.3	1.5	0.4	3.4
Agriculture Total	72.3	63.8	79	69	85	74.6	85.1	77.6	2.7	6.5
Mining / quarrying	1.1	2.6	1.0	7.1	3.9	0.4	0.0	2.0	0.1	0.9
Manufacturing / processing	1.8	1.9	1.3	1.0	1.4	1.0	0.6	1.6	7.1	6.0
Electricity / gas / water	0.1	0.8	0.0	0.6	-	0.5	-	0.2	0.6	2.8
Construction	1.2	1.9	0.7	1.6	0.4	1.0	0.3	1.2	5.8	6.0
Industry Total	4.2	7.1	3.0	10.3	5.7	2.9	1.0	5.0	13.6	15.6
Wholesale / retail / hotel / restaurant	14.4	19.8	12.9	14.8	5.6	16.8	10.6	12	42.5	48
Transport / Storage	0.6	1.6	0.5	0.7	0.4	0.5	0.4	0.9	2.1	6.7
Banking / Finance	0.5	0.7	0.1	0.1	-	0.1	-	0.0	3.7	4.4
Service Total	15.6	22.1	13.5	15.6	6.0	17.4	11	12.9	48.3	59.2
Community /	4.1	5.0	1.8	4.1	1.8	3.0	1.1	3.1	20.3	14.8

	<i>Nation</i>		<i>South</i>		<i>East</i>		<i>North</i>		<i>West</i>	
	2003	2007	2003	2007	2003	2007	2003	2007	2003	2007
Government										
Others	3.8	1.9	2.8	1.1	1.5	2.0	1.8	1.4	15.1	4.0
TOTAL	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source: The Republic of Sierra Leone: An Agenda for Change 2008 - 2012

Table 17

Employment shares by type of employment, 2003 and 2007 (%)

	<i>Nation</i>		<i>Q1</i>		<i>Q2</i>		<i>Q3</i>		<i>Q5</i>		<i>Q5</i>	
	2003	2007	2003	2007	2003	2007	2003	2007	2003	2007	2003	2007
Government	4.2	4.7	1.0	0.8	1.8	1.1	2.5	1.8	7.5	5.4	12.0	18.1
NGO, Int'l parastatal	1.7	1.6	.2	0.0	0.8	0.1	0.8	0.3	1.7	1.2	6.7	7.9
Private Enterprise	2.7	6.1	0.3	1.2	1.3	1.7	2.5	3.8	4.0	8.6	7.4	19.4
Family Farm / Business	91.4	82.6	98.4	96.2	95.9	94.7	94.0	89.1	86.6	73.6	73.6	47.9
Others	0.1	5.1	0.1	1.8	0.2	2.3	0.2	5.0	0.1	11.3	0.2	6.8
All	100	100	100	100	100	100	100	100	100	100	100	100

Source: The Republic of Sierra Leone: An Agenda for Change 2008 - 2012

J. Challenges

26. The Sierra Leone national Human Development Report 2007, on the theme “empowering local Government for sustainable Human Development and Poverty Reduction, the District focus approach,” which was released simultaneously with the UNDP Human Development Report, highlighted the challenges facing Sierra Leone. These challenges include, among others, limited social services, environmental problems, gender inequity, lack of empowerment of the population, population growth, rising unemployment, and increasing poverty.

II. Constitutional, political and legal structure of Sierra Leone

A. Constitutional structure

27. Sierra Leone is a Republican State with a democratically elected executive president and a unicameral Parliament. It is a Constitutional democracy wherein the constitution of 1991 serves as the highest law of the land guaranteeing that any act of parliament or other law that is inconsistent with the Provisions of the Constitution shall be declared null and void. The present system of government in Sierra Leone as established under the Constitution of Sierra Leone 1991, Act No. 6 of 1991, is comprised of three branches of government: the Executive, the Legislature and the Judiciary. Each arm of government is distinctly provided for in the 1991 Constitution without reference to the other, however, the Constitution provides for checks and functional overlaps among the branches of government to ensure good governance and order in society.

28. Sections 53 of the 1991 Constitution provides for the Executive authority in Sierra Leone. The Executive function includes the initiation of legislation, the maintenance of law and order, and the promotion of social and economic welfare. Additionally, the Executive Branch is charged with the administration of the State, though some public services are initiated through local government bodies, as well as independent statutory bodies.

29. Supreme executive authority rests in the President and members of his cabinet, as granted under Section 40 of the Constitution. The President is the head of state, the head of the government, and the commander-in-chief of the Sierra Leone Armed Forces. The President appoints and heads a cabinet of ministers, which must be approved by Parliament. The president is elected by popular vote limited to a maximum of two five-year terms.

30. Section 73 of the Constitution provides for the establishment of Parliament, while Section 105 vests Parliament with supreme lawmaking authority. Parliament may make laws for the peace, security, order and good governance of Sierra Leone. The Sierra Leone Parliament is unicameral. Parliament consists of the President, the Speaker and members. Sierra Leone has a multiparty system of government with 124 parliamentary seats of which 112 are elected members and 12 are Paramount Chiefs. Ordinary members are elected through universal adult suffrage whereas the Paramount Chief Members, each of who represents one of the twelve provincial districts, are indirectly elected.

31. According to Section 120(2) of the Constitution, the Judiciary has jurisdiction over all civil and criminal matters and such other matters conferring jurisdiction on it by Parliament or under an Act of Parliament. As per Section 105 of the Constitution, the judicial powers of the country are vested in the judiciary of which the Chief Justice shall be the Head. The Judiciary interprets the law of the land and shall deal with all civil and criminal matters including matters relating to the Constitution. The Constitution requires that the Judiciary be independent, fair and just in the dispensation of justice.

B. Political structure

32. Following the re-introduction of multi-party democracy and the holding of the first post-conflict elections in 2002, Sierra Leone has witnessed an exponential growth in political socialization and pluralism, as well as a steady expansion of the political space leading to a greater freedom of choice and association and a significant increase in the free exercise of political rights and engagement among the citizenry.

33. There are approximately 18 political parties in Sierra Leone, depending on the state of political affairs. These were reduced to nine officially recognized political parties following a re-registration exercise undertaken by the Political Parties Registration Commission (PPRC). Three parties constitute the majority of political affiliation in Sierra Leone: the All People's Congress (APC) which is the present ruling party, the Sierra Leone's People's Party (SLPP) and the People's Movement for Democratic Change (PMDC). The APC currently has a majority of 59 seats in Parliament, the SLPP has 43 seats, and the PMDC has 10 seats.

34. The participation of women in the political landscape of Sierra Leone is awakening. However, the Truth and Reconciliation Commission's recommendation that women should reach 30% representation in politics has yet to be realized. Currently, women make up only 14% of parliament. Additionally, out of a total of 1,324 candidates that contested for local elections, only 224 were women (16.91%). This, nonetheless, represented a significant increase in women's participation compared to previous elections, and a step forward for Sierra Leone.

C. 2007 national elections

35. The two rounds of the 2007 national elections marked a significant and positive development in Sierra Leone's efforts towards the consolidation of peace and democracy. Voting for the 2007 presidential and parliamentary elections took place on 11 August 2007. Voter turnout was high, with figures approximating 70 percent of registered voters. The results of the presidential elections showed that no candidate polled the necessary 55% of the valid votes cast to be declared an outright winner as demanded by the 1991 Constitution and the Electoral Laws Act of 2002. On 25 August 2007, the National Returning Officer declared a run-off election between Ernest Bai Koroma of the APC and Solomon E. Berewa of the SLPP. The run-off election was scheduled and held on 8 September 2007. Ernest Bai Koroma of the APC polled the higher number of votes cast and was declared the winner on 17 September 2007.

36. Only ten complaints were submitted to the National Electoral Commission (NEC), though each complaint contained numerous allegations of misconduct. As a result, after investigations undertaken including recounts, votes from 447 polling stations were excluded from the final tallying of results.

Table 18
2007 final voter registration statistics

	<i>Census 2004</i>	<i>Estimated Voters</i>	<i>Registered Voters</i>	<i>Turn Out</i>
National Total	4,976,871	2,873,121	2,619,565	91%

Source: National Electoral Commission Annual Report 2007 (Census Figures according to Statistics Sierra Leone)

Table 19
2007 Parliamentary election – seats by political party

<i>Political Party</i>	<i># Parliamentary Seats</i>
APC	59
SLPP	43
PMDC	10

Source: National Electoral Commission Annual Report 2007

Table 20
2007 Parliamentary election – seats by gender

<i>Gender</i>	<i># Parliamentary Seats</i>
Male	96 (86%)
Female	16 (14%)

Source: National Electoral Commission Annual Report 2007

D. 2008 local government elections

37. The 2008 Local Government Elections was a significant milestone in the democratization process of the country, and marked a crucial step in the Government of Sierra Leone's programme of decentralization (functional devolution). Local Government in Sierra Leone revolves around a system of 19 Local councils, i.e. 5 City Councils (one in the Freetown Municipality and 4 in the provinces, one each in Bo, Makeni, Koidu-New

Sembahun and Kenema cities); one Municipal Council (in the municipality of Bonthe); and 13 District Councils (one in each of the 12 provincial districts and western area rural district. While the City Councils and the Bonthe Municipal Council have Mayors as heads, District Councils have Chairpersons. The 2008 Local Government Elections conducted two elections simultaneously: one to elect Mayor(s)/Chairperson(s) and the other to elect Councillor (s). A total of 19 Mayors/Chairpersons and 456 Councillors were directly elected in 19 localities and 394 wards, respectively.

38. The NEC processed 141,858 new registrations and 35,259 voter transfers, leaving the total number of registered voters on the 2008 final register of electors at 2,761,423. There were 2,670 polling centers and 5,901 polling stations across the country. In contrast to the 2007 election, voter turnout for the 2008 election was relatively low, with 1,056,440 voters taking part in the elections, representing 38.8% of the total voters registered (i.e. 2,761,423). The counting process took place on schedule with the participation of party agents and domestic and international observers.

39. The campaigning of political parties took place with very few disturbances, however there were reports of some election related violence particularly in Bo, the Tongo fields, Kenema district and some areas in the Western urban and Western rural districts. The police were very swift in putting the skirmishes under control and maintaining calm.

40. The NEC investigated all complaints alleging polling and counting anomalies, while those containing criminal allegations and allegations against NEC staff were referred to the police and courts. All investigations were completed prior to the final announcement and certification of results. In total, 167 complaints were received, and subsequently, materials from 55 Polling Stations were investigated with recounts requested in 13 polling stations. On the basis of those recounts, the results from only one polling station were invalidated and excluded from the count.

Table 21

2008 voter registration statistics

<i>Total # of Registrants</i>	<i>2,761,423</i>
Female Registrants	1,343,920
Male Registrants	1,417,479
Females as Percent of Total	49%
Males as Percent of Total	51%
Average Age	35

Source: National Electoral Commission Annual Report 2008

Table 22

Age of registrants - 2008

<i>Age</i>	<i>Percent of Total Voter Registration</i>
18-22	56%
23-27	14%
28-32	10%
33-37	6%
38-42	5%
43-47	3%
48-52	2%
53-57	1%

<i>Age</i>	<i>Percent of Total Voter Registration</i>
58-62	1%
63-67	1%
68+	1%

Source: National Electoral Commission Annual Report 2008

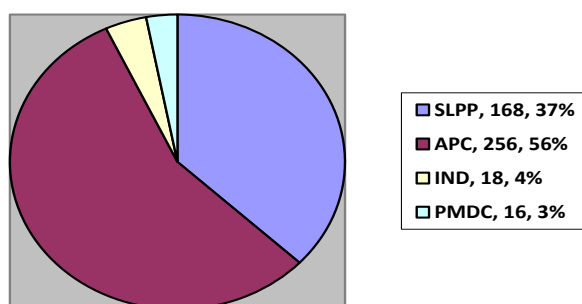
Table 23

Gender of candidates

<i>Total Candidates (Councillor & Chair/Mayor Candidates)</i>	<i>1324</i>
Total Male candidates	1099 (83%)
Total Female candidates	225 (17%)

Source: National Electoral Commission Annual Report 2008

Table 24 - 2008 councillor elections – seat distribution



Source: National Electoral Commission Annual Report 2008

Table 25

Distribution of councillor seats by gender

<i>Total Seats (Councillor Elections) Candidates</i>	<i>456</i>
Total Male Seats	370 (81%)
Total Female Seats	86 (19%)

Source: National Electoral Commission Annual Report 2008

E. Legal structure

41. The judiciary of Sierra Leone consists of the Supreme Court, the Appeals Court, the High Court, and Magistrate Courts. There are also Local Courts which administer customary law in the Chiefdoms.

1. Supreme Court

42. Section 121(1) of the Constitution provides that the Supreme Court shall consist of the Chief Justice and not less than four justices of the Supreme Court and such other justices of the superior court of judicature. The Chief Justice shall preside at the sittings of the Supreme Court and in his or her absence the most senior of the justices of the Supreme Court shall preside with a minimum of three justices to form a quorum. The Supreme Court is the final Court of Appeal in Sierra Leone. It has original jurisdiction to the exclusion of all other courts with regards to the enforcement or interpretation of the constitution and where any question arises whether an enactment of law was made in excess of the judicial powers conferred upon Parliament or any other authority or person by law under the constitution. The Supreme Court is not formally bound by previous Supreme Court decisions.

2. Court of Appeal

43. The Court of Appeal is provided for under Section 128(1) of the Constitution. It consists of the Chief Justice and not less than seven other justices of the Court of Appeal and such other justices of the superior court of judicature as the Chief Justice may direct. It is duly constituted by three Justices. A single justice of the court of Appeal may however exercise any power vested in the Court of Appeal not involving the decision on any cause or matter before the Court of Appeal except in a criminal matter. Where any Justice refuses or grants an application in exercise of their power, any affected person is entitled to have the application determined by the constituted court of the whole. Under Section 129(1) of the Constitution the Court of Appeal has jurisdiction as the second highest court to hear and determine appeals from any judgment, decrees or order of the High Court in addition to any other appellate jurisdiction as may be conferred upon it by the Constitution or any other law. The Court of Appeal is bound by its previous decisions and Courts inferior to it are bound on questions of law as provided by Section 128(3) of the Constitution.

3. High Court

44. Section 131(1) of the Constitution provides that the High Court shall consist of a Chief Justice, and not less than nine High Court judges and such other judges of the superior court of judicature as the Chief Justice may for the determination of any particular cause or matter, request to sit in the High Court for such periods as the Chief Justice specifies or until such request is withdrawn. One judge is sufficient to constitute the High Court. The High Court of Justice has supervisory jurisdiction over all inferior traditional Courts in Sierra Leone and any adjudication authority and in the exercise of its supervisory jurisdiction shall have power to issue Directions, Writs and Orders, including the Writs of Habeas Corpus, and other writs of certiorari, mandamus and prohibition as it may consider appropriate for the purposes of enforcing or securing the enforcement of its supervisory powers. However the High Court currently has only 7 justices.

4. Magistrate Courts

45. The lower courts are represented by the Magistrate Courts, which deal with civil and criminal matters at the lowest level. There are magistrate courts in all twelve judicial districts in Sierra Leone. Pursuant to Sec 4 of the Courts Act, 1965, Act No. 31 of 1965, Magistrate Courts shall be constituted in all judicial districts. Section 8 of the Act provides for the Magistrate Courts powers and jurisdictions.

5. Local Courts

46. There are also Local Courts, which administer customary law in the chiefdoms. The Local Courts Act 1963 provides for their jurisdiction.

6. Applicable Laws

47. Section 170(1) of the 1991 Constitution outlines the legal structure of Sierra Leone. The laws of Sierra Leone comprise constitutional law, the common law, equity, statutory law and customary law. The Constitution is the supreme law of the land and all other laws are derived from it and must conform to it. There are two broad divisions of laws based on the British common law and the local customary law for the chiefdoms. Sierra Leone inherited the common law and equity from Britain who instituted a common law system as Sierra Leone's prior colonial ruler. Section 74 of the Courts Act 1965 provides that subject to the provisions of the Constitution the common law and statute of general application in England before the 1st day of January 1880 shall automatically be part of the common law of Sierra Leone. Legislation made by Parliament forms part of the laws of Sierra Leone. Delegated legislation, defined as legislation made by subordinate bodies entrusted with certain powers by Parliament to make rules, regulations, orders and by-laws, is also part of the laws.

48. Statutory Law in Sierra Leone is divided into two categories: those laws adopted from England and those laws enacted by the Sierra Leone Parliament. After 1961, the Sierra Leone Parliament has been solely responsible for the enactment of statutes. The Interpretation Act No. 8 of 1971 governs the interpretation of statutes.

49. Customary law is defined as the rules of law by which customs are applicable to particular communities in Sierra Leone (chiefdoms). Customary law is largely unwritten and it varies within different communities. Customary law is taken to include Islamic law. Its validity is based on the community's acceptance of it as a binding obligation. Section 76(1) of the Constitution provides that customary law does not prevail if it is in conflict with natural law, equity and good conscience. Section 170(4) provides for existing laws as part of the written and unwritten laws of Sierra Leone.

50. In response to the challenges faced by the Judiciary, the President of the Republic in 2008 constituted a Presidential Task Force to look into the challenges facing the justice sector and advance recommendations for its improvement. Currently the Government has been implementing the Justice Sector Reform Strategy 2008-2010. In an address to Parliament, the President expressed his intention to separate the Office of the Attorney General from the Ministry of Justice, a key recommendation of the TRC. An important step in ensuring an independent judiciary, this recommendation has yet to be realized.

51. Capacity constraints of the Ministry of Justice and Law Reform Commission still remain a serious concern.

III. Indicators on crime and the administration of justice

A. Indicators on crime

52. The following tables give indicators on crime:

Table 26

Incidence of violent death and life threatening crimes

<i>Offences</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Robbery	322	167	184
Robbery with Violence	170	179	211
Aggravated Robbery	103	165	129

<i>Offences</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Assault	26,373	18,620	19,871
Assault on Police	412	303	337
Wounding with Intent	1,448	1,272	1,364
Domestic Violence	451	396	638
Murder	101	134	140

Source: Sierra Leone Police Yearly Crime Report 2008

Table 27
Number of reported cases of sexually motivated violence

<i>Offence</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Unlawful Carnal Knowledge	290	379	362
Indecent Assault	169	118	150
Rape	112	135	79
Child Abuse	167	63	32
Total	738	695	623

Source: Sierra Leone Police Yearly Crime Report 2008

Table 28
Prison population

<i>Year</i>	<i>Total Prison Population</i>	<i>Remand (pre-trial)</i>	<i>Remand (trial)</i>	<i>Convicted</i>
2006	2,466	1233	711	522
2007	2,095	862	331	902

Source: Sierra Leone Police Yearly Crime Report 2008

Table 29
Prison service personnel (as of April 2008)

<i>Year</i>	<i>Total</i>
2006	990
2008	1048

Source: Justice Sector Survey 2008, Government of Sierra Leone

B. Indicators on administration of justice

53. The following tables give indicators on administration of justice:

Table 30
Supreme Court

	<i>Brought Forward</i>	<i>Filed</i>	<i>Concluded</i>	<i>Pending</i>	<i>Dismissed</i>
2006	14	14	7	6	1
2007	9	9	3	6	0

Table 31
Court of Appeal

<i>Year</i>	<i># Criminal Cases</i>	<i># Civil Cases</i>
2004	34	49

Table 32
High Court

	<i># Criminal Cases</i>	<i># Civil Cases, (including divorce and miscellaneous applications)</i>
2006	55	1,434
2007	75	1,233

Table 33
Magistrates Court

	<i># Criminal Cases</i>	<i># Civil Cases, (including divorce and miscellaneous applications)</i>
2005	5,000	2,500
2007	4,000	3,500

Source: Justice Sector Survey 2008, Government of Sierra Leone

C. Number of persons executed under the death penalty per year

54. The TRC Report contains recommendations for the abolition of the death penalty. However, as of 2010, the death penalty remains part of the laws of Sierra Leone, and only a de facto moratorium on executions has continued. Even though the Human Rights Commission of Sierra Leone (HRCSL) and several local and international organizations have pressed the government for immediate abolition of the death penalty, no positive action has been taken on the issue.

55. According to the HRCSL 2008 Report, 23 persons were on death row in 2007: 20 men and 3 women. However, in November 2007, after the Court of Appeal allowed the appeals of eleven men who had been sentenced to death for treason. As of March 2010, there were a total of 15(12 men and 3 women) convicts sentenced to death.

IV. General framework for the protection and promotion of human rights

A. Ratification of main international human rights instruments

56. As part of its commitment to human rights values and the rule of law, Sierra Leone has ratified seven of the core UN human rights treaties and their optional protocols. Sierra Leone is a State Party to:

(a) 1966 International Covenant on Civil and Political Rights (ICCPR) and to the 1966 International Covenant on Social, Economic and Cultural Rights (ICESCR) since 23 August 1996;

- (b) 1965 Convention on the Elimination of All Forms of Racial Discrimination (ICERD) since 2 August 1967;
- (c) 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) since 11 November 1988;
- (d) 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) since 25 May 2001;
- (e) 1989 Convention on the Rights of the Child (CRC) since 18 June 1990;
- (f) Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP1);
- (g) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC);
- (h) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OP-CRC-SC) since 15 May 2002;
- (i) Convention on the Rights of the Persons with Disabilities, 2008.

57. The Government of Sierra Leone has signed, but not ratified (and is therefore not yet a party to):

- (a) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW);
- (b) International Convention for the Protection of All Persons from Enforced Disappearance (CED);
- (c) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (ICCPR-OP2);
- (d) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW);
- (e) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT);
- (f) Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CPD).

58. Sierra Leone has not yet signed the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty that was adopted on 15 December 1989. As of 2008, the death penalty remained part of the laws of Sierra Leone; however a de facto moratorium on executions exists.

59. Sierra Leone has also not yet signed the 1999 Optional Protocol to the CEDAW, concerning individual complaints and inquiry procedures, nor has Sierra Leone signed the 2002 Optional Protocol to the CAT, concerning regular visits by national and international institutions to places of detention.

60. Sierra Leone has also not yet ratified the Convention on the Prevention and Punishment of the Crime of Genocide, which was adopted by the United Nations in 1948.

B. Reservations and declarations

61. The country has ratified all aforementioned conventions without reservations nor declarations, derogations, restrictions, or limitations.

C. Ratification of other United Nations human rights and related treaties

62. Sierra Leone is a party to the following additional human rights treaties:
- (a) Slavery Convention, 1926 as amended in 1955, since 13 March 1962;
 - (b) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949, signed only on 26 September 2003;
 - (c) Convention relating to the Status of Refugees, 1951, and its 1967 Protocol, since 22 May 1981;
 - (d) Rome Statute of the International Criminal Court, 1998, since 15 September 2000;
 - (e) United Nations Convention against Transnational Organized Crime, 2000, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing it, signed only on 27 November 2001.

D. Ratification of other relevant international conventions

63. Sierra Leone is party to the following Conventions of the International Labour Organization:
- (a) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), since 15 June 1961;
 - (b) Right to Organize and Collective Bargaining Convention, 1949 (No. 98), since 13 June 1961;
 - (c) Equal Remuneration Convention 1951 (No. 100), since 15 June 1961;
 - (d) Abolition of Forced Labour Convention, 1957 (No. 105), since 13 June 1961;
 - (e) Discrimination (Employment and Occupation) Convention, 1958 (No. 111), since 14 October 1966.
64. The country is party to the following Conventions of the United Nations Educational, Scientific and Cultural Organization (UNESCO): Convention against Discrimination in Education, 1960 since 2 June 1967.
65. The country is party to the following Geneva Conventions and other treaties on international humanitarian law:
- (a) Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949, since 31 May 1965;
 - (b) Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949, since 31 May 1965;
 - (c) Geneva Convention (III) relative to the Treatment of Prisoners of War, 1949, since 31 May 1965;
 - (d) Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, 1949, since, 31 May 1965;
 - (e) 1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), since 21 October 1986;

(f) 1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), since 21 October 1986;

(g) Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, since April 2001.

E. Ratification of regional human rights conventions

66. Regarding regional conventions on human rights, Sierra Leone is a party to the 1981 African [Banjul] Charter on Human and Peoples' Rights since 21 September 1983, to the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa since 28 December 1987 and to the 1990 African Charter on the Rights and Welfare of the Child since 13 May 2002.

67. The 1998 Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights and the 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa were signed respectively on 9 July 1998 and 9 December 2003 but are yet to be ratified.

F. Membership in international organizations

68. Sierra Leone is a member of the Commonwealth, the United Nations (UN), the African Union (AU), the Economic Community of West African States (ECOWAS), the Mano River Union, the Non-aligned Movement, and the European Union-Africa/Caribbean/Pacific (ACP) Convention.

V. Legal framework for the protection of human rights at the national level

A. Protection of rights in the Constitution and national legislation and derogation provisions

69. Being a party to the ICCPR, ICESCR and many other core international instruments, as well as having emerged from a history of human rights abuses during the country's civil war, Sierra Leone is in a unique position to recognize the importance of adherence to a human rights framework. As a result, there are currently a number of legal mechanisms in place to guarantee and promote human rights, including civil and political rights, economic, social and cultural rights and the many other rights which are essential to a free and just society. Specifically, these rights are firmly embedded and contained in the highest law of the land, the Constitution of Sierra Leone 1991, Act no.6 of 1991 under Chapter II, outlining the fundamental principles of state policy, and Chapter III, guaranteeing the recognition and protection of fundamental human rights and freedoms of the individual.

70. The attainment or fulfilment of good governance based on the principles of freedom, democracy and justice are provided for under Chapter II of the Constitution of Sierra Leone 1991. These provisions espouse the fundamental principles of state policy wherein the social, political, economic and educational obligations of the government are defined. Equal opportunities are provided for all to achieve these objectives. Government is responsible for the security, peace and welfare of the population and as a result must do everything in its power to provide services that can enhance each person's prosperity.

However, despite these guarantees, there is no mechanism for an individual to sue government for failing to fulfil the promises set out in the constitution.

71. Specifically, Chapter III of the Constitution states that every person is entitled to the rights and freedoms of the individual irrespective of race, tribe, place of origin, political opinion, colour, creed or sex, but only subject to the rights and freedoms of others and for the public interest, or each of the following: life, liberty, security of persons, the enjoyment of property, and protection of law; freedom of conscience, of expression and of assembly and association; respect for private and family life; and, protection from deprivation of property without compensation.

72. Also protected within the constitutional framework are the right to life, freedom from arbitrary arrest or detention, freedom of movement, freedom from slavery and forced labour; freedom from inhuman treatment; freedom from deprivation of property; privacy of home and other property; provision to secure protection of law; freedom of conscience; freedom of expression and the press; freedom of assembly and association; and freedom from discrimination.

73. Public Emergency- Under the 1991 Constitution, Chapter III, Section 29, the President, under certain circumstances including when the nation is in a state of war, in imminent danger of attack, undergoing a breakdown of public order, and other occurrences of imminent danger, may make a proclamation declaring a public emergency. The declaration is required to be published through the official gazette. The declaration will lapse within seven days of the publication of the declaration if Parliament is sitting, otherwise within twenty-one days of the publication. During the period of public emergency, the President may take such measures as appear to be necessary or expedient for the purpose of maintaining and securing peace and good government, including regulations which make provision for the detention of persons, restriction on the movement of persons, and exclusion of persons of non-citizens within Sierra Leone, authorise the taking of possession or control on behalf of the Government of any property or undertaking, authorise the entering and search of any premises, amend any law, suspend the operation of any law, and apply any law with or without modification. However, no regulations may be made during a period of public emergency for the trial of persons who are not members of defence forces by military courts. Any regulation made during a public emergency will cease to have effect ninety days from the date it comes into operation unless approved by a resolution passed by Parliament. Resolutions passed by Parliament will stay in effect for a period up to twelve months and may be extended by further resolutions. Any person detained during the period of public emergency and who is not released within thirty days after a request is made shall have the right to have their case reviewed by an independent and impartial tribunal established by law, comprising not more than three persons who have fifteen year's standing to practice in Sierra Leone.

B. Domestic human rights legislation

74. Children's rights are protected under the Child Rights Act of 2007. The adoption of this Act led to the repealing of the Corporal Punishment Act and amended the Protection of Women and Girls Act (Cap 30) and the Prevention of Cruelty to Children Act (Cap 31). It also amended the Children and Young Persons Act (Cap 44) and the Muslim Marriage Act (Cap 96) including the Armed Forces of Sierra Leone Act 1961, Act no.34 of 1961. The Interpretation Act 1971, Act no 8 of 1971 is also amended in line with the Convention. The promulgation of the Act as well as the repealing of older legislation creates an appropriate framework for the protection of the rights of children within Sierra Leone.

75. Women's rights are protected under three recent laws, referred to as "three gender laws" passed by Parliament. These are the Domestic Violence Act and the Devolution of

Estates Act, both of which were passed in 2007, and the Registration of Customary Marriages and Divorce Act, which was passed in 2009. These acts were passed in furtherance of the implementation of CEDAW. These laws will address gender-based violence and hope to alleviate the years of discriminatory practices against women within Sierra Leone that have prevented women from the full enjoyment of their rights. However, for these three laws to be effective, there is need for Parliament to enact the Sexual Offences Act and the Matrimonial Act. Furthermore, the capacity of, firstly, the Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA) needs to be strengthened to coordinate and take leadership of the implementation and secondly, the Family Support Unit (FSU) of the Sierra Leone Police (SLP) also needs to be strengthened to effectively address cases of gender-based violence.

76. The Anti-Corruption Act, No. 12 of 2008 led to the establishment of an independent Anti-Corruption Commission for the prevention, investigation, prosecution and punishment of corruption and corrupt practices and to provide for other related matters. It also repealed the Anti-Corruption Act of 2000. Following the prosecutorial power given to the Commission by the new Act, the Commission has investigated and prosecuted several cases involving very high profile public authorities. While the Commission is moving forward, stronger support is needed including the construction of dedicated facilities, further training of its staff and increased equipment to ensure that the Commission is able to meet its ambitious goals.

77. The Prevention and Control of HIV and AIDS Act, No. 8 of 2007, provides for the prevention, management and control of HIV and AIDS, for the treatment, counselling, support and care of persons infected with, affected by or at risk of HIV and AIDS infection and for other related matters.

C. Incorporation of human rights treaties into the national legal system

78. Sierra Leone is based on a dualist legal system. International conventions ratified by the state have to be domesticated through the passing of implementing legislation in Parliament before they can have the force of law behind them. Bills are drafted by the Law Officers Department in the Office of the Attorney General and Ministry of Justice and then tabled in Parliament. Section 40(4) (d) of the Constitution stipulates that the President executes treaties, agreements or conventions in the name of Sierra Leone.

79. The Law Reform Commission is responsible for legal reform in all aspects including human rights. From 2004 to 2007 the Commission submitted draft bills to the Attorney-General and Minister of Justice on several areas of the law touching upon on human rights, most notably; discrimination against women. In the past few years many laws were enacted in furtherance of human rights which include, but are not limited to Devolution of Estates Act, Domestic Violence Act, Child Rights Act, and the Prevention and Control of HIV/AIDS Act. Other bills, such as the Rights of Persons with Disability Act, have been drafted and submitted to Parliament, but have not yet been enacted into law.

80. Treaties dealing with the protection of refugees have been incorporated into the national legal system. The Refugees Protection Act, No. 6 of 2007, provides for the recognition and protection of refugees. This legislation was passed in order to give effect within Sierra Leone to the 1951 Convention relating to the Status of Refugees, the 1967 Protocol relating to the Status of Refugees and to the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, and to provide for other related matters.

81. Treaties dealing with child rights have been domesticated. The Child Rights Act, No. 7 of 2007, provides for the promotion of the rights of the child compatible with the

1989 UN Convention on the Rights of the Child, and its Optional Protocols of 2000; and the African Charter on the Rights and Welfare of the Child, and for other related matters.

82. CEDAW has also been incorporated into the national legal system. The Domestic Violence Act, No. 20 of 2007, suppresses domestic violence, to provide protection for the victims of domestic violence and to provide for other related matters. The Devolution of Estates Act, No. 21 of 2007, provides for surviving spouses, children, parents, relatives and other dependants of testate and intestate persons, and for other related matters. It amends the Christian Marriage Act, the Muslim Marriage Act and the Administration of Estates Act.

83. Instruments dealing with anti-human trafficking have been incorporated into the national legislation. The Anti-Human Trafficking Act, No. 7 of 2005, suppresses the trafficking in person and provides for other related matters. It blends the 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and the 2000 United Nations Convention against Transnational Organized Crime, 2000, and its Protocols.

D. Authorities having competence affecting human rights matters

84. Under the 1991 Constitution, the State is obligated to promote national integration and unity and discourage discrimination on the grounds of place of origin, circumstance of birth, sex, religion, status, ethnic or linguistic association. The Constitution guarantees that whenever any person is charged with a criminal offence he shall be afforded a fair hearing within a reasonable time by an independent and impartial court established by law. Unfortunately, there is no clear definition of a “reasonable time” within the Constitution, which has led to lengthy delays in hearing and sentencing instructions.

85. The Supreme Court, under Section 28, Chapter III of the 1991 Constitution, has original jurisdiction to hear and determine any application made by any person concerning violations of their enumerated rights under the Constitution. Lower courts, which operate throughout the country outside of Freetown, may refer such questions to the Supreme Court.

86. Local courts and Paramount and Local Chiefs constitute the primary form of redress for Sierra Leoneans outside of the capitol of Freetown. The distinction between local courts and customary law enforced by Local Chiefs can often be blurred. Local Court decisions are permitted appellate review within the higher courts.

87. The HRCSL was formed by the Human Rights Commission of Sierra Leone Act, Act No. 9 of 2004. The commission issues an annual report composed of a summary of the state of human rights as well as a series of recommendations to the Government of Sierra Leone concerning steps to be taken to advance human rights. The specific activities of the HRCSL include responding to complaints of alleged human rights violations, institutional capacity building, and extending the work of the HRCSL through regionalization and human rights protection and promotion. The HRCSL has four regional offices. Present challenges include the need to secure annual funding and bolster its infrastructure.

88. The Ombudsman’s office oversees public administration and is required to publish regular reports in relation to its work. It is expected, specifically, to work on complaints by citizens who allege that their rights have been violated by individuals or state institutions. The office of the ombudsman is also expected to undertake numerous sensitization campaigns to create awareness on such issues that are of national interests, however the office is understaffed and its activities are limited to radio discussions. Further efforts have been made within the last year to strengthen the office. In addition, the majority of the

population, especially in the rural areas where the bulk of the populace resides, does not know about the existence of such office.

89. The Family Support Unit (FSU) of the Sierra Leone Police was set up in 2003 specifically to handle cases of rape, other sexual offences and domestic violence. Officers are specially trained in the collection of the necessary evidence for the prosecution of such crimes and the handling of victims of such abuses. Branches of this unit have been opened in all police stations in the headquarter towns.

E. Provisions of human rights instruments invoked or enforced by the courts

90. While not all human rights treaties have been translated into domestic law, legal structures exist to protect the human rights guaranteed in the 1991 Constitution, the ICCPR, ICESCR and other international treaties.

91. While courts provide one avenue of redress for human rights violations, the Judiciary has been criticized for failing to provide robust protection for the human rights guaranteed in the 1991 Constitution. For example, in November 2009, the Sierra Leone Supreme Court dismissed a case brought by the Sierra Leone Association of Journalists (SLAJ) seeking to repeal the seditious libel provisions contained in the 1965 Public Order Act. The Supreme Court held that the seditious libel provisions, which stipulate a prison term of up to three years for a first offence, did not violate the constitutional protection given to freedom of expression under Section 25, Chapter III, of the 1991 Constitution.

92. Additionally, the Judiciary often fails to serve as an effective means for redress in that a large percentage of the population suffers lengthy delays in waiting for trial, and many cannot afford court fees. Furthermore, while the court system is able to hear some cases, the HRCSL noted that half of the complaints the Commission received concerned the inability of individual members of the community to obtain justice through the court system

93. The HRCSL has the specific mandate to hear and investigate complaints made by citizens whose rights have been violated. Under Section 7(2) of the HRCSL Act No. 9 of 2004, the HRCSL has the mandate to investigate or enquire into on its own or on complaint by any person allegations of human rights violations and to report them in writing.

94. Out of 204 complaints received by the HRCSL in 2008, 81 have thus far been referred to other sections of the Government of Sierra Leone, including 6 to the Ministry of Social Welfare, Gender and Children's Affairs and 1 to the Ombudsman. Complaints included allegations of the deprivation of property (28), domestic violence (9), torture, cruel, inhuman and degrading treatment (6) and other offenses.

95. The FSU also receives complaints of domestic violence. The FSU, in 2008, reported an increase in the number of sexual violence cases. The increased reporting was believed to be the result of an intensive national sensitization campaign.

F. Remedies available to an individual for violation of rights

96. Remedies are available to an individual who claims that any of his or her rights have been violated. Section 28(5), Chapter III of the Constitution dealing with the enforcement of protective measures, provides that Parliament shall make provision for the rendering of financial assistance to any indigent citizen of Sierra Leone where his right under this Chapter has been infringed, or with a view to enabling him to engage the services of a legal practitioner to prosecute his claim.

97. The Supreme Court may grant other forms of reparation, including compensation and rehabilitation.

98. As previously noted, the HRCSL also responds to individual complaints by mobilizing its resources to increase awareness, refer complaints to the appropriate government body, and take action to provide redress where possible. For example, the Commission worked with the Guma Valley Water Company and the Ministry of Energy and Power to supply water to prison facilities that were suffering from an acute water shortage.

G. Institutions responsible for overseeing implementation of human rights

1. Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA)

99. The government has established a Ministry of Social Welfare, Gender and Children's Affairs. The mission of the Ministry is to ensure the provision of services to the socially marginalized, disadvantaged groups, and the less privileged, particularly children, whether in homes or "street" children and those affected by the war or in conflict with the law, women, the aged, the physically disabled, as groups or individuals, or family units, and all who need welfare attention in our communities.

100. The Ministry has two divisions, namely the Social Welfare Division and the Gender and Children's Affairs Division, with several sections/units.

101. Headed by the Chief Social Development Officer as Professional Head, and assisted by two Deputy Chief Social Development Officers as Deputy Professional Heads, the Social Welfare Division implements social programmes either directly or indirectly through welfare oriented government and non-governmental agencies. It has six operational sections, namely the Planning Division, the Child Welfare Secretariat, Probation, Family Case Work, Disability Issues, and Community Based Organisations. An Audio Visual Unit supports these sections. Welfare Institutions, including Remand Home, Approved School, Training Institute for the Blind, and the National Training Centre (NTC) deliver services to clients as mandated by the government. Each section is headed by a Principal Social Development Officer, assisted by Social Development Officers, Social Development Assistants and Social Workers, with the exception of the institutions, which are directly under the Chief Social Development Officer as Professional Head, with the day-to-day functions assigned to officers on location.

102. The current decentralization drive has occasioned the scaling down of direct ministry involvement in order to let localities take charge of their own local affairs. However, thus far the ministry still performs its traditional role. It is hoped that in the not too distant future, the local councils will be strong enough to perform their newfound responsibility.

103. The Gender and Children's Affairs Division has three main sections, Gender Mainstreaming, the Department for the Advancement of Women and Children's Affairs. It also contains supporting units, including an HIV Aids Desk, a Sexual and Gender Based Violence unit and an Information and Documentation Centre.

2. The National Social Security and Insurance Trust (NASSIT)

104. The National Social Security and Insurance Trust (NASSIT) is a Statutory Public Trust set up by the National Social Security and Insurance Trust Act No. 5 of 2001 to administer Sierra Leone's National Pension Scheme. It was established to provide retirement and other benefits to meet the contingency needs of workers and their dependants. The self-employed can be covered on a voluntary basis. NASSIT administers a

Social Security scheme that provides financial security to all employees in Sierra Leone in the form of Old Age Benefits, Invalidity Benefits and Survivors' Benefits, based on Social Insurance Principles.

3. The National Commission for Democracy and Human Rights (NCDHR)

105. National Commission for Democracy and Human Rights (NCDHR) was established in 1994. The NCDHR was instrumental in maintaining Human Rights principles into key government processes, including the holding of free and fair elections, transparency in government institutions, and the inclusion of women in key processes. However, in 2006, pursuant to a recommendation by the TRC, the HRCSL was set up by an Act of Parliament to ensure that specific attention is given to matters of Human Rights violations. The NCD however maintains its responsibility to ensure democracy.

4. The Law Reform Commission

106. The Law Reform Commission was established under the Law Reform Commission Decree 1994, as amended in 1996. The main function of the Commission is to keep under review the laws, both statutory and others, of Sierra Leone with a view to their reform, development, consolidation or codification. The Commission was also given the mandate to take other initiatives and propose the enactment of new laws in appropriate circumstances. They have concurrently been working with the Parliamentary Committee on Human Rights on gender discriminatory laws.

5. The Political Parties Registration Commission (PPRC)

107. The PPRC was established in December 2005 as a result of the constitutional provision contained in sections 34 and 35 of the 1991 Constitution. Noting the recent violent past of Sierra Leone, and the need for a continued peace, and given the desirability for a free, fair, peaceful and well-regulated election and the avoidance of aggravation of ethnic tension and political discord, the PPRC was established for the registration and regulation of the conduct of political parties.

108. The Commission's mandate is to ensure peaceful and long-term democratic political representation of the people of Sierra Leone through independent registration and balanced monitoring of political parties.

109. The PPRC consists of a Chairman and three other members as provided for in section 34 of the Constitution. The President, subject to the approval of Parliament, appoints all Commissioners, except the Chief Electoral Commissioner.

110. The principal function of the PPRC is to register and supervise the conduct of political parties in accordance with the Constitution and Political Parties Act, 2002. In that regard, the PPRC is required to monitor the affairs and conduct of political parties, so as to ensure their compliance with the Constitution, the Political Parties Act 2002 and with the term and conditions of their registration; to monitor the accountability of political parties to their membership and to the electorate of Sierra Leone; to promote political pluralism and the spirit of constitutionalism among political parties; and when approached by persons or parties concerned, to mediate any conflict or disputes between or among the leaders of political parties

6. The National Commission for War Affected Children

111. The National Commission for War Affected Children (NaCWAC) was created following the massive and heinous atrocities of the war, especially on children in Sierra Leone. It was established by an act of parliament in January 2001, and formally inaugurated by H.E. the former President Kabbah in February 2003. The UN Secretary

General's special representative for Children and Armed Conflict, H.E. Olara Otunu, attended the inauguration.

112. The mandate of the Commission is to focus on all areas of concern for children affected by the war and to ensure that their needs are taken into consideration at all levels of national planning. The Commission's mission is to develop and facilitate the implementation of programmes for improving the welfare of war affected children, including street children, orphans, sexually abused, returnee-unaccompanied minors, and other children in difficult circumstances and enhance the survival and well being of children.

113. The Commission consists of a Chairman and eight members appointed by the President. The Secretariat is staffed by an Executive Secretary, Deputy Executive Secretary, Programme Officers and Support personnel. There is an Inter-ministerial Committee responsible for providing guidance and advice to the Commission, as well as a technical committee comprising the following departments: Reintegration and Rehabilitation, Education and Health, Voice of Children and Communication, and Human Resource Development.

114. The Commission's objectives include:

(a) To advocate and facilitate the implementation of international norms and standards on the rights and protection of war-affected children;

(b) To ensure that the concerns of war-affected children are translated into priority setting and resource allocation at the highest political level;

(c) To develop, in collaboration with other government departments, agencies and NGOs, policies that will ensure the provision of health, education and social services to war-affected children;

(d) To promote increased participation in, and access to media activities and facilities by children and adolescents;

(e) To empower and create an enabling environment for war-affected children and adolescents to participate effectively in the democratic process;

(f) To develop strong links with other institutions working to ensure the long-term protection of all children.

115. Since its inception as a statutory body by an Act of Parliament on 26 January 2001, the Commission has been actively engaged in raising public awareness on the plight of war affected children through different channels of communication, and has supported Community Based Organizations to provide vocational and technical skills training and capacity building services to these needy children. To these ends, the Commission has: conducted a nationwide Rapid Assessment Survey on the situation of street and other war affected children; provided educational support to more than 1000 children between 2003 and 2005; built the service-delivery capacity of over 50 NGOs nationwide, for effective trauma healing and capacity building of war affected children helping to rehabilitate over 3,000 children; established Child Friendly/Recreational Centres in Bo, Makeni, Kailahun and Pujehun, with the intent to establish others in Freetown, Kenema, Kono and Port Loko; with French assistance and the support of other commissions given financial support to 10 chiefdoms in Kailahun District in 2006 on an eight month project helping to support 110 disadvantaged children.

116. Now that the war is over, the need for broadening the mandate of NaCWAC into an all-inclusive Commission for children in Sierra Leone has become compelling. His Excellency the Former President Kabbah, consented that NaCWAC be transformed into the National Commission for Children (NCC). He stated that the NCC be established within

the office of the Vice President, since the Vice President's Office Coordinates Sierra Leone's Poverty Reduction Strategy (PRSP).

7. The National Commission for Social Action (NaCSA)

117. The National Commission for Social Action (NaCSA) funds community-based and demand driven activities promoting sustainable development leading to the alleviation of poverty, reducing the potential for renewed conflict and improving the well-being of Sierra Leoneans. NaCSA helps refugees and internally displaced persons repatriate and resettle, and provides humanitarian assistance to refugees and others affected by the war.

8. The Anti-Corruption Commission

118. Following the Anti-Corruption Act of 2008, the Anti-Corruption Commission was formed to foster a Sierra Leone that is free from all forms of corruption and to enhance the rule of law in order to create an environment for good governance and reform. The Commission, while still in its infancy, has made a number of significant strides in increasing accountability in government and the private sector.

9. The Parliamentary Committee on Human Rights

119. The Parliamentary Committee on Human Rights oversees matters relating to the promotion and protection of Human Rights by Parliament and is entrusted with ensuring that bills focused on human rights are passed in Parliament. The Parliamentary Committee on Human Rights takes a proactive role in protecting human rights. It operates without government or political party interference. While the Committee's resources are limited, it has received support from the United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL), the United Nations Development Programme (UNDP) and the Office of the United Nations High Commissioner for Refugees (UNHCR). The Human Rights Committee is one of the most effective oversight committees in Parliament, and it enjoys full government cooperation.

H. Acceptance of jurisdiction of regional human rights courts

1. The African Court on Human and Peoples' Rights

120. Sierra Leone has signed, but not ratified, the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights. Hence the jurisdiction of the Court is not yet applicable to the country.

2. The African Commission on Human and Peoples' Rights

121. In accordance with Article 62 of the African Charter on Human and Peoples' Rights, State parties to the Charter are required to submit reports every two years. While Sierra Leone has ratified the Charter, it has yet to submit a report to the African Commission on Human and Peoples' Rights. The report is meant to include legislative or other measures taken by Sierra Leone with a view toward giving effect to the rights and freedoms recognized and guaranteed by the Charter.

3. The Special Court for Sierra Leone

122. The Special Court for Sierra Leone was set up jointly by the Government of Sierra Leone and the United Nations. It is mandated to try those who bear the greatest responsibility for violations of international humanitarian law committed in the territory of Sierra Leone since 20 November 1996. Three cases have been completed, including all appeals. In June 2007, three former rebel leaders were convicted of crimes against

humanity, including the crimes of rape and enlisting child soldiers, which marked the first ruling by an international tribunal on the recruitment of children under the age of 15 and in a third recently completed case, focusing on the Revolutionary United Front (RUF), all three defendants were found guilty of multiple counts of war crimes and crimes against humanity.

123. The trial of Charles Taylor, the former Liberian president, is currently taking place in The Hague after beginning in 2007. He is accused of abetting the violent rebel group in Sierra Leone's civil war that was responsible for multiple war crimes.

VI. Framework within which human rights are promoted at the national level

A. Role of National Parliament and Municipal Assemblies in promoting and protecting human rights

124. Parliament is the State institution representing the people through which the State participates in the management of public affairs. It is also an important part of the national system for the protection and promotion of human rights, and therefore bears a special responsibility in promoting and ensuring respect for human rights. Parliament is a member of the Inter-Parliamentary Union¹⁷ that lists the protection and promotion of human rights among the main goals of its Statutes and defines human rights as an essential factor leading to democracy and development. There are several committees in Parliament that oversee the protection and promotion of human rights, including the aforementioned Parliamentary Committee on Human Rights.

125. Over the last few years, a number of Acts related to human rights have been passed in Parliament, including the Registration of Customary Marriages and Divorce Act, the Domestic Violence Act, the Devolution of Estates Act, the Child Rights Act, the Prevention and Control of HIV/AIDS Act, and the Refugees Protection Act.

B. National human rights institutions

1. The Human Rights Commission of Sierra Leone (HRCSL)

126. As noted previously, the Commission is an independent national institution that was established in 2007 by the Human Rights Commission Act 2004, Act No 9 of 2004, which provides the Commission with powers for monitoring, investigation or inquiry into allegations of human rights violations and abuses. The Commission promotes respect for human rights through a variety of means, including public awareness and education programmes. The Commission's 2008 report outlines the many steps it has taken to ensure human rights in Sierra Leone.¹⁸ These efforts, as outlined throughout this document, include monitoring local government elections throughout the provinces, reviewing existing legislation and advising government about its compliance obligations, monitoring prisons, including the main prison located in Freetown, and many other related activities. The Commission also reviews draft legislation, including a recent Disability Bill meant to reflect the principles upheld in the Convention of the Rights of Persons with Disabilities.

¹⁷ The Union has 150 member states. However Sierra Leone is not yet a party to the Union.

¹⁸ The Human Rights Commission of Sierra Leone, "The State of Human Rights in Sierra Leone 2008"

The Commission also collaborates with other public interest groups, Non-Governmental Organisations and International Bodies working in the field of human rights.

2. The Ombudsman

127. The Ombudsman Act, 1997, No. 2 of 1997, provides for the establishment of the office of the Ombudsman, to define his functions and for other matters connected therewith. This office works on complaints of citizens who allege that their rights have been violated by individuals or state institutions. The office of the ombudsman is expected to undertake numerous sensitization campaigns to create awareness on such issues that are of national interests, however the office is understaffed and its activities are limited to radio discussions. Additionally, these programmes do not directly target women, and the majority of the population, especially in the rural areas where the bulk of the populace resides, does not know about the existence of the office.

C. Dissemination of human rights instruments

128. Attempts to disseminate the rights under the CEDAW were primarily directed through the Human Rights Commission and under the authority of the 2007 Domestic Violence Act, the government has attempted to publicize the ongoing problem of sexual violence towards women in Sierra Leone. The HRCSL and the FSU received 18 complaints of domestic violence in 2008, an increase from 7 in 2007, which is believed to be the result of an intensive national sensitization campaign throughout Sierra Leone. The HRCSL also noted that wide publicity was given to the first prosecutions under the 2007 Domestic Violence Act. The HRCSL has recommended increased training and reporting procedures for police.

129. The HRCSL has also sought to bring Sierra Leone's laws into compliance with the Convention on the Rights of the Child (CRC). The Commission noted in its 2008 report that juveniles still suffer from undue delay in accessing justice contravening the CRC. Juveniles report being imprisoned in adult prisons, with the Commission noting that Section 24(3) of Chap 44 of the Laws of Sierra Leone 1960 prohibits this practice only as far as circumstances permits. Currently, the Commission is pushing for increased standards to meet the various obligations under the CRC as well as increasing other relevant Ministries involvement in promoting the rights of the child throughout Sierra Leone.

130. The HRCSL collaborated with the UN country team and various civil society organisations in the Western Area of Sierra Leone to commemorate the 60th anniversary of the Universal Declaration of Human Rights with the theme of 'Dignity and Justice for All of Us' on 10 December 2008. The Commission works in various ways to ensure that Sierra Leone upholds its commitment to the principles espoused in the UDHR. The Commission focuses on the rights enshrined in the UDHR, as in the ICCPR and many other human rights instruments, such as the right to life, the protection from the deprivation of property and other essential rights.

D. Raising human rights awareness for Government officials

131. The HRCSL has spent substantial time and resources working with and educating the Government of Sierra Leone, Civil Society Organizations, and various other Stakeholders on important human rights issues and strategies.

132. For example, the HRCSL, working in collaboration with His Excellency the President of the Republic of Sierra Leone, participated in a conference at which many Ministers and Heads of various government agencies participated in an interactive session

in which a number of recommendations and decisions were taken to address the various human rights issues currently affecting Sierra Leone. Additionally, the HRCSL has engaged Parliament in the discussion of several human rights issues, including facilitating a seminar on “Transitional Justice and Peacebuilding”, as well as various Seminars concerning the various international human rights treaties to which Sierra Leone is a party.

133. The HRCSL has also collaborated with various Ministries, Department’s and Agencies to increase the capacity of government institutions to combat the root causes of human rights abuses and violations. In particular, the Ministry of Internal Affairs, the Prisons Department, the Ministry of Justice, the Law Officers’ Department, the Law Reform Commission, and the FSU of the Sierra Leone Police have benefited substantially in the form of training and capacity building. Additionally, the HRCSL has also worked with the following Ministries, Department’s and Agencies on human rights issues: The Ministry of Social Welfare, Gender and Children’s Affairs (MSWCGA), the Office of the Attorney General and Ministry of Justice, the Justice Sector Coordinating Office (JSCO), the Ministry of Foreign Affairs and International Cooperation (MFAIC), the National Commission for Social Action (NaCSA), the National Electoral Commission (NEC), the National Commission for Democracy, and the Anti-Corruption Commission.

E. Government-sponsored human rights educational awareness programmes

134. The HRCSL is heavily involved in public information and awareness campaigns, and has joined with several non-governmental organisations, both local and international, to educate the populace about human rights issues in Sierra Leone. Given Sierra Leone’s recent civil war, many domestic and international NGOs serve a variety of essential human rights needs throughout the country.

135. The HRCSL has worked with a variety of Civil Society Organisations (CSOs) to take part in their activities such as radio programming, training and outreach, and the provision of educational materials. At the same time, CSOs across the country have taken part in, supported and even co-organized HRCSL public education and training activities.

136. In 2007, the HRCSL collaborated with the International Rescue Committee (IRC) and other stakeholders to develop a rollout plan for the implementation of ‘Gender Justice Laws’. Additionally, HRCSL worked with the Justice Sector Development Programme (JSDP) to develop and disseminate a training manual for Local Courts on human rights, local court procedures, and records management.

137. The HRCSL has launched various educational campaigns to educate the Sierra Leone populace on human rights issues. For example, the HRCSL and many CSOs participated in the celebration of International Human Rights Day, which consisted of activities ranging from public debates, drama performances, and town hall meetings related to human rights issues. Events took place not only in Freetown, but also in many remote parts of the country, enabling broad dissemination of human rights issues and encouraging widespread public participation.

138. Additionally, the HRCSL and Anti-Corruption Commission implemented various celebrations and public information campaigns at various locations in Sierra Leone to celebrate “World Anti-Corruption Day.” This included sessions on human rights training in the investigation of anti-corruption cases.

139. The HRCSL has also implemented several ‘Training of Trainers’ workshops for traditional leaders concerning human rights-based approaches at the Chiefdom level.

Topics have included the Sierra Leone human rights architecture, the role and mandate of the HRCSL, and women's and children's rights.

F. Promotion of human rights awareness through the mass media

140. The HRCSL has worked extensively with the Independent Media Commission (IMC) to promote various activities related to human rights. The IMC is an equal opportunity institution that promotes free media throughout Sierra Leone. Several radio stations, newspapers, and television stations are registered with the IMC, including 20 newspapers and 55 radio stations. Many of the HRCSL activities, public education programmes, press conferences and releases are extensively covered in the print and electronic media. HRCSL has contributed substantially, and on a regular basis, to "Focus on Human Rights Nar Salone", a popular human rights education programme broadcast weekly on Radio Mount Aureol, 107.3 FM. HRCSL Commissioners and staff are regular guest panellists on Cotton Tree News (CTN) and other radio stations whose programming relates to topical human rights issues.

141. Several government ministries work collaboratively with the mass media both to disseminate human rights information, and to raise awareness of pertinent human rights issues. For example, the Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA) often utilizes the mass media to circulate their human rights reports. MSWGCA has also worked closely with the mass media on advocacy campaigns for such events as International Women's Day, 16 days of Activism against gender violence and the Day of the African Child commemoration.

142. More specifically, MSWGCA has worked with the print and broadcast media in presenting the core provisions enshrined in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Public campaigns were organised on the principles of the Convention and there was wide publicity during the drafting of Sierra Leone's combined initial, 2nd - 5th Periodic CEDAW Report which was submitted on the 17 May 2007 in New York to the Committee of Experts on CEDAW. Upon return from defending the report the Ministry, with support from UNIFEM, organised a report session which commenced with a Press Conference attracting over 20 media houses, both print and electronic, on 26 July 2007. Three papers published the concluding comments from the Committee of Experts in their centre pages after the press conference.

143. MSWGCA has also utilized the mass media to initiate public campaigns advocating for the passage into law of the three 'Gender Justice Laws', namely the Registration of Customary Marriages and Divorce Act; Devolution of Estates Act; and Domestic Violence Act. The mass media was also involved in the development of the strategic rollout plan for the implementation of the Gender Justice Laws, and in 2007, as part of the celebration of International Women's Day, a half day session was organised for the media on 'reporting women's issues'. Currently, radio programmes are being undertaken to disseminate the content of the gender laws, and MSWGCA is also working with the mass media to disseminate of the core provisions of the Child Rights Act.

144. Despite the use of mass media to disseminate pertinent human rights information, the role of the media is greatly inhibited by issues surrounding the freedom of expression and the freedom of the press. The HRCSL in its 2008 report suggested that government should diminish its oversight and regulation of the media and expedite the process of transforming the Sierra Leone Broadcasting Service (SLBS) into an independent public service broadcasting corporation as well as take immediate steps to repeal the seditious libel provisions in the Public Order Act of 1965.

G. Development cooperation and assistance

145. Sierra Leone is heavily dependent on development cooperation and assistance. Currently, State and UN donor funding contribute to all sectors of the economy. (See table 14 for specific information.) While slowly rebuilding following the decade long war, it is accepted that Sierra Leone will remain dependent on foreign funding for a number of years to come.

H. Obstacles impeding implementation of international human rights obligations

146. Instituting a culture of human rights will likely prove to be a long process in Sierra Leone. Generally, many of the norms accepted by the international community are proving to be difficult to adapt and modify within the country. However, as outlined in this document, there is a great deal of work being done by government and civil society to address especially problematic human rights issues.

147. If properly implemented, the Child Rights Act will ensure the full realization of the rights of children in Sierra Leone, as it is fairly consistent with the CRC. However, the Act does not address the pervasive practice of female genital mutilation (FGM). Parliament will need to enact a law banning FGM as well as put mechanisms in place for enforcing the law if the physical integrity and security of children is to be respected. Additionally, the Government, CSOs, and NGOs need to increase their efforts to sensitize Sierra Leoneans on the effects of FGM, as well educate practitioners on alternative means of income. The Act is also not sufficiently detailed as to the specific needs and rights of children with disabilities. The United Nations should continue to collaborate with the Ministry of Social Welfare, the Law Reform Commission, the Law Officers' Department and CSOs working on disability issues to ensure that the draft bill concerning the Rights of Persons with Disabilities take these needs into consideration.

148. Gender equity and women's empowerment remains a challenge to the full realization of women's rights in Sierra Leone and to the consolidation of peace. Government and its partners collaborated with a number of other women's organizations to carry out sensitization activities for women aspirants of the 2007 general election, as well as women's rights to participate in the political process. As a result, women's participation in the election process increased in terms of voting numbers and election officials (as monitors, party agents, etc.). However, women's representation in Parliament dropped from 18 to 16 indicating the deeply entrenched discriminatory attitude towards women's political leadership.

149. Increasing incidences of sexual and domestic violence, coupled with pervasive economic insecurity, remains a formidable barrier to the realization of women's rights in the country. Many women regularly suffer from domestic violence including wife battering, assault, destruction of properties and deprivation. Although the rate of reporting has increased due to improved awareness among women of their rights, pursuance of the cases is continuously hampered by the inadequate capacity of the Family Support Units to respond to gender-based violence cases, pressure by family members of the victims to drop charges, obstruction of justice by influential people including traditional leaders and politicians, and by the long delay in court trials.

VII. Reporting process at the national level

150. When a country ratifies an international treaty, it assumes an obligation not only to implement the provisions of the treaty at the country level, but also to report to the treaty bodies on the steps taken, the challenges and constraints in implementation. Reporting demonstrates a country's commitment to human rights and the rule of law.

151. The TRC in its final report urged the Government of Sierra Leone to exert efforts to comply with its reporting obligations under treaty bodies. Government has encountered enormous difficulties to comply with its reporting obligations. Activities were hampered by the dual effect of the devastating civil war and the lasting poverty that ensued; hence the capacity to fulfil international reporting obligations to treaty monitoring bodies was weakened. About 25 country reports are now overdue under at least 4 of the 6 core treaties with some dating as far back as 1973. Steps were taken to address Sierra Leone's reporting obligation in a comprehensive and sustainable manner so as to enhance promotion of human rights norms.

152. The Government in April 2008 by and through Cabinet approved plans presented by the Ministry of Foreign Affairs and International Cooperation (MFAIC) to facilitate compliance with its international reporting obligation to the human rights treaty bodies. A National Consultative Conference was organized in May 2008 in collaboration with the HRCSL, UNIOSIL, and UNDP. The Conference discussed and adopted the National Reporting Strategy on Treaty Bodies reporting" which had been approved by Cabinet.

153. The Strategy provides the establishment of an institutional framework that will facilitate the reporting process in a sustained manner.

154. Key aspects of this framework include: the designation of the MFAIC as the "Lead Agency" of Government responsible for the coordination of the overall implementation of the reporting process and as ipso jure Chair of the Steering Committee.

155. A Steering Committee was established composed of representatives at the level of permanent secretaries from each Ministry and Agency of Government, from the Human Rights Parliamentary Committee and from Civil Society. The Steering Committee has the responsibility to ensure that treaty body reports are timely prepared and submitted and that all relevant stakeholders are involved in the process. It shall make policy decisions affecting the overall reporting process including the creation of working groups and drafting teams.

156. Working Groups drawn from the Steering Committee were established on an ad hoc basis for the purpose of putting the reports together based on a reporting schedule established by the Steering Committee. They are in charge of drafting and finalizing the reports through the Drafting Team.

157. Drafting Teams drawn from Working Groups were constituted to draft and finalize the country reports assigned to them.

158. A Permanent Secretariat was established at MFAIC to facilitate administration, coordination and implementation of the Strategy and to provide administrative support to the various elements of the Strategy, i.e. the Steering Committee, the Working Groups, and the Drafting Teams. To that effect a Memorandum of Understanding (MoU) was signed with the United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL). The MoU provides a framework for the provision of technical support and advisory services to the Government in furtherance of the implementation of the National Reporting Strategy and treaty reporting process. It also provides for financial and logistical support to the Working Groups and members of the Drafting Team.

159. Some 50 Focal Persons were appointed, 2 from each Ministry and Agency of Government, to facilitate the collection of all information pertaining to the drafting of the reports in their respective institutions. The Focal Persons are tasked with the facilitation of the collection of all information pertaining to the drafting of the reports. They shall be responsible for providing the drafting team with all relevant information that may come up in their area of work. The MFAIC and the United Nations Integrated Peacebuilding Office in Sierra Leone jointly organized a technical training in May 2008. At the training, the Focal Persons were equipped with an in-depth understanding of the substantive issues and the reporting process, and were provided with the practical skills necessary to proceed with the gathering and analysis of information and the drafting of the reports.

160. To enhance sustainability and effectiveness, the Strategy underscored the need for political commitment and the allocation of adequate resources, and in this regard, called upon the Cabinet to authorize the creation of a specific budget line in the national budget for treaty bodies reporting.

161. The preparation of the Common Core Document involved wide general participation. The National Reporting Strategy contemplates soliciting inputs from various partners at all stages of the reporting process, including in the preparation, finalization and validation of the reports. General/public discussions are also contemplated at the validation stage.

162. Thus far, it has not been the practice of Government to submit national reports prepared for treaty monitoring bodies to the examination of the national legislature. Furthermore, the Parliamentary Human Rights Committee is a full member to the National Reporting Strategy and it is expected that Parliament's input will be incorporated where relevant at all stages of the reporting process.

163. The HRCSL, together with the interested UN Agencies, serve as advisors to the National Reporting Strategy. They provide full assistance to the reporting process and where necessary avail relevant advisory services. They very strongly engaged Government on its reporting obligations and subsequent obligations to implement human rights provisions pertaining to ratified treaties and it is expected that they will assist Government to carry out effective follow up on all concluding observations and recommendations of treaty monitoring bodies.

164. Considering the role of the Steering Committee and the involvement of the United Nations, it is contemplated that measures will be adopted for effective follow up and wide dissemination of the concluding observations or recommendations issued by any treaty monitoring body. The fact that the process involves inter-ministerial participation as well as representatives of the Civil Society, Government and Parliament will also facilitate dissemination of the concluding observations or recommendations, especially as they relate to their respective ministry or agency.

VIII. Implementation of substantive human rights provisions common to all or several treaties

165. In theory, the majority of Sierra Leone's laws are meant to promote equality and non-discrimination against all individuals in society. However, in practice discrimination is still often present, especially as directed against women and other vulnerable groups.

166. Equality for all and the right to be free from discrimination are articulated in Sections 8(1) and 8(2) of the 1991 Constitution. Section 8(1) reads that "The Social Order of the State shall be founded on the ideals of Freedom, Equality and Justice", while Section 8(2) reads that "every citizen shall have equality of rights, obligations, and opportunities

before the law, and the State shall ensure that every citizen has an equal right and access to all opportunities and benefits based on merit.”¹⁹ Further Section 8(c) states that “the Government shall secure and maintain the independence, impartiality and integrity of courts of law and unfettered access thereto, and to this end shall ensure that the operation of the legal system promotes justice on the basis of equal opportunity, and that opportunities for securing justice are not denied any citizen by reason of economic or other disability.”

167. Sections 27(1) and 27(2) of the Constitution provide the basis for the protection from discrimination. Section 27(1) reads “No law shall contain any provision considered discriminatory; either in itself or in its effect.” Section 27(2) reads, “No person shall be treated in a discriminatory manner by any person acting by virtue of any law or in the performance of the functions of any public office or any public authority.”

168. Discriminatory treatment is defined in Section 27(3) of the Constitution as “affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, tribe, sex, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject, or are accorded privileges or advantages which are not accorded to persons of another such description.”

169. Acknowledging past discriminatory treatment, the Truth and Reconciliation Commission report stated that discrimination in all its forms, along with bad governance, corruption, and the marginalisation of certain sectors of society were among the primary causes of conflict in Sierra Leone. Further, it identified war widows, elderly women, teenage mothers, and victims of displacement and female ex-combatants as particularly vulnerable groups.

A. Equality before the law and equal protection of the law

1. Civil Law

170. Women in Sierra Leone have generally not enjoyed equal legal status with men, but progress has been made in recent years with the passage of new acts designed to protect women’s rights.

171. Within the civil law of Sierra Leone, women have equal status under the law to conclude contracts and administer property. Similarly, women can sue and be sued in their own right as evidenced by the existence of female Plaintiffs and Defendants in all the Courts in Sierra Leone.

2. Criminal Law

172. Under criminal law, women can prosecute and be prosecuted in their own name. Section 23(1) of the 1991 Constitution provides and assures protection of the law to any person, irrespective of their sex and guarantees that, “Whenever any person is charged with a criminal offence he shall, unless the charge is withdrawn, be afforded a fair hearing within a reasonable time by an independent and impartial court established by law.” In practice, sentences are not determined by sex but by the severity of the offence.

173. Under the current Code of Criminal Procedure, women are entitled to participate as jurors in criminal proceedings, although not on equitable grounds. Criminal Procedure (Amendment) Act No.12 of 1972 lawfully provides for both men and women to become

¹⁹ In accordance with articles 2(1) and 3 ICCPR; articles 2(2) and 3 ICESCR; articles 2-7 ICERD; articles 2 and 9-16 CEDAW; article 2 CRC; articles 7, 18, 25, 27 CMW and Preamble CAT.

jurors, but the Act specifies that “(a) every male person between the ages of twenty-one and sixty years, and (b) every female person between the ages of thirty and sixty years, who is resident in Sierra Leone and is literate in English shall be liable to serve as a Juror”. The rationale for the differential age of juror selection is not explained or substantiated in the Constitution.

174. In the Court System, (i.e. Local Courts, District Appeal Courts, Magistrate Courts, High Court, Court of Appeal and Supreme Courts) there are no written laws or policies exempting women from becoming Court Personnel.

3. Customary Law

175. One of the underlying principles in customary law within ethnic groups in Sierra Leone is that men are superior to women, which creates a system that at its heart often leads to discrimination against women. However, under customary law there are few rules explicitly exempting women from suing or being sued. Women can also freely enter into contracts in their own name and in the case of female Paramount Chiefs, which are not present or allowed in all communities, they can be heads of families and administer property. Women can also legally be appointed as Local Court Chairmen; however, out of about three hundred and fifty (350) Local Courts in the provinces, there is only one female Local Court Chairman. As noted in Sierra Leone’s report to CEDAW, customary law, which is largely unwritten, often discriminates against women, including in the area of inheritance, and precludes them from enjoying equal status and rights as men.

4. Discriminatory Provisions in the Constitution and Against Women

176. Section 27(4) of the Constitution nullifies much of the Constitution’s equality provisions by making several exceptions to the prohibition of discriminatory laws. For example, Section 27(4)(d) states that the equality provision shall not apply “with respect to laws dealing with family such as marriage, divorce, adoption, burial, devolution of property on death or other interests of personal law.” The Constitutional Review process and the government as a whole has carried out extensive legislative review with the aim to balance the equation of equality and repeal all discriminatory provisions, particularly in regards to discrimination against women.

177. Women face discrimination in education, employment, in the social and economic setting and in the family. The law (both customary and statutory) discriminates against women and girls, in particularly on marriage, divorce, inheritance, property rights, domestic violence and political participation. In addition, the law does not adequately protect women against violence.

5. Marriage, Divorce and Property

178. There are four types of marriage in Sierra Leone: Christian, Mohammedan, Civil and Customary, each with different rules. Customary marriage laws are varied in the extent to which they protect human rights, are very uncertain and are mostly unwritten. Traditionally, the payment of dowry in Customary and Mohammedan marriages meant that the husband would have absolute control of the wife. While women are discriminated against in the union of marriage, recent acts passed by Parliament are slowly increasing the legal status of women in regards to marriage.

179. The Registration of Customary Marriage and Divorce Act 2009 provides for certainty and protection in the essential framework of marriages, while allowing for regional differences outside those basic rules. Its provisions include:

(a) Increased protection of women against the practice of polygamous marriage. Under the new Act, if a man marries a woman in a Christian, a Mohammedan or a civil

marriage, he will not subsequently be allowed to marry another woman in a customary marriage. Similarly if a man enters a customary marriage with one woman, he shall not then be entitled to enter a Christian, Muslim or civil marriage with another woman unless he divorces the first woman. However if a couple chooses to marry under customary law, the husband is later able to enter another customary marriage with another woman, and have a polygamous marriage.

(b) Introduction of minimum age for customary marriage. Women must now reach the age of 18 in order to be married, in accordance with international standards. In certain circumstances under the Act, a party can still get married under the age of 18, but only if consent is obtained from the parents or guardians, in addition to the consent of the person getting married.

(c) Bride's consent mandatory. The Act introduces the bride's consent as an essential requirement for a customary marriage to be valid, as a woman's consent was not previously required to enter a customary marriage.

(d) Legitimation of partners cohabiting for more than 5 years. Under the new Act, partners who cohabit as husband and wife for more than 5 years will be afforded the same protections as a couple married under customary law, as long as neither party is already married to another person. The vulnerable party is afforded increased protection similar to those who were married under customary law.

(e) Married women are entitled to own property. The new Act provides that women married under customary law are able to keep and dispose of their own earnings and property in the same way as men and women were not allowed to use their property without the permission of their husbands. As such they were unable to enter contracts, obtain loans and take part in the modern economy. The husband in customary marriages is not anymore entitled to own and dispose of his wife's property and earnings. However the Act does not deal with the division of property on divorce. This issue will be addressed in the Matrimonial Causes Bill, which is currently being finalized by the Law Officers Department.

(f) 22

(g) Registration of marriage and divorce. The new Act requires that all customary marriages and divorces be registered. Those marriages contracted after the Act came into force can also be registered. The purpose of this is to enable women to prove their divorce, essential if they want to apply for maintenance or remarry.

6. Participation in Public Office

180. The current government contains two female Cabinet Ministers (Ministry of Marine Resources and Ministry of Foreign Affairs and International Cooperation) in a Cabinet of 25, and two Deputy Ministers out of 20 constituting 8 per cent and 10 per cent female appointees respectively.

181. The Presidential and Parliamentary elections of 2002 had a female Presidential candidate (as did the 1996 Presidential election), and in the Cabinet of 21 Ministers appointed thereafter, 3 female Ministers emerged (Ministry of Trade and Industry, Ministry of Health and Sanitation and the Ministry of Social Welfare, Gender and Children's Affairs) representing 14.3 per cent while Deputy Cabinet Ministers increased to 30 per cent. This steady increase in women's appointment at the Ministerial level is a further testimony of government's commitment to the policy of equality and non-discrimination.

7. Citizenship

182. Discriminatory laws also exist in respect to citizenship and can be found in the Constitution and national laws.

183. As noted in Sierra Leone's report to CEDAW, until 2006 Sierra Leone's laws discriminated against women with respect to the right to transmit citizenship directly to their children. The 1973 Sierra Leone Citizenship Act provides that for a woman to transmit citizenship to her children, she must be a citizen of Sierra Leone, and not just born in Sierra Leone. Thus, under the Act a person with a Sierra Leonean mother and a foreign father cannot claim Sierra Leonean citizenship even if that person is born in Sierra Leone.

184. In addition, the Act provides that female foreigners can acquire Sierra Leonean citizenship by naturalization through marriage to a Sierra Leonean male. On the contrary, there is no corresponding requirement for male foreigners to acquire Sierra Leonean citizenship by naturalization on account of marriage to a Sierra Leonean woman. In principle therefore, only male Sierra Leoneans can transmit Sierra Leonean citizenship to their foreign wives, while Sierra Leonean women cannot transmit citizenship to their foreign husbands.

185. Further, Section 2 of the Sierra Leone Citizenship Act, 1973 states that: "Every person who, having been born in Sierra Leone before the nineteenth day of April, 1971, or who was resident in Sierra Leone on the eighteenth day of April, 1971, and not the subject of any other State shall, on the nineteenth day of April, 1971, be deemed to be a citizen of Sierra Leone by birth" provided that a) his father or his grandfather was born in Sierra Leone; and b) he is a person of negro African descent. That provision also discriminates against those persons who were born in Sierra Leone but who do not meet the criteria of "negro African descent". The 1973 Act also stated that no person shall have Sierra Leonean citizenship and any other citizenship at one and the same time.

186. As a response to the above discriminatory provisions, The Sierra Leone Citizenship (Amendment) Act, No. 11 of 2006, amended the 1973 Act so as to grant the right of dual citizenship. Further, the revised 2006 Act now allows citizenship to be passed to a child by virtue of the mother being born in Sierra Leone. Other instances of discrimination mentioned above have yet to be remedied.

187. Birth Registration that accords people citizenship right is mostly done in the urban areas for women who deliver in the health centres. However, women who give birth to children through the Traditional Birth Attendants (TBAs) rarely record their children's birth dates officially.

8. Education

188. Over the years, far fewer females than males have been able to access high-level jobs. Lower literacy rates among women continue to deprive them of access to higher paying, socially secured job opportunities. Women have historically lacked sound and quality education, which often serves as a prerequisite for obtaining secure work in professional organizations and maintaining steady progress to management and executive levels. Another inhibiting factor is the tendency for girls and women to pursue courses and acquire qualifications in areas that attract lower wages and are often seen as non-essential/priority professions.

189. Chapter II, Section 9(1) and 9(2) (a) of the 1991 Constitution provides for gender equality in education and outlines state directives meant to secure women's rights to equitable access to education.

190. To further solidify these constitutional guarantees, an Education Act was passed in 2004 by Parliament to serve as the linchpin of efforts to achieve the numerous policies and

initiatives including the global Education for All (EFA) targets by 2015. The Act makes Basic Education compulsory, stipulates punitive measures for deterrents, and reaffirms the specific concerns of the EFA goals 4 and 5 to increasing enrolment and eliminating gender disparity in education for girls and women.

191. Non – Formal Primary Education Programme. In 1992 the government, in close collaboration with UNICEF and the Ministry of Development and Economic Planning (MODEP), established the Non-Formal Education Programme (NFEP). The initiative included gender sensitive measures targeting school age girls of 14 years and above in semi-urban communities and remote villages with little or no access to formal schooling. Features and incentives included free tuition, placement/enrolment in schools with close proximity to pupils’ homes, and flexible and shorter school hours. The initiative encouraged communities to release girls who are typically engaged in household chores and street hawking to attend these less conventional schools.

192. National Education Policy. To consolidate on the gains of the NFEP, a new national education policy (NEP) was adopted in 1995. The thrust of the policy introduced a nine-year “Basic Education System” which allowed for a wider range of subjects to broaden options for accessing tertiary education along either the polytechnic or university stream. Cognizant of the existing drive to achieve gender parity and meet the educational needs of all, the policy outlined the nation’s stated gender objectives: to increase enrolment, retention and graduation rates at all levels, projecting a minimum graduation target of 70% for girls at the Basic Education level and the achievement of 30% female literacy by 2000. To take necessary action to promote cultural, social and attitudinal change in favour of female advancement through education.

193. Basic Education National Action Plan. In pursuance of the NEP, the government introduced the development of a Basic Education National Action Plan (BENAP). Under the coordination of the Basic Education Commission, this five-year plan (1995-2000) served as the framework and template for expanding quality basic education facilities for all children (aged 6-9 years) irrespective of sex. Additionally, BENAP devised strategies to promote female education, specifically in regards to increased enrolment for girls and women, which has yielded positive results to date.

194. National Action Plan. To accelerate national progress towards the Global EFA, the National Action Plan (NAP) was re-introduced. The plan reaffirmed commitment to free and compulsory education for both boys and girls at the Basic Education level and introduced the promotion of counselling and family life education as a strategy for preventing early pregnancy.

195. To complement the NEP, other supportive measures introduced include:

(a) Introduction of the flexible 6-3-3-4 system of education in 1993. This was geared towards expanding the pool of middle level human power resources needed for national development and strengthening Technical and Vocational education in Sierra Leone. As a result there are about 240 Technical/Vocational Centres/Institutions in the country.²⁰

(b) Introduction of fee-free examinations by the government at the basic and secondary levels in 2000. This contributed to increased retention and completion rates among girls and boys.

(c) Adoption of the twin gender policies- the National Policy on Gender Mainstreaming (NPGM) and National Policy on the Advancement of Women (NPAW) in

²⁰ 2004 Statistics Sierra Leone survey

2001. These policies re-affirm women's rights to education at all levels, in both academic and technical fields, the right to choose any field of specialization and to study the same curriculum as men.

196. For the successful implementation of the 6-3-3-4 system of education, the Guidance and Counselling Department of the Milton Margai College of Education and Technology (MMCET) was established. According to the New Education Policy of 1995, "the Guidance and Counselling Unit shall be the school's mechanism for ensuring that no area lags behind during the students programme." As such over two hundred Educational Guidance Counsellors have been trained to assist in career guidance and to contribute meaningfully towards the holistic development of pupils. This has assisted many women, as it is now common to see women entering into traditionally male fields like engineering, medicine and agriculture. For example, the introduction of an Access Programme that provides remedial courses in the sciences for candidates who fail to meet the minimum entry requirements for admission to the degree programme, accounts for the increased enrolment of females for Pure and Applied Sciences from 14.1 per cent to 24.0 per cent in the 2001/2002 and 2003/2004 academic sessions. Women and girls are also encouraged to pursue sciences, engineering, agriculture and medicine and preferences are sometimes given to them in the award of grants or scholarships, as well as job opportunities.

197. The Rapid Education Programme for Primary Schools, labelled Complementary Rapid Education for Primary Schools (CREPS), was a post-war scheme adopted in 2002 as a catalytic measure for granting primary school access to war affected children aged 10-15 years, whose schooling had been disrupted or had never attended school. CREPS as a bridge system condensed the 6-year primary education to three years and allowed beneficiaries the opportunity to rejoin the formal school system upon graduation. Girls represented forty percent of the reported enrolment in the CREPS programme by 2004.

198. Specific elements within the Sierra Leone Poverty Reduction Strategy Paper (PRSP) of 2005 serve as vehicles for the delivery of CEDAW article 10. Pillar 3 of the PRSP, entitled "promoting human development", focuses on the expansion of quality basic education infrastructure and reinforces the ongoing actions on women's education. The PRSP also sets out to meet the full financial cost of girls' education at the JSS level in the Northern and Eastern Region and provides for the training of young female teachers. Additionally, the PRSP assigned the monitoring and supervision of education to local councils in accordance with the 2004 Local Government Act.

199. Increased partnerships between the Government and UN Agencies, civil society organisations, Faith Based organizations, and Private institutions assisted in the actualisation of relevant CEDAW provisions. Foremost amongst these national level education stakeholders are women's organizations like Young Women Christian Association (YWCA), Sierra Leone Association of University Women (SLAUW) and Forum for African Women Educationalist (FAWE). A popular Krio jingle, 'Sen you girl pikin na school' translated – 'send your girl child to school' was produced and popularized by the Sierra Leone Chapter of the Forum for African Women Educationalists (FAWE) in partnership with UNICEF. This media advocacy has contributed in no small measure to changing negative mind-sets and attitudes among large numbers of parents in impoverished peri-urban and rural communities, who continue to avail their female children of opportunities for basic education.

200. Additionally, many women's organizations have instituted awards, prizes and scholarships for girls who excel at the primary and tertiary level. These groups have also introduced beneficial school feeding programmes. The Girl-Retention Incentive Scheme, implemented by the World Food Programme (WFP) and the Ministry of Education Science And Technology (MEST) in seven districts, has also served as a motivating factor to encourage girls to stay in school.

9. Work

201. Sierra Leone ratified the ILO Equal Remuneration Convention in 1968 and Discrimination (Employment and Occupation) Convention in 1966.

202. The 1991 Constitution grants equal rights of employment to all citizens. Section 8, subsections 3(a), (c) & (e) of the 1991 Constitution requires the state to direct its policy towards ensuring that: (a) "Every citizen, without discrimination on any grounds whatsoever shall have the opportunity for securing adequate means of livelihood as well as adequate opportunities to secure suitable employment, (c) the health, safety and welfare of all persons in employment are safe guarded and not endangered or abused and in particular a special provision be made for working women with children, and (e) there is equal pay for equal work without discrimination on account of sex and that adequate and satisfactory remuneration is paid to all persons in employment.

203. In addition to these constitutional provisions, the Government has adopted specific labour regulations aimed at ensuring that women enjoy their rights to employment on a basis of equality with men. One example of such a labour regulation is the National Social Security and Insurance Trust Act (NASSIT) which has resulted in the establishment of a social security scheme that guarantees the rights of employees to social security, particularly in cases of retirement, sickness, invalidity and old age and other incapacity to work. However, the Trust only covers paid employees and does not make any provisions for non-remunerative and informal sector work, where women are predominantly engaged. Furthermore, while section 45(1) of the NASSIT Act of 2005 provides that 40 per cent of an insured person's pension is payable to a widow or widower, this provision is not applicable in the informal sector. Special measures to mobilize women to join as contributors to the NASSIT scheme so as to enable women to benefit equitably from this social safety net are grossly lacking.

204. To complement the constitutional provisions and labour regulations related to women and employment, the National Policy for the Advancement of Women was adopted in 2001. The policy guarantees inter alia, the right of women to work at any level of government, from the village level to the central level, and the right to equal job opportunities, payment, promotion, appointments and training.

205. There are no de jure discriminatory practices inhibiting women's access to employment opportunities and benefits. However, there are currently many discriminatory practices rooted in traditional biases and prejudices that prevent women from enjoying equal employment opportunities. These discriminatory practices either derive from or result in low levels of education, heavy burden of domestic work, inadequate training, and minimal exposure and job experience. In general, women are placed in less privileged positions in the economy, earn less than men, and work under more precarious conditions. In the public service, the majority of women are in the lower cadre of employment such as secretaries/receptionists, clerks and other support staff.

10. Family Commitments

206. While child-care facilities exist, they are limited, privately owned, and often costly. These facilities are often prohibitively expensive and are generally inaccessible to women outside of urban areas. The state does not provide social services or financial support to parents in a bid to balance their work with family responsibilities. Consequently, there is a tendency for parents to remove their older children (especially girls) from school to take care of their younger siblings.

207. In the Sierra Leone civil service in particular, women who live with their parents or have young children, have on many occasions refused to be transferred outside duty stations, thus losing the opportunity to gain the relevant experience necessary to qualify for

promotions. The lack of support systems such as daycare centres or crèches constitutes a barrier to women's full participation in both the public and private sector. Mothers, due to gender division of labour, are primarily charged with caring for the young ones. The double burden resulting from career and family management grossly inhibits women's entry to and progress in the labour force.

11. Sexual Harassment

208. Sexual harassment of women exists in most work places and there is no government policy to protect women from acts of sexual harassment. The Sexual Violence Act 2004 is silent on sexual harassment of women in the work place.

Challenges

209. There is little to no sex-disaggregated data on employment across sectors, professions and disciplines to guide strategic planning and intervention to address gender disparities. Development of a gender sensitive database, in conjunction with the provision of appropriate training to enhance women's leadership and management skills, is therefore required to bridge existing gaps.

12. Political and Public Life

210. Section 31 of the 1991 Constitution guarantees every citizen being eighteen years of age and above and of sound mind, the right to vote and be voted for in all elections – local and national and public referenda. By extension thereof, the Constitution provides that no Sierra Leonean regardless of sex, religion, ethnicity, property or other qualifications be denied the right to hold any public office, form or belong to a political party of his/her choice.

211. However, in practice women and men do not enjoy this constitutional provision on equal terms. In general, internal party operational modalities and candidate nomination procedures favour men to the disadvantage of women. In addition, attitudinal and cultural perceptions that resist women's appointment into public leadership positions continue, among other challenges, to discriminate against women in this arena. Furthermore, the barriers that prevent women from embarking on a political career are both practical (lack of time, money, education and training) and psychological (lack of confidence, fear of failure, and dislike of the culture of politics).

212. In response to the above challenges, the Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA) initiated the formation of a Taskforce for Women in Politics (TAFWIP) in 2001. This project aimed at reducing barriers to women's entry into politics by mobilizing women for active participation in politics, increasing registration of women as voters, and advocating for women's political empowerment.

213. Unfortunately the initiative has not been sustained, and thus its impact has been difficult to ascertain. Similarly MSWGCA, in collaboration with National Democratic Institute (NDI), provided capacity building training for female political candidates. The Ministry also facilitated the setting-up of the Network of Women Ministers and Parliamentarians (NEWMAP) to enhance networking among high-level public female officials and Parliamentarians.

13. Corruption Reform

214. The Constitution of Sierra Leone (Amendment) Act, 2008 [No. 9 of 2008] amended the 1991 Constitution of Sierra Leone, creating the Anti-Corruption Commission (ACC), which has the authority to prosecute offences involving corruption. The 2008 Act amended

the original act from 2000, increasing the power of the Commission and allowing them to more fully implement their mandate.

215. Since its inception, the Commission has made great progress in battling corruption, a problem endemic to Sierra Leone, including: finding public officials guilty of corruption and having them removed from office, including two former officers of the Sierra Leone Broadcasting Services; forming a School Management Committee to oversee the management of a school in Kissy after corrupt teacher practices were discovered; and recovering a wide array of assets which were the result of corrupt practices.²¹

216. However, many challenges remain, including bolstering the ACC and providing more resources. Fundamentally, Sierra Leone has a long way to go in changing the deep and pervasive corrupt practices, which are a reality in government and the private sector. The ACC is a promising step forward but must be met with support from other sectors of the government, as well as society at large.

14. Access to Justice

217. The Government of Sierra Leone's Justice Sector Reform Strategy is the centerpiece of the Government's efforts to implement a long-term access to justice strategy. The Strategy is aimed at many sectors of society, but focuses particularly on the poor. In addition to the Justice Sector Reform Strategy, other related access to justice strategies have been outlined in various other sections of this report. This section will focus primarily on the Government's efforts via its reform strategy.

218. The Justice Sector Reform Strategy has been allocated approximately 27.2 million US dollars, to be spent between 2008 – 2010, with the purpose of: reducing crime and fear of crime, improving satisfaction with local courts, speeding up the disposal of criminal cases, reducing the proportion of juveniles inappropriately handled by the formal justice system, speeding up the disposal of civil cases and improving confidence in human rights and accountability.

219. National Community Based Paralegal Initiative. With approximately 70% of the population of Sierra Leone having no access to the formal justice system, the Justice Sector Reform Strategy aims to strengthen the quality of Local Courts and the administration of justice by Paramount and Local Chiefs. Therefore, the government is currently undergoing consultations with a variety of NGOs and aid programs to design a national community based paralegal initiative to provide basic legal advice. This initiative is being done in cooperation with civil society and aims to enable skilled paralegals throughout the provinces to represent indigent clients. The paralegal initiative may also be expanded to provide representation for criminal defendants and will be complemented by a Criminal Case Best Practice Handbook.

220. In addition, the reform strategy proposes a wide set of reforms to provide better monitoring of the court system, ensuring that local courts operate effectively and fairly, reducing the backlog of cases in civil and criminal law, as well as many other reforms mentioned throughout this document.

²¹ See the Anti-Corruption Commission's website at <http://www.anticorruption.sl/> as well as the ACC's 2007 Annual Report at http://www.anticorruption.sl/drwebsite/uploads/acc_annual_report_2007.pdf.

B. Human rights status of specific vulnerable groups within Sierra Leone

1. The Aged, Young and Disabled

221. The Constitution provides that the aged, the young and the disabled have the right to special protection by the State. This provision is stated in Article 8(f) of the Constitution, which provides that “The State shall direct its policy towards ensuring that the care and welfare of the aged, young and disabled shall be actively promoted and safeguarded.”

222. There is only one institution for the aged called “The King George V Home for the Aged”.

223. On 30 March 2007, the Government signed the United Nations Convention on the Rights of Persons with Disabilities (CPD) as well as the Optional Protocol to the CPD. Parliament officially ratified the Convention in July 2009 and is currently in the process of considering a Disability Act.

224. There is a shortage of services for the disabled, especially the physically disabled. There are no provisions for special facilities for easy mobility/access for the disabled. However, there is a school for the blind, deaf and dumb.

225. A number of schools exist around the country to cater to the educational needs of physically challenged persons. Special provisions are available for the physically impaired, and the mentally retarded to access educational facilities. For example, there are six schools for the Blind nationwide. Five of these are located in the different districts across the country and there is also one in Freetown, which was established fifty years ago.

226. At the secondary and tertiary level, there is a lack of specialized access to education for the blind, as their education takes place in the same environment as other students. Admission into special needs school is open to both boys and girls but only a limited number of girls are enrolled in each of these schools. At the Bombali Blind School, seven out of the eighteen inmates are girls and the ratio is similar in Freetown. It should be noted that for cultural reasons, parents prefer to keep physically challenged girls at home presumably for special care and protection.

227. The Sierra Leone National Child Justice Strategy, implemented in 2006 outlining a five year strategy, aims to implement relevant, workable and sustainable recommendations including training Judicial personnel Justices of the Peace, expanding the mandate of the Family Support Unit to handle child offenders and to establish various facilities to serve child offenders. Further, the strategy intends to work with victims of abuse through advocacy for free medical facilities, the establishment of safe homes or foster families for temporary placement and the establishment of channels and outlets for reporting child abuse.

2. Response to the HIV/AIDS Pandemic

228. The Joint United Nations Programme on HIV/AIDS reported that by the end of 2003, an estimated 170,000 people within Sierra Leone lived with HIV/AIDS and that 16,000 of the said estimate were children. It also reported that by 2001, about 42,000 children aged below 14 years were orphaned by HIV/AIDS. Stigmatization remains a very big challenge for women living with HIV/AIDS as it is often linked to promiscuity

229. The Prevention and Control of HIV and AIDS Act, No. 8 of 2007 provides for the prevention, management and control of HIV and AIDS, for the treatment, counselling, support and care of persons infected with, affected by or at risk of HIV and AIDS infection and for other related matters. It also provides protection against discrimination for HIV/AIDS infected persons. Articles 23, 24, 25, 26, 27, 28 and 29 of the Act prohibit discrimination in the workplace, in schools, restriction on travel and habitation, inhibition

from public service, exclusion from credit and insurance services, discrimination in health institutions and denial of burial services.

230. Further, Article 30 stipulates that any person who contravenes any of those provisions commits an offence. Those persons that are found guilty of having committed an offence under the Act shall be liable to a fine not exceeding three million Leones or to a term of imprisonment not exceeding two years or to both the fine and imprisonment.

231. Through the Act [Art.2(1)], Government endeavored to promote public awareness about the causes, modes of transmission, consequences, means of prevention and control of HIV and AIDS through a comprehensive nationwide educational and information campaign through its various Ministries, Departments and Agencies.

232. A National HIV/AIDS Secretariat (NAS) was established in 2002 by an act of Parliament and located in the Office of the President of the Republic who actually chairs the National AIDS Council (NAC.). NAS is a major part of the Government's response to coordinate the multi-sectoral effort to reduce the spread of HIV/AIDS and its impact on persons infected and affected in Sierra Leone. The Secretariat is committed to providing leadership in coordination of HIV/AIDS programmes and activities of all stakeholders in Sierra Leone by developing, coordinating the implementation of a strategic plan that addresses prevention, treatment, care and support for both the infected and affected and assures the protection of their human rights. The Secretariat has provided financial and technical support to civil society organizations countrywide to carry out sensitization campaigns. However, statistics on the number of beneficiaries from such programmes is yet to be made available.

233. While HIV/AIDS continues to affect Sierra Leone, there has been a marked improvement in HIV/AIDS programme implementation. By the end of 2005 there were only 20 VCT sites in the country but by the end of 2007, a total of 82 sites had been established. With regard to Prevent-Mother-to-Child-Transmission (PMTCT) sites, there were only 18 nationwide in 2005, but by the end of 2007 PMTCT sites had increased to 163. The prevalence among women attending antenatal clinics had risen from 3.5% in 2005 to 4.4% in 2007. Service delivery points that provide sexual transmitted infection (STI) services according to national guidelines were 765 in 2005. By end of 2007, STI services had increased to 850. Furthermore by 2007, the number of people receiving anti-retroviral treatment had increased to 2,649 and condom distribution stood at 950,000.²² As of 2008, the HIV/AIDS prevalence rate in Sierra Leone stood at approximately 1.6%²³. The Government notes in its 2008 Poverty Reduction Strategy Paper that it will continue to focus its efforts on the control, prevention, and eradication of HIV/AIDS nationwide.

C. Adoption of temporary special measures to accelerate progress towards equality

234. The 1991 Constitution of Sierra Leone does not explicitly provide for the use of affirmative action. However, the government has adopted affirmative action policy measures to ensure de facto equality in several sectors.

1. Education

235. To reduce the current gender disparity in education and its consequences for women's advancement, the government initiated a girl-child education policy within the

²² Agenda for Change.

²³ World Bank: World Development Indicators database, April 2009

framework of the National Education Master Plan adopted in 1995. Among other things, the policy recommends the use of positive discrimination in favour of girl-child education. With support from its partners, the government through the Ministry of Education, Science And Technology (MEST) is supporting the girl-child education scheme. The scheme provides for fee free tuition/scholarship for girls who enter junior secondary school in the most disadvantaged regions of the country (Northern and Eastern provinces). Unfortunately, the percentages of girls benefiting from such scheme are not recorded as the numbers continuously fluctuate.

2. Access to Grants or Scholarships

236. Government Grant-in-Aid is available to both males and females. However preference is given to women and girls who study disciplines regarded as male dominated such as Agriculture, Sciences, Engineering, and Medicine etc. At the moment there is no available data on the quota system for men and women as this is tied to the amount of applicants in the various disciplines. Women and girls have equal opportunities to compete for grants or scholarships in the country.

237. In addition to the girl-child education scheme, there are grants or scholarships available solely for women and girls. For example, the Forum for African Women Educationalists (FAWE) give awards to girls who excel in public examinations.

3. Political and Public Life

238. To ensure women's participation and inclusion in decision-making at the local government level, the government has, through the Local Government Act of 2004, pursued a temporary special measure. Section 95(2)(c) provides that Ward Development Committees (WDCs) shall consist of not more than ten (10) members, at least five (5) of whom shall be women, resident in that ward and elected by ward residents in public. Among other things, these Committees are established to mobilize residents of the ward for the implementation of self-help and development projects. The WDCs, having a statutorily mandated 50-50 gender composition, provides an unprecedented opportunity for women to participate in decision making at the local government level. The Forum also accommodates women's views and voices in public policy formulation to ensure that women's priorities and concerns are equitably reflected in local planning.

4. Political Parties

239. There is currently no available sex disaggregated data on the percentage of women as members of political parties. As a temporary measure to increase the presence of women in leadership roles, in the 2002 Parliamentary elections, all political parties agreed to adopt the "zipper system" in which it was expected that for every male candidate, a female candidate is also adopted by the party.

240. Women are eligible to be candidates for elected positions on the same terms as men. However, for Paramount Chieftaincy positions, traditional and cultural practices pose barriers for women in certain parts of the country. At the moment tangible measures have not been put in place or adopted to increase the number of women standing as candidates for Paramount Chieftaincy positions.