



Human Rights Defenders Network

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PRESS RELEASE

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Shrinking Civil Society Space in Sierra Leone: Silencing Freedom of Expression

The Human Rights Defenders Network Sierra Leone (HRDN-SL) is a coalition of civil society organizations and individuals working in the field of human rights with specific focus on defending human rights defenders.

Democracy, good governance and human rights requires an acceptance of diversity of opinion, association and assembly, and when realized in society, it ensures equality before the law and guarantees to all, equal protection under the law.

The current erosion of democracy, good governance and human rights in Sierra Leone undermines governments' commitment to international laws and obligations with particular reference to the Universal Declaration on Human Rights Article 19, International Covenant on Civil and Political Rights Article 19, African Charter on Human and Peoples' Rights Article 9, Chapter III of the 1991 Constitution of Sierra Leone.

The network recalled the statement made on Saturday 9th April, 2016 by His Excellency the President Dr. Ernest Bai Koroma when he formally opened the biggest Oil Mill in West Africa, built by SOCFIN Agricultural Company (SL) Limited that ***“Government will never take it kindly this time with NGOs and civil society organisations that present the country in bad light for their selfish interest”***. This we believe is a direct threat to silence freedom of

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expression from Non-Governmental Organizations (NGOs) and civil society organisations (CSOs)

The network has also witnessed the banning of planned demonstration spearheaded by Green Scenery against the operations of SOCFIN Agricultural Company by the Police purportedly on security reasons on 31st March 2016; and the outlawing of meetings by MALOA (Malen Affected Land Owners Association).

Civil Society members expressing concern over human rights abuses by corporate entities are increasingly being accused of being agents of the political opposition or “anti-development”.

On the 24th of June 2016, Sierra Leone representatives at the UN said that “the Ministry of Justice was currently consulting stakeholders with a view to review, repeal and amend legislation such as the Public Order Act (1965) that compromised the enjoyment of the right to freedom of expression”. This process *is* reportedly happening, but it is not taking Civil Society’s concerns sufficiently into account.

The continued use of the Public Order Act of 1965 by the Sierra Leone Police to restrict freedom of assembly, despite calls for its repeal by the National Human Rights Institutions and Civil Society Organizations and even though the UPR process, the outcome of which was adopted by the UNHRC, highlighted the need for the removal of the seditious libel provisions in the Public Order Act of 1965. This is an indication of the continued shrinking space for Civil Society to operate.

The network notes with grave concern the inciting statement of Mr. Gerben Haringsma, the former Country Director of SOCFIN, during an exclusive interview with the Global Times in Freetown on Sunday 10th April 2016, in which he stated that ***“The NGOs are destroying this country...No serious investor in the agribusiness sector will come to Sierra Leone again...The government has allowed NGOs (like Green Scenery and FIAN-Belgium) to give the country a bad name...No European bank is willing to give out loans to investors to come and invest in the agribusiness sector again because NGOs have painted a gloomy picture of the country...It is up to the Government to stop foreign NGOs from toying with the future development of the country”***.

This statement by Mr. Haringsma is not only a direct attack on NGOs and civil society organisations but a deliberate and calculated incitement of the government against NGOs, civil society organisations and affected communities. It is also in contradiction with the 2016

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UN Human Rights Council Resolution A/HRC/RES/31/32, which in Operational Paragraph 17 “underscores...the responsibility of all business enterprises, both transnational and others, to respect human rights, including the rights to life, liberty and security of person of human rights defenders, and their exercise of the rights to freedom of expression, peaceful assembly and association, and participation in public affairs, which are essential for the promotion and protection of all human rights, including economic, social and cultural rights, and the right to development.”

The network is closely monitoring government action toward NGOs and civil society organisations, particularly in the wake of the revised NGO Policy and the growing debate within government quarters to establish a Commission for NGOs/CSOs, Parliament position to check and summon NGOs/CSOs.

Civil society organisations and NGOs play a vital role in identifying problems and work constructively and in partnership towards resolving them, as governments, through UN mechanisms, have repeatedly acknowledged. Most recently, in the aforementioned resolution A/HRC/RES/31/32, the UNHRC “recognized the important and legitimate role of individuals, groups and organs of society that are defending human rights in identifying and raising awareness of human rights impacts, the benefits and risks of development projects and business operations, including in relation to workplace health, safety and rights, and natural resource exploitation, environmental, land and development issues, by expressing their views, concerns, support, criticism or dissent regarding government policy or action or business activities, and underlines the need for Governments to take the measures necessary to safeguard space for such public dialogue and its participants.”

The network condemns the intimidation of civil society organizations and calls on government to fulfill its obligation and safeguard the rights to freedom of association, assembly and expression.

In view of the above we call on:

The Sierra Leonean Government to:

- Observe its duty to protect human rights in relation to business impacts as per the UN Guiding Principles on Business and Human Rights;
- Reaffirm its commitment to UNHRC Resolution A/HRC/RES/27/31, urging States “to create and maintain a safe and enabling environment for civil society”;

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- Refrain from criminalising the legitimate activities of HRDs and repeal or amend all laws and policies which restrict their activities and rights, including Part V of the Public Order Act 1965; and the restrictive elements of the 2009 Revised NGO Policy Regulations that impose excessive limitations on NGOs;

The European Union Commission to:

- Investigate human rights impacts of the operation of the Luxembourg-headquartered SOCFIN Agricultural Company in Sierra Leone;

The Government of Luxembourg to:

- Observe its duty to protect human rights in relation to impacts of companies headquartered in its country as per the UN Guiding Principles on Business and Human Rights;

The SOCFIN Agricultural Company to:

- Publicly disassociate from the statement by their former country director, and thereby act in line with the internationally recognized “responsibility of all business enterprises, both transnational and others, to respect human rights, including the rights to life, liberty and security of person of human rights defenders, and their exercise of the rights to freedom of expression, peaceful assembly and association, and participation in public affairs, which are essential for the promotion and protection of all human rights, including economic, social and cultural rights, and the right to development”, as per UNHRC resolution A/HRC/RES/27/31;
- Refrain from issuing any statements in the future that could lead to further shrinking of the civic space in Sierra Leone;
- Observe its responsibility to respect human rights as per the UN Guiding Principles on Business and Human Rights.

END

Signed



Executive Secretary

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