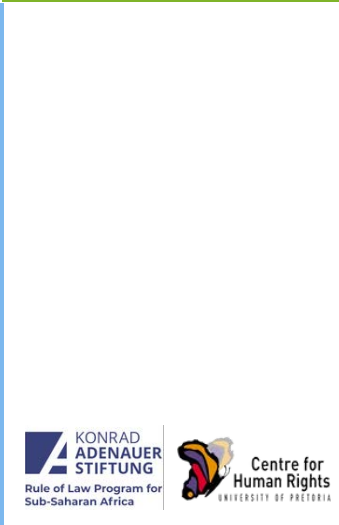


# **A GUIDE TO YOUR RIGHTS: Fundamental Rights and Freedoms in Sierra Leone**



A Guide to Your Rights: Fundamental Human Rights  
and Freedoms in Sierra Leone - ENGLISH

ISBN: 978-1-7764484-4-9

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Centre for Human Rights, University of Pretoria  
Konrad Adenauer Foundation

Designed by Judava Worx



**The Centre for Human Rights**, Faculty of Law, University of Pretoria, is an internationally recognised university-based institution combining academic excellence and effective activism to advance human rights, particularly in Africa. It aims to contribute to advancing human rights, through education, research and advocacy.  
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**Konrad Adenauer Foundation (KAS)** is a German Political Foundation that is committed to achieving and maintaining peace, freedom and justice through political education on a national level as well as on an international level with more than 110 offices worldwide. The KAS Rule of Law Program for Anglophone Sub-Saharan Africa, based in Nairobi, has been actively promoting the rule of law, democracy and human rights in the region since 2006. Strengthening constitutionalism as well as the enforcement of basic human rights enshrined in the constitutions of Sub-Saharan Africa has always been among the main focus of the Program's work.



# FOREWORD

It is common to hear talk of how human rights enable people to live free and dignified lives in the contemporary world. In many countries, including Sierra Leone, rights are protected in a constitution. The recognition of rights in the Constitution of Sierra Leone means that people in the country can benefit from and vindicate their rights in a range of different ways, including through the courts. Sadly, far too often, people have to struggle to enforce their rights. Sometimes this is because they are not aware of all their rights, or are not informed on how to enforce their rights. This booklet is designed to help overcome these obstacles.

This booklet provides an easy-to-use introduction to what human rights are, including where they come from and what they mean for the citizens of Sierra Leone. Through this booklet, the Centre for Human Rights (Centre) and the Rule of Law Program for Sub-Saharan Africa of the Konrad-Adenauer-Foundation (KAS) hope to enable citizens to know their rights and better understand how these rights protect them against violations. The booklet also seeks to empower readers on how to make rights meaningful to them.

The Centre and KAS are committed to supporting people's attempts to live in dignity and freedom. Both the Centre and KAS are convinced that providing people with information and help in understanding how to turn this information to action will help people enforce their constitutional rights which will ultimately contribute to the strengthening of the rule of law in the region. We are proud to be able to have worked together on this booklet, and we have no doubt it is a useful tool for people seeking to actualize the rights protected in the Constitution of Sierra Leone.

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# INTRODUCTION

Every person in Sierra Leone has rights that are designed to protect them and to help them to live dignified and meaningful lives. These rights are contained in the Sierra Leonean Constitution as well as other laws.

The Constitution of Sierra Leone was adopted in 1991 after being approved by Sierra Leoneans at a referendum, and promised a return to democracy after years of one-party rule. Although the Constitution promised a state that would be responsive to its population, it was quickly suspended, following a military coup. It was only several years later that the Constitution began to be enforced, and that the promises of the Constitution began to be realised.



(CREDIT: Direct Relief)

The Constitution is important for a number of reasons. In addition to the rights that it contains, it reasserts the importance of democratic principles in Sierra Leone and provides a framework for a responsive and honest government, a government that people in Sierra Leone can hold accountable for its actions. Through this, the Constitution makes clear the importance of participation and of the rights of everyone in the country. It states clearly that rule by a single party has no place in Sierra Leone and places the rights of the people of Sierra Leone at its heart, helping to provide the essential elements that are necessary for a dignified life.

This booklet will provide you with an introduction into what the Constitution of Sierra Leone contains, and how the Constitution holds the Government of Sierra Leone and other public institutions to account. In particular, this booklet will provide you with information about how the rights protected in the Constitution protect you and your community. Many of these human rights are found at Chapter 3 of the Constitution (called 'The Recognition and Protection of Fundamental Rights and Freedoms'). This booklet will look closely at these rights, that protect all in Sierra Leone.

## Using this booklet

This booklet is intended to provide you with an introduction to the Constitution of Sierra Leone, to tell you what your rights are and help you to understand what they mean for you. It includes some important court cases where people have claimed their rights and held others to account for their actions.



This booklet only provides you with a summary of the rights found in the Constitution. If you want to read the Constitution as it is written, in full, you can find the full Constitution online by entering “Sierra Leone Constitution” into a search engine, or by visiting this website: <https://www.parliament.gov.sl/constitution-of-sierra-leone.html>.

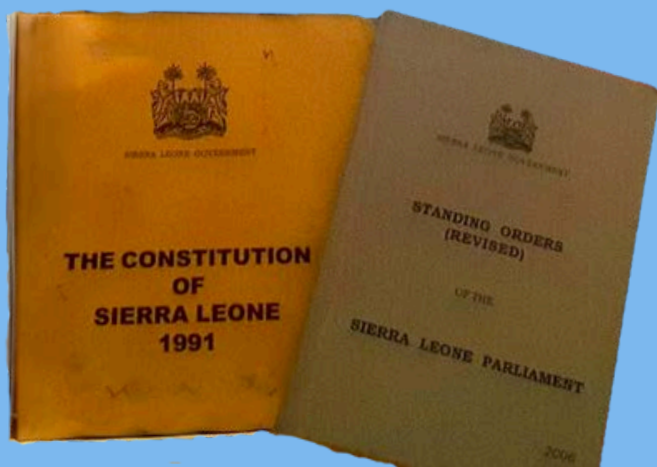
If you would like to find out more about a particular case that this booklet refers to, you can type the name of the case into a search engine, and you should be able to find the case.

# CONSTITUTIONS: WHAT ARE THEY?

Most countries in the world, including Sierra Leone, have a constitution. In these countries, the constitution is, usually, the highest law in the land: This means that every law in a country, and every action taken by the government of that country, must be in accordance with that country's constitution. Constitutions tell us what a country's government should do and what structure it should have, about the rights that people in that country have, and about how different government institutions, like the police, courts, parliament and the president, should function. This all applies to Sierra Leone and to the role that the Constitution plays in the country.



Constitutions often make clear the kind of society that a country wants to be. They reflect problems that a country has had in the past, and its hopes and aspirations for the future. Sierra Leone's Constitution makes clear the commitments that Sierra Leoneans think are important, and that the State must fulfil. These commitments are shaped by the country's past.



# THE ROLE OF THE PAST IN SIERRA LEONE'S CONSTITUTION

Sierra Leone has emerged from many years of autocratic rule, where Sierra Leoneans lived under repressive regimes that undermined many of their rights, and from a terrible civil war, which cost many people their lives.

The reinstatement of the 1991 Constitution sought to create a future for Sierra Leone that rejected authoritarianism and military rule. These hopes and desires can be seen in the way that the Constitution prioritises a number of principles called the 'Fundamental Principles of State Policy', found in Chapter 2 of the Constitution. These principles include that:

- Sierra Leone is a state based on the principles of Freedom, Democracy and Justice
- All legal and political authority comes from the people of Sierra Leone;
- The government's primary purpose and responsibility is the security, peace and welfare of the people of Sierra Leone, and the Armed Forces, the Police, amongst others, have the duty to protect the people of Sierra Leone;
- Legal and political authority must be exercised in accordance with the Constitution;
- The State shall protect and defend the liberty of the individual, enforce the rule of law and ensure the efficient functioning of Government services;
- No one should be discriminated against on the grounds of their place of origin, the circumstances of their birth, their sex, religion, status, ethnicity or their linguistic ties;
- The State must recognise, maintain and enhance the sanctity of each person and their dignity.

# THE HISTORY OF SIERRA LEONE'S CONSTITUTION

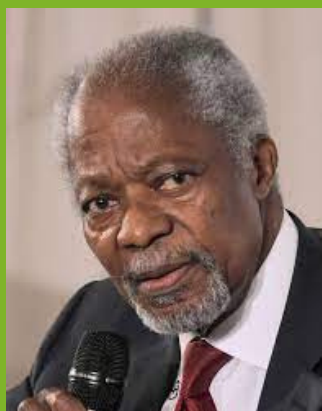


On the 27<sup>th</sup> of April 1961, Sierra Leone achieved independence from British colonial rule – a pivotal moment in the nation's history. This end of colonial rule marked a significant shift in power dynamics, granting Sierra Leoneans the authority to shape their destiny. Independence meant that Sierra Leone could finally govern itself without external interference – for the first time, the people of Sierra Leone gained the sovereign right to make the decisions that shaped their country, free from foreign oversight. This newfound sovereignty enabled the establishment of a system for self-governance including forming a parliament, appointing a prime minister, and enacting laws. Sierra Leone's independence was accompanied by the country having its own constitution, known as the 'Independence Constitution'.

Despite the optimism that surrounded independence, the post-independence era in Sierra Leone was marred by political challenges. The country's political landscape soon became characterised by authoritarianism, resistance to democratic principles, and military interventions, deviating from the initial aspirations outlined in the Independence Constitution. This political unrest and instability posed significant obstacles to the nation's development and governance.

In 1971, a new constitution was introduced that undermined democratic principles and diminished the rights of the Sierra Leonean people. This was followed by yet another constitution in 1978, which further undermined democracy in the country: this new constitution created a one-party state, with the All People's Congress as the sole recognised party, leaving people in Sierra Leone vulnerable to abuse. By the late 1980s, internal and international pressure mounted on the leadership of the country, advocating for changes in the country, including for a return to multiparty politics and democracy. In addition, it was suggested that a new constitution be drafted to protect democracy and the rights of individuals in Sierra Leone. In 1991, most Sierra Leoneans voted in favour of this new Constitution. However, the enforcement of this Constitution was disrupted by a military coup, leading to rule by decree by the National Provisional Ruling Council. This lasted until 1996, when the 1991 Constitution was reinstated, a multiparty system was reintroduced, and multiparty elections were held. Since 1996, Presidential and Parliamentary elections have been held every 5 years, under a system that protects universal adult suffrage and proportional representation.

**“ The heart of democracy is the political right of its people to be equally represented and to trust in**



**the decisions of their elected leaders.**

**”**

**- Kofi Annan, 2017**

## Why is the 1991 Constitution important?

After many years of autocratic rule, the 1991 Constitution sought to reinstate democracy and the rule of law. An important part of this Constitution is the idea that everyone has to answer to the law. This helps the people of Sierra Leone hold their political leaders to account, and to make sure that the country delivers on the constitutional promise that “sovereignty belongs to the people of Sierra Leone from whom Government through this Constitution derives all its powers, authority and legitimacy” (section 2(a) of the Constitution).

### **CASE STUDY: NO-ONE IS ABOVE THE CONSTITUTION**

**Everyone, including the President, must be held liable for their actions**

Section 48(4) of the Constitution gives the President immunity from criminal and civil prosecution while they hold office. In 1996, a case called *Ahmed Tejan-Kabba v Firetex Company SL Ltd* came before the Court of Appeal, and this case explored whether the President of Sierra Leone, who has immunity from prosecution during his term of office, had continued immunity from prosecution **after** they had completed their term of office. The Court of Appeal held that this immunity did not cover the actions of former presidents once they have left office. Similarly in 2023, a similar ruling was given by The Court of Appeal in the case of *The State v Ernest Bai Koroma*. – the law holds everyone to account, and no-one is above the law.

While the Constitution contains many important elements, and although a lot of effort went in to finalising the Constitution, this does not mean that it should never be changed. In fact, the Constitution itself contains a procedure that explains how it can be changed. Although the Constitution can be changed, it is difficult to do so. This is for many reasons, including the importance of preventing powerful people in government from changing the Constitution to benefit themselves and their allies. Changing the Constitution is particularly difficult for important parts of the Constitution - this process includes the requirement that the public be given the chance to approve or reject the amendment through a referendum.

After the civil war ended, with the signing of the Lomé Peace Agreement in 1999, there were calls for a review of the Constitution, firstly by the Lomé Accord itself. Later the Truth and Reconciliation Commission, established to investigate the causes, nature and extent of the violence that occurred during the civil war, recommended that a new constitutional framework be devised to secure peace and democratic governance. A Constitutional Review Committee received widespread submissions from the public and from other stakeholders, designed to ensure that the views of all sectors of Sierra Leonean society were represented. The process will continue in the coming years. Until then, the 1991 Constitution remains in force, and forms the foundation of the law in Sierra Leone, including all the rights that the people of Sierra Leone can claim.

**“ The constitutional review process is an opportunity to strengthen human rights protection in the country and to**



**to make real process on electoral reforms... The drafting of the new constitution will be a major endeavour.**

**- Babatunde Ahonsi,  
United Nations**

**”**

# WHAT IS IN THE CONSTITUTION?

Everyone, no matter how rich or how influential, has to act in accordance with the Constitution and must respect the rights of others. The importance of this is highlighted near the beginning of the Constitution, at section 4:

*“All organs of Government and all authorities and persons exercising legislative, executive or judicial powers shall conform to, observe and apply the provisions of [Chapter II of the Constitution: Fundamental Principles of State Policy]”.*

This places an obligation on everyone with official power, requiring that they act in accordance with the Constitution. So the Constitution imposes limitations on some of the most powerful people in Sierra Leone, including the President, government ministers, Parliament, judges, the police and the military. This means that everything that happens in Sierra Leone should be in line with the Constitution, and it means that everyone, including the State, should do all of the things that the Constitution requires them to do, and should not do anything that the Constitution prohibits.

Constitutions also make clear the principles and values that a particular country thinks are important. The Sierra Leonean Constitution makes clear the kind of country that Sierra Leone wants to be:

## *“Section 5*

*(1) The Republic of Sierra Leone shall be a State based on the principles of Freedom, Democracy and Justice;*

*(2) It is accordingly declared*

- a. that sovereignty belongs to the people of Sierra Leone from whom Government through this Constitution derives all its power, authority and legitimacy.*
- b. the security, peace and welfare of the people of Sierra Leone shall be the primary purpose and responsibility of Government, and to this end it shall be the duty of the Armed Forces, the Police, Public Officers and all security agents to protect and safeguard the people of Sierra Leone.”*

All public officials in Sierra Leone, including the President, derive their power from the Constitution, which was approved by the people.

The Constitution of Sierra Leone has 14 Chapters. Each chapter deals with a different element of life and governance in the country.

## THE CONSTITUTION OF SIERRA LEONE

- Chapter 1 – The Republic of Sierra Leone
- Chapter 2 – Fundamental Principles of State Policy
- Chapter 3 – The Recognition and Protection of Fundamental Human Rights and Freedoms of the Individual
- Chapter 4 – The Representation of the People
- Chapter 5 – The Executive
  - Part 1 – The President
  - Part 2 – Executive Powers
- Chapter 6 – The Legislature
  - Part 1 – Composition of Parliament
  - Part 2 – Summoning, Prorogation and Dissolution
  - Part 3 – Procedure of Parliament
  - Part 4 – Responsibilities, Privileges and Immunities
  - Part 5 – Legislation and Procedure in Parliament



- Chapter 7 – The Judiciary
  - Part 1 – The Superior Court of Judicature
  - Part 2 – The Supreme Court
  - Part 3 – Court of Appeal
  - Part 4 – The High Court of Justice
  - Part 5 – Appointment of Judges etc
- Chapter 8 – The Ombudsman
- Chapter 9 – Commissions of Inquiry
- Chapter 10 – The Public Service
  - Part 1 – The Public Service Commission
  - Part 2 – The Police Force
  - Part 3 – Resignations, Re-Appointments, and Protection of Pension Rights of Public Officers holding Established Offices
  - Part 4 – Power and Procedure of Commissions and Councils, and Legal Proceedings
- Chapter 11 – The Armed Forces
- Chapter 12 – The Laws of Sierra Leone
- Chapter 13 – Miscellaneous
- Chapter 14 – Transitional Provisions

The titles of the different chapters of the Constitution show how it impacts all elements of life in Sierra Leone, aiming to ensure that the government prioritises “the security, peace and welfare of the people of Sierra Leone”, also recognising that “sovereignty belongs to the people of Sierra Leone from whom Government through this Constitution derives its powers, authority and legitimacy.” While everything that is in the Constitution is important, this booklet will focus on Chapter 3, “The Recognition and Protection of Fundamental Human Rights and Freedoms of the Individual”, the chapter that makes clear many of the rights and freedoms that people in Sierra Leone have. If you would like to read any of the other chapters of the Constitution, you can consult the full Constitution here: <https://www.parliament.gov.sl/constitution-of-sierra-leone.html>

# SEPARATION OF POWERS AND THE THREE ARMS OF GOVERNMENT

Sierra Leone's Constitution recognises that countries often face a problem when one person or one institution has too much power – this is a problem that the country has faced in its recent history. It is easy for people in such situations to abuse their power, and to undermine the rights of others in that country. When one person or one institution has too much power, it is hard for anyone to prevent that power being abused. One of the ways that the Constitution protects against anyone in government abusing their power, or the government, as a whole, abusing its power, is by dividing power amongst different arms of government.

There are three different arms of government, each of which exercises some powers of the State, but not all of them:



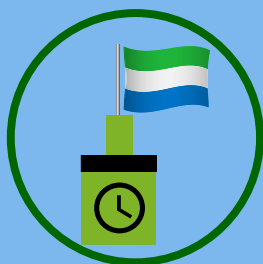
## The Executive

The Executive, which is governed by Chapter 5 of the Constitution, puts the laws into effect and ensures the laws are upheld. The executive authority of Sierra Leone is vested in the President, who is the Head of State. The President can designate others to act on their behalf, including the Vice-President, Ministers or Deputy-Ministers, who are all also members of the Executive.




## The Judiciary

The Judiciary (Chapter 7 of the Constitution) consists of the Supreme Court of Sierra Leone, the Court of Appeal, the High Court of Justice, judges, and magistrates, that decide disputes and interpret the laws. It is headed by the Chief Justice.



## The Legislature

The Legislature (Chapter 6 of the Constitution) consists of the Speaker of Parliament, and Members of Parliament, and makes the laws. The President is also a member of Parliament.



This is called the 'separation of powers' principle. In theory, each of the three arms of government is independent of the others, and each one is as important as the others. They are intended to act as a check on each other – no one person or branch of government can do whatever it wants, because the other arms of government will have enough power to stop this abuse of power. This separation of powers is also very important for the protection of rights. There are often very important reasons to hold people with power to account, and this booklet will include some examples of occasions where the State was held to account.

The separation of powers is not absolute – for example, the Constitution permits the President to appoint the judges and the Chief Justice to the Supreme Court and to other Superior Courts, which must then be approved by Parliament. This may compromise the independence of judges, and there are some people in Sierra Leone who worry that this undermines the independent functioning of the judiciary. This independence is very important in order for the courts to be able to hold the other two branches to account. In order for the separation of powers to function properly, and for power to be properly controlled, each branch of government has to have some independence from the other.

### **CASE STUDY: EACH OF THE THREE ARMS OF GOVERNMENT NEEDS TO ADHERE TO ITS ROLE**

#### **The Courts are empowered to enforce the law, only Parliament can change the law**

The death penalty is not specifically prohibited by the Constitution – in fact, the right to life specifically allows for the death penalty, and courts in Sierra Leone were required to impose the death penalty on anyone found guilty of particular crimes, such as aggravated robbery, murder, treason and mutiny. Although no one had actually been put to death in Sierra Leone since 1998, many people had been given the death sentence. The Judiciary, which is tasked with enforcing and interpreting the law, had no ability to change the law and abolish the death penalty, even if judges had wanted to – to change the law, Parliament would need to abolish the death penalty. And, in 2021, this is precisely what happened – the Parliament of Sierra Leone used its power to make a law that abolished the death penalty.

# THE STRUCTURE OF THE COURT SYSTEM IN SIERRA LEONE

The judiciary plays a vital role in the protection of the rights of people in Sierra Leone, and has an obligation to provide justice for everyone in the country. Everyone should be able to have their case considered by a judge or a magistrate who is committed to hearing the matter impartially and to applying the law equally to everyone.

There are five different types of courts in Sierra Leone, divided into two types – the superior courts, consisting of the Supreme Court, the Court of Appeal, and the High Court, and the inferior courts, which includes the Magistrates' Courts and Local Courts. Each court has a different role to play in the justice system. Together, the courts in the country attempt to ensure that everyone can have their disputes settled quickly and fairly.



(CREDIT: Brian Harrington Spier )

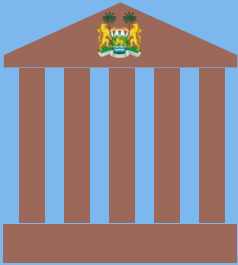
# The court structure

- **The Supreme Court** is the final court of appeal in Sierra Leone, and has the exclusive right to answer questions about the interpretation of the Constitution, and to answer whether any person has taken action that exceeds the powers that the Constitution grants them. The Supreme Court can hear appeals from other courts, but also has original jurisdiction when there is a matter which requires the interpretation of the Constitution – this means that people can approach the Supreme Court without going to other courts if their matter involves the interpretation of the Constitution.
- **The Court of Appeal** only hears cases on appeal from the High Court or from other courts in the country. This means that all the cases that the Court of Appeal hears have to be heard in another court first. The Court of Appeal can hear criminal and civil matters.
- **The High Court** can hear all criminal and civil cases. It can also hear matters relating to labour or industrial disputes. The High Court has judicial supervision over all inferior courts in Sierra Leone, and can hear cases on appeal from local courts and Magistrates' Courts as well as new cases. There are High Courts in Freetown, Bo, Kenema and in Makeni, Moyamba, Kono and Portloko. The High Court has some specialised divisions, including the Anti-Corruption Division, the Criminal Division, the Civil Division, the Industrial and Social Security Division, the Family Division, the Sexual Offences Division, as well as several others.
- **Magistrates' Courts** can be found in every one of the 16 judicial districts of Sierra Leone. They can hear both criminal and civil cases, but there are limits on the matters that a Magistrates' Court can hear. If a dispute involves a financial matter of more than NLE50,000 or involves a serious crime, the Magistrates' Court will not have authority to hear it. The Magistrates' Court can hear appeals from the Local Courts.
- **Local Courts** operate within the provinces and are situated in the chiefdoms across the districts – there is at least one Local Court in each Chiefdom, and there are 317 Local Courts in total across the country. These courts, regulated by Paramount Chiefs, hold the exclusive legal authority to adjudicate cases governed by customary law, as established by the Local Courts Act of 1963. They predominantly handle cases involving divorce, debt, succession, minor public order offenses, witchcraft, and land disputes, as well as minor criminal offenses.

## What is the difference between civil and criminal?

Criminal cases involve a suspected violation of a criminal law, while civil cases usually involve disputes between people or organisations, often involving money.

# The court structure



**Supreme Court**

Decisions of the Court of Appeal can be appealed to the Supreme Court

**Court of Appeal**

If a matter is heard in a High Court, it can be appealed to the Court of Appeal and, after that, to the Supreme Court

**High Court**

If a matter is heard in the Magistrates' Court and someone is unhappy with the decision, an appeal will usually be lodged at the High Court.

**Magistrates' Courts**

Many disputes are heard by the judiciary for the first time in the Local Courts involving customary law. These courts are intended to be easier to access and cheaper. Some disputes might start in the Magistrates' Courts or in the High Court. No matter can be heard for the first time in the Court of Appeal – this court only hears appeals.

**Local Courts**

## **CASE STUDY: SIERRA LEONE'S COMMITMENT TO RIGHTS INVOLVES ALLOWING CITIZENS TO APPROACH INTERNATIONAL COURTS**

### **Human rights are protected by the ECOWAS Community Court of Justice**

When someone thinks that their human rights have been violated in Sierra Leone, they can approach the Economic Community of West African States (ECOWAS) Community Court of Justice. Although it is far harder for Sierra Leoneans to have a case heard at the ECOWAS Community Court of Justice, the Court's judgments carry considerable weight in Sierra Leone. The significance of this influence may make the challenges of taking a case to the ECOWAS Court worthwhile for litigants.

A 2019 case, *Women Against Violence and Exploitation in Society and Another v The Republic of Sierra Leone*, gives a good example of the importance of this Court and how it protects rights. In this case, the ECOWAS Court protected the rights of young women to be able to access education without discrimination. The case dealt with the way that schoolgirls who had become pregnant were treated while they were pregnant – they were made to attend special schools with inferior resources and standards. Government representatives claimed that this was in order to stop the pregnant girls from being negative influences on their peers. The ECOWAS Court found these separate schools and the policy of sending pregnant girls to them to be discriminatory and a violation of the right to education. Shortly after the Court's decision, the Government of Sierra Leone changed its policy, allowed pregnant girls to stay in schools, and initiated special interventions to support female education.



(CREDIT: UNICEF)

# WHAT ARE RIGHTS AND WHAT DO THEY MEAN TO YOU?

The rights of every individual are an important part of Sierra Leone's Constitution. Many of these rights are found in Chapter 3 of the Constitution, entitled "The Recognition and Protection of Fundamental Human Rights and Freedoms of the Individual".

## ***What is a right?***

A right is a 'legal entitlement' – something that someone can claim. Human rights are a particular kind of right, and are something every human has, simply because they are human. A human right could include an entitlement to be free from the state interfering in a person's life – for example, by demanding that the state should not violate anyone's privacy – or it could be an entitlement to demand something from the state, like access to healthcare.

## **EXAMPLE**

A right can be something that requires the State to do something:

"I have the right to a fair trial."

*If someone has a right to a fair trial, it requires the government to provide all of the things that make a legal process fair, which in criminal cases includes the right to be presumed innocent, the right to remain silent, the right to have a trial start reasonably quickly, and to have a legal representative, amongst many other things. The State needs to ensure that all of the requirements are provided to everyone who faces a trial. The State must also ensure that there is a functioning police service to investigate the case, an effective prosecution service to promptly prosecute the case and efficient judiciary to ensure quick and fair adjudication of the case.*

Or it may require the State to not do something:

"I have a right not to be tortured."

*The State cannot torture anyone and must make sure that no one in the country tortures anyone else.*



(CREDIT: Sam Phelps/UNICEF)

By protecting human rights in a constitution, a country shows its commitment to its people and to being held responsible for its actions. The protection of human rights ensures that individuals and communities in a country have the ability to protect themselves from the actions of others, whether they are threatened by the government or by other people. Every person in Sierra Leone has rights. These rights are intrinsic to our existence as humans, but are specifically guaranteed to people in Sierra Leone by the Constitution. They also have obligations. These obligations include the requirement that everyone respect the rights of others, and that everyone abide by the constitutional values in their own lives.

## The indivisibility of rights

There are a range of different rights in the Constitution, including, amongst many others, the right to life, the right to privacy and the right to freedom of expression. None of these rights are more important than others. Every right is essential in order for people to be able to live a dignified life – so every right is equally important.

The rights fit together like a puzzle. They rely on each other, otherwise they would not be fully realised. The rights in the Constitution are designed to create the foundation for everyone in Sierra Leone to live with dignity, and to have all of the freedoms necessary to live lives that are dignified and meaningful, and that they are able to realise their potential.

## Limiting rights

Although the rights in the Constitution are important, rights are not absolute. Sometimes the rights that different people have conflict – for example, freedom of speech might need to be balanced with respect for someone else’s right to dignity. The Constitution also allows for the limiting of rights: some sections in Chapter 3 allow for rights to be limited if it would be necessary “in the interest of defence, public safety, public order, public morality, or public health”. When a right is limited because of these reasons, the limitation should not be excessive – the limitation should be proportionate to the reason why the right is being limited (some people say that this can be linked to the saying “Don’t use a sledgehammer to crack a nut”).

### **CASE STUDY: RIGHTS SHOULD ONLY BE LIMITED TO THE MINIMUM EXTENT POSSIBLE**

#### **The Constitution itself places limitations on some Chapter 5 rights**

In March 2020, in response to the COVID-19 pandemic, the Sierra Leonean President declared a state of emergency, which was later approved by Parliament. Under the state of emergency, various rights in Chapter 3 of the Constitution were limited in order to address “great risk to human life” and to prevent “enormous socio-economic disruption”. Under the state of emergency, people’s movement, right to freedom of association, and education rights, as well as several other rights, were limited. While these rights were limited, and people’s ability to live their lives freely was reduced, many people thought that these limitations were appropriate because of the threat that COVID-19 posed to the country.



(CREDIT: William Vazquez/DIRECTRELIEF)



# **INTRODUCTION TO CHAPTER 3 OF THE CONSTITUTION:**

## **The Recognition and Protection of Fundamental Human Rights and Freedoms of the Individual**

Chapter 3 of the Constitution tells us about the rights that every person in Sierra Leone has, and about how they can claim these rights. Because every person in the country, including the State and the President, is bound by the Constitution, these rights protect people from having their rights abused by the State or by other people.

### **Why does Sierra Leone protect human rights?**

The Constitution of Sierra Leone indicates that the country believes that human rights are a fundamental part of human existence, and worthy of protection. The importance of human rights in the country is reflected in many parts of the Constitution, including Chapter 2 (called 'Fundamental Principles of State Policy'), where the importance of the principles of Freedom, Democracy and Justice are made clear, and where the Constitution makes clear the fact that the Government, Police and Armed Forces, amongst others, are meant to serve the people of the country. Chapter 2 also makes clear that the State must prevent discrimination, "protect and defend the liberty of the individual" and "eradicate all corrupt practices". Although Chapter 2 is not enforceable in court, it tells us about the aims that government should pursue, and the principles that should guide those in government as they fulfil their duties.

### **What rights can be found in Chapter 3 of the Constitution?**

There are a number of rights in the Constitution, all of which are designed to make sure that everyone in Sierra Leone has their dignity protected and feels valued as a human being. Some rights require the State to take action and provide people with help, while others are designed to make sure that the State does not interfere with people's lives.

This is a summarised version of the rights in the Declaration of Rights. You can read Chapter 3 in its entirety in the full Constitution here:

<https://www.parliament.gov.sl/constitution-of-sierra-leone.html>

# CHAPTER 3 OF THE CONSTITUTION:

## 'The Recognition and Protection of Fundamental Human Rights and Freedoms of the Individual', at a glance!

Section 3 of the Constitution contains the following sections:

- 15 – Fundamental Human Rights and Freedoms of the Individual
- 16 – Protection of right to life
- 17 – Protection from arbitrary arrest or detention
- 18 – Protection of freedom of movement
- 19 – Protection from slavery and forced labour
- 20 – Protection from inhuman treatment
- 21 – Protection from deprivation of property
- 22 – Protection for privacy of home and other property
- 23 – Provision to secure protection of law
- 24 – Protection of freedom of conscience
- 25 – Protection of freedom of expression and the press
- 26 – Protection of freedom of assembly and association
- 27 – Protection from discrimination
- 28 – Enforcement of protective provisions
- 29 – Public emergency
- 30 – The Interpretation of Chapter 3



(CREDIT: USAID)

The right to vote is a vital part of Sierra Leone's democracy, and is protected in a separate part of the Constitution, in Chapter 4, which is called 'The Representation of the People':

- 31 – The right to vote
- 35 – Registration and conduct of political parties

# CHAPTER 3 OF THE CONSTITUTION:

## 'The Recognition and Protection of Fundamental Human Rights and Freedoms of the Individual' – a summary

This section of the booklet contains a summarised version of the rights in the Bill of Rights. To read these rights in full, you can find them in Chapter 5 of the Constitution.

Every number below relates to a particular article of the Constitution.

**15 – Fundamental Human Rights and Freedoms of the Individual** – Everyone in Sierra Leone, regardless of race, tribe, place of origin, political opinion, colour, creed or gender is entitled to the fundamental rights and freedoms of the individual, which include

- Life, liberty, security of person, the enjoyment of property, and the protection of law;
- Freedom of conscience, of expression and of assembly and association;
- Respect for private and family life; and
- to stop that person escaping from lawful detention; or

Everyone in Sierra Leone has these rights, and can exert them, except when the rights of other people and their freedoms, or public safety, might be affected by someone's assertion of their rights.

**16 – The right to life** – Everyone has the right to life. In some circumstances, someone's right to life might not have been violated if they die because:

- Another person is protecting themselves or someone else from violence, or is defending property; or
- Someone is trying to lawfully arrest them, to stop that person escaping from lawful detention; or
- The person who takes the life is trying to stop a riot, insurrection or mutiny; or
- They are being stopped from committing a crime; or
- Of an act of war.

These exceptions do not apply automatically – someone taking another's life may still face legal ramifications but, if the use of force that results in a death is reasonably justifiable, it may not be against the law.

## **CASE STUDY: THE RIGHT TO LIFE PROHIBITS THE DEATH PENALTY**

### **Sierra Leone's respect for the right to life led to the abolition of the death penalty**

Until 2021 courts in Sierra Leone were required to impose the death penalty on anyone found guilty of particular crimes, such as aggravated robbery, murder, treason and mutiny. Although no one had actually been put to death in Sierra Leone since 1998, the continuing existence of the death penalty was regarded by some, including the Truth and Reconciliation Commission, as “an affront to civilised society.”

In 2021, after years of campaigning by activists and by the Human Rights Commission of Sierra Leone, the Sierra Leonean Parliament voted unanimously to abolish the death penalty.

This was a significant step for Sierra Leone, and a sign of commitment to the protection of human rights, particularly the right to life.



(CREDIT: Boaz Reisel/AdvocAid)

**17 – Protection from arbitrary arrest or detention** – Nobody will have their personal liberty taken away except if this is permitted by the law. The law allows people to have their liberty taken away if they have been convicted of a crime and the sentence for the crime involves imprisonment, if they are suspected of having committed a crime, or are suspected of being about to commit a crime, in order to ensure that that person appears in court, to ensure that that person fulfils an obligation imposed on them by a court, or if they are unfit to stand trial. Someone's personal liberty may also be restricted if this would prevent the spread of an infectious or contagious disease, if someone is, or is suspected of, being of unsound mind, addicted to drugs or alcohol, or a vagrant, and in need of treatment or protection. If someone is under the age of 18, their liberty can be restricted for the purposes of their education or welfare. If someone is trying to enter the country unlawfully, or is waiting to be removed from the country, they can be held until proceedings are complete and/or that person has been removed from the country.

Even in situations where someone has their liberty taken away, they still have rights: If someone is arrested or detained, they have to be informed why they have been detained, and they have to be informed of this reason at the time that they are arrested or, at the latest, within 24 hours. The arrested or detained person must be told the reasons for their arrest or detention in writing or in a language that they understand. They must also be informed that they have the right to legal practitioner or someone else to assist them, and that they have the right to speak to this person confidentially.

When a person has been arrested or detained in order to ensure that they attend court, or if they have been arrested on suspicion of having committed a crime or of being about to commit a crime, they must appear before a court within 10 days if the offence is one that could carry life imprisonment, and within 72 hours in all other cases.

Anyone who has been arrested or detained unlawfully by another person has a right to compensation from that person.



**18 – Protection of freedom of movement** – Everyone shall have the freedom to move freely within Sierra Leone, to live anywhere in the country, and to enter and leave the country as they wish. Freedom of movement can be restricted by lawful detention and laws can be passed that allow for freedom of movement to be restricted on the grounds of defence, public order, public morality, public health or for the conservation of the natural resources of Sierra Leone – however, if the freedom of movement is limited on any of these grounds, the limitation must be reasonably justifiable in a democratic society.

Freedom of movement can also be restricted if someone is a member of the public service or the armed forces, to ensure the removal of someone who is required to face a trial or serve a sentence of imprisonment outside Sierra Leone, or to prevent someone who is suspected of a crime or is seeking to evade a legal obligation, including military service, from leaving the country. Freedom of movement can also be restricted to prevent vagrancy.

If someone's freedom of movement is restricted on the grounds of defence, public order, public morality, public health or for the conservation of the natural resources of Sierra Leone, they are entitled to have their case reviewed by an independent and impartial tribunal. They may request regular reviews of their case, but at least 30 days must pass between reviews.

### **CASE STUDY: UNLAWFUL ACTIONS BY STATE OFFICIALS CAN VIOLATE CONSTITUTIONAL RIGHTS**

**If the Government needs to restrict movement, it must make sure it has appropriate legal authority**

Shortly before Sierra Leone's 2018 election, the Inspector General of Police issued a proclamation that only vehicles accredited by the National Electoral Commission would be allowed to be on the road on election day. This restriction was challenged in the case of *Augustine Sorie-Senge Marrah v Inspector General of Police*, after a man was stopped and arrested for driving his vehicle on election day, and his vehicle was taken away. As a result of his detention, he was not able to vote. He claimed that the proclamation, and his arrest and detention, were an unconstitutional restriction of his freedom of movement. The Supreme Court held that the Inspector General had no legal authority or reason to issue the ban on movement in a vehicle, and his proclamation had caused the constitutional rights of the Plaintiff to be violated. The protection of freedom of movement meant that the proclamation was unconstitutional – no one can deprive another of their right to freedom of movement without a legal reason – and also meant that the confiscation of his vehicle, which impeded his ability to move, was a violation of the section 18 right to freedom of movement. When the Government wants to restrict rights, it has to be done lawfully.

**19 – Protection from slavery and forced labour** – No one can be held in slavery or servitude or be made to perform forced labour. No one is permitted to traffic human beings. The section makes clear that forced labour does not include work ordered by a court, work that someone performs to maintain the hygiene of a place where they are detained, work performed as a member of the armed forces, or labour that needs to be performed during a public service emergency.

**20 – Protection from inhuman treatment** – No one should be tortured or be treated in a way that is inhuman or degrading.

**21 – Protection from deprivation of property** – No one will have their property taken away except in exceptional circumstance, when particular conditions have been met:

- First, the property is taken away or acquired in the interests of defence, public safety, public order, public morality, public health, town planning, or the use of property in a manner that will promote the public benefit or the public welfare of citizens of Sierra Leone; and
- Secondly, there is a reasonable justification for the causing of any hardship that may result from the seizing of the property, and
- Thirdly, there is prompt payment of adequate compensation to the person whose property was taken away. This person has the right to have a court determine whether the property was legally taken away, and whether appropriate compensation was paid, or to ensure that the compensation is paid promptly.

Even though people's right to property is protected, this does not mean that they cannot have their property taken away under the law for reasons like outstanding taxes or rates, as a penalty for breaching the law under a civil process or a criminal charge, or because the property poses a danger to the safety or health of people, animals or plants. Property can also be taken away temporarily, in order to conserve soil or natural resources, or for the development of agriculture, if the owner has been required to take particular actions, but has failed to do so.

## **CASE STUDY: THE STATE MUST FOLLOW PROCEDURE WHEN DEPRIVING PEOPLE OF THEIR PROPERTY**

### **Requiring the state to follow procedure protects the right not to be deprived of property**

Although section 21 of the Constitution protects people's right not to have their property taken away, if the State follows the requirements of the law, and meets certain requirements, property can be taken away. The importance of the State following correct process was highlighted in the case of *The SL Enterprise Ltd v Attorney General and Others*, a 2005 case which explored whether the State had lawfully taken a company's property away from it. In this matter, the State has seized the property of the company, but had not paid any compensation. The lack of compensation for the seizure of the property meant that the State had acted unlawfully – the State was in violation of section 21, and the property was given back to the company.

**22 – Protection for privacy of home and other property** – No one shall have their property or person searched unless they have allowed a search. Everyone also has the right not to have their correspondence, telephone and other communications interfered with, and has the right to deny other people entry to their property. There are exceptions to these rights, on the grounds of defence, public safety, public morality, public health, town planning and for the utilization of property to promote the public benefit. There can also be exceptions to these rights if an invasion of a home, searching a person or interfering with communications could protect the rights and freedoms of other people, or if is ordered by a court, or if it would ensure special care and assistance for the health, development and well-being of women, children, young people, the aged or the handicapped. When these rights are interfered with, the interference must be reasonably justifiable in a democratic society.

**23 – Provision to secure protection of law** – Everyone who is charged with a criminal offence shall receive a fair hearing, within a reasonable time, before an independent and impartial court. All cases that are heard by a court and that deal with civil rights and obligations shall be held in public, as long as the court considers a hearing like this to be in the interests of justice or the interest of defence, public safety, public order, public morality, the welfare of people under the age of 18 or for the protection of the private lives of people involved in the proceedings.

Everyone has the right to be presumed innocent until they have been found guilty or have pled guilty, and everyone has the right to be informed of the charge that they face, in a language that they understand, to have enough time and resources to prepare a defence, to defend themselves in court or to have a legal practitioner defend them. When a person is charged with a criminal offence, they must be allowed to question witnesses called by the prosecution in court and to call their own witnesses. Everyone shall have the option of using an interpreter, without charge, if they cannot understand the language used in court. If someone has been tried before a court and convicted or acquitted, and if all appeal proceedings have taken place, that person will not be tried for that offence again. Similarly, if someone has been pardoned, they cannot be tried for the same offence again.

No one can be found guilty of an offence if the act that they did, or did not, do was not an offence when they committed it.



**24 – Protection of freedom of conscience** – No one should have their freedom of conscience interfered with by anyone else. Freedom of conscience includes the freedom of thought, freedom of religion, the freedom to change religion, and the freedom to worship, alone or with others. Freedom of conscience also includes the freedom for a person to publicly and privately manifest, worship, teach, practice and observe their faith. No one can be forced to receive religious instruction or to take part in a religious ceremony without their consent or, if they are under the age of 18, without the consent of their parents. No one will be forced to take an oath that is contrary to their religion or beliefs. Laws can restrict freedom of conscience if they are reasonably justifiable in a democratic society, and are required in the interests of defence, public safety, public order, public morality or public health, or for the purposes of protecting the rights and freedoms of other people, which will include the right for a person to practice their religion without interference from someone else.



(CREDIT: Leasmhar)

**25 – Protection of freedom of expression and the press** – Everyone shall have the right to freedom of expression, and this means that everyone has the right to hold their own opinions, to receive and share ideas and information without being interfered with, the right not to have their correspondence interfered with, and the freedom to own, establish and operate any medium that will allow for the sharing of information, ideas and opinions. This includes academic freedom in institutions of learning. However, no one other than the government or people authorised by the President shall operate a television or radio station.

All limitations on the right to freedom of expression and freedom of the press must be reasonably justifiable in a democratic society, but limitations are allowed: These rights can be limited in the interests of defence, public safety, public order, public morality or public health, and if it would be necessary to protect the reputation, rights and freedoms of other people. The right can also be limited to stop anyone disclosing confidential information, to ensure that the authority and independence of the courts is maintained, and to regulate various forms of communication and public exhibitions and public entertainment.

People in the defence force may face additional restrictions on their right to freedom of expression.



## CASE STUDY: FREEDOM OF EXPRESSION IS PROTECTED, BUT IS NOT UNLIMITED

### Courts may choose to uphold what some people hold to be restrictions on the freedom of the press

In the past, Sierra Leone had some laws that made it a crime to make statements that could have the effect of damaging the reputation of the government. Even if a statement was true, someone making a statement could face serious consequences, including going to prison. These provisions were particularly challenging for journalists, as journalists frequently have to publish critiques of government and government actions.

In 2008, in the case of *Sierra Leone Association of Journalists v Attorney-General and Others*, a group of journalists challenged a law which they claimed impacted how journalists worked, the Public Order Act. The journalists did not challenge the constitutionality of the entire Public Order Act – they only challenged the constitutionality of some sections, claiming that these sections unconstitutionally limited journalists' constitutional right to freedom of expression. The Supreme Court considered whether these sections were constitutional – specifically examining whether they met the requirements of the right to freedom of expression. Ultimately, the Supreme Court did not think that the Public Order Act was unconstitutional, or that journalists were under a particular threat. The Public Order Act thus remained untouched.

Although the Supreme Court did not declare the sections of the Public Order Act which impacted speech unconstitutional, in 2020, Sierra Leone's Parliament repealed the precise parts of the Public Order Act that the journalists had challenged in 2008. The President signed this into law, saying "Bad governments foster a climate of silence and fear. They prevent scrutiny of their tenure or their actions as leaders."

Removing criminal liability is an important step in the right direction in order to improve the situation regarding freedom of expression and freedom of the press.



(CREDIT: UNDP Sierra Leone/ Claire Flynn-Byrne)

**26 – Protection of freedom of assembly and association** – Everyone has the right to assemble freely and to associate with other people, without interference. Amongst other things, this means that everyone has the right to form and to belong to a political party, to a trade union, or to other sorts of associations that might protect an individual's interests – these associations might be economic, social or professional, and can be national or international.

The rights to assemble and to association can be limited. This might involve limitations in the interests of defence, public order, public morality, public health or to ensure that essential supplies and services are not interfered with. The rights can also be limited in order to protect the rights and freedoms of other people. People who want to form political parties may face additional restrictions: Political parties may have to register, may have restrictions on the way that they function, and members of these parties may have their conduct regulated.

Members of the defence force and public officers may face additional restrictions on their rights. In order for any of these restrictions to be constitutional, they must be reasonably justifiable in a democratic society.



(CREDIT: UNICEF Sierra Leone)

**27 – Protection from discrimination** – In Sierra Leone, discrimination refers to people being treated differently because of their race, tribe, sex, place of origin, political opinions, colour or creed. No law in Sierra Leone is permitted to be discriminatory or to have the effect of discriminating against anyone, and no one should be discriminated against by anyone who is acting with the authority of the State. People can be treated differently in certain matters and for certain reasons – amongst other exclusions, people may face different levels of taxation, without it being discriminatory, and people who are not citizens of Sierra Leone, or who acquire citizenship of Sierra Leone through ways other than birth or their lineage, might be treated differently to people who have Sierra Leonean citizenship through birth. The law can also allow treatment that is not equal without it being discriminatory if it would allow a particular tribe or ethnic group to apply certain elements of customary law, or if there is a public emergency, and certain measures are necessary to deal with the situation. Whenever the right to be free from unequal treatment is restricted, the restriction must be reasonably justifiable in a democratic society.

The right to be protected from discrimination will not stop laws being passed which might require members of the public service or the defence force to have particular qualifications.

### **CASE STUDY: NO ONE IN SIERRA LEONE SHOULD BE DISCRIMINATED AGAINST**

**It is frequently quite hard to justify unequal treatment, particularly towards a vulnerable group**

The 2019 case involving the exclusion of pregnant girls from school, *Women Against Violence and Exploitation in Society and Another v The Republic of Sierra Leone* was heard by the ECOWAS Community Court of Justice. This case, which was discussed earlier in this booklet, involved the right of everyone to be protected from discrimination – in this case, girls who were pregnant received worse treatment than everyone else, and there was no reasonable justification for this treatment. The Court ordered the government to change the policy. Shortly after the Court's decision, the Government of Sierra Leone changed its policy, allowed pregnant girls to stay in schools, and initiated special interventions to support female education.



**28 – Enforcing Chapter 3** – If anyone's rights under sections 16 to 27 of the Constitution have been violated by another person, or are likely to be violated, that person, or if that person has been detained, someone acting on their behalf, can approach the Supreme Court for help. If the Supreme Court sees a problem, it can issue any order or give any directions it deems necessary to protect the rights concerned. When rights are threatened, other courts can also help, and can make orders to protect rights, but the Supreme Court is the highest power. When dealing with the rights found in sections 16 to 27 of the Constitution, and other courts, including the Court of Appeal, can refer matters to the Supreme Court if they think it would be necessary – and these other courts have to refer the matter to the Supreme Court if anyone requests it.

In order to protect the rights of people without access to resources, Parliament has to provide funds that would help people without funds whose rights have been infringed get legal assistance. Parliament needs to make sure that this support is only provided to people whose need for financial and legal aid is real, and that it is only provided in cases where there is a substantial threat to rights.



**29 – Public emergency** – A public emergency is when there is some form of threat to the nation of Sierra Leone, and when the President needs to make quick decisions for the purpose of maintaining and securing peace, order and good government in the country. The President can only announce a public emergency in very serious circumstances, like if Sierra Leone is at war, if there is a danger of the country being invaded or involved in a war, if there is a breakdown in public order and public safety, or there is the threat of this kind of breakdown, if there is a disaster or a natural disaster, or if there is any other danger that threatens the existence of Sierra Leone.

The President has a lot of power under a state of public emergency. The President can make a range of different decisions and regulations, including ones that amend or suspend laws, that relate to the detention of people, the restriction of movement, the deportation of non-citizens, and can allow the State to take control of property and land, authorise the searching of premises or that ensure that the community has access to supplies and services that the President regards as essential.

Although the President can make the declaration of a state of public emergency at any time, it has to be confirmed by Parliament within no more than 21 days or the state of emergency will end. If the President's declaration is not confirmed by Parliament, the state of emergency will last 21 days, unless it is extended by Parliament.

Anyone detained during a period of public emergency can have their case reviewed by an independent and impartial tribunal of experienced legal practitioners, and can request to have their case reviewed at intervals of not less than 30 days.

## **CASE STUDY: STATES OF EMERGENCY ARE DESIGNED TO PROTECT PEOPLE AND THE COUNTRY**

### **People's rights continue to exist during states of emergency, but may be temporarily restricted**

Sierra Leone had a state of emergency that lasted from March 2020 to March 2021, in response to threat to people in Sierra Leone that Covid-19 presented. This was not the first time that a state of emergency has been used to protect life in Sierra Leone or the integrity of the country: There was a state of emergency between 1998 and 2002, because of the Civil War, more recently, there have been states of emergency because of Ebola and because of sexual violence in the country.

**30 – Interpretation of Chapter 3** – Section 30 of the Constitution provides a number of definitions for understanding various elements of Chapter 3.

## Rights found elsewhere in the Consitution

Citizens of Sierra Leone also have some other rights that are not contained in Chapter 3 of the Constitution. Amongst the important rights, particularly in light of Sierra Leone's autocratic history, are rights relating to elections and the enshrining of the role of political parties. These sections of the Constitution are found in Chapter 4:

**31 – Registration of voters** – Every citizen of Sierra Leone who is over the age of 18 years, and is of sound mind, shall have the right to vote in elections and referenda.

### CASE STUDY: DEMOCRACY REQUIRES THAT PEOPLE BE GIVEN PROPER OPPORTUNITY TO VOTE, WHICH INCLUDES BEING ALLOWED TO GET TO VOTING STATIONS

#### The right to vote must not be interfered with without good reason

The case of *Augustine Sorie-Senge Marrah v Inspector General of Police*, which involved the ban on vehicles on the road on the day of the 2018 election, addressed the fact that, by being arrested and detained by the police, the plaintiff in the case had his right to vote interfered with – the man in question had not been able to get to the voting station. As there was no good reason for the Government or its agents to interfere with the man or his movements, his right to vote was unconstitutionally restricted. The Supreme Court made clear that, when the Government wants to restrict rights, it has to be lawfully done, unlike in this case.

**35 – Registration and conduct of political parties** – Section 35 of the Constitution contains a range of provisions that details the standards that political parties are meant to meet. Perhaps most important is the fact that political parties are recognised as essential to the life of the country.



(CREDIT: Commonwealth Secretariat)

# CLAIMING YOUR RIGHTS

The rights in the Constitution are designed to ensure that everyone in the country is protected against abuse and mistreatment. Any person whose rights are threatened can take action to enforce their rights – or can even take action to protect the rights of others.

There are a range of different ways to ensure that the rights in the Declaration of Rights are protected, but the most common way is to approach the courts. Courts can order the State or anyone to take measures to protect rights, can order compensation, or can order another solution that helps people whose rights and freedoms are threatened or violated. The courts are the ultimate protectors of rights.

People can also receive assistance in claiming their rights through other organisations, which can include organisations that are linked to the State and some that are independent. Amongst the most important bodies are the Human Rights Commission of Sierra Leone and the Office of the Ombudsman - Sierra Leone.

The Human Rights Commission was created to protect and promote human rights throughout Sierra Leone. Amongst other functions, it can investigate complaints about human rights violations, and undertakes various roles in Sierra Leone, including working with government, to build a culture of human rights in the country, where the human dignity of everyone in the country is protected. Similarly, the Office of the Ombudsman is intended to promote fairness and accountability in the public service, by investigating injustices, maladministration and corruption in government.

Anyone in Sierra Leone can lodge a complaint with the Human Rights Commission, and anyone who has a complaint about maladministration in the government can lodge a complaint with the Office of the Ombudsman. These complaints can be made at the offices of these institutions or online. The institution will conduct an initial investigation into the complaint, and see if there is a case for further investigation or further action.



(CREDIT: United Nations)

Other organisations, like non-governmental organisations (NGOs) and public interest litigation lawyers, can help people claim their rights. These organisations frequently engage with the government in order to protect the rights of people in Sierra Leone, and may help to take cases to court or to resolve matters outside court.

### **CASE STUDY: HIGHLIGHTING RIGHTS ABUSES AND TAKING RIGHTS VIOLATIONS TO COURTS WILL ENTRENCH A CULTURE OF RIGHTS IN SIERRA LEONE**

**NGOs, the Human Rights Commission and other organisations play an important role in holding rights violators, including the government, to account**

NGOs have held the government and private actors to account. In the *Waves* case, at the ECOWAS Court of Justice, the government of Sierra Leone was held to account for its discriminatory policy against pregnant schoolgirls. This case was brought to the Court by 2 NGOs, Women Against Violence and Exploitation in Society and the Child Welfare Society (Waves) – Sierra Leone. Another NGO, Native Consortium, in the case of *Native Consortium and Others v Africell (SL) Ltd and Others*, sought to ensure that consumers in Sierra Leone were not subjected to poor treatment, by having the courts penalise companies providing poor and expensive telecommunications services.

NGOs can also impact the making of law – AdvocAid, a feminist NGO, was prominent in placing pressure on the government to abolish the death penalty.

The Human Rights Commission of Sierra Leone also highlights instances when rights are abused, shining a spotlight on the government, on companies and on individuals when they abuse the rights of others.



(CREDIT: UNHCR)

# CONCLUSION

The point of knowing your rights, of knowing about the Constitution, is for you to be able to lead a dignified life, to have the opportunity to fulfil your potential as a human being. But these rights come with responsibilities. Each of us needs to make sure that we hold the government to account, and to make sure that the government fulfils the obligations that the Constitution imposes on it. This includes ensuring that the government does not violate our rights or violate the rights of others in Sierra Leone. Each one of us has a responsibility to treat other people with the dignity and the respect they deserve. If we think our rights should be respected, we need to respect other people's rights.

The Constitution has a vision of the society that Sierra Leone should be. Progress has been made in realising this vision, but there is still much to do, still so many steps that need to be taken in order for everyone in Sierra Leone to enjoy their rights. By monitoring and holding the government accountable, and by exhibiting the constitutional values in our lives, each of us can bring this vision closer to reality.



(CREDIT: Philip Nalangan)

# ORGANISATIONS THAT CAN HELP YOU CLAIM YOUR RIGHTS

## State-linked organisations

### Judiciary of Sierra Leone

Address: Law Courts Building, Cotton Tree

Telephone: +232 22 223 246

Email: [info@judiciary.gov.sl](mailto:info@judiciary.gov.sl)

Website: [www.judiciary.gov.sl](http://www.judiciary.gov.sl)

### Legal Aid Board

Email: [carltonhancilesc@gmail.com](mailto:carltonhancilesc@gmail.com)

Website: <https://lab.gov.sl/>

#### Freetown

Address: 27 Wilberforce St, Freetown

Telephone: +232 76 654 027

#### Eastern Region

Address: 27 Hanga Road, Kenema

Telephone: +232 76 588 858

#### North-West Region

Address: 10 Mission Road, Port Loko

Telephone: +232 76 481 227

#### North-East Region

Address: 39 Lunsar Road, Makeni

Telephone: +232 76 481 227

#### Southern Region

Address: 17 Bojon Street, Bo

Telephone: +232 76 351 270

### Human Rights Commission – Sierra Leone

Email: [info@hrc-sl.org](mailto:info@hrc-sl.org)

Website: <https://www.hrc-sl.org>

#### Head Office

Address: Electoral Commission for Sierra Leone, OAU Drive, Tower Hill, Freetown

Telephone: +232 79 481 520

#### Freetown

Address: 3 Lamina Sankoh Street, Freetown

Telephone: +232 76 373 461

### Eastern Office Region

Address: 67 Blama Road, Kenema

Telephone: +232 76 682 677

### Northern Region

Address: 65 Magburaka Road, Makeni

Telephone: +232 76 571 770

### North-West Region

Address: 25 New London Area, Freetown-Conakry Highway

Telephone: +232 76 680 0026

### Southern Region

Address: 85 Bo/Taama Highway, by Lewabu Junction, Bo

Telephone: +232 78 590 267

### Western Region

Address: 1st Floor, 4 Main Motor Road (via the Police Station), Waterloo

Telephone: +232 78 336 309

## **Office of the Ombudsman – Sierra Leone**

Complaints email: [complaint@ombudsman.gov.sl](mailto:complaint@ombudsman.gov.sl)

Enquiries email: [enquiries@ombudsman.gov.sl](mailto:enquiries@ombudsman.gov.sl)

Website: [www.ombudsman.gov.sl](http://www.ombudsman.gov.sl)

### Freetown

Address: 26 Charlotte Street, Freetown

Complaints telephone: +232 88 601 523

Enquiries telephone: +232 76 945 926

### Eastern Province Regional Office

Address: 1 Supui Street, Kenema

Telephone: +232 76 844 762

### Northern Province Regional Office

Address: R38 Makeni City Plaza, Makama Road, Makeni

Telephone: +232 76 492 682

### Southern Province Regional Office

Address: 44 Bo Shopping Plaza, 2nd Floor, Mattru Road, Bo

Telephone: +232 76 844 558

### North-West Regional Office

Address: 23 Kambia Highway, Port Loko

Telephone: +232 79 238 591

## **Independent Media Commission**

Email: [info@imc.gov.sl](mailto:info@imc.gov.sl)

Website: <https://imc.gov.sl/>

### Freetown

Address: 3rd Floor, Kissy, House, 54, Siaka Stevens Street, Freetown

Telephone: +232 76 613 594

### Makeni

Address: 2 Sannoh Drive, Jakema Street, Off Bo/Kanema Highway, Makeni

Telephone: +232 76 482 404

## **Non-governmental organisations**

### **Campaign for Human Rights and Development International**

Address: 93e Wilkinson Road, Churchyard, Freetown

Telephone: +232 33906057

Email: [chrдиоofficial@chrдио.org](mailto:chrдиоofficial@chrдио.org)

Website: [www.chrдио.org/](http://www.chrдио.org/)

### **AdvocAid**

Email: [info@advocaidsl.org](mailto:info@advocaidsl.org)

Website: [www.advocaidsl.org](http://www.advocaidsl.org)

#### Freetown

Address: 1st Floor, 1 Bright Street, Brookfields, Freetown

Telephone: +232 (0) 72384771

#### Kenema Regional Office

Address: 2 Sannoh Street, Kenema

Telephone: +232 (0) 72384772

#### Makeni Regional Office

Address: 3 Roke Street, Makeni

Telephone: +232 (0) 72384776

### **Women Against Violence and Exploitation in Society**

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### **Child Welfare Society – Sierra Leone**

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Facebook: <https://www.facebook.com/CWSSL/>

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