



Joint newsletter of the UN Joint Vision Programme 2

Access to Justice and Human Rights



Editorial

Together. The idea behind this new joint newsletter is as simple as this. Because the cooperation among the partners of the Joint Vision Programme 2 has increasingly been strengthened, we have felt the need to also tell the story *together*.

Working together for a common goal is the practice at the basis of the Joint Vision and has been enhanced specifically in Programme 2. On top of the regular coordination mechanisms, Programme 2 members meet monthly and have agreed to bring work plans together, join efforts in training and capacity building activities and eventually pool resources. The merit of this joint effort translates into a more focused approach to access to justice and human rights issues, avoiding overlapping and competition for resources, optimizing resources available and identifying gaps.

By this joint newsletter we aim at sharing together the results we achieve through such coordination. In the past year we have delivered training of members of security forces and other justice sector institutions as well as capacity building and advocacy programmes with institutions and civil society. As you will read in this issue, our activities are continuing with the same commitment.

While wishing you an enjoyable reading of the first issue of *2gether*, I express my hope that the content of this newsletter will be a useful insight for partners into the activities of UN Joint Vision Programme 2.

Beatriz Balbin

Chief of UNIPSIL Human Rights Section
and OHCHR Representative in Sierra Leone

Building monitoring and reporting capacity

Programme 2 partners support training to 34 staff of the HRCSL



The inaugural session of the training opened by the Deputy Minister of Justice

FREETOWN - On 7 April, UNIPSIL Human Rights Section successfully completed a three days' capacity building for 34 staff of the Human Rights Commission of Sierra Leone to contribute towards enhancing the capacity of the commission in human rights monitoring and reporting. Joint Vision Program 2 members – UNICEF and UNDP Access to Justice also facilitated the training.

The Human Rights Commission of Sierra Leone has recently established the Directorate of Monitoring and Research as part of its overall strategy to strengthen its capacity to monitor and report on human rights in Sierra Leone. The strategy supported by the Human Rights Section of UNIPSIL also entails building the capacity of the and UNDP Access to Justice also facilitated the training.

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Building monitoring and reporting capacity for the HR Commission



Commission to effectively monitor and report on human rights. The training was therefore aimed at acquainting staff of the Commission with the standards, skills, principles and approaches to effective human rights monitoring and reporting; develop appropriate monitoring tools and contextualize them to field monitoring; explore relevant approaches of monitoring socially and culturally sensitive occurrences that are characterized with violations of human rights and share experiences and challenges in monitoring and reporting human rights violations.

The training reviewed the implications of the legal mandate of the Commission to monitor and report as provided in the Human Rights Commission Act 2004, the principles of human rights monitoring and the specific aspects of focus in monitoring administration of justice, including trial observation and detention Monitoring. Crucial issues in monitoring the rights of children and women, election monitoring and reporting as a critical outcome of monitoring and research activities were thoroughly explored. At the conclusion of the

workshop, participants were engaged to generate ideas which will constitute the Monitoring and Reporting strategy of the Human Rights Commission of Sierra Leone being developed within the overall framework of UNIPSIL's technical capacity support to HRCNL. Draft Monitoring and Reporting tools were reviewed in light of the comments from the intended users.

The workshop was officially opened by the Deputy Minister of Justice Hon. Arrow John Boackarie, who expressed Government's commitment to the protection and promotion of human rights noting that this was high in agenda of government. At the opening of the workshop, the Chairman of the Human Rights Commission of Sierra Leone noted: *"Let me therefore use this forum to state categorically that the Commission recognizes, and is indebted to the tremendous support of UNIPSIL and the unrelenting efforts of the staff assigned*

"The commission recognizes the tremendous support of UNIPSIL and the unrelenting efforts of the staff assigned to this project"

E. Sam, Chairman



The facilitation of one of the sessions

Taking justice to the people:

Assessing the impact of UNDP support to the Mobile Courts

In the past years, tremendous efforts have been put into enhancing the efficiency of the formal court system in the delivery of justice service to Sierra Leone. Within this framework, the UN and other bilateral partners such as Department of International Development (DFID) and the German International Cooperation (GIZ) have provided both logistical and financial support which has contributed improving the service delivery capacity and unwinding some of the obstacles that impede access and use of the courts.

Notwithstanding, access to justice for ordinary Sierra Leoneans continues to be a major challenge. The so-called informal system - comprising of local courts and other alternative dispute resolution mechanisms at district and community levels - is often found to be biased against vulnerable groups and at odds with standards of international human rights and humanitarian law. In the case of formal courts - comprising Magistrate, High, Appeals and Supreme Courts - procedures and proc-

esses are often perceived to be too distant the vastly rural population of Sierra Leone.

Physical access to courts represents a key challenge especially in rural communities. The formal justice system remains concentrated in Freetown and the approximately 4 million provincial residents only have 10 Magistrate Courts and 3 High Courts. In addition, of a total of 11 magistrates, 6 sit in Freetown while the other 5 rotate among 10

provincial magistrate courts. Inadequate judicial personnel and the scarce courts distribution is further compounded by long distances to the courts, which makes the customary justice system more appealing and accessible to the people. To address this challenge, UNDP consulted with the Sierra Leone Judiciary in devising a strategy to enhance court accessibility and reduce the burden in terms of cost and time associated with accessing justice. The outcome was the piloting of

Mobile Courts roaming between identified judicial circuits (Pujehun, Zimmi, Mongere, Bonthe and Mattru Jong) in the Southern Province to serve the justice needs of some of Sierra Leone's most remote communities and vulnerable people. The Mobile Courts handled cases as a magistrate court and conducted preliminary investigations, established whether there was sufficient

evidence for indictment to the High Court and resolved monetary cases ranging from two hundred and fifty thousand to five million Leones.

This model of bringing justice to the people, which has also caught the interest of other donors, is already beginning to yield some dividend. Firstly, this has resulted in significant reduction in the cost of transportation and daily subsistence requirements for litigants in accessing the court. Transportation, in fact, presents a serious challenge to accessing courts in rural community because litigants are also expected to bear the cost of people they call as witnesses. Secondly, Mobile Courts considerably reduced the time factor, allowing litigants to continue their productive activities and still be able to participate in court proceedings.

More of such innovative approaches are required to ensuring adequate response to the huge challenges associate to accessing justice in Sierra Leone. At present, there is a pressing need to ensure that other provinces of Sierra Leone benefit form this scheme. Lesson learnt and best practices from the current implementation can be used to both inform and improve the mobile court scheme in other areas.

Mobile courts succeeded in serving the justice needs of some of the most vulnerable people in the Sierra Leone

Promoting community-based child-friendly legal aid

UNICEF has worked in partnership with TIMAP for Justice and the Open Society Justice Initiative (OSJI) to promote child-friendly legal aid in the communities. TIMAP for Justice is a pioneer NGO providing free legal service through paralegals in Sierra Leone. OSJI is helping establish a nationwide network of paralegals to provide basic justice services and to help new organizations adopt the TIMAP model to expand paralegal support across the country. UNICEF recently reviewed and provided recommendations for TIMAP's legal service manual in relation to child-friendly services. Following completion of the manual, UNICEF plans to continue the partnership with TIMAP for Justice in rolling out and implementation of the manual. Since more than 60% of cases dealt with by the TIMAP for Justice paralegals involve children, this initiative is expected to further strengthen the capacity of paralegals on how to work with children and therefore to deliver direct impact for the lives of children who come in to contact with the community level justice system.

Justice for children within the child protection system

UNICEF has worked in partnership with Defense for Children International Sierra Leone (DCI-SL) on strengthening referral mechanisms for children in conflict with the law and victims of child abuse in four districts (Bo, Bombali, Kenema and Kono) as one of the building blocks for the Child Protection system. The mechanism is based on the national referral protocol for child victims of sexual and gender based violence (SGBV) but has expanded its scope to cover children in conflict with the law. The mechanism comprises relevant stakeholders both in the formal and traditional systems including government service providers, traditional chiefs and community based organizations. The project specifically aims at strengthening case management capacity and data-collection in order to generate data which will be used for monitoring and evaluation for accountability of the mechanism. For example, the Family Support Unit (FSU) in four districts has

been supported to generate previously unavailable statistics on alleged child offenders. Peripheral Health Units and government hospitals also received support to pilot a simple data-collection system for cases of victims of child abuse. It is expected that the referral mechanism in the four districts will be in a position to provide comprehensive data of the cases dealt with by the end of the year.

IN CONCEPT

From Juvenile Justice to a Justice for Children

UNICEF, as a part of the global UN Family, has shifted its approach away from *Juvenile Justice*, focused on the formal legal system, to a more holistic view of *Justice for Children*.

In the past, the "*Juvenile Justice*" approach narrowly targeted children who came in contact/conflict with the law and tended to be isolated from wider initiatives related to the rule of law and social welfare. On the other hand, "*Justice for Children*" is an approach that aims at ensuring that children are better served and protected by the justice system, including through the security and social welfare sectors. It actively promotes the full application of international norms and standards for all children who come into contact with the justice system as victims, witnesses and alleged offenders.

This conceptual shift in approach came about after it was recognised that whatever the reasons for a child being in contact with the justice system, they are usually dealt with by the same institutions and professionals, including the judiciary and police. It has also helped to leverage support through UN partners working on the broader agenda of the rule of law, including governance, security, social welfare and justice sector reform in which justice for children can be readily integrated.

The 2008 UN Common Approach on Justice for Children forms the backbone of UNICEF Sierra Leone's justice programming.

IOM, a brief account of the work done

The United Nations Peace Building Fund in support of the Government's drive for improved human rights and in response to a report from UNIOSIL captioned "Behind walls", provided USD 1,610.000 in 2009 to contribute to improve living conditions of some 2000 inmates and to improve capacity of the prison department.

As a result of the project inmates in 2009 have access to training opportunities in life skills, beds and beddings, improved access to water and better sanitary conditions.

The project also assisted the rehabilitation of the Mafanta prison with capacity of 450 inmates with aim to decongest the Pademba Road prison, which has been housing more than 1200 prisoners against its capacity of 325.

The capacity of the prison department was also bolstered with seven vehicles, including a water bowser truck.

The PBF project ended in 2009 and a separate prison reform programme was envisaged in the JV Programme 2 to continue some of the capacity building activities including the completion of the remaining work of the Mafanta prison. Although no additional funding is guaranteed, Joint Vision Programme 2 partners look forward to further additional support in this area.

District Human Rights Committees held a Second National Consultative Meeting

UNIPSIL provides training in electoral monitoring and shadow reporting



BO - From 24 to 27 May 2011 the Human Rights Section of UNIPSIL and the Human Rights Commission of Sierra Leone jointly organized in Bo the Second National Consultative Conference for District Human Rights Committees (DHRC). The Conference gathered 50 participants from all 13 DHRCs as well as members of the Regional Offices of the Human Rights Commission of Sierra Leone. The conference aimed at evolving consensus on common strategy of the Committees in responding to human rights issues and in strengthening their capacity. The meeting resolved to strengthen collaboration between the HRCs and DHRCs and concretized strategies and collaboration mechanisms through a Communiqué and a strategy document which also called on UNIPSIL HRS to strengthen these collaboration during the remaining time of its presence in Sierra Leone.

The Conference was combined with trainings in Human Rights Monitoring of Elections and treaty body shadow reporting and interaction with special mechanisms. This was to equip DHRCs to effectively monitor human rights in the upcoming elections and build their capacity in human rights treaty body reporting. Civil society has indeed the opportunity to submit independent information - generally called *shadow reports* - to the UN treaty monitoring bodies as a complement to the reports submitted by the government. This training comes at a time in which UNIPSIL Human Rights Section is also providing technical support to the Human Rights Secretariat at the Ministry of Foreign Affairs and International Cooperation in the area of treaty reporting.

The rights of Persons with Disabilities

Over the last two months the Human Rights Section of UNIPSIL has been undertaking a comprehensive study on the rights of persons with disability (PWDs) in Sierra Leone with the aim of contributing to the promotion of their rights in Sierra Leone.

The study comes in the wake of a renewed commitment from the Government of Sierra Leone on disability issues, culminating in the enactment of the "Persons with Disabilities Bill" into law in March 2011 which domesticates the UN Convention for the Rights of Persons with Disabilities (CRPD).

The study, which will soon be published, has included primary research in 16 urban and rural communities, review of existing studies, legislation and policies and consultation with stakeholders, including organizations of persons with disabilities, Government representatives, representatives of the UN family, national human rights institutions and others.

Regional training for prison officers on human rights standards

Promoting a human rights approach for prison management in Sierra Leone



IN CONCEPT

The UN basic principles for the treatment of prisoners

Human rights as a universal concept apply to all individuals within the confines of a state, including those in detention. A number of human rights instruments set the standards applicable to prisons., including the Basic Principles for the Treatment of Prisoners, adopted and proclaimed by General Assembly resolution 45/111 of 14 December 1990.

1. All prisoners shall be treated with the respect due to their inherent dignity and value as human beings
2. There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
3. It is, however, desirable to respect the religious beliefs and cultural precepts of the group to which prisoners belong, whenever local conditions so require.
4. The responsibility of prisons for the custody of prisoners and for the protection of society against crime shall be discharged in keeping with a State's other social objectives and its fundamental responsibilities for promoting the well-being and development of all members of society.

MAKENI - On 17 and 18 June the Human Rights Section (HRS) of UNIPSIL organized a two day training of trainers for correction officers in Makeni on 'A Human Rights Approach to Prisons Management'. Fifty participants, including 15 women, benefited from the training. Forty one Prison Officers, 6 Police officers and 3 private security officers from all the regions apart from western area were targeted. The two days training was geared towards strengthening the rule of law and the respect of human rights in the country's correctional institutions. Detention officers were provided with up-to-date knowledge and skills on a human rights approach to prison management in order to ensure respect for prisoners' rights.

Trainers included UNIPSIL HRS, the Human Rights Commission of Sierra Leone (HRCSL), the Sierra Leone Police (SLP), Prisons and the Office of National Security. Participants will now be tasked with giving lectures on human rights standards in prison management during weekly musters held in prison facilities.

The Human Rights Section of UNIPSIL and its partners have engaged in several interventions targeting the corrections system aimed at promoting human rights ap-

proach in the execution of duties, enhancing and building capacity to advocate for reforms and mounting advocacy with the relevant authorities on gaps identified in the correctional system. UNIPSIL HRS has extensively collaborated with the Prisons department in training of Prisons officers in human rights and acceptable detention practices. In 2009, the Section trained a total of 95 Prison Officers in Makeni and Magburaka in a 'Human Rights Approach to Prisons Management. Other 48 personnel manning detention facilities were trained in August 2010 in Kono.

As a follow-up to the training, UNIPSIL HRS and members of the KDHRC visited the Kambia state prison on 23 June 2011 and held a



meeting with officers and inmates separately to discuss ways of improving prison conditions in order to attain minimum standards. Notwithstanding efforts from the Government and its partners to improve detention conditions and facilities, UNIPSIL HRS routine monitoring of detention centers shows that serious challenges remain. In many occasions UNIPSIL HRS engaged authorities to take appropriate action where human rights violations were identified.

5. Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants.

6. All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality.

7. Efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged.

8. Conditions shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their reintegration into the country's labour market and permit them to contribute to their own financial support and to that of their families.

9. Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.

10. With the participation and help of the community and social institution, and with due regard to the interests of victims, favourable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions.

11. The above Principles shall be applied impartially.



Following its first tribunal hearing to operationalise its quasi-Judicial mandate, on 27 June the Human Rights Commission of Sierra Leone delivered a landmark decision in favor of 235 Republic of Sierra Leone Armed Forces (RSLAF) ex-servicemen who were compulsorily retired having been categorized as "chronically ill" and "mentally imbalanced". The matter featured violations of the right to freedom from non-discrimination, freedom from inhuman and degrading treatment and the right to privacy, home and property contrary to Sections 27, 20 and 22 of the Constitution of Sierra Leone and articles 26, 7 and 17 of the ICCPR respectively. The decision confirmed all the three alleged human rights violations. The Human

Rights Section of UNIPSIL closely monitored the proceedings and, working with JV Programme 2 partners, looks towards providing further necessary support to HRCSL in maintaining the momentum to sustain the effectiveness of its quasi-judicial mandate. The Human Rights Commission of Sierra Leone was accredited with an "A" status by the International Coordination Committee of NHRIs in June 2011, attesting to its compliance with the Paris principles on national human rights institutions.

What is the Joint Vision Programme 2?

The UN organizations, agencies and programmes working in Sierra Leone, recognizing their joint responsibility for a fully integrated peace building mission, agreed in May 2009 to combine efforts and resources behind the UN Joint Vision for Sierra Leone. The Joint Vision establishes the general framework of the UN family cooperation and sets a number of tangible benchmarks meant to guide the UN contribution to the implementation of the Sierra Leone's Government Second Poverty Reduction Strategy Paper, also known as 'Agenda for Change'.

Within this framework, promoting rule of law and strengthening the justice system was considered essen-

tial in the consolidation of peace and stability and was formalized in one of the twenty-one programmes through which the Joint Vision is being implemented. The Joint Vision Programme 2, entitled "Access to Justice and Human Rights", is composed of UNIPSIL Human Rights Section/OHCHR, UNICEF, IOM and UNDP, which is also the lead agency. National counterparts are the Attorney General and Ministry of Justice, the Justice Sector Coordination Office and the Human Rights Commission of Sierra Leone (HRCSL), while DFID and Irish Aid are the development partners supporting the programme.

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