



## REVIEW OF THE HUMAN RIGHTS COMMISSION OF SIERRA LEONE ACT, 2004

The Human Rights Commission of Sierra Leone (HRCSL) is an A-status National Human Rights Institution. This status it attained in accordance with the principles as provided for in the Paris Principles. Prime among them is the establishment of the institution on statutory requirements. In 2004 the Parliament of Sierra Leone passed into law the establishment of the HRCSL in an Act of Parliament numbered 9. It's being 16years since it was passed and the Commission deems it fit to review the dictates of this Act to fit the current trend of affairs.



The participants

To achieve this, the UNDP - Irish Aid decided to support the Commission to bringing this to fruition. A consultant was hired in October, 2020 by the UNDP to carry on with the process. The Consultant together with the Commission participated in six (6) Technical Working Group (TWG) sessions facilitated by the national consultant who reviewed the HRCSL Act to reflect the current evolution of human rights in the country and properly shape up the work of the Human Rights Commission of Sierra Leone.

The Commission has maintained it's A status which it has attained on March 7, 2017 based on the state's adherence to the Paris Principles and the Commission's role in promoting and protecting human rights in the country and in the process has recorded impressive achievements.

Despite these achievements, the Commission still faces the problem of non-compliance from Ministries, Departments and Agencies (MDAs) in terms of recommendations made following its investigative reports and press statements and sometimes, even with its decisions and directives emanating from its quasi-judicial function as is the case in South Africa, Kenya and



Uganda and Ghana. In addition, there is no clarity in the Act in relation to the role (or powers) of the Executive Secretary in the event the posts of all five Commissioners become vacant before the expiration of their term of office or even when the term of office of Commissioners may have come to an end and a vacuum is created in the process of replacement or re-appointment of Commissioners.



Furthermore, the creation of a new North-West region suggests the need for a representation of the region in the membership of the Commission consistent with the Paris Principles. These and many more have given rise to the need to review the Act.

In addition to the Paris Principles, a comprehensive assessment of the Commission's technical and operational capacities is a study which also looks at the HRCSL Act 2004 and acknowledged that, though the Act is consistent with the Paris Principles and best practices of democratic states, yet the study strongly recommended the need for amendments of specific areas of the Act. There is also the view that the Act could be amended to give the Commission powers to hold non-state actors like trans-national corporations in violation of human rights just as it is the practice in South Africa and Ghana.

In this light, the consultant hired, supported the review of the HRCSL Act, 2004 and the drafting of a report capturing recommendations for the amendment of the same. Accordingly, the consultant facilitated stakeholders' working group sessions to review the Act and to propose changes to the gaps identified which will constitute the basis for amendment. Commissioners and staff of the HRCSL were also identified to help in the process.

The TWG was tasked with the responsibility to review the Act and provide technical advice in the process

To this effect, Six (6) meetings were held, four (4) consisting of the TWG members were convened at the Human Right Commission's Conference Room at Tower Hill, Freetown. These



meetings were held from 31<sup>st</sup> August to 18<sup>th</sup> September and held once a week. A participatory approach was adopted in the conduct of the review sessions and the consultant ensured effective management of the process. The group sessions were facilitated by the consultant who provided technical assistance and backstopping, guidance and clarified issues where necessary. The TWG consisted of **17 members (4 female and 13 Male)** and were divided into three sub-groups each group (with a Chair and Secretary) tasked with the responsibility to review the Act and report to Plenary. **Group A** had the responsibility to review Part II of the Act: Establishment of Commission including the Schedule thereto; **Group B** reviewed Part III- Functions and Powers and **Group C** dealt with Part IV-- the Administrative Provisions. At the end of each day, the groups made presentations to the entire TWG members where participants made contributions, seek clarifications and ensure that the presentations met the expectations spelt out in the TOR.

In a similar vein, a cross section of the TWG comprising of the UNDP, HRCSL and the Consultant on the 18<sup>th</sup> September engaged civil societies in BO District. **A total of 19 participants were engaged (5 female and 14 male)** to obtain their views on the review of the Act. The Consultant with support of the Vice Chairperson of the HRCSL employed a participatory approach and took participants through the various sections of the Act; views of the participants were carefully debated and agreed by all, which were later captured by the consultant in the reviewed document.

The new proposals submitted from these presentations by each group focused on ensuring increased powers of the Commission to enforce its decisions, prevent poorly negotiated agreements with the private sector, the regional residence of Commissioners, the power to summon Ministries, Departments and Agencies (MDAs) to explain any failure to comply with the Commission's recommendations and to recommend relevant administrative action against defaulting MDAs, among others.



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