



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the initial report of Sierra Leone (CCPR/C/SLE/1)*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please clarify the status of the Covenant within the domestic legal system. Please indicate when Parliament is planning to enact legislation specifically incorporating the Covenant into domestic law and provide information on measures taken to raise awareness about the Covenant and the Optional Protocol among public officials and State agents, in particular through human rights training of the judiciary and law enforcement officials. Please also indicate what procedures are in place for the implementation of the Committee's Views under the Optional Protocol.
2. Please indicate the measures taken to provide the Human Rights Commission of Sierra Leone (HRCSL) with adequate financial and human resources for its effective functioning and to ensure that its decisions/recommendations are fully implemented by State authorities. What measures have been taken to strengthen the Ombudsman's office, including by providing it with adequate human resources and extending its activities beyond radio discussions, and to raise awareness about its existence and mandate, especially in rural areas?
3. Please indicate whether any progress has been made with the law reform process, including the review of the human rights provisions of the Constitution, and provide information on the challenges encountered, as well as the measures taken to address them.
4. Please indicate whether the Sierra Leone Reparations Programme established in 2008 continues to provide reparations to war victims and, if not, clarify the main constraints and measures taken to overcome them.

Non-discrimination, equality between men and women, and political participation (arts. 2, 3, 24, 25 and 26)

5. Please indicate whether the State party has undertaken any comprehensive review of its domestic legislation and Constitution with a view to identifying discriminatory legal provisions, including those discriminating against women, and to amend or repeal them;

* Adopted by the Committee at its 108th session (8-26 July 2013).

please indicate, in particular, the measures taken to repeal section 27 (4) (d) of the Constitution. Does the State party plan to adopt comprehensive legislation prohibiting discrimination and containing a comprehensive list of grounds for discrimination, including discrimination based on sexual orientation and gender identity? Are legislative amendments planned to de-criminalize sexual relations between consenting adults of the same sex?

6. Please indicate the measures taken to combat discrimination against women, including the steps taken to enhance the participation and representation of women in economic, political and public life, including in decision-making positions. Please report on measures taken to repeal discriminatory provisions against persons of non-“African Negro descent” and women in the acquisition and transmission of nationality, and ensure that foundlings are granted citizenship. Please also outline the measures taken to modify or eliminate harmful cultural practices and customs, eradicate patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identity of women and men in the family and society in general.

7. Please report on the implementation of the National Gender Strategic Plan launched on 3 June 2010 by the President and the results achieved. Please also indicate whether the Gender Equality Act has been adopted and, if so, provide information on the activity of the Gender Commission and outline any of its achievements.

8. Please indicate the measures taken to enforce in practice the prohibition against early marriages, especially in rural areas, and to prosecute those responsible.

9. Please report on the implementation in practice of the Persons with Disability Act enacted in March 2011. Please also provide information on steps taken to combat and prevent societal stigma and discrimination against persons living with or affected by HIV/AIDS.

Violence against women and children, including domestic violence (arts. 3, 7, 23, 24 and 26)

10. Please report on measures taken to address impunity, to prevent and combat all forms of gender-based violence, including domestic violence, rape and other forms of sexual violence. Please specify whether spousal rape is explicitly defined as a crime under the Criminal Code. Please also provide information on: (a) the number of complaints received; (b) investigations carried out; (c) the types of penalties imposed; (d) remedies provided to victims; and (e) the number of safe shelters and any other resources and services in place to assist victims of domestic violence.

11. Please respond to reports that large numbers of children are victims of sexual violence or abuse and indicate the measures taken to combat this phenomenon. Please provide information on: (a) the number of such cases recorded; (b) investigations carried out; (c) sanctions imposed; (d) remedies provided to victims.

Right to life and prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 6, 7, 19 and 21)

12. In light of the de facto moratorium on executions that has been in place since 2008 and the State party’s commitment to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, please indicate the steps that are being taken to abolish the death penalty both in law and in practice.

13. Please provide information on the measures taken to investigate, to bring to justice those responsible and to provide adequate remedies, including compensation, to victims or their relatives for: (a) the alleged arbitrary deprivation of life and serious injuries during the violent demonstrations in Bumbuna, Tonkolili District and Koidu City, Kono District, when police officers reportedly made use of tear gas and fired live ammunition at protesters; (b) the alleged arbitrary killings of motorcycle riders by police officers in the Western Area, allegedly without any genuine cause; (c) the alleged arbitrary deprivation of life and serious injuries during the clash between the All People's Congress (APC) and Sierra Leone People's Party (SLPP) supporters in September 2010, when police used tear gas and live ammunition to disperse the crowd; (d) the assault of four journalists in September 2011 by plain-clothes members of the Presidential Guard, when one of them was beaten unconscious. Please elaborate on whether human rights law norms, including the principles on the use of force and firearms, are a standard component of curricula for law enforcement officials.

14. Please report on measures taken to combat ritual murder and impunity for such acts, including on measures to address obstacles to effective investigation and prosecution of perpetrators.

15. Please elaborate on the measures taken to address the high under-five and maternal mortality rates and the results achieved. Please also provide information on the status of the draft law legalizing abortion under certain conditions.

16. Please indicate the steps taken to define and criminalize the offence of torture in accordance with international standards. Please elaborate on concrete measures taken, and procedures and institutions established, to prevent torture and cruel, inhuman or degrading treatment or punishment and ensure that such allegations, including from the civil war period, are effectively investigated, prosecuted and victims have access to effective legal recourse and to adequate remedies. Please indicate whether the Independent Police Complaints Board has been established and provide information on its independence, composition and mandate. If applicable, please provide statistical data on the number of complaints of torture and ill-treatment received and investigations and prosecutions initiated.

17. Please indicate whether any steps are being taken to enact legislation explicitly prohibiting the practice of female genital mutilation/circumcision (FGM/C), to prosecute and punish offenders and to raise awareness among the population about the harmful effects.

18. Please outline the measures taken to ensure that the law explicitly prohibits corporal punishment in all settings, including the home.

Elimination of slavery and servitude (art. 8)

19. Please provide information on the measures taken to combat trafficking in women, men and children for purposes of sexual exploitation, forced labour and domestic servitude, inter alia the steps taken to identify and investigate such cases, prosecute and sanction perpetrators and ensure victims' access to effective remedies, including compensation and rehabilitation, and provide relevant statistics. Please also elaborate on any counter-trafficking measures, including training programmes for authorities implementing the measures against trafficking, and awareness-raising programmes.

Refugees and asylum seekers (art. 13)

20. Please provide information on the progress made in revising the Refugees Protection Act 2007 with a view to ensuring unhindered access to, and transparency of, the refugee status determination procedure.

Right to liberty and security of person, treatment of persons deprived of their liberty, fair trial and independence of the judiciary (arts. 7, 9, 10, 14, 15 and 24)

21. Please indicate the measures taken to prevent and address cases of arbitrary deprivation of liberty, to ensure that such cases are duly recorded and that effective remedies, including adequate compensation, are available in practice to victims.

22. Please indicate the measures taken to address lengthy pretrial detention and to ensure segregation of pretrial detainees from convicted detainees. Is there any legal framework protecting those held in pretrial detention? Please comment on reports of excessive use of pretrial detention for petty offences as well as on reports that courts have discretionary power over the granting of bail, individuals often being asked to pay bribes at police stations or court before bail can be granted. Please provide information on non-custodial alternative measures to pretrial detention and their application.

23. Please report on the measures taken to address the harsh conditions of detention, including overcrowding, in prisons, jails and police holding cells, inadequate food, water and sanitation facilities, and medical care, as well as lack of adequate recreational and educational facilities. Please respond to allegations that harsh disciplinary measures are employed against prisoners. To what extent is the State party using alternative sanctions to detention in an effort to reduce prison population? Has a system been established for regular and independent monitoring of places of detention? What practical steps have been taken to guarantee the right of inmates to submit complaints and to ensure that complainants are not subject to reprisals? Does the State party plan to review its prison rules and ordinance of 1960 and 1961?

24. Please provide information on the implementation in practice of the Justice Sector Reform Strategy 2008-2010 and the results achieved. With reference to the information provided in the State party's report (CCPR/C/SLE/1, para. 83), please clarify the instances when the burden of proof is shifted from the prosecution to the accused and indicate how this is compliant with the presumption of innocence principle.

25. Please provide information on measures taken to strengthen the capacity of the judicial system, combat corruption within the judiciary, ensure access to justice for all and address the lengthy delays in the administration of justice, the lack of resources, insufficient personnel and poor staff training, as well as the increasing backlog of cases. Please provide statistics on the number of judges, magistrates, prosecuting attorneys and lawyers (including State counsels) and the number of cases pending examination in courts of different levels. Please also report on measures taken to ensure access to the formal justice system in rural areas and to ensure that local courts abide by the principles of independence and impartiality and observe due process guarantees.

26. Please explain how domestic courts interpret the definition of fair hearing "within a reasonable time" and the compatibility of such interpretation with the Covenant. Please also indicate whether adequate remedies are provided in practice for delays in proceedings. Please report on concrete measures taken to ensure fair trial guarantees to all, including providing a right to appeal, access to interpreters and legal representation. Please provide information on the implementation in practice of the Legal Aid Act 2012 and the

availability of legal services to vulnerable and disadvantaged persons, especially those living in the provinces and rural areas.

27. Please report on measures taken to improve the situation of juvenile offenders and to ensure that (a) only persons who are 18 years or above are treated, for the purposes of criminal law, as adults; (b) juvenile offenders are segregated from adult offenders; (c) detention is used as a last resort and only for as short a time as possible. Please elaborate on any available alternative sanctions to imprisonment of juvenile offenders and their application in practice, and also indicate whether the State party envisages prohibiting the imposition of life imprisonment on juveniles.

28. Please report on measures taken to ensure the reintegration of child soldiers into society.

Freedom of expression (art. 19)

29. Please indicate whether the State party intends to repeal the seditious libel provisions contained in the 1965 Public Order Act which limit the full enjoyment of the rights of freedom of expression and information and which are widely used to intimidate journalists and human rights defenders. Please also indicate whether the Freedom of Information Act has been adopted.

Dissemination of information relating to the Covenant (art. 2)

30. Please provide information on the steps taken to disseminate information on the Covenant and its First Optional Protocol, the submission of the first periodic report of the State party, and its forthcoming examination by the Committee. Please also provide more information on the involvement of civil society, non-governmental organizations (NGOs), and the Human Rights Commission of Sierra Leone in the preparatory process of the report.
