



Education, Empowerment and Access to Justice for Women and Girls

COVID-19 LOCKDOWN REPORT

MAY 2020



Compiled by AdvocAid
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Introduction

In March 2020, the President of Sierra Leone declared a State of Emergency in Sierra Leone as a measure to stop the spread and prevent outbreak of the COVID-19. With the increasing cases of COVID-19 in the country, a second lockdown was announced to last from 3rd to 5th May, 2020 to carry out contact tracing of the infected persons but also as a preventive measure to stop the spread of the disease.

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

This report was compiled using information gathered from the monitoring of detention places during the lockdown by the paralegals, social workers and other staff at AdvocAid. AdvocAid's staff were able to monitor and capture information using a purposely designed form to monitor police stations in their localities. The AdvocAid staff gave regular updates during the period by posting on the AdvocAid Whatsapp forum group. Special travel passes had been issued by the Government earlier to facilitate movement in areas of AdvocAid's operation and all staff were able to monitor and capture information without any challenges.

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.



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



Compared to the previous lockdown in April, there were fewer cases of violations of the restrictions with more people becoming aware of the purpose of the lockdown but also more prepared to stay put for the three days required. A total of 183 people were detained across the regions of Kenema, Makeni and Freetown during this second lockdown. Of these 5 were juveniles (2.7%). 77% of women detained during the lockdown were arrested for COVID-19 related offences, compared to only 31% of men.

Of the total 183 individuals arrested, 152 (**83.1%**) were male and 31 (**16.9%**) were female. However, of the women, the proportion arrested for COVID-19 related offenses was significantly higher.

For men, 31% of arrests were COVID-19 related (47 out of 152 arrests) but **for women 77% of arrests were COVID-19 related** (24 out of 31 arrests).

Through AdvocAid's interventions and sensitisation work, we were able to secure the release of the 71 men and women arrested for breaching COVID-19 related restrictions.

Kenema

- At Central Police station, two female suspects in open detention were arrested for the offense of breaking lockdown rules, with one having a 4-months-old child in her care. They were released upon AdvocAid's intervention. There were 13 male suspects in custody and 2 reported as being ill. Family contact tracing was done to be able to provide medication which was delivered to the suspects the following day.



"Two women, one with a 4-month-old child, were arrested for breaching the lockdown rules. They went to collect an ice block nearby. The second woman was escorting her when they were arrested. They were held for over 3 hours at the Central Police Station in open detention, but with my intervention the Operations Officer released them."

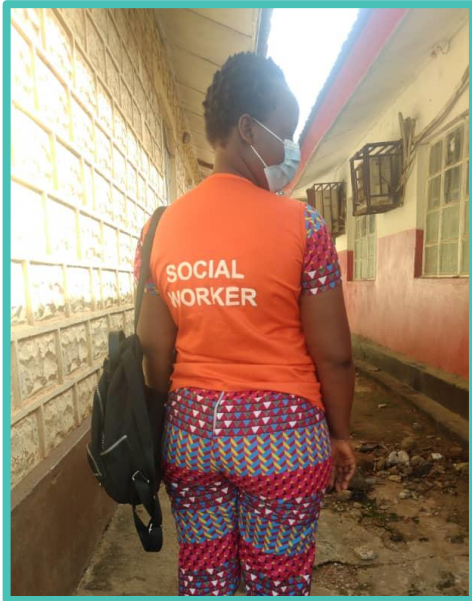
-Jalahan Jakema, Programme Officer (South East)

- Two new male suspects at the Central Police Station did not have water supply and the team contacted SALWACO, so that the male suspects could get water to take a shower. The water was supplied the next day following AdvocAid's intervention.

Freetown

- At the Eastern police station, there was one female and twenty five male suspects. The female suspect violated COVID-19 restrictions and the male suspects were arrested on 5th May, 2020 by the police for disobeying the curfew orders. They were all given food packs from AdvocAid. All suspects were cautioned by the police and then released upon intervention by AdvocAid.

- At the Wellington Police Station, there was one female suspect who violated COVID-19 restrictions by breaking the curfew rules. There were four male suspects with cases unrelated to COVID-19 prevention measures. She was cautioned and then released through AdvocAid's intervention. All suspects received food packs from the AdvocAid team.
- At the Harbour Police Station on Ross Road, there were two female and fourteen male suspects including three juvenile boys arrested for riotous conduct related to COVID-19 offences. AdvocAid engaged with the Regional Commander and they were all released by the close of the day. All the suspects and juveniles got food packs from AdvocAid.
- At Lumley Police Station, there was a 15-year-old Commercial Sex Worker, who had been arrested and accused of larceny. She was cautioned and released. A referral was made to Don Bosco for her rehabilitation and she was given a food pack by AdvocAid.
- Twelve women at Lumley Police Station were arrested for disobeying the curfew rules. However, according to the testimonies of some of the women, they were unable to find vehicles to take them home by the start of the curfew time. Other women who were driving cars and were stuck in heavy traffic were unable to make it before the start of the curfew hour. After engaging with the police, the twelve women were cautioned by the police and then released. Those who had their cars parked at the station, left their car keys with the Station Sergeant, and had to come back to collect their vehicles after the lockdown. Each of the twelve women received a food pack from AdvocAid.
- The New England Police Station had three female suspects arrested for breaking the COVID-19 lockdown rules. They explained that there was no water in their community water points and so they went in search of water and were arrested. They were cautioned by the police and then released with AdvocAid's intervention.



"The Women were arrested on Sunday for breaking the lockdown laws. According to their testimony, they went out to get water, but the police officers alleged that the homes of the women had water wells so there was no need for them to leave their homes and they were brought into the station. I was able to mediate with the help of the Crime Officer and they were quickly released."

-Mercy Bangura, Social Worker

Released individuals with AdvocAid's food packs



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

Region	Police station	Juveniles	Adults	Total Detained
Kenema	Eastern Police Station	0	0	0
	Central Police Station	0	17	17
	Kenema Total	0	17	17
Makeni	Rogbaneh Police Station	1	0	1
	Mena Police Station	0	0	0
	Makeni Total	1	0	1
Freetown	Adelaide Street Police Station	0	9	9
	Calaba Police Station	0	7	7
	Eastern Police Station	0	26	26
	Harbour Station Ross Road	3	36	39
	Kissy Police Station	0	17	17
	Lumley Police Station	1	24	25
	New England Police Station	0	3	3
	PWD	0	7	7
	Ross Road Police Station	0	17	17
	Wellington Police Station	0	5	5
	Western Police Station	0	10	10
	Freetown Total	4	161	165
	Total	5	178	183

Table 2 shows the breakdown of arrested persons reached by gender

Region	Police station	Men	Women	Total
Kenema	Eastern Police Station	0	0	0
	Central Police Station	15	2	17
	Kenema Total	15	2	17
Makeni	Rogbaneh Police Station	0	1	1
	Mena Police Station	0	0	0
	Makeni Total	0	1	1
Freetown	Adelaide Street Police Station	7	2	9
	Calaba Police Station	7	0	7
	Eastern Police Station	25	1	26
	Harbour Station Ross Road	34	5	39
	Kissy Police Station	17	0	17
	Lumley Police Station	12	13	25
	New England Police Station	0	3	3
	PWD	7	0	7
	Ross Road Police Station	17	0	17
	Wellington Police Station	4	1	5
	Western Police Station	7	3	10
	Freetown Total	137	28	165
	Total	152	31	183

Table 3 shows breakdown of arrested persons reached by COVID-19 related offences

Region	Police station	Men		Women	
		CV19	Not CV19	CV19	Not CV19
Kenema	Eastern Police Station	0	0	0	0
	Central Police Station	0	15	2	0
	Kenema Total	0	15	2	0
Makeni	Rogbaneh Police Station	0	0	1	0
	Mena Police Station	0	0	0	0
	Makeni Total	0	0	1	0
Freetown	Adelaide Street Police Station	2	5	0	2
	Calaba Police Station	0	7	0	0
	Eastern Police Station	11	14	1	0
	Harbour Station Ross Road	22	12	4	1
	Kissy Police Station	0	17	0	0
	Lumley Police Station	12	0	12	1
	New England Police Station	0	0	3	0
	PWD	0	7	0	0
	Ross Road Police Station	0	17	0	0
	Wellington Police Station	0	4	1	0
	Western Police Station	0	7	0	3
	Freetown Total	47	90	21	7
	Total	47	105	24	7
	Total CV related offences	71			

Table 4 shows reason for COVID-19 related detention

Offence	Reason for Arrest	Amount		
		Men	Women	Total
Violating COVID-19 restrictions	Disobeying Curfew	27	5	32
	Travelling Home after Curfew	12	12	24
Riotous Conduct	Riotous Conduct	3	0	3
	Fetching Food and/or Water	5	2	7
Loitering	Disobeying Curfew Rules	0	5	5
	Total	47	24	71

- The most common reason for arrest was disobeying the curfew rules.

Table 5 shows status of suspects after paralegal team's intervention

Region	Police station	Number of COVID-19 Offences	Status after Intervention
Kenema	Central Police Station	2	All Released
Makeni	Rogbaneh Police Station	1	All Released
Freetown	Adelaide Street Police Station	2	All Released
	Eastern Police Station	12	All Released
	Harbour Station Ross Road	26	All Released
	Lumley Police Station	24	All Released
	New England Police Station	3	All Released
	Wellington Police Station	1	All Released
	Total Released	71/71	

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 lockdown 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