SIERRA LEONE (Country Case Study)

[Sierra Leone]

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A. Background

1. Which UNCT members have collaborated on this case study?
   • UNDP
   • UNICEF
   • UNWOMEN

2. Which national partners (governmental and non-governmental) were involved in developing this case study and how?
   • Justice Sector Coordination Office (JSCO), Acting Coordinator Ms. Bridget Osho; email: bridgetosho@hotmail.com
   • Sierra Leone Police (SLP) – Family Support Unit (FSU); Ms Fatmata J. Daboh, Head of Family Support Unit – Sierra Leone Police (FSU-SLP); email: fatmatajdaboh@yahoo.com
   Civil Society Organisations:
   • Advocaid – (CSO) Ms. Rebecca Wood, email: executive.director@advocaidsl.org
   • Namati Executive Director Mr. Sonkita Conteh, email: sonkitaconteh@namati.org

3. Does the case study illustrate one or several phases or levels?
   □ Adapting SDG 16
   ✔ Implementing SDG 16
   ✔ Monitoring & Reporting on SDG 16
   □ National level
   □ Regional level
   ✔ Local level

B. Case Study

OPTION 1 (pre-structured)

4. Country context for the achievement of SDG 16

Sierra Leone ranked no. 35 overall and number 3 in Africa in the Global Peace Index (GPI) of 2018 and scored 50.9% in the Mo-Ibrahim Index of African Governance in 2017, but is classified 130, out of 180 countries, in the 2017 Corruption Perception Index. Generally, service delivery is perceived of low quality and lacking transparency. Women in Sierra Leone continue to face challenges that hinder their possibility of actively and increasing participating in decision-making at national and local levels, and yet the Sierra Leone government is a strong advocate for gender equality. The proportion of children in conflict with the law has steadily increased over the years from 35 per 100,000 child population in 2012 to 75 per 100,000 child population in 2016. It is not clear whether this trend is due to better reporting of cases or an increase of new cases.

Governance institutions as well as structures and policies are in place and the country has ratified key international and regional human rights instruments that protect civil, political, social, economic, women and children’s rights. These have been domesticated through national legislation, such as the Child Rights Act (2007), the Sexual Offences Act (2012), the Legal Aid Act (2012), the Sierra Leone Correctional Services Act (2014), and the National Civil Registration Act (2016).
However, there remain challenges in the implementation of these instruments and policies. Separation of power between the Executive, Legislative and Judiciary has not been fully achieved, yet. The government is launching its “Education for Development” poverty reduction plan (2019-2023) on 28 February 2019, which, besides having a strong focus on strengthening the education and health sectors, has also prioritized continued justice and security reforms to ensure “Inclusive and Accountable Justice and Security Institutions”. This is in full realization of challenges marring justice and security sectors. Some of the challenges pertain to the formal justice system being difficult to access outside major urban centres, and the local courts are not functioning due to the impasse between the Judiciary and Ministry of Local Government and Rural Development. Poorly resourced institutions, weak system for preserving institutional memory, limited access to legal aid are negatively affecting those most vulnerable, including women and children.

### 5. Efforts to achieve SDG 16

Since the end of civil war, Sierra Leone has taken strides to foster a peaceful, just, and inclusive society governed by strong institutions, as outlined below.

**[SDG 16.6, 16.7 and 16.b]** In 2014, the government embarked on the review of the 1991 Constitution and established a multi-stakeholder Constitutional Review Committee (CRC) that comprised representatives from government Ministries and Agencies, independent institutions and civil society. The 80-persons CRC embarked on a comprehensive and participatory exercise country-wide, which concluded with a report that included extensive recommendations for amendment of the Constitution. The report, delivered to the President in 2017, still awaits further action by the newly elected government in March 2018. The President, in his speech at the inauguration of the new Parliament last April, committed to retake the review process. On 14 February 2019, the Parliamentary Resolution on Women, Peace and Security was passed, stating Parliament’s commitment to pass the affirmative action Bill to ensure safe seats for women in Parliament during the course of its current term.

**[SDG 16.8]** The government has emphasized their commitment to strengthen access to justice and rule of law in the country as well as accountability mechanisms, and has committed globally to the achievement of SDG 16+ as co-chair of the Task Force on Justice alongside the governments of Argentina and the Netherlands. This was also reiterated by the new Attorney General and Minister of Justice during the global SDG 16+ conference and Justice Task Force meetings in Freetown in October 2018. The Minister recognised that this cannot be achieved by the government alone and that the justice and security sector reforms would require efforts from private sector and civil society, in addition to collective efforts by government Institutions, Parliament, Judiciary and the Human Rights Commission.

**[SDG 16.3 and 16.6]** Following the Ebola crisis of 2014-2015, Sierra Leone had suffered large overcrowding and high unsentenced population due to the closing of several courts and lack of prosecution during the emergency. In February 2015, the unsentenced population was at 57%. This brought the justice chain institutions to enhance coordination, communication, and collaboration to reduce the unsentenced population. The Sierra Leone Police (SLP), the Department of Public Prosecution, the Judiciary, the Justice Sector Coordinating Office (JSCO), the Bar Association, and civil society organisations joined efforts to review the 1965 Criminal Procedure Act, the Bail Policy of 2009, and develop sentencing regulations to ensure transparency and harmonization of sentencing, including protection of those most vulnerable in the criminal justice process. At the same time, the institutions acknowledged that review of the legislative framework would not alone aid the dire need to reduce the unsentenced population; therefore, the Judiciary, the Prosecution, the Legal Aid Board (LAB), and the Correctional Service engaged in court backlog sessions and pilot Prison Courts that provided the institutions with understanding of the challenges and also the dire conditions of detentions for inmates. The LAB, which started operations in 2015, opened offices in the capital and in 7 provincial towns and, since then, has ensured legal representation of more than 100,000 citizens across the country. In August 2018, these concerted efforts brought the unsentenced population to 44 per cent, however in December 2018 this percentage rose again to 47 per cent.
[16.2 and 16.3] There has been enhanced focus on legal needs, data, evidence, learning, and case management. This led the Family Support Unit (FSU), a specialized unit of the SLP established in 2007, to enhance their crime data system to ensure disaggregated data for SGBV against women and children, in a bid to strengthen evidence for effective prosecution and use for referral services. Justice and oversight institutions have piloted innovative case management systems to enhance case progress and tracking, which includes the Crime Sync\(^1\) and the Justice App\(^2\).

[16.5] In 2016, the Anti-Corruption Commission (ACC) launched and instituted a country-wide “Pay No Bribe” strategy targeting corruption, which included an online mechanism and call centre for citizens to report corruption. Following the change of government, in April 2018 a new Anti-Corruption Commissioner was appointed. The ACC has redoubled its efforts to implement the strategy. This has led to the recovery of more than 8 billion Sierra Leone Leones (SLL) from public officials. In November 2018, the U.S. Government’s Millennium Challenge Cooperation (MCC) increased the Control of Corruption index of Sierra Leone to 71 % performance from 49 % (2017), which is the best ever recorded for Sierra Leone.

[16.6 and 16.7] In 2018, the JSCO led the development and implementation of the Justice Sector Strategy Reform and Investment Plans and committed to develop a comprehensive monitoring framework for SDG 16 to ensure data collection on goal 16 indicators to measure progress towards achievement of the 2030 Agenda. Civil society organisations with different mandates\(^3\) have been vibrant and instrumental in both supporting government but also holding them accountable to fulfil the rights of the people. These organisations have ensured participation in the review of the Constitution, the criminal procedure correctional framework, and the right to Free Bail. They have also monitored the elections, the criminal justice processes, places of detention and provided legal assistance on land rights to women and children in conflict with the law.

6. Results so far and Way Forward

   i. Court Bail Regulations passed into law by Parliament in August 2018 provide clear guidance and limit discretion of the Judges and Magistrates and ensure increased protection for women and primary caregivers;

   ii. Correctional Act 2014 and 1961 Prison Rules reviewed against UN Mandela and Bangkok Rules, presently with the Ministry of Justice Legal Drafting Section;

   iii. Development of the National Child Justice Strategy (2014-2018); the Alternative Care policy and the Child Welfare Policy (2013);

   iv. Increased systematic access to justice and legal services for children through interventions by FSU, LAB, and the Judiciary, and linked to the social welfare system for a holistic approach to child protection services for children.

   v. In 2017, a total of 12,029 cases were children were victims of violence or in conflict with the law were reported in 75 police stations countrywide. 47 percent (5,614) of these cases concerned children under 18 years.

   vi. Increase in staff and improvement of conditions of service for Judges, Magistrates, Prosecution and LAB staff;

   vii. From 2014 to 2018, reduction of unsentenced detention population by 10%;

   viii. Prison Courts further consolidated with 11 sessions held, reviewing more than 1,000 criminal cases, 421 indictments issued by the Director of Public Prosecution, and legal assistance provided to 650 defendants in these specialized Courts. 25 urgent cases (pre-trial detention 3 years and above) escalated to Court of Appeals resulting in the immediate release and acquittal of 24 defendants.

   ix. Judicial and Legal Training Institute (JLTI) developed its first-ever core training curricula for Judges, Magistrates, judicial support staff, the Prosecution and Defense Lawyers on electoral law, bail, sentencing, and ethics in the administration of justice. All justice chain staff trained on the same. In 2018, a child protection module was developed for inclusion in the curricula and 40 Magistrates together with 40 judicial staff were trained.

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3. Advocaid, Campaigning for Good Governance, Centre for Accountability and Rule of Law (CARL), Humanist Watch Sierra Leone (HUWASAL), Institute for Government Reform, Namati, Prison Watch Sierra Leone (PWSL), Timap for Justice
x. JLTI and LAB developed comprehensive curricula to enhance professional skills of paralegals, which will enable the country to offer paralegal education and certification nationwide to ensure increased provision of legal aid;

xi. In 2017, Namati, grassroots legal advocates, provided legal assistance to more than seventy families in Nimiyama Chiefdom that had their land sold by local chiefs to a Chinese rubber company. Namati assisted the communities in seeking justice and won, the Court restored all 1,486 acres to the families and ordered the company to pay compensation of USD 85,000.

xii. In January 2019, Advocaid, through strategic litigation, ensured the release of a female client who had been sentenced to death for murdering her abusive boyfriend while he was beating her. The release was granted by the Court of Appeal, however after almost four years.

7. Lessons Learned

The government and existing justice and security institutions are continuing to embrace the SDG 16+ Agenda. The government has openly emphasised that they are committed towards the achievement of goal 16, but also recognize the challenges they are facing. The government is hence adopting a holistic approach which necessitates inclusion of all government and independent institutions, private sector, civil society and the larger community to ensure achievement of SDG 16+. While at the same time also recognising that government must take ownership and affirmative action to achieve the 2030 Agenda.

In line with the new presidential agenda on strengthening the private sector, they have been exploring how to forge partnerships with private sector, applying innovative approaches and technology to further accelerate towards achievement of all parameters of SDG 16. Emphasis is placed on enhancing awareness of legal needs, data, evidence and learning in Sierra Leone, what are the needs, how can government document, track progress and ensure evidence and learning;⁴

Decentralization of justice and security services is vital to ensure that no one is left behind in the hard to reach and remote areas. Sierra Leone has through the Legal Aid Act 2012 instituted the importance of ensuring community-based paralegals to help citizens navigate systems and find practical and timely solutions to community and legal disputes. However, government needs to accelerate actions, in collaboration with civil society organisations, to ensure the continuous provision of such services.

The new government equally recognizes the challenges faced in addressing gender equality, participation of women in decision-making processes as well as violence against women and girls. The recent Parliamentary Resolution on Women, Peace and Security acknowledges the commitment also of the legislature arm of government to ensure affirmative action. The Resolution calls on the government to embark on local awareness-raising and education activities on gender equality, among other issues.

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⁴ The crimes’ data FSU Police programme is still paper based at a subdistrict level with electronic data available in the six regional offices. Crimes data strengthening for the police is a good return on investment for Sierra Leone for evidenced based programming on SDG16.