



Education, Empowerment and Access to Justice for Women and Girls

COVID-19 LOCKDOWN REPORT

APRIL 2020



Compiled by AdvocAid
June 2020

Head Office: 3rd Floor, 145 Circular Road, Freetown

Email: info@advocaidsl.org | **Tel:** +232 (0)79 193 414

advocaidsl.org | facebook.com/advocaidsierraleone | twitter.com/advocaid

Introduction

In the wake of the COVID-19 pandemic, Sierra Leone government put in place measures to prevent and stop the spread of COVID-19 including a one-year public health State of Public Emergency on 24th March, 2020 and a three-day lockdown that commenced on 5th April 2020 and ended on 7th April 2020. The measures, though commendable, have to be applied within the context of human rights and Sierra Leone's obligations thereof. This report mainly focuses on the findings with regards to human rights protection and promotion, especially of the marginalised, so that they would not be disproportionately affected by the lockdown.

The marginalised in our communities who include women and girls often feel the impact of restricted movements and lockdowns since such measures affect their access to their daily livelihood activities, clean water, health care, food, and even employment. In enforcing these restrictions, various abuses can be committed against the people accused of having violated a curfew, lockdown, or state of emergency when a criminalization approach is implemented.

About AdvocAid

Founded in 2006, AdvocAid is the only human rights organisation in Sierra Leone providing holistic access to justice and post-prison support to women and girls who come into contact with the law. AdvocAid is led by women, for women, and operates from established offices in Freetown, Makeni and Kenema across eight towns in Sierra Leone (Freetown, Waterloo, Masiaka, Bo, Kenema, Makeni, Magburaka and Port Loko).

Our team of dedicated paralegals, lawyers and social workers work with women in contact with the law, to ensure they are supported and represented throughout the justice system—from police stations to court to correctional centres. We provide access to justice, legal empowerment, psycho-social and welfare support and post-detention support. As well as providing these short-term interventions, we advocate for law reform that is focused on changing the system that disproportionately traps women and girls in poverty and brings them into contact with the justice system.

Methodology

AdvocAid's staff were able to monitor the situation on the ground and collect information using a purposely designed form to monitor police stations in their localities. The AdvocAid staff produced regular updates during the period.

AdvocAid's mandate is the provision of legal advice and assistance to women and girls. However, in the context of the lockdown and due to the lack of legal aid provision available, AdvocAid staff intervened on behalf of both male and female suspects. Despite the focus being on breaches of the lockdown regulations, they were also rendered assistance to other suspects held in

detention given the risk to their health. The Programs Manager covered key police stations together with a partner organisation (GOAL) who had been granted a pass. The Paralegal and Programs Officer covered Bo and Kenema. Unfortunately, Makeni team was not granted a pass for the lockdown.

Summary of Findings

The repercussions of lockdowns and other containment measures were felt more severely by the country's most marginalised populations – including the women we work with. Limited mobility interferes with access to health care, lack of employment opportunities, and access to basic needs such as food and water. Abuses can be committed during arrests and detentions of persons accused of violating curfews or the lockdown guidelines. AdvocAid reached out to a total of 148 people through this period.



The repercussions of lockdowns and other containment measures are felt more severely by the country's most marginalised populations.



Of the total 148 individuals arrested during the lockdown in the areas monitored by AdvocAid, 96 (58%) were male and 69 (42%) were female. In total 45% of the arrests during the lockdown period were COVID-19 related.

However, the proportion of women arrested for COVID-19 related offences was significantly higher. For men **26%** of arrests were COVID-19 related (25 out of 96 arrests) but for **women 94% of arrests were COVID-19 related** (49 out of 52 arrests).

Through AdvocAid's interventions and sensitisation work, we were able to secure the release of the 74 men and women arrested for breaching COVID-19 related restrictions.

Kenema

- There was no water at some police stations in Kenema which meant they could not meet the requirement to ensure hand washing as a means of preventing the spread of COVID-19. At the Central Police Station in Kenema, our team contacted the Civil Society Organisations chairperson in charge of COVID-19 response to supply water to the police station, which was provided the next morning.
- At the CID Regional Kenema Central Police station, AdvocAid found a journalist in detention and according to his testimony, he had been detained for 2 days without access to medication having been brought in directly from the Kenema Government Hospital. He was charged with the offense of assault on some 3 officers as he tried to cover a story about a quarantine house. He was denied access to go back to the hospital where he had been admitted. The CID Regional Crime Officer was contacted to grant permission for the suspect to be readmitted to the hospital to continue his treatment. With AdvocAid's intervention, the officer in charge was ordered to get a patrol vehicle to take him to hospital for treatment. This happened once the patrol team returned as they had only 1 vehicle for the township patrol.



Kenema Team

Freetown

- In Grafton New Camp, a community that survives on having to access clean and safe water by fetching it from water sources were denied this access. They were apprehended by the Police and their leader Adama* was arrested. Upon the intervention of our Paralegal and the community elder, Adama was released. Subsequently, they were allowed to fetch water, but only for only two hours, which was not enough for the whole community. It is worth noting that the prevention of the spread of the virus requires using a lot of water to keep clean and surroundings in hygienic conditions.
- Tenneh* went to buy bread for herself and some family members from a local bakery in her community. As she approached the bakery, she was arrested by a police officer and escorted to the nearby police post for breaching the lock down rules. An AdvocAid Paralegal was informed by Tenneh's neighbor, and asked to intervene in the matter. Following AdvocAid's intervention, the woman was released.



“The woman went not far from her house to buy bread for herself and her family. She was arrested by the police and brought to the nearby police station. Luckily, the incident happened in my area so I immediately made my way to the police station. After just a few minutes, I was able to talk to the police and the woman got released and was taken back to her house.”

-Ayo Max Dixon, Paralegal (Freetown)

- At the Kissy Police Station, officers had seized over 100 rubber containers from women and other members of the community who had gone to fetch water, accusing them of having violated the lockdown regulations. AdvocAid intervened, together with a team from GOAL, to ensure the women were given back their water containers and encouraged them to observe social and physical distancing as they fetched water.
- In the Mount Aureol area, a group of women were out fetching water and were chased by Security Officers. Some fell along the paths while escaping from the officers. The water tanks in their communities were empty and they needed to fetch water and replenish their supply. AdvocAid's intervened and requested from the authorities that the women be granted permission even during the lockdown even if for a limited time to fetch water, while observing social and physical distancing from one another.
- AdvocAid noticed overcrowding at the Harbour Ross Road Police Station. The cell was too small with no possibility to ensure and enforce physical distancing. To prevent the spread of COVID-19 in the cells due to overcrowding, the AdvocAid Programs Manager and the team from GOAL advised the Police Officers to avoid holding people up in cells, but rather resolve issues without having to detain suspects and to only use detention as a last resort measure during the pandemic.
- The Eastern Police cells were not spacious and the officers were advised by AdvocAid not to let the cells get overcrowded as there will be no way of observing physical distancing guidelines and that poses a high risk of exposure to the virus in case one of the suspects tests positive for COVID-19.
- At SLP – CID, there were no female suspects but thirty nine male suspects were locked up in a very small cell. The cell was hot with poor ventilation. Some suspects who were released were unable to leave as they had no logistical support for their transportation to their homes under the lock down.
- Ashobie Corner Police Post had 12 male suspects and one male juvenile in a small cell with insufficient ventilation which can be a threat to the health of the suspects in case of a transmission of the COVID-19. The Police were advised to use non-custodial measures at the police station and avoid holding suspects for transfer to courts but grant them bail.

- Kadie* was detained at Kalaba Police Station for having picked up cash on street that was offered to her by a relative who was passing by in a car during the lockdown. She was released upon the intervention of AdvocAid and was dropped off at her home since it was too far to walk and there was no public transport during the lock down.



I met Kadie* in the Police cell. She explained that her relative was passing by in a car and dropped her some money on the street. She came out and picked up the money, but then a police officer arrested her. I mediated for her release and then dropped her home."

-Julie Sesay, Freetown Programmes Manager

- At Kissy Police Station, there were three ladies and one was pregnant. AdvocAid's Programmes Manager intervened by sharing with the police officers the dangers of holding up suspects during the pandemic especially that some might be asymptomatic and spreading it to others in the detention cells. The suspects were cautioned by the police and then released.

Table 1: shows the breakdown of arrested persons reached by region and police station:

Region	Police station	Juvenile	Adults	Total Detained
Kenema	Eastern Police Station	0	1	1
	Central Police Station	1	15	16
	Kenema Total			17
Makeni	Mena Police Station	0	0	0
	Rogbaneh Police Station	0	0	0
	Makeni Total			0
Freetown	Malta Police Post – Eastern	0	1	1
	Calaba Police Station	0	1	1
	Eastern Police Station	0	5	5
	Central Police Station	3	1	4
	Kissy Police Station	2	46	48
	PWD	1	12	13
	Ross Road Police Station	0	19	19
	CID	0	39	39
	Congo Cross	0	1	1
	Freetown Total	6	125	131
	Total			148

Table 2: shows the breakdown of arrested persons reached by gender

Region	Police station	Men	Women	Total
Kenema	Eastern Police Station	1	0	1
	Central Police Station	15	1	16
	Kenema Total	16	1	17
Makeni	Mena Police Station	0	0	0
	Rogbaneh Police Station	0	0	0
	Makeni Total			0
Freetown	Malta Police Post – Eastern	0	1	1
	Calaba Police Station	0	1	1
	Eastern Police Station	5	0	5
	Central Police Station	3	1	4
	Kissy Police Station	1	47	48
	PWD	13	0	13
	Ross Road Police Station	18	1	19
	CID	39	0	39
	Congo Cross	1	0	1
	Freetown Total	80	51	131
	Total			148

Table 3: shows breakdown by COVID-19 related offences

Region	Police station	Men		Women	
		CV19	Not CV19	CV19	Not CV19
Kenema	Eastern Police Station	0	1	0	0
	Central Police Station	0	15	0	1
	Kenema Total	0	16	0	1
Makeni	Rogbaneh Police Station	0	0	0	0
	Mena Police Station	0	0	0	0
	Makeni Total	0	0	0	0
Freetown	Malta Police Post - Eastern	0	0	1	0
	Calaba Police Station	0	0	1	0
	Eastern Police Station	2	3	0	0
	Central Police Station	3	0	0	1
	Kissy Police Station	0	1	47	0
	PWD	7	6	0	0
	Ross Road Police Station	0	18	0	1
	CID	12	27	0	0
	Congo Cross	1	0	0	0
	Freetown Total	25	55	49	2
	Total	25	71	49	3
	Total COVID-19 related offences	74			

Table 4: shows reasons of COVID-19 related detention

Offence	Reason for Arrest	Amount		
		Men	Women	Total
Violating COVID-19 restrictions				
	Travelling Home after Curfew	18	0	18
	Buying Food	0	1	1
	Riotous Conduct	7	0	7
	Fetching Water	0	47	47
Loitering	Disobeying Curfew Rules	0	1	1
	Total	25	49	74

Table 5: shows the status of suspects after AdvocAid's intervention

Region	Police station	Number of COVID-19 Offences	Status after Intervention
Kenema	Central Police Station	0	N/A
Kenema	Eastern Police Station	0	N/A
Makeni	Rogbaneh Police Station	0	N/A
Makeni	Mena Police Station	0	N/A
Freetown	Malta Police Post	1	All Released
	Calaba Police Station	1	All Released
	Eastern Police Station	2	All Released
	Central Police Station	3	All Released
	Kissy Police Station	47	All Released
	PWD	7	All Released
	Ross Road Police Station	0	N/A
	CID	12	All released
	Congo Cross	1	All released
	Total Released	74	

Recommendations

- **There are alternatives to arrest and detention.**

Poor and vulnerable persons may not be able to adhere to the lockdown laws and regulations; not out of defiance against the lockdown, but out of desperation to secure food and essentials to care and feed their families. It is imperative that lockdown regulations and laws not create offences or criminalise otherwise legal activities now resulting in arrest and detention. This will only result in greater pressure on already strained systems. The use of arrest and detention should be avoided and be used as a measure of last resort and for the most serious offences, given the risks and opportunities related to arrest and detention during the pandemic. States should limit the use of pre-trial detention and the implementation of non-custodial measures as an effective measure that reduces risks of spreading COVID-19 as beneficial for both detainees and law enforcement. Measures such as cautions or warnings should be encouraged and other non-custodial measures such as conditional discharge, monetary fines, community service, probation and referral for counselling or rehabilitation should be considered.

- **The pandemic is not an opportunity for executive over-reach**

Governments have to take difficult decisions in response to COVID-19 and there is the risk that authorities may exceed their powers to control populations beyond acceptable periods and acceptable requirements. It is essential to scrutinise lockdown laws and regulations to determine whether or not it is rational and whether the means justify the ends as far as it relates to the rights of marginalized and poor persons and the COVID-19 regulations. In essence: Is this limitation justifiable from a public health perspective? International law allows emergency measures in response to significant threats and measures restricting human rights should be proportionate to the evaluated risk, necessary and applied in a non-discriminatory way. This means having a specific focus and duration, and taking the least intrusive approach possible to protect public health.¹

- **It is the poor and marginalised that bear the brunt of a lock-down and other restrictions.**

Poor and marginalized individuals and groups bear the heaviest burden resulting from COVID-19 restrictions as it limits mobility and interaction – key survival requirements for marginalised and poor individuals and groups. Many people may not be able to comply with restrictions on movements or curfews as important resources such as ablution facilities and water (for drinking and

¹ 1 Office of the High Commissioner of Human Rights, COVID-19 Response, 27 April 2020, https://www.ohchr.org/Documents/Events/EmergencyMeasures_COVID19.pdf

handwashing) are shared, inaccessible or situated far away. Many people may be unable to exercise social distancing with others due to densely populated areas. Many people are unable to survive without income and as a result of the lockdown their access to work and food security is threatened, thus forcing them to not comply with the lockdown, or face hunger. Governments must be made aware of the plight of poorer communities and be cautious in the measures meted out to enforce lockdown laws and regulations. The enforcement of these laws through arrest and detention may hold severe socio-economic consequences for them and their families' wellbeing. A one size-fits-all approach to fighting the virus could lead to devastation amongst poorer and marginalised communities through enforced hunger and hardship.

States should ensure that the measures adopted to fight COVID-19 do not lead to discrimination and stigmatization of any one on the basis of any grounds of discrimination listed under Article 2 of the African Charter or similar grounds. States should ensure that people affected by the virus and people coming from countries with major spread of the virus are treated with dignity and humanely and that they are not subject to attacks and discriminatory treatment

- **Monitoring, investigation and corrective measures**

In line with human rights obligations the Government should set up effective and efficient systems to monitor the measures adopted and to take corrective measures and undertake investigation in cases of allegations of violations of human and peoples' rights during the enforcement of emergency measures put in place to prevent and stop the outbreak of COVID-19

- **A criminal justice response is inadequate to deal with a public health crisis.**

COVID-19 is a global health emergency that requires public health interventions. A criminal justice response is an inadequate response to deal with a global health emergency. Furthermore, respect for human rights, including economic and social rights, and civil and political rights, are fundamental to the success of the public health response. Instead of enforcing punitive lockdown laws and regulations, states should ensure that they educate the public about the virus, preventative measures to be taken to contain the spread of the virus, the reasons and importance of adhering to the lockdown laws and regulations and the unintended consequences and impact that non-compliance may have on the wellbeing of others, including their own families and friends. States should inform the affected population of what the emergency measures are, where they apply and for how long they are intended to remain in effect, and should update this information regularly and make it widely available. States should ensure that public advocacy takes place through regular media engagement and social media platforms. If authorities engage the public regularly, educate them

about the virus and provide them with up to date information, the public will trust authorities and more likely to comply with lockdown laws and regulations as best as they can.

- **Respect for Human and People's Rights**

During application of public health emergency measures- While applying the public health prevention and containment measures, States should ensure that resultant restriction of rights are narrowly defined and are in proportion to the requirements of achieving the objective of preventing and containing the spread of the virus subject to supervision by courts. Such rights as the right to privacy, physical security, liberty, freedoms of movement, assembly and religion as well as the socio-economic rights to work and education could be seriously affected due to the social distancing, medical testing and quarantine measures enforced as part of the prevention and containment measures. These restrictions should be temporary and should expire upon the achievement of the objectives of prevention and containment of the spread of the virus. The restrictions on rights should not in their application have disproportionate impact on vulnerable groups including precarious workers, people operating in the informal sector, persons with disabilities, homeless people and small businesses.²

- **Take guidance from regional and international human rights bodies on COVID-19**

General statements and advisories on respecting human rights in responding to COVID-19 have been issued by human rights bodies including the African Commission on Human and Peoples Rights and the United Nations human rights treaty bodies.³ Guidance notes detail amongst others, human rights standards that States are expected to observe in adopting COVID-19 response measures and in enforcing such measures, responses to and reports on the excessive use of force and other forms of abuse by security forces in the process of responding to COVID-19 and a focus on persons deprived of their liberty.

² <https://www.achpr.org/pressrelease/detail?id=483>

³ International Justice Resource Centre (IJRC) COVID-19 guidance from supranational human rights bodies", <https://ijrcenter.org/covid-19-guidance-from-supranational-human-rights-bodies/>

Annex 1 – Form used for data collection

COVID-19 INCIDENT/ACTIVITY REPORT MONITORING FORM

Date of incident/activity:

Organisation.....Reporter.....Designation.....

Contact No.....Time from:to.....

**Response needed: urgent action/FYI (for your info)..... &
by.....(HRC SL.LAB, MOH, SLP, RSLAF etc)**

Brief narration of incident
State agent(s) involved/ (pseudo if anonymity is needed)
Witness account
Evidence: video/audio/photo/document's etc
Situation of victims & identity if possible.
If activity, target group/s.
Brief narration of activity
Partners involved(pseudo if anonymity is required)
Outcome/impact
Any other useful information
Conclusion / Recommendations to improve the situation in future