



HRCSL, NANHRI & STAKEHOLDERS CONVERGE TO DISCUSS DECRIMINALIZATION OF PETTY OFFENCES

The Human Rights Commission of Sierra Leone in collaboration with the Network of African National Human Rights Institutions on Wednesday 18th November 2020 at the Sierra Palm Hotel, Lumley Beach commenced a two-day consultative Conference on the Decriminalization of Petty Offences in Sierra Leone.

The conference is aimed at developing a National Action Plan and facilitate a national dialogue on the decriminalization of petty offences in Sierra Leone.

In his opening statement, Commissioner Dr. Gassan Abess; Oversight Commissioner of the Directorate of Monitoring and Research stated that the purpose of the conference was to develop a National Action Plan and facilitate a national dialogue on the decriminalization of petty offences in Sierra Leone.

He stated that the nature of petty offences and its impact on the lives of people will form part of the discussion. He noted that majority of the petty offences laws in Sierra Leone were obsolete, and therefore, if the enjoyment of rights were to be guaranteed to all without prejudice, these petty offences should be decriminalized.

He further noted that because petty offences were limited in definition and interpretation, matters of such nature were left decided upon by the Law enforcement Officers and the court.

"And sometimes because of unequal enforcement of these laws 'the Poor gets imprisoned and the rich and political colleagues almost breaking the laws with impunity get away with it' he noted.

Dr. Abess further highlighted the objectives for the consultation and concluded by officially welcoming the stakeholders to the Conference.

Giving his statement, the Vice Chairperson of HRCSL, Victor I. Lansana who chaired the conference official opening thanked NANHRI for selecting Sierra Leone and also for funding the project. He noted that Petty Offences were not codified in one law book but were found in different statutes and community bye-laws which most times attract detention. He mentioned steps taken by the Commission in advocating for the decriminalization of petty offences in Sierra Leone over the years. He went on to appreciate the efforts of the Judiciary of Sierra Leone and its partners for the Circuit Court system and the passing of the bail policy into law. "However the Commission notes that the issue of discretions to admit accused persons is still widely in the domain of the magistrate or the judge". He stated.

Commissioner Lansana stated that there will be a lot of difference in the decongestion of correctional centers if the Bail Regulation is further reviewed so that petty offences automatically attract bail. He ended by imploring participants to make relevant contribution in a bid to developing a National Action that will address Petty Offences in Sierra Leone.



In her statement, the Chairperson of HRCSL Commissioner Patricia Narsu Ndanema started off by stating that the presence of the calibre of participants indicated their seriousness and commitment to the campaign process in decriminalizing petty offences in Sierra Leone. She acknowledged the effort of NANHRI for their support and CARL and ADVOCAD on their campaign towards the decriminalization of petty offences over the years. She stated that the HRCSL was presently in place to play the lead role in the decriminalization process in collaboration with key actors in government, CSOs, and other interested partners working in the field of human rights. She emphasised that for the outcome of the conference to be realized, a national action plan must be developed with the concerted effort of all participants. She went on to highlight some of the petty offence matters encountered during the commission's monitoring exercises and its contribution towards the overcrowding of correctional facilities.

Commissioner Ndanema ended by expressing hope that by the end of the conference a national action plan would have been developed that will further form a platform which will encourage a national dialogue on the way forward towards the decriminalization of petty offences in Sierra Leone.

The Programme Officer from NANHRI Phanice Akinyi Odhacha stated that Sierra Leone was selected for the implementation of the project because they as a Network noticed that there had been existing work on the decriminalization of petty offences in the country and a little help will see the decriminalisation process come into actualization. She noted that they plan on consolidating all efforts made by different institutions over the years on the decriminalization of petty offences and also look at opportunities so that within the next two years petty offences would have been decriminalized in Sierra Leone.

The representative of the Chief Justice of Sierra Leone, Justice Miatta Samba in her statement thanked the HRCSL for a consultative conference on the decriminalization of petty offences. She noted that in as much as these offences impact negatively on the limited prison capacity in the country, and also the human rights of detained persons, they were still part of our law books. She noted that the incarceration of people found guilty of petty offences such as loitering, street hawking driving without licences was one of the main reasons for the outcry to decriminalize petty offences in Sierra Leone. She concluded by noting that if correct reasons and data were given for petty offenders, she believed that parliament will be happy to consider the decriminalization of these petty offences.

In his keynote address, the Attorney General and Minister of Justice Anthony Brewah stated that petty offences such as the use of public insult, disorderly behaviour among others were found in the Public Order Act 1965 and other instruments. He said that these offences were mostly viewed as a violation of human rights and also tend to affect particularly the poor and marginalised women in our society. He noted that most petty offences laws have vague description and their interpretation tends to leave law enforcement officers and the court with unfettered discretion and unequal enforcement. 'This has contributed to the overcrowding of correctional facilities' He noted. He stressed that the conference was a challenge to the commission to see that the decriminalization process come into actualization. According to him, such institutions were created to help the state achieve its goal of protecting and promoting human rights, respect the rule of law and increase access



to justice. He stated that the commission was expected to continue to work with other state and non-state actors to achieve the aim of decriminalizing petty offences. He concluded by giving an assurance of the government's commitment to the process of decriminalizing Petty Offences in Sierra Leone.

This session was followed by the presentations on the Introduction to Petty Offences and HRCSL effort at decriminalization, the Principles of declassification of petty offences by the African Union, CSOs intervention on decriminalization of Petty Offences and the impact of Petty Offences on Correctional livelihood and the state.