

Submission by the United Nations High Commissioner for Refugees
For the Office of the High Commissioner for Human Rights' Compilation Report
Universal Periodic Review: 3rd Cycle, 38th Session

SIERRA LEONE

I. BACKGROUND INFORMATION

Sierra Leone acceded to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* in 1981. Moreover, Sierra Leone acceded to the *1954 Convention relating to the Status of Stateless persons* and the *1961 Convention on the Reduction of Statelessness* in 2016. Together, these two treaties form the foundation of the international legal framework to address statelessness, a phenomenon which continues to adversely affect the lives of millions of people around the world. It should be noted that although Sierra Leone is State party to the *2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (the *Kampala Convention*), the country has not yet transposed the *Kampala Convention* into national Law.

The main national legal instrument with regards to refugees and asylum-seekers is the *2007 Refugee Protection Act* (Sierra Leone Gazette vol. CXXXVIII, n° 42 30th August). An eligibility committee and an appeal committee are in charge of refugee status determination.

The National Commission of Social Action (NaCSA) is the implementer of the *2007 Refugees Protection Act*, and the Instance in charge to provide protection and assistance for refugees and asylum seekers.

As of 1 September 2020, Sierra Leone hosts 364 refugees from Liberian and Ivory Coast nationalities and 2 asylum-seekers from Togo and Pakistan. Around 54 per cent of refugees and asylum-seekers are women while 46 per cent are men. The major sites of residence for refugees living in Sierra Leone are the rural areas of Kenema District; Jembe, Gerihun, Gondama, and Jimmy Gbagbo in Bo District; Taiama in Moyamba; Bandajuma and Pujehun District.

The Government of Sierra Leone committed to mainstream refugees opting for local integration into national development programs. In this regard, five year residence and work permits were granted to seventeen households, comprising seventy-seven refugees who opted for local integration in 2018.

Additionally, regarding statelessness prevention, despite progress made on civil registration and identity management, the lack of coverage of birth registration services creates a particularly high risk of statelessness for specific groups, such as refugees and migrants, internally displaced persons, nomadic and border populations as well as

in some circumstances, ethnic minorities and people living in remote areas. The birth registration rate is 78 per cent (NCRA, UN LIA Country Assessment, 2020)¹ and the national record management system needs drastic improvement of the standards of vital events archiving procedures. According to the Multiple Indicator Cluster Survey (2017), 81.1 per cent of children under the age of five are registered, among whom 52.9 per cent have birth certificates and 28.2 per cent do not have birth certificates².

UNHCR would like to commend Sierra Leone for acceding to the *1954 Convention relating to the Status of Stateless persons* and the *1961 Convention on the Reduction of Statelessness* in 2016. This accession reflects Sierra Leone's commitment to protect stateless persons or persons at risk of statelessness.

In this regard, UNHCR also welcomes Sierra Leone's participation in the High-Level Segment on Statelessness (2019) and the concrete pledges made during the annual session of the Executive Committee of the United Nations High Commissioner for Refugees (ExCom). Indeed, in order to address statelessness by the end of the #IBelong Campaign (2024), the Government of Sierra Leone committed:

- To endorse the launch of the National Action Plan of Statelessness;
- To establish a statelessness determination procedure to determine and assist stateless people, among migrants and those with undetermined nationality to acquire or confirm their nationality with effective, efficient and sustainable support from policy programmes in the country (e.g. social safety net, micro enterprise group, self-help affinity group);
- To gather qualitative and quantitative data on Stateless persons by 2021;
- To resolve existing major situations of statelessness regarding conferment of nationality to persons that are stateless or at risk of being stateless by 2024; and,
- To build the capacity of Ministries, Departments and Agencies and other advocacy organisations (through trainings) to continue to protect and assist stateless persons in protracted situations. UNHCR strongly encourages the Government of Sierra Leone to continue its efforts to fulfill those commitments in line with the objectives of the Abidjan Declaration and the Banjul Plan of Action on eradication of statelessness (2017-2024).

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II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to 2nd cycle UPR recommendations

Linked to 2nd cycle UPR recommendations no 111.62 “Take concrete measures to eliminate discrimination against women and girls in law and in practice, also by accelerating the constitutional review in the area of gender equality (Slovenia)” and no. 111.63 “Ensure gender equality by including it in the Constitution and enact relevant laws, namely, on the empowerment of women and gender equality, and to combat stereotypes that encourage discrimination against women (Egypt)”

UNHCR welcomes Sierra Leone's efforts to achieve gender equality in its nationality legislation. While the Citizenship (Amendment) Act, 2017 takes into account to right of

¹ United Nations Legal Identity Agenda (UN LIA), Rapid Assessment Report, Jan 2020, p. 8.

² Id.

women to transfer their nationality to their children even when they are born abroad. This reform takes into cognizance the amendment made to The Citizenship Act in 2006 that establishes that women can transfer their nationality by birth on the same footing as men. This new clause inserted the word “mother” to take into consideration the 2006 Amendment.

This reform places the country among the first two countries to put an end to gender discrimination in nationality laws since the launch of the of the UNHCR Global Campaign to end Statelessness by 2024.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Issue 1: Design and put in effect a National Action Plan against Statelessness

In line with the pledge made by Sierra Leone at the High-Level Segment on Statelessness of the 2019 UNHCR Executive Committee to endorse the launch of the National Action Plan of Statelessness, UNHCR believes the adoption of a National Action Plan in Sierra Leone would:

1. improve coordination among the executive and legislative powers in Sierra Leone towards the same goal with a clear definition of resources needed;
2. show concrete steps for the different administrations, with clear demarcation of responsibilities to reach a goal within a specific period of time; and,
3. improve the capacity of the international community to support the State’s efforts by showing concrete actions and activities, which will in turn facilitate the mobilization of resources from the international community, academia and private sector, among others.

In order to ensure the adoption and effective implementation of the National Action Plan, there remains a need for Sierra Leone to develop a multi-sectoral Commission, at the ministerial level, to adopt the strategic goals of the Action Plan, and to establish a steering committee which can fine tune the implementation of the Action Plan. In line with its pledges, Sierra Leone should aim to implement these measures in advance of the High-Level Segment on Statelessness at UNHCR’s Executive Committee meeting in 2021.

Recommendation:

UNHCR recommends that the Government of Sierra Leone:

- a) Accelerate efforts to finalize and adopt a National Action Plan against Statelessness, in collaboration with UNHCR and other UN partners;
- b) Develop and adopt the strategic goals of the National Action Plan against Statelessness and establish a steering committee responsible for the design and fine-tuning of the National Action Plan’s implementation and;
- c) Strengthen the civil registration mechanisms to ensure that every child is registered immediately after birth and that late birth registration procedures are accessible to all unregistered individual born in the territory.

Issue 2: Adopting a national statelessness determination procedure and domesticating the UN Statelessness Conventions

Ever since the launch of UNHCR’s *#IBelong* Campaign in November 2014, Sierra Leone has shown strong leadership and made significant progress, both in terms of political commitments and concrete actions to address statelessness.

UNHCR wishes to note that, following the State's accession to the UN Statelessness Conventions, it is critical that Sierra Leone take the necessary steps to transpose all the clauses of the UN Statelessness Conventions into its national legal framework.

In this regard, UNHCR also encourages Sierra Leone to amend its national legislative framework in order to establish a Statelessness Determination Procedure (SDP) to identify and resolve cases of statelessness, ensuring effective administrative and legal procedures with appropriate support for applicants. Such a system would support those persons to acquire or confirm their nationality with effective, efficient and sustainable support from policy programmes in the country. The adoption of an SDP would help to fulfil Sierra Leone's obligations under Article 12 of the *1954 Convention* and contribute to the fulfilment of its obligations under Articles 16, 24 and 26 of the *International Covenant on Civil and Political Rights*.

Recommendations:

UNHCR recommends that the Government of Sierra Leone:

- a) Transpose the rights contained in the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness into Sierra Leone's national legal framework; and,
- b) Adopt comprehensive legislation establishing an accessible, fair and efficient statelessness determination procedure, in line with Sierra Leone's obligations under 1954 Convention relating to the Status of Stateless Persons.

**UNHCR, MCO Senegal
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