

SIERRA LEONE

CERD 26th No. 18 (A/8418) (1971)

28. From its 56th to its 58th meetings, the Committee proceeded to determine formally its view as a Committee (as distinct from the views expressed at previous meetings, which were those of the individual members) as to which reports were “satisfactory”, in the sense that they furnished all or most of the required information, and which reports were “unsatisfactory” or “incomplete” and therefore needed to be supplemented by further information. The initial report (and supplementary report, if any) of each State Party was put before the Committee separately by the Chairman. Where there was no consensus, the question whether a State Party’s report (or reports) was “satisfactory” or whether, failing that, the Committee wished to request additional information from that State Party, was decided by vote.

...

35. [At its fourth session] The Committee decided that further information was needed from the following six States Parties, whose initial reports were considered “incomplete” or “unsatisfactory”:
... Sierra Leone ...

CERD 29TH No. 18 (A/9618) (1974)

189. It will be recalled that, after a preliminary consideration of the second periodic report of Sierra Leone at the eighth session, the representative of the reporting State - upon instructions from his Government - requested the Committee to postpone further consideration of the report until the ninth session in order to give his Government time to consider the comments made on the report and, if appropriate, to submit a more detailed one (A/9018, foot-note 13). A supplementary report was submitted on 29 April 1974, after the close of the ninth session; and it was considered, together with the second periodic and the third periodic reports, at the tenth session.

190. During the consideration of the reports of Sierra Leone at the tenth session, the Committee welcomed the careful consideration which had been given by the Government of Sierra Leone to the observations made during the preliminary discussion of the second periodic report of that Government at the eighth session, and of which there was clear evidence in the supplementary report of 29 April 1974.

191. The Committee noted with regret that the information contained in those reports did not deal with all the articles of part I of the Convention and did not go beyond the sphere of legislative measures; that no additional information was supplied with respect to a relevant court case mentioned in the supplementary report and that no information was furnished on the relations, if any, between the reporting State and the racist régimes of southern Africa or on the ethnic composition of the population, as was envisaged in the Committee's general recommendations III and IV respectively.

192. At the 204th meeting (tenth session), held on 14 August 1974, the Committee decided unanimously to request the Government of Sierra Leone to submit a report, as soon as possible but no later than the opening of the eleventh session of the Committee, satisfying the requirements of article 9, paragraph 1, of the Convention. Since no representative of Sierra Leone participated in the consideration of that country's report at the tenth session, the Committee decided to convey its decision to the Government of Sierra Leone by means of a communication sent through the Secretary-General. (The text of that communication, prepared by the Rapporteur and approved by the Committee at its 215th meeting on 22 August 1974, may be found in annex IV, section B).

193. Section 13 of the Constitution Act, No. 6 of 1971, gave rise to some concern, both at the eighth session and at the tenth session. Some members feared that subsections 7 and 8 of section 13 of the Constitution might have the effect of permitting laws or public officials to circumvent the anti-discrimination provisions of subsections 1 and 2 of that section. Concern was caused also by subsection 4 (g) of section 13 of the Constitution, which provided that the anti-discrimination provisions of subsection 1 should not apply to any law so far as that law makes provision "for the limitation of citizenship to persons of negro African descent" - which appeared to be incompatible with the provisions of article 1, paragraph 3, of the Convention. Eight members of the Committee affirmed, while three members denied, such incompatibility between the provisions of the Convention and those of the Constitution under reference; one member, while believing that that incompatibility was evident, maintained that it might be explained by the historical experience of

Sierra Leone; and three members, feeling that further information from the reporting State was required, reserved judgement until such information was received and examined. The Committee decided to reconsider the question when the report requested from Sierra Leone (see para. 192 above) came up for consideration at the eleventh session.

CERD A/46/18 (1991)

279. At its 921st meeting, on 8 August 1991 (see CERD/C/SR.921), the Committee reviewed the implementation of the Convention by Sierra Leone based on its previous reports (CERD/C/R.30/Add. 43 and 46 and CERD/C/R.70/Add.22) and their consideration by the Committee (see CERD/C/SR. 153, 159, 161, 204 and 215). The Committee noted that no reports had been received from the State party since 1974.

280. Members of the Committee recalled, in connection with those previous reports, that the Committee had considered them to be insufficient; that Section 13 (4) (g) of the Constitution had been deemed incompatible with article 1 (3) of the Convention and that the Committee had requested the Government to submit additional information on the implementation of the Convention.

281. Members of the Committee further noted that many changes had taken place in Sierra Leone in the past 17 years, including the establishment of a new constitutional framework, and that Sierra Leone was expected to adopt a new constitution soon. To reopen discussion on the basis of the previous reports would scarcely be useful. It was more important to send a new communication to the State, accompanied by the records of the current and preceding sessions, requesting information about constitutional and other developments in the State.

Concluding observations

282. The Committee regretted that Sierra Leone had not responded to its invitation to participate in its meeting and to furnish relevant information. In concluding the review, the Committee decided that a communication should be sent to the Government of the reporting State stressing the importance of compliance with reporting obligations under the Convention and urging that the dialogue with the Committee should be resumed as soon as possible.

CERD A/50/18 (1995)

587. At its 1116th meeting, held on 10 August 1995 (see CERD/C/SR.1115), the Committee reviewed the implementation of the Convention by Sierra Leone based upon its previous reports (CERD/C/R.30/Add.43 and 46 and CERD/C/R.70/Add.22) and their consideration by the Committee (see CERD/C/SR.153, 159, 161, 204 and 215), together with the Committee's previous review at its 921st meeting on 8 August 1991 (see CERD/C/SR.921 and A/46/18, paras. 279-282). The Committee once more noted that no reports had been received from the State party since 1974.

588. Members of the Committee once more recalled, in connection with those previous reports, that the Committee had considered them to be insufficient; that section 13 (4) (g) of the Constitution then in force had been deemed incompatible with article 1 (3) of the Convention and that the Committee had requested the Government to submit additional information on the implementation of the Convention.

589. The Committee understands that according to section 27 of the 1991 Constitution "no law shall make any provision that is discriminatory either of itself or in its effect"; that this provision covers differential treatment "attributable wholly or mainly to their respective descriptions by race, tribe, sex, place of origin, political opinions, color or creed", but that this provision "shall not apply" to any law "for the limitation of citizenship".

590. Members concluded that it would not be useful to reopen discussion on the basis of the previous reports, but that a communication should be sent to the State noting that an important question had been outstanding since 1974 and requesting information about constitutional and other developments.

Concluding observations

591. The Committee regrets that Sierra Leone had not responded to its invitation to participate in the meeting and to furnish relevant information. In concluding the review, the Committee decides that a communication should be sent to the Government of the reporting State setting out its reporting obligations under the Convention and urging that dialogue with the Committee should be resumed as soon as possible.

592. The Committee suggests that the Government of Sierra Leone avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Centre for Human Rights.

CERD A/56/18 (2001)

224. At its 1463rd meeting, on 22 March 2001 (CERD/C/SR.1463), the Committee reviewed the implementation of the Convention by Sierra Leone based upon the concluding observations⁷ on its second periodic report in 1973 (CERD/C/R.30/Add.43) and additional information in 1974 (CERD/C/R.30/Add.46) and previous reviews of the implementation of the Convention in 1991⁸ and 1995.⁹ The Committee noted with regret that no report had been submitted to the Committee since 1974.

225. The Committee regretted that Sierra Leone had not responded to its invitation to participate in the meeting and to furnish relevant information. The Committee decided that a communication should be sent to the Government of Sierra Leone setting out its reporting obligations under the Convention and urging that the dialogue with the Committee resume as soon as possible.

226. The Committee suggested that the Government of Sierra Leone avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights, with the aim of drawing up and submitting as soon as possible a report drafted in accordance with the reporting guidelines.

⁷ [Official Records of the General Assembly], Twenty-ninth Session, Supplement No. 18 (A/9618), paras. 189-193.

⁸ [Official Records of the General Assembly], Forty-sixth Session, Supplement No. 18 (A/46/18), paras. 279-282.

⁹ [Official Records of the General Assembly], Fiftieth Session, Supplement No. 18 (A/50/18), paras. 587-590.