

**EMBASSY AND PERMANENT MISSION OF SIERRA LEONE**

**GENEVA, SWITZERLAND**

**HUMAN RIGHTS COUNCIL**

**Universal Periodic Review**

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**38th Session of the UPR Working Group Session**

**Wednesday, 12 May 2021, 14:30 – 18:00**

**Opening statement at the 38th session of the UPR Working Group delivered by the Honourable Mr. Anthony Yeiwoh BREWAH, Attorney-General and Minister of Justice of the Republic of Sierra Leone**

**Madam President,**

**Excellencies: Permanent Representatives of Member and Observer States of the Human Rights Council**

**Distinguished delegates,**

**Ladies and Gentlemen,**

I join my colleague, the *Minister of Foreign Affairs and International Cooperation* to congratulate you, Madam President on your election to preside over the Human Rights Council.

As leader of the delegation, it is my honour and privilege to present Sierra Leone’s national human rights report at this 3rd cycle Universal Periodic Review (UPR). Let me convey warm greetings from the President of Sierra Leone, His Excellency Dr. Julius Maada Bio – a staunch respecter and defender of human rights, especially those of children, girls, women, persons with disabilities and other vulnerable groups in Sierra Leone.

In January, my Government submitted its national human rights report for this review. This is the third review of Sierra Leone’s human rights record, demonstrating our long-established policy of cooperation and engagement in the field of human rights. Sierra Leone's policy of cooperation and engagement emanated from our early years of engagement with the UN. Just five months after our independence, on 27 September 1961, Sierra Leone became a full and active member - the 100th member - of the United Nations. Ten years later, in 1970 / 1971, Sierra Leone served in the United Nations Security Council.

Sierra Leone's enduring relationship with the UN has been of tremendous benefit to our people. We are determined to rekindle and strengthen this enduring relationship.

Following the 2nd cycle review in 2016, my Government immediately commenced implementing the 177 *accepted* recommendations. We also fully implemented four (4) and partially implemented nine (9) of the remaining 31 *noted* recommendations. This is about a 91% record of implementation of the 208 recommendations. About only 8% of the total 2nd cycle recommendations that we were unable to implement. This is regrettable. The *noted* recommendations based on consensual same-sex relationships (LGBTI) and FGM conflict with our laws and cultural values. Sierra Leone accepts that all human rights are indivisible, interdependent, and interrelated. This principle must be understood within the context of national laws and cultural values that are quintessential to the identity of any society.

International human rights principles guide my Government's commitment to human rights. Very early during this implementation period, we noted that we needed to do more if we were to better protect the rights of Sierra Leoneans, including those with disabilities, to ensure that no one is left behind.

The new measures we adopted included introducing the **"visibility of disability"** policy. Contained in Cluster 5 of Sierra Leone's *Medium-Term National Development Plan 2019–2023*, this new policy is rooted in *Section 8(3)(a)&(f) of the Constitution of Sierra Leone 1991.* It guarantees the rights of every citizen by prohibiting discrimination on any grounds.

The **"visibility of disability"** policy also provides for mainstreaming disability issues at all levels of national life. Disability CSOs actively participated in the development of this new policy.

Despite our best endeavour, persons with disabilities continue to experience some forms of (mostly indirect) discrimination in health, employment, transportation, and education. Through the Ministry of Health and Sanitation, the Government of Sierra Leone has established a free health care initiative covering persons with disabilities. Under the National Rehabilitation Programme of the Ministry of Health and Sanitation, the recently established Directorate of Science, Technology and Innovation in the Office of the President is helping deliver technology-assisted services to enhance mobility for persons with disabilities. These services have contributed to promoting the autonomy and independence of persons with disabilities.

**Madam President**

During the period under review, Sierra Leone intensified efforts to eliminate discrimination against children. Like persons with disabilities, the protection of the rights of children, women and other persons in vulnerable situations occupy centre stage in our Medium-Term National Development Plan (see Cluster 5 on empowering women, children, and persons with disabilities).

In consultation with the IDLO and UNWomen, my Government is presently conducting a comprehensive mapping of legal landscape in Sierra Leone from a gender perspective. The mapping constitutes a review of legislation including statutes, case law, polices and norms that impact on the rights of women and girls. This review holds great promise for Sierra Leone. While we have signed on to all of the nine main human rights treaties, we have not ratified all of them (7 ratified). Yes, we have neither signed nor ratified the Optional Protocol to International Covenant on Economic, Social and Cultural Rights or ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. However, at the national level, just last year, Sierra Leone developed the Gender and Women’s Empowerment Policy. The implementation of this Policy will be transformative for women.

Sierra Leone has been building stronginstitutions with expressed mandates and inherent powers to protect, promote and fulfill human rights.

Recently, the Judiciary of Sierra Leone established a new Sexual Offences Model Court as part of the High Court of Sierra Leone. Launched on 24 July 2020 by His Excellency President Dr. Julius Maada Bio, the Sexual Offences Court immediately commenced sittings applying the *Sexual Offences (Amendment) Act of 2019* and other relevant laws to protect women and girls. The new *Sexual Offences (Amendment) Act* increased the punishment for the conviction of rape and other sexual offences of minors to life in prison.

As a Government, we note concerns raised about the adverse effect of the Sexual Offences (Amendment) Act on children under 14, the age of criminal responsibility. We are therefore removing those provisions from the Act and consequently the sentencing guidelines.

**Madam President**

Let me briefly respond to other aspects of UPR recommendations that have been raised in the advance questions and State interventions during this review. Our Constitutional review process has been the subject of recommendations both in our 1st and 2nd UPR cycles. Early this year, my Government, formed a Committee comprising experts from various fields who thoroughly reviewed both the Justice Cowan Constitutional Review Report and the 2018 Government Whitepaper thereon. I am pleased to report that Cabinet has now approved the recommendations made by the Committee on the Justice Cowan Constitutional Review Report and the 2018 Government Whitepaper.

I refer to Paragraph 55 in our national report regarding Sierra Leone’s citizenship law. I wish to report that any other update to our citizenship law forms part of the constitutional review process.

Early this year, we facilitated a meeting between my Deputy Minister of Justice, the Leader of Government Business in Parliament, the Opposition Leader in Parliament, the British High Commission and the United Nations in Sierra Leone to move forward the discussion on addressing the **death penalty**. Following that meeting, the British High Commission in Freetown stated in a letter that *“We welcome the progress the Government of Sierra Leone has made towards its international obligations of abolishing the death penalty. We have been greatly encouraged by recent statements from His Excellency President Bio; the Attorney General’s progress in presenting the issues to Cabinet; and the Government’s warm reception of the Sierra Leone Bar Association’s position paper. These are all important and necessary steps forward, and the international community recognizes these efforts for improving Human Rights for all Sierra Leoneans.”*

**Madam President**

At this point, I seize the opportunity to put on record that there has not been an increase in the number of prisoners on death row. As noted in our national report (see Paragraph 42), between 2016 and 2020, none of the 84 persons on death row has been executed. As a matter of fact, Cabinet has approved the abolition of the death penalty. My office has now drafted the Amendments to the Treason and State Offences Act, 1963, awaiting submission to Parliament for enactment.

Sierra Leone is committed to respecting the Paris Principles on the independence of the Human Rights Commission of Sierra Leone (HRCSL) as our national human rights institution. Before 2018, the Human Rights Commission did not meet the requirement of pluralism under the Paris Principles. It did not comply with *Section 3(2) of the Human Rights Commission of Sierra Leone Act, No. 9 of 2004* because it had only three instead of five Commissioners, and it failed to have the required number of two female Commissioners. Neither the Chairman nor the other two Commissioners advised the Government to regularise this anomaly from 2 January 2016 and again on 10 December 2016 when the first and second vacancies occurred in the Commission. This failure was in breach of *Section 3 (1) & (2) of the HRCSL Act*. The re-organisation of the Human Rights Commission in 2018 was necessary to safeguard the Paris Principles of gender pluralism and independence and to ensure compliance with the Human Rights Act and *section 137 (7) of the 1991 Constitution of Sierra Leone*.

On 6 January 2019, in response to queries raised by the Chairperson of the Global Alliance of National Human Rights Institutions (GANHRI) and the UN Special Rapporteur on the Situation of Human Rights Defenders, the Government of Sierra Leone provided a statement detailing the legal and policy reasons for re-organising its national institutions including the HRCSL.

This further demonstrates Sierra Leone’s willingness to constructively collaborate and engage with international human rights treaty monitoring bodies.

Following an open recruitment process, the full complement of Commissioners commenced work in April 2019, these included two women and two qualified lawyers as provided for in the *Human Right Commission Act No.9 of 2004*. The former Commissioners were paid their statutory severance benefits.

**Madam President**

Sierra Leone strongly believes that justice is a key prerequisite for lasting peace. International justice can contribute to long‐term peace, stability and equitable development in post‐conflict societies. These principles continue to guide Sierra Leone’s policies in engaging with the justice institutions like the International Criminal Court. Sierra Leone remains a State Party to the Rome Statute of the International Criminal Court. As recently as December 2020, Sierra Leone secured the election of a Sierra Leonean judge to the ICC for 2021 – 2030.

Sierra Leone continues to support the work of the Residual Special Courts for Sierra Leone. The Court is currently undertaking a digitalisation project to preserve its records and materials for the purposes of memorialization.

In conclusion, I wish to reassure that Sierra Leone remains ever committed to cooperate and engage with the international human rights community. We have demonstrated our commitment by ensuring that we produced and submitted voluntary UPR midterm reports for our 2nd and this 3rd UPR cycles. Sierra Leone has an open invitation to all special procedure mandate holders to engage with Sierra Leone. We wish to renew this open invitation.

In addition to the submissions made in our national report on the subject of the COVID-19, I wish to add that in March 2020, the Government promulgated a state of emergency with a view to adequately respond to the COVID-19 pandemic. I wish to report to this Working Group that the Government of Sierra Leone's response to the COVID-19 pandemic is consistent with the laws of Sierra Leone and its international human rights obligations.

Like most governments, after recording our index COVID-19 case, the Government of Sierra Leone immediately implement measures considered as proportionate, necessary and lawful in declaring a statement of emergency, imposing border and international travel restrictions, periodic lockdowns, night curfew, etc. Though some of these measures impacted people's human rights, including the right to move freely and associate, these measures protected the health and well-being of people. Section 29 (1) of the Constitution of Sierra Leone, Act No. 6 of 1991, provided the legal justification for the Government of Sierra Leone in declaring a public health emergency to tackle the coronavirus pandemic. The declaration has since expired effluxion of time.

Our approach to finding synergies and complementarities in implementing our human rights obligations and commitments under the Sustainable Development Goals goes through our active participation in the UPR cycles and the Voluntary National Review of SDGs. Sierra Leone is a pioneer country in the implementation of the UN SDGs, with a globally recognized commitment for the country’s regular reporting and sharing of lessons on the Goals with other countries since 2016.

Access to justice for all and universal education are the twin pillars of Sierra Leone’s National Development Plan. In the upcoming 2021 Voluntary National Review, Sierra Leone, as a third timer, will report on the transformative effects of Goals 4 and 16 as they relate to the welfare of the people of Sierra Leone.

The educational outcomes for children from our government’s flagship “Free Quality Education Initiative” for SDG 4, and the levels of access to justice by the poor, especially those in the rural areas for SDG 16 will be critical in our 2021 Voluntary National Review. We do this to achieve progressive realisation and the full enjoyment of all human rights by our people.

Sierra Leone values the constructive engagement with distinguished delegates in today’s review, which will help shape our human rights plan of action for the next cycle. My delegation stands ready to constructively dialogue with all delegations and respond to your comments and questions during the interactive dialogue.

I thank you for your kind attention.